



## MEMORANDUM

TO: SLDMWA Board of Directors, Alternates

FROM: Laures Stiles, HR Analyst, II

DATE: February 7, 2019

RE: Approval of Employee Handbook

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### BACKGROUND

The Employee Handbook is intended to provide direction for the employees and the management staff of the San Luis & Delta Mendota Water Authority. The handbook summarizes rules and policies that affect the organizational culture and provides a consistent message for employees. The existing handbook was implemented over twenty years ago and there are sections which no longer reflect operations, such as general labor law changes, personal protective equipment reimbursements, health benefits coverage information and payroll administration. Given this lapse in time and organizational changes, it was important that each section of the handbook be thoroughly reviewed and updated as necessary. With this revised edition comes a legally vetted document along with the minor administrative updates. The Finance and Administration Committee members had the opportunity to review the draft revised document and all comments/edits received have been incorporated. See attached summary of comments received and how they were addressed.

### RECOMMENDATION

We recommend approval of the revised/updated employee handbook.

### ANALYSIS

In the twenty years since the first and only handbook was written for employees of the Water Authority, much has evolved. The workforce has changed, nearly tripling in size, policies and procedures have changed and there have been changes in employment laws and regulations. An outdated handbook can be a liability. It is important that we have an employee handbook which reflects current laws, regulations, practices, policies, and procedures. The employee handbook should be used as a source of reference for employees, which is why it is important to keep this document as updated as possible going forward.

**Concerns brought forth by review of document, and how they were addressed**

<b>Concern</b>	<b>Addressed</b>
Usage of the term “employee” vs. “you” throughout the document	Updated the document to reflect the term “employee”
Mission Statement	This has been omitted from the document
Probationary/Introductory period for new employees	Updated from 6 months to one-year
Employee Classifications	Student interns have been identified as temporary employees. Special Project or Consulting employee classification has been deleted as this classification is not used.
Compensatory Time Off request must be in writing.	The signed timesheet with the request for CTO constitutes a request in writing.
Attorney review of paystubs	This was addressed in 2018 and our paystubs are compliant with the law.
Salary adjustment practice language	The verbiage that referenced “Authority practice” has been omitted from the document.
CPI used for Salary/Wage Adjustments	Document has been updated to reflect the actual CPI used. Pacific Cities (West)
Nepotism/fraternization policy	Under Section VII – Standards of Conduct, a sub-section (M) Employment of Relatives has been added
Usage of district logo	Under Section VIII – Information Technology, the list of prohibited actions has been updated to include verbiage about using district logo for non-work related communications.
Grievance Process	From Legal Counsel, grievance procedures fall in line with union shops, and we are non-union. We follow the Skelly process for public employers. However, we would not include the Skelly information in the handbook, as this information would be provided to the employee in their NOIDA on an as needed basis.
Benefit enhancements included in document	Omitted from document and has reverted to original language.

**SAN LUIS & DELTA-MENDOTA WATER AUTHORITY**

# **Employee Handbook**

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Revised –January 2019

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## PREFACE

### SAN LUIS & DELTA-MENDOTA WATER AUTHORITY EMPLOYEE HANDBOOK

The San Luis & Delta-Mendota Water Authority (The Authority) was established as a Joint Powers Authority in January 1992 and consists of 28 water agencies and 1 friend member agency which serve approximately 1,200,000 acres of some of the best farm land in the world, over 1,000,000 in population and industrial uses, and over 180,000 acres of world class waterfowl habitat within the Pacific flyway.

The Authority lies predominantly on the west side of the San Joaquin Valley in central California from the city of Tracy to the north, to Kettleman City to the south and the San Joaquin River to the east. It also extends over the coastal range to serve Santa Clara and San Benito Counties.

The bond between this diverse group of water agencies is that they are all federal Central Valley Project (CVP) contractors. The water each agency receives is taken through the federal C.W. “Bill” Jones Pumping Plant and delivery is made through the federal Delta-Mendota Canal.

The governing body of the Authority consists of a 19-member Board of Directors. Directors are elected from five divisions within the Authority. The Authority has two key policy committees that make recommendations to the Board of Directors: the Finance & Administration Committee and the Water Resources Committee. In addition, there are several steering committees which oversee specific projects through Activity Agreements.

The Authority was formed for two purposes: 1) to assume the operation and maintenance (O&M) responsibilities of the federal facilities serving the region; and 2) to provide unified representation of its membership based on common interests such as regulatory, legislative, water rights, CVP operations, CVP contracts, drainage and general information dissemination.

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## **I. INTRODUCTION**

### **A. Welcome.**

This Board of Director-approved Handbook is intended to provide the employee with a general understanding of the San Luis & Delta-Mendota Water Authority's policies, benefits and rules. We would like to take this opportunity to welcome employees to San Luis & Delta-Mendota Water Authority (the "Authority"). We are confident employees will find employment with us to be both rewarding and challenging. This Handbook contains most of the policies and practices in effect at the time of publication. All previously issued handbooks and any inconsistent policy or benefit statements or memoranda are superseded.

### **B. Purpose and Scope of This Handbook.**

This Handbook cannot anticipate every situation or answer every question about employment, nor can it provide information that answers every possible question. Additionally, circumstances will undoubtedly require that guidelines, practices, and benefits described in this Handbook change. The Authority reserves the right to revise, modify, delete or add to any and all policies, procedures, work rules or benefits stated in this Handbook or in any other document without prior notice. It is intended to familiarize the employee with important information about the Authority as well as information regarding employee privileges and responsibilities. Although it is not an employment contract or legal document, it is important that all employees read, understand, and follow the provisions of the Handbook. It may be changed from time to time by the Authority. Any written changes to this Handbook will be distributed to all employees so that employees will be aware of the new policies or procedures. Keep this handbook, additions and revisions on file for reference.

Nothing in this Handbook, or in any other personnel document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee. This Handbook shall not be construed as creating any contractual promises or agreements, either express or implied, between the Authority and any employee.

The Authority constantly strives to improve its operations, the services that it provides to member agencies, and relations with employees. Employees are encouraged to bring suggestions for improvements to the attention of their Department Manager, the Director of Human Resources, the Assistant Executive Director, or the Executive Director. Additionally, if employees have any questions or seek clarification, he/she should reach out to their Department Manager. Supervisors or the Director of Human Resources will be happy to answer any questions employees may have.

Employees must read and sign an acknowledgment that he/she has read and understands the terms and conditions of employment of the Authority as outlined in the personnel handbook.

### **C. Open Door Policy.**

The Authority promotes an atmosphere in which employees can talk freely with management. We are interested in all of our employees' success and happiness with the Authority. Employees are encouraged to openly discuss with their supervisor any problems, such as work performance problems, employee-supervisory concerns, peer disturbances, or other concerns, so appropriate action may be taken. If the supervisor cannot be of assistance, or is involved in the situation, or does not respond to the issue within a reasonable length of time, then an employee should seek out their department manager. If the Department Manager cannot be of any assistance, the Director of Human Resources, the Assistant Executive Director, or the Executive Director are available for consultation and guidance.

## **II. ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICIES**

### **A. Equal Employment Opportunity.**

The Authority is an equal opportunity employer. The Authority expressly prohibits discrimination based on race, color, sex, religion, (including religious dress and grooming practices), marital status, age, national origin or ancestry, physical or mental disability, medical condition, sexual orientation, gender characteristics, gender expression, gender identity, pregnancy, childbirth, breastfeeding or related medical conditions, genetic conditions, genetic information (including, but not limited to, an individual's genetic tests, genetic tests of family members, manifestations of a disease or disorder in an individual's family members, and any request for, or receipt of, genetic services or participation in clinical research that includes genetic services, by an individual or family member of the individual), military or veteran status, political affiliation or any other consideration made unlawful by federal, state or local laws or ordinance or regulation.

It is the Authority's policy to comply with all provisions of Title VII of the Civil Rights Act as amended by the Equal Employment Opportunity Act of 1991, and any subsequent amendments thereof. In addition, the Authority will comply with the guidelines set forth by the Fair Employment Practices Commission of the State of California, and the Office of Federal Contract Compliance as required to by law. The Authority will comply with all other Labor Law wherever applicable to a particular employee or job classification.

The Authority is committed to complying with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the Authority's operations at all levels, and at all stages of the employment relationship from the hiring process to termination.

If an employee believes he/she has been subjected to any form of discrimination, the employee should communicate the issue, preferably in writing, to the employee's supervisor or the Director of Human Resources. Employees should provide specific information regarding any alleged act of discrimination and should include the name(s) of the individual(s) involved and the names of any witness(es). The Authority will immediately undertake an effective, thorough and objective investigation and attempt to resolve the situation.

If the Authority determines that discrimination has occurred, remedial action will be taken that is appropriate in light of the severity of the offense and designed to deter any future discrimination. The Authority will not permit any retaliatory behavior against an employee for filing a complaint for discrimination and will take steps to ensure that no such retaliation takes place. Should an employee believe any such retaliation is occurring, he/she should contact the Director of Human Resources immediately.

**1. Affirmative Action Program.**

The Authority has established a continuing Affirmative Action Program to assure equal employment opportunity in all its policy decisions affecting recruitment, selection, assignment, promotion, training, and all other terms and conditions of employment. This statement is also posted to provide applicants and employees with knowledge of the Authority's commitment to assure equal employment opportunity. The Affirmative Action Plan for Disabled Workers and Covered Veterans is located in the offices of the Director of Human Resources and the Assistant Executive Director and may be reviewed by applicants and employees on weekdays during normal working hours.

**2. Request for Reasonable Accommodation – Interactive Process.**

The Authority is committed to assuring equal employment opportunity and equal access to services, programs and activities for persons with disabilities. It is the policy of the Authority to provide reasonable accommodation to a qualified person with a disability to enable such person to perform the essential functions of the position for which he or she is applying or in which he or she is employed. The Americans With Disabilities Act (ADA) requires employers to provide reasonable accommodation for the known disability of a qualified applicant or an employee unless it would impose undue hardship on an employer's business, or unless the applicant or employee would cause a direct threat to other workers. In California, the Fair Employment and Housing Act (FEHA) coincides with the ADA, extending some of the benefits and requirements of the ADA.

This ADA policy applies to all employment practices and actions. It includes, but is not limited to, recruitment, the job application process, examination and testing, hiring, training, disciplinary actions, rates of pay or other compensation, advancement, classification, transfer and reassignment, and promotions.

Making a decision about accommodations is dependent upon many factors, therefore supervisors must consult with department managers and the Director of Human Resources prior to granting any accommodation. For instance, the need for an accommodation may be obvious, or it may be difficult to determine what constitutes a reasonable accommodation, or a department's budget may be unable to absorb the total cost of providing the accommodation requested. The following procedure has been developed to ensure that an employee request for reasonable accommodations are treated as consistently and equitably as possible.

- **Requesting a Reasonable Accommodation**

If an applicant or an employee with a disability would like to request a reasonable accommodation, he/she should immediately contact management and the Director of Human Resources to discuss the situation. If the request meets the legal requirements for accommodation, the request may be approved.

- **Determination**

The decision to provide a reasonable accommodation is made on a case-by-case basis, through what is known as the “interactive process.” This is a timely, individual process where management and the individual engage in discussions to determine the most effective reasonable accommodation(s) appropriate for the individual and the department involved. If the request is approved, management will notify and meet with the individual to make necessary arrangements. Management will meet and discuss all available options, and if the request is not approved, management will notify and meet with the individual to explain the decision, elicit other possible solutions, and determine the most appropriate outcome. The decision of the Executive or Assistant Executive Director is final.

**B. Harassment, Including Prohibited Sexual Harassment.**

The Authority is committed to providing a work environment free of harassment.

The Authority prohibits harassment based on race, color, sex, religion, (including religious dress and grooming practices), marital status, age, national origin or ancestry, physical or mental disability, medical condition, sexual orientation, gender characteristics, gender expression, gender identity, pregnancy, childbirth, breastfeeding or related medical conditions, genetic conditions, genetic information (including but is not limited to an individual’s genetic tests, genetic tests of family members, manifestations of a disease or disorder in an individual’s family members and includes any request for, or receipt of, genetic services or participation in clinical research that includes genetic services, by an individual or family member of the individual), military or veteran status, political affiliation or any other consideration made unlawful by federal, state or local laws or ordinance or regulation.

Harassment based on any of the above-described characteristics violates the Authority's anti-harassment policy. The Authority’s anti-harassment policy applies to all persons involved in the Authority’s operations, including employees and those who are performing services on behalf of the Authority pursuant to contract.

The Authority’s anti-harassment policy prohibits harassment by any employee or contractor, including supervisors and co-workers, and protects any employee or person providing services to the Authority pursuant to contract, from harassment by any co-employee, supervisor, contractor, vendor, customer, or other third person coming into or on the Authority’s premises.

One form of unlawful harassment is sexual harassment. Prohibited sexual harassment includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
- Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis;
- Gender-based or gender-perceived harassment, even if the offensive conduct is not sexual in nature;
- Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors; and
- Retaliation for having reported or threatened to report harassment.

If an employee believes that he/she has been harassed, the employee should communicate the issue, preferably in writing, to his/her supervisor, manager, or to the Human Resources Department as soon as possible after the incident. An employee should provide details of the incident or incidents, name(s) of the individual(s) involved and names of any witness(es). Supervisors must refer all harassment complaints to the Director of Human Resources. The Authority will immediately undertake an effective, thorough and objective investigation of the harassment allegations.

If the Authority determines that harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined to be responsible for unlawful harassment will be subject to appropriate disciplinary action, up to and including termination.

No employee will be retaliated against for making a complaint or bringing inappropriate conduct to the Authority's attention, for preventing unlawful practices, or for participating in an investigation or hearing. The Authority will not tolerate or permit retaliation by management, employees or co-workers.

### **III. ORIENTATION AND AT-WILL INTRODUCTORY PERIOD**

#### **A. New Employee Orientation.**

New employees are required to properly fill out the federal I-9 Form and provide proof that they are lawfully entitled to work in the United States. New employees must provide proper identification to confirm employment authorization and identity for this purpose. A list of acceptable forms of identification may be obtained by contacting the Human Resource department. For certain positions, offers of employment may be conditioned upon the applicant successfully completing a pre-employment physical.



New employees will be provided a formal orientation that will include an initial meeting with his/her supervisor; a tour of the facility; a meeting with Human Resources to review the benefits, general procedures and Employee Handbook; an orientation with the safety coordinator and training as needed for the position; and a meeting with the Assistant Executive Director to learn more about the Authority's function, goals, and its expectations of employees.

**B. Initial Introductory Period and At Will Status.**

Each new hire will serve an introductory period of 365 days during which time his/her employment status will be considered "at-will".

During the introductory period and as part of the hiring process, employee's supervisor will periodically conduct a performance appraisal to inform the employee of his/her performance during the introductory period and set new goals for the coming review period. This appraisal will provide expectations, goals, and objectives to be completed within the suggested review period. Copies of the performance appraisal will be delivered to the employee by the supervisor and placed in his/her personnel file.

Service during the introductory period will count towards qualification for employee benefits.

"At-will" employment means the employee is free to resign at any time, just as the Authority is free to end the employment relationship, demote, promote, or transfer the employee, with or without cause or notice. The Authority is also free to change the terms and conditions of the employee's employment with or without notice, including compensation, benefits, duties, location of work, etc.

Newly hired employees who are still in their introductory period must get supervisor approval to take any paid time off.

Nothing in this Employee Handbook shall limit the Authority's "at-will" employment status for temporary or introductory employees. This "at-will" employment status cannot be changed orally or by conduct. Any exception to the "at-will" employment status is valid only if (1) the exception is in writing, (2) signed by both the employee and the Director of Human Resources, and (3) specifically modifies the "at-will" employment status. The introductory period is automatically waived for any employee hired pursuant to the first right of refusal section of the Cooperative Agreement between the Bureau of Reclamation and the Authority

For employees with written employment agreements, the Authority will comply with the contractual terms regarding termination of employment, promotion, demotion, and other changes to the employee's status.

**IV. DEFINITIONS AND EMPLOYEE CLASSIFICATIONS**

**A. Workday.**

Normal workday: The Authority defines its workday as a consecutive 24-hour period beginning at midnight and ending at 11:59 pm.

**B. Workweek.**

For Administration and Canal Operators: The Authority defines its workweek as a consecutive 168-hour period beginning at 12:00 am Saturday and ending on Friday at 11:59 pm.

For those who work a Compressed Workweek (CWW) 9/80: The Authority defines its compressed workweek (9/80) schedule as running from Friday noon to the following Friday at 11:59 am.

For Control Operators: The Authority defines its workweek as follows:

1. Saturday at 12:00 pm – Saturday at 11:59 am
2. Monday at 12:00 am – Sunday at 11:59 pm.
3. Friday at 7:00 pm – Friday at 6:59 pm

**C. Payroll Period; Paydays.**

Employees are paid biweekly, every other Friday of the month, for the two weeks worked prior.

**D. Regular Full-Time.**

A regular full-time employee is an employee who has been hired to work the full, normally scheduled number of hours each calendar month (a minimum of an eight (8) hour day or forty (40) hours per week). An employee will obtain regular full-time status after satisfactory completion of the required introductory period.

**E. Regular Part-Time.**

A regular part-time employee is an employee who has been hired approximately three-quarters (3/4) time (an average of 30 hours per week or six (6) hours per day on a daily schedule; The actual schedule, however, can fluctuate according to the needs of the Authority). An employee will obtain regular part-time status after satisfactory completion of the required introductory period.

**F. Temporary Employees.**

Temporary employees, including student interns, are those employed for short term assignments. Short term assignments will generally be periods of six (6) months or less, however, such assignments may be extended. Temporary employees may be full-time or part-time as defined above. Like regular full-time and part-time employment, temporary employment is at-will. An employee will not change to another status merely by working in excess of the period originally expected when hired. An employee will change to regular status only if advised of such change in writing by the Human Resources Department.

Temporary employees are eligible for three (3) days or 24 hours of sick leave after ninety (90) days of employment. Temporary employees are not eligible for any other Authority benefits.

**G. Exempt and Non-exempt Employees.**

All employees are classified, based on job description and duties, as either Exempt or Non-Exempt (from overtime) in accordance with state and federal law. This is necessary because, by law, employees in certain types of jobs are entitled to overtime pay. Non-Exempt employees will complete a time sheet that accurately reflects their time worked and will receive overtime pay as appropriate.

Exempt employees may include managers, executives, supervisors and others whose duties and responsibilities exempt them from overtime pay provisions as provided by the federal Fair Labor Standards Act (FLSA) and the applicable California Industrial Welfare Commission Wage Orders. If an employee is Exempt, the employee will be advised in writing of this classification at the time the employee is hired, transferred or promoted.

**V. WORKING HOURS, WAGES, AND OVERTIME**

**A. General.**

The Authority's regular business hours for the Los Banos Administrative office in Los Banos are 8 a.m. to 5 p.m., Monday through Friday. The field office location hours are 7 a.m. to 4:30 p.m. and may be Monday through Friday, or under the compressed workweek schedule. Employees are expected to be at their assigned working area, ready to begin work, at the start of their shift.

However, each particular job position may have an hourly, daily or weekly work schedule which may differ from that of the normal public office hours. Since the Authority is a service organization, normal work may fluctuate with emergencies, workload, or member demand. If changes in work schedule are required or desired, employee's supervisor will notify him/her or respond to his/her request for a schedule change at the earliest opportunity. An employee may be required to work overtime or hours other than those normally scheduled. It is the Authority's intent to allow flexibility in scheduling work time while still meeting the needs of the organization.

**B. Minimum Wage.**

The Authority complies with all minimum wage laws in compensating employees, including those minimum wage laws enacted by various municipalities and localities throughout the State of California that may vary from the statewide minimum wage.

**C. Flexible Scheduling.**

This policy is established in order to gain the maximum efficiency for the Authority and allow an employee additional opportunities for employees to enjoy non-work hours while maintaining consistency among departments and employee groups. Participation in a flexible schedule is voluntary and depends on the operational needs of each department. It is by mutual consent between the employee and the Authority. A flexible schedule allows an employee to work longer hours but fewer days during the bi-weekly payroll cycle. For example, under the 9/80 plan, an employee has a work schedule whereby eighty (80) hours are worked in nine (9) days

over a two-week period. During each payroll period an employee actually works eighty (80) hours. Under such a plan, usually an employee will work eight (8) nine-hour days and one (1) eight-hour day during the two-week cycle. This results in an employee getting an additional day off when compared to the traditional work schedule.

### 1. **Participation Criteria.**

Eligibility to participate in the flexible schedule program is subject at all times to the needs of the Authority and may be modified. Certain positions may be ineligible for participation due to necessary work schedules. Other considerations may be:

- Timeliness, quality, and quantity of work must be maintained.
- Priority work must be accomplished in a timely manner.
- A satisfactory attendance record and continued satisfactory work performance must be maintained.
- All participants must agree to abide by the guidelines.

In order for this program to be successful, it is important that employees communicate with their co-workers and managers regarding any critical issues that may arise on days off.

### 2. **Procedures.**

Pay periods cover two weeks for a total of 26 pay periods per year. Time sheets cover two-week/80 hour periods and are to be completed and approved the afternoon of the last working day of the pay period.

Each department manager will manage their department schedule.

Once participants are committed to an alternative schedule, it is expected to be followed for that pay period.

If an employee is needed to assure adequate coverage during a period when a counterpart is on vacation or out of the office for one week or more, or any time the Authority requires, an employee may be required to revert back to a five-day/40 hour workweek.

Participants in the Flexible Scheduling Program that take extended leaves for any reason will be removed from the program for the duration of the leave.

This program may be discontinued at any time.

### **D. Overtime Hours.**

As necessary, employees may be required to work overtime. The Authority provides compensation for all overtime hours worked by Non-Exempt employees in accordance with state

law, where applicable, and federal law. Exempt employees may have to work hours beyond their normal schedules as work demands require. No overtime will be paid to Exempt employees.

For purposes of determining which hours constitute overtime, only actual hours worked in a given workweek or workday will be counted. Non-Exempt employees must record all time worked on their time sheet, including time worked over his/her normal schedule.

Without exception, all overtime work must be approved in advance by a supervisor. It is a violation of the Authority's policy to work overtime without prior approval of an appropriate supervisor and doing so may result in disciplinary action up to and including termination.

**E. Compensatory Time Off.**

Paid compensatory time off (CTO) may be given to Non-Exempt employees who work over forty (40) hours in a workweek at a rate of one-and-one-half (1-1/2) hours for each hour of overtime if an employee and the Authority agree to the time off from work in lieu of earned overtime pay. By law, an employee must request in writing his/her desire for compensatory time off in lieu of overtime monies. If an employee wishes to take compensatory time, a written request for the time off must be submitted and approved by his/her supervisor in advance of the time requested.

Compensatory time off may be accumulated up to a maximum of 240 hours, with a payout on an annual basis. Any carryover must be approved by the Manager of each division. An employee may have the value of some of his/her CTO transferred to another employee in the event of an extreme hardship, if that employee has exhausted his/her own leave balances.

For exempt personnel, no compensatory time will be accrued. However, up to an additional eighty (80) hours of executive compensatory time will be allotted on an annual basis. Requests from exempt personnel for time off of a day or more at a time with pay must be approved in advance by their supervisor.

**F. Meal and Rest Periods.**

An unpaid meal break of at least one-half hour will be provided for every five-hour work period, unless six hours of work will complete the day's work and the employee voluntarily elects to forego the meal break.

Employees are allowed a fifteen (15) minute paid rest period for every four hours of work or major fraction thereof, which is defined as any work in excess of two hours. An employee who is assigned to work a shift of three and one-half hours or less, however, is not entitled to a rest period.

Employees are expected to observe assigned working hours and the time allowed for meal and rest periods. Employees may not leave the premises during rest periods and may not take more than fifteen (15) minutes for each rest period. Meal periods are employees' own time, however. As a result, employees may leave the premises during meal periods as they see fit. Employees should notify their managers immediately if any issues regarding meal and rest periods arise.

Excessive failure to follow the guidelines above for Meal and Rest Periods could result in disciplinary action up to and including termination.

**G. Holiday Pay.**

For work performed on Authority-observed holidays, all regular, Non-Exempt, full-time employees who work on an observed holiday may receive overtime pay or compensatory time off in addition to holiday pay. All regular part-time employees who work on an observed holiday may receive overtime pay or compensatory time off in addition to holiday pay only as proportioned to hours worked.

Regular full-time employees in continuous and seven-day operations whose regularly-scheduled day off falls on an Authority-observed holiday will be scheduled a deferred holiday off on a scheduled eight (8) hour day shift approved by the supervisor. If for some reason the supervisor is unable to schedule the deferred holiday off, an employee will receive eight (8) hours of straight-time pay, or eight (8) hours of compensatory time off.

**H. Inclement Weather/Natural Disaster.**

In the event of inclement weather or natural disaster, an employee should make the effort to come in to work unless notified otherwise. If unable to do so, contact with the supervisor or Manager is required.

If an employee reports for work but the Authority closes based on a management decision, time actually worked or a minimum of two hours of pay, whichever is greater, will be paid. If an employee does not report for work, then employee will not receive pay for this day.

**I. Attendance.**

Regular attendance and punctuality are considered conditions of employment. Any tardiness or absence causes problems for fellow employees and supervisors. When an employee is absent, his/her workload must be performed by others. Excessive absenteeism and/or tardiness that has the effect of interfering with an employee's job performance will not be tolerated and may lead to disciplinary action, up to and including termination.

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for meal periods or when authorized to leave by a supervisor or manager. Late arrivals, early departures or other absences from scheduled hours are disruptive and must be avoided.

If an employee is unable to report for work or is going to be late for work on any particular day, the employee must notify his/her supervisor as early as possible. Employees also must inform their supervisor of the expected duration of any absence. Other than for extenuating circumstances, employees must notify their supervisor if they are scheduled to work but will not be able to report to work (except when on an approved extended leave).

If an employee fails to report for work without proper notification and the absence continues for a period of three (3) days, the employee may be deemed to have abandoned his/her employment and to have voluntarily resigned.

**J. On-Call/Emergency Call-Back Pay Policy.**

An emergency call-back is defined as an unscheduled request made by an appropriate management employee in which an employee is asked to return to work to do unforeseen or emergency work after leaving the building or work location at the end of his or her regular shift and before the beginning of the next regularly scheduled shift. An employee who is called back to work outside his or her normal work schedule will be paid for the time worked or a minimum of two (2) hours, whichever is greater.

On-call employees are those who are subject to being called back to work for any reason by the Authority. Controlled on-call time is compensable but may be paid at a rate less than an employee's regular rate while still complying with the applicable minimum wage. Uncontrolled on-call time is not compensated. If an on-call employee is called to work, the employee will be paid for the time worked at his/her regular rate or a minimum of two (2) hours, whichever is greater. Overtime compensation is applicable only when total hours worked exceed the eight (8) hours during any workday or forty (40) hours during any workweek.

For the purposes of definition, "controlled" on-call time is time an employee is required either to remain on the Authority's premises or so close to the Authority's premises that the employee cannot use the time effectively for his/her purposes. "Uncontrolled" on-call time is in which the employee is sufficiently unrestricted so that the time involved can be used effectively for the employee's own purposes. An example of uncontrolled on-call time would be a situation in which an employee is required to provide a phone number at which he/she can be reached, but otherwise is free to be away from the Authority's premises.

Employees who are on-call, either controlled or uncontrolled, must adhere to all Authority policies, including the Drug and Alcohol Policy. Any variance from such policies may result in disciplinary action, up to and including termination.

**K. Make-up Time.**

Non-exempt employees may make up time when time off is needed to tend to personal obligations. Make-up time is paid at an employee's regular rate.

On each occasion that an employee seeks to utilize make-up time, a written request must be submitted to the employee's supervisor. Requests will be considered for approval based on the legitimate business needs of the Authority at the time the request is submitted.

Make-up time must be utilized during the same workweek in which the employee takes time off.

A written request for make-up time must be made to the appropriate manager or supervisor. An employee's make-up time request must be approved before make-up time may be worked.

An employee may request up to eleven (11) hours on a workday on which make-up time is used. In other words, for a full-time employee, no more than three (3) hours of make-up time may be utilized on any given workday.

An employee's use of make-up time is completely voluntary. The Authority does not encourage, discourage, or solicit the use of make-up time.

**L. Temporary Upgrades.**

Employees temporarily assigned to a project/duty normally performed by a higher compensated classification will be paid at a higher rate for said work. This shall apply under the following conditions.

To qualify the employee must meet the following criteria:

- 1) Work assigned requires skills and knowledge beyond the regular scope of his/her existing job classification.
- 2) Work assigned is the result of existing staff being unavailable to perform duties due to illness, vacation, excessive workloads, etc.
- 3) Work assigned requires the use of skills and knowledge of a higher classification for a period of time of more than one (1) day.

Each employee recommended for a temporary upgrade must be evaluated to ensure that he or she has the required skills and has demonstrated the ability to safely and effectively perform the tasks to be assigned.

During temporary upgrade periods of more than one (1) consecutive day, the employee will be paid at a higher rate for said work.

Temporary upgrades are not applicable when an employee works under the direction of a person of that job classification.

**M. Payroll Policy.**

Non-exempt employees are responsible for accurate records of their time worked, including but not limited to, recording time out/time in for unpaid meal periods. Vacation, sick, CTO and holiday time must be entered on the time sheets. Time sheets must be signed and submitted on a bi-weekly basis.

All time records must be approved by an appropriate supervisor. Failure to keep accurate records or falsification of these records will lead to disciplinary action up to and including termination of employment. Furthermore, any instance of an employee recording time for another employee may result in discipline up to and including termination of employment.



The Authority issues paychecks every two weeks. Paychecks are normally issued every other Friday for the two-week period ending the preceding Sunday.

If payday falls on a holiday, checks will be distributed or direct deposited the business day immediately preceding the holiday. If an employee is absent from work on payday, his/her check will be held until he/she returns unless other arrangements have been made. Paychecks for an absent employee will not be released to any other person without specific instructions from the employee.

Employee may elect direct deposit and funds will be available in his/her account on the pay date. To take advantage of this service, the employee must complete a "Direct Deposit" form, attach a voided check, and return it to the payroll department.

Each check has an earnings statement attached which shows gross earnings and deductions required by law and any personal deductions requested by the employee.

**N. Garnishment of Wages.**

Employees are encouraged to manage their financial affairs so it will not become necessary for the Authority to comply with a court-ordered wage assignment or garnishment against wages. However, if the Authority receives a properly processed wage garnishment order, the employee will be notified and such designated amount will be withheld from the employee's paycheck, in accordance with the law, plus applicable processing fees as allowed by state law.

**O. Expense Reimbursement.**

Employees will be reimbursed through normal accounting procedures for all actual, reasonable and necessary expenses incurred in performing their job duties.

Any request for expense reimbursement must meet the following requirements:

- The expense must be business related.
- Employees must account for the expense by providing itemized receipts. Charge card receipts do not provide enough detail for reimbursement.
- If an allowance was provided prior to the expense being incurred, any excess allowance must be returned.

Requests for expense reimbursement must be approved in advance by management and submitted for reimbursement no later than thirty (30) days from the date the expense was incurred.

**1. Credit Card Use.**

Credit cards will be issued to specific employees who either travel on a regular basis on Authority business, or have the need to frequently purchase supplies or services. Credit cards

shall be used only for legitimate, approved business of the Authority, subject to the following regulations. These cards should be used for all approved expenses as authorized in this section.

- No personal items may be charged on the business credit card;
- All charges must be in line with travel guidelines or as approved by management;
- All charges must be accompanied with receipts along with proper notations of charged expenses; and
- All receipts must be submitted to Accounting within ten (10) days of charges.

## **2. Travel Per Diems.**

When employees are required to work for extended periods (more than one day) at a remote work site, one of the following provisions will be made: an employee will be paid travel compensation at the IRS mileage rate if he/she chooses to drive their personal vehicle to and from the work site on a daily basis. Mileage will be based on the distance from an employee's regularly assigned work site to the remote work site, or from an employee's home to the remote work site to the extent that travel miles exceed normal commuting mileage.

Employees may stay at a local hotel which is selected and paid for by the Authority. A per diem rate for meal and incidental expenses will be paid to those employees who elect to stay at a local hotel.

The per diem rate shall be the Standard California GSA per diem allowance rate in effect at the time the expense is incurred. Those employees assigned a credit card may charge their lodging, meals and incidentals up to the per diem rate for meal and incidental expenses.

Employees are expected to work a regular work day (same hours as employees assigned to that location) while assigned to a remote work site.

If an employee elects to commute to a remote work site at the start or end of a workday, he/she will be compensated for the time it takes from their normal work site to an outlying site, or from his/her home to an outlying site to the extent that travel time exceeds the normal commute.

Whenever possible, an Authority vehicle will be provided for transportation from the regularly assigned work site to the remote location.

## **3. Mileage.**

The mileage reimbursement rate to operate privately-owned vehicles will be the allowable IRS rate in effect at the time the expense is incurred. The mileage distance should be calculated from an employee's home or the Authority's offices, whichever is shorter.

#### 4. **Air Travel/Rental Car.**

The Authority shall book air travel arrangements. Air transportation will be economy/coach class. Rental cars will be booked at the midsize level, unless a group of Authority officials/personnel are traveling together and choose to use a larger vehicle to accommodate the group. Shuttles, taxis and car services are reimbursable in lieu of car rental.

#### 5. **Prohibited Expenses.**

The Authority will not pay for the following expenses:

- a. Alcoholic beverages
- b. Movie rentals
- c. Spouse/companion meals or travel
- d. All other personal expenditures not directly related to travel.

#### 6. **Authority Booking of Spouse or Companion.**

On occasion, authority staff book reservations for the spouse or companion of an employee who is travelling on Authority business for the convenience of the employee. All costs associated with any such booking for a spouse or companion shall be assumed by the employee.

#### **P. Salary and Wage Adjustment Policy.**

Each year salary adjustment recommendations are presented to the Finance Committee for approval. Final approval is required by the Board of Directors.

The salary structure is a three-step program. Step III (maximum) salaries are based on “average mean maximum” salaries from salary survey results. New employee salaries are set at Step I (15% below Step III salary). After successful completion of the introductory period, the new employee salary graduates to Step II (10% below Step III salary). After 2½ years of satisfactory performance at Step II, including having met all the criteria of the Critical Skills for each job classification, employees graduate to Step III. Any employee on written warning may be ineligible for step increases and/or promotion.

Salary adjustment recommendations may be made based on:

- Salary surveys conducted every third year as described under Salary Survey and Salary Survey Process. Step III salaries are adjusted based on resulting “average mean maximum” from surveys. Steps I and II are adjusted accordingly (Step I: 15% below Step III; Step II: 10% below Step III).
- A significant increase or decrease in job scope or responsibilities which may warrant a change in job classification.
- The Pacific Cities-West Consumer Price Index during the intervening years.

- The economic condition of the Authority and its members.
- Satisfactory job performance.

Any approved annual Salary Adjustments are effective March 1st of each year. There are no automatic pay increases.

## **VI. JOB PERFORMANCE AND EVALUATION**

### **A. Job Duties.**

Employees' supervisors will explain job responsibilities and the performance standards expected of them. Be aware that job responsibilities may change at any time during employment. From time to time, an employee may be asked to work on special projects or to assist with other work necessary or important to the Authority's operations. Cooperation and assistance in performing such additional work is expected.

The Authority reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

### **B. Performance Appraisals.**

The Authority maintains a policy of evaluating employee job performance as a means of measuring the efficiency and effectiveness of operations and providing employees with meaningful information about their work. Effective performance appraisals also aid in making personnel decisions related to such areas as training, pay increases, promotion, job assignments, retention, and long range planning. The process is intended to be participatory in nature, involving employees and their supervisors, and as objective as possible, focusing on overall performance in relation to job responsibilities and also taking into account conduct, demeanor, and record of attendance and tardiness.

A performance appraisal will be conducted periodically to inform employee of his/her performance during a review period and set new goals for the coming review period. It will also be used to determine the appropriateness of any salary adjustment within the established guidelines for the current salary level and job classification.

In addition, special written performance appraisals may be conducted at any time to advise employees of the existence of performance or disciplinary problems.

Employees will be required to sign the performance evaluation to acknowledge that it has been presented to them and its contents discussed and understood.

Employees receiving a substandard rating (rating below the level of "good") may be subject to, among other things:

- Ineligibility for promotional consideration until the deficiency is corrected;

- Withholding of a pay increase until the deficiency is corrected;
- Transfer to a comparable position or demotion for an indefinite period to a position in which competency can be reasonably expected; or
- Termination.

If the employee's deficient performance has improved to an acceptable level or type of performance, while maintaining satisfactory performance in all other respects, management may recommend the use of a corresponding performance pay increase and restoration of promotional consideration.

### **C. Promotions.**

It is the Authority's intent to promote from within whenever possible. However, it is in the Authority's best interest to fill all positions with the best qualified individual. The Authority reserves the right to recruit new employees to fill open positions rather than hiring from within wherever there is a business necessity. When opportunities occur within the organization, promotions and transfers will be based upon an employee's qualifications and performance that meets the best interests of the Authority.

### **D. Communications.**

The Authority encourages open communication between employees and supervisors/managers. Open lines of communication and mutual respect among employees and between employees and management are vital to effective and efficient operations. Both supervisors and employees have the responsibility to seek an understanding of the other person's viewpoint and treat each other with dignity and respect.

If an employee has a problem or question, their immediate supervisor is in the best position to handle the problem or answer the employee's question. The immediate supervisor has the responsibility, both to the Authority and to the employee, to handle problems promptly and appropriately.

If an occasion occurs in which the immediate supervisor cannot properly answer the employee's questions or deal with the problem to the satisfaction of the employee, then the employee and their supervisor should discuss the problem with the next in-line supervisor or Director of Human Resources. If it is not feasible for an open discussion to be held with the immediate supervisor present, the employee always should feel free to discuss the issue at the next level of management or with Human Resources individually. The Authority requests that all employees respect the sensitive nature of information shared during discussions such as those described in this section. The Authority expects all employees to treat such information with sensitivity and respect.

#### **E. Personnel Records.**

The Authority maintains employment records for all employees. It is for both the Authority and employees' benefit that employment records be kept up to date, because it will ensure, among other things, that payroll and benefits are properly administered.

It is every employee's responsibility to notify the Human Resources Department of any changes in the following:

- Name, address, telephone number
- Marital status
- Dependents
- Emergency contact information
- Designated beneficiaries

Employees have the right to inspect their personnel records. Any request to inspect personnel files must be made in writing. The Authority will provide a form to use for requesting an inspection of personnel records. The Authority will comply with requests to inspect personnel records and make those records available for inspection not later than twenty-one (21) days from the date a request is submitted. Personnel records will be made available for inspection at the employee's regular workplace. If an employee is required to travel to a location to inspect personnel records, the employee will be allowed to travel to that location with no loss of compensation.

Employees may also request a copy of their personnel records. Employees will be required to reimburse the Authority for the actual expenses in copying those records. If an employee requests a copy of his/her personnel records, that copy will be provided at the employee's regular place of work unless the Authority and employee agree the copy will be provided at some other location. An employee also may request that the copy be mailed to him/her on the condition that the employee reimburses the Authority for the actual cost of the mailing.

Former employees also may request to inspect and/or receive a copy of their personnel records. Any such request must be in writing. Only one such request may be made per calendar year. Depending upon the circumstances under which the former employee left his/her employment, the former employee may be required to inspect his/her personnel records at a location other than the Authority's workplace that is within reasonable driving distance of the former employee's residence.

The right to inspect and/or receive a copy of personnel records does not include records relating to the investigation of a possible criminal offense; letters of reference; and ratings, reports, or records that were obtained prior to the employee's employment, prepared by identifiable examination committee members, and/or obtained in connection with a promotional examination.

Employee files are confidential and are to be treated as such. Access to employee files is generally limited to administrative and management staff on a "need to know" basis. Non-employees may not, except with specific authorization, have access to the files themselves. Generally, such access will be granted only upon advice of counsel. Outsider access to information in a file is governed by the Authority's policy on references.

**F. Employee References/Verification.**

All requests for references must be directed to the Director of Human Resources, the Assistant Executive Director, or the Executive Director. No other manager, supervisor or employee is authorized to release references or any type of employment information for current or former employees.

All requests for a reference must be referred to the Director of Human Resources for processing. Authority employees may not issue a reference letter to or for any current or former employee without the permission of the Director of Human Resources, Assistant Executive Director or the Executive Director.

Under no circumstances should any Authority employee release any information about any other current or former Authority employee over the telephone. All telephone inquiries regarding any current or former employee of the Authority must be referred to the Director of Human Resources.

The Authority's employee reference/verification policy is to disclose only the dates of employment and the title of the last position held, a brief description of typical tasks, and verify the final rate of pay.

**VII. STANDARDS OF CONDUCT**

**A. Courtesy; Prohibition Against Abusive Conduct.**

The Authority is committed to an environment in which all employees are treated with respect and dignity. All employees are expected to conduct themselves in a civil and cooperative manner in the workplace or in work-related settings, including off-site events at which employees are present. This policy prohibits disruptive and disrespectful workplace conduct that interferes with an employee's ability to work efficiently and productively. This may include, but is not limited to:

- Inappropriate visual displays, including emails, screensavers, calendars, and similar items;
- Spreading rumors or intentionally conveying false information about another individual;
- Refusing to cooperate with legitimate work-related requests;
- Bullying or shouting; or

- Using abusive, vulgar, or threatening language and/or engaging in intimidating behavior.

If an employee believes someone has violated this policy, the conduct should be reported to a supervisor or the Director of Human Resources for handling.

## **B. Other Prohibited Conduct.**

An employee's conduct on the job should always be professional. Good behavior is considered a condition of employment. To ensure good behavior, certain standards must be maintained. The following is prohibited conduct that may result in discipline up to and including termination of employment.

- Unauthorized absence;
- Conviction of a felony or of any criminal act involving moral turpitude;
- Dishonesty or theft;
- Disorderly conduct;
- Willful concealment or misrepresentation of material facts in applying for or securing employment;
- Incompetence or inefficiency;
- Willful disregard of an instruction or directive from a supervisor or manager;
- Possession of a firearm or other dangerous weapon on Authority property or while conducting Authority business, even if accompanied with a valid Conceal & Carry permit;
- Using, being in possession of, or being under the influence of alcohol, narcotics, intoxicants, drugs, or hallucinatory agents while on the Authority's property or in vehicles during working hours or reporting to work under such conditions. Possession and proper use of drugs prescribed by a licensed physician and appropriate possession of unopened alcoholic beverages are not prohibited by this section.
- Smoking in restricted areas;
- Neglect of duty;
- Failure to meet reasonable work performance standards and requirements;
- Hostile and discourteous treatment of the public or other employee;



- Falsification of any records, such as medical forms, time records, or employment applications, or making material dishonest work-related statements to other employees at work;
- Willful carelessness or violation of safety rules and regulations which jeopardize the safety of self or others and/or which could result in bodily injury to self or others or damage to Authority property;
- Sexual harassment of or unlawful discrimination against another employee or applicant for employment;
- Deliberate or careless damage or destruction of the Authority's property or the property of any employee or member agency;
- Unauthorized use of the Authority property, materials or equipment, including, but not limited to, using the Authority's equipment or supplies for unauthorized personal use;
- Disobedience of any laws, rules, regulations or policies;
- Wearing extreme, unprofessional or inappropriate styles of dress or hair while working;
- Working on personal matters during work time;
- Other types of conduct injurious to security, personal safety, employee welfare and the Authority's operations also may be prohibited.

The list of prohibited conduct above is not exhaustive.

### **C. Drug & Alcohol Policy.**

The purpose of this policy is to assure worker fitness for duty and to protect our employees and the public from risks posed by the use of alcohol and controlled substances. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transportation industry. The Federal Motor Carriers (FMCSA) of the Department of Transportation has enacted 49 CFR Part 382 that mandate urine drug testing and breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The Department of Transportation has also enacted 49 CFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the Department of Transportation has enacted 40 CFR part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of a drug-free workplace policies and the reporting of certain drug-related offenses to the Department of Transportation. The policy incorporates those requirements of safety-sensitive employees and others when so noted.

The San Luis & Delta-Mendota Water Authority recognizes that the use of alcohol and/or controlled substances in the workplace is not conducive to safe working conditions. In order to

promote a safe, healthy and productive work environment for all employees, it is the objective of the Authority to have a work force that is free from the influence of alcohol and controlled substances.

### 1. **Applicability**

This policy applies to all safety-sensitive employees and contractors when they are on Authority property or when performing any Authority related business. It applies to off-site lunch periods and breaks when a safety-sensitive employee is scheduled to return to work. Visitors, vendors, and contracted employees are governed by this policy while on Authority premises, and they will not be permitted to conduct business if found to be in violation of this policy.

A safety-sensitive position is defined as any position requiring the use of a Class “A” or Class “B” commercial driver’s license. A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

### 2. **Prohibited Substances**

“Prohibited substances” addressed by this policy include the following:

- Drugs: Marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine.
- Alcohol: This use of beverages or substances, including any medication containing alcohol, such that it is present in the body at a level in excess of that stated in Department of Transportation guidelines while actually performing, ready to perform, or immediately available to perform any Authority business is prohibited. “Alcohol” is defined as: the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl or isopropyl alcohol.

### 3. **Prohibited Conduct**

- Manufacture, Trafficking, Possession and Use: Any safety-sensitive employee engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol on Authority premises, in Authority vehicles or while conducting authority business off the premises is absolutely prohibited. Violation will result in removal from safety-sensitive duty and referral to a Substance Abuse Professional (SAP).
- Impaired/Not Fit for Duty: Any safety-sensitive employee who is reasonably suspected of being impaired under alcohol or under the influence of a prohibited substance, or not fit for duty shall be removed from safety-sensitive job duties and be required to undergo a reasonable suspicion controlled substance and/or alcohol test. Employees failing to pass this reasonable suspicion controlled substance or alcohol test shall remain off duty and be referred to a Substance Abuse Professional (SAP). 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.

- **Alcohol Use:** No safety-sensitive employee may report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No safety-sensitive employee shall use alcohol while on duty or while performing safety-sensitive functions. No safety-sensitive employee shall use alcohol within four hours of reporting for duty nor during hours that he/she is on call. Violation of this provision is prohibited and will subject the employee to removal from safety-sensitive duty and referral to a Substance Abuse Professional (SAP).
- **Compliance with Testing Requirements:** All safety-sensitive employees are subject to controlled substance testing and breath alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to a Substance Abuse Professional (SAP). Refusal to submit to a test can include an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.
- **Treatment/Rehabilitation Program:** An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:
  - **Positive Controlled Substance and/or Alcohol Test:** A Rehabilitation Program is available for safety-sensitive employees who have tested positive for a prohibited substance on a one time basis only. An employee will be immediately terminated on the occurrence of a second verified positive test result. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the safety-sensitive employee. When recommended by the Substance Abuse Professional (SAP), participation and completion of the rehabilitation program is mandatory. Failure of a safety-sensitive employee to attend and/or complete a prescribed program will result in termination from employment. Prior to return-to-duty testing, an employee must follow the rehabilitation program recommended by the SAP and agree to and sign a Return-to-Duty Agreement. The duration and frequency of follow-up testing will be determined by the SAP but will not be shorter than one year or longer than five years.
  - **Voluntary Admittance:** All employees who feel they have a problem with controlled substances and/or alcohol may request voluntary admission to a rehabilitation program. Requests must be submitted to Human Resources for review. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. An employee failing to complete the program will be subject to termination from employment. An employee completing a rehabilitation program must agree to and sign a Return-To-Duty Agreement, and pass follow-up testing

for 36 months following return-to-duty. A positive result on the return-to-duty test or on the unannounced follow-up tests within a 36-month period will result in termination from employment.

Participants in the rehabilitation program may use accumulated sick leave, vacation and floating holidays, if any.

#### **4. Notifying The Authority of Criminal Drug Conviction**

Pursuant to the "Drug Free Workplace Act of 1988" any employee who fails to immediately notify the Authority of any criminal controlled substance statute conviction shall be subject to disciplinary action, up to and including termination of employment

#### **5. Proper Application of the Policy**

The Authority is dedicated to assuring fair and equitable application of this Substance Abuse Policy. Therefore, supervisors are required to administer all aspects of the policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy with respect to his/her subordinates shall be subject to disciplinary action, up to and including termination

#### **6. Testing for Prohibited Substances**

Analytical urine controlled substance testing and breath testing for alcohol will be conducted as required under Department of Transportation guidelines. All safety-sensitive employees shall be subject to testing prior to employment, randomly, for reasonable suspicion, and following an accident, as defined in the Department of Transportation guidelines. In addition, all safety-sensitive employees will be tested prior to returning to duty after failing a controlled substance and/or alcohol test. Employees who have returned to duty will be subject to unannounced follow-up tests for up to five years, as determined by a Substance Abuse Professional (SAP). Safety-sensitive employees who perform safety-sensitive functions as defined in the Department of Transportation guidelines shall also be subject to testing on randomly selected, unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in the Department of Transportation guidelines.

The controlled substances that will be tested for include: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). An initial controlled substance screen will be conducted on each specimen. For those specimens that are positive, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the controlled substance levels present are above the minimum thresholds established in the Department of Transportation guidelines.

Test for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). If the initial test indicated

an alcohol concentration of 0.02 or greater, a confirmation test will be performed to confirm the result of the initial test. An employee who has a confirmed alcohol concentration of 0.02 but less than 0.04 will be removed from his/her position for at least twenty-four hours unless a retest results in an alcohol concentration less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of Department of Transportation guidelines and this policy.

Any safety-sensitive employee who has a confirmed positive controlled substance or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and be evaluated by a Substance Abuse Professional (SAP).

The Authority affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process.

Employees in safety-sensitive positions may be tested under any of the following circumstances:

#### **Pre-Employment Testing:**

All applicants for safety-sensitive classifications shall undergo urine controlled substance testing prior to employment. Receipt of a satisfactory test result is required prior to employment and failure of a controlled substance test will disqualify the applicant from further consideration for employment. Pre-employment testing requirements will be conducted in compliance with current law.

- **Reasonable Suspicion Testing:**

All employees will be subject to urine and/or breath testing when there is a reason to believe that controlled substances or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance abuse. Examples of reasonable suspicion include, but are not limited to, the following:

- Adequate documentation of unsatisfactory work performance or on-the-job behavior.
- Physical signs and symptoms consistent with prohibited substance use.
- Occurrence of a serious or potentially serious accident that may have been caused by human error.
- Fights (to mean physical contact), assaults and flagrant disregard or violations of established safety, security, or other operation procedures.

Reasonable suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of controlled substance and alcohol use and who reasonably concludes that an employee may be adversely affected or under the influence in his/her work performance due to prohibited substance abuse or misuse.

- **Post-Accident Testing:**

Safety-sensitive employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with an Authority vehicle that results in a fatality. This includes all safety-sensitive employees who are on duty in the vehicles and any other whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or where one or more vehicles incurs disabling damage that requires towing from the site; and the safety-sensitive employee receives a citation under State or local law for a moving traffic violation arising from the accident.

Following an accident, the safety-sensitive employee will be tested as soon as possible, but not to exceed eight hours for alcohol and 32 hours for controlled substances. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and subject to termination. Post-accident testing of safety-sensitive employees will include not only the operation personnel, but any other covered employees whose performance could have contributed to the accident

- **Random Testing:**

Employees working in safety-sensitive classifications will be subjected to randomly selected, unannounced testing. The random selection will be by a scientifically valid method. Each safety-sensitive employee will have an equal chance of being tested each time selections are made. Safety-sensitive employees will be tested either just before departure, or during duty, or just after the safety-sensitive employee has ceased performing his/her duty.

- **Return-to-Duty Testing:**

All safety-sensitive employees who previously tested positive on a controlled substance or alcohol test must test negative and be evaluated and released to duty by the Substance Abuse Professional (SAP) before returning to duty. Employees will be required to undergo unannounced follow-up controlled substance and/or alcohol breath testing following returning to duty. The duration and frequency will be determined by the SAP. However, it shall not be less than 6 tests during the first 12 months, nor longer than 60 months in total, following return to duty.

- **Employee Requested Testing:**

Any safety-sensitive employee who questions the result of a required controlled substance test under Department of Transportation guidelines may request that an additional test be conducted. This additional test may be conducted at a different DHHS certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee unless the second test invalidated the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the Department of Transportation guidelines. The safety-sensitive employee's request for a retest must be made to the MRO within 72 hours of notice of

the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee. All Return to Duty and follow up tests will be direct observed per DOT guidelines. The employee will be asked to lower clothing below the knees, lift above navel and turn around.

## **7. Employee Assessment**

Any safety-sensitive employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum thresholds set forth in the Department of Transportation guidelines will be assessed by a Substance Abuse Professional (SAP). A SAP is a licensed physician, psychologist, social worker, an employee assistance professional, or addiction counselor with knowledge of and clinically experienced in the diagnosis and treatment of alcohol related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or misuse.

If a safety-sensitive employee is returned to duty following rehabilitation, he/she must agree to and sign a Return-To-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up tests for a period of one to five years, as determined by the SAP. The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is borne by the safety-sensitive employee and is on a one time basis only. An employee will be immediately terminated on the occurrence of a second verified positive test result. Employees may use accumulated sick leave, vacation and floating holidays, if any, to participate in the prescribed rehabilitation program.

### **D. Off-Duty Conduct.**

#### **1. Conflicting Off-Duty Conduct.**

The Authority respects the rights of employees to engage in activities outside of their employment, including outside employment, which does not interfere or conflict with the employee's job duties. However, certain types of off-duty conduct may interfere with the Authority's legitimate business interests and should be avoided. For instance, employees should not wear clothing bearing the Authority's logo or insignia during any off-duty activity that in any way leads to the impression the Authority has sanctioned or is sponsoring that activity, unless express permission to do so has been obtained from management. Other examples of off-duty conduct that should be avoided include,

- Conduct that would prevent an employee from giving full attention to assigned job duties;
- Conduct that adversely affects job performance;
- Conduct that would require an employee to disclose confidential Authority information to third parties; or

- Conduct in which an employee obtains a financial interest in one of the Authority's vendors or competitors.

## 2. **Authority Sponsored Off-Duty Recreational Activities Or Social Events.**

The Authority may from time to time sponsor off-duty recreational activities and/or social events including but not limited to softball, bowling, basketball, bocce ball, or other social activities. Neither the Authority nor its workers' compensation insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored by the Authority. Employee participation in these activities is not expected of, or expressly or impliedly required by, the Authority.

Employees who voluntarily participate in off-duty recreational activities or social events are expected to act responsibly and to exercise discretion if they consume alcoholic beverages (*See Drug and Alcohol Policy*).

### **E. Dress and Grooming Standards.**

Employees are expected to dress professionally, neatly and in a manner consistent with the nature of their work for that day. Employees who report to work inappropriately dressed may be asked to leave and return in acceptable attire.

The guidelines listed below, coupled with good common sense, provide direction for all employees in presenting a well-groomed impression at all times.

- All clothing should be clean, and without stains, rips, holes or evidence of extensive wear.
- Clothing which allows undergarments to show is not permitted.
- Plunging necklines, backless or midriff exposing outfits are not permitted.
- Extremely short skirts or short shorts are not permitted.
- Cut-off or rolled-up shorts are not permitted.
- Wearing body piercing rings (i.e. nose, eyebrow, tongue etc., other than earrings) that may cause safety concerns, during working hours are not permitted.
- The Authority recognizes that tattooing has become more common in recent years. In recognition of this, the Authority will permit employees to have modest, inoffensive visible tattoos in the workplace. The Authority reserves the right, however, to require an employee to cover tattooing while in the workplace that is either extensive in nature or that depicts offensive images.



- Hair should be worn in a professional style and should always be clean, neat and dry.
- Extremes in both dress and grooming habits that may be distasteful to other Authority employees or the public should be avoided.

**F. Authority-Owned Equipment.**

Employees may be assigned Authority-owned equipment including, but not limited to, cellular telephones, laptop computers, tablets or other office equipment. Employees must take extreme care to protect such equipment and ensure that it does not become damaged, lost or stolen. Special care must be taken when transporting expensive electronic equipment. Items such as projectors or laptop computers should not be left in a visible location in a parked car or checked as baggage on an airplane. Also, if being mailed, items must be appropriately packed and insured. Should Authority owned equipment become lost, the employee may be required to replace the equipment at his/her own expense immediately. Should such equipment become damaged or stolen, and if it is determined that the cause of the damage or theft was largely because of carelessness on behalf of the employee, the employee shall be required to replace the equipment at his/her own expense immediately. Any equipment loss, damage or theft should be reported to the employee's supervisor immediately.

Employees should bear in mind that all electronic equipment provided to them is, and at all times remains, the Authority's property. As a result, no employee is entitled to any expectation on the privacy of any information contained or stored on such equipment. The Authority's power to access information contained or stored on such equipment is subject to Section VIII of the handbook, Information Technology.

**G. Driving on Authority Business.**

**1. General Policies.**

In order to drive any vehicle while on Authority business or on the Authority's premises, an employee must provide proof of the following at the time of hire:

- A valid driver's license and vehicle registration
- If driving a personally owned vehicle on Authority business, automobile insurance which meets or exceeds the amount required by law

If an employee does not have and cannot provide proof of all of the above at any time, the employee may not drive any vehicle on Authority business or on the Authority's property. Failure to maintain the above requirements may result in disciplinary action up to and including termination.

Additionally, all employees will be required to attend a defensive driving class every four years and from time to time, to have his/her driving records reviewed. Employees are expected to

practice good defensive driving techniques and operate vehicles in a safe and responsible manner.

When driving while on Authority business, employees are prohibited from using any cellular phone or mobile computing device including, but not limited to, cellular phones, smart phones, pagers, and/or any mobile computer to send, receive, type or view text messages and/or emails. Employees may use cellular phones or smart phones to place or receive voice calls, if a hands free device is used during the entirety of the phone conversation, including placing the call and dialing any phone numbers. Any violations of this policy can be cause for discipline, up to and including termination.

If an employee receives a moving violation or parking ticket while driving or parked in a vehicle owned by the Authority, the employee is responsible for immediately notifying his or her supervisor, and for payment of any and all fines associated with the violation.

## **2. Driving Record Review Program.**

The Authority has established and maintains a Driving Record Review Program. As part of this program, it has enrolled in the Department of Motor Vehicles (DMV) Employer Pull Notice Program. This is a free service for public agencies that provides driver record reports on employees. Employees include temporary, seasonal, and part-time employees and volunteers.

A copy of an employee's driving record shall be obtained from the DMV as soon as possible after an employee's hire date and at least annually thereafter.

The Authority is responsible for ordering and interpreting all driving records. Occasionally, other concerned employees or the general public may bring to the Authority's attention the fact that an employee may be jeopardizing the Authority's integrity and exposing it to undue liability through poor driving techniques and habits. All such complaints will be investigated immediately and action taken to correct the problem as follows:

- If it is established that an employee has poor driving techniques and/or habits, the Authority's corrective action policy may be followed. Depending on the seriousness of the poor driving technique and/or habit, it may be desirable to enroll an employee in a "defensive driving" course.
- A second warning for the same poor driving technique and/or habit may require temporary suspension or temporary reassignment to a non-driving position and will be appropriately documented.
- If an employee's duties require driving a vehicle, a driving record that will not cause the Authority's insurance rate to be increased or the employee to become uninsurable must be maintained. Either of the preceding events could lead to disciplinary action, up to and including termination.
- If an employee's duties require driving a vehicle, it is his/her responsibility to immediately notify the Authority in the event their driver's license is suspended or

revoked. In no instance shall an employee operate an Authority vehicle with a suspended or revoked license. Any such failure to notify could lead to disciplinary action, up to and including termination.

#### **H. Personal Use of Cell Phones.**

The following applies to all cell phone usage during work time.

- Personal cell phone use shall not interfere with employee productivity or that of employee's co-workers; and must be kept to a minimum during working hours.
- Personal cell phone use shall not disrupt or delay the performance of Authority business.
- Personal cell phone use shall not support or advocate non-Authority-related business purposes.
- Personal cell phone use shall not be used for personal gain or commercial ventures during work time.

This policy applies to all employees in all locations who are issued or use Authority-provided cell phones, or who use personal cell phones to conduct Authority business.

#### **I. Children at Work.**

In the event of an "emergency situation" where an employee finds it necessary to bring his/her child to the workplace, the Authority will deem this acceptable under the following circumstances:

- The event must be an emergency, or a rare, unusual and infrequent event (i.e., not a scheduled day off from school, choice of not hiring a baby-sitter).
- An employee must get prior approval from his/her manager or supervisor.
- An employee's child must not be disruptive. If this occurs, the employee and his/her child will be asked to leave immediately.
- Bringing a child to work should not be a "social event." Employee's child should be situated in a quiet, out-of-the way place, such as an unused conference room.
- An employee's child must not interfere with his/her job or their co-workers'.

The Authority prefers that children not be brought to the office due to the unexpected lack of child care. If an employee needs to take time off to care for his/her child, the employee can take vacation, request time without pay or make other arrangements. Due to safety concerns, there are some work areas where children will not be allowed under any circumstances.

**J. Smoking Policy.**

In accordance with state law, all enclosed Authority spaces (including buildings, breakrooms, and covered parking lots) at all Authority locations are considered non-smoking areas. Outdoor smoking areas, away from all Authority-structures, may be provided at some locations.

**K. Theft.**

Property theft of any type will not be tolerated. Violation of this policy will lead to disciplinary action up to and including termination and may lead to prosecution by law enforcement.

**L. Outside Relations/Media Contact.**

Employees are not permitted to give or report any information about Authority activities, the members of the Authority, another employee, an outside vendor, client or consultant, to anyone outside of the Authority. Such requests, whether verbal or written, should be forwarded to the Assistant Executive Director or Executive Director for handling.

**M. Employment of Relatives.**

Employment of family or relatives may be allowed. No direct or indirect supervisory relationship between relatives will be allowed. There shall be no potential for creating an adverse impact on supervision, safety, security, morale or efficiency.

**N. Confidentiality and Anti-Fraud Policy.**

Each employee is responsible for safeguarding confidential and proprietary information obtained during employment. In the course of an employee's work, the employee may have access to confidential or proprietary information regarding the Authority, its suppliers, its member agencies, or fellow employees. Employees are prohibited from revealing or divulging any such information unless it is necessary to do so in the performance of an employee's duties as directed by a supervisor. Any breach of this policy will not be tolerated and will result in disciplinary action up to and including termination of employment.

Employees are expected to take great care when working with Authority suppliers or contractual contacts and members. Regardless of circumstances, if an employee senses that a course of action may involve a conflict of interest, fraud and/or dishonesty, employee should immediately communicate all facts to his/her supervisor, manager, Assistant Executive Director, or the Executive Director.

**O. Discipline.**

Violation of the policies in this handbook may warrant disciplinary action. Disciplinary action may include verbal warning, written warning, suspension, schedule change, demotion, reassignment/transfer, salary reduction or termination of employment.

The Authority reserves the right to impose whatever form of discipline management deems appropriate to address a particular situation. This policy does not guarantee progressive discipline and in no way alters the Authority's at-will employment policy.

**P. Notice of Intent to Terminate Employment.**

If an employee intends to voluntarily terminate his/her employment for any reason or at any time, a minimum of two (2) weeks' notice would be appreciated in order for the Authority to properly reschedule the workflow. All of the Authority's property including but not limited to keys, reports, records, proprietary information or any other job related materials must be returned prior to departure.

**VIII. INFORMATION TECHNOLOGY**

The Authority provides access to technological resources for employees to use in completing their job duties and educational and administrative purposes. Any personal use of Authority-Owned Technology of any kind should be limited and must not interfere with any business and/or operations, the work of any other employee, or the safety and security of Authority-Owned Technology.

Employees are prohibited from using Authority-Owned Technology for purposes including, but not limited to:

- Any purpose related to the conduct of an employee's personal business activities for economic gain (e.g., placing ads, selling items, performing services, etc.);
- Any purpose that infringes on the copyright, license, trademark, patent or other intellectual property rights of another;
- Any purpose that is vulgar, discriminatory, libelous, defamatory, obscene, sexually explicit, harassing, intimidating or pornographic;
- Any purpose that violates any civil or criminal law;
- Any purpose that discloses or in any way causes to be disclosed, privileged or confidential information related to other employees of or any third parties with which the Authority transacts business;
- Any purpose that transfers Authority data or information to unauthorized personal devices or personal email accounts;
- Any purpose that violates any Authority policy; and
- Sending non-work related communications using the Authority logo.

All computer and/or electronic devices provided by the Authority to employees for use in transacting the Authority's business are the sole property of the Authority. Employees have no right or expectation of privacy in the Authority's network, email system, computer system or any technology provided to employees by the Authority.

The Authority reserves the right to monitor any use of or activity on Authority-Owned Technology, including the use of Internet and network resources and social media, at any time without prior notice for any legal purposes, including, but not limited to, record retention and distribution and/or investigation of improper, illegal or prohibited activity.

All passwords created for or used on any Authority-Owned Technology, including, but not limited to, computers, network systems, Internet sites, documents and mobile devices, are the sole property of the Authority. The creation or use of a password by an employee on Authority-Owned Technology does not create a reasonable expectation of privacy.

With respect to Internet usage, employees are strictly prohibited from carrying out any of the following activities, with no exceptions:

- Visiting Internet sites that contain obscene, hateful, discriminatory, or other objectionable materials;
- Making or posting indecent remarks, proposals, or other materials on the Internet;
- Uploading or downloading streaming audio or video data except for management approved purposes;
- Uploading or downloading audio or video files or software applications/utilities except for management approved purposes;
- Participating in online games or chat room sessions for non-Authority business.

The use of the Authority-Owned Technology or computer resources to engage in social media or personal electronic correspondence constitutes the employees' specific consent to have the content of that social media monitored and/or recorded. No employee shall have any expectation of privacy concerning social media content or personal electronic correspondence created by using Authority-Owned Technology, including but not limited to the Authority's computers, networks, internet resources, and mobile devices.

Violations of any guidelines listed above may result in disciplinary action up to and including termination. In addition, the Authority may advise appropriate legal officials of any illegal violations.

## **IX. LEAVE OF ABSENCE**

### **A. Family and Medical Leave.**

Employees who (i) have more than twelve (12) months of service, (ii) who have worked at least 1,250 hours during the previous 12-month period before the date the leave is to begin, and (iii) are employed at a worksite where the employer maintains fifty (50) or more employees within a 75 mile radius (measured in road miles), are eligible under federal (FMLA) and state (CFRA) family leave laws to take up to a maximum of twelve (12) workweeks, or 480 hours, (or up to 26 weeks, or 980 hours, of military caregiver leave to care for a covered service member with a serious injury or illness) of unpaid family/medical leave within a 12-month period.

#### **1. Reasons for Leave.**

Family/medical leave time under the federal FMLA is permitted in the following circumstances:

- (i) the birth of the employee's child, or placement of a child with the employee for adoption or foster care;
- (ii) to care for the employee's spouse, domestic partner (pursuant to the CFRA only), child or parent who has a serious health condition; or
- (iii) for a serious health condition that makes the employee unable to perform his/her job. Under the CFRA, employees are eligible for leave to care for the employee's domestic partner.

Under both the FMLA and CFRA, employees are eligible for leave to care for a dependent child of a domestic partner who has a serious health condition, if the employee occupies a "parental" role with respect to that child. A serious health condition means an illness, injury, impairment or physical or mental condition that involves either in-patient care in a hospital, hospice, or residential healthcare facility, or continuing treatment or continuing supervision by a health care provider.

Family/medical leave is also permitted for a qualifying exigency leave for families of active duty service members and members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation. An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to twelve (12) weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: (1) short-notice deployment, (2) military events and activities, (3) child care and school activities, (4) financial and legal arrangements, (5) counseling, (6) rest and recuperation, (7) post-deployment activities, and/or (8) additional activities that arise out of active duty, provided that the Authority and the employee agree, including agreement on timing and duration of the leave.

The leave may commence as soon as the individual receives the call-up notice. "Son" or "daughter" for this type of FMLA leave is defined the same as for child for other types of FMLA

leave except that the person does not have to be a minor. This type of leave would be counted toward the employee's twelve (12) week maximum of FMLA leave in a 12-month period.

Family/medical leave is also permitted for military caregiver leave (also known as covered service member leave) to care for an ill or injured service member, including veterans who are undergoing medical treatment, recuperation or therapy for serious injury or illness that occurred any time during the five years preceding the date of treatment. This leave may extend up to twenty six (26) weeks in a single 12-month period for an employee to care for a spouse, son, daughter, parent or next of kin covered service member with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering service member.

Time off from work because of the employee's disability due to pregnancy, childbirth or related medical condition is not counted as time used for CFRA leave but is counted as time used for FMLA leave. Pregnant employees may have the right to take a pregnancy disability leave in addition to family or medical leave. (See Pregnancy Disability Leave section below.) Any leave taken for the birth, adoption or foster care placement of a child does not have to be taken in one continuous period of time. Any leave taken must be concluded within one year of the birth or placement of the child with the employee.

## **2. Length of Leave.**

Leave granted under any of the reasons provided by state and federal law will be counted as family/medical leave and will be considered as part of the 12-workweek entitlement in a 12-month period. If employee is eligible, he/she may receive the maximum amount of unpaid leave during a 12-month period. The Authority will use a rolling 12-month period measured forward from the date employee begins a leave to determine how much leave time is available to employee.

An eligible employee can take up to twenty six (26) weeks for the FMLA military caregiver leave during a single 12-month period. For this leave, the Authority will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of twenty six (26) weeks available.

Employees may take FMLA/CFRA leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for the serious health condition of the employee's child, parent or spouse or of the employee and the reduced leave schedule is medically necessary as determined by the physician of the person with the serious health condition. The smallest increment of time that can be used for such leave is a quarter hour.

## **3. Notice and Certification.**

The following procedures shall apply when requests for family leave are made:

- 1) If the event necessitating the leave is foreseeable, the employee must provide at least thirty (30) days' advance notice before leave is to begin. The employee must consult with the Authority regarding the scheduling of any planned medical



treatment or supervision so as to minimize disruption to the operations of the Authority. Any such scheduling is subject to the approval of the physician of the employee or the physician of the employee's child, parent or spouse.

If 30 days' advance notice for foreseeable leave is not practicable, notice must be given as soon as practicable.

If the need for leave is unforeseeable, employees must provide notice of their need for leave as soon as practicable.

- 2) If the leave is needed to care for a sick child, spouse, domestic partner, or parent, the employee must provide a certification from the physician which states:
  - A) Date of commencement of the serious health condition;
  - B) Probable duration of the condition;
  - C) Estimated amount of time the physician will provide care; and
  - D) Confirmation that the serious health condition warrants the participation of the employee.
- 3) In cases where both parents and domestic partners are employed by the Authority and the leave requested is for the birth, adoption or foster care of a child, the Authority will not grant more than twelve (12) workweeks total of family/medical leave. In cases where a husband and wife both work for the Authority and each wishes to take leave to care for a covered ill or injured service member, the husband and wife may only take a combined total of 26 weeks of leave.
- 4) If the leave is needed for the employee's own serious health condition, the employee must provide a certification from the physician which states:
  - A) Date of commencement of the serious health condition;
  - B) Probable duration of the condition; and
  - C) A statement that the employee is unable to work at all or is unable to perform any one or more of the essential functions of his/her position because of the employee's serious health condition.

The Authority will require certification by the employee's physician that the employee is fit to return to his/her job. Failure by the employee to provide certification by the physician of the employee's fitness to return to work will result in the employee being denied reinstatement until such time as the certificate is obtained.

- 5) If the leave is for a Qualifying Exigency leave for families of active duty service members, National Guard and Reserve members when the covered military

member is on active duty or called to active duty in support of a contingency operation, the employee must provide certification of the need for the qualifying exigency. The employee must respond to this request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the Dept. Of Labor Certification of Qualifying Exigency for Military Family Leave.

- 6) If the leave is to care for an injured or ill covered service member, the employee must provide certification of the need for the qualifying exigency. The employee must respond to this request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the Department Of Labor Certification for Serious Injury or Illness of Covered Service Member.

#### **4. Compensation During Leave.**

Paid leave will be substituted for unpaid leave in the following circumstances:

Two weeks of accrued sick leave is required to be used during FMLA/CFRA leave for the employee's own serious health condition.

Any accrued vacation shall be used if requested by the employee for any family/medical leave qualifying event.

#### **5. Benefits During Leave.**

An employee taking family/medical leave will be allowed to continue participating in any health and welfare benefit plans in which he/she was enrolled before the first day of the leave (for up to a maximum of twelve (12) workweeks in non-pregnancy related leaves) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave.

The Authority will continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins under FMLA (i.e., for pregnancy disability leaves) or under FMLA/CFRA (i.e., for all other family care and medical leaves). If family and medical leave is taken for the care of a spouse, registered domestic partner, child, parent, or next of kin who is a "covered service member" and who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, group health insurance coverage will be maintained for up to 26 workweeks in a 12-month period if such coverage was provided before the leave was taken and under the same terms.

In some instances, the Authority may recover, from the employee, premiums paid to maintain health coverage for an employee who fails to return to work following family/medical leave.

Vacation and sick time does not accrue during the time the employee is on unpaid leave of absence.

#### **6. Job Reinstatement.**

Under most circumstances, upon return from family/medical leave, an employee will be reinstated to his/her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if an employee on family/medical leave would have been laid off had he/she not gone on leave, or if the employee's job has been eliminated during the leave and there is no equivalent or comparable job available, then the employee would not be entitled to reinstatement. In addition, an employee's use of family/medical leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using family/medical leave.

#### **B. Pregnancy Disability Leave.**

All employees should advise the Director of Human Resources of the need for pregnancy disability leave as soon as foreseeable. The following procedures apply:

##### **1. Leave Available.**

Duration of the leave will be determined by the advice of the employee's physician, but disabled employees may take up to 17 1/3 weeks. Part-time employees are entitled to leave on a pro rata basis. The 17 1/3 weeks of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth or related medical condition. This includes leave for severe morning sickness and prenatal care. Because pregnancy disability leave runs concurrently with FMLA leave, but consecutively to CFRA leave, the maximum leave entitlement for a woman disabled due to pregnancy or a related medical condition and for the birth of her child is 17 1/3 weeks, plus twelve (12) weeks of leave.

Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed. Leave may be taken in increments of quarter hours.

If requested by the employee and recommended by the employee's physician, the employee's work assignment may be changed during pregnancy as required to protect the health and safety of the employee and the successful completion of her pregnancy. Requests for transfers of job duties will be reasonably accommodated to the extent possible.

Temporary transfers due to health considerations will be granted where possible. However, the employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons.

##### **2. Notice and Certification Requirements.**

Employees who need to take pregnancy disability must provide at least oral notice sufficient to notify the Authority that the employee needs to take a pregnancy disability leave and/or be transferred to a position that accommodates the limitations imposed by their pregnancy. The oral notice should include the anticipated timing and duration of the leave or transfer.

If the need for the leave or transfer is foreseeable because of the pregnancy, employees must provide at least 30-day advance notice before the pregnancy disability leave or transfer is to begin.

If 30-day advance notice is not possible, notice must be given as soon as practicable.

Pregnancy leave usually will begin when ordered by the employee's physician. The employee must provide the Authority with a certification from a physician. The certification indicating disability should contain:

- 1) The date on which the employee became disabled due to pregnancy;
- 2) The probable duration of the period or periods of disability; and
- 3) A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.

### **3. Compensation During Leave.**

Pregnancy disability leaves are without pay. However, employee may take accrued vacation time and any other accrued paid time off (if eligible) during the leave. All such payments will be integrated with any state disability or other wage reimbursement benefits that employee may receive. At no time will employee receive a greater total payment than his/her regular compensation.

### **4. Benefits During Leave.**

An employee taking pregnancy disability leave will be allowed to continue participating in any health and welfare benefit plans in which they were enrolled before the first day of the leave for the full duration of the employee's pregnancy disability leave (up to a maximum of four (4) months during a twelve-month period). Continuation of group health and welfare benefit plans during the period of pregnancy disability leave is separate and independent of, and does not impact, the employee's right to continued group and welfare benefit plan coverage during any subsequent CFRA leave.

### **5. Reinstatement.**

Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a pregnancy disability leave, an employee will be reinstated to their same position held at the time the leave began or to an equivalent position, if available. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if the employee on pregnancy disability leave would have been laid off had they not gone on leave, or if the employee's position has been eliminated or filled in order to avoid undermining the Authority's

ability to operate safely and efficiently during the leave, and there are no equivalent or comparable positions available, then the employee would not be entitled to reinstatement.

**C. Lactation Accommodation.**

Any employee who is breastfeeding shall be provided a reasonable amount of break time (to run concurrently with the employee's regular ten minute break periods for every four (4) hours of work) for purposes of expressing milk. If the employee requires additional time to express milk beyond their regular break period, that time shall be unpaid. The employee and their immediate supervisor will agree on the times for these breaks. The Authority will designate a private room or area, which shall not be a restroom, to accommodate the breastfeeding mother to express milk.

**D. Bereavement Leave.**

In the event of the death of an employee's current spouse, domestic partner, child, parent, legal guardian, brother, sister, grandparent, grandchild, or mother-, father-, sister-, brother-, son-, daughter-in-law, or household member, the employee may use up to five (5) days of sick leave for the purpose of attending the funeral and making necessary arrangements. Additional days off will be charged as dictated by employee, subject to the Authority's approval. The employee's supervisor may approve additional unpaid time off depending on the circumstances.

**E. Crime Victim Leave.**

Employees who are crime victims involving felony crimes as specified by California law and crimes of domestic violence, sexual assault or stalking are eligible for unpaid leave to attend judicial proceedings related to the prosecution of the crime committed. Employees whose spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, stepfather, registered domestic partner, or registered domestic partner's child is a crime victim involving felony crimes as specified by California law are also eligible for unpaid leave to attend judicial proceedings related to the prosecution of the crime committed.

Prior to their absence, employees should give their supervisors the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice prior to the absence. When prior notice is not feasible or an unscheduled absence occurs, employees must provide documentation within a reasonable time after the absence. Documentation evidencing the judicial proceeding may come from any of the following entities:

- The court of government agency setting the hearing;
- The district attorney or prosecuting attorney's office; or
- The victim/witness office that is advocating on behalf of the victim.

An employee who is absent from work for a judicial proceeding may elect to use their accrued and unused vacation time or unpaid personal leave.

The Authority will, to the extent required by law, maintain the confidentiality of an employee requesting leave under this provision.

**F. Domestic Violence Victim Leave.**

Employees who are experiencing domestic violence are eligible for unpaid leave from work for any of the following reasons:

- To seek medical attention for injuries caused by domestic violence or sexual assault or stalking;
- To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault or stalking;
- To obtain psychological counseling related to an experience of domestic violence or sexual assault or stalking; and/or
- To participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault or stalking, including temporary or permanent relocation.

As a condition of taking time off for any of the above purposes, employees are required to provide reasonable advance notification of the need for time off, if giving such advance notice is feasible under the circumstances.

If an employee is required to take an unscheduled absence for any of the reasons listed above, the employee is required to provide documentation regarding the need for such an absence within a reasonable period of time following their return to work. Appropriate documentation includes, but is not necessarily limited to, the following: police report; documentation from a court of competent jurisdiction; documentation from a treating physician; or other health care provider.

Employees taking a leave of absence for any of the reasons stated above may use accrued and unused sick leave in lieu of unpaid leave.

**G. Military Service Leave.**

Employees who serve in the military and need to take military leave are entitled to reinstatement upon completion of military service provided the employee returns and apply for reinstatement within the time allowed by law.

The following procedures apply:

- Temporary (Two-Week) Military Leave:

In addition to the rights and benefits provided to employees taking Extended Military Leave (as described in this policy), eligible employees are entitled to as many as seventeen (17) days unpaid military leave for training or other duties. All benefits will continue during an employee's temporary military leave.

- All Other (Extended) Military Leave:

Employees directed to participate in extended military duties in the U.S. Armed Forces and National Guard that exceed seventeen days will be placed on an unpaid military leave of absence status for a period of as long as five (5) years and will be entitled to the rights and benefits described below, subject to the procedures outlined below.

1. The employee will provide his/her immediate supervisor with notice that the employee will be engaging in military service, including a copy of the orders directing the military duty, unless the employee is prevented from doing so by military necessity. Employees are requested to provide such notice within thirty (30) days of active military service. Failure to provide adequate notice may render the employee ineligible for the rights and benefits described in this policy.
2. To request a temporary or extended military leave of absence, the employee should, unless prevented from doing so by military necessity, obtain a Request for Leave of Absence Form from Human Resources.
3. The Authority will review and sign the Request for Leave of Absence Form, collect any applicable insurance premiums from the employee, generate other applicable documents, and process accordingly.
4. Employees on temporary or extended military leave may, at their option, use any or all accrued and unused paid vacation during their absence.
5. Benefits: If an employee is absent from work due to military service, benefits will continue as follows:
  - a. An employee on extended military leave may elect to continue group health insurance coverage for the employee and covered dependents under the same terms and conditions until the end of the month when military leave begins (a period not to exceed 31 days from the date the military leave of absence begins). Beginning the first of the month after military leave begins, group health insurance coverage for an employee and/or an employee's covered dependent will run concurrently with applicable health insurance coverage under COBRA and the employee and covered dependents can continue group health insurance up to 24 months at 102% of the overall (both the Authority and employee) premium rate.
  - b. Applicable short-term and long-term disability insurance and life insurance provided by the Authority will terminate the day the employee's military leave of absence begins.
  - c. Employees do not accrue vacation or sick leave while on military leave of absence status.

- d. With respect to the Authority's 401(k) Plan, upon re-employment, employees who have taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service. Immediately upon re-employment, the employee may, at the employee's election, make any or all employee contributions that the employee would have been eligible to make had the employee's employment not been interrupted by military service. Such contributions must be made within a period that begins with the employee's re-employment and that is not greater in duration than three times the length of the employee's military service. Employees will receive all associated the Authority matches for such contributions.
6. Re-employment: Upon an employee's prompt application for re-employment (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:
- a. Less than 91 days of military service - (i) in a position that the employee would have attained if employment had not been interrupted by military service; or (ii) if found not qualified for such position after reasonable efforts by the Authority, in the position in which the employee had been employed prior to military service.
  - b. More than ninety (90) days and less than five (5) years of military service - (i) in a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the employee is qualified to perform; or (ii) if proved not qualified after reasonable efforts by the Authority, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.
  - c. Employee with a service-connected disability - if after reasonable accommodation efforts by the Authority, an employee with a service-connected disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in (i) any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by the Authority; or (ii) if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.
7. Application for Re-employment: An employee who has engaged in military service must, in order to be entitled to the re-employment rights set forth above, submit an application for re-employment according to the following schedule:
- a. If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service) - the employee must report for re-employment at the beginning of the first full regularly scheduled working



period on the first calendar day following completion of service and the expiration of eight (8) hours after a time for safe transportation back to the employee's residence.

- b. If service is for 31 days or more but less than 180 days - the employee must submit an application for re-employment no later than fourteen (14) days following the completion of service.
  - c. If service is over 180 days - the employee must submit an application for re-employment no later than ninety (90) days following the completion of service.
  - d. If the employee is hospitalized or convalescing from a military service-or related injury - the employee must submit an application for re-employment no later than two years following completion of service.
8. Exceptions to Re-employment: In addition to the employee's failure to apply for re-employment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:
- a. The Authority's circumstances have so changed as to make re-employment impossible or unreasonable;
  - b. The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period; or
  - c. The employee did not receive an honorable discharge from military service.
9. General Benefits upon Re-employment: Employees reemployed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. In addition, an employee's time spent on active military duty will be counted toward their eligibility for FMLA leave once they return to their job.
10. Documentation: Upon reapplication for employment, employee will provide the Authority with military discharge documentation that establishes the timeliness of the application for re-employment and length and character of the employee's military service.
- Leave for Military Spouses

In accordance with California law, an employee who (i) is employed more than twenty (20) hours a week; (ii) is the spouse of a member of the Armed Forces of the United States of

America on active duty or the spouse of a Reservist or member of the National Guard who has been called to active duty; (iii) and whose spouse has been deployed during a period of military conflict, is eligible for up to ten (10) days of unpaid leave during any period the employee's spouse is on a qualified leave from his/her deployment.

Employees seeking such leave must provide his/her immediate supervisor with written notice of his/her intention to take such leave within two (2) business days of receiving notice that his/her spouse will be on a qualified leave from deployment.

Employees may elect to use accrued vacation pay in lieu of taking unpaid leave.

- **Civil Air Patrol Leave**

An employee who has been employed by the Authority for at least ninety (90) days, and who is a volunteer member of the California wing of the Civil Air Patrol, is permitted up to a total of ten (10) days of unpaid leave in a calendar year for purposes of responding to an emergency operational mission of the California wing of the Civil Air Patrol. Leave for purposes of responding to an emergency operational mission of the California wing of the Civil Air Patrol shall be limited to three (3) days for any single mission unless an extension of time is granted by the governmental entity that authorized the emergency operational mission, and the extension of the leave is approved by the Authority.

An employee seeking to take leave for this purpose shall provide as much advance notice as possible regarding the beginning and ending dates of the emergency operational mission.

The Authority requires employees taking leave for this purpose to provide certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave requested or taken. The Authority may deny the employee eligibility for Civil Air Patrol leave unless such certification is provided.

#### **H. Organ or Bone Marrow Donation Leave.**

Employees are entitled to up to thirty (30) business days of paid leave during any twelve (12) month period for purposes of organ donation and up to five (5) business days of leave during any twelve (12) month period for purposes of bone marrow donation.

The twelve (12) month period during which an employee's leave entitlement is measured commences on the first day of an employee's leave for one of the above purposes.

In order to take leave for one of the above purposes, employees must provide the Authority with a written verification that the employee is an organ or bone marrow donor and that the employee is taking leave for the purpose of providing a medically necessary organ or bone marrow donation.

Leave taken for one of the above purposes shall not be considered a break in service for purposes of accruing such things as vacation or sick leave and shall be considered continuous service of purposes of any salary adjustments to which employee may be entitled.

As a condition for taking leave under this section, employees will be required to use up to five (5) days of accrued vacation or sick leave for leave taken for the purpose of providing a bone marrow donation and up to two weeks of accrued vacation or sick leave for leave taken for the purpose of providing an organ donation.

Leave taken under this section shall not count against an employee's FMLA or CFRA leave entitlement.

**I. Parental/School Leave.**

Employees may take up to forty (40) hours of leave per calendar year, not exceeding eight (8) hours in any calendar month, to enroll, re-enroll, or to participate in activities of a K-12 school or licensed day care facility of any of his/her children, if the employee, prior to taking the time off, gives reasonable notice to the Authority of his/her planned absence. The employee shall provide documentation from the school or licensed day care facility to their supervisor as proof that he or she participated in school or licensed day care facility activities on a specific date and time.

Employees who are required to attend their child's school for purposes of meeting with teachers and/or administrators regarding a school disciplinary matter involving their child, including suspension or expulsion, shall be entitled to unpaid leave from work for such purpose. Employees are required, if possible, to give advance notice to their supervisor or the Human Resources department prior to taking the time off. Employees taking time off for this purpose may elect to use accrued vacation as opposed to taking unpaid leave.

**J. Voting Leave.**

If an employee does not have the time available during regular polling hours to vote due to their regular working shift, in accordance with respective state laws, the Authority will allow employees two (2) consecutive hours of leave to vote in federal, state or local elections, both primary and general, without loss of pay. Employees requesting time off from their immediate supervisor must do so in writing or via e-mail, at least two working days prior to the desired time off for voting. The time off for voting shall only be at the beginning or end of the regular working shift, whichever allows the most free time for voting and the least time off from the regular working shift, unless otherwise mutually agreed. The employee should provide their immediate supervisor with their voting stub for the time they took away from work to vote to be approved for pay.

**K. Witness and Jury Duty Leave.**

If an employee is summoned to serve as a juror or subpoenaed as a witness, and required to be absent from scheduled work, the employee will be granted time off with pay. Employee will incur no loss of earnings for fulfilling his/her civic responsibility, provided that the total amount of compensated time off for such purpose shall not exceed two weeks.

Employees should notify their supervisor of the need for time off as soon as a notice or summons from the court is received. Employees must provide written verification from the court clerk of having been present.

If at least two (2) hours of scheduled work time remains before or after on any day that an employee's presence was required, the employee will be expected to work for the remainder of his/her work schedule. Any monies, exclusive of mileage, must be turned over to the Authority if during that period employee received their regularly scheduled pay.

However, if employee serves on jury duty for over ten (10) days and uses CTO or vacation time, employee does not need to reimburse the Authority if the amount paid by the court is less than the amount employee is paid for the leave.

**L. Volunteer Firefighter, Reserve Peace Officer, or Emergency Rescue Personnel Training Leave.**

If an employee is serving as a volunteer firefighter, reserve peace officer, or emergency rescue personnel, the employee may take unpaid leave to perform emergency duties connected with any of those positions.

In addition, an employee serving in any of the above roles may take up to fourteen (14) days of unpaid leave during any calendar year for the purpose of engaging in fire, law enforcement, or emergency rescue training.

An employee taking leave under this section, may utilize accrued sick or vacation leave during the duration of the leave in lieu of taking unpaid leave.

**M. Fitness-For-Duty & Return-To-Work Evaluations.**

Where appropriate, employees may be required to submit a Fitness-for-Duty or Return-to-Work Evaluation.

**X. BENEFITS**

**A. Group Health and Welfare Benefits.**

The Authority provides group major medical, dental and vision insurance, and an employee assistance program. The Authority provides benefits to eligible dependents at specific percentages, of which employee will receive information on during the new employee orientation from the Director of Human Resources.

All regular full-time employees and regular part-time employees who regularly work more than thirty (30) hours per week are eligible to participate in the health and welfare benefit programs provided by the Authority in accordance with the eligibility provisions described in the Summary Plan Descriptions (SPDs) for those plans.

Eligible dependent is defined as the following:

- Spouse;
- Children through the 26th birthday month including children placed in the home for adoption;

- Handicapped unmarried children who were enrolled before age 25, subject to carrier approval;
- Children eligible for coverage as a result of a valid qualified medical child support order;
- Domestic Partner as defined by the State of California for state registration requirements;
- Those designated according to the law; and
- For an eligible dependent to be eligible for coverages, a copy of a marriage license, State of California Declaration of Domestic Partnership form (NP/SF DP-1), birth certificate, or other identifying paperwork is required

It is employee's responsibility to notify the Authority upon divorce, termination of Domestic Partnership, over-age dependent, or any event that changes the status of a dependent.

#### 1. **Medical Plans.**

Persons Eligible: Regular full-time employees and regular part-time employees who are regularly scheduled to work at least thirty (30) hours per week and their eligible dependents.

Waiting Period: First day of the month following first day of employment.

Employee Contribution: Specific percentage of costs for eligible dependents.

Employer Contribution: Total cost for employee and specific percentages of costs for eligible dependents.

Providers: As provided by the Authority.

Benefits Provided: See information provided during Employee Orientation for details.

Where To File Claims: As provided by carrier or see the Human Resources department.

#### 2. **Dental Plan.**

The Authority provides a dental care plan in which all premium costs for employee and all dependents are paid entirely by the Authority. For more detailed information, please refer to employee dental care booklet. The eligibility period is the first day of the month following first day of employment.

Persons Eligible: Regular full-time employees and their eligible dependents.

Waiting Period: First day of the month following first day of employment.

Employee Contribution: None.

Employer Contribution: Total cost for employee and eligible family members.

Provider: As provided by the Authority.

Benefits Provided: See information provided during Employee Orientation for details.

Where To File Claims: As provided by the carrier or see the Human Resources department.

### **3. Vision Plan.**

The Authority provides a vision care plan in which all premium costs for employee and all dependents are paid entirely by the Authority. For more detailed information, please refer to employee vision care booklet. The eligibility period is the first day of the month following first day of employment.

Persons Eligible: Regular full-time employees and their eligible dependents.

Waiting Period: First day of the month following first day of employment.

Employee Contribution: None.

Employer Contribution: Total cost for employee and eligible family members.

Provider: As provided by the Authority.

Benefits Provided: See information provided during Employee Orientation for details.

Where To File Claims: as provided by the carrier or see the Human Resources department.

### **4. Declining Dependent Coverage.**

The Authority provides health benefits coverage for all eligible employees. However, employees may decline coverage for their dependents should it be desired. Please contact the Human Resources department for further information.

Those employees initially declining dependent health benefits who later decide to enroll dependents will be required to submit a complete medical history of each dependent to the health carrier, with no guarantee of coverage.

### **5. Employee Assistance Program.**

The Authority cares about its employee's well-being. As part of that concern, it has established an Employee Assistance Program (EAP) that provides confidential, professional assistance when personal problems affect an employee's life and work. The program provides information, consultation and counseling for employees and their family members, as well as offering training and consultation to management.

The EAP encourages employee to use services early in the progression of a problem before situations significantly impact work. This is accomplished by promoting services for normal

problems we all face in life such as relationships, stress, legal and financial problems, career concerns, anxiety and depression. The EAP also services more serious concerns such as alcohol and drug problems, family violence, and threats of suicide. If the employee needs more information, please see your supervisor, the Human Resources department or call the EAP number.

#### **6. Life Insurance.**

Eligibility: all regular full-time employees in good standing (not on unpaid suspension or extended uncompensated leave) who meet the qualifying criteria will be eligible for Life Insurance, subject to any restrictions by the benefit provider.

Benefit: the Authority sponsors options which will provide employees the opportunity to purchase individual Term, Whole, or Universal life insurance policies at competitive rates. Both are voluntary payroll deduction programs offered through New York Life Company and Principal Financial Group. Highlights are cash accumulation, optional family coverage, easy participation, flexibility and portability. For enrollment applications or further information, please contact the administrative department.

#### **7. Disability Insurance.**

Eligibility: all regular full-time employees in good standing (not on unpaid suspension or extended uncompensated leave) who meet the qualifying criteria will be eligible for Short Term and Long Term Disability policies, subject to any restrictions by the benefit provider.

Benefit: the Authority sponsors two options which provide employees the opportunity to purchase individual policies at competitive rates. Both are voluntary payroll deduction programs offered through the Principal Financial Group. All applicants are subject to underwriting and are not guaranteed issue. An employee has thirty (30) days from his/her date of hire to elect this coverage, with a sixty (60) day waiting period. If the employee decides he/she wants to purchase this coverage after that time frame, employee will need to complete a health statement and will be subject to underwriting review.

#### **B. Eligibility for Other Benefits.**

A regular full-time employee who is regularly scheduled for forty (40) or more hours of work per week is eligible for the following benefits:

- Paid Holidays
- Vacation
- Sick Leave
- Sick Leave Cash Out
- 401(a) Defined Contribution Plan (subject to plan eligibility requirements)

- Elective 457 Deferred Compensation Plan
- Retirement Health Savings Plan

A regular part-time employee who is regularly scheduled for less than forty (40) hours of work per week is eligible for the following benefits:

- Prorated Paid Holidays (if occurring on a regularly scheduled workday)
- Prorated Vacation
- Prorated Sick Leave

Temporary Employees are not eligible for employee benefits except where mandated by applicable law.

### **C. Paid Holidays.**

All regular full-time employees are eligible for paid holidays if the observance falls on a regularly scheduled workday. All regular part-time employees are eligible for prorated paid holidays if the observance falls on a regular scheduled workday. The amount of holiday pay will be the regular hourly rate of pay for the amount of hours that the employee would receive if that day were a regular scheduled workday. The days shown are normally observed as holidays by the Authority.

At the beginning of each year, a list of holidays will be published which shows the actual days to be observed.

- New Year's Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving
- The day after Thanksgiving
- Christmas



Holidays occurring on Saturday are observed on the preceding Friday. Holidays occurring on Sunday are observed on the following Monday.

Employees on unpaid leave of absence for any reason at the time of the holiday observance will be ineligible for holiday pay.

If a holiday falls during an employee's approved vacation period, the employee will be paid for the holiday and will not be charged with a vacation day for the day the holiday is observed.

#### **D. Sick Pay.**

Compensation for paid sick leave will be at the employee's regular rate of pay.

##### **1. Accrual.**

All employees begin accruing paid sick leave as of the date of their hire.

Regular full-time employees accrue paid sick leave at a rate of eight (8) hours of paid sick leave per month. Regular part-time employees accrue paid sick leave at a rate of one (1) hour of paid sick leave for every thirty (30) hours worked.

There is no maximum accrual limit. Employees may carry over accrued but unused paid sick leave from year to year.

##### **2. Permissible Uses.**

Paid sick leave may be used for the following purposes:

- For the employee's own illness.
- To attend to the illness of a spouse, domestic partner, child, child of a domestic partner, parent, grandparent, or sibling ("family members").
- For the employee's or an employee's family member's medical or dental appointment.
- For any purpose described in California Labor Code sections 230 or 230.1 due to the fact the employee or the employee's family member is a victim of crime, domestic violence, or stalking as defined in those code sections.

##### **3. Cash-Out Upon Voluntary Separation.**

Upon voluntary separation of employment with the Authority, for those employees with a minimum of ten (10) years of service and who are at least 55 years of age, or those employees with a minimum of fifteen (15) years of service, sick leave will be paid at 100% of equivalent value for one-half of accumulated sick leave or five hundred hours, whichever is less, as of the effective date of voluntary separation.

**E. Vacation.**

The Authority recognizes the need for employees to have time away from work for personal rest and relaxation. Vacations are encouraged and paid time off is provided for this purpose. All regular full-time and regular part-time employees are eligible for vacation with pay.

Vacation benefits are subject to the following restrictions:

- An employee begins accruing vacation on the date of hire, however, vacation cannot be taken during the first six (6) months of employment without prior written approval.
- Annual accrual rate is based on length of service as follows: 3.077 hours per pay period or 80 hours per year during the first (5) five years of continuous employment. Thereafter it accrues at the rate of 4.616 hours per pay period or 120 hours per year after five (5) years; and 6.154 hours per pay period or 160 hours per year after twenty (20) years.
- Vacation will accrue continuously during active employment. Accrual starts on the first day of employment using the accrual rates detailed above. The actual hours of vacation accrued will be based on the number of straight time hours each biweekly pay period. . The calculation of vacation earned to date will appear on the biweekly Sick/Vacation/Comp/Holiday Summary.
- Vacation schedules must be coordinated and cleared with an employee's supervisor as far in advance as possible. It should be recognized that in some cases it may be difficult to provide adequate coverage of job responsibilities so therefore vacations may have to be deferred. The Authority encourages all employees to take vacations annually.
- Vacation hours will accrue throughout the fiscal year, however the maximum amount of vacation hours that a Non-Exempt employee may carryover at the end of the fiscal year is limited to 480 hours. Any hours in excess of 480 must be taken before the end of the fiscal year, or employees may donate excess hours to the catastrophic leave bank. An employee may carryover more than 480 hours only when prior written approval from Executive Management has been granted.
- All deductions from an employee's accrued vacation balance will be rounded to the nearest quarter hour. The shortest period of time that may be taken for vacation leave is one-quarter hour.
- In most cases, no deduction will be taken from the accrued vacation balance of exempt employee for an absence of less than half a day.
- Vacation may not be taken before it is accrued.
- Employees on unpaid leave do not accrue vacation time.

- Upon termination, an employee will be paid for accrued vacation. Otherwise, vacation is paid only if taken.

#### **F. Retirement Plans.**

The retirement program is designed to assist regular full-time employees in carrying out a plan for maintaining financial independence upon retirement. The Authority's program does not contribute towards Social Security. The Authority's program is administered by ICMA and consists of the following plans:

- **401(a) Defined Contribution Plan:** A 401(a) Defined Contribution Plan is funded by the Authority contributing 8% of employee's base annual salary, which excludes overtime, merit pay awards, shift differential premiums, or any other special pay arrangements. After tax voluntary contributions by employees are also permitted, and are subject to IRS regulations.
- **457 Deferred Compensation Plan:** The Authority also has a 457 Deferred Compensation Plan. Contribution limits to this plan are subject to IRS regulations. This plan allows an employee to tax defer a portion of his/her earnings. Employee deferrals will be matched by the Authority up to a total of 5% of employee's base annual salary, which excludes overtime, merit pay awards, shift differential premiums, or any other special pay arrangement.
- **Retirement Health Savings Plan:** Upon retirement, all full-time employees are required to participate in the Retirement Health Savings Plan. This tax deferred plan is designed to help you with qualifying medical expenses. At retirement 100% of the employees sick leave cash out balance, and their remaining available vacation leave cash out balance are contributed to the plan and used to cover certain medical and medical related expenses.

The total potential combined contributions for the 401(a) and the 457 plans by the Authority may amount to a maximum of 13% of employee's gross base annual salary as defined above.

Contributions under all plans vest immediately to employee, and are self-directed by employee.

Loans are allowed in the 401(a) Plan. Emergency withdrawals are allowed in the 457 Plan, subject to IRS regulations.

Upon termination of employment, amounts distributed under the 401(a) Plan may be subject to State and Federal penalties. Both plans are subject to State and Federal taxes.

Retiring Authority employees who are also eligible for Social Security may be subject to the Social Security "Windfall Elimination Provision". This provision may reduce employee's Social Security Benefits.

#### **G. Educational Assistance.**

If continuing education will assist an employee in the performance of his/her duties and be of benefit to the Authority, there may be available an offset for employee costs in the form of tuition, enrollment fees, and books up to a maximum of \$1,000 per fiscal year.

The employee must be a regular, full-time employee with at least one (1) year of employment.

To be considered for reimbursement under this policy, employees need to complete the Tuition Reimbursement Request form at least twenty (20) working days before the course start date and submit for approval by employee's immediate Supervisor, Division Manager, with final approval by the Executive or Assistant Executive Director.

Employee will receive notice of approval prior to the course start date. Once the course has been completed, employee will attach to the original form proof that the course has been passed with a grade of "C" or better, and evidence of payment of the tuition costs for employee reimbursement (receipts, cancelled check, credit card statement). Employee will be reimbursed within the normal accounts payable processing.

#### **H. Worker's Compensation.**

The Authority has made the provision that in the event an employee sustains an on-the-job injury involving lost time, employee may be granted up to three (3) days of additional sick leave in a calendar year for the purpose of maintaining a full salary. Should an employee receive any compensation from the insurance carrier for those initial three (3) days, employee shall reimburse the Authority in a like amount.

The Authority, in accordance with California state law, provides insurance coverage for employees in case of work-related injury. The workers' compensation benefits provide injured employees with:

- Medical care.
- Cash benefits, tax free, to replace lost wages.
- Vocational rehabilitation to help injured employees return to suitable employment.

To ensure that an employee receives any workers' compensation benefits to which he/she may be entitled, the employee must:

- Immediately report any work-related injury to employee's supervisor.
- Unless in an emergency situation, seek the assistance of the Human Resources department for medical treatment and follow-up care if required.
- Accurately report to the Authority all time missed from work to attend any and all workers' compensation related appointments.

- Provide the Authority with a certification from employee's physician regarding the need for workers' compensation disability leave and employee's ability to return to work from the leave.

## **XI. WORKPLACE SAFETY AND VIOLENCE PREVENTION**

Every employee is responsible for his/her own safety as well as the safety of others in the workplace. To achieve the goal of maintaining a safe workplace, everyone must be safety conscious at all times. In compliance with California law and to promote the concept of a safe workplace, the Authority maintains an Injury and Illness Prevention Program (IIPP).

### **A. Injury & Illness Prevention Program.**

The Authority greatly values the safety and health of all of its employees and is committed to providing a safe and healthful workplace. This will be accomplished through the establishment, implementation and maintenance of an effective IIPP.

All managers and supervisors are responsible for implementing the IIPP in their departments and for answering worker questions about the IIPP. Employee will be given an IIPP Orientation session within 30 days of his/her first date of employment.

#### **1. Required Safety Equipment.**

Tools or equipment required to meet a job position will be furnished by the Authority. We will also reimburse employee for a portion of the cost of safety boots and prescription safety glasses.

Safety shoe allowance will be provided to employees as per policy. A \$100 reimbursement allowance for prescription safety glasses will be provided. After the first reimbursement, thereafter the reimbursement will be for updating lenses only. All required personal protective equipment will be provided by the Authority.

#### **2. Compliance.**

Management is responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees. Managers and supervisors will enforce the rules fairly and uniformly.

All employees are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe work environment.

The Authority system of ensuring that all employees comply with the rules and maintain a safe work environment include:

- All employees will be annually evaluated on their safety performance.
- Employees who exercise safe and healthful work practices will be recognized on their performance appraisal.

- Employees that do not exercise safe and healthful work practices, will be trained or retrained.
- Any employee that continues not to comply with or ignores safe and healthful work practices will be disciplined. The Authority will not tolerate unsafe acts by its employees. If any employee violates safety and health policies and rules, or otherwise does not perform their job in a safe and healthful manner, they will be subject to appropriate corrective action, up to and including termination.

### 3. **Communication of Safety and Health Information.**

The Authority recognizes that open, two-way communication between management and staff on health and safety issues is essential to an injury-free, productive workplace.

The Authority will provide employees with up-to-date safety and health information that is readily understandable. The information will be presented through.

- New employee orientation;
- During department meetings by the department manager;
- Posters in break rooms;
- Risk control bulletins, flyers, periodicals, etc;
- The Authority's Quality Incentive Committee (QIC).

This information shall include:

- The Authority's safety and health policies;
- The Authority's safety and health rules and regulations; and
- New work procedures.

The Quality Incentive Committee may recommend topics or entire articles for distribution and consideration.

Employees are encouraged to share safety and health ideas, information, and concerns with Authority management. The Authority will give these communications prompt and serious attention. As part of this commitment, the Authority pledges not to discriminate or take any type of corrective action against any employees who express their safety concerns. Employee may submit any concern anonymously if preferred. The Authority shall comply with all CAL-OSHA and other safety and health rules and regulations that apply.

#### 4. **Safety and Healthful Work Practices.**

The Authority recognizes its responsibility to create a safe and healthful workplace for all employees. However, each employee must also share in this responsibility. Specifically, every employee:

- Is responsible for the safe operation of all of the Authority's equipment, tools, machinery, vehicles, or other Authority property in their charge.
- Must not remove or inactivate any established safeguards. Mechanical safeguards must be in place at all times.
- Must immediately report any machine, tool, or equipment malfunctions to employee's manager. Managers shall investigate and take the necessary steps to correct the malfunction as soon as possible.
- Must wear appropriate personal protective equipment when required. This personal protective equipment shall be provided and maintained by the Authority. Failure to wear the required equipment is cause for disciplinary action.
- Shall follow beneficial ergonomic criteria and adjustments.
- Will utilize defensive driving techniques supported by the Authority while driving on the Authority's business.
- Must immediately report all accidents, injuries, exposures, and "close call" incidents, regardless of how small, to their immediate manager.

#### **B. Emergency Evacuation Procedures.**

Should an evacuation announcement be made, please take the following minimum actions:

- Take whatever immediate steps are necessary and feasible to minimize any hazard in leaving the department unattended. Time permitting, shut off heaters, radios, coffee warmers, etc.
- Take personal items with you, i.e., purses and briefcases, time permitting.
- Follow the directions of supervisor. Assemble at the predetermined safe location for an attendance check at the designated location for each location.
- If employee finds them self away from his/her Department at the sound of any alarm, follow the instructions of your supervisor. Do not return to your department after the evacuation process has begun.
- Never use an elevator to evacuate a building.

- Do not re-enter the building until advised to do so by your supervisor.
- Supervisors are responsible for the safety of those in their charge during an emergency evacuation, and they will be the last to leave the building.
- The supervisor located closest to the first aid kit will be responsible for removing the first aid kit and taking it to the assembly area.
- In the event of an earthquake, get under your desk or the nearest table, (staying away from windows if possible) until further notice from your supervisor.
- In the event of a front desk emergency, evacuate through any back exit, proceeding out around the perimeter of the office.
- In the event of a small fire, a conservative approach should be taken when deciding to use a fire extinguisher or calling 9-1-1.

**C. Worker's Compensation Disclaimer Notice.**

The Authority or its insurance carrier may not be liable for the payment of workers' compensation benefits for any injury which arises out of voluntary participation in any off-duty recreational, social or athletic activity which is not a part of any work-related duties.

**D. Return-to-Work Program (RTW).**

In an effort to minimize time-off due to on-the-job and off-the-job injuries and illnesses and to reduce workers' compensation costs (if applicable), the Authority has developed an early Return-to-Work program.

This policy is consistent with the Authority's responsibilities under the Americans with Disabilities Act to provide reasonable accommodations to persons with disabilities.

Employee will be assisted by the Human Resources department for appropriate care and assisting in proper reporting of the injury or illness. If employee is injured on the job, employee must immediately report the injury to his/her supervisor. If employee must remain off work for any period of time over three (3) days due to illness or personal injury, employee must contact the Human Resources department as soon as possible. The Human Resources department and appropriate management staff will assist in arranging work which meets "light duty" restrictions, as needed and as available, to reduce lost time. No employee will be allowed to return to work without first providing the Authority's Return to Work Form within two (2) working days from the anticipated date of return. The Authority management staff will work with the workers' compensation carrier (if applicable) and physicians to assist with the assessment of the employee's ability to return to work. Together we will actively encourage the treating physician to release injured workers to work as soon as possible.



By this joint effort, the Authority will help employee recover at a more rapid rate, gain production for wages paid, minimize wage losses, and reduce workers' compensation costs.

**E. Security.**

The security of the Authority's facilities as well as the welfare of employees requires that every individual be constantly aware of potential security risks. Employees should not discuss the security of the Authority premises or services with any individual not employed by the Authority. Any unknown persons acting in a suspicious manner in or around our facilities should be immediately reported to a supervisor.

Each location is secured with various security equipment, such as electronic keypads for access before and after hours. Employee will be given a confidential code, if required, not to be shared with anyone. Also, please inform a supervisor or the Human Resources department if keys or other devices for accessing the Authority's premises become lost, misplaced or forgotten.

Additionally, neither the Authority nor its insurance carriers take any liability for employee's personal belongings. Employees are encouraged to secure personal belongings to the best of their ability.

**F. Bomb Threats and/or Threatening Calls.**

Should employee receive a threatening phone call, remain calm and try to write down the exact wording of the emergency/threat. Be sure to notify a manager immediately, and if appropriate, phone 9-1-1.

**G. Workplace Violence Prevention Policy.**

The Authority is committed to preventing workplace violence and to maintaining a safe work environment.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to an immediate supervisor or the Human Resources Department. This includes threats by employees, as well as threats by vendors or other members of the public. When reporting a threat of violence, the employee should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor or the Human Resources Department. Employees should not place themselves in peril. For any situation escalating beyond a mere threat, such as actual violence in progress or a threat that is reasonably believed to pose a danger of imminent violence, the first priority is obtaining emergency assistance. Under these circumstances, immediately call the police (dial "9-1-1").

The Authority will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, the Authority may place employees on administrative leave, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

## **XII. Around the Workplace.**

### **A. Telephone Calls.**

The Authority understands that employee may need to speak with his/her family or tend to non-business activities at times, but requests cooperation in keeping personal calls to a reasonable level. See “Personal Use of Cell Phone” section above for additional information.

### **B. Voicemail.**

The phone system is equipped with a very efficient and easy to use voice mail system. Employee should change his/her voice mail message if they are going to be out of the office.

### **C. Solicitation and Distribution.**

Soliciting co-workers when on work time is prohibited, including the use of e-mail. Distribution or posting of pamphlets, leaflets, or any other literature in the Authority departments is prohibited except in the employee break room.

### **D. Valley First Credit Union.**

Employees are eligible to join the Valley First Credit Union. Information is available upon request.

### **E. Break Room.**

The Authority provides an area for employee to use during breaks and at lunch. It is important that employees clean up after themselves.

- Coffee/Tea: These items are available for employee use and convenience.
- Vending Machines: any vending machines are owned by employees.
- Dish Washing: please wash your own food containers, dishes, utensils, cups, etc. This is not the responsibility of your co-workers.

**F. Supplies.**

It is the Authority's intent to provide all supplies needed to do the job. Basic supplies are kept in specific storage areas at each location.

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### **ACKNOWLEDGMENT OF RECEIPT**

I have received my copy of the Authority's Employee Handbook. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the Handbook.

I understand that except for the Authority's at-will employment policy, any and all policies or practices can be changed at any time by the Authority without prior notice to me. The Authority reserves the right to change my hours, wages and working conditions at any time. I understand and agree that other than the Executive Director or Assistant Executive Director, no manager, supervisor or representative of the Authority has authority to enter into any agreement, express or implied, for employment for any specific period of time, or to make any agreement for employment other than at-will.

I understand that the statements contained in this Handbook are guidelines for employees concerning some of the Authority's policies and benefits and that this Handbook is not intended to create any contractual or other legal obligation.

I understand and agree that nothing in the employee Handbook creates or is intended to create a promise or representation of continued employment and that employment at the Authority is employment at-will, meaning that my employment may be terminated at the will of either the Authority or myself. My signature below certifies that I understand that the foregoing agreement on at-will status is the sole and entire agreement between the Authority and myself concerning the duration of my employment and the circumstances under which my employment may be terminated. It supersedes all prior agreements, understandings and representations concerning my employment with the Authority.

I further understand that by signing below I am acknowledging receipt of the Authority's Handbook and my agreement to abide by all policies contained in it.

DATE: \_\_\_\_\_

\_\_\_\_\_  
EMPLOYEE SIGNATURE

Print Name: \_\_\_\_\_

NOTE: A signed copy of this receipt will be retained in employee's personnel file

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