

PERSONNEL MANAGEMENT

Policy 3000.1 Introduction and Applicability

These Personnel Policies, Rules and Regulations (hereinafter referred to as the “Rules”) are applicable to the Chief of Police and all non-sworn employees of the District and the Chief of Police.

None of the information contained in these Rules is intended in any way to create, or shall be construed as creating, an express or implied contract of employment nor does it guarantee any employee continued employment with the District. Employment with the District is “at-will,” which means the District retains the right at any time to terminate any employee from employment with the District for any or no reason and without notice.

In its sole discretion, District management may determine what is in the best interest of the District. The District reserves and retains the rights and responsibilities to administer, manage, direct and control the activities and work forces of the District, including, but not limited to, the right to: reassign and relocate personnel within the District; determine the size and composition of the workforce; terminate employees; and determine the nature and extent of services to be performed and provided. The foregoing rights, together with the right to determine the methods, processes and manner of performing work, are vested exclusively in the District.

No conduct, exception or variation of or from these Rules shall constitute, be deemed to be, or become an amendment, practice, interpretation, modification, repeal or suspension of any of these Rules.

Concurrently with signing a District at-will employment acknowledgement, or following adoption by the Board of these Rules, each employee shall be given a copy of these Rules and shall sign the acknowledgment in Appendix 3000 A. Each employee is responsible for reading these Rules and shall agree to be bound by and comply with these Rules.

In the event of an emergency, any part or all of these Rules may be temporarily suspended by order of the General Manager and such suspension shall remain in effect until the General Manager’s order is withdrawn.

POLICY 3110: Disciplinary Action

3110.1 Prohibited Conduct:

The following conduct is prohibited and will not be tolerated by the District. The types of misconduct identified below are merely examples of conduct that may lead to disciplinary action. They do not constitute a complete list of all types of conduct that can result in disciplinary action, up to and including discharge. Neither this list of prohibited conduct, nor the disciplinary action referenced, below alters the at-will employment relationship.

1. Unlawful harassment.

2. Stealing or removing, without permission, the District property or property of another employee, director, contractor, or member of the public.
3. Engaging in acts of violence or threats of violence toward any employee, director, contractor, or member of the public.
4. Causing, creating, or participating in a disruption of any kind during working hours on District property.
5. Participating in horseplay or practical jokes on agency time or on agency premises.
6. Violating any of the District professional, safety or health rules.
7. Possession or use of alcoholic beverages, or possession or use of illegal drugs, or being under the influence of alcohol or illegal drugs on District premises.
8. Falsification, failure to submit or the intentional destruction or intentional loss of employment records, employment information, or other the District records including but not limited to changes of relationship, child or family assessments,] time sheets or scans, and mileage sheets.
9. Engaging in acts of theft or sabotage of equipment, facilities, the District time, documents or any other District proprietary information or documents.
10. Unauthorized use of the District equipment, time, materials, or facilities.
11. Giving the District's property away free of charge or at a discount to any person or in violation of District's policies.
12. Deliberate destruction or damage to any District property or the property of any other person on District property.
13. Bringing or possessing firearms, weapons, or any other hazardous or dangerous devices on the District property except for the Chief of Police.
14. Neglect or carelessness that results in damage or destruction of customer or the District property or endangers the life or health of any person.
15. Breach of confidentiality
16. Pleading guilty to or being convicted of a crime that indicates the employee is unfit for the job or poses a threat to the safety or well-being of the District or any person.
17. Failure to observe OSHA or Cal OSHA regulations.
18. Any deliberate action that is harmful to any person or the District and/or is detrimental to the District's efforts to operate effectively.
19. Insubordination, including, but not limited to, failure or refusal to obey the instructions of a supervisor or the use of abusive or threatening language or behavior toward a supervisor.

20. Violations of any nondisclosure (secrecy) agreement or failure to maintain the confidentiality of the District's proprietary or confidential information.
21. Unsafe handling of equipment and/or hazardous materials/chemicals.
22. Unsatisfactory job performance.
23. Smoking, including the use any electronic smoking devices (e.g., e-cigarettes), in restricted areas or where "No Smoking" signs are posted. All District facilities are nonsmoking, including parking lots and outdoor areas that are part of the facility.
24. Failure to comply with observe working schedules, including lunch and break periods.
25. Any action that involves unsafe conduct.
26. Reporting working time, mileage, expense reports or other documents inaccurately.
27. Working unauthorized overtime or refusing to work assigned overtime.
28. Repeated tardiness.
29. Unreported absence of three (3) consecutive scheduled workdays.
30. Failure to obtain permission to leave work for any reason during normal working hours.
31. Failure to notify supervisor or other appropriate staff when unable to report to work.
32. Sleeping on the job.
33. Inappropriate appearance or grooming as defined by District in memos, procedures or other communication.
34. Failure to promptly report to a supervisor the loss of or known malfunctioning of keys, tools, vehicles, identification badges, credit cards, or equipment, electrical or mechanical.
35. Convictions for serious traffic violations or driving under the influence of alcohol or drugs while performing the District business and/or in a District vehicle.
36. Reckless or negligent use of and/or damage to a District vehicle.
37. Failure to provide a physician's certificate when requested or required to do so.
38. Committing a fraudulent act or a breach of trust under any circumstances.
39. Engaging in any conduct that is not in the best interest of the District.]
40. Unauthorized access to personnel files.
41. Unauthorized copying or distribution of confidential documents to anyone or any organization without the advance approval of the General Manager.
42. Unauthorized representation by an employee of the District's position on any matter.]

Note: With at-will employment, either the employee or the District can terminate the employment relationship without any cause, without any reason or notice, and in the absence of employee misconduct.

3110.2 Discipline:

If a supervisor or the General Manager is concerned about an employee's job performance, or if the employee is not meeting job expectations, the supervisor may take further action to communicate this concern. Appropriate discipline for performance is not considered harassment.

POLICY 3120: Employment Status

3120.1 At-will Employment:

Employment by the District is at-will, meaning that either the District or the employee may terminate the employment relationship at any time for any lawful reason. No District employee has any authority to make any agreement or representation contrary to District's policy of at-will employment, except that the Board or the General Manager may occasionally enter into severance agreements in the business interest of District and in accordance with the law.

As a condition of employment, each employee must execute an At-Will Employment Agreement prior to beginning employment with the District. Employees may be required to re-sign the acknowledgement in Appendix 3000 A at other points during employment with District, for example, when these Rules are updated.

3120.2 Regular Employees:

3120.2.1 Full-Time Employees

Regular full-time employees are those whose normal workweek is at least forty (40) hours per week. Full-time employees may be paid on an hourly basis or a salaried basis at the District's discretion. Full-time employees are eligible for all District-sponsored benefits on the first day of the first full month following the date of hire.

3120.2.2 Part-Time Employees

Regular part-time employees are those whose normal workweek is fewer than forty (40) hours per week

3120.3 Temporary Employees:

Temporary employees are those whose services are intended to be of limited duration. Temporary employees may be full-time or part-time. An employee's status will not change from temporary to regular unless the employee is advised of such a change in writing by the General Manager (or designee). Temporary employees are not eligible for any District-sponsored benefits except as set forth in these Rules and to the extent mandated by state and federal law.

3120.4 Exempt & Non-Exempt Employment Status:

3120.4.1 Exempt Employees

Exempt employees are those employees, including executive, professional, and administrative employees, who are excluded (or “exempt”) from the overtime provisions of federal and state wage and hour law and are therefore not entitled to overtime pay.

3120.4.2 Non-Exempt Employees

Nonexempt employees are those employees who are covered by the overtime provisions of federal and state wage and hour law and are entitled to overtime pay in accordance with Section 3150.5 (Overtime).

3120.4.3 Designation of Confidential Employees

The General Manager may designate any Regular Employee as a “Confidential Employee.” Confidential Employees can access personnel files (except those of sworn personnel) and have limited access to attorney-client privileged documents with the prior authorization and approval of the General Manager.

POLICY 3130: Equal Employment Opportunity

The District affords equal employment opportunity to all qualified employees and applicants as to all terms and conditions of employment, including compensation, hiring, training, promotion, transfer, discipline and termination.

3130.1 Policy Against Discrimination, Harassment, and Retaliation:

3130.1.1 Purpose

The purpose of this policy is to establish a strong commitment to prohibiting harassment, discrimination, and retaliation in employment; to define discrimination, harassment, and retaliation; and to set forth a procedure for investigating and resolving such complaints.

The District is committed to providing a work environment that is free of discrimination and harassment. In keeping with this policy, the District strictly prohibits discrimination and harassment of any kind, including discrimination and harassment on the basis of race, color, religion, sexual orientation, sex (including harassment and discrimination based on pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, citizenship, national origin, ancestry, age (40 or older), physical disability, mental disability, medical condition as defined by California law), genetic information, marital status, military and veteran status, political activity or affiliation, taking or requesting statutorily protected leave, or any other characteristics protected under federal, state, or local laws.

The law prohibits any District employee, supervisor or manager, intern, or volunteer, with whom the employee comes into contact, from engaging in unlawful discriminatory, harassing, or retaliatory conduct.

As a condition of employment, each employee must execute an acknowledgment and agreement regarding the District's policy prohibiting discrimination, harassment and retaliation form as found in Appendix 3000 B.

3130.1.2 Discrimination:

3130.1.2.1 Policy Against Discrimination

The District prohibits and will not tolerate discrimination on the basis of race, color, religion, sexual orientation, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, citizenship, national origin, ancestry, age (40 or older), physical disability, mental disability, medical condition (as defined by California law), genetic information, marital status, military and veteran status, political activity or affiliation, taking or requesting statutorily protected leave, or any other basis protected by federal, state or local law ("Protected Status"). Violations of this policy may result in disciplinary action, up to and including termination of employment.

3130.1.2.2 Definition of Discrimination

Discriminatory actions may include treating a person differently or subjecting a person to different treatment due to a person's actual or perceived Protected Status in a way that adversely affects the person's employment. Such treatment may include but is not limited to: refusing to hire or employ a person; discharging a person from employment; refusing to select for or discharging a person from a training program leading to employment; or treating a person differently in compensation or with regard to other terms, conditions, or privileges of employment.

3130.1.3 Harassment:

3130.1.3.1 Policy Against Harassment

The District prohibits and will not tolerate harassment on the basis of race, color, religion, sexual orientation, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, citizenship, national origin, ancestry, age (40 or older), physical disability, mental disability, medical condition (as defined by California law), genetic information, marital status, military and veteran status, political activity or affiliation, taking or requesting statutorily protected leave, or any other basis protected by federal, state or local law ("Protected Status").

The District prohibits any and all conduct that may reasonably be interpreted as harassment as defined below, whether or not such conduct is severe or pervasive enough to meet the legal definition of harassment. Violations of this policy may result in disciplinary action, up to and including termination of employment.

3130.1.3.2 Types of Harassment

Harassment may include:

- Verbal harassment – such as jokes, epithets, slurs, negative stereotyping, and unwelcome remarks about an individual’s body, color, physical characteristics, or appearance, questions about a person’s sexual practices, or gossiping about sexual relations;
- Physical harassment – such as physical interference with normal work, impeding or blocking movement, assault, unwelcome physical contact, leering at a person’s body, and threatening, intimidating, or hostile acts that relate to a Protected Status;
- Visual harassment – such as offensive or obscene photographs, calendars, posters, cards, cartoons, e-mails, drawings, and gestures, display of sexually suggestive or lewd objects, unwelcome notes or letters, and any other written or graphic material that denigrates or shows hostility or aversion toward an individual, because of a Protected Status, that is placed or displayed on walls, bulletin boards, computers or elsewhere on the employer’s premises or circulated in the workplace.

3130.1.3.3 Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other visual, verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of behaviors and may involve individuals of the same or different gender. Sexually harassing conduct need not be motivated by sexual desire and may include nonsexual conduct motivated by the harasser’s hostility toward the victim’s gender, or toward the victim’s nonconformity with gender stereotypes.

Examples of sexual harassment may include, but are not limited to:

- Physical conduct including unwelcome touching, intentionally blocking normal movement, pinching, patting, or coerced sexual conduct;
- Verbal conduct including making derogatory comments, sexually explicit jokes, slurs, sexual innuendo and insults, or comments about an individual’s body or dress;
- Visual conduct including leering or displaying sexually oriented posters, photography, cartoons, drawings, emails, or gestures;
- Offering employment benefits in exchange for sexual favors; and
- Taking or threatening reprisals after a negative response to sexual advances.

3130.1.3.4 Harassment Based on Other Protected Status

Harassment on the basis of other Protected Status is also prohibited. Such harassment includes physical, verbal, and visual conduct when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

3130.1.4 Retaliation:

3130.1.4.1 Policy Against Retaliation

The District prohibits employees and officers from taking any Adverse Action (as that term is defined below) against an employee because he/she in good faith engaged in a Protected Activity (as that term is defined below).

Retaliation is strictly prohibited, and complaints of retaliation will be promptly and thoroughly investigated in accordance with the District's investigation procedures. Violations of this policy may result in disciplinary action, up to and including termination of employment.

3130.1.4.2 Definition of Protected Activity

"Protected Activity" may include, but is not limited to, any of the following:

- Reporting any incidents of harassment or discrimination, or perceived harassment or discrimination;
- Participating in any investigation relating to a complaint of harassment or discrimination;
- Filing a complaint with a federal or state agency;
- Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the District regarding alleged unlawful activity;
- Testifying as a party or witness regarding alleged unlawful activity;
- Associating with another employee who is engaged in a Protected Activity;
- Making or filing a complaint regarding alleged unlawful activity;
- Calling a governmental agency's "Whistleblower hotline" and
- Reporting suspected fraud, in good faith

3130.1.4.3 Definition of Adverse Action

"Adverse Action" may include, but is not limited to, any of the following:

- Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged wrongdoing;
- Refusing to hire an individual because of Protected Activity;
- Denying promotion to an individual because of Protected Activity;

- Taking any form of disciplinary action because of Protected Activity;
- Altering work schedules or work assignments because of Protected Activity.

3130.2 Complaint Process:

3130.2.1 Reporting a Complaint

The District encourages the reporting of all incidents of prohibited harassment, discrimination, or retaliation, regardless of the identity of the offender. If you believe you have been subject to harassment, discrimination, or retaliation by a District employee, supervisor, manager, or a third party, or have been denied an equal employment opportunity, you must bring the matter to the attention of the General Manager or General Counsel as soon as possible. If, for any reason, you do not feel comfortable discussing the matter with the General Manager, you should bring the matter to the attention of the General Counsel. Reports must be made promptly so that any concerns can be investigated and addressed appropriately.

Any District employee with supervisory responsibilities who has knowledge that an employee, other supervisor, manager, intern, volunteer, or other person has been subject to conduct in violation of District policy prohibiting discrimination, harassment, and retaliation should immediately inform the General Manager so that prompt action can be taken to resolve the matter.

3130.2.2 Investigation

Complaints will go through a two-stage process. Initially, the General Manager, in consultation with the General Counsel, will complete an informal review of the merits of the complaint to determine future steps, if any. If the complaint involves the General Manager, the General Counsel will make the determination in consultation with the Board President. If the complaint involves the General Counsel, the General Manager will make the determination in consultation with the Board President. Baseless and frivolous complaints will not be further processed. Those complaints requiring further processing will be investigated. These complaints will be promptly and thoroughly investigated by an impartial and qualified person in a confidential manner, to the extent possible, appropriate and allowable under the circumstances and by law. As appropriate, informal reviews and investigations will include documentation and proper tracking to ensure reasonable progress and provide all parties appropriate due process and reach reasonable conclusions based on the evidence collected. Every employee who brings forth a complaint is entitled to a timely response and a timely closure.

All employees and supervisors have a duty to cooperate in the investigation of alleged harassment, discrimination or retaliation. Failing to cooperate or deliberately providing false information during an investigation shall be grounds for disciplinary action, up to and including termination of employment.

3130.2.3 Remedial Action

At the conclusion of the investigation, if it is determined that a violation of policy has occurred, the District will take effective remedial action commensurate with the severity of the offense. This action may include disciplinary action against the accused party, up to and including termination. Steps will be taken, as reasonable and necessary, to prevent any further violations of policy.

In addition to District's internal complaint procedure, employees should also be aware that the federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate and prosecute complaints of harassment, discrimination, and retaliation in employment.

Information about the EEOC complaint procedure can be found on its website (www.eeoc.gov). You may also contact the EEOC may be contacted at:

1-800-669-4000 (English)

1-800-669-6820 (TTY)

Information about the DFEH can be found on its website (www.dfeh.ca.gov). You may also contact the DFEH at the following numbers if you are calling within California:

1-800-884-1684 (English)

1-800-700-2320 (TTY)

This policy can be modified unilaterally by the District at any time without notice. Modification may be necessary to maintain compliance with local, state, and federal laws and/or accommodate organizational changes within the District.

POLICY 3140: Grievance Policy

A grievance is defined as any complaint about the application of District [policies and procedures]. At some time, current employees may have a complaint about their job, their working conditions, or the treatment they are receiving. Current employees' good-faith complaints are of concern to the District. When a current employee has a job-related concern or complaint, the District encourages them to take the following steps:

- Step 1: Within a week of the events that gave rise to the grievance, bring the situation to the attention of your direct supervisor who will then investigate, as necessary, and provide a resolution or explanation. The District emphasizes that an employee is not required to bring their grievance first to their direct supervisor if the grievance is against the supervisor. The employee may then take their grievance directly to the General Manager (or designee). A supervisor cannot investigate a grievance brought to him/her by his/her staff if the complaint is directed at an employee who is the equivalent or higher in terms of position to the supervisor. All such grievance must be directed to the General Manager (or designee). If the complaint is not addressed to your satisfaction then proceed to Step 2.

Step 2: If the problem persists, you may submit a written request to the General Counsel within ten (10) business days of the outcome of the initial investigation, which will then investigate, as necessary, and provide a resolution or explanation. It is recommended that you bring the matter to the District General Counsel as soon as possible after you believe that your immediate supervisor and/or the General Manager has failed to resolve the matter.

This procedure, which we believe is important for both you and District, may not necessarily result in every problem being resolved to your satisfaction.

If the grievance is against the General Counsel, it should be submitted to the General Manager. If it involves the General Manager, the employee may submit the complaint with the General Counsel. In either event, the receiving party will consult with the Board President.

Nothing contained herein affords, or is intended to afford, a terminated employee any right to appeal his or her discharge or to receive a hearing in connection with a discharge. Moreover, nothing in this Grievance Policy eliminates or modifies employees' at-will status.

POLICY 3150: Work Hours and Compensation

3150.1 Punctuality and Attendance

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 required to leave on authorized District business. Late arrival, early departure, or other absences from scheduled hours are disruptive and must be avoided whenever possible. Abuse of late arrival, early departure or other unscheduled absences is grounds for disciplinary action, up to and including termination.

If you know in advance that you are going to be absent, you must schedule the absence with your supervisor at least one (1) week in advance.

If you are unable to report for work on any particular day, you must call and speak directly with a supervisor at least one (1) hour before the time you are scheduled to begin working for that day. If you call less than one (1) hour before your scheduled time to begin work, you will be considered tardy for that day.

If you are absent for three (3) consecutive scheduled workdays without contacting your supervisor, you will be considered to have voluntarily terminated your employment as provided in Section 9.3 (Job Abandonment).

Excessive absences, abuse of the District's sick leave policy, failure to report absences on time, and excessive tardiness may lead to discipline, up to and including termination. Absences are excessive if they occur frequently, or if they show a pattern. Tardiness is excessive if you are frequently or unnecessarily late, or if you demonstrate a pattern of tardiness.

3150.2 Work Hours

The District's administrative office is normally open for business between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday. These hours can change depending on staff availability and work priorities. Public accessibility is an important service of the District. These hours can be altered depending on the volume of public inquires and public needs. Additionally, some services are scheduled around the needs of District's clients and may fall outside the above listed hours. The General Manager (or designee) will assign your individual work schedule and/or satellite office hours. Your hours are subject to change according to District's needs.

3150.3 Breaks:

3150.3.1 Meal Period

Nonexempt employees scheduled to work more than five (5) hours are entitled and must take an unpaid, off-duty meal period of at least thirty (30) minutes. This meal period should be taken prior to the end of the fifth hour of work. A second meal period is required after ten hours of work.

If an employee is unable to take his/her meal break or take it in a timely manner, the employee must notify his/her supervisor before or at the time the employee is unable to take the meal break. The failure to take off-duty meal periods or to follow this notification requirement is a violation of policy. If an employee does not take a full meal break, or fails to take it in a timely manner, and fails to notify his/her supervisor, it will be presumed that the employee voluntarily waived the meal break.

Finally, if the employee works between five and six hours, the meal period can be waived by written mutual consent in accordance with applicable law.

3150.3.2 Rest Period

Nonexempt employees must take a ten (10) minute paid rest period for every four hours of work or major portion thereof. All 10-minute breaks must be taken on District premises. Employees are entitled to these breaks as a matter of law and cannot be required to work through these breaks. If at any time you feel that you are being coerced into working through your breaks, you should immediately bring your concern to the General Manager or General Counsel.

3150.3.3 Lactation Accommodation

District will provide all employees who wish to express breast milk at work with a reasonable amount of break time. The break time will be required to run concurrently, if possible, with any paid break time already provided. Unless it runs concurrently with paid break time, break time for expressing milk is unpaid.

District will provide all employees desiring to express breast milk at work with reasonable accommodations. The employee will be provided with use of a room, or other location, other than a toilet stall, in close proximity to the employee's work area. The employee's normal work area may be used if it allows the employee to express milk in private.

3150.4 Timekeeping Requirements

All employees (exempt and nonexempt) are required to record their hours worked in a manner determined and approved by the District. Hourly employees must document the beginning and end of their shifts and time taken for meal breaks. Ten-minute breaks need not be documented.

All employees must prepare a time sheet for each pay period. Time sheets must be submitted to your supervisor for approval by the deadline specified on the time sheet. Part-time or temporary employees must submit time sheets to their supervisor according to the schedule assigned to them. Failure to document your time with a time sheet that also matches travel, calendar and other materials is considered insubordination. A time sheet is a legal document and must be completed accurately and should not be tampered with. Completing the time sheet of a fellow employee or falsifying your own time sheet is dishonest and may lead to discipline, up to and including termination.

3150.5 Overtime

Non-exempt employees are entitled to receive overtime pay at the rate of one and one-half (1 ½) times the employee's regular rate for actual time worked in excess of forty (40) hours per workweek. An employee must obtain advance written permission from his or her supervisor to work overtime, except in the case of an emergency. Working overtime without permission is grounds for discipline, up to and including termination. The District provides compensation for all overtime hours worked by nonexempt employees in accordance with state and federal law.

3150.6 Payment of Wages:

3150.6.1 Pay Periods and Payday

There are two pay periods per month. Employees are paid on the fifteenth (15th) day and last day of the month for work performed during the previous pay period. If a regular payday falls on a holiday, employees will be paid on the preceding workday. The District does not permit advances against paychecks or against non-accrued vacation. The District highly encourages all employees to participate in the direct deposit of pay into their checking accounts.

3150.6.2 Payroll Deductions

Federal and state laws require that the District withhold a portion of employees' wages for state and federal income taxes, Social Security and Medicare, and California State Disability Insurance. Employees wishing to change their number of claimed exemptions or their marital status for tax purposes should contact the General Manager (or designee). The District will take other deductions from your wages as required by law.

3150.6.3 Paid Family Leave Insurance and Wage Replacement

The State of California provides several wage replacement insurance programs for employees who have a wage loss due to a statutory or approved leave of absence. For more information, contact the General Manager (or designee) or Section 3210.

POLICY 3160: Performance Evaluations, Personnel Records

3160.1 Performance Evaluations

To the extent possible, employees will receive periodic performance reviews. Generally, a new employee will receive a mid-introductory informal performance review after the first three (3) months of employment followed by a performance review after the first six (6) of employment. After that, the reviews will be conducted approximately every twelve (12) months, on or about the performance evaluation date for the District. However, the frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems.

Performance evaluations may include factors such as the quality and quantity of the work performed, knowledge of the job, initiative, work attitude, review of past goals, measurable performance objectives, job description duties and relationships with internal and external stakeholders. The performance evaluation should create awareness of progress and areas for improvement. After the review, each employee will be required to sign the evaluation report to acknowledge that it has been presented and discussed with the employee's supervisor and that the employee is aware of its contents.

A good performance evaluation does not guarantee a pay raise, because pay increases may not occur every year, nor is it a promise of continued employment. Employment at the District is expressly at the will of the employee and the District. Either the employee or the District may terminate the employment relationship with or without cause and with or without notice at any time. Nothing in the performance evaluation alters an employee's at-will employment.

3160.2 Personnel Records

Employees have the right to inspect and receive a copy of their personnel files and records that relate to the employee's performance or to any grievance concerning the employee, at reasonable times and at reasonable intervals, but no later than 30 calendar days from the date the District receives a written request. Employees also have the right to inspect and/or copy their own payroll records; the District shall comply with reasonable requests for inspection and/or copying as soon as practicable, but no later than 21 calendar days from the request.

The employee should contact the General Manager (or designee) to set up an appointment if you wish to see or copy certain papers in his/her personnel file. The review of your file must be done in the District's main office with employee supervision.

To ensure that the files are kept up to date, employees should inform their supervisors of any personnel changes such as changes to address, phone number, marital status, or in the number of dependents.

Although the District makes reasonable efforts to protect the privacy of personally identifiable information (such as the addresses and telephone numbers of current and former employees), the District at times may be required to produce such personally identifiable information to third parties pursuant to, and in accordance with, directions from legal authorities.

3160.3 Employee References

All requests for references must be directed to the General Manager (or designee). The District's policy as to references for employees who have left the District is to disclose only the dates of employment and the title of the last position held. No other information will be provided.

POLICY 3170: Hiring, Transfer, Resignation, Job Abandonment, Layoff

3170.1 District Hiring

The existing District positions and position descriptions may be abolished or amended by the Board. In addition, new positions and position descriptions may only be added or amended by the Board.

3170.1.1 New Positions and Vacancies

New positions, as approved by the Board, and vacancies of existing positions may be filled by reinstatement, transfer, demotion, or as deemed appropriate within the discretion of the General Manager based on the best interest of the District.

In case of emergencies or otherwise to protect the District's interests, the General Manager may appoint, on a temporary basis, any person available and qualified to assist with the emergency situation. Emergency appointments may be terminated as soon as the emergency situation is alleviated.

3170.1.2 Recruitment & Hiring Process

It is the District's desire to recruit the best qualified applicants for District positions. The District will make efforts to promote qualified persons already employed by the District and will endeavor to give reasonable notice to all of its employees concerning the District's employment opportunities.

Each candidate for District employment shall complete all application forms required by the District. An applicant's failure to provide complete and accurate information on all application materials shall result in immediate disqualification in the application process and may result in dismissal from employment. Once submitted to the District, applications shall not be returned.

Applications must be received, or USPS postmarked on or before the filing deadline stated in the job announcement. Applications received, postmarked after the deadline, or sent with franking meter postage will be disqualified.

As part of the pre-employment procedure, applicants may be required to supply references, and submit to a thorough background check by the District. In addition, all employees must be physically and mentally capable of performing the essential functions of their jobs with or without reasonable accommodation.

The District shall have the right to conduct a complete and exhaustive background investigation on all applicants seeking employment, including, but not limited to a financial, DMV, and criminal background check, where applicable, and a medical and/or psychological examination

by District-retained medical practitioners, where deemed appropriate by the District. However, any medical or psychological examination shall be conducted only after a conditional job offer has been made, in accordance with applicable law.

Disqualification or Rejection of Application. The District may reject any application. No applicant has the right to grieve or appeal any such actions by the District.

The District, at its discretion, may screen applications and invite only those applicants who best meet the District's needs and requirements to test further in the process. There is no obligation to interview or test all applicants.

Selection and Examination/Assessment Process. All hiring, including promotions, shall be made according to merit and fitness. The District may utilize any objective method to determine the qualifications of applicants, including without limitation, written tests, physical agility tests, oral examinations, panel interviews, assessment centers and oral interviews.

The General Manager is the only District employee authorized to hire any District employee. All candidates recommended for a position are to be interviewed by the General Manager prior to being offered employment. This includes full-time, part-time, extra-help, temporary, and promotional appointments.

The types of positions in District employment shall be Temporary, Regular, Extra-help and Emergency. Employees in each class shall be subject to the conditions and limitations set forth in these Rules.

3170.1.3 Verification of Identity and Right to Work

In compliance with federal law, all persons hired will be required to verify identity and eligibility to work in the United States and to complete the required employment eligibility verification document form upon hire.

3170.1.4 Employee Clearance

If the District is notified by a government agency that an employee has engaged in an activity that causes him or her to lose employment eligibility, that employee will immediately be placed on an unpaid suspension from employment until he or she receives a clearance or exemption from the California Department of Justice. Offers of employment may be conditioned upon verification of necessary licensing and clearances.

3170.1.5 Promotions

When deemed appropriate by the General Manager, vacancies may be filled by promotion of employees. Such promotion shall be based on a competitive selection process, taking into consideration of the employees' performance evaluations and past District service, and any other reasonable assessment criteria as determined by the General Manager or designee.

The promotion of an employee from one position to another having a higher pay range shall take place only upon by approval by the General Manager. Such promotion shall be based upon a judgment of qualifications for the position.

3170.2 Employee Transfer Policy

Employees who would like to request a location transfer must contact their direct supervisor or the General Manager. The District also reserves the right to transfer employees to another location for any reason, at any time.

3170.3 Resignation

Employees may voluntarily resign their employment at any time by notifying their supervisor or the General Manager in writing. The District requests (but does not require) that employees provide two weeks' advance notice of resignation. All District-owned property (vehicles, keys, uniforms, identification badges, credit cards, etc.) must be returned immediately upon separation from employment.

3170.4 Job Abandonment

An employee who fails to report to work for three (3) consecutively scheduled workdays without notice to or approval by his/her supervisor will be considered to have voluntarily terminated employment with the District unless the employee can show reasonable cause for the absence that is in accordance with state and federal law. All District-owned property (vehicles, keys, uniforms, identification badges, credit cards, etc.) must be returned immediately upon termination of employment.

3170.5 Layoff

From time to time, the District may need to lay off staff due to cuts in funding, to achieve better utilization of agency resources, or to address changes in programs, mission, philosophy, or any other business changes. Layoffs do not provide priority for other open positions, nor are layoffs required to be conducted by seniority or any other factor. Layoffs can be based on any business reason that is not prohibited by law.

POLICY 3180: Miscellaneous Policies

3180.1 Appearance and Dress

Employees are required to use their common sense and good judgment with regard to their dress and appearance and are expected to project a professional image. Employees must dress in a manner that is consistent with their responsibilities. Attention should be paid to safety, District's image, customer interaction, and District's anti-harassment policy. If there are any questions as to what constitutes proper attire within a given department, the supervisor or General Manager should be consulted. In order to properly present the professionalism of the District, all employees must observe good habits of grooming and personal hygiene.

Clothing or jewelry must not be worn if it communicates a message that is harassing or against the District's business interest. Tattoos and any piercing that is not on the head must be covered at all times.

3180.2 Outside Employment

While employed by the District, employees are expected to devote their full attention and energy to their jobs with the District. For this reason, second jobs are discouraged. The following types of outside employment are strictly prohibited:

1. Employment that conflicts with an employee's work schedule, duties and responsibilities;
2. Employment that creates a conflict of interest or is incompatible with the employee's employment with the District;
3. Employment that interferes with the protection of the District's proprietary or confidential information;
4. Employment that impairs or has a detrimental effect on the employee's work performance with the District;
5. Employment that requires the employee to conduct work or related activities for outside employment on the District's property during the employee's working hours or using the District's facilities and/or equipment in relation to the employee's outside employment; and
6. Employment that directly or indirectly competes with the business or the interests of the District.

Employees who wish to engage in outside employment must submit a written request to the General Manager explaining the details of the outside employment. If the outside employment is authorized, the District assumes no responsibility for the outside employment. No work related to an employee's outside employment may be performed during District time, with District property or equipment, or on District premises. The District shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of outside employment. Authorization to engage in outside employment can be revoked at any time.

3180.3 Telecommuting

Telecommuting may be allowed if it is in the best interest of the District. Telecommuting is at the discretion of the supervisor and requires the approval of the General Manager.

3180.4 Travel:

3180.4.1 Authorization

All travel outside of areas in which the District provides services must be authorized in advance by the General Manager and must be supported by properly approved invoices and receipts covering both travel and per diem expenses. The District shall reimburse all pre-approved travel costs including lodging, private vehicle (as noted below), taxi or similar service, shuttle, and bus,

train, and/or air fare. All other expenses, including meals and incidental expenses will be reimbursed at the per diem rate of \$75/day (full day) or prorated for a partial day (\$15 breakfast, \$22 lunch, \$38 dinner) adjusted annually with the Consumer Price Index for San Francisco-Oakland-San Jose unless the conference sponsor provides meals in which case only actual reasonable expenses will be reimbursed. All reasonable effort should be made to reserve lodging at conference rates or find comparable rooms at nearby locations. All reimbursements shall be made in accordance with applicable State and federal law, including but not limited to Internal Revenue Service Guidelines.

3180.4.2 Driving Requirements

Employees whose driving records are not approved by either the District's insurance company are prohibited from driving on District's behalf and receiving mileage reimbursement.

3180.4.3 Reimbursement

The District will only reimburse costs incurred for travel in accordance with either District policy or the Internal Revenue Service, whichever is less. Mileage costs for use of privately owned automobiles used for authorized District business shall be reimbursed at a set rate except where District contracts require a lower limitation.

3180.5 Gifts

No employee may accept or extend a gift or gratuity valued in excess of \$50.00 from or to any customer, vendor, supplier, or other person doing business with the District. Please discuss expenses paid or extended to such persons for business meals or trips with the General Manager in advance. In no event may a gift, gratuity, or expense payment influence (or appear to influence) a business decision, transaction, or service.

3180.6 Employment of Relatives

Relatives of employees may be eligible for employment with the District only if the individuals involved do not work in a direct managerial relationship or in job positions in which a conflict of interest could arise. "Relatives" is defined to include spouses, registered domestic partners, children, siblings, parents, in-laws, and step-relatives. Current employees who marry or register as domestic partners will be permitted to continue working in the position held only if they do not work in positions as noted above. If employees who marry or register as domestic partners do work in a direct supervisory relationship with one another, the District will attempt to reassign one of the employees to another position for which he or she is qualified, provided such a position is available. If no such position is available, then one of the employees will be required to leave the District. The decision as to which individual will leave District is left solely to the two employees. The General Manager or his/her designee may prohibit all employment of relatives if it is in the best interest of the agency.

3180.7 Employer Property

All District property must be maintained according to District rules and regulations. The District reserves the right to inspect all District property or premises to ensure compliance with its rules and regulations.

Prior authorization must be obtained from the General Manager before any District property may be removed from the premises. In order to ensure compliance with District rules and regulations, employees may be asked to cooperate in inspections of their work areas and/or personal property, including but not limited to lockers, packages, purses, backpacks and other personal property brought onto District premises. Inspections may be conducted at District's discretion. Employees refusing to cooperate in such inspections may be subject to discipline.

3180.8 Off-Duty Use of Facilities

Employees are expressly prohibited from being in District's facilities while off duty and from using District facilities or District equipment for personal use and/or while off duty without prior authorization from the General Manager or his/her designee. Past employees are prohibited from entering District offices unless provided permission by the General Manager or his/her designee.

3180.9 Outside Activities

The District employees are prohibited from selling products for profit or gain on District property during the District's business hours. Fundraising activities are permitted, and materials can be left in an open area for employees, so they can choose whether they want to participate. Employees seeking fundraising may not directly approach any employee with pressure to purchase a fundraising item, except if the fundraising is on behalf of the District. Under no circumstances will non-employees be permitted to solicit or to distribute written material for any purpose on District property.

Employees' personal advocacy and political activities must be done on their own time and not on District property. No political contributions to candidates for public office may be reimbursed by the District. The District will not discriminate against employees based on their lawful political activity engaged in outside of work. Any employee with any question as to the application of these rules should consult with his or her supervisor or General Manager immediately.

POLICY 3190: Internet, E-Mail and Electronic Communications

3190.1 Telephone and Device Use Policy

Excessive use of personal phones while at work and excessive use of the District's phone for personal use disrupts the work of other employees and limits employees' ability to complete District business. As such, employees should limit personal telephone communication, email, texting or other usage during work hours to emergency and/or brief communications.

The District is committed to keeping its employees safe at all times while on District business. Employees are required to comply with all state and local laws regarding the use of wireless phones while driving, including applicable laws prohibiting text messaging while driving. All employees must use a hands-free device while driving. Whenever possible, employees should

not make or receive telephone calls while driving, and employees may not send work-related email messages or text messages while driving. Under no circumstances should employees use wireless phones during adverse weather or difficult traffic conditions. Under no circumstances is an employee required to answer the phone to conduct District business while driving. Any employee who violates this policy will be considered to be operating outside the course and scope of their employment. The District takes its phone and device use policy seriously. Any violations of this policy will subject employees to disciplinary action, up to and including termination of employment.

3190.2 Technology Systems

The District provides an e-mail system, voicemail system, access to the Internet, and other technology systems to assist employees in conducting the District business. All information, data, and messages created, received, sent, or stored in these systems are, at all times, the property of the District. During working time (which does not include meal and rest breaks), the foregoing systems are to be used solely for business-related purposes and employees have no reasonable expectation of privacy in such systems. All existing District policies apply to employee conduct on the Internet and use of all technology systems, including, but not limited to, District policies regarding intellectual property, misuse of District property, discrimination, harassment, sexual harassment, information and data security, and confidentiality.

3190.2.1 Prohibited Uses of Technology Systems

The District does not allow these systems to be used in creating, receiving, sending, or storing data that may reasonably be considered to be offensive, defamatory, obscene, discriminatory or harassing. Such data includes, but is not limited to, sexual images and comments, racial and gender-based slurs, or anything that would reasonably be expected to offend someone based on their disability, age, gender, religion, marital status, sexual orientation, national origin, culture, or any other status protected by law. Any such use would violate this policy and may also violate the District's policy against harassment. In particular, the display of any kind of sexually explicit image or document on any District system is a violation of the District's policy on sexual harassment. Employees who are aware of the misuse of these systems by other employees shall report the misuse to a supervisor or to the General Manager (or designee) immediately.

Unauthorized use of District information, emails, District intellectual or other property is prohibited for current and former employees. Nothing in this policy is intended to limit or will be applied in a manner that limits employees' rights to engage in protected concerted activity as prescribed by the National Labor Relations Act.

Please refer to the District's Electronic Resources Policy for additional guidance.

3190.2.2 Monitoring and Recording of Technology

All employees should be aware that the District has software and systems in place that are capable of monitoring and recording all network traffic to and from any computer employees may use. The District reserves the right to access, review, copy, and delete any of the unauthorized software, copyrighted material, information, data, or messages accessed through

these systems with or without notice to the employee and/or in the employee's absence. This includes, but is not limited to, all email messages sent or received, all website visits, all chat sessions, all news group activity (including groups visited, messages read, and employee postings), and all file transfers into and out of the District's internal networks. The District further reserves the right to retrieve previously deleted messages from email or voicemail and monitor usage of the Internet, including websites visited and any information employees have downloaded. In addition, the District may review Internet and technology systems activity and analyze usage patterns and may choose to publicize this data to assure that technology systems are devoted to legitimate business purposes. Accordingly, no employee should have any expectation of privacy as to his or her Internet or technology systems usage and should not use these systems for information they wish to keep private.

The District reserves the right to inspect, without notice to the employee, any and all files stored in all areas of the District's network, including those files assigned to individual employees, and those stored on any District computer, or storage device, or any storage device connected to a District computer in order to assure compliance with this and other District policies.

3190.3 Social Media

The District uses social media in certain circumstances for defined business purposes. Social media is a set of Internet tools that aid in the facilitation of interaction between people and companies online. The District expects employees to understand and comply with the Policy 2415 Social Media Use. If employees have specific questions about which programs the District deems to be social media, employees should consult with their supervisor or the General Manager. Employees' use of social media is subject to District's policies against discrimination, harassment, retaliation, disclosure of confidential information, and prohibited uses of technology systems. Nothing in this policy is intended to limit or will be applied in a manner that limits employees' rights to engage in protected concerted activity as prescribed by the Meyers-Milias-Brown Act.

POLICY 3200: Holiday, Vacation, & Sick Leave

3200.1 Holidays:

3200.1.1 Eligibility

Full-time and part-time salaried exempt employees are eligible for holiday pay. To be eligible for holiday pay, an employee must be regularly scheduled to work on the day on which the holiday is observed and must work their regularly scheduled working days immediately preceding and immediately following the holiday, unless an absence on either day is approved in advance by the General Manager or his/her designee.

3200.1.2 Holiday Pay

Eligible employees are entitled to seven (7) paid holidays per year. Part-time employees will receive a pro-rated portion of the seven (7) days based on the employee's regularly assigned work hours.

Holidays shall be determined by the General Manager or his/her designee in accordance with the District's needs. Current holidays are:

- New Year's Day
- Martin Luther King, Jr.
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving
- Day After Thanksgiving
- Christmas

When a holiday falls on a Saturday, it will be observed on the preceding Friday. When a holiday falls on a Sunday, it will be observed on the following Monday. When a holiday is observed during an employee's scheduled vacation, the employee will receive holiday pay instead of vacation time.

3200.2 Sick Leave

3200.2.1 Eligibility

All employees, including part-time and temporary employees, who work thirty (30) or more days in a year are entitled to paid sick leave.

3200.2.2 Accrual Rate

All employees – including part-time, temporary and hourly employees – accrue sick leave at a rate of two (2) hours every pay period. Employees begin to accrue paid sick leave on their first day of employment.

3200.2.3 Limits on Accrual

Employees may accrue up to forty-eight (48) hours of sick time. When an employee has accrued 48 hours of sick leave, the employee will cease accruing additional sick leave until the employee's sick leave balance falls below 48 hours, at which time the employee will begin

accruing sick leave again. In the event that the employee had more than 48 hours of sick leave on the date that this Policy took effect, the employee's leave shall be capped at their then-current level and the employee shall not begin accruing more leave until their hours fall below 48 hours. There is no retroactive grant of sick compensation for the period of time the accrued sick compensation was at the cap. Sick leave does not accrue during an unpaid leave.

3200.2.4 Limits on Use

Employees may use up to 48 hours of paid sick leave per year. Accrued, unused sick leave carries over from year to year.

The District reserves the right to prohibit employees from using sick leave during any shutdown period, except as prohibited by law.

3200.2.5 Permitted Uses of Sick Leave

Sick leave may be used for the following purposes:

1. Diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee.
2. Diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee's family member.
3. For an employee who is a victim of domestic violence, sexual assault, or stalking, any of the following purposes related to the domestic violence, sexual assault, or stalking: to obtain or attempt to obtain a temporary restraining order, restraining order, or other injunctive relief; to seek medical attention for injuries; to obtain services from a shelter, program, or crisis center; to obtain psychological counseling; or to participate in safety planning and take other actions to increase safety, including temporary or permanent relocation.

For the purposes of sick leave, a "family member" is any of the following: a child (biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stands in loco parentis, regardless of age or dependency status); parent (biological, adoptive, or foster parent, stepparent, or legal guardian of the employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child); spouse or registered domestic partner; grandparent; grandchild; or sibling.

Abuse of the District's sick leave policy is dishonest and may lead to discipline, up to and including termination.

3200.2.6 Requesting Sick Leave

If the need for sick leave is foreseeable, employees must give reasonable advance notice. Employees who request sick leave are required to communicate with their supervisor at least one (1) hour before the beginning of the employee's shift. If requests for sick leave are not made within this time frame, approval for sick leave usage will not be granted unless there is an unusual circumstance (i.e., earlier notice was not practicable). Communication may be by

telephone, email, or in person. The District reserves the right to ask for proof of illness as permitted under the law.

Employees are permitted to take sick leave in increments of two hours.

3200.2.7 Certification of Need for Leave

Employees may be required to provide documentation from a state recognized medical practitioner certifying the need for leave upon request by the employee's supervisor or General Manager. If an employee is absent for three (3) or more days with an illness or injury, a doctor's release is required before being allowed to return to work.

3200.2.8 Disability Insurance for Leave Exceeding Seven Days

Employees who are hospitalized or out sick for more than seven (7) calendar days for an injury or illness that is not work-related, may apply for State Disability Insurance ("SDI") benefits. The General Manager (or designee) can supply the SDI application form, but it is the employee's responsibility to apply. Also, employees must send their Notice of Disability Benefits Received to the General Manager (or designee).

POLICY 3210: Other Protected Leaves

3210.1 Military Leave

All employees are entitled to take time off to serve in the uniformed services on a voluntary or involuntary basis, including absences to attend a fitness examination. "Uniformed services" refers to the U.S. Armed Services, including the Coast Guard; the Army National Guard and Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; and the commissioned corps of the Public Health Service.

With certain exceptions, Military Leave may be granted for a total of up to five (5) years. When the need for military leave is foreseeable, you must notify your manager as far in advance as possible, so arrangements can be made to cover your duties. If you have written authorization from your military branch for your leave, you should provide it when you request leave.

Generally, a military leave of absence is unpaid, although employees may utilize available leave to provide continued compensation during the leave.

Upon completion of duties, employees will be reinstated into their former position or into another position of equal pay and status, consistent with applicable laws.

In order to be eligible for reemployment, employees must:

1. Give advance notice (written or oral) of his or her military service, unless such notice is impossible or unreasonable under the circumstances;
2. Be absent for fewer than five (5) years, not including inactive duty training or involuntary recall to or retention on active duty;
3. Have separated from military service under honorable conditions; and

4. Report for reemployment within the following time periods:
 - a. Employees performing military service for fewer than thirty-one (31) days must report for reemployment no later than the first regularly scheduled workday that occurs after a reasonable time for the employee to return to his or her residence, plus eight (8) hours.
 - b. Employees serving more than thirty (30) but fewer than one hundred eighty-one (181) days must submit an application for reemployment within fourteen (14) days after the completion of military duty.
 - c. Employees serving more than one hundred eighty (180) days must submit an application for reemployment within ninety (90) days after the completion of military duty.
 - d. Military leave can be extended for an additional two (2) years or longer if the employee is hospitalized or recovering from an illness or injury incurred or aggravated during military service or if reporting or reapplying to work is unreasonable or impossible.

The District is not required to reemploy individuals under the following circumstances: (1) where the District's circumstances have changed so that reemployment of the person would be impossible or unreasonable, such as when there has been a reduction-in-force that would have included the person on leave; (2) where efforts to qualify returning service members or accommodate individuals with service-connected disabilities would be of such difficulty or expense as to cause undue hardship to the District; or (3) where the pre-service position was for a brief or non-recurrent period and there was no reasonable expectation that employment would continue indefinitely or for a significant period.

Reemployed service members are entitled to the seniority and all rights and benefits based on seniority that they would have attained with reasonable certainty had they remained continuously employed.

If an employee's health plan coverage would terminate because of an absence due to military service, the employee may elect to continue the health plan coverage for up to twenty-four (24) months after the absence begins or for the period of service (plus the time allowed to apply for reemployment), whichever period is shorter. Employees will be required to pay the employee portion, if any, of any funded benefit to the extent that other employees on a leave of absence are so required.

3210.2 Leave for Military Spouse/Domestic Partner

An eligible employee who is the spouse or registered domestic partner of a member of the Armed Forces, National Guard, or Reserves who has been deployed during a period of military conflict is entitled to take up to ten (10) days of unpaid leave while the servicemember is on leave from deployment. In order to be eligible for leave under this section, an employee must: work for the District for an average of twenty (20) or more hours per week; notify his/her

supervisor of the employee's intention to take the leave within two (2) days of receiving notice of the servicemember's leave from deployment; and submit written documentation to the General Manager certifying that the servicemember will be on leave from deployment during the employee's requested leave.

3210.3 Bereavement Leave

With the approval of the employee's supervisor, regular full-time employees may take up to five (5) consecutive days of unpaid leave in the event of a death in the immediate family.

"Immediate family" for the purposes of this section means the employee's current spouse or registered domestic partner, child, parent, legal guardian, brother, sister, grandparent, grandchild, or mother-, father-, sister-, brother-, son-, or daughter-in-law.

3210.4 Time Off to Vote

In the event that an employee does not have sufficient time outside of working hours to vote in a statewide or federal election, the employee may take off enough working time to enable him or her to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours. Under these circumstances, an employee will be allowed a maximum of two (2) hours on the Election Day without loss of pay. Deductions will not be made from the salary of an exempt employee for time taken off for voting. Where possible, the employee shall give his or her manager at least two (2) days' notice that time off to vote is needed.

3210.5 Jury Duty and Court Appearances

Employees are entitled to take time off to serve on jury duty. Employees should notify their supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received. An employee may be requested to provide written verification from the court clerk of having served. If work time remains after any day of jury selection or jury duty, employees will be expected to return to work for the remainder of the employee's scheduled work hours.

In addition, every employee, including but not limited to an employee who is a victim of a crime, is entitled to take time off to comply with a subpoena or other court order to appear as a witness in any judicial proceeding.

Leave under this section is unpaid unless the employee uses other applicable accrued time off.

3210.6 Leave Without Pay

A supervisor may grant a leave of absence without pay for up to three (3) days, provided that such absence does not negatively impact the District's business interests, including the safety and care of children. Leaves of absence exceeding three (3) days may be granted at the discretion of the General Manager or his/her designee upon the written request of an employee and the approval of the employee's supervisor. No leave without pay shall be granted for more than one (1) month.

An employee will be required to use all of his/her applicable accrued leave before requesting an unpaid leave of absence. The only exception is the unpaid days off during any District closure between Christmas and New Year (if applicable to the District).

Employees on unpaid leave status do not accrue additional benefits, including sick leave.

The District will attempt to hold an employee's position for the duration of the unpaid leave of absence unless otherwise required by federal, state or local law. If the position cannot be held, the employee will be eligible to reapply should a position become available in the future.

3210.7 Paid Family Leave Program

The District offers a Paid Family Leave Program pursuant to state law.

POLICY 3220: Health and Safety

3220.1 Safe Workplace Policy

Every employee is responsible for the safety of himself or herself as well as the safety of others in the workplace. To achieve our goal of maintaining a safe workplace, everyone must be safety-conscious at all times.

3220.2 Security

The security of facilities and the welfare of our employees require that every individual be constantly aware of potential security risks. Employees should immediately notify their supervisor when persons are acting in a suspicious manner in or around the facilities, or when keys, security passes, or identification badges are lost or misplaced.

Visitors, upon entering the site, must be greeted immediately. The District may from time to time and at different locations install surveillance monitoring by video or audio for purposes of protecting District property and programs only. This surveillance system is in no way intended to provide employees with personal security.

3220.3 Workplace Violence

The District has zero tolerance for acts of violence and threats of violence. Without exception, acts and threats of violence are not permitted. All such acts and threats, even those made in apparent jest, will be taken seriously and will lead to appropriate discipline, up to and including termination.

A threat includes, but is not limited to, any indication of intent to harm a person or damage property. Threats may be direct or indirect, and they may be communicated verbally or nonverbally. It is every employee's responsibility to assist in establishing and maintaining a violence-free work environment. Each employee is expected and encouraged to report to a supervisor or senior staff all actual or perceived threatening and/or violent incidents. The District is committed to thoroughly investigating all reports of workplace violence and will take immediate, appropriate action commensurate with the offense. Depending on the circumstance,

the District may choose to place an individual on leave while it investigates a complaint. Anyone with questions about the application of this policy should contact the General Manager (or designee) or the District's Police Chief.

Employees must notify the General Manager (or designee) when District keys or security cards are lost or misplaced. Employees must secure all doors upon the closure of the facility, set any alarms, and report to General Manager (or designee) if any outside lighting that is not working. Employees will not be sanctioned or otherwise suffer any Adverse Action for calling the police.

3220.4 Drug and Alcohol Abuse

The District is concerned about the use of alcohol, illegal drugs, and controlled substances as they affect the workplace. Use of these substances, whether on or off the job, can adversely affect an employee's work performance, efficiency, safety, and health, and therefore seriously impair the employee's value to the District. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and children we serve and exposes the District to the risks of property loss or damage, injury to other persons and adverse publicity. Conviction for violation of drug laws, illegal alcohol use, crimes of violence or abuse or neglect of a child on or off duty shall not be tolerated because such conduct reflects adversely on the District.

Employees may not smoke or use any electronic smoking devices (e.g., e-cigarettes) on any property owned, operated, used by the District including automobiles. Smoking is not permitted in the presence of staff, families or children or the public during work time.

As a condition of employment, the District requires each employee to abide by the terms of this Drug and Alcohol Abuse policy and notify the District of any criminal drug or alcohol statute conviction for a violation occurring in the workplace within five (5) days of such conviction. In receiving a copy of these Rules, each employee is provided a copy of this policy and will be required to sign the acknowledgment in Appendix 3000 C. All employees covered by this policy should be aware that violation of the policy may result in discipline, up to and including termination.

3220.4.1 Policy

The term "drug" or "drugs" whenever used in this policy means any controlled substance that is not legally obtainable under State or Federal law, a prescription drug obtained or used without benefit of a valid prescription by a medical provider licensed to prescribe medications, and marijuana even if prescribed by a medical provider licensed to prescribe medications.

3220.4.2 Standards of Conduct

The following rules and standards of conduct apply to all employees either on the District property or during the workday (including meals and rest periods). The following are strictly prohibited by the District:

1. Possession or use of alcohol, or being under the influence of alcohol while on the job;

2. Employees shall not be impaired by alcohol or drugs, nor possess alcohol or drugs at the assigned worksite;
3. The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of this policy to intentionally misuse and/or abuse prescription medications;
4. Driving a District vehicle while under the influence of alcohol or drugs;
5. Distribution, dispensation, sale, or purchase of an illegal or controlled substance while on the job; and
6. Unlawful manufacture, possession, or use of a controlled substance, or being under the influence of an illegal or controlled substance while on the job.

Violation of the above rules and standards of conduct shall result in disciplinary action, up to and including termination. The District also may bring the matter to the attention of appropriate law enforcement authorities.

The District is dedicated to educating its employees of the dangers and consequences of workplace drug abuse. In this vein, District has developed a comprehensive Drug-Free Awareness program. The District's program will be an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace. The Drug-Free Awareness program will inform employees about: (1) the dangers of alcohol and drug abuse in the workplace; (2) the District's policy of maintaining a drug-free workplace; (3) the availability of drug and/or alcohol counseling for employees who voluntarily seek such assistance; and (4) the penalties that the District will impose for alcohol and drug abuse violations.

3220.4.3 Enforcement

In order to enforce this policy as well as other District policies, and to ensure the safety of the District's employees and clients, the District reserves the right to conduct searches of all portions of District's property or premises for drugs, alcohol or other contraband. All employees, contractors and visitors may be asked to cooperate in inspections of their persons, work areas and/or their personal property, including but not limited to lockers, packages, purses, backpacks and other personal property brought onto District premises that might conceal drugs, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge. The District also reserves the right to implement other measures necessary to deter and detect abuse consistent with this policy.

An employee may be required to submit to a fitness-for-duty examination where there is a reasonable and objective belief that an employee may be impaired by prescription or over-the-counter medications that the employee is taking. The purpose of the fitness-for-duty examination will be limited to determining whether the employee can safely perform the essential functions of the job with or without accommodation. Such fitness-for-duty examinations will be conducted in compliance with the limitations set forth under state and federal law.

In addition, the District must keep people who sell or possess controlled substances off District's premises in order to keep the controlled substances themselves off the premises. Therefore, District reserves the right to take appropriate disciplinary action for such convictions.

Employees who are convicted of such crimes are required to report the conviction to the General Manager (or designee) prior to returning to work. Failure to comply with this policy may result in discipline, up to and including termination.

An employee is subject to disciplinary action, up to and including termination, if the employee works while impaired by a prescription or over-the-counter drug and that impairment affects the employee's ability to safely perform the job or affects the safety or well-being of others.

Notwithstanding the foregoing, the District will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability, unless undue hardship for the District would result or no accommodation is available which would enable the employee to safely perform his or her job.

3220.4.4 Treatment and Rehabilitation

Consistent with federal and state laws, the District will encourage and reasonably accommodate any employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program, provided that this reasonable accommodation does not impose an undue hardship on the District. However, the District is not prohibited from refusing to hire, or discharging an employee who, because of the employee's current use of alcohol or drugs, is unable to perform his or her duties, or cannot perform the duties in a manner which would not endanger his or her health or safety or the health or safety of others.

The District shall make reasonable efforts to safeguard the privacy of an employee as to the fact that he or she has enrolled in an alcohol or drug rehabilitation program.

Leave under this section is unpaid, except that an employee may use sick leave to which he or she is entitled for the purpose of entering and participating in an alcohol or drug rehabilitation program. An employee with a chemical dependency who is not voluntarily seeking treatment is not qualified as a disabled individual under applicable state and federal law and may be subject to discipline as a result of job performance impaired by drug or alcohol use.

3220.5 No Smoking Policy

California law prohibits smoking at any facility used to provide children's services. The District prohibits smoking (including the use of electronic smoking devices, e.g., e-cigarettes) on any property owned, operated, used by the District including offices, employee break areas, locker rooms, parking lots, bathrooms, vehicles and other the District facilities.

3220.6 Off-Duty Activities

The District or its insurer will not be liable for the payment of workers' compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity that is not part of the employee's work-related duties.

POLICY 3230: Reasonable Accommodation Policy

3230.1 Policy

The District provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the Americans with Disabilities Act.

3230.2 Qualifying Disability

A “disability” means a physical or mental disorder or condition that limits one or more major life activities, a record of having such a disorder or condition, or being regarded as having such a disorder or condition.

3230.3 Procedure for Obtaining Reasonable Accommodation

An employee or applicant with a qualifying disability who needs reasonable accommodation in the application process or to perform essential job functions should make a request to the General Manager. After the General Manager receives or is made aware of the request, the General Manager or his/her designee may require the employee or applicant to submit additional information in writing, including medical certification from a health care provider supporting the need for accommodation.

Once it is determined that the employee or applicant has a qualifying disability, the District will hold a discussion with the employee or applicant to determine if and how reasonable accommodation can be made. The purpose of this discussion is to timely communicate in good faith in order to understand restrictions or limitations on an employee’s ability to perform essential job functions, or an applicant’s ability to participate in the application process, and to fully consider all potential reasonable accommodations. The refusal or failure of an employee or applicant to participate or cooperate in this discussion may result in denial of accommodation. Any information relating to the employee’s or applicant’s request for accommodation shall be kept confidential to the extent required by law and shall be kept in a file separate from applicant and personnel files.

The District determines, in its sole discretion, whether reasonable accommodation(s) can be made and the type of accommodation(s) to provide. The District will not provide accommodation(s) that would pose an undue hardship upon the District’s finances or operations, endanger the health or safety of the employee or others, or eliminate an essential job function. The District will inform the employee or applicant of its decision as to reasonable accommodation(s) in writing.

3230.4 Fitness for Duty Examination

The General Manager (or designee) may require a fitness for duty examination to determine whether an employee can perform the essential functions of the job with or without accommodation, if the examination is job-related and consistent with business necessity. The General Manager (or designee) may require that a District-approved physician conduct the examination. The District will pay for fitness for duty examinations that it initiates.

**Personnel Management Section 3000 - ACKNOWLEDGMENTS
AND AGREEMENTS**

ACKNOWLEDGMENT AND AGREEMENT REGARDING RECEIPT OF DISTRICT'S EMPLOYEE RULES AND AT-WILL EMPLOYMENT STATUS

This is to acknowledge that I have received a copy of the District's Rules and understand that it sets forth the terms and conditions of my employment as well as the duties, responsibilities, and obligations of employment with the District. I understand and agree that it is my responsibility to read and familiarize myself with the provisions of the Rules and to abide by the rules, policies, and standards set forth in the Rules, including any updates to the Rules.

I acknowledge that I have received, read, and understood:

- District's Discrimination, Harassment and Retaliation Policies;
- District's Alcohol and Drug Abuse Policy;

I also acknowledge that my employment with the District is at will, not for a specified period of time, and can be terminated at any time for any reason, with or without cause, by me or by the District. I acknowledge that no statements or representations regarding my employment can alter the foregoing. As to the circumstances under which employment may be terminated, this is the entire Policy between the District and me; there are no oral or collateral agreements of any kind.

I agree to abide by the terms of the At-Will Employment (Section 3120) policy as executed by me and the District.

Employee's Name and Initials

Date

Appendix 3000 B

ACKNOWLEDGMENT AND AGREEMENT REGARDING DISTRICT'S POLICY PROHIBITING DISCRIMINATION, HARASSMENT, AND RETALIATION

This is to acknowledge that I have received a copy of District's policy prohibiting discrimination, harassment, and retaliation, and understand District's policy that there be no discrimination or harassment against any employee or applicant for employment on the basis of race, color, religion, sexual orientation, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, citizenship, national origin, ancestry, age (40 or older), physical disability, mental disability, medical condition (as defined by California law), genetic information, marital status, military and veteran status, political activity or affiliation, taking or requesting statutorily protected leave, or any other characteristics protected under federal, state, or local laws.

I understand that District is committed to a work environment free of harassment and discrimination, and that District specifically prohibits retaliation whenever an employee or applicant makes a good-faith complaint that they have been subjected to harassment or discrimination. Accordingly, I specifically agree that to the extent I am the subject of any conduct that I view to constitute harassment, discrimination, or retaliation or which is otherwise in violation of District's policy prohibiting discrimination, harassment, and retaliation, I will immediately report such conduct to my supervisor or to a management-level employee with whom I feel comfortable.

I understand and agree that to the extent I do not use the grievance procedures outlined herein or in District's policy prohibiting discrimination, harassment, and retaliation, District shall have the right to presume that I have not been subjected to any harassment, discrimination, or retaliation.

Employee's Name and Initials

Date

Appendix 3000 C

ACKNOWLEDGMENT AND AGREEMENT REGARDING DISTRICT'S ALCOHOL AND DRUG ABUSE POLICY

I have carefully and thoroughly read District's Alcohol and Drug Abuse Policy (3220.4). I agree, without reservation, to abide by the terms of that policy. I further agree to notify District of any conviction for any criminal drug or alcohol statute violation occurring in the workplace no later than five (5) days after such conviction. I understand that abiding by the terms of the Alcohol and Drug Abuse Policy and notifying District of workplace-related drug and alcohol convictions are conditions of my employment. I understand that any violation of the policy will result in disciplinary action, up to and including immediate termination.

Employee's Name and Initials

Date