

PLEASANT VALLEY RECREATION & PARK DISTRICT

PERSONNEL POLICY MANUAL

parks make life better





PERSONNEL POLICY MANUAL

Administrative Office

(Community Center/Senior Center)
1605 E. Burnley St., Camarillo 93010

Parks Department Office

(Located at Freedom Park)
480 Skyway Dr., Camarillo 93010
(805) 482-5396

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ARTICLE 1 – GENERAL INFORMATION

A. Purpose and Intent

The purpose of this Personnel Policy Manual (Policy Manual) is to establish a system of uniform and appropriate personnel policies and procedures which will provide the Pleasant Valley Recreation and Park District with a productive, efficient, stable and representative workforce by incorporating the following principles:

- Recruiting, selecting and advancing employees on the basis of their relative ability, education, training, knowledge, and skills relevant to the work to be performed and providing progressive employment programs which encourage and support employee development.
- Establishing and maintaining a uniform plan of classification and pay based upon the relative duties and responsibilities of positions.
- Assuring fair treatment of applicants and employees in all aspects of personnel administration without discrimination based on race, color, sex, age, religion, national origin, political affiliation, marital status, sexual orientation or disability with proper regard for their privacy and constitutional rights.
- Establishing ethical standards of conduct required of employees which will promote the proper operation.

B. Scope; Validity

Except as stated herein, this Policy Manual shall govern and affect personnel administration for all employees of the District, except for the following:

- Board of Directors of the District
- General Manager
- General Counsel
- Volunteer personnel who provide services to the District without receiving compensation (although such persons may receive reimbursement for actual expenses incurred in the service of the District); and
- Outside and independent contractors, engaged to provide expert, professional, technical or other services.

If any provision of this Policy Manual conflicts or is inconsistent with any applicable bargaining agreement or MOU, any local, State, or Federal law, the provisions of said

bargaining agreement or MOU, any local, State, or Federal law shall apply over this Policy Manual.

This Policy Manual is not intended to and does not supersede any provision of applicable collective bargaining agreements to which the District is a party specifically, the Memorandum of Understanding (MOU). The Policy Manual shall also not supersede any local, State, or Federal statutes, rules, and/or regulations.

C. Administration; Right to Revise

Except as provided by law, local regulation, or applicable bargaining agreement or MOU, this Policy Manual provides employment policies and practices of the District in effect at the time of publication. All previously issued manuals or handbooks and any inconsistent policy statements or memoranda distributed prior to this Policy Manual are superseded.

The General Manager is authorized to issue written administrative orders to establish procedures and practices for administration of the District personnel system and to interpret or clarify any provisions of the Policy Manual; subject to any meet and confer requirements under the Meyers Milias Brown Act (MMBA) for represented employees.

The District reserves the right to revise, modify, delete, or add to any and all policies, procedures, or work rules stated in this Policy Manual or in any other document. However, any such changes must be in writing and must be signed by the General Manager and approved by the Board of Directors of the District. Additionally, prior to the implementation of any such changes affecting represented employees, the District shall complete all meet and confer requirements under the MMBA, as applicable.

Any changes to this Policy Manual will be distributed in writing to all employees so that employees will be aware of the new policies or procedures. No oral statements, representations, or conduct can in any way alter the provisions of this Policy Manual.

D. At-Will Employment Of Certain Employees

District personnel who are employed on an at-will basis may be terminated with or without cause and with or without notice at any time by the District. Nothing in this Manual shall limit the right to terminate at-will employment of such employees. Except as otherwise provided by a written employment agreement, a bargaining agreement or MOU, or other applicable local, state, or federal law or order, nothing in this Policy Manual creates a property right in, or an expectation of, continued employment at the District.

E. Equal Employment Opportunity

The District is an equal opportunity employer and makes employment decisions on the basis of merit. District policy prohibits unlawful discrimination based on race, color, creed, gender, gender expression or identity, religion, marital status, registered domestic

partner status, age, national origin or ancestry, pregnancy, childbirth or related medical conditions, physical or mental disability, medical condition including genetic characteristics, sexual orientation, gender identity or any other consideration made unlawful by Federal, State, or local laws. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful and prohibited.

The District is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in District operations and prohibits unlawful discrimination by or against any employee of the District, including Supervisors and co-workers.

The primary objectives of this Policy are as follows:

- Ensure the recruiting, hiring and training for all job classifications are done without regard to sex, gender, race, creed, color, religion, class, disability, national origin, age, political or union affiliation, marital status, medical condition or sexual orientation.
- Ensure that employment decisions further the principle of Equal Employment Opportunity.
- Ensure that promotion decisions further the principle of Equal Employment Opportunity and that those criteria which are not discriminatory for promotions be used.
- Ensure that other personnel policies and procedures governing compensation, benefits, transfers, training, tuition assistance and recreation programs are administered without regard to sex, gender, race, creed, color, religion, class, disability, national origin, age, political or union affiliation, marital status, medical condition or sexual orientation.

ARTICLE 2 – EMPLOYMENT INFORMATION

A. Employment Categories

It is the intent of the District to clarify the definitions of employment and employment classifications in order to understand employment status and benefit eligibility. These classifications do not guarantee employment for any specific period of time and should not be deemed as any modification to the at-will nature of employment at the District as described above.

1. Full Time Employees

Regular full-time employees are those who are regularly scheduled to work and work 80 or more hours in a two-week period, or 2080 hours per calendar year. Full-time employees are eligible for District benefits. Regardless of assigned schedule, full-time employees shall be assigned to work a sufficient number of workdays and/or be credited with holidays, vacation, sick, and compensation leaves under Federal and State laws, to normally equal a total of two hundred sixty (260) workdays of either (8) hour periods per calendar year or two thousand eighty (2,080) hours.

2. Part-Time Year-Round Employees (1,000+ hours/year)

Part-time year-round employees who are classified to work over 1,000 hours per fiscal year may be eligible for pro-rated benefits as approved by the District. The intent of the District is that part-time year-round employees report a total of 1,560 hours per fiscal year and to not exceed 1,700 hours with the General Manager's approval. This will average out to 30 hours per week.

3. Part-Time Employees

Part-time employees are those who are scheduled on average 19 hours per week and do not exceed 960 hours per fiscal year, unless an additional 20 hours, for a total of 980 hours, have been approved by the General Manager. Part-time employees are not eligible for District benefits except as required by law.

Seasonal or temporary employees may be scheduled to work any number of hours per week with no regular schedule but may not work more than 960 hours per year fiscal year. Seasonal employees are typically hired for a particular seasonal need, no longer than a four (4) month period. They are not eligible for any District benefits except as required by law.

A Retired Annuitant (CalPERS retiree) who, without applying for Reinstatement from Retirement, returns to work for the District in a designated retired annuitant position has equal responsibility along with the District to ensure the potential employment is lawful. Without exception, the retired annuitant may work a maximum of 960 hours per fiscal year. Nonpaid or volunteer hours cannot be used in order to exceed 960 hours.

Employees who must work 20 hours per week must not do so for longer than a four (4) month period within a fiscal year.

4. Exempt Employees

An exempt employee based on duties and responsibilities, does not fall under certain wage and time requirements of Federal and State regulations. An exempt employee does not receive overtime or compensatory time off. Exempt employees are required to record their hours worked on a timecard.

5. Non- Exempt Employees

A nonexempt employee is one who is paid on the basis of hours worked per pay period and who receives compensation for overtime. Nonexempt employees are required to record their hours worked on a time clock and/or timecard. All employees, unless notified otherwise by management, are nonexempt.

6. Represented Employees

A represented employee is represented by a union or bargaining representative and is covered under a bargaining agreement or MOU.

7. Non-represented Employees

A non-represented employee is not represented by a union or bargaining representative and is not covered under a bargaining agreement or MOU.

8. At-Will Employees

Except as otherwise stated in an employment agreement, bargaining agreement, or MOU, all employees of the District are employed on an at-will basis, which means they may be terminated with or without cause and with or without notice at any time by the District.

B. Probationary Periods – New Hires & Promotional Appointments

1. Non-At-Will Employees – Probationary Period

The purpose of the probationary period is to train, observe and evaluate a non-at-will employee. The probationary period for non-at-will employees is one (1) year for new employees, and six (6) months for promotional employees. During this time, the non-at-will employee will learn their responsibilities and get acquainted with fellow co-workers, and the District will determine whether or not they are satisfied with said employee's performance. Their direct Supervisor will closely monitor their performance. The Supervisor will conduct a performance review prior to the conclusion of the probationary period.

During the probationary period, the non-at-will employee may be terminated with or without cause. Any such action may be taken without notice and shall be without the right of appeal. If a promotional employee is rejected during the probationary period from a position to which the employee has been promoted, the employee shall be reinstated to a position in the class from which the employee was promoted, unless discharged for cause. If no vacancy exists in such position, the employee shall be placed on a re-employment list as provided in this Policy Manual.

Upon satisfactory completion of the probationary period, the non-at-will employee shall be considered as having satisfactorily demonstrated qualifications for the position and shall be so informed in writing through his/her supervisor. After the end of the probationary period, any disciplinary action resulting in a loss of pay to the non-at-will employee will require prior notice and an opportunity to respond, in accordance with Article 9 of this Policy Manual.

Non-at-will employees within their probationary period do not receive District benefits unless stated in this Policy Manual. During the probationary period, full time and part time year-round non-at-will employees are eligible for health insurance and paid holidays upon hire date and shall accrue vacation and sick time. Probationary employees may utilize their accrued leave including vacation, sick, jury duty, bereavement or any other special days after completing their initial 90 days of employment. At-Will Employees – Introductory Period

At-will employees are not subject to a probationary period and may be terminated with or without cause and with or without notice at any time by the District. At-will employees are, instead, subject to a 90-day introductory period upon hiring. During the introductory period, at-will employees are not eligible to receive District benefits unless stated in this Policy Manual; however, they are eligible for health insurance and paid holidays upon hire date and shall accrue vacation and sick time. Thereafter, upon the conclusion of the 90-day introductory period, they may make use of any accrued leave to which they are entitled.

C. Re-Hires

Former employees may be considered for rehire provided they left employment with the District in good standing and meet all qualifications of the current open position they are seeking. If they are rehired more than 90 days after leaving District employment, they will not retain credit for length of service for the purpose of calculating vacation and sick leave accrual and anniversary awards.

If the length of time since the end of employment is greater than 30 days the persons under consideration for rehire will be required to complete a new drug, tuberculosis and alcohol screen, physical, references and fingerprint clearance.

Employees who are on any type of leave of absence, work-related or non-work-related, or after completing the work assignment for the season for which they were hired, will be placed on an inactive status. During the time the employee is on inactive status, benefits such as vacation and sick leave benefits by the District will not be earned or continued, and seniority will not continue to accrue. Health insurance will continue under certain circumstances as detailed in the Leaves of Absence policies.

D. Work Schedules; Workweek

The District Administration office is normally open for business between the hours of 8 a.m. and 5 p.m., Monday through Friday. Parks and facilities are available for rental as otherwise posted or in accordance with District's General Use Policy except with the permission of the General Manager or designee. Immediate Supervisors will assign individual work schedules. All employees are expected to be at their desks or work locations at the start of their scheduled shifts.

The standard workday for employees is eight (8) hours and the standard work week is forty (40) hours to be worked within five (5) consecutive days. A standard regular workday begins at 12:01 a.m. and ends at midnight 24 hours later. The workweek begins Saturday at 12:00 a.m. and ends Friday at 11:59 p.m. For payroll purposes, employees who are not working an Alternative Work Schedule will operate under the workweek described above.

E. Alternative Work Schedule - 9/80

The District offers employees in certain work units the opportunity to work an alternative workweek schedule (AWS) based upon the business needs of the District and its management. Employees who are offered the opportunity to work and do work an alternative work schedule are subject to the standards and requirements outlined below.

The 9/80 work schedule has the following requirements:

1. The schedule cannot impact the District's requirement to conduct business or adversely affect workflow.
2. Employees will be assigned to either the 9/80 or the regular 10/80 work schedule and adhere to it. Employees are entitled to revoke the agreement to the alternate work schedule in writing, however; they may not alternate back and forth between the schedules.
3. The Supervisor and the General Manager's approval is needed prior to the start of working a 9/80 work schedule. The 9/80 work weekday off is designated by the Department Manager. The General Manager has the right to designate which day is appropriate for the needs of the District. Once the regular day off is established, it will be considered the regular day off and employees may not switch the day and/or shifts.
4. If a meeting is scheduled on a regular 9/80 work weekday off, employees are still required to attend the meeting unless excused by a Supervisor, Manager or the General Manager. Employees will be paid for this working time, including overtime pay if applicable. Exempt employees will not be compensated.

5. For purposes of the Fair Labor Standards Act, the alternate workweek schedule (9/80) shall begin at 12:00 p.m. on the day in which the employee has a scheduled day off and shall end at 11:59 a.m. seven days later on the same day of the following workweek.

F. Nepotism (Employment of Relatives)

The purpose of this Nepotism policy is to ensure that the hiring and supervision of employees within the District are conducted in a manner which enhances the public's confidence in the District and prevents situations that may have an adverse impact on the District or give the impression of preferential treatment, improper influence, or conflict of interest.

1. Definitions

The following definitions apply to this policy

“Employee” for purposes of this section only, is one who receives a District payroll check for services rendered.

“Fraternization” means a romantic and/or sexual relationship between a Supervisor and subordinate employee within the direct chain of command or same Department.

“Nepotism” means as the practice of an employee using personal influence or power, because of a familial relationship, to aid or hinder another person in securing employment, promotion or other benefit.

“Relative” means immediate family member or spouse, domestic partner, child, stepchild, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, or in-laws of those enumerated by blood, marriage or domestic partnership, or other legal action.

“Spouse” means two persons who have a valid marriage or two people who are registered domestic partners, as that term defined by California law, Family Code Section 297, et seq.

“Supervisory relationship” means one in which one employee exercises the right to control, direct, reward, or discipline another employee by virtue of the duties and responsibilities assigned to him or her.

2. Prohibition Against Nepotism and Fraternization

It is the intent of the District not to discriminate in its employment or personnel actions with respect to employees and applicants on the basis of marital or familial status. A relative or a person with whom an employee shares a romantic and/or sexual

relationship will be considered for employment, promotion, or transfer, provided the person:

- Has made an application in accordance with established procedure;
- Has been considered in accordance with established procedure;
- Possesses the necessary qualifications; and
- Is considered to be the most suitable candidate.

When a relative or a person with whom an employee is engaged in a romantic and/or sexual relationship is being considered for employment, promotion, or transfer, the employee shall have no involvement in the recruitment, employment, promotion, or transfer of the person, either directly or indirectly, nor shall that employee take any action that would directly or indirectly impact the employment of the relative or individual with whom there exists a romantic and/or sexual relationship.

An appointing authority shall not appoint, promote, or transfer a person to a position within the same Department in which the person's relative or individual with whom there exists a romantic and/or sexual relationship already holds a position, when such employment will result in any of the following:

- A direct or indirect supervisory relationship.
- The two employees handling financial transactions together.
- The two employees having regular job duties which require performance of shared duties or the same or related work assignment;
- The two employees having the same immediate Supervisor;
- An actual or perceived conflict of interest or having an adverse impact on supervision, safety, security, morale, or efficiency of the workplace that cannot be adequately mitigated.

3. Enforcement of Policy

If two employees who work in the same Department become relatives or romantically and/or sexually involved, and one of the conditions sets forth above applies, the Administrative Services Department has discretion to transfer one of the employees to a similar vacant position of comparable pay and duties in another Department. The employee must meet the qualifications of the vacant position. Although the wishes of the employees in question will be given consideration, the Department retains sole discretion to determine which employee is to be transferred based upon District needs, operations, or efficiency.

If continuing employment of both employees cannot be accommodated in a manner the Department finds to be consistent with the District's interest in the promotion of safety, security, morale and efficiency, then the Department retains sole discretion to separate one employee from District employment. Absent the resignation of one employee, the less senior employee will be separated.

4. Procedure: Applicants

In implementing this policy, the District's employment application and promotion process shall ask candidates to disclose their relative and/or relationship status to a District employee. Such information shall not be used as a basis for employment decision other than those stated in this policy.

5. Current Employees

Where two relatives or persons who have a romantic and/or sexual relationship are working in the same Department or within the direct chain of command at the time this policy is adopted, the relationship shall not be deemed a violation of this policy. This waiver, however, may not be used as a basis for further exceptions subsequent to the effective date of this policy. All current employees, at the time this policy is adopted, shall disclose whether they have a relative or person with whom they are romantically involved within the Department or direct chain of command in which they are employed. Failure to disclose such relationship may be a cause for discipline, up to and including termination, as set forth in this policy.

6. Violation of Policy

If a conflict of interest or other threat to the efficient operation of the District should develop, it is the duty of the involved employees to immediately notify the applicable Department Head and Human Resources Specialist. The District reserves the right to reasonably investigate the situation to determine whether a violation of this policy exists and therefore threatens the working conditions at the District. If the District determines that the proscribed violation of this policy exists, remedial and/or disciplinary measures, including but not limited to a transfer, re-assignment, or dismissal, shall be utilized to mitigate issues that arise relevant to the enforcement of this policy.

ARTICLE 3 - MANAGEMENT

A. Names and Addresses; Emergency Contacts

The District is required by law to keep current all employees' names and addresses. Employees are responsible for notifying the District in the event of a name or address change. Employees must also provide the District with at least two current emergency contacts.

B. Performance Evaluations

Each employee will receive periodic performance reviews conducted by his or her Supervisor. The first performance evaluation should take place approximately after the first 90 days. Subsequent performance evaluations will be conducted annually (during the anniversary month of the employee's employment with the District, or month of last promotion). The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems. The Administrative Services Department will monitor upcoming dates of performance evaluations and will notify Supervisors of performance evaluations to be conducted.

Performance evaluations may review factors such as the quality and quantity of the work performed, knowledge of the job, initiative, work attitude, and attitude toward others. The performance evaluations are intended to make employees aware of their progress, areas for improvement, and objectives or goals for future work performance. It is important to remember that increases are not granted automatically and that each job classification is assigned a salary range. Salary increases and promotions are solely within the discretion of the District and depend upon many factors in addition to performance. After the review, the employee will be required to sign the evaluation report simply to acknowledge that it has been presented, discussed with their Supervisor, and that they are aware of its contents.

C. Smoking / Tobacco Products

There is no smoking of any kind on District property, including any tobacco-related products, all forms of electronic smoking devices, and other vaporizing products.

D. Parking

Reasonable accommodations are made for employees to park their personal vehicles on District property during the employee's work shift. In some areas, due to customer use and clientele, employees are required to park off-site or in the clearly signed and designated employee parking areas. The District is not responsible for any loss or damage to employee vehicles or contents while parked on District property. Employees are responsible for obeying all traffic and civil laws in regard to parking, i.e., handicap stalls, red and/or yellow zones.

E. Employer Property

Lockers, desks, file cabinets, computers, cell phones, office equipment, and vehicles are District property and must be maintained according to District rules and regulations. They must be kept clean and are to be used only for work-related purposes. The District reserves the right to inspect all District property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence.

No personal locks may be used on District provided lockers unless the employee furnishes a copy of the key or the combination to the lock. Unauthorized use of a personal lock by an employee may result in losing the right to use a District locker.

The District may periodically need to assign and/or change “passwords” and personal codes for voice mail, e-mail, computer, alarms, and other equipment. These communication technologies and related storage media and databases are to be used only for District business and they remain the property of the District. The District reserves the right to keep a record of all passwords and codes used and/or may be able to override any such password system. Employees do not have a right of privacy in District telecommunication and computer systems, including, but not limited to, voicemail, e-mails, computer data, passwords and District property.

For security reasons, employees should not leave personal belongings of value in the workplace. Personal items are subject to inspection and search, with or without notice, with or without the employee’s prior consent, upon reasonable suspicion of unauthorized possession of District property or possession of unlawful materials. Employees who do not wish to subject their property to search should not bring it onto District premises.

Terminated employees are responsible for returning all-District property in good or the same condition it was originally received. All personal items should be removed at the time they leave employment with the District. Personal items left in the workplace are subject to disposal if not claimed at the time of an employee’s termination.

F. Employee Property

An employee’s personal property brought onto District premises, including but not limited to packages, purses, backpacks and vehicles, may be inspected upon reasonable suspicion of unauthorized possession of District property or possession of unlawful materials. Employees who do not wish to subject their property to search should not bring it onto District premises.

G. Employee References

All requests for references must be directed to the General Manager or designee. No other Supervisor, coordinator, specialist, lead worker, or employee is authorized to release any type of references for current or former employees.

H. Personnel Files

The Administrative Services Department shall maintain a central personnel file for each employee indicating the employee’s name, original application for employment, title of position, the department assigned, salary, changes in employment status, performance evaluations, disciplinary documents, and such other information as may be considered pertinent by the Department.

Upon request of the employee, an employee may place documents in the employee's respective personnel files that commend his/her job performance with the District or demonstrates educational attainment.

Disclosures of personnel information to third parties except as authorized by State or Federal law or as duly authorized in writing by the employee is prohibited. To the maximum extent possible, no direct information contained in the personnel files shall be disclosed concerning any current or former employee, without the employee's consent, other than the employee's job title, inclusive dates of employment, work location, salary, work phone number, departmental assignment and the nature of separation, resignation, or termination to any person other than the General Manager or designee, General Counsel, Special Legal counsel, the employee's Supervisor, or their designated representatives. An employee or former employee may authorize access the disclosure of information from their file only when written permission is provided to the Administrative Services Department.

Nothing herein shall prohibit the District from keeping or placing documents in an observation folder for the purpose of investigating alleged criminal conduct, to process complaints under the anti-discrimination policies, or complaints from the public. For the purpose of this Section, an observation folder shall not be considered a personnel file, and an employee or the employee's designated representative shall not have access to observation folders nor receive copies of documents placed in such folder.

It is the employee's responsibility to notify the Administrative Services Department of any changes in the employee's address, phone number, marital status, dependent status, name change, training certificates, emergency contact, driving status/record, criminal convictions, or other pertinent information.

Personnel records may be destroyed according to the State of California records retention guidelines, and/or five (5) years after the date of resignation or termination, or in accordance with any provision of the District's system for destruction of public records, and in accordance with other applicable laws.

I. Cell Phone Allowance / Stipend Policy

Full time and part time year-round employees whose job duties include the requirement and frequent need for a cell phone will receive extra compensation, in the form of a cell phone allowance/stipend, to cover business related costs.

- \$30.00 per pay period given to management and other exempt staff with the expectation that these employees will answer phone calls and respond to urgent emails after hours.
- \$21.00 per pay period given to employees in a Supervisory/lead worker capacity with the expectation that these employees will receive emergency calls from staff after hours.

- \$14.00 per pay period given to staff members who may be away from their desks or not provided a landline for extended business hours.

It is the intent of the District not to provide District owned cell phones. However, should a department need to have a District owned cell phone, which would be shared by staff in that department, the cell phone shall be used for District business only. Personal use is prohibited on all District owned cell phones. If personal use occurs, disciplinary measures will be implemented. The District may provide On-Call / Call Out cell phones to be used per this section.

Employees receiving an allowance/stipend should consult with either the Administrative Services Department or the designee prior to purchasing a phone to ensure compatibility with District systems. The employee must maintain an active contract.

If an employee has an active contract and is receiving the allowance/stipend and their cell phone is damaged and/or destroyed in the course of business, the District does not reimburse the employee for replacement of the same or similar device. Use of the phone in any manner contrary to local, state, or federal laws will constitute misuse and will result in immediate termination of the cell phone allowance/stipend. The District does not accept any liability for charges or disputes between the service provider and the employee. If prior to the end of the cell phone contract period, an employee decides to cancel the contract, or misconduct or misuse occurs, the employee will be responsible for any fees charged by the provider.

J. Auto Allowance

Employees may be provided an auto allowance at the discretion of the General Manager and based on their average mileage in a six (6) month period. Employees with an auto allowance may be reviewed every two years or as needed.

K. Lactation Accommodation

The District will provide reasonable lactation accommodation for employees who wish to express breast milk for their infant when they return to work. Employees may use paid rest break times provided by the District. The District will provide a private place to express milk in close proximity to the employee's work area, or the employee's normal work area may be used if it allows privacy

ARTICLE 4 – WAGES; PAYROLL

A. Timekeeping Requirements

Accurately recording time worked and submitting a timecard when it is due is the employee's responsibility. Federal and State laws require the District to keep an accurate

record of time worked in order to calculate employee pay and benefits on the appropriate pay day. Time worked is the time actually spent on the job performing assigned duties.

On a daily basis non-exempt employees should accurately record the time they work. Non-exempt employees may not begin work more than five minutes before the start of their shift or stop working more than five minutes after the end of their shift without prior authorization from their Supervisor. Timecards for non-exempt employees are submitted to Supervisors or other designated staff on the last Friday of the pay period.

In order to track vacation and sick time, and as a tool for Management to evaluate performance, exempt employees must complete a timecard and submit to the General Manager or Department Head on the last Friday of each pay period. The report should reflect the days worked and the hours of leave (and the type of leave) used during the pay period.

It is the employee's responsibility to sign their timecard and to verify the accuracy of all time recorded. Supervisors will review and sign the timecard before submitting it to Accounting for processing. As designated by the Department Supervisor, Supervisory staff will review the timecard(s) for errors, initial and submit to the Supervisor for submission to Accounting. Written timecards must be completed in Blue or Black Ink only, and any handwritten marks or changes on the timecard must be initialed by the employee and a Supervisor (***whiteout is not to be used on timecards.***) Electronically submitted timecards will also be accepted. Altering, falsifying, or tampering with time records, punching in/out or recording time on another employee's time record (even with that employee's permission) is prohibited. Violation of this rule may result in disciplinary action, up to and including termination.

Any errors on a timecard should be reported immediately to a Supervisor/Crew Lead.

B. Administrative Pay Corrections

It is District policy and practice to accurately compensate employees and to do so in compliance with all applicable Federal and State laws. To ensure proper payment for all time worked and that no improper deductions are made, information should be recorded correctly of all work time and paychecks reviewed promptly to identify and to report all errors. In the unlikely event that there is an error in the amount of pay, or in the calculation of accrued vacation or sick leave, or if there is an unauthorized deduction made, the employee should promptly bring the discrepancy to the attention of the Administrative Services Department staff so the correction can be made as quickly as possible. Once underpayments/overpayments are identified, they will be corrected in the next paycheck. If this presents a financial burden to the employee, a manual paycheck may be written as soon as possible.

C. Payment of Wages

Paychecks are normally available by 4 p.m. every other Thursday at the Administration Office as outlined on the District's payroll schedule. Paychecks will be mailed to the current mailing address on file; paychecks will not be available for pick up.

D. Payroll Records

Employees may receive copies of their payroll records within twenty-one (21) days of making a request to the Administrative Services Department to do so. Employees will be charged for the cost of making copies.

E. Unclaimed/Lost Paychecks

Checks lost or otherwise missing should be reported immediately to Accounting so that a "stop payment" order may be initiated. Management will determine when, and if, a new check should be issued to replace a lost or missing check.

F. Direct Deposit

The District encourages automatic payroll deposit for employees. To begin automatic payroll deposit, the correct form must be completed and returned to the Administrative Services Department at least 10 days before the pay period begins.

To stop automatic payroll deposit, complete the form available from the Administrative Services Department and return it at least 10 days before the pay period.

G. Pay for Mandatory Meetings / Training

The District will pay non-exempt employees for their attendance at meetings, lectures, and training programs under the following conditions:

- a. Attendance is mandatory;
- b. The meeting, course, or lecture is directly related to the employee's job;
- c. The employee who is required to attend such meetings, lectures, or training programs will be notified of the necessity for such attendance by his or her Supervisor;
- d. Employees who attend meetings, lectures or training programs will be compensated at their regular rate of pay;
- e. Any worked hours in excess of 40 hours in a week will be paid at the applicable overtime rate, at the hourly rate in effect at the time the overtime work is being performed.

H. Overtime for Non-Exempt Employees

Employees may be required to work overtime as business necessities arise. For all non-emergency needs, the District will provide as much advance notice as possible to the employee of the need to work overtime as applicable with Federal and State laws. The District will attempt to distribute overtime evenly. All overtime work must be previously authorized by a Supervisor. The District provides compensation for all overtime hours worked by non-exempt employees in accordance with Federal law as follows:

All hours worked in excess of regularly scheduled hours in one workweek will be treated as overtime. A standard regular workday begins at 12:01 a.m. and ends at midnight 24 hours later. Except for those employees who work the alternate work schedule (9/80), the workweek begins Saturday at 12:00 a.m. and ends Friday at 11:59 p.m. For those employees who work the alternate work schedule (9/80), the workweek begins at 12:00 p.m. on the day in which the employee has a scheduled day off and ends at 11:59 a.m. seven days later on the same day of the following workweek. Compensation for actual hours worked in excess of 40 worked hours for the workweek shall be paid in accordance with applicable law.

Exempt employees may have to work hours beyond their normal schedules as work demands require. No overtime compensation will be paid to exempt employees.

I. Meal and Rest Periods

Non-exempt employees that work more than five or more hours per day are required to take an unpaid meal period, which must commence before the end of the fifth hour of work. All employees are provided with a 60-minute meal period to be taken approximately in the middle of the workday. However, if scheduled to work no more than six hours during the workday, they can choose to waive their meal period by signing a voluntary written waiver, to skip the meal and go home earlier. This waiver must be in writing and voluntarily signed by the employee and is available from the Administrative Services Department.

Employees wishing to take a 30-minute meal break may do so in lieu of a standard 1-hour meal period with the prior approval from a Supervisor to adjust their work schedule to deduct the 30 minutes they are not taking for a meal break. Meal periods are scheduled by the immediate Supervisor and may not be taken at the beginning or the end of a workday or added to a break. Employees may leave the premises during their meal period.

Employees are allowed a 15-minute rest period for every four hours of work or major portion thereof; 15-minute breaks are paid by the District and do not need to be recorded on timecards. Supervisors will schedule rest periods.

It is expected that employees observe their assigned working hours and the time allowed for meal and rest periods. Rest periods may not be longer than 15 minutes and they must take place on the premises.

J. Call in to Work

The District will pay a minimum of two hours of designated pay to employees who are contacted by and required by their immediate Supervisor or Crew Lead to report to work on a day other than their normally scheduled workday or after their normal workday has ended. This may involve emergency situations.

K. Shift Differential Pay

The District's normal business hours range between 6:00 am to 10:00 pm, Saturday through Friday. The District shall pay full time employees a shift differential of two-and-one half percent (2½%) for hours worked between 8:00 pm and 6:00 am.

L. Out of Class Assignments

If it is necessary to specifically assign in writing an employee all of the significant duties of a higher classification for more than 16 consecutive working days (128 regular hours) in duration, the employee so assigned shall be compensated at the minimum rate established for the higher class or 5% above the employee's regular base rate of pay, whichever is greater, with pay effective upon the date of the change of assignment. Under no circumstances shall the employee receive an amount greater than the maximum step of the higher class.

This policy shall apply in temporary situations due to:

- The extended leave or other temporary absence of the employee in the higher classification;
- A vacant position to be filled and there is no valid eligibility list for the classification. In this case, if the Division Head has initiated procedures to fill the vacancy, he/she may assign an employee to fill that position on a temporary basis not to exceed 60 days. If an eligibility list exists for the vacant position, the Division Head may appoint an employee from the eligibility list at the earliest possible date;
- Performing a specified work assignment for a short period of time. Examples of work assignments may include insecticide application.

No regular positions shall be filled by out-of-class appointees for a period longer than 60 days, except when due to special circumstances such as extended leaves of absence or in cases of emergencies approved by the General Manager.

Individuals hired specifically to temporarily fill a position vacancy due to illness, vacation, etc. are also excluded from working out-of-class.

Individuals appointed to work out-of-class must meet minimum qualifications of the higher classification, must be capable of handling major duties of the higher-level classification without any more supervision than another would in the same job.

The mere performance of certain portions of the higher position or only performing the less difficult parts until the position is filled does not constitute working out-of-class.

When an employee is assigned to work in a higher-level classification that entails moving the employee into a different classification other than that which is his/her regular classification, the said employee shall not receive a change in his/her benefits. Similarly, a part time non-exempt employee temporarily filling a regular full-time position shall receive no benefits nor shall he/she be subject to retirement system payments.

While working in an out-of-class assignment, an employee shall continue to accrue, and have recorded, normal step increases in the employee's regular assignment.

At the time an employee returns to his/her regular assigned position, his/her salary should reflect the same salary rate he/she had previously, with any merit or salary adjustments added as appropriate. At any time during the out-of-class appointment, an employee may be removed from the appointment. Out-of-class appointments may not be made in excess of authorized budgeted funds without approval of the General Manager.

The District will not pay employees who report to work but are unable to work due to the following circumstances:

- Interruption of work because of the failure of any or all public utilities; or
- Interruption of work because of natural causes or other circumstances beyond the District's power to control.

M. Business Expense Reimbursement

The District reimburses employees for business expenses two times each month when accounts payable checks are processed. These are the opposite weeks of payroll processing. Employees who have incurred business expenses must submit required receipts and the appropriate form to the Administrative Services Department staff no later than three days before the Monday of the accounts payable processing week. All reimbursable expenses must be submitted within 30 days of time incurred.

Personal and/or vacation travel may be combined with business travel, provided there is no additional cost to the District, and it meets with the approval of the General Manager. The District credit cards are not to be used for personal expenses.

N. Advances

The District does not permit advances against paychecks or against un-accrued vacation or sick leave.

ARTICLE 5 – LEAVE OF ABSENCE

The District may grant leaves of absence to employees in certain circumstances and as applicable with Federal and State labor laws and regulations. Prompt notice of any change in anticipated return date is requested. Failure to return to work as scheduled at the end of a leave may be considered abandonment of employment and voluntary resignation by the employee to the extent permitted by law.

Employees who report less than their regularly scheduled hours due to a leave of absence or other time off will accrue leave on a prorated basis.

Employees should contact the Administrative Services Manager or designee for further information.

A. Vacation

The District supports and encourages the use of vacation to provide opportunities for rest, relaxation, and personal pursuits. Vacation time off with pay is available to all regular full time and part time year-round employees. Active service commences with an employee's first day of work and continues thereafter unless broken by an extended period of leave, including absence without pay, a paid leave of absence, or termination of employment. Actual accrued vacation time must be sufficient to cover any requested vacation time off before it can be taken, and vacation leave will not be advanced or paid in lieu of taking actual time off.

It is the mutual responsibility of the employee and his/her Supervisor to assure that no employee shall exceed said maximum accrual. There shall be no further accrual once an employee's maximum hours have been reached. If accrued but unused vacation leave reaches the maximum, vacation leave shall cease to accrue until such time as leave falls below the maximum accrual limit.

For each pay period vacation will accrue in accordance with the following schedule, subject to the accrual limitations and policies.

FULL TIME			
Years of Service	Accrual Rate Per Pay Period	Accrual Hours per Year	Max Accrual Cap (Annual Hours)
0-5 Years	3.08	80	160
6-8 Years	3.85	100	200
9-12 Years	4.62	120	240
13-15 Years	5.38	140	280
15(+) Years	6.15	160	320
PART TIME YEAR-ROUND			
Years of Service	Accrual Rate Per Pay Period	Accrual Hours per Year	Max Accrual Cap (Annual Hours)
0-5 Years	2.31	60	80
6-8 Years	2.89	75	100
9-12 Years	3.47	90	120
13-15 Years	4.04	105	140
15(+) Years	4.61	120	160

Vacation begins to accrue the first payroll period of employment, but no accrued vacation time may be used by new or rehired employees until completion of 90 days of continuous service. Leave may be used in increments of one (1) hour or more. Exempt employees absent for two (2) hours or more in a workday will have the corresponding amount of time deducted from their accrued vacation or one of the other appropriate leave types.

Current accrued vacation is reflected on pay stubs. If an error has been made on an employee's vacation accrual, it should be immediately reported to payroll for a correction or explanation.

Supervisors shall respond to a written request for vacation within five (5) business days from the date in which the employee provides their direct Supervisor the request. Upon the request of the employee, the Supervisor shall confirm, in writing, the granting or denial of the request with the reason for the denial. The District will attempt to accommodate each vacation request; however, the District reserves the right to deny employee vacations if required by business necessity. Vacation schedules should be coordinated a minimum of two (2) weeks in advance and approved by a Supervisor.

Seniority and annual rotation may be taken into consideration when resolving schedule conflicts. The General Manager will make final determinations on disputes over time off requests.

An employee whose employment terminates (including employees in their introductory period) will be paid for accrued unused vacation days.

B. Management Leave

It is recognized that exempt employees will work additional hours as needed to meet the demands of their position without receiving additional compensation for such hours. The District allows regular exempt employees the ability to accrue twenty (20) hours of additional management leave per quarter to be used at the employees' discretion with the General Manager's or Department Manager's approval.

The 20 hours will be accrued the first pay dates in January, April, July and October. The maximum accrual cap is 20 hours per quarter, and quarterly accruals will be reduced by balance carried over from the previous quarter, not to exceed earnings of 80 hours annually.

Exempt employees are required to perform a minimum of six (6) hours of work per day; if less than six (6) hours of work per day is performed it is expected that the employee record their time not worked as management leave or one of the other appropriate leave types. If the exempt employee works anything other than their normal workday it is expected that they receive approval from the General Manager or designee, and such hours worked shall be reflected on a timecard.

C. Compensatory Time Off

Full Time employees may accrue compensatory time off hours in lieu of being paid overtime for all worked overtime hours, with approval of their Supervisor. Compensatory time off is accrued at one- and one-half times the regular pay rate of the employee. Approval to work compensatory time must be approved by a Supervisor prior to working. The District has a cap of 80 hours on accrued compensatory balances. No additional compensatory time may be accrued until such hours fall below the maximum allowable accumulation. Employees who cannot accrue additional compensatory time off will be paid for overtime as required by law.

In the event that an employee is promoted, all compensatory time will be paid to the employee on the final paycheck of their previous position.

The granting, recording, and taking of compensatory time off shall be in accordance with established vacation/time off procedures.

D. Sick Leave

Sick leave is a benefit that full time and part time year-round employees accumulate in order to provide a cushion for incapacitation due to illness. It is intended to be used only when actually required to obtain medical assistance or recover from illness or injury or other reasons allowed by law. Sick leave is not for "personal" time off or other absences.

Sick Leave shall be used for the diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member or for an employee who is a victim of domestic violence, sexual assault, or stalking, as provided below. For the purpose of this section, an employee's "family member" includes: (i) a spouse; (ii) a registered domestic partner; (iii) regardless of age or dependency status, a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis; (iv) a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child; (v) a grandparent; (vi) a grandchild; or (vii) a sibling. Accrued sick leave may be used in increments of one-quarter (1/4) hour increments or more.

In cases of diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee's family member, up to one-half of the employee's sick leave accrual for the year (up to 48 hours) can be used to attend to a family member. Additional family sick leave usage for special circumstances may be granted on a case-by-case basis in the discretion of the General Manager.

In cases of an employee who is a victim of domestic violence, sexual assault, or stalking, the employee may use sick leave to obtain any relief or services related to being such a victim, including but not limited to: (i) a temporary restraining order; (ii) other injunctive relief to help ensure the health, safety or welfare of themselves or their children; (iii) seeking medical attention for injuries caused by domestic violence, sexual assault, or stalking; (iv) obtaining services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking; (v) obtaining psychological counseling related to an experience of domestic violence, sexual assault, or stalking; (vi) participation in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation. The District shall require certification for use of sick leave for unscheduled absences under this subparagraph.

Except as stated in any bargaining agreement, MOU, or other local policy providing for a higher accrual rate of sick leave, employees shall be entitled to accrue sick leave at the rates stated herein.

1. Full Time Employees Sick Leave Accrual

Every regular full-time employee shall accrue sick leave at the rate of 3.69 hours at the beginning of each pay period. Employees in regular positions budgeted less than eighty (80) hours per pay period shall receive sick leave accumulation on a pro-rata basis.

Paid sick leave shall continue to accrue during any period of leave with pay, including sick leave. Leave will accrue at a prorated rate if any part of the leave becomes unpaid. There shall be no cap on the number of sick leave hours an employee may accumulate for illness.

2. Part-Time Year-Round Employees Sick Leave Accrual

Employees in this classification will receive twenty-four (24) hours of sick leave upon completion of six pay periods (84 calendar days). Beginning the seventh pay period employees will accrue sick leave at 2.76 hours per pay period.

Paid sick leave shall continue to accrue during any period of leave with pay, including sick leave. Leave will accrue at a prorated rate if any part of the leave becomes unpaid. There shall be no cap on the number of sick leave hours an employee may accumulate for illness.

3. Temporary or Seasonal and/or Part Time Restricted Employees Sick Leave Accrual

Temporary or Seasonal Employees shall receive twenty-four (24) hours of sick leave upon completion of six pay periods (84 calendar days). Beginning their second year of employment the employee will receive an additional twenty-four (24) hours, not to exceed a cumulative total of forty-eight (48) hours.

4. Charge for Sick Leave

If an employee performs his/her duties for part of a working day, he/she shall be credited with those hours worked and charged sick leave only for those hours not worked for reason of illness or injury. Sick leave must be used in one-quarter (1/4) hour increments. Sick leave can only be charged to days the employee was scheduled to work.

5. Proof of Illness

A doctor's certificate or other adequate proof shall be provided by the employee in all cases of absence due to illness of three (3) consecutive days or more.

6. Notice of Sickness

The Department Manager or designee must be notified no later than one hour prior to the start of the employee's scheduled tour of duty. It is the responsibility of the employee to keep the Department Manager or designee informed as to the continued absence beyond the first day. If the need for leave is unforeseeable, the employee shall provide notice as soon as possible

7. Cash Value upon Termination

Accumulated sick leave shall have no cash value for any employee who terminates for any reason prior to the completion of five (5) years of service with the District. Employees who terminate after the completion of five (5) years of employment shall be compensated at the rate of twenty five percent (25%) and limited to 500 hours. Employees with 10 years and over of service will be compensated at a rate of fifty percent (50%) and

limited to 1,000 hours. The cash value compensation is based upon salary in effect at the time of Termination.

8. Value upon Retirement

Upon retirement, accumulated sick leave will be converted to retirement benefit credits, with no cash value, in accordance with terms and conditions of the District contract with the Public Employees' Retirement Systems (PERS).

E. Family Care and Medical Leave

The District will provide family and medical care leave for eligible employees, as required by State and Federal law, including leaves under the federal Family and Medical Leave Act (FMLA) (which includes Military Caregiver Leave, also known as Covered Service Member Leave), the California Family Rights Act (CFRA), and the Paid Family Care Leave Act (PFCLA). An individual who is entitled to leave under the FMLA and the CFRA may take Family Temporary Disability Insurance (FTDI) leave concurrently with leave taken under the FMLA and the CFRA.

1. Definitions

“12-Month Period” means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

“Child” means, under FMLA, a child under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. Under CFRA, there is no age limitation or requirement. An employee’s child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, or foster child, a stepchild, a legal ward, a son or daughter of a domestic partner, or a son or daughter to whom the employee stands in loco parentis (in place of a parent).

“Parent” means the biological, foster, or adoptive parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. Under CFRA, this term also includes parents-in-law.

“Spouse” means a husband or wife as defined or recognized under California state law for purposes of marriage.

“Domestic Partner” means a partner as defined in Section 297 of the Family Code.

“Family Member” means a Child, Parent, Spouse, or Domestic Partner as defined in this family care and medical leave policy.

“Serious Health Condition” means an illness, injury impairment, or physical or mental condition that involves:

1. Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (*i.e.*, inability to work or perform other regular daily activities because of the serious health condition, treatment involved, or recovery therefrom); or
2. Continuing treatment by a health care provider (*i.e.*, a serious health condition involving continuing treatment by a Health Care Provider as defined under Federal or State law).

2. Reasons for Leave

Leave is only permitted for the following reasons:

1. The birth of a child or to care for a newborn of an employee or the employee's domestic partner;
2. The placement of a child with an employee in connection with the adoption or foster care of the child by the employee or the employee's domestic partner;
3. To care for an employee's child, parent, spouse, or domestic partner who has a serious health condition (under CFRA, this also includes caring for an employee's grandparent, grandchild, or parent-in-law with a serious health condition); or
4. Because of a serious health condition that makes the employee unable to perform the functions of his or her position.

3. Employees Eligible for Leave

An employee is eligible for leave if the employee:

- Has been employed at the District for at least 12 months; and
- Has worked for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

The District counts FMLA/CFRA leave using a "looking back" method, meaning that if an employee requests FMLA/CFRA leave, the District looks back over the preceding 12 months to determine if the employee has taken FMLA/CFRA leave during that time period. If the employee did take FMLA/CFRA leave, then that time would be deducted from the amount of leave for which the employee is now eligible. If the employee has not taken any FMLA/CFRA leave, then the employee would be eligible for all 12 weeks of FMLA/CFRA leave.

4. Amount of Leave

Eligible employees are entitled to a total of 12 workweeks of leave each under FMLA and CFRA during any 12-month period. In most instances, leave under FMLA will run concurrently with CFRA. However, to the extent such leave cannot be run concurrently, the District will utilize the applicable leave entitlements.

When both parents are employed by the District, and leave is requested for the birth or placement for adoption or foster care of a child, the District will grant the aggregate total of 12 workweeks of FMLA leave to both parents. However, under CFRA, each parent will be entitled to take 12 weeks of CFRA leave.

5. Minimum Duration of Leave

If leave is requested for the birth, adoption, or foster care placement of a child of the employee or domestic partner, leave must be concluded within one (1) year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two (2) weeks. However, an employee is entitled to leave for one of these purposes (*e.g.*, bonding with a newborn) for at least one (1) day, but less than two (2) weeks' duration on any two (2) occasions.

If leave is requested to care for the employee or the employee's child, parent, spouse, or domestic partner with a serious health condition, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be complied with.

6. Benefits While on Leave

Leave under this policy is unpaid. However, an employee may be able to use accrued paid leave. While on leave, the employee will continue to be covered by the District's group health insurance to the same extent that coverage is provided while the employee is on the job.

The employee may be entitled to other, non-District provided benefits under any other federal or state programs such as state disability insurance benefits. The District is not responsible for administering any such benefits.

Employees may make the appropriate contributions for continued coverage under the preceding non-health benefit plans by payroll deductions or direct payments made to these plans. Depending on the particular plan, the District will inform the employee whether the premiums should be paid to the carrier or to the District. The coverage on a particular plan may be dropped if the employee is more than 30 days late in making a premium payment. However, the employee will receive a notice at least 15 days before coverage is to cease, advising him or her that he or she will be dropped if the premium payment is not paid by a certain date. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

If the employee fails to return to work after his or her leave entitlement has been exhausted or expires, the District shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his or her family member that would entitle the employee to leave or because of circumstances beyond the employee's control.

7. Substitution of Paid Accrued Leaves

While on leave under this policy, an employee may elect to concurrently use paid accrued leaves. Similarly, the District may require an employee to concurrently use paid accrued leaves after requesting FMLA/CFRA leave and Paid Family Care Leave and may also require an employee to use family and medical care leave concurrently with a non-FMLA/CFRA leave that is FMLA/CFRA-qualifying.

8. Employer's Right to Require Employee to Use Paid Accrued Leaves Concurrently with Family Leave

When an employee has earned or accrued paid vacation leave, that paid leave must be substituted for all or part of any (otherwise) unpaid leave under this policy.

An employee is entitled to and may use sick leave concurrently with leave under this policy if:

- The leave is for the employee's own serious health condition; or
- The leave is needed to care for a parent, domestic partner, spouse, or child (or under CFRA, a grandparent, grandchild, parent-in-law, or sibling) with a serious health condition and would be permitted as sick leave under the District's sick leave policy.

An employee may use vacation or sick time concurrently with leave under this policy.

As a condition of an employee's initial receipt of family temporary disability insurance benefits during any 12-month period in which an employee is eligible for these benefits, the District may require an employee to take up to 2 weeks of earned but unused vacation or sick leave (or both) prior to the employee's initial receipt of these benefits. If the District requires the employee to take vacation or sick leave, that portion of the leave that does not exceed 1 week shall be applied to any applicable waiting period for receipt of family temporary disability insurance benefits.

9. Employee Notice of Leave

Although the District recognizes that emergencies arise that may require employees to request immediate leave, employees are required to give as much notice

as possible of their need for leave. If leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that he or she will need leave in the future but does not know the exact date(s) (e.g., for the birth of a child or to take care of a newborn), the employee shall inform his or her Supervisor as soon as possible that such leave will be needed. Absent unusual circumstances, such notice may be given in accordance with the District's usual and customary call-in procedures for reporting an absence. The employee must provide notice sufficient to make the District aware that the employee needs FMLA/CFRA-qualifying leave and of the anticipated timing and duration of the leave. If the District determines that an employee's notice is inadequate, the District may delay the granting of FMLA/CFRA leave.

10. Medical Certification

Employees who request leave for their own serious health condition or to care for a child, parent, parent-in-law, grandparent, grandchild, sibling, domestic partner, or spouse who has a serious health condition must provide written certification from the qualified health care provider of the individual requiring care. The written certification must come from a physician in the field of which treatment is being sought. The employee will also be required to give periodic reports on the status of themselves or the seriously ill family member.

a. Time to Provide Medical Certification

In order to be granted family and medical leave, the employee must fill out a request form found in Human Resources and provide such medical certification in advance of the leave or as soon as practicably possible thereafter, or within 15 days of notice from the District. After a continuous absence of 30-calendar days for any "covered event," the employee must request family/medical care leave. Failure to comply with these notice rules may be grounds and may result in denial or deferral of the requested leave until the employee complies with this policy.

b. Consequences of Failure to Provide Adequate or Timely Certification

The District will advise the employee in writing what additional information is necessary to make the certification complete and sufficient. The employee will have seven (7) calendar days, unless not practicable under the circumstances despite the employee's diligent good faith efforts, to cure any deficiencies. If the deficiency is not cured, the District may deny the taking of FMLA/CFRA leave.

c. Recertification

If the District has reason to doubt the validity of a certification, the District may require a medical opinion of a second health care provider chosen and paid for by the District. If the second opinion is different from the first, the District may require the opinion of a third provider jointly approved by the District and the employee but paid for by the

District. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a recertification.

11. Intermittent Leave or Reduced Schedule Leave

If employee requests leave intermittently (e.g., a few days or hours at a time) or on a reduced leave schedule, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

12. Reinstatement on Return from Leave

a. Right to Reinstatement

On expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA leave period.

If a definite date of reinstatement has been agreed on at the beginning of the leave, the employee will be reinstated on the date agreed on. If the reinstatement date differs from the original agreement date between the employee and the District, the employee will be reinstated within two (2) business days, when feasible, after the employee notifies the District of his or her readiness to return.

b. Employee's Obligation to Periodically Report on His or Her Condition

An employee may be required to periodically report on his or her status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

c. Fitness-for-Duty Certification

As a condition of reinstatement of an employee whose leave was based on the employee's own serious health condition that made the employee unable to perform his or her job, the employee must obtain and present a fitness-for-duty certification from the health care provider stating that the employee is able to perform the essential functions of the employee's job. When reasonable job safety concerns exist, the District may require a fitness-for-duty certification before an employee may return to work when the employee takes intermittent or reduced leave. Failure to provide such certification will result in denial of reinstatement.

F. Pregnancy Disability Leave

Under the California Fair Employment and Housing Act (FEHA), an employee disabled by pregnancy, childbirth, or related medical conditions is eligible to take up to four (4) months (or 88 work days for a full-time employee) of unpaid Pregnancy Disability Leave (“PDL”) leave, and may also be eligible to transfer to a less strenuous or hazardous position or to less strenuous duties, if a health care provider determines such transfer is medically advisable. At the end of the leave, the employee will be reinstated in the same or a substantially equivalent position, unless the position has been eliminated because of a change in business conditions or operations.

There is no minimum amount of time worked to qualify for PDL.

The PDL need not be taken in one continuous period of time; it can also be taken on a reduced schedule or an intermittent, as-needed basis.

Time off for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth are covered by PDL.

1. Certification from Health Care Provider:

The period of leave, including the date upon which the leave shall begin, shall be determined by the employee’s physician. This date shall be based upon the employee’s ability to render service in the current position. The employee must obtain a certification from their health care provider of the pregnancy-related disability or the medical advisability for a transfer to a less-strenuous position and provide it to the General Manager or designee. The certification should include: the date on which the employee became disabled due to pregnancy or the date of the medical advisability of the transfer; the probable duration of the period(s) of disability or the duration of the intermittent leave or transfer to a less strenuous position; and a statement that, due to the disability, the employee is unable to work at all or perform any one or more of the essential functions of the position without undue risk to the employee, the successful completion of the pregnancy or to other persons, or a statement that, due to pregnancy-related disability, an intermittent leave or transfer to a less strenuous position is medically advisable.

2. Use of Sick Leave

The employee is entitled to use accumulated sick leave for the period of time the employee is required to be absent by reason of physical incapacity due to pregnancy or childbirth or conditions related thereto.

3. Use of Additional Accrued Paid Leave

At the employee’s option, any additional accrued time off may be used as part of PDL before taking the remainder of leave as unpaid. While on paid leave, the employee

will continue to accrue vacation and sick leave benefits. Once paid leave is exhausted, the employee will no longer accrue vacation or sick leave benefits.

4. State Disability

Employees may also be eligible for state disability insurance for the unpaid portion of pregnancy leave.

5. Health Benefits During PDL Leave

During PDL, group health benefits will continue at the same level and conditions as if the employee had continued working. The time the District maintains health coverage during a PDL will not be used to offset the twelve (12) weeks of coverage under the CFRA, regardless of whether the PDL is designated as FMLA or CFRA leave.

6. PDL Concurrent with FMLA Leave

PDL leave shall run concurrently with FMLA leave, if the employee is FMLA-eligible. However, it shall not run concurrently with CFRA leave (See Section N below) An employee who is transferring from PDL to CFRA Leave must provide a certificate from the doctor stating that the pregnancy disability has concluded. If more information regarding eligibility for a leave, the impact of the leave on seniority and benefits, and policy for other disabilities, contact the Administrative Services Manager.

7. Return to Work

Return to service is based upon a doctor's written statement of physical ability to render service. Upon return following PDL leave, the employee is entitled to the same position, if available. If the position has been eliminated, the employee is entitled to a comparable vacant position for which the employee is qualified. Return rights are the same as they would have been had the employee been employed continuously in the position.

8. Seniority

The employee will continue to accrue seniority while on PDL, whether the leave is paid or unpaid. Employees on pregnancy leave may also be eligible for benefits under the District's Short Term and/or Long-Term Disability Plan. Employees must file a claim in order to receive these benefits. Forms are available from the employee's doctor and the District's Personnel Office.

If an employee takes a pregnancy disability leave of absence while on probation, her probationary period shall be extended the same length of time as the pregnancy leave.

A comparable position is one having similar terms of pay, location, job content and promotional opportunities. Failure to return to work after the authorized four month leave period shall cause the pregnant employee to have no reinstatement rights provided there are no other available leaves.

G. Coordination of PDL with Family/Medical Leave

Under the California Family Rights Act of 1993 (CFRA), an eligible employee may request CFRA leave of up to twelve (12) work weeks due to the birth of the child. This unpaid CFRA leave is separate and distinct from the right to take pregnancy disability leave, which is explained in the preceding section of this Policy Manual. If taking a leave for the birth of a child, the basic minimum duration of the leave is two (2) weeks and must conclude the leave within one (1) year of the birth of the child.

There is no requirement that either the employee or the child have a serious health condition to take CFRA leave. The maximum possible combined unpaid leave is four (4) months for pregnancy/childbirth disability if medically required, plus twelve (12) work weeks to care for the newborn child. If more information is needed regarding eligibility for an unpaid CFRA leave or the impact of the leave on your seniority and benefits and coordination with pregnancy disability leave, contact the Administrative Services Manager.

H. Military Leave

The District provides military leaves of absence to employees who serve in the uniformed military services as required by the Uniformed Services Employment and Reemployment Rights Act of 1994 and applicable state laws. Leave is available for active duty, active duty for training, and initial active duty for training, inactive duty training, full-time National Guard duty, and for examinations to determine fitness for duty.

Total military leave time may not exceed five (5) years during employment, except under specified circumstances required by law. Advance notice of leave is required. Employees must inform their manager of anticipated military leave time as far in advance as possible and submit copies of military orders, training notices, or induction information as soon as received.

In accordance with state and federal law, the District will ascertain the exact status of an employee's call to military leave. The District's obligation to continue an employee's salary and health benefits shall be determined by the type of military duty taken, the employee's military branch, and length of military and District service. Please contact Human Resources for information about your rights before and after taking military leave.

Employees who have honorably completed their military service are eligible for reinstatement. Employees returning from military leave must report for work or submit applications for reemployment within specified time limits, except in limited circumstances required by law:

- Employees returning from a leave of fewer than 31 days must report to work at the beginning of the first full regularly scheduled work period on the first full calendar day following completion of service.
- Employees returning from a military leave of more than 30 but fewer than 181 days must submit an application for reemployment within 14 days of completion of service and must provide documentation that establishes the timeliness of their application for reemployment, as well as the length and character of their military service.
- Employees returning from a military leave of more than 180 days must submit an application for reemployment within 90 days of completion of service and must provide documentation that establishes the timeliness of their application for reemployment, as well as the length and character of their military service.
- Temporary employees may not be eligible for reinstatement following military leave and reinstatement may not be required for other employees in some circumstances. Employees should contact Human Resources for information specific to their situation.

As with other leaves of absence, failure to return to work or to reapply within applicable time limits may result in termination of employment.

1. Military Family Leave

The District will comply with any applicable Federal or State laws regarding Military Family Leave.

2. Military Caregiver Leave

The District will comply with any applicable Federal or State laws regarding Military Caregiver Leave.

3. Qualifying Exigency Leave

The District will comply with any applicable Federal or State laws regarding Qualifying Exigency Leave.

4. Leave to Care for Covered Servicemember

The District will comply with any applicable Federal and State laws regarding Leave to Care for Covered Servicemember.

I. Personal Leave

A personal leave of absence without pay may be granted at the discretion of the District General Manager or designee. Reasons for a leave may involve family emergencies or extenuating circumstances not covered by other leaves of absence. Each request for a leave of absence will be considered on a case-by-case basis. All accrued vacation must be used before beginning a personal leave of absence. Requests for personal leave should be limited to unique circumstances requiring an absence of no longer than two (2) weeks.

Employees will be required to make payment in advance as applicable for their health, vision, and dental insurance coverage during the leave of absence as applicable. Failure to make payment for coverage may result in cancellation of that coverage.

Requests for personal leave must be submitted in writing to, and approved by, the General Manager.

The District cannot guarantee that the employee's job will be held open for them until they return from a leave. The District will make every effort to return an employee to the same or a similar job; however, if no job opening exists for which they are qualified they will be laid off for lack of work.

An employee on personal leave may not accept other employment while on leave. If they do so, they may be subject to immediate termination.

Failure to return to work as scheduled at the end of a personal leave will be considered abandonment of employment and voluntary resignation by the employee.

J. Leave of Absence Without Pay

Any employee who is absent from work and who is not on leave of absence with pay shall be considered to be on leave of absence without pay.

Leave of absence without pay shall be approved in advance and in writing. Any employee requesting a leave of absence without pay must exhaust all available leaves, including accrued compensatory time-off, administrative leave, vacation time (and sick leave if appropriate) prior to the start of the leave without pay. No single leave of absence without pay may exceed three (3) months, without approval of the General Manager.

Upon expiration of an approved leave of absence without pay the employee shall be reinstated in the classification held at the time the leave was granted. Failure on the part of the employee to report to work promptly at the expiration of the leave shall result in the employee being deemed to have resigned from employment.

K. Emergency Leave Donations

Employees who meet established guidelines are only allowed to donate earned vacation, comp-time, floating holiday, sick, Regular Day Off-Holiday (RDO-H) and administrative hours to other employees for prolonged absences from work due to the employee's serious injury or prolonged illness.

Such donations of paid time off may be permitted under the following conditions:

The Department Manager must approve, in advance, the donation.

- Any eligible employee wishing to receive such donations must complete the Request for Paid Time off Donations Form. The form must be signed by the employee and approved by the requesting employee's Department Head.
- Upon approval of an employee's request for donated time, the Human Resources personnel may, if requested to do so by the employee, post a notice of the need for leave donations for the affected employee.
- Any eligible employee who wishes to donate vacation, comp-time and/or floating holiday hours to an employee whose request for such donated time has been approved, must complete the Authorization for Paid Time Off Donations Form. This form must be signed by the donating employee and submitted to Human Resources or designee.
- The donating employee must have a total of 120 hours of sick, vacation and/or comp-time on the books after the time of hours donated.

Donations are entirely voluntary, and time is to be donated in whole hour increments.

- The donated hours will be converted to a dollar equivalent, and the employee will receive it at his/her rate of pay.
- To be eligible, the receiving employee must have exhausted all paid leave, or will foreseeably exhaust all such time (within the next week), due to his or her personal serious injury or prolonged illness or a family member as defined by Article 26.
- Any donated time remaining at the end of the employee's leave of absence due to the injury or illness will be left in the bank for future requests.

L. Bereavement Leave

In the event of a verified death in an employee's family, upon request, the District shall grant a full-time employee up to three (3) days and a part-time year-round employee up to eighteen (18) hours of bereavement leave, as provided below.

For the purpose of this Article, the term "family" shall be defined as spouse, child, parent, sibling, grandparent, grandchild, parent of a spouse, registered domestic partner, and parent of a registered domestic partner.

1. Bereavement leave will be paid at full pay for up to three (3) consecutive workdays for full-time employees or eighteen (18) consecutive hours for part-time year-round employees and shall not be charged against the employee's accrued vacation or sick leave.
2. When travel to a distant greater than 400 miles or other circumstances require an absence longer than three (3) consecutive workdays for full-time employees or eighteen (18) consecutive hours for part-time year-round employees, the District may allow the employee to use up to two (2) days of accrued sick leave.
3. If the employee requests to take a cumulative leave of longer than five (5) consecutive workdays, the District may allow the use of accrued vacation or compensatory time.

An employee desiring to attend a funeral of others than described above may be given the time off, provided he/she so notified his/her Supervisor two (2) days in advance. Upon concurrence and authorization of the Supervisor, he/she shall take the time off against vacation, management or compensatory annual leave.

M. Jury Duty and Witness Leave

The District encourages employees to fulfill their civic responsibilities by serving jury duty when called or appearing as a witness. Employees must inform their Supervisor of the need for time off for jury or witness duty as soon as they receive a notice or summons from the court.

1. Regular full time non-exempt employees who are called for jury or witness duty due to a job-related subpoena shall be paid the difference between their regular wages and any jury/witness payment received by him/her, except travel pay, for such duty up to a maximum of 10 days per calendar year.
2. Exempt employees will receive their full salary unless they are absent for a full workweek and perform no work.
3. Part-time Year-Round employees will receive a max of 40 hours to use towards Jury Services in a 12-month period of time.
4. If an employee in a non-exempt status is required to remain on jury or witness duty over the allowed amount of time, they may opt to work a flexible schedule as approved by the General Manager.

An employee who is required to participate in jury duty or testify in court or in any other legal proceeding may be required to provide written verification from the court clerk for performance of jury service. If an employee is required to serve jury duty beyond the period of paid jury duty leave, they may use any available vacation or may request an unpaid jury duty, witness duty or witness service leave of absence. They must show the jury duty summons to their Supervisor as soon as possible so that the Supervisor can make arrangements to accommodate the absence. If an employee is a witness on behalf of the District, regular salary, less payment received for services, shall be continued. If at least two hours of work time remains after any day of jury selection or jury duty, they will be expected to return to work for the remainder of their work schedule.

An employee may retain any mileage allowance or other fee paid by the court for jury services.

N. Time Off for Voting

If an employee does not have sufficient time outside of working hours to vote in an official state-sanctioned election, the employee may take paid time off 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 a maximum of two hours. An employee requesting time off to vote shall give his or her Supervisor at least two (2) days' notice and must provide proof of voting to the Supervisor upon returning to work.

O. Volunteer Civil Service Personnel

Employees are eligible for unpaid leave to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel or for related training. A Supervisor should be notified by an employee if they are a civil service volunteer in case it is necessary to take time off for emergency duty. When taking time off for emergency duty, employees must alert their Supervisor before doing so as early as possible and provide documentation of service on their return.

P. Workers' Compensation

Employees who have a work-related illness or injury are covered by workers' compensation insurance. The workers' compensation benefits provided to injured employees may include:

- Medical care
- Cash benefits, tax free, to replace lost wages
- Assistance to help qualified injured employees return to suitable employment

To ensure workers' compensation benefits are received an employee needs to:

- Immediately report any work-related injury to their Supervisor within 24 hours.
- Notify the Administrative Services Department who will schedule an appointment at an in-service provider/clinic for initial treatment. If the event of an emergency requiring immediate care, 911 may be called. It is an employee's responsibility to work with the Administrative Services Department to seek medical treatment and follow-up care if required.
- Complete an Employee Accident Report.
- Complete a written Employee's Claim Form (DWC Form 1) and return to the Administrative Services Department.
- Provide the District with a certification from the health care provider regarding the need for workers' compensation disability leave, as well as eventual ability to return to work from the leave.

The District provides medical treatment for work-related injuries through a medical provider network approved by the District's workers' compensation insurance, which the District has chosen to provide medical care to injured employees because of their experience in treating work-related injuries. All employees and volunteers must go to the clinics and hospital listed on the website, <http://www.eiampn.csac-eia.org>.

Employees who are ill or injured as a result of a work-related incident, and who are eligible for family and medical leave under FMLA and CFRA, will be placed on FMLA/CFRA leave during the time they are disabled and unable to return to work. The leave under these laws runs concurrently, and eligible employees will be on FMLA/CFRA for a maximum of 12 weeks in a rolling 12-month period.

An employee taking workers' compensation leave who is eligible for and placed on FMLA/CFRA 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 a maximum of 12 workweeks) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. The District will continue to make the same premium contribution as if the employee had continued working. The employee must make payments for his or her share of continued premiums, or risk losing coverage under the District's plan. Payment is due when it would otherwise be made by payroll deduction. The continued participation in health benefits begins on the date leave first begins. In some instances, the District may recover from an employee premium paid to maintain health coverage if the employee fails to return to work following family/medical leave.

Employees on workers' compensation leave who are not eligible for continued paid coverage may continue their group health insurance coverage through the District in conjunction with the federal COBRA guidelines by making monthly payments to the

District or insurance carrier for the amount of the applicable premium. Employees should contact the Administrative Services Department for further information.

Paid sick leave is a benefit that also covers absences for work-related illness or injury. Workers' compensation benefits usually do not cover absences for medical treatment. When a work-related illness or injury is reported, the employee will be sent for medical treatment, if treatment is necessary. They will be paid their regular wages for the time spent seeking initial medical treatment.

Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other prescribed appointments will not be paid as time worked. If an employee has accrued and unused sick leave, the additional absences from work will be paid with the use of sick leave.

If an employee does not have accrued, paid sick leave, or if he/she used all of the sick leave, the employee may choose to substitute vacation for further absences from work, related to the illness or injury.

Neither the District nor its insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during voluntary participation in any off-duty recreational, social or athletic activity sponsored by the District, even if such activities take place at a District sponsored event, such as a staff picnic or other social gathering. Participation in all such activities, even if planned or sponsored by the District, is not considered part of their job duties or employment responsibilities and should be considered entirely voluntary.

Q. School Activities

Employees are encouraged to participate in the school activities of their child(ren). Any employee who is a parent or guardian of a pupil and who is requested to appear at the pupil's school pursuant to section 48900.1 of the Education Code will be granted time off without pay, provided the employee gives reasonable notice to their Supervisor. Any employee who is a parent, guardian or grandparent having custody of one or more children in Kindergarten or grades 1-12, inclusive, or attending a licensed day care facility, may take up to a total of forty (40) unpaid hours for all such children each school year, not exceeding eight (8) hours in any calendar month of the school year, to participate in activities of the school of any child or to address school emergencies, provided the employee gives reasonable notice to their Supervisor. The employee may elect to use vacation, comp time or holiday time in lieu of leave without pay.

R. Employee Literacy Assistance

Employees who desire assistance in enrolling in an adult literacy education program should contact the Administrative Services Department. Human Resources will

assist an employee in locating and enrolling in a literacy education program. Employee requests will be kept confidential as requested.

S. Victims of Domestic Violence, Sexual Assault or Crime Leave

Except as provided in the Sick Leave section of this Policy Manual, employees who are victims of domestic violence, sexual assault, stalking or other crime shall be given time off without pay as necessary for obtaining legal relief, including but not limited to a temporary restraining order or other injunctive relief for the employee's protection as well as his/her child's protection or to attend to judicial proceedings. Time off from work is also extended to employees who are not the victims of a crime but are immediate family to or registered domestic partners of such victims. Employees who are victims of domestic violence, sexual assault or other crime shall also be given time off without pay as necessary for seeking medical attention, seeking assistance or services from a domestic violence shelter, program or rape crisis center, obtaining psychological counseling or participating in activities designed to ensure the victim's safety and well-being.

An employee who takes time off is required to provide the Administrative Services Department with reasonable advance notice unless such notice is not feasible. The employee must also provide documentation to the Administrative Services Department, such as a police report indicating the employee was a victim of domestic violence, a restraining order or any other evidence certifying a court appearance or documentation from a medical professional, health care provider, domestic violence advocate, or counselor that the employee is undergoing treatment for physical or mental injuries or abuse. Victims of domestic violence, sexual assault or other crime may use any available sick, vacation, personal or compensatory time off while on such leave. The total time taken for leave for victims of domestic violence, sexual assault, or stalking may not exceed twelve (12) weeks and is not in addition to unpaid time provided under the Family and Medical Leave Act (FMLA).

T. Organ and Bone Marrow Donation Leave

An employee may take a paid leave of absence up to 30 business days to donate his or her organ to another person in anyone (1) year period. The one year starts from the date the employee takes a leave pursuant to this section and shall consist of 12 consecutive months.

An employee may take a paid leave of absence up to five (5) business days to donate his or her bone marrow in any one-year period. The one year starts from the date the employee takes a leave pursuant to this section and shall consist of 12 consecutive months. The employee must provide written verification that he or she is an organ or bone marrow donor and that there is a medical necessity for the donation. The District may require the employee to take up to five (5) days of sick or vacation time for bone marrow donation and up to two (2) weeks of sick or vacation time for organ donation.

U. Reservation of Right by the District

This section sets forth only a maximum of the discretionary time allowed for leaves of absences and is not to be construed as an indication of entitlement to a leave of the maximum duration for any employee. Furthermore, other than as dictated by law the District reserves the right to fill or eliminate the employee's position as required by business necessity (e.g., the District's ability to find a qualified temporary replacement).

ARTICLE 6 - BENEFITS

The District provides a comprehensive array of benefits. Further details regarding the benefits set forth below can be obtained from the Administrative Services Department.

A. Holidays

The District provides regular full-time employees 12 paid holidays on the days listed below:

- New Year's Day – January 1st
- Martin Luther King Jr. Birthday – Third Monday in January
- Presidents' Day – Third Monday in February
- Memorial Day – Last Monday in May
- Independence Day – July 4th
- Labor Day – First Monday in September
- Indigenous Day – Second Monday in October
- Veterans Day – November 11
- Thanksgiving Day – Fourth Thursday in November
- Friday after Thanksgiving Day
- Christmas Eve Day- December 24th
- Christmas Day – December 25th

For most employees, if a holiday falls on Saturday, the holiday will be observed on the Friday before, and holidays falling on Sunday will be observed on the Monday after.

- Regular full-time non-exempt employees will receive straight time pay for holidays. Paid holiday leave will be equal to the number of hours an employee regularly would have been scheduled to work had it not been a holiday.
- Part-time Year-Round employees will receive straight time pay for holidays. Paid holiday leave will be equal to 6 hours.

To receive holiday pay, they must work the normal workday immediately before and after the holiday. If on approved leave (e.g., vacation) they will receive the holiday leave pay and that day will not be counted against approved leave accrual.

If an unscheduled day off is taken, then they will not receive holiday pay, unless a doctor's note can be provided. A full-time employee who is required to work on a District holiday shall be compensated at the rate of straight time for time actually worked. In no event shall such an employee be compensated for working a fixed holiday in excess of one and one-half (1 ½) times the employee's regular hourly rate of pay.

An employee must be in a normal regularly scheduled work status to receive holiday pay. Management can change or modify any of the holidays based on business needs. The District Administration Office is closed on the holidays listed above; however, other facilities and programs may be open on a holiday.

If a fixed holiday falls on a full-time employee's regularly scheduled workday, the employee shall be entitled to their normal work schedule for holiday time off. If a fixed holiday falls on an employee's regularly scheduled day off, the full-time employee shall be entitled to their regularly scheduled workday of holiday compensatory time. Holiday compensatory time must be used within 90 days. Upon termination or retirement, employees shall be compensated for any unused accrued holiday time at the then current regular hourly rate of pay.

B. Federal Social Security Act

The Federal Social Security Act covers full time and part time year-round employees. The plan is designed for future security and that of the employee's dependents and provides for retirement, disability, death, survivor and Medicare benefits. The plan requires equal contribution from both the employer and the employee. District employees participate through payroll deductions. Part time restricted employees do not pay into Social Security.

C. California Public Employee Retirement System (CalPERS)

The District makes contributions to each full time and part time year round employees retirement through the California Public Employees' Retirement Systems (CalPERS) as of the date of hire and based on their wages. Employees are vested after five (5) years of service with the District. This benefit can be transferred only if the employee goes to work for another public employer who also participates in CalPERS.

Part-time year-round employees may become eligible if they work over 1000 hours in a fiscal year. If an employee terminates their employment with the District prior to completing five (5) years of service, the employee is terminated from the CalPERS system and ineligible to receive benefits from CalPERS.

According to guidelines established by CalPERS, all eligible employees must participate in this program. Contributions to CalPERS will be made by the District and by the employee in accordance with the guidelines established in the contracts and resolutions of the District, as well as any applicable bargaining agreements or other local policy or manual. See the Administrative Services Department for additional details.

Except as otherwise provided in the CalPERS contract with the District or other applicable bargaining agreement or MOU, the retirement formulas are as follows:

1. For employees with a hire date before March 31, 2011, the District is contracted for a retirement formula of 2.5% @ 55 provided for by the Public Employees' Retirement Law at Government Code section 21354.4.
 - a. Effective July 1, 2015, the employee's total contribution for classic members shall be capped at 8% (PEPRA compliance).
 - b. All represented employees at 2.5% @ 55 will continue to pay 12% of which 8% will be the Normal Cost (employee share) and 4% will be for the loan to enhance their retirement. This will last until August 2022 or until the loan is paid off, whichever will happen sooner. At that time these members would return to PEPRA compliance.
2. For employees with a hire date after March 31, 2011 through December 31, 2012, or classic PERS members (as defined by PERS) hired by the District on or after January 1, 2013, the District is contracted for a retirement formula of 2% @ 60 provided for by the Public Employees' Retirement Law at Government Code section 21353.
 - a. Employees with a hire date after March 31, 2011, through December 31, 2012, or classic PERS members (as defined by PERS) hired by the District on or after January 1, 2013, will be responsible for paying a 7% employee contribution rate.
3. For employees with a hire date on or after January 1, 2013, who are new PERS members, as defined by PERS, the District is contracted for a retirement formula of 2% @ 62 provided for by the Public Employees' Retirement Law at Government Code section 7522.20(a).
 - a. Employees hired after January 1, 2013, who are also new PERS members (as defined by PERS) will be responsible for paying the statutorily mandated employee contribution rate of one half of the

total normal cost per section code 20516.5 of the California Public Employees' Retirement Law.

D. Deferred Compensation 457 Plan

The District provides a Deferred Compensation 457 Plan for employees in order to assist in planning for their retirement. Deferred compensation is a benefit that provides the opportunity for employees to invest with their own pre-tax contributions into a retirement plan by means of a pre-tax payroll deduction. For information regarding eligibility, contributions, benefits, and tax status, contact the Administrative Services Department. All eligible participants will receive a summary plan description.

E. Insurance Programs

The District is committed to providing employees with benefits necessary to provide assistance in the event of medical need. The District at its discretion may pay any or all premiums including but not limited to medical, dental, vision, short term disability, long term disability and life insurance coverage for eligible employees. In the event of an increase in medical insurance premium rates, employees may be required to contribute to the cost of increased premiums to retain coverage. In accordance with federal law, staff classified as seasonal and temporary employees are not eligible to participate in these insurance plans. Part time employees may be eligible for benefits as approved by the Board of Directors.

Employees who begin working for the District and submit their insurance application between the first and the 15th day of the month may have health insurance coverage begin on the first of the following month, while those who submit their application between the 16th and the last of the month may be covered from the first day of the second calendar month. After these dates, employees may enroll or change plans during the open enrollment period that occurs annually.

The coverage and benefits available under the insurance plans provided by the District are set forth in the insurance plan itself, any applicable bargaining agreements, and other local policy or manual for. Specific information about the plan is distributed to employees at the time of hire; questions can be directed to the Administrative Services Department. The terms, conditions, coverage, and benefits may be changed at any time.

F. Unemployment Insurance

The District is self-insured for the Unemployment Insurance Fund on behalf of its employees. Claims are made through the Employee Development Department. Employees do not pay into State Disability Insurance (SDI).

Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other

prescribed appointments will not be paid as time worked. If they have accrued and unused sick leave, the additional absences from work will be paid with the use of sick leave.

G. Other Employee Paid Benefits

The District may make additional benefits available to employees at a cost.

H. Employee and Family Discounts

In order to promote wellness for employees and their immediate family the following discounts are offered:

Swim Passes – two (2) free twenty (20) entry swim passes will be offered to employees on a yearly basis.

District Run Programs– 25% off.

Drop-In Games – free access to drop-in games.

Parking Pass – 25% off parking pass for Camarillo Grove Park.

I. Training Programs, Seminars, Conferences, Lectures, Meetings or Other Outside Activities

Some employees may need to attend training programs, seminars, conferences, lectures, meetings, or other outside activities for the benefit of the District or the individual employee. Attendance at such activities, whether required by the District or requested by individual employees, requires the written approval of the General Manager or his/her designee. To obtain approval, any employee wishing to attend an activity must submit a written request detailing all relevant information, including date, hours, location, cost, expenses, and the nature, purpose, and justification for attendance to their Supervisor. Attendance at any such event is subject to the following policies on reimbursement and compensation.

For attendance at events required or authorized by the District, customary and reasonable expenses will be reimbursed upon submission of proper receipts. Acceptable expenses generally include registration fees, materials, meals, transportation, and parking. Reimbursement policies regarding these expenses should be discussed with a Supervisor in advance.

A report of all expenses incurred along with receipts must be submitted within 10 days of the event/travel date on the District's "Travel and Expense Reimbursement" form available from Accounting. This form must be submitted with all receipts and records in order to properly support and account for expenses. Proper completion of this form requires the employee to gather together in one place all facts relative to the travel experience. All expenses, whether personally incurred, charged to the District, charged

to a District credit card, or paid through a District check request, must be reported on this form after completion of the trip.

Travel includes all work away from the District, such as attendance at meetings, (both formal and informal), training programs, seminars, conferences, lectures, or other outside activities. Travel expenses include transportation, meals, lodging, registration, and any related incidental expenses (such as telephone, tips, and car rental). The destination can be a location close by (e.g., lunch after a meeting at a restaurant), or at a great distance (e.g., training out of state).

J. Compensation During Travel Away From the District

When the trip originates from the employee's home, time spent commuting, traveling to and from an authorized business event is considered time worked and will be compensated.

When the trip originates from the employer's work location, all time spent commuting to and from an authorized business event is considered time worked and will be compensated.

Employee attendance at authorized outside activities will be considered hours worked for non-exempt employees and will be compensated in accordance with normal payroll practices.

For recording expenses incurred, please refer to the District's Travel Policy.

K. Educational Assistance Program

The District will provide educational assistance to regular represented full-time employees who have completed one year of employment with the District. Program criteria and funding are at the discretion of the District, and subject to change annually.

1. To maintain eligibility, an employee must remain on the active payroll and be performing satisfactorily through completion of each course.
2. The course shall directly relate to the employee's current job duties; or any course, including outside-the-major electives, required for a degree or certificate in the field either directly related to the employee's current duties, or a field in which the employee would have reasonable expectation of being promoted to while employed with the District.
3. All courses are to be taken at a time that does not interfere with the District operations. Veterans eligible for education benefits from the Federal Government or the State of California must maximize such benefits before applying for reimbursement under this program.

Effective July 1, 2022, District will replace the prior program and fund up to two (2) represented employees 100% of their cost for tuition and books for a maximum of up to two thousand dollars (\$2,000) per employee per fiscal year.

1. An outline of the courses(s) and written approval from the General Manager prior to registration must be submitted.
2. Transcripts showing completion of the course with a passing grade of a “C” where letter grades of “A” to “F” are used, or successful completion defined as “pass” for a “pass/fail” course are required to be submitted.
3. Receipts for tuition and books must be submitted within thirty (30) days of course completion.

Employees must remain with the District for a minimum of one (1) year after the completion date of any course for which Educational Assistance Funds were received. If the employee leaves employment prior to one (1) year, they will have thirty (30) days from resignation or termination to reimburse the District for all educational financial assistance received.

The District will pay the licensing fee whenever an employee is required to obtain a certificate, license or endorsement in order to carry out the duties assigned. The District will reimburse one time for the costs associated with successfully obtaining the certificate, license or endorsement.

L. Americans With Disabilities Act

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

An applicant or employee who desires a reasonable accommodation for testing or to perform the essential job functions should make such a request in writing to the Administrative Services Department. The request must identify the job or testing related functions and the desired accommodations. Following receipt of the request, the District may require additional information, such as reasonable documentation of the existence of a disability and restrictions.

The District may require an employee to undergo a fitness for duty examination at the District’s expense to determine whether the employee can perform the essential functions of the job with or without reasonable accommodation. The District may also require that a District-approved physician conduct the examination.

After receipt of sufficient documentation of a disability and/or fitness for duty report, the District will arrange for a discussion, in person or via telephone conference call, with

the applicant or employee, and any representative(s). The purpose of the discussion is to work in good faith to fully consider all feasible potential reasonable accommodations.

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

M. Other Employee Paid Benefits

The District may make additional benefits available to employees at a cost.

N. Recording Expenses Incurred

Please refer to the PVRPD Travel Policy.

ARTICLE 7 - STANDARDS OF CONDUCT

A. Punctuality and Attendance

To maintain a safe and productive work environment, the District expects all employees to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on working operations; when absent, assigned work must be performed by others.

Employees are expected to report to work as scheduled, on time, and prepared to start work. Employees are also 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 unanticipated and unapproved absences from scheduled hours are disruptive and will result in disciplinary action.

If unable to report for work on any particular day, an employee must, under all but the most extenuating circumstances, call their Supervisor at least one hour before the time they are scheduled to begin work. If an employee calls in less than one hour before their scheduled time to begin work and do not arrive in time for their assigned shift, they may be considered tardy for that day. In all cases of absence or tardiness, employees must provide their Supervisor with an honest reason or explanation. Employees also must inform their Supervisor of the expected duration of any absence. Excessive absenteeism or tardiness, whether excused or not, will not be tolerated.

If the employee fails to report for work without any notification to their Supervisor and their absence continues for a period of three (3) consecutive days, this will be considered abandonment of employment and voluntary resignation by the employee.

B. Dress Code and Other Personal Standards

This policy is intended to provide general guidelines on dress and appearance and is not meant to address all styles of dress or all situations that may arise. If this policy causes concern due to religious beliefs, medical conditions or any other legally protected class, please contact the Administrative Services Department to discuss appropriate options for accommodation. Questions as to what constitutes proper attire and grooming can also be discussed with the Administrative Services Department.

1. Professional Attire

Attire should reflect positively on the District and from the public's point of view and instill confidence in professional abilities. This can be defined as Professional Attire. Clothing that is acceptable or appropriate for business dress attire includes (but not limited to):

Shirts/Blouses:	Collared shirts, tops, sweaters, or blouses. Ties and suits or sport coats, as required by a supervisor.
Pants/Slacks:	Slacks and dress pants.
Dresses/Skirts:	Business dresses and skirts.
Inappropriate business attire:	Jeans, sweats, shorts, off the shoulder or backless attire, low cut tops, strapless or spaghetti strap dresses, halter tops, tank tops, are not acceptable office attire. Revealing clothing such as low-cut tops/blouses, transparent/ see through attire, and short dresses/skirts are not acceptable.

Clothing must be in good business taste and appropriate for job functions. Clothing should not be revealing, overly tight, particularly short or low-cut, transparent or torn.

All footwear is expected to be appropriate and safe to the employee's position and work environment. Shoes are to be neat, clean, and in good repair. At no time should flip flops be worn. The District reserves the right to request that the employee change any attire that is deemed to be offensive and/or distracting to the public or coworkers.

Based on the nature of job duties and departments appropriate attire may differ. Department Managers or Division Supervisors may issue specific guidelines concerning any exceptions to this Policy.

2. Grooming

Employees are expected to practice good hygiene, and adhere to appropriate grooming (hair, nails, makeup, body decorations, and fragrance). Hair must not interfere

with the employee’s ability to perform duties. Hats should not be worn indoors. Beards, mustaches, and sideburns should be kept clean and neatly trimmed in a professional style. Facial hair must not interfere with the employee’s ability to perform duties.

Tattoos or body piercings other than in the ears that are deemed inappropriate by Management must be covered.

3. Business Casual Attire

District approved logo attire includes logo shirts, sweaters, and jackets worn with appropriate casual pants, shorts, or skirts. Appropriate casual attire includes polo and regular shirts, denim wear, khakis, and corduroy pants. If employees choose not to wear logo attire on designated casual days, appropriate casual attire must be worn as listed above.

The District observes a casual dress every day except when expected to meet with representatives of the public or other entities. Employees required to wear safety equipment or clothing still must do so on a casual dress day. Examples of Business Casual Attire clothing includes (but not limited to):

- | | |
|-------------------------------------|--|
| Shirts/Blouses: | Polo collar knit, golf shirts, company logo wear, blouses, shirts, jackets or sweaters |
| Pants/Slacks: | Khakis, corduroys, jeans (in good condition), skorts and capris. |
| Inappropriate casual attire: | Sweatpants, leggings, exercise wear, shorts, low-rise or hip-hugger pants, shirts with graphics, beachwear, crop tops, spaghetti straps, “Staff” t-shirts, flip flops, athletic shoes, tennis shoes, croc-like sandals, and slippers |

All employees required to wear uniforms provided by the District must take care of their uniforms and report any wear or damage to their Supervisors. Supervisors will inform you of additional requirements regarding acceptable attire. Certain employees may be required to wear safety equipment or clothing. Any deviations from these guidelines must be approved by your Supervisor.

C. Off-Duty Conduct

While the District does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with the District’s legitimate business interests. For this reason, employees are expected to conduct their

personal affairs in a manner that does not adversely affect the District's or their own integrity, reputation or credibility. Off-duty conduct by an employee that adversely affects the District's legitimate business interests or the employee's ability to perform his or her job will not be tolerated.

D. Customer Relations

Employees are expected to be polite, courteous, prompt, and attentive to every customer. When an employee encounters an uncomfortable situation that he or she does not feel capable of handling in a professional and courteous manner, their immediate Supervisor should be called immediately.

Never argue with a customer. If a problem develops or if a customer remains dissatisfied, ask an immediate Supervisor, Department Manager or the General Manager to intervene.

E. Confidentiality

Each employee is responsible for safeguarding the confidential information obtained during employment.

In the course of work employees may have access to confidential information regarding the District, its suppliers, its customers, or fellow employees. It is each employee's responsibility to prevent revealing or divulging any such information unless it is necessary for them to the performance of their assigned duties. Access to confidential information should be on a "need-to-know" basis and must be authorized by a Supervisor. Any breach of this Policy will not be tolerated, and legal action may be taken by the District.

F. Solicitation and Distribution of Literature

In order to ensure efficient operation of the District's business and to prevent disruption to employees, we have established control of solicitations and distribution of literature on District property. The District has enacted the below rules applicable to all employees governing solicitation, distribution of written material, and entry onto the premises and work areas, except where otherwise stated in MOU. All employees are expected to comply with these rules. Any employee who is in doubt concerning the application of these rules should consult with the General Manager or designee.

1. Employees may be allowed to use breakrooms or other designated common areas to solicit or promote support for organizations. Material may not be advertised on District-owned bulletin boards for longer than a two-week period, though this limitation does not apply to Unions' posting rights, which are spelled out in the MOU between the employer and the Union.

2. No employee shall solicit or promote support for any cause or organization during his or her working time or during the working time of the employee or employees at whom such activity is directed.
3. No employee shall distribute or circulate any written or printed material in work areas at any time, or during his or her working time or during the working time of the employee or employees to whom such activity is directed. Except for union representatives as set forth in the applicable MOU, non-employees will not be permitted to solicit or to distribute written material for any purpose on District property.
4. No employee of the District shall knowingly solicit, either directly or indirectly, for a candidate for elective office political funds or contributions, pecuniary or otherwise, from any other employees of the District or from persons on the employment lists of the District. No employee of the District shall permit the services of his/her division or agency to be utilized to solicit or process any political contribution, pecuniary or otherwise, from other employees of the District.

Notwithstanding the provisions of this Section, an employee is not prevented from communicating through the mail or by other means requests for political funds or contributions to a significant segment of the public which may include employees of the District. An employee also is not prevented from soliciting or receiving political funds or contributions to promote the passage or defeat of a ballot measure which would affect the rate of pay, hours of work, retirement, civil service or other working conditions of employees of the District. A ballot measure shall be defined as any constitutional amendment or other proposition submitted to a popular vote at any election. The aforementioned activities are prohibited during the regular working hours of employees, and no public funds shall be used for any of the aforementioned activities at any time.

5. No employee of the District shall participate in political activities of any kind while he/she is in District uniform.

G. Outside Business or Employment

While employed as a Full-Time employee by the District, employees are expected to devote their energies to their jobs with the District. The following types of employment, education classes or extracurricular activities, elsewhere are strictly prohibited:

- Additional employment that conflicts with an employee's work schedule, duties, and responsibilities at the District.
- Additional employment that creates a conflict of interest or is incompatible with the employee's position with the District.

- Additional employment that impairs or has a detrimental effect on the employee's work performance with the District.
- Additional employment that requires the employee to conduct work or related activities on District property during the employer's working hours or using District facilities and/or equipment.
- Additional employment that directly or indirectly competes with the business or the interests of the District.

Employees who wish to engage in additional employment that may create a real or apparent conflict of interest must submit a written request to the Administrative Services Manager explaining the details of the additional employment. If the additional employment is authorized, the District assumes no responsibility for it. The District shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of additional employment. Authorization to engage in additional employment can be revoked at any time.

1. Definition:

Outside employment is defined as any work, service or other act performed by an employee other than his/her District duties for which the employee receives compensation. In addition to work for another employer, outside employment includes, but is not limited to:

- Landscaping
- Teaching
- Bookkeeping
- Painting
- Self-employment
- Sale of commercial or homemade products
- Construction

Inconsistent and incompatible employment is defined as, but is not limited to work that: a) Results in a conflict of interest, b) Gives the impression that outside activities are official acts, c) Detracts from job performance with the District, d) Causes the employee to be less effective or productive, e) Tends to impair the mental or physical capacity of the employee, f) Is subject to District regulation, and g) Takes time and attention away from District business.

2. Procedures for Requesting Authorization for Outside Business or Employment:

All employees shall request authorization for any outside business or employment in addition to their employment with the District on a standard form, Request for Authorization of Outside Business or Employment, provided by the District, prior to beginning date of business or employment.

If a request is disapproved by the Department head, the employee may request review by the General Manager, who shall make a final decision in writing to the employee within twenty (20) calendar days, after making or causing to be made wherever investigation that he/she deems necessary.

Sick leave will not be granted for any injury arising out of or injured in connection with any outside business or employment. Paid leave, with the exception of annual vacation leave and holidays, shall not be used for outside business or employment. A leave of absence from the District employment shall not be granted for the purpose of pursuing outside business or employment.

On an annual basis, employees will resubmit the Request for Authorization of Outside Business or Employment and note on the form that the request is an annual update. An employee terminating his/her outside business or employment shall notify the Administrative Manager or designee in writing.

H. Conflicts of Interest

Employees are responsible for adherence to the District's Conflict of Interest Code and all applicable rules or polices and State law regarding conflicts of interest. Further, they must avoid situations involving actual or potential conflicts of interest. Personal involvement with a competitor, supplier, or subordinate employee of the District, which impairs an employee's ability to exercise good judgment on behalf of the District, creates an actual or potential conflict of interest. Supervisor-subordinate personal relationships also can lead to Supervisory problems, possible claims of harassment, and morale problems.

An employee involved in any of the types of relationships or situations described in this Policy should immediately and fully disclose the relevant circumstances to their immediate Supervisor, or the Administrative Services Manager or designee, for a determination about whether a potential or actual conflict exists. If an actual or potential conflict is determined, the District may take whatever corrective action appears appropriate according to the circumstances. Failure to disclose an actual or potential conflict of interest shall constitute grounds for disciplinary action.

3. Form 700 – Statement of Economic Interests

Every elected official and public employee who makes or influences governmental decisions is required to submit a Statement of Economic Interest, also known as the Form 700. The Form 700 provides transparency and ensures accountability in two ways:

1. It provides necessary information to the public about an official’s personal financial interests to ensure that officials are making decisions in the best interest of the public and not enhancing their personal finances.
2. It serves as a reminder to the public official of potential conflicts of interest so the official can abstain from making or participating in governmental decisions that are deemed conflicts of interest.

The following classifications are required by the District to complete this form:

- Board of Directors
- General Manager
- Administrative Services Manager
- Park Services Manager
- Recreation Services Manager
- Park Supervisor
- Recreation Supervisor
- Administrative/Development Analyst

4. Personal Use of District Contractors

The District prohibits personal use of contractors that have current contracts with the District in an amount of \$5,000 or more. This will be applied to all employees who work in a capacity where they can make a decision or a board recommendation on who is hired.

I. Acceptance of Gifts

Employees shall not directly or indirectly solicit any gift or receive any gift whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form under circumstances which it could reasonably be inferred the gift was

intended to influence them or could be expected to influence them in the performance of their official duties or was intended as a reward for any official action on their part.

(a) Gifts that will be shared with office staff, such as boxes of candy, flowers and food, may be viewed as exceptions provided, they are of minimal value and do not exceed limits imposed by law for gifts to public employees. All financial disclosure laws and regulations must be complied with.

(b) An employee who is unsure of any questionable gifts or offers of gifts should immediately report the matter to a Supervisor or the Administrative Services Department.

J. Public Records Act, Government Code §6253

Public records are open to inspection by the public at all times during office hours and every person has a right to inspect any public record except as exempted (Government Code §6253 (a)). District guidelines can be obtained at the Administration Office.

K. Business Conduct and Ethics

Public confidence is important to any organization. For a Special District entity, public confidence is vital. To warrant continued public trust, public entities and their employees and officials must be above reproach, steadfastly adhering to the highest ethical standards and business practices. The District expects each employee to follow such standards and practices at all times.

1. Conduct

Each employee should adhere to high standards of professional and personal behavior on and off the job. Deficiencies in personal or business conduct can result in disciplinary action including termination of employment or removal as a volunteer.

2. Dishonest Acts

Committing a dishonest act, attempting to defraud the public, shoplifting, theft, etc. or a breach of trust is not permitted. Employees cannot use District funds for personal use. Discharge from employment or official removal for certain dishonest, fraudulent, and criminal acts is required by certain regulatory agencies and governing laws.

3. Abiding by the Law

Because laws and regulations governing federal entity operations are complex and changing, it is difficult for any volunteer or employee to know them all. The best safeguard is to strictly follow the operating rules, policies, and procedures in District manuals and handbooks.

If it is believed another employee or an official has committed a dishonest act or breached this policy in any way, report the incident to a Supervisor, Manager, or the General Manager immediately.

4. Conducting Non-District Business

Employees may not conduct personal business or business for another employer during their scheduled working hours.

5. News Media Contacts

Employees may be approached for interviews or comments by the news media. Only staff designated or approved by the General Manager should comment to news reporters on District policy or events relevant to the District.

L. Drug and Alcohol Abuse

It is the intention of this policy to eliminate substance abuse and its effects in the workplace. While the District has no intention of intruding into the private lives of its employees, unless it is for legitimate District reasons, involvement with drugs and alcohol off the job can take its toll on job performance and employee safety. Employees must be in a condition to perform their duties safely and efficiently, in the interests of their fellow workers and the public as well as themselves. The presence of drugs and alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with this objective.

Furthermore, the use of prescription drugs and/or over-the-counter drugs also may affect an employee's job performance and may seriously impair them. If an employee is taking a drug or medication, whether or not prescribed by a physician, which may adversely affect their ability to perform work in a safe or productive manner, they are required to report such use to their Supervisor. This includes drugs which are known or advertised as possibly affecting judgment, coordination or other senses, including those which may cause drowsiness or dizziness, and including both prescription and non-prescription drugs and medications. The employee's Supervisor, in conjunction with the Administrative Services Department, will determine whether they will be allowed to remain at work, and whether any work restrictions are appropriate.

Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program. While the District will be supportive of those who seek help voluntarily, the District will be equally firm in identifying and disciplining those who continue to be substance abusers and do not seek help or continue substance abuse even while enrolled in counseling or rehabilitation programs.

Supervisors may be trained to recognize abusers and become involved in this control process. Alcohol or drug abuse will not be tolerated and disciplinary action, up to and including termination, will be used as necessary to achieve this goal.

This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of the District managers and employees. To that end, the District will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the District's reputation. All persons covered by this policy should be aware that violations of the policy may result in discipline, up to and including termination.

In recognition of the public service responsibilities entrusted to the employees of the District, and that drug and alcohol usage can hinder a person's ability to perform duties safely and effectively, the following policy against drug and alcohol abuse is hereby adopted by the District.

1. Policy

It is District policy that employees shall not be under the influence, or in possession, of alcohol or drugs while on District property, at work locations, or while on duty or subject to being called to duty or standby, and that employees shall not sell or provide drugs or alcohol to any other employee or person while on duty or on standby duty.

While use of validly prescribed medications and drugs in conformance with prescribed directions does not violate this policy per se, failure by an employee to notify his/her Supervisor, before beginning work, when taking medications or drugs which could foreseeably interfere with the safe and effective performance of duties, or the operation of District equipment, can result in discipline up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician may be required.

The District reserves the right to search, without employee consent, all areas and property in which the District maintains control or joint control with the employee. "Right to search, when utilized, shall be preceded with notice to the employee of his/her right to representation and to be present during the search unless it is an emergency, or the District deems it is not practical to have the employee present." Otherwise, the District may notify appropriate law enforcement agencies that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the District.

Refusal to immediately submit to an alcohol and/or drug analysis when requested by District management or law enforcement personnel, or refusal to submit to a search of

personal properties if requested by law enforcement personnel, may constitute insubordination and be grounds for discipline up to and including termination.

Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall be detained for a reasonable time until he or she can be safely transported from the work site.

The District is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as handicapped under federal and/or state law.

The District has established an Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems. Employees should contact their Supervisors or Administrative Services Department for additional information.

2. Application

This policy applies to all employees and unpaid persons whose actions can serve to place themselves or employees at risk, cause poor employee morale, or damage the District's reputation. This policy applies to alcohol and drugs, including all substances, drugs, or medication, whether legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job.

For purposes of this Section, the following definitions shall apply:

“Abuse of any legal drug” means the use of any legal drug, including prescription drugs, (a) for any purpose other than the purpose for which it was prescribed or manufactured; or (b) in a quantity, frequency or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.

“Controlled substance” or “Drugs” denotes any substance which could potentially impair the employee’s ability to effectively and safely perform the functions of his/her duties, including, but not limited to the following including derivatives of: alcohol, coca leaves, cocaine, marijuana, opioids (opium and opiates or any hallucinogenic), “Speed” including amphetamines, methamphetamine, lysergic acid (L.S.D.), PCP, quaaludes, etc. As outlined below, certain prescription drugs and medications shall also be classified as controlled substances.

A complete listing of controlled substances may be found in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined at 21 CFR 1300.11 through 1300.15. A copy of Schedules I through V of Section 202 of the Controlled Substances Act shall be kept on file with the District and will be available for inspection by an employee on request.

“Conviction” is a finding of guilt (including a plea of no contest), an imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

3. Employee Responsibilities

An employee must:

1. not report to work or be subject to duty while his/her ability to perform job duties is impaired due to on or off duty alcohol or drug use; not possess or use alcohol or impairing drugs, including illegal drugs and prescription drugs without a prescription, during working hours or while on standby duty, on breaks, during meal periods or at any time while on District property;
2. not directly or through a third party sell or provide drugs or alcohol to any person, including any employee, while either or both employees are on duty or on standby duty, unless attending a District sponsored event where alcohol may be served;
3. submit immediately to an alcohol and drug test when requested by a District representative, and approved by the General Manager or his/her designated representative;
4. notify his/her Supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which the employee knows or should know may interfere with the safe and effective performance of duties or operation of District equipment; and
5. provide, within 24 hours of request, bona fide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug screen/test is positive. The prescription must be in the employee's name.

4. Management Responsibilities and Guidelines

Managers and Supervisors are responsible for reasonable enforcement of this policy.

Managers and Supervisors may request that an employee submit to a drug and/or alcohol test when a manager or Supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol while on the job or subject to being called.

"Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent Supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is

impaired or so that the employee's ability to perform his/her job safety is reduced. "Reasonable suspicion" shall generally not be deemed to exist if other objective explanations exist.

For example, any of the following, alone or in combination, may constitute reasonable suspicion (when such behavior is unusual for an individual):

- Slurred speech;
- Alcoholic odor on breath;
- Unsteady walking and movement;
- An accident involving District property, where it appears the employee's conduct is at fault, when other objective evidence exists;
- Physical altercation;
- Unusual behavior;
- Verbal altercation;
- Possession of alcohol or drugs;

Any Manager or Supervisor requesting an employee to submit to a drug and/or alcohol test should document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.

Any Manager or Supervisor encountering an employee who refuses an order to submit to a drug and/or alcohol analysis upon request shall remind the employee of the requirements and disciplinary consequences of this policy. Where there is reasonable suspicion that the employee is then under the influence of alcohol or drugs, the manager or Supervisor should arrange for the employee to be safely transported home.

Managers and Supervisors shall not physically search the employee, nor shall they search the personal possession of an employee without the freely given written consent of, and in the presence of, the employee.

Managers and Supervisors shall notify their Department Manager or designee when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the District. If the Department Manager or designee concurs that there is reasonable suspicion of illegal drug possession, the Department Manager shall notify the appropriate law enforcement agency.

5. Physical Examination and Procedure

The drug and/or alcohol test may test for any substance which could impair an employee's ability to effectively and safely perform the functions of his/her job, including, but not limited to, prescription medications, alcohol, heroin, cocaine, morphine and its derivatives, P.C.P., methadone, barbiturates, amphetamines, marijuana, and other cannabinoids.

If drug/alcohol testing is proposed, the employee who is to be tested shall have the right to determine whether the test is by blood sample or by urinalysis. Testing, other than by breathalyzer performed by law enforcement for reasonable cause, shall only be conducted by a laboratory certified by the National Institute on Drug Abuse (NIDA), using gas spectrometer testing and shall, in all cases, include a split-sample properly identified, for use by the employee if the employee challenges a positive result. The split sample and/or original sample shall be available for parallel testing by a different licensed laboratory at the District's expense. Test results and samples shall be retained for at least one (1) year. Any irregularity in the chain of custody of a sample shall serve to void the test.

6. Results of Drug and/or Alcohol Analysis

A positive result from a drug and/or alcohol analysis may result in disciplinary action, up to and including termination. "Positive results" shall be defined, for alcohol, as having a blood-alcohol level above that limit as established under California law for the operation of a motor vehicle.

If the drug screen is positive, the employee must provide within 24 hours of request bona fide verification of a valid current prescription for the drug identified in the drug screen. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified his or her Supervisor, the employee will be subject to disciplinary action up to and including termination.

If an alcohol or drug test is positive for alcohol or drugs, the District shall conduct an investigation to gather all facts.

The Alcohol/Drug Abuse Report shall not be considered valid until signed by a trained Supervisor/Manager and the General Manager or his designee. Any such report shall be removed from the file unless confirmation is made that the violation took place.

7. Confidentiality

Suspicion of, participation in EAP laboratory reports and test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Administrative Services Department. The reports or test results may be

disclosed to District management on a strictly need-to-know basis and to the tested employee upon request.

Disclosures, without employee consent, may also occur when: (1) the information is compelled by law or by judicial or administrative process; (2) the information has been placed at issue in a formal dispute between the employer and employee; (3) the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

Disclosure of any information garnered through the administration of this policy is a violation of this policy and may cause discipline up to and including termination of the person or persons making the disclosure.

M. Anti-Harassment and Anti-Discrimination Policy

The District is committed to providing a work environment free of unlawful harassment and discrimination. District policy prohibits all forms of harassment and unlawful discrimination in the workplace. This includes harassment or unlawful discrimination based in regard to sex, gender, gender identity or expression, race, creed, color, religion, class, disability, national origin, age, political or union affiliation, military/veteran's status, marital status, medical condition, sexual orientation, or any other characteristic protected by federal, state or local law ("protected status"). Any technique or procedure used in recruitment and selection of employees shall be designed to measure only the job-related qualifications of applicants. No recruitment or selection technique shall be used which, in the opinion of the District, is not justifiably linked to successful job performance.

This policy applies to all employees, vendors, and visitors. The District does not tolerate sexual or other unlawful harassment of employees at the workplace or in any work-related situation by anyone. The District also prohibits unlawful discrimination and harassment of non-employees by employees in connection with any administration, enforcement, business, service or professional relationship with the District. If, after a prompt and thorough investigation, it is determined that an employee has engaged in discrimination and/or sexual or other harassment, that employee will be disciplined, up to and including discharge. The District will also seek to protect employees from harassment by non-employees in the workplace or in work-related situations.

1. Harassment; Discrimination

The District strictly prohibits unlawful discrimination or harassment of employees in the workplace against any protected status of person as set forth above. Unlawful discrimination is any action or conduct by which an employee is treated differently or less favorably than other employees similarly situated to him or her for the sole reason that he or she is a member of a legally protected class.

Harassment includes all forms of offensive or unwelcome physical or verbal conduct that interferes with an employee's work or creates an offensive or hostile working environment, based on an employee's protected status. Such conduct constitutes harassment when (a) submission to such conduct is made a condition of employment, either expressly or implied, (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or (c) 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. It is also unlawful to discriminate or harass based on the perception or association of a protected status.

Prohibited unlawful 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 displays such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis;
- 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 reporting or threatening to report harassment.

2. Sexual Harassment

Sexual harassment of all types towards employees in the workplace is specifically prohibited and is illegal, unacceptable, and will NOT be tolerated. Under state and federal law, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is offensive to the person or persons. It is illegal whenever (a) submission to such conduct is made a condition of employment, either expressly or implied, (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or (c) 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 can occur between members of the same or opposite sex and is prohibited whether it involves a co-worker, a supervisor, or persons doing business with or for the District.

Examples of sexual harassment include unwelcome sexual propositions or marriage proposals; unwelcome hugging, kissing, or other offensive physical contact or a sexual nature; lewd gestures, remarks, or innuendos; unwelcome discussions of sexual practices or anatomy; and sexually offensive posters, photographs, drawings, cartoons, jokes, stories, nicknames, or comments about appearance.

3. Mandatory Training

All employees who are hired by the District will be given a copy of this Policy Manual and will receive guidance from the District on its provisions and the District's commitment to provide a workplace free from harassment, discrimination, and retaliation. In addition, all supervisors and employees will be trained in accordance with the requirements of FEHA (Government Code § 12950.1) and implementing regulations.

4. Reporting and Investigating Complaints of Discrimination or Harassment

Any employee who believes he or she has been unlawfully discriminated against or harassed should bring the matter to the attention of the employee's supervisor immediately and provide a full and accurate report of the underlying facts either verbally or in writing. Where the employee's supervisor is the alleged harasser, the employee should bring the matter to the attention of the Administrative Services Department. Employees are urged to report to the employee's Supervisor, but this is not required if the employee feels uncomfortable in doing so, or if the employee believes the supervisor is the harasser. In all cases, employees are free to report such problems directly to the Administrative Services Department.

Upon notification of a harassment complaint, the Administrative Services Manager or designee shall promptly and in good faith commence or conduct an investigation of the complaint and supervise and/or investigate the complaint. The investigation will generally include interviews with (1) the complainant; (2) the accused harasser; and (3) any person that is believed to have relevant knowledge concerning the complaint. This may include victims of similar conduct.

All such reports will be kept confidential to the greatest extent possible, but some disclosure will be necessary to conduct a proper investigation. In each case, the employee reporting the problem will receive a written reply from the Administrative Services Manager or designee on the results of the investigation and whether appropriate action has been taken. Any employee who is not satisfied with the reply may appeal to the General Manager and will receive a reply in writing.

5. Additional Resources

FEHA (California Govt. Code Sections 12940 et seq.) prohibits unlawful discrimination or harassment based on a protected status. Employees may file complaints about sexual harassment or other illegal employment discrimination with the

California Fair Employment and Housing Commission (FEHC), or with the California Department of Fair Employment and Housing (DFEH). The DFEH is authorized to accept and investigate complaints of employment discrimination, and to mediate settlements. The FEHC has authority to issue accusations against employers, conduct formal hearings, and award reinstatement, back pay, damages, and other affirmative relief. Employees may also file complaints with the federal Equal Employment Opportunity Commission (EEOC). Additionally, the EEOC can be reached at (800) 669-4000 or on the Internet at www.eeoc.gov, and the DFEH can be reached at (800) 884-1684 or (916) 478-7200 or on the Internet at www.dfeh.ca.gov.

6. Retaliation

The District prohibits retaliation against any employee because of the employee's truthful and good faith opposition to a practice the employee reasonably believes to constitute employment discrimination or harassment or because of the employee's participation in an employment discrimination investigation, proceeding, or hearing. Any retaliatory action because of such opposition or participation will not be tolerated; and may also be unlawful. Opposition to perceived harassment or discrimination includes threatening to file a discrimination complaint with the EEOC, the DFEH, or court, or complaining about alleged employment discrimination or harassment to a manager, co-worker, or other official. Opposition also includes a complaint or protest made on behalf of another employee or made by the employee's representative. Opposition in a manner which disrupts the workplace, or which constitutes an unlawful activity, or engaging in badgering or threatening of employees or supervisors is not protected. Participation includes filing, testifying, or assisting in any manner in an investigation, proceeding, hearing, or litigation under federal or state employment discrimination statutes or at other hearings regarding protected employee rights.

Employees who believe they have been retaliated against in violation of this Policy may inform the Administrative Services Department, and investigation of complaints shall be conducted as provided in this policy. FEHA prohibits retaliation against employees because they have filed a complaint with the DFEH, participated in an investigation, proceeding, or hearing with either agency, or opposed by practice made unlawful by the FEHA.

Malicious Complaint: While the District vigorously defends its employee's right to work in an environment free of sexual harassment, it also recognizes that false accusations of sexual harassment can have serious consequences. Accordingly, any employee who is found, through the District's investigation, to have knowingly falsely accused another person of sexual harassment will be subject to appropriate disciplinary action, up to and including termination.

N. Workplace Violence

The District does not tolerate any act or behavior which can be perceived as threatening, hostile, and/or violent. No employee shall make any threat, either physical

or verbal, against a co-worker, supervisor, or member of the public. No employee, other than those required by their position, shall bring a weapon (exclusive of personal defense chemical spray) of any type to a District facility, including parking lots and public streets outside or immediately adjacent to a District building or place in a District vehicle or equipment. Violation of this “zero tolerance” policy will lead to discipline, up to and including termination. An employee, having demonstrated a legitimate need and having obtained any necessary certification, may bring a personal defense chemical spray to a District facility including parking lots and public streets outside or immediately adjacent to a District building or place in a District vehicle or equipment, if first approved by their Department Manager having demonstrated a legitimate need and having obtained any necessary certification. the Administrative Services Department.

All employees are required to report immediately to their Supervisor and Manager any threats or incidents of violence. All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. Supervisors and Managers are required to investigate, or to cause to be investigated, incidents of violence or threats of violence to maintain department safety. In appropriate circumstances, the District will inform the reporting individual of the results of the investigation. The District will not tolerate retaliation against any employee who reports workplace violence or participates in any investigation.

Effective January 1, 1995, the Workplace Violence Safety Act became law. Pursuant to California Code of Civil Procedure Section 527.8, employers are permitted to seek temporary restraining orders (TRO) and an injunction to protect employees who have been the subject of actual or threatened unlawful violence in the workplace.

O. Sexual Assault, Domestic Violence & Stalking

The District shall comply with California Labor Code Sections 230 and 230.1 which prohibits discrimination or adverse employment action against an employee who is a victim of domestic violence, sexual assault, or stalking, for taking time off from work to address such domestic violence, sexual assault, or stalking, for seeking medical attention, counseling, participating in safety planning or obtaining services from a domestic violence shelter program or rape crisis center.

Employees who are victims of sexual assault, domestic violence, or stalking may use available vacation, personal leave, accrued paid sick leave, or compensatory time off unless the employee is covered by a collective bargaining agreement that provides for different rights regarding use of leave. An employee without available leave may still take time off for such purposes. Employees have a right to request, as a reasonable accommodation, that employers make changes in the workplace to ensure their safety.

As a condition of taking time off for the purposes set forth under Labor Code Section 230 and 230.1, the employee is required to give their supervisor reasonable advance notice of the employee’s intention to take time off, unless the advance notice is not feasible. In the event of an unscheduled absence due to domestic violence, sexual

assault and/or stalking, the District will not take any action against the employee if the employee, within a reasonable time after the absence, provides [a] written certification to the employer.

P. Abusive Conduct and Bullying

It is the policy of the District to maintain a workplace free from any form of abusive conduct or bullying. The receiving of any complaints of alleged acts of abusive conduct or bullying will be taken seriously and will be promptly and objectively investigated, and offenders will be appropriately disciplined.

“Abusive conduct” is defined under Government Code Sections §12950.1(g)(2) as conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employee’s legitimate business interests. For example, abusive conduct may take the form of, but not limited to, repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance. A single act shall not constitute abusive conduct, unless especially severe or egregious.

Another form of abusive conduct may also be referred to as bullying. In addition to the above definition, examples of workplace bullying may include, but not limited to the spreading of malicious rumors, or insulting someone by word or behavior, ridiculing or demeaning someone, picking on someone or setting them up to fail, exclusion or victimization, unfair or discriminatory treatment, overbearing supervision or other misuse of power or position, making threats or comments about job security without basis, slapping, pushing, shoving, punching, or otherwise physically attacking someone, or deliberately undermining a competent worker by unnecessarily overloading their work and constant criticism.

If an employee is bullied because of their race, gender, religion, sexual orientation, disability, age, or any other protected status, he or she may have a claim for harassment and discrimination.

The District shall provide all employees with training against abusive conduct/bullying, as required by law.

Q. Open-Door Policy / Grievance Process

Suggestions for improving the District are always welcome. If an employee has a complaint, suggestion, or question about their job, working conditions, or the treatment they are receiving, excluding any disciplinary action, the following steps should be taken:

1. Appeal to Supervisor

In order to minimize potential misunderstandings first discuss any problem, concern, or grievance with the direct Supervisor. It is expected that any problem or grievance is addressed as soon as possible after the occurrence of the problem. Supervisors will make an effort to promptly investigate the matter and attempt to resolve the problem or provide an explanation or, where warranted, propose a remedy within one week from the occurrence, unless circumstances require a longer period.

2. Appeal to Manager (as applicable)

If unsatisfied with the response or resolution by the Supervisor, the employee and their Supervisor may request an appointment with the Supervisor's direct report (Manager, or General Manager) within ten (10) working days, as applicable. The Services Manager or General Manager may then schedule an interview with the employee and attempt to resolve the problem within a reasonable period of time.

3. Appeal to Administrative Services Manager or Designee

Should an employee not receive an answer or resolution from his/her Supervisor or Manager which is satisfactory to the employee, the employee may refer the matter to the Administrative Services Manager for further review within ten (10) working days. The Administrative Services Manager may then schedule a meeting with the employee and attempt to investigate and resolve the matter within a reasonable period of time. If assistance is needed with the complaint, or it is preferred to make a complaint in person, contact the Administrative Services Manager. It is encouraged that employees bring the matter up as soon as possible if the immediate Supervisor or Manager has failed to resolve it.

4. Appeal to General Manager

If an employee remains unsatisfied with the response or resolution of the matter by his/her Supervisor, Manager, and the Administrative Services Manager, the employee may request an appointment with the General Manager of the District. The General Manager may, in their discretion, then arrange an interview with the employee and attempt to resolve the problem. The General Manager's decision will be considered final and conclusive for all parties.

This procedure is important for both the employee and the District, and it cannot be guaranteed that every problem will be resolved to the employee's satisfaction. However, the District values observations and employees should feel free to raise issues of concern, in good faith, without the fear of retaliation. This procedure does not alter the at-will nature of employment with the District.

ARTICLE 8 - SEPARATION FROM SERVICE /TERMINATION

A. Separation of Employment

Termination of employment is a regular and inevitable aspect of personnel activity within any organization, and many of the reasons for termination are routine. District management is not at liberty to divulge information concerning termination of employment except to the employee involved. Below are examples of some of the most common circumstances under which employment is terminated, either with or without cause, consistent with every District employee's at-will employment status:

1. Separation/Resignation: Employment termination initiated by an employee who chooses to leave the organization voluntarily, or by an employee who fails to report to work for three consecutively scheduled workdays without notice to, or approval by, his or her Supervisor. An employee who desires to separate from employment shall submit a written resignation giving at least two (2) weeks' notice. The General Manager may consent to accepting less than two weeks as adequate notice to be considered in good standing.
2. Termination/Discharge: Employment termination initiated by the District. Another type of separation from employment may occur and initiated by the District when, upon completion of the interactive process under statutory law, it is determined that an employee is unable to perform the essential functions of their position with or without a reasonable accommodation, or an accommodation poses an undue hardship to the District.
3. Layoff: Involuntary employment termination initiated by the organization for reorganization, efficiency and/or economic reasons.
4. Retirement: Voluntary retirement from active employment status initiated by the employee.
5. Death of Employee: Immediate family should notify the District as soon as possible.

The District will generally schedule exit interviews at the time of employment termination. If a termination occurs on a non-workday, an exit interview will be scheduled the next business day. The exit interview will afford an opportunity to discuss such issues as continuation of employee benefits, suggestions for improving employment conditions, complaints, questions or the return of District owned property. Notwithstanding this practice, since employment at the District is "at will" and based on continuing mutual

consent, both the employee and the District have the right to terminate employment at any time, with or without cause.

Employees will receive their final compensation upon termination in accordance with applicable Federal and State laws. An employee who has submitted their resignation will receive his/her final check the next pay period. For any other reason for termination, the employee will receive their final paycheck within 72 hours. Any terminating employee will be paid for all work and accrued, unused vacation through the last day worked. Also, if applicable a prorated cell phone stipend.

The District does not generally make payments of “severance” compensation, other than salary and compensation amounts to which employees are entitled by law.

All District owned property and equipment, including vehicles, keys, cell phones, uniforms, identification badges, and credit cards must be returned immediately upon termination of employment. Employees who fail to return such property will be liable for the cost of replacement and/or other damages incurred by the District.

B. Reductions in Workforce

District may lay off an employee because of shortage of work, lack of funds, material change in duties or organization, or for other legitimate reasons. The District may, after consultation with employees and/or formally recognized employee organizations as required by law, consider alternative actions in order to minimize layoffs. The General Manager will identify those classifications which will be reduced which will minimize the impact and will meet the necessary reduction in force requirements as determined by the District.

In determining which employees will be subject to layoff, the District will take into account among other things, operation and requirements, the skill, productivity, ability, seniority and past performance of those involved.

Notification:

1. No less than ten (10) working days before the effective date of the layoff, the appointing authority will notify Human Resources of the name(s), classification(s), and reason(s) for layoff of employee(s) being laid off.
2. All regular District employees to be laid off will be given written notice from Human Resources or designee of the effective layoff date no less than ten (10) working days before the effective day of the layoff. Such notice will be hand delivered or sent by certified mail.

ARTICLE 9 – EMPLOYEE DISCIPLINE

A. Discipline Of Represented Employees

Violation of the law, District policies and rules may warrant disciplinary action. The District may impose disciplinary measures. The system is not formal, and the District may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances, in any order. The District's disciplinary policy in no way limits or alters the at-will employment relationship.

Supervisors are expected to counsel, or give a warning regarding an employee's performance, conduct, attitude or for some other reason as needed. Supervisors will document all disciplinary actions and employees are allowed to submit their own written response. In certain cases, employees may be terminated without prior counseling or warnings.

The individual circumstances, nature of the offense, and the employee's prior work record may be used among other factors to determine the appropriate action to be taken. While the District attempts to notify employees when their performance or behavior is unsatisfactory, the District may elect to terminate any employee at any time depending on the nature and/or seriousness of the infraction.

Any and all steps may be used in any order, at any time, or may be skipped entirely, in the sole discretion of the District. Disciplinary actions may take one or more of the following forms in any order:

- Counseling Session
- Verbal Warning
- Written Warning
- Probation
- Demotion
- Reduction in pay
- Suspension with or without pay
- Transfer or reduction in working hours
- Withholding of wage increase
- Termination

1. Admonishment or Reprimand

Admonishment and reprimand represent the two mildest forms of disciplinary action and neither type results in the loss of pay for the employee. These actions may be oral or written and constitute only a warning to the employee that he is not satisfactorily fulfilling the duties and responsibilities of their position. If the admonishment or reprimand

is written and a copy is sent to the Administrative Services Manager, it shall become part of the employee's official personnel file. If a grievance is sustained, then the written reprimand shall be purged from the record. No record of an oral reprimand shall be placed in the employee's official personnel file unless subsequent action is necessary. The Supervisor shall, however, make note of the date, time and content of the warning. Such records shall be made with full knowledge of the affected employee, evidenced by the employee's signature and date.

2. Demotion/Reduction in Pay

The appointing authority may demote or reduce in pay any employee whose ability to perform his required duties falls below standard, or for other disciplinary purposes. Such demotion/reduction in pay may be for a specified period of time with the understanding that the employee may be reinstated to the class from which he was demoted provided that agreed upon conditions set by the appointing authority are met to the satisfaction of the appointing authority. No employee shall be demoted to a position for which he does not possess the minimum qualifications.

3. Suspension

The appointing authority may suspend a regular employee from his position at any time for cause. The appointing authority may suspend an employee not to exceed twenty (20) working days. No employee shall be penalized by suspension for more than twenty (20) working days in any twelve (12) month period for disciplinary reasons. Suspensions shall be reported immediately to the Administrative Services Manager.

4. Discharge

An employee may be discharged for cause at any time by the appointing authority. Whenever it is the intention of the appointing authority to discharge an employee, the Administrative Services Manger shall be notified. Any represented employee who has been discharged shall be entitled to pre-disciplinary procedural due process which is outlined in the MOU.

B. Discipline of Unrepresented and At-Will Employees

Violation of the law, District policies and rules may warrant disciplinary action. The District may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances, in any order, including termination. The District's disciplinary policy in no way limits or alters the at-will employment relationship where the employee may be terminated at any time with or without cause and is not subject to grievance or appeal.

Any and all steps may be used in any order, at any time, or may be skipped entirely, in the sole discretion of the District. Disciplinary actions may take one or more of the following forms in any order:

- Counseling Session
- Verbal Warning
- Written Warning
- Probation
- Demotion
- Reduction in pay
- Suspension with or without pay
- Transfer or reduction in working hours
- Withholding of wage increase
- Termination

C. Grounds for Discipline

The following conduct is prohibited and will not be tolerated by the District. This list of prohibited conduct is illustrative only; other types of conduct that threaten security, personal safety, employee welfare, and District operations also may be prohibited.

1. Falsifying employment records, employment information, or other District records;
2. Recording the work time of another employee or allowing any other employee to record one's own work time, or falsifying any timecard, either the employee's own or another employee's time;
3. Theft and deliberate or careless damage or destruction of any District property, or the property of any employee or customer;
4. Removing or borrowing District property without prior authorization;
5. Unauthorized use of District equipment, time, materials, or facilities;
6. Provoking a fight or fighting during working hours or on District property;
7. Participating in horseplay or practical jokes on District time or on District premises;
8. Carrying firearms or any other dangerous weapons on District premises at any time;

9. Engaging in criminal conduct;
10. Causing, creating, or participating in a disruption of any kind during working hours on District property;
11. Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a Supervisor or member of management, or the use of abusive or threatening language toward a Supervisor or member of management;
12. Using abusive language;
13. Failing to notify a Supervisor when unable to report to work;
14. Unreported absence of three consecutive scheduled workdays;
15. Failing to obtain permission to leave work for any reason during normal working hours;
16. Failing to observe working schedules, including rest and meal breaks;
17. Failing to provide a physician's certificate when requested or required to do so;
18. Sleeping or malingering on the job;
19. Making or accepting personal telephone calls, including personal cell phone calls, of more than five minutes in duration during working hours, except in cases of emergency;
20. Working overtime without authorization or refusing to work assigned overtime;
21. Wearing disturbing, unprofessional or inappropriate styles of dress while working;
22. Violating any safety, health, security or other District policy, rule, or procedure;
23. Committing a fraudulent act or a breach of trust under any circumstances;
24. Engaging in any act of unlawful harassment of another individual; or
25. Acts which are incompatible with or inimical to the public service.

Any other conduct unbecoming to the District or contrary to District goals and policies is cause for discipline, up to and including termination, in the sole discretion of the District. This statement of prohibited conduct does not alter the District's policy of at-

will employment. Either the employee or the District remains free to terminate the employment relationship at any time, with or without reason or advance notice.

ARTICLE 10 - HEALTH AND SAFETY

A. Safety Policy

It is the policy of the District that accident prevention shall be of high importance in all phases of operation and administration. It is the intention of the District to provide safe and healthy working conditions. It is, therefore, a basic requirement that each Supervisor make the safety of employees' part of his/her regular Supervisory function. It is equally the duty of each employee to accept and follow established safety regulations and procedures.

Employees are expected to assist management in accident prevention activities. Unsafe conditions must be reported. All employees are responsible for the housekeeping duties that pertain to their jobs. Any injury that occurs on the job must be reported to management as soon as possible. In no circumstance, except an emergency, should an employee leave a shift without reporting an injury that has occurred.

B. Safety Training

All new employees will be provided a safety orientation during their initial assignment to the job. The orientation will be conducted by a Safety Committee representative, Manager, or Supervisor. It will cover the District safety rules and safe practices required for their job assignment as well as a copy of the Injury and Illness Prevention Program. Employees given a new job assignment will be provided safety training regarding any new hazards.

To ensure that all employees receive appropriate training, all District employees will participate in:

Scheduled safety meetings

Additional training as job duties or work assignments are expanded or changed.

Other training programs as appropriate.

Further training will be provided whenever employees are exposed to new processes, machinery, equipment chemicals and/or previously unrecognized hazards.

C. Heat Illness

The District is concerned with employee health and safety. Employees who work outside may be exposed to extreme temperatures or adverse working conditions,

particularly in the summer months. All Supervisors are trained in the prevention of heat illness. Refer to the District's *Injury Illness and Prevention Program* or talk to a Supervisor for details on how to ensure protection from heat illness dangers.

D. Security/Workplace Violence

The District has developed guidelines to help maintain a secure workplace. Employees should be aware of persons loitering for no apparent reason in parking areas, walkways, entrances and exits, and service areas. Any suspicious persons or activities should be reported to Management personnel. An employee's desk or office should be secured at the end of the day. If called away from the work area for an extended length of time, employees should not leave valuable and/or personal articles in or around workstations that may be accessible. The security of facilities as well as the welfare of employees depends upon the alertness and sensitivity of every individual to potential security risks. A Supervisor should be notified immediately when unknown persons are acting in a suspicious manner in or around the facilities, or when keys, security passes, or identification badges are missing.

The District's workplace security and violence program is described in detail in the District's *Illness and Injury Prevention Program (IIPP)*.

E. Recreational Activities and Programs

The District or its insurer will not be liable for 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.

F. Inclement Weather/Natural Disasters

In the event of severe weather or a natural disaster that prevents employees from safely traveling to and from work, the following leave policies will apply:

1. Inclement Weather

Conditions that excuse absence from work include flooding, heavy rainstorms, hail, road closure and power outages. If weather conditions prevent an employee from safely traveling to work, they must notify their immediate Supervisor by phone, if telephone service is functional, or by any other available means.

2. Natural Disasters

In the event of a natural disaster such as earthquake, fire, or explosion, the office will be closed if the building is damaged or highways leading to the office are damaged. For instructions on reporting to another location, contact a Supervisor immediately, if possible.

The safety of employees' families should be the employees' first priority in these situations, and then they can contact a Supervisor for instructions on when and where to report.

G. Ergonomics

The District is subject to Cal/OSHA ergonomics standards for minimizing workplace repetitive motion injuries. The District will make necessary adjustments to reduce exposure to ergonomic hazards through modifications to equipment and processes and employee training. The District encourages safe and proper work procedures and requires all employees to follow safety instructions and guidelines.

The District believes that reduction of ergonomic risk is instrumental in maintaining an environment of personal safety and well-being and is essential to our business. We intend to provide appropriate resources to create a risk-free environment.

For questions about ergonomics, contact the Administrative Services Manager.

H. Employees Who Are Required to Drive

The following Policy is established for the use of the District-owned vehicles and private vehicles in the conduct of official business of the District:

1. District Vehicles

The use of motor vehicles for other than official purposes shall be prohibited.

Only employees over 18 years of age are permitted to drive for the District.

No person shall operate any vehicles owned and maintained by the District unless such person is an employee of the District and has a valid operator's license issued by the California Department of Motor Vehicles. Any person operating a vehicle owned and maintained by the District is responsible for observing all rules and regulations as prescribed for the safe operations, maintenance and security of such vehicle.

No person shall be a passenger in any vehicle owned or maintained by the District unless one of the following conditions is met:

Such person is an employee of the District

Such person has a business relationship with the District, and transportation in such vehicle of the District is necessary

Such person is a family member of an employee of the District and the transportation of such person is necessary to attend a business meeting or event which such person is volunteering or an invited guest.

2. Private Vehicle Use

Employees who drive their own vehicles on approved District business will be reimbursed upon submission of a District Mileage Report to Accounting.

Reports should be submitted monthly listing beginning and ending mileage for each trip with the purpose of the trip. Mileage will be reimbursed at the rate designated by the Internal Revenue Service.

The District will not be responsible for any damages, parking tickets, equipment violation citations or moving violations incurred while operating a vehicle on District business.

Those who are required to drive a District vehicle or their own vehicles on District business will be required to provide proof of a current valid driver's license and current effective insurance coverage before the first day of employment.

The District participates in a system that regularly checks state Department of Motor Vehicles (DMV) records of all employees who drive as part of their job.

I. Use of Cell Phone While Driving

In the interest of the safety of our employees and other drivers, District employees are required to stop the vehicle in a safe location so that they can safely use their cell phone or similar device.

Employees must adhere to all federal, state or local rules and regulations regarding the use of cell phones while driving. Accordingly, employees must not use cell phones if such conduct is prohibited by law, regulation or other ordinance. Employees must not use handheld cell phones for business purposes while driving. Should an employee need to make a business call while driving, he/she should locate a lawfully designated area to park and make the call or use a hands-free speaking device such as a speakerphone/earpiece.

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EMPLOYEE COPY

***ACKNOWLEDGEMENT OF RECEIPT OF THE PLEASANT VALLEY RECREATION
and PARK DISTRICT PERSONNEL POLICY MANUAL AND TERMS OF
EMPLOYMENT***

I have received my copy of the Pleasant Valley Recreation and Park District's Personnel Policy Manual. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the Manual.

UNREPRESENTED EMPLOYEES _____
Initial

I understand that, except for employment at-will status, any and all policies or practices can be changed at any time by the District. The District reserves the right to change my hours, wages, and working conditions and locations at any time. I understand and agree that other than the General Manager of Pleasant Valley Recreation and Park District, no Manager, Supervisor, or representative of the District 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; only the Board of Directors has the authority to make any such agreement and then only in writing, signed by the Board of Directors.

I understand and agree that nothing in the Personnel Policy Manual creates or is intended to create a promise or representation of continued employment and that employment at the District is employment at-will; employment may be terminated at the will of either the District or me. My signature certifies that I understand that the foregoing agreement on at-will status is the sole and entire agreement between the District and me 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 District.

REPRESENTED EMPLOYEES _____
Initial

I understand the Memoranda of Understanding between SEIU Local 721, and the Pleasant Valley Recreation & Park District supersedes any contradicting language contained in the Personnel Policy Manual/Personnel Policies and Procedures.

Employee Signature

Date

Employee Name (Please Print)

The information in this handbook supersedes all previously issued publications, documents or memoranda that would be in conflict with the provisions set forth herein.

TO BE RETAINED IN THE EMPLOYEE'S HANDBOOK