

**Auburn Area Recreation and Park District
Personnel Policy and Procedures Manual**

Revised September 29, 2022

Confirmation of Receipt

This Personnel Policy and Procedures Manual is available on line at www.auburnrec.com or you may request a hard copy from your supervisor or the Executive Assistant. By signing below, you acknowledge receipt by either method of delivery.

I have received my copy of the District's Personnel Policy. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the Personnel Policy. I further understand that elements within this Personnel Policy may be superseded by any conflicting terms in the memorandum of understanding with Local 39 or a specific contract of employment.

I understand that any and all policies or practices can be changed at any time by the District. In accordance with any and all applicable laws and agreements, the District reserves the right to modify this policy manual, including adding or deleting any policy contained herein, that includes increasing, decreasing or eliminating any benefit provisions. I understand and agree that other than the District Administrator, 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 only the District Administrator has the authority to make any such agreement and then only in writing.

This Personnel Policy sets forth the entire personnel policies between employees and the District as to the terms of employment and the circumstances under which employment may be terminated. Nothing in this Personnel Policy or in any other personnel document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee or continued benefits at the level published herein.

I understand and agree that this Personnel Policy supersedes all prior published policies, understandings, and representations made by the District concerning my employment with the District.

Employee's Signature: _____

Date: _____

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ARTICLE I

Essential Provisions

AUBURN RECREATION DISTRICT MISSION STATEMENT

THE MISSION OF THE AUBURN AREA RECREATION AND PARK DISTRICT IS TO PROVIDE AN EXCELLENT SYSTEM OF PARKS, RECREATION FACILITIES, PROGRAMS AND SERVICES THAT ENRICH THE LIVES, HEALTH AND HAPPINESS OF OUR CITIZENS

1.1. Introductory Statement

Welcome! As an employee of Auburn Area Recreation and Park District ("District"), you are an important member of a team effort. We hope that you will find your position with the District rewarding, challenging, and productive.

Because our success depends upon the dedication of our employees, we are highly selective in choosing new members of our team. We look to you and the other employees to contribute to the success of the District.

This Personnel Policy is intended to explain the terms and conditions of employment of all full-time and part-time employees, supervisors and managers.

This Personnel Policy summarizes the policies and practices in effect at the time of publication. This Personnel Policy supersedes all previously issued handbooks and any policy or benefit statements or memoranda that are inconsistent with the policies described here. Your supervisor or manager will be happy to answer any questions you may have.

Please be advised that for any employee under a contract or bargaining agreement, elements within this Personnel Policy may be superseded by any conflicting terms in the memorandum of understanding with Local 39.

1.2. Qualifications for Employment

All applicants for employment/employees of the District shall:

- A. Complete the required District "Application for Employment."
- B. Have legal status enabling them to work in the United States, i.e.: citizenship, intent to become a citizen, visa, etc.
- C. Possess the general qualifications of integrity, sobriety, dependability, diligence, thoroughness, accuracy, good judgment, initiation, resourcefulness, courtesy,

ability to work cooperatively with others, and the ability to assume responsibilities and conform to the conditions of the workplace and job description.

- D. After an offer of employment has been made and prior to the commencement of the employment duties, you may be required to pass a medical examination and drug screening.

The purpose of the pre-employment physical examination is to provide safe working conditions and to ensure that employees are physically capable of performing the job for which they are being considered. The District will maintain the confidentiality of all pre-employment physical examination records and will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee, unless it would result in undue hardship to the District or if there is a threat to safety.

- E. Complete and pass an employment examination if one is established as a part of the application process for the position. Examinations may be written, oral, practical, or a combination of all three.

- F. Submit proof of a current, negative tuberculosis test. This applies to all applicants for employment, whether full-time, part-time, temporary, regular, or volunteer, who are involved in Youth Services Department programs for children under eighteen (18) years of age.

- G. Maintain a valid California driver's license if in a position which requires the driving of District vehicles or personal vehicles for District business.

Employees who lose their driving privileges are subject to Personnel Policy, Personnel Action.

- H. After a conditional offer of employment has been made, complete a "Supplemental Questionnaire" regarding any criminal background and after an offer of employment has been made and prior to the commencement of the employment duties complete and pass a fingerprint background check through the Department of Justice.

The District reserves the right to deny or terminate employment to any applicant or employee who misrepresents the facts on the "Application for Employment" or "Supplemental Questionnaire."

1.3. Employment Status

No manager, supervisor, or employee of the District has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment. Only the District Administrator or Board of Directors of the District has the authority to make any such agreement, which is binding only if it is in writing.

The District has developed a discipline procedure that supervisors may use in disciplining employees. This Procedure does not form an employment contract.

The District does not operate under any civil service system.

1.4. Right to Revise

This Personnel Policy contains the employment policies and practices of the District in effect at the time of publication. All previously issued handbooks and any inconsistent policy statements are superseded by the most recent version of this manual. The District reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this Personnel Policy or in any other document.

1.5. Equal Employment Opportunity with Americans with Disabilities Act Provision

It is the policy of District to provide equal employment opportunity to all employees and applicants for employment, and to prohibit discrimination based on race, color, sex, gender, gender identity and gender expression, genetic information, sexual orientation, religion, national origin, ancestry, age, physical or mental disability, medical condition, marital status, veteran's status, and any other characteristic protected by law in recruitment, hiring, promotions, transfers, training, compensation, benefits, layoffs, recalls from layoffs, termination, and any and all other terms and conditions of employment.

If an employee believes he or she has a disability that is preventing the employee from performing one or more of the essential functions of his or her job, the employee may request a reasonable accommodation for that disability. Such requests should be submitted to the employee's department manager or District Administrator. The District Administrator may engage in an interactive process with the employee to determine an appropriate accommodation for the employee if an employee believes he or she has a disability.

A. Access to District Programs, Services and Activities

The District is fully committed to complying with the provisions outlined in the Americans with Disabilities Act regarding barrier-free access to all Agency programs, services and activities. It is the policy of the District to ensure that all District programs, services, and activities are readily accessible to and usable by individuals with disabilities unless to do so would be an undue hardship or cause a fundamental alteration in District operations.

B. Access Complaint Procedure

A complaint regarding problems with access to District programs, services, or activities may be filed in writing with the District Administrator. Complaints should contain the name and address of the person denied access, and describe the specific conduct of which the employee is complaining.

A complaint must be filed within thirty (30) days after the complainant becomes aware, or should have become aware of the alleged violation.

Upon receiving complaints of problems with access to District programs, services or activities, the District will undertake an investigation of the complaints appropriate for the circumstances. Any investigation and investigation report prepared relating to the complaint shall be kept confidential except as required by law. If the investigation finds that the District access does not comply with the Americans with Disabilities Act requirements, appropriate corrective action will be taken by the District.

1.6. Prohibited Harassment and Discrimination

The purpose of this policy is:

- A. To reaffirm the District's commitment to prohibit and prevent unlawful discrimination (including harassment) in all workplaces of the District;
- B. To define discrimination and harassment prohibited under this policy;
- C. To set forth a procedure for resolving complaints of prohibited discrimination and harassment.

The District is committed to providing a work environment that is free from unlawful harassment and discrimination, including sexual harassment and harassment based on race, color, sex, gender, gender identity and gender expression, genetic information, sexual orientation, religion, national origin, ancestry, age, physical or mental disability, medical condition, marital status, veteran's status, or any other characteristic prohibited by state or federal law.

The District strongly disapproves of, and will not tolerate, harassment or discrimination against District employees or applicants by elected or appointed officials, Managers, supervisors or coworkers. The District also strongly disapproves of harassment of District employees by persons with whom the District has a business, service or professional relationship.

Discrimination, including but not limited to harassment, is considered misconduct and will not be tolerated. Employees who violate this policy and engage in acts of discrimination or harassment of any type, for any duration, shall be subject to severe disciplinary action, up to and including termination.

Retaliation against individuals who complain of any type of prohibited discrimination or harassment or who participate in an investigation into sexual harassment or discrimination will not be tolerated. Employees who engage in such acts of retaliation shall be subject to serious disciplinary action, up to and including termination.

Prohibited discrimination and harassment for purposes of this policy, includes but is not limited to:

- A. **Speech:** Such as epithets, derogatory comments or slurs, and lewd propositions on the basis of race, color, sex, gender, gender identity and gender expression, genetic information, sexual orientation, religion, national origin, ancestry, age, physical or mental disability, medical condition, marital status, and any other category protected by law. This includes, without limitation, inappropriate sex-oriented

comments regarding an individual's appearance, including dress or physical features, inappropriate comments of a sexual nature, or race or ethnicity-oriented stories and jokes.

- B. Physical Acts: Such as assault, impeding or blocking movement, offensive touching, or physical interference with normal work or movement when directed at an individual on the basis of race, color, sex, gender, gender identity and gender expression, genetic information, sexual orientation, religion, national origin, ancestry, age, physical or mental disability, medical condition, marital status, and any other category protected by law. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied threats or promises in return for submission to physical acts.
- C. Visual Insult: Such as derogatory pictures, posters, cartoons, or drawings related to race, color, sex, gender, gender identity and gender expression, genetic information, sexual orientation, religion, national origin, ancestry, age, physical or mental disability, medical condition, marital status, and any other category protected by law. This includes, without limitation, sending inappropriate emails of a sexual nature to employees, or viewing pornography either in magazines or on the internet in view of other employees, displaying pictures or objects depicting nude, partially nude, or suggestively posed men or women; circulating derogatory or obscene notes, letters, emails or other literature.
- D. Retaliation: Adverse employment actions carried out in retaliation for good faith submission of discrimination or harassment charges, or good faith participation in an investigation made pursuant to this policy.

Adverse employment actions carried out on account of race, color, sex, gender, gender identity and gender expression, genetic information, sexual orientation, religion, national origin, ancestry, age, physical or mental disability, medical condition, marital status, veteran's status, and any other category protected by law.

Harassment on the basis of race, color, sex, gender, gender identity and gender expression, genetic information, sexual orientation, religion, national origin, ancestry, age, physical or mental disability, medical condition, marital status, veteran's status, and any other category protected by law is prohibited. Verbal or physical conduct relating to these categories constitutes harassment when it:

- A. Has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- B. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- C. Otherwise adversely affects an individual's employment opportunities.

Sexual harassment is a form of unlawful sex discrimination and will not be tolerated by the District. Federal and State guidelines provide that unwelcome sexual advances, requests for sexual favors

and other verbal, visual or physical conduct of a sexual nature constitute unlawful harassment when:

- A. Submission to such conduct is made either explicit or implicitly a term or condition of an individual's employment.
- B. The submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- C. Sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an employee's work performance or of creating an intimidating, hostile, or offensive work environment.

Sexual harassment refers to conduct that is not welcome, that is offensive, that fails to respect the rights and dignity of others, that lowers morale and that, therefore, interferes with work effectiveness.

Reporting Harassment or Discrimination:

Whenever possible, the employee should inform the harasser that his or her behavior is unwelcome, offensive, in poor taste, or highly inappropriate and ask that the behavior stop.

Any employee who believes he or she has been unlawfully harassed or discriminated against should promptly report it orally or in writing to the employee's supervisor, any member of management or the District Administrator. An employee is not required to complain first to a supervisor if that person is the individual who is harassing and/or engaging in discriminatory actions against the employee. Instead, the employee may report the harassment/discrimination to any member of management.

Any supervisor or manager who receives a complaint of unlawful harassment/discrimination, or who observes or otherwise learns about unlawfully harassing conduct is required to notify the Administrative Services Manager or District Administrator. Failure to do so may result in disciplinary action against the supervisor or Manager.

Remedial Action:

Upon receiving complaints of discrimination or harassment, the District will undertake an investigation of the complaints appropriate for the circumstances. The investigation will be handled in as confidential a manner as possible consistent with a full, fair and proper investigation. If harassment or discrimination is found to have occurred in violation of this policy, the District shall take action to ensure or confirm that the harassment or discrimination at issue is stopped. The District may take whatever measures are appropriate to ensure its workplaces remain free from unlawful discrimination or harassment. Within a reasonable period of time after the investigation into the complaint has been completed, the District Administrator will inform the complainant in writing as to whether the complaint of violation of District policy has been sustained or not sustained.

Employees found to have engaged in discrimination or harassment covered by this policy may be subject to disciplinary action up to and including termination of employment. First-time violations of this policy, depending on the severity of the conduct, may lead to immediate termination.

Employees found to have been dishonest or uncooperative during an investigation into allegations of unlawful harassment may be subject to disciplinary action up to and including termination of employment.

No Retaliation:

Employees should feel free to report valid claims of unlawful harassment without fear of retaliation of any kind.

DFEH and EEOC:

In addition to notifying the District about unlawful harassment or retaliation, an affected employee may also direct his or her complaint to the California Department of Fair Employment and Housing (“DFEH”), which has the authority to conduct investigations of the facts. The deadline for filing complaints with the DFEH is one (1) year from the date of the alleged unlawful conduct. An employee also has the right to direct his or her complaint to the federal Equal Employment Opportunity Commission (EEOC).

Obligations of Employees:

Employees are responsible for knowing the District's policy on nondiscrimination and harassment; refraining from discriminatory behavior, including harassment; reporting incidents of discrimination in a timely fashion; cooperating in any investigation concerning allegations of discrimination; and maintaining confidentiality concerning any investigation that is conducted.

All employees are also encouraged to communicate with one another to assist co-employees to avoid harassing, discriminatory, or otherwise offensive behavior.

Sexual Harassment Training:

In accordance with state law, every two years, all supervisory employees are required to attend at least two hours of classroom or other effective interactive training on the prevention of sexual harassment, discrimination and retaliation. Any new supervisory employee must attend such training within six months of hire or promotion to a supervisory position.

1.7. Whistleblower Protection

It is the policy of the District to encourage employees to notify an appropriate government or law enforcement agency when they have reason to believe the District is violating a local, state, or federal law, or not complying with a local, state, or federal law.

This policy prohibits District officials, officers, employees or contractors from retaliating against applicants, officers, officials, employees or contractors for carrying out or otherwise engaging in any of the Protected Activity as defined herein.

Definitions:

“Protected Activity” includes any of the following:

1. Filing a complaint with a federal or state enforcement or administrative agency regarding a violation of a local, state, or federal law.
2. Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the District regarding alleged unlawful activity.
3. Testifying as a party, witness or accused regarding alleged unlawful activity.
4. Associating with another employee who is engaged in any of the Protected Activities enumerated herein.
5. Making or filing an internal complaint with the District regarding an alleged unlawful activity.
6. Calling a governmental agency’s “Whistleblower hotline” regarding an alleged unlawful activity.
7. Filing a written complaint under penalty of perjury that District has engaged in “gross mismanagement, a significant waste of public funds or a substantial and specific danger to public health or safety.”

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

1. Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged unlawful activity or otherwise engaging in a because of Protected Activity.
2. Refusing to hire an individual because of participation in a Protected Activity in any former employment.
3. Denying a promotion to an individual because of participation in a Protected Activity.
4. Taking any form of disciplinary action because of participation in a Protected Activity.
5. Extending a probationary period because of participation in a Protected Activity.
6. Altering work schedules or work assignments because of participation in a Protected Activity.
7. Condoning hostility and criticism of co-workers and third parties because of participation in a Protected Activity.

Guidelines:

It is the policy of the District to prohibit the taking of any adverse employment action, including retaliation, against those who in good faith report, oppose or participate (as witnesses or accused) in investigations into complaints of alleged violations of District policy or state or federal law in retaliation for that reporting, opposition, or participation. Disciplinary action, up to and including termination, will be taken against an employee or officer who is found to have violated this policy. Any elected official or contractor who violates this policy will be subject to appropriate sanctions as determined by the Board.

Complaint Procedures:

An applicant, employee, officer, official or contractor who feels he or she has been retaliated against in violation of this Policy or who wishes to report information of alleged unlawful activity as described above should immediately report the conduct to his or her immediate supervisor or the supervisor's manager so that the complaint can be resolved fairly and quickly. If an employee, officer, official, or contractor is uncomfortable for any reason addressing such report to his or her supervisor or does not have an immediate supervisor or manager, that person may contact District Administrator. Such complaints or reports should provide as much specific information as possible, including names, dates, places, and events that took place and reasons why the act(s) may be a violation. Complaints and/or reports of alleged unlawful activity will be investigated and appropriate action will be taken. Each complaint and/or report will be reviewed to determine whether a trained internal or external person will conduct an investigation. Whenever possible, confidentiality of the parties involved will be maintained; however, if confidentiality cannot be assured, the complaining party and any other involved personnel will be apprised of this fact. Upon conclusion of the investigation, recommendations for action will be made and implemented, as appropriate. Alternatively, a person engaging in Protected Activity may call the California State Attorney General's Whistleblower Hotline at 1-800-952-5225. The Attorney General will refer the call to the appropriate governmental authority for review and possible investigation.

ARTICLE II

Employment Policies and Practices

2.1. Compliance with Legal Requirements

A. Compliance with Department of Justice Custodian of Records Duties

1. The District Administrator and/ his or her designee shall maintain all records required law.
2. Personnel information is confidential and shall not be given to any other person or agency not authorized by law to receive it.

B. Compliance with State Controller's Office Employee Compensation Requirements

1. The District will report employee compensation information to the California State Controller's Office, per CA Government Code 53891. This information is part of the public record and is made available on the State Controller's Office website.
2. The District will provide a link on the front page of the District's website to the California Controller's Office "Government Compensation in California" website, per CA Government Code 53908.

C. Employee and Volunteer Screening

1. Public Resource Code section 5164 prohibits recreation and park districts from hiring anyone on a paid or volunteer basis into a position with supervisory or disciplinary responsibilities over minors, if that person has been convicted under Penal Code Section 220, 261.5, 262, 273a, 273d, 273.5, or 290.
2. The District shall not hire anyone for employment, either for pay or as a volunteer, if the person has been convicted within the previous ten years of a felony or of three (3) total misdemeanors of any offense contained in Penal Code Section 11105.3 (c)(1).
3. The District may not hire a person convicted of a felony more than ten years ago if the felony is codified under Chapter 3 of the Penal Code, Section 215, 217.1, 236, or Chapter 9, or 667.5(c).
4. Prior to employment but after initial application, the District shall require fingerprinting and background checks of all employees who will have supervisory or disciplinary responsibilities over minors. That list shall include, but is not necessarily limited to, supervisors, managers, youth

services directors, crew leaders, coaches, instructors, lifeguards and youth services personnel.

2.2. New Hires, Employees Subject to Probationary Period

The first twelve months of continuous employment at the District is considered a probationary period. All employees shall serve a probationary period of twelve (12) months, commencing with their first day of employment. During this time the employee is expected to learn job responsibilities, get acquainted with fellow employees; determine whether or not he/she is happy with the job and whether further employment with the District is appropriate. The employee's supervisor will closely monitor his/her performance.

During and/or upon completion of the probationary period, the District will review the probationary employees' performance. If the District finds performance satisfactory and decides to continue employment, it will so advise the employee and note if there are any improvements expected from the employee. During the probationary period employees are considered "at-will" and can be terminated, with or without cause without the opportunity to appeal the District's decision.

The District Administrator may extend the duration of the probationary period one or more times, if, in his or her sole and absolute discretion, it is determined that such an extension is appropriate. Upon completion of the probationary period, a performance evaluation will be conducted to ascertain the advisability of continued employment on a regular basis.

All employees may be evaluated in writing at any time during their probationary period and a mandatory evaluation will be completed after twelve months of employment, the standard probationary period. The Department Manager shall recommend either for or against retention of the employee prior to the expiration of the probationary period. If an employee successfully completes his or her probationary period, there is still no guarantee of continued employment.

2.3. Advancement

The District encourages promotions from within the ranks of current employees. However, the District retains the discretion to determine when to seek applicants from outside the District. Internal promotions shall not be automatic, but will depend on opportunity, employee's performance in his/her present job, as determined by written performance evaluations, education, knowledge, ability, seniority, physical and mental fitness and approval of the District Administrator.

2.4. Regular Employees

Regular employees are those non-probationary employees who are hired to work permanently on a regular schedule. Regular employees may be classified as full-time or part-time. Being classified as a "Regular" employee is not a guarantee of continued employment.

2.5. Full-Time Employees

Full-time employees are those who are regularly scheduled to work forty (40) hours per workweek. Regular full-time employees are eligible for most employee benefits described in this manual.

2.6. Part-Time Employees

Part-time employees are those who are regularly scheduled to work fewer than forty (40) hours per workweek.

Part-time employees who work an average of twenty to thirty (20-39) hours a week shall be eligible for some District benefits. Benefit eligibility will be determined by the actual number of hours worked.

Part-time employees who work an average of less than twenty (20) hours per workweek are not eligible for District benefits except as mandated by state or federal law.

2.7. Temporary and Seasonal Employees

Temporary employees have no regular job status and are employed for short-term assignments. Temporary employees are considered “at will” and can be terminated by the District, with or without cause at any time. Short-term assignments generally are for periods of three months or fewer; however, such assignments may be extended by the Department Head with approval of the District Administrator. Temporary employees are not eligible for employee benefits except as mandated by applicable state or federal law.

Seasonal employees are employees without regular job status, who are hired for a period of up to six months. Seasonal employees are considered “at will” and can be terminated by the District, with or without cause at any time. The hours worked by such employees may vary. Seasonal employees are not eligible for employee benefits except as mandated by applicable law.

2.8. On-Call Employees

On-call employees are employees who work on an on-call or as-needed basis. On-call employees have no regular job status. On-call employees are considered “at-will” and can be terminated by the District, with or without cause at any time. On-call employees are not eligible for employee benefits except as mandated by applicable law.

2.9. Inactive Status

Unless required by law, employees who are on any type of leave of absence, work-related or non-work-related, for more than sixteen (16) consecutive days will be placed on inactive status. During the time the employee is on inactive status, benefits such as personal leave will not be earned and seniority will not continue to accrue.

2.10. Volunteers

Volunteers are people who perform or give their services of their own free will, and provide such services under the direction and supervision of District personnel. Volunteers are not employees of the District and are not entitled to monetary or other compensation. Volunteers are not eligible for employee benefits, although there may be some services and insurance to which they are entitled under applicable state and federal law.

2.10.1 Work Release

The Work Release Program is part of Placer County's Alternative Sentencing Program. The Work Release Program allows individuals with a jail sentence of less than 45 days to serve their sentence by providing labor to public work projects in lieu of jail time. These services are provided under the direction and supervision of District personnel. Work Release participants are not employees of the District and are not entitled to monetary or other compensation. Work Release participants are not eligible for employee benefits.

All Work Release participants must sign and adhere to the District Work Release Program Rules and Procedures, as well as adhering to all rules and procedures as required by Placer County. Placer County Probation must also ensure that all Work Release participants receive the District's Work Release Program Rules and Procedures before reporting on the first day.

In general, the District will only accept one Work Release participant for each District staff member working at that particular park on that given day. The District's Facilities and Grounds Manager or Supervisor may approve the acceptance of extra Work Release participants to assist with larger projects or events. The Placer County Probation Department must stay in regular contact with the District's Facilities and Grounds Manager or Supervisor to ascertain the needs of the District.

2.11. Job Duties

Each employee's supervisor will explain his/her job responsibilities and the expected performance standards. Employees should be aware that their job responsibilities may change at any time during employment. From time to time, employees may be asked to work on special projects, or to assist with other work necessary or important to the operation of the department or the District. Employee cooperation and assistance in performing such additional work is expected.

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

2.12. Job Descriptions

The Board of Directors approves job descriptions and they are maintained on file in the District. Each job description describes the job, typical duties, and the education, experience and abilities required for it.

2.13. District Administrator Position

The selection of the District Administrator is the responsibility of the Board of Directors and the District Administrator is considered an "at-will" position, serving at the pleasure of the Board.

2.14. All Other Positions

The District Administrator, or his/her designated representative, has the authority to hire all other employees.

2.15. Change in Status

The District Administrator or his/her designated representative has the authority to approve changes in status for all District employees.

2.16. Work Schedules

The District's normal business hours range between 6:00 a.m. and 11:00 p.m., Sunday through Saturday. Supervisors are responsible for assigning individual employee work schedules. Work hours will vary among departments and shifts due to various District needs. All employees are expected to be at their desks or workstations ready to work at the start of their scheduled shifts.

Exchanging work schedules with other employees is discouraged. However, supervisors may authorize such an exchange in advance of the exchange occurring. Work schedule exchanges will not be approved for the mere convenience of an employee or if the exchange interferes with normal operations or results in overtime.

For purposes of calculating overtime, the workweek begins at 12:01 a.m. Wednesday and ends at midnight on Tuesday.

When an employee is unable to report to work at the assigned time, the employee must report the reason by telephone to their immediate supervisor as soon as possible. Unauthorized absences that interfere with the orderly operation of District business may be cause for personnel action.

2.17. Rest Periods

Notwithstanding the inapplicability of the rest period provisions in the California Wage Orders and Labor Code to public employers, District employees are allowed a paid fifteen-minute rest period (break) for every four hours (or major portion thereof) of work. A rest period shall be scheduled, with the Supervisor's approval and at the Supervisor's discretion, in accordance with the requirements of the nature of the work assignment and to assure that all activities conducted by the District are adequately staffed at all times. Rest periods may neither be combined with meal breaks nor used to allow an employee to come in fifteen minutes late or leave fifteen minutes early. During a paid rest period, the employee must not leave the premises.

2.18. Meal Periods (Breaks)

Notwithstanding the inapplicability of the rest period provisions in the California Wage Orders and Labor Code to public employers, the District will endeavor, at the Supervisor's discretion, to provide District employees with unpaid meal breaks in the middle of the employee's work shift, generally no more than five (5) hours after the beginning of the workday. Unpaid meal breaks shall be a minimum of thirty (30) minutes long but shall not exceed one hour without prior approval. During an unpaid meal break an employee must be relieved of all duties and be free to leave the premises. If, at the discretion of the Supervisor, an Employee must remain on site and continue his or her duties during a meal period, the Employee will be paid for the time at his or her regular rate of pay or overtime rate as required by law.

Rest periods may not be combined with meal breaks or used to allow an employee to come in fifteen (15) minutes late or leave fifteen (15) minutes early. Meal breaks may not be used to allow an employee to come in later or leave early.

2.19. Timekeeping Requirements

The District utilizes a computer driven software package called TimeClock© to record all timekeeping. All employees, exempt and non-exempt are required to use TimeClock© to record their time worked for payroll purposes. Employees must record their own time at the start and at the end of each work period, including at the start and end of each lunch break. Employees must also record their time whenever they leave the premises for any reason other than District business. Recording time in on another employee's TimeClock©, allowing another employee to log time on a TimeClock© that is not their own, or altering TimeClock© is not permissible and is subject to disciplinary action, with the exception of changes and corrections made by management and/or the payroll department.

All TimeClock© entries must be turned in to the department manager no later than 5:00 pm on Tuesday of payroll week. All TimeClock© entries must be approved by the employee's Department Supervisor, Coordinator or Manager. The Department Manager must approve the TimeClock© entries specific to their Supervisor or Coordinator.

Copies of corrected TimeClock© entries will be forwarded to the employee final approval.

Any TimeClock© errors should be reported immediately to the payroll department.

2.20. Salary Schedule Ranges

The salary schedules and hourly wage schedules for District employees are established by the District Administrator and approved by the Board of Directors. Salary schedules and hourly wage schedules shall be reviewed periodically. Should the Board of Directors approve an increase in a salary or hourly wage schedule for a job description, all employees in that job description may receive a commensurate salary or wage increase, based on recent minimum wage or other recent salary adjustments.

For those employees represented by Local 39, the schedules are developed through negotiation between the union and the District, and are ratified by the members and the Board of Directors.

2.21. Payment of Wages

Except as otherwise indicated, the compensation provided shall be deemed to mean the compensation per hour. The wages of all employees, with the exception of independent contractors, shall be paid every two (2) weeks, based on a schedule of twenty-six (26) pay periods per year, normally every other Friday.

2.22. Automatic Deposit

The District offers automatic payroll deposits. Initially upon hiring and thereafter if the employee changes banks, each employee must complete a form available from the payroll department and return it to that office at least seventeen (17) days before the pay period for which the change is effective. Employees should carefully monitor their payroll deposit statements for the first two (2) pay periods after the service begins.

2.23. Call-in Pay

The District will pay a minimum of two (2) hours of pay to employees who are required to report to work on a day other than their normally scheduled workday.

2.24. Stand-by Pay

Any District employee who is required to be on “stand-by mode” on a day other than his or her normally scheduled work day or work hours, will be entitled to a minimum payment of \$21.00 per weekday and \$24.00 per weekend for each eight (8) hours that the employee is required to be on stand-by. Employees on “stand-by” mode must be available by phone at all times and be available to report to work within one hour and in a manner consistent with the District's standards of conduct.

2.25. Reporting to Work Pay

The District will pay an employee for one-half of his/her regularly scheduled workday, up to a maximum of four (4) hours, if the employee reports to work as scheduled but no work is available.

The District will not pay employees for reporting under the following circumstances:

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

2.26. Pay for Mandatory Meetings/Trainings

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

- a. Attendance is mandatory; or

- b. The meeting, course, or lecture is directly related to the employee's job and the employee has been notified of the necessity for such attendance by his or her supervisor.

Compensation will be at the employee's regular rate of pay for time spent at meetings, lectures, and training programs. Hours worked in excess of forty (40) hours in a workweek will be paid at the employee's appropriate overtime rate.

2.27. Exempt v. Non-Exempt Employees

A non-exempt employee is eligible for overtime pay. An exempt employee is not eligible for overtime pay. Employees should discuss their status as exempt or non-exempt with their supervisor.

2.28. Overtime for Non-Exempt Employees

Non-exempt employees may be required to work overtime as necessary. Overtime work requires prior authorization by the District Administrator or his/her designee. In case of an emergency, overtime may be verbally authorized, and the form signed within twenty-four (24) hours. All overtime shall be recorded by the employee on his/her normal timecard.

The District will attempt to distribute overtime evenly and to accommodate individual schedules. Overtime for any one employee shall not exceed eight (8) hours in any one pay period unless otherwise authorized by the District Administrator.

2.29. Payment for Overtime

The District provides compensation for all overtime hours worked by non-exempt employees in accordance with state and federal law as follows:

- A. Any hours worked in excess of forty (40) hours in one workweek will be treated as overtime. A workday begins at 12:01 a.m. and ends at midnight twenty-four (24) hours later. Workweeks begin each Wednesday at 12:01 a.m. and end each Tuesday at 12:00 a.m.;
- B. Employees shall be paid at a rate of one and one-half times the employee's regular rate of pay for hours worked in excess of forty (40).

Sick time, holiday, and vacation hours paid, but not worked, are not included in calculating overtime. Only actual hours worked in a given workday or workweek, and not hours scheduled, will apply in calculating overtime.

Employees who are excluded from District Benefits are eligible for overtime pay calculated at the rate of one and one-half (1 ½) times the employee's regular rate of pay for actual hours worked on a District-observed holiday. When a holiday falls on a Saturday or Sunday, the employee shall be eligible for overtime pay for hours worked on the actual holiday, not the District-observed holiday.

2.30. Merit Increases

Persons entering the employ of the District shall be paid at the minimum starting wage of the salary schedule established for the classification in which they are hired, unless otherwise approved by the District Administrator.

Merit increases may range from 0% to 5% and shall be determined on the employee's anniversary date, shall not be automatic, but shall be based on performance reports, length of service.

Employees may qualify for a merit increase in the following manner:

A Performance Evaluation Form shall be prepared by the employee's supervisor not more than thirty (30) days prior to the employee's anniversary date and shall be interactively reviewed by the employee and his or her supervisor. The Performance Evaluation Form shall list several performance criteria and each of the criteria shall have a numerical point value as follows:

Outstanding:	5
Exceeds Performance Standards:	4
Satisfactory:	3
Needs Improvement:	1
Unsatisfactory:	0

There are 11 criteria (20 criteria for Supervisors) on the current Performance Evaluation Form. The District, at its discretion, may add, delete, amend, or modify the content and/or the criteria on the Performance Evaluation Form. Evaluation scores and corresponding merit increase percentages are as follows:

Regular Employees	Supervisors
40-55 = 5%	54-75 = 5%
36-39 = 4%	49-53 = 4%
33-35 = 3%	45-48 = 3%
Below 33 = 0%	Below 45 = 0

An employee who scores below 33 on a performance review shall be counseled immediately and given a Performance Improvement Plan as to how his or her performance must improve. Such performance shall be reviewed again 90 days after the initial performance review. If the employee's performance improves to a Satisfactory level (33 or higher), that employee will be eligible for the corresponding merit increase (non-retroactive). If there is no improvement, the employee may be subject to disciplinary action, up to and including termination.

All job descriptions shall have a minimum starting wage and a maximum attainable wage. Each employee will have a performance review on either their anniversary date or their promotion date (if applicable), and shall be eligible for a merit increase corresponding to

the evaluation criteria and score outlined above. Generally, all full-time and regular part-time employees shall serve at least one year at each wage and have a performance evaluation rating of 33 or better to qualify for advancement to the next wage. Performance Evaluation Forms shall be reviewed by the District Administrator prior to the review of an employee, and shall be approved by, and advancement shall be at, the discretion of the District Administrator.

Managers and supervisors shall additionally be reviewed and scored on such supervisory skills with an equally corresponding scoring system.

2.31. COLA (Cost of Living Allowance)

A cost-of-living adjustment (COLA) may be provided to all permanent, full-time or part time, non-union employees based on identical negotiated increases provided to union employees. Such adjustments shall be made concurrent with the negotiated union adjustment. COLA raises are separate and distinct from an employee's merit increases.

Beginning April 1st of each year, the general wage increase (COLA) will be between a minimum of 1% and a maximum of 4% as determined by the Consumer Price index (Bureau Labor of Statistics Consumer Price Index, California State Average, All Urban Consumers for the month of October of the preceding year, provided that the District revenue meets the minimum levels below.

March 31, 2022 is anticipated to be a total District Revenue of \$5,345,000.

April 1, 2023: provided that total District revenue remains at a minimum base level of \$5,451,900 at fiscal year- end of March 31, 2023 (revenue is defined as Program, Facility, Property Tax, and RDA revenues) a COLA increase for current employees.

April 1, 2024: provided that total District revenue remains at a minimum base level of \$5,560,938 at fiscal year- end of March 31, 2024 (revenue is defined as Program, Facility, Property Tax, and RDA revenues) a COLA increase for current employees.

If the District fails to meet the above revenue levels, the increase will be a minimum of 1% for that year.

2.32. Makeup Time

The District allows the use of makeup time when non-exempt employees need time off to tend to personal obligations. Makeup time worked will not be paid at an overtime rate.

Employees may take time off and then make up the time later in the same workweek, or may work extra hours earlier in the workweek to make up for time that will be taken off later in the workweek.

Makeup time requests must be submitted in writing to the employee's supervisor on the form provided by the District. Makeup time requests must be signed by the requesting employee. Requests will be considered based on the legitimate business needs of the District at the time the

request is submitted. A separate written request is required each time the employee requests makeup time.

If an employee requests time off that is to be made up later in the week, the employee must submit the request at least twenty-four (24) hours in advance of the desired time off. If the employee requests to make up time prior to taking time off, the employee must submit the request at least twenty-four (24) hours before working the makeup time. Makeup time requests must be approved in writing before the employee takes the requested time off or works the makeup time, whichever is first.

All makeup time must be worked in the same workweek as the time taken off. Employees may not work more than eleven (11) hours in a day or forty (40) hours in a workweek as a result of making up time that was or would be lost due to personal obligations.

If an employee takes time off and is unable to work the scheduled makeup time for any reason, the hours missed will normally be unpaid. However, your supervisor may arrange with you another day to make up the time if possible, based on scheduling needs. If an employee works makeup time in advance of time they plan to take off, the employee must take that time off, even if the employee no longer requires that time off.

An employee's use of makeup time is completely voluntary. The District does not encourage, discourage, or solicit the use of makeup time.

2.33. Advances

The District does not permit advances against paychecks or against unaccrued personal leave.

2.34. Personnel Records

You have a right to inspect certain documents in your personnel file, as provided by law, in the presence of a District representative at a mutually convenient time. If requested, a copy of your personnel file will be provided to you within thirty (30) days at the cost of copying the files.

The District will restrict disclosure of your personnel file to authorized individuals within the District. Any request for information contained in personnel files must be directed to the Personnel Manager. Only the District Administrator or Payroll Department is authorized to release information about current or former employees. Disclosure of personnel information to outside sources will be limited. However, the District will cooperate with requests from authorized law enforcement or local, state, or federal agencies conducting official investigations and as otherwise legally required. Under the California Public Records Act, personnel files are private, but the District can be mandated to release information including, but not limited to, names of employees and salary information.

2.35. Names and Addresses

The District is required by law to maintain employees' names and current addresses. Employees are responsible for notifying the District in the event of a name or address change.

2.36. Performance Evaluations

Each employee will receive periodic performance evaluations conducted by his or her supervisor or department manager. An employee's first performance evaluation will take place during or after completion of the probationary period. Subsequent performance evaluations will be conducted annually, on or about the anniversary date of the employee. The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems.

Performance evaluations may review factors such as the quality and quantity of the work, knowledge of the job, initiative, work attitude, and attitude toward others. Performance evaluations are intended to make the employee aware of job progress, areas of needed improvement, and objectives or goals for future work performance. Favorable performance evaluations do not guarantee increases in salary or promotions. Merit 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 to and discussed between the employee and the supervisor and that the employee is aware of its contents. The employee has the right to respond in writing to the evaluation and have the response included in his/her personnel file.

2.37. Suggestions, Concerns and Complaints

The District recognizes that employees may have complaints, suggestions, or questions about their job, working conditions, or treatment at work. Good-faith complaints, questions, and suggestions are helpful to the District. Suggestions for improving the District are always welcome.

If an employee has a formal complaint, the District asks the employee to first discuss the concerns with their supervisor, following these steps:

- A. Within a week of the occurrence, bring the situation to the attention of the immediate supervisor, who will then investigate and provide a solution or explanation;
- B. If the problem persists, the employee may describe it in writing and present it to his/her department manager, who will investigate and provide a solution or explanation. Employees are encouraged to bring the matter to the attention of the department manager as soon as possible after the employee believes that his/her immediate supervisor has failed to resolve it; and
- C. If the problem is not resolved, the employee may present the problem in writing to the District Administrator, who will attempt to reach a final resolution.

This procedure cannot guarantee that every problem will be resolved to all employees' satisfaction. However, the District values employee observations and employees should feel free to raise issues of concern, in good faith, without the fear of retaliation.

2.38. Employment of Relatives

The District shall not hire or promote relatives of current employees if doing so results in the direct supervision, assignment and/or evaluation of a relative. The District defines “relatives” as spouses, domestic partners, children, siblings, parents, in-laws, and step-relatives.

The District Administrator may make an exception to this policy only as it relates to the employment of temporary or seasonal employee if it is a necessity based on business needs and only if other qualified non-related candidates are not available. All performance evaluations and disciplinary actions, including investigations, will be conducted by the department manager.

If the potential employee is related to the department manager the District Administrator will provide all performance evaluations and disciplinary actions, including investigations.

If the potential employee is related to the District Administrator, the Administrative Services Manager will provide all performance evaluations and disciplinary actions, including investigations.

If two employees marry or become related, resulting in one spouse or relative supervising, assigning and/or evaluating another spouse or relative, only one of the employees may be retained with the District, unless reasonable accommodations can be made to eliminate the conflict. The employees will have thirty (30) days to decide which relative will stay with the District. If this decision is not made within the time allowed, the District Administrator will make the decision, taking into account the employment history and job performance of both employees, in addition to the needs of the District.

2.39. Reductions in Force

Under some circumstances, including, but not limited to, lack of work, lack of funds, economic conditions, or in the best interests of the District as determined by the District Administrator or the Board of Directors, the District may need to restructure or reduce its workforce. If restructuring operations or reducing the number of employees becomes necessary, the District will attempt to provide advance notice, if possible, to help prepare affected individuals. If possible, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff, whether short-term or indefinite.

In determining which employees will be subject to layoff, the District will take into account, among other things, requirements for continued operation of District functions, the skill, productivity, ability, and past performance of those involved, as well as seniority in current position.

The District Administrator shall prepare and submit a layoff list to the Board of Directors. Each employee subject to layoff shall be given written notice of layoff. This notice shall state the effective date and reason for such layoff.

2.40. Involuntary Termination and Progressive Discipline

Violation of District policies and rules may warrant disciplinary action. The District has established a system of progressive discipline that includes verbal warnings, written warnings, and

suspension. The system is not formal and the District may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances, up to, and including, termination of employment. If suspension, demotion or termination is proposed, the employee shall be entitled to a notice of the proposed discipline that includes the basis for the proposed discipline. The employee is also entitled to meet with the District Administrator prior to the discipline taking effect to respond to the proposed discipline. All District-owned property, including vehicles, keys, uniforms, identification badges, and credit cards, must be returned immediately upon termination of employment. The District's policy of progressive discipline in no way limits or alters the employment relationship.

2.41. Voluntary Termination

Voluntary termination results when an employee voluntarily resigns his or her employment, or fails to report to work for three consecutively scheduled workdays without notice to, or approval by, his or her supervisor. All District-owned property, including vehicles, keys, uniforms, identification badges, and credit cards, must be returned immediately upon termination of employment.

2.42. Employee Resignation

All employees are requested to file a written resignation with their supervisor at least two (2) weeks before leaving, stating the effective date and reasons for leaving, unless such notice is waived by the District Administrator. All District-owned property, including vehicles, keys, uniforms, identification badges, and credit cards, must be returned immediately upon termination of employment.

2.43. Employee References

All requests for references must be directed to the District Administrator or his designee. By policy, the District discloses only the name of employee, dates of employment, and the title of the last position held of former employees, including a brief description of job duties. If the employee authorizes the disclosure in writing, the District also will inform prospective employers of the amount of salary or wages the employee last earned.

2.44. Exit Interview

Upon leaving the District's employ, whether it is due to discharge, layoff, resignation, retirement, or for any other reason, all employees are entitled to an Exit Interview with his/her supervisor, or the District Administrator. During the Exit Interview, the reason for separation from service may be discussed, and the employee shall be given the opportunity to discuss his/her feelings regarding employment with the District, the circumstances surrounding the separation, and any other pertinent information that either employee or employer wishes to share. A form summarizing the Exit Interview shall be signed and dated by both employee and employer and filed in the employee's personnel file.

ARTICLE III

Standards of Conduct

3.1. Prohibited Conduct

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 the District's operations may also be prohibited.

- A. Falsifying employment records, employment information, or other District records;
- B. Recording the work time of another employee or allowing any other employee to record his or her work time, or falsifying any time card, either his or her own or another employee's;
- C. Theft or deliberate or careless damage or destruction of any District property, or the property of any employee or customer;
- D. Removing or borrowing District property without prior authorization;
- E. Unauthorized use of District equipment, time, materials, or facilities;
- F. Provoking a fight or fighting during working hours or on District property;
- G. Participating in horseplay or practical jokes on District time or on District premises;
- H. Carrying firearms or any other dangerous weapons on District premises at any time, unless authorized in writing by the District Administrator or mandated by state or local laws;
- I. Engaging in criminal conduct whether or not related to job performance;
- J. Causing, creating, or participating in a disruption of any kind during work hours on District property;
- K. 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;
- L. Using abusive language at any time on District premises;
- M. Failing to notify a supervisor when unable to report to work;

- N. Unreported absence of three consecutive scheduled workdays;
- O. Failing to obtain permission to leave work for any reason during normal working hours;
- P. Failing to observe working schedules, including rest and lunch periods;
- Q. Failing to provide a health care provider's certificate when requested or required to do so;
- R. Sleeping or malingering on the job;
- S. Excessive making or accepting of personal telephone calls of more than de minimus duration during working hours, except in cases of emergency;
- T. Working overtime without authorization or refusing to work assigned overtime;
- U. Wearing disturbing, unprofessional or inappropriate styles of dress or hair while working;
- V. Violating any safety, health, security or District policy, rule, or procedure;
- W. Committing a fraudulent act or a breach of trust under any circumstances;
- X. Committing of or involvement in any act of harassment of another individual;
- Y. Reporting to work under the influence of alcohol, illegal drugs or any other controlled substance; and
- Z. Use of alcohol, illegal drugs or any other controlled substance while on duty.

This statement of prohibited conduct does not alter the District's policies of employment.

3.2. 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. Illegal or immoral 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.

While employed by the District, employees are expected to devote their energies to their jobs with the District. The following types of employment elsewhere are strictly prohibited:

- A. Additional employment that conflicts with an employee's work schedule, duties, and responsibilities at the District;

- B. Additional employment that creates a conflict of interest or is incompatible with the employee's position with the District;
- C. Additional employment that impairs or has a detrimental effect on the employee's work performance with the District;
- D. Additional employment that requires the employee to conduct work or related activities on the District's property during the employee's working hours or using the District's facilities and/or equipment; and
- E. Additional employment that 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 District Administrator 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.

3.3. Drug and Alcohol Abuse

The District is concerned about the use of alcohol, illegal drugs, or controlled substances as they affect the workplace. Use of these substances, whether on or off the job, can detract from an employee's work performance, efficiency, safety, and health, and therefore seriously impair the employee's value to the District. In addition, the use or possession of these substances on the job constitute a potential danger to the welfare and safety of other employees and expose the District to the risks of property loss or damage, or injury to other persons. Inappropriate use of prescription drugs and/or over-the-counter drugs may do the same.

The following rules and standards of conduct apply to all employees either on District property or during the workday (including meals and rest periods). Behavior that violates District policy includes:

- A. Possession or use of an illegal or controlled substance, or being under the influence of an illegal or controlled substance while on the job;
- B. Driving a District vehicle while under the influence of alcohol or an illegal or controlled substance;
- C. Distribution, sale, or purchase of an illegal or controlled substance while on duty or in the workplace.
- D. Reporting to work under the influence of alcohol, illegal drugs or any other controlled substance.
- E. Use of alcohol, illegal drugs or any other controlled substance while on duty or in the workplace.

- F. Misuse of prescription drugs or over the counter drugs while on duty or in the workplace.

Violation of these rules and standards of conduct will not be tolerated. The District also may bring the matter to the attention of appropriate law enforcement authorities.

In order to enforce this policy, the District reserves the right to conduct searches of any and all District property, including desks and lockers, and to implement other measures necessary to detect and deter abuse of this policy. No employee should assume that any area on District property is private. The District reserves the right to enter and search any desk or locker in the workplace.

An employee's conviction on a charge of illegal sale or possession of any controlled substance while off District property will not be tolerated because such conduct, even though off duty, reflects adversely on the District. In addition, the District must keep people who sell or possess controlled substances off the District's premises in order to keep the controlled substances themselves off the premises.

Any employee who is using prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or affect the safety or well-being of others, must notify a supervisor of such use immediately before starting or resuming work.

The District encourages, and may accommodate if reasonable, employees with alcohol or drug dependencies to seek treatment and/or rehabilitation. Employees desiring such assistance should request a treatment or rehabilitation leave. The District is not obligated, however, to continue to employ any person whose performance of essential job duties is impaired because of drug or alcohol use, nor is the District obligated to re-employ any person who has participated in treatment and/or rehabilitation if that person's job performance remains impaired as a result of dependency. Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency will not automatically be given a second opportunity to seek treatment and/or rehabilitation. This policy on treatment and rehabilitation is not intended to affect the District's treatment of employees who violate the regulations described previously. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

All District employees are subject to drug and alcohol testing under federal and state guidelines allowing for "reasonable suspicion testing" as follows:

Reasonable suspicion testing is authorized when management believes an employee is using illegal drugs or alcohol. It is appropriate to request a reasonable suspicion drug and alcohol test when any of the following conditions exist:

- A. Direct observation of drug use and/or the physical symptoms of being under the influence of drugs or alcohol.
- B. A pattern of abnormal conduct or erratic behavior.

- C. Arrest or conviction for a drug related offense; or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking.
- D. Information that is either provided by reliable and credible sources or independently corroborated.
- E. Newly discovered evidence that the employee has tampered with a previous drug test.

3.4. Punctuality and Attendance

District employees are expected to be punctual and regular in attendance. Any tardiness or absence causes problems for other workers and supervisors, for assigned work must be performed by others. Employees are expected to report to work as scheduled, on time, and prepared to begin 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.

If an employee is unable to report for work on any particular day, the employee must, under all but the most extenuating circumstances, call their supervisor as soon as possible. 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.

Any employee who fails to report for work without any supervisor notification and who is absent for a period of three consecutive workdays will be considered to have abandoned their employment. Abandonment of employment is grounds for a Personnel Action up to and including termination.

3.5. Dress Code and Other Personal Standards

Because each employee is a representative of the District in the eyes of the public, each employee must report to work properly groomed and wearing appropriate clothing. Employees are expected to dress neatly and in a manner consistent with the nature of the work they perform. Clothing should be clean, tasteful and without rips or holes. Avoid clothing that can create a safety hazard. Department managers may issue more specific guidelines. Employees who report to work inappropriately dressed may be asked to clock out and return in acceptable attire.

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. Instructions regarding cleaning and maintenance of uniforms will be provided. Certain employees may be required to wear safety equipment or clothing. Any deviations from these guidelines must be approved in advance by the employee's supervisor.

3.6. 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, the department manager should be called immediately.

Ours is a service business and all of us must remember that the customer always comes first. Our customers ultimately pay all of our wages. Remember, while the customer is not always right, the customer is never wrong. Never argue with a customer. If a problem develops or if a customer remains dissatisfied, the employee should ask his/her supervisor or the department manager to intervene.

Customers are to be treated courteously and given proper attention at all times. Never regard a customer's question or concern as an interruption or an annoyance. Respond to all inquiries from customers, whether in person or by telephone, promptly and professionally.

Never place a telephone caller on hold for an extended period. Direct incoming calls to the appropriate person and make sure the call is received. If an employee is unable to personally help a customer, they should find someone who can.

All correspondence and documents, whether to customers or others, must be neatly prepared and error-free. Attention to accuracy and detail is essential.

3.7. Confidentiality

Each employee is responsible for safeguarding any confidential information obtained during employment. In the course of employment, District employees may have access to confidential information regarding the District, its suppliers, its customers, or even fellow employees. Employees have a responsibility to prevent revealing or divulging any such information unless it is necessary for the performance of duties. Access to confidential information should be on a "need-to-know" basis and must be authorized by the employee's supervisor. Any breach of this policy will not be tolerated and legal action may be taken by the District.

3.8. Business Conduct and Ethics

Without approval from the District Administrator, no employee may accept a gift or gratuity from any customer, vendor, supplier, or other person doing business with the District. Accepting a gift or gratuity may give the appearance of influencing business decisions, transactions or service. No employee may accept outside payment for business meals or trips without advance approval of the District Administrator.

3.9. News Media Contacts

Employees may be approached for interviews or comments by the news media. Only contact people designated by the District Administrator may make any official comment to any media representatives or reporters on District policy or events relevant to the District.

ARTICLE IV

Operational Considerations

4.1. Employer Property

Lockers, desks, computers 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 at any time without notice to or presence of the employee to ensure compliance with its rules and regulations.

Prior authorization must be obtained before any District property may be removed from the premises.

4.2. Use of Electronic Media

The District uses various forms of electronic communication including, but not limited to, computers, e-mail, telephones, and the Internet. All electronic communications, including all software, databases, hardware, and digital files, remain the sole property of the District and are to be used only for District business.

The District may periodically need to assign and/or change “passwords” and personal codes for voice mail, e-mail and computers. 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 to override any such password system.

A. Overview

EMPLOYEES HAVE NO PRIVACY RIGHTS IN THE USE OF DISTRICT EQUIPMENT. Telephone, voice mail, computer, Internet and e-mail systems are maintained by the District in order to facilitate District business. Therefore, all messages sent, received, composed and/or stored on these systems are the property of the District. These systems are to be used for District business and are not for employees’ personal use. Personal use that interferes with an employee’s work performance will not be tolerated.

The District reserves the right to access an employee's computer or telephone system in order to retrieve documents, voice-mail and e-mail messages, whether outgoing or incoming, at any time. The existence of passwords on computer and/or telephone systems is not intended to indicate that messages will remain private, but to protect the District from unauthorized users accessing electronic systems. With the exception of the District Administrator, all employees must disclose all passwords to the Administrative Services Manager. The District must maintain the passwords in order to possess the tools needed to handle emergency situations in the absence of an employee.

Electronic communication and media may not be used in any discriminatory, harassing, or obscene manner, or for any other purpose that is illegal, against District policy, or not in the best interest of the District.

B. Telephone Usage Policy

Personal telephone calls are discouraged during working hours, with the exception of emergency telephone calls. Personal telephone calls must be kept to a minimum and must be made during scheduled rest periods. The employee's supervisor must approve long distance telephone calls. The employee will be responsible for charges resulting from personal telephone calls.

C. Voice-Mail and E-Mail

District voice-mail and/or electronic mail (e-mail) are to be used for business purposes only. The District reserves the right to monitor voice mail messages and e-mail messages at any time without notice. Additionally, the District back-up system for e-mail stores all messages for a period of time specified in the District's Retention Policy.

Messages on the voice-mail and e-mail systems are to be accessed only by the intended recipient or by others at the direct request of the intended recipient. Messages on the District's voice-mail and e-mail systems are subject to the same policies regarding harassment and discrimination as are any other workplace communications. Offensive, harassing or discriminatory content in such messages will not be tolerated.

Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by District management.

No employee may install or use anonymous e-mail transmission programs or encryption of e-mail communications, except as specifically authorized by the Administrative Services Manager or District Administrator.

D. Computers

District computers shall be used for District business. Personal business conducted on District computers must be authorized by management and must take place during non-working (unpaid) hours.

Special policies regarding computer systems are established in order to protect the District from activities caused by computer hackers, viruses, etc. and include, but are not limited to the following:

1. Employees shall not add or remove any programs or personal software from the District's computers without the express approval of either the District Administrator or the Administrative Services Manager.
2. Employees shall not open e-mails or download attachments from unknown sources.

3. Employees shall not view or download pornographic or otherwise offensive material off the Internet.
4. Employees shall not use District computers for items not directly related to District business unless personal use has been authorized.
5. Employees shall not use District computers to play games.
6. Employees shall not use District computers to engage in illegal activities, including, but not limited to, gambling.
7. Employees shall not incur charges in the use of District computers without the approval of their supervisors. If personal use has been authorized, employees will be responsible for any charges resulting from personal use of District computers.

Employees who misuse electronic communications or who engage in defamation, copyright or trademark infringement, misappropriation of trade secrets, discrimination, harassment, or related actions will be subject to discipline and/or immediate termination.

All electronic information created by any employee using any means of electronic communication is the property of the District and remains the property of the District. Personal passwords may be used for purposes of security, but the use of a personal password does not affect the District's ownership of the electronic information.

The District will override all personal passwords if necessary for any reason.

The District reserves the right to access and review electronic files, messages, mail, and other digital archives, and to monitor the use of electronic communications as necessary to ensure that no misuse or violation of District policy or any law occurs.

Employees who use devices on which information may be received and/or stored, including, but not limited to, cell phones, cordless phones, portable computers, fax machines, and voice mail communications are required to use these methods in strict compliance with the trade secrets and confidential communication policy established by the District. Except for such uses, these communication tools should not be used for communicating confidential or sensitive information or any trade secrets.

Access to the Internet, web-sites, and other types of District-paid computer access are to be used for District-related business only unless there has been advance approval and use is during non-working hours. Any information about the District, its products or services, or other types of information that will appear in the electronic media about the District must be approved by the District Administrator of the District before the information is placed on an electronic information resource that is accessible to others.

Questions about access to electronic communications or issues relating to security should be addressed to the Administrative Services Manager.

4.3. Use of Company Cell Phone While Driving

If your job requires that you keep your cell phone turned on while you are driving, you must use a hands-free device or safely pull off the road before conducting company business. Under no circumstances should employees place phone calls while operating a motor vehicle while driving on District business and/or District time.

4.4. Prohibiting Personal Use of Company Cell Phone

Employees who are provided a company cell phone may use the phone for personal reasons only in the case of an emergency. Other personal use is prohibited.

4.5. Off-Duty Use of Facilities

Employees are expressly prohibited from using District facilities, District property, or District equipment for personal use, unless the facility is open to use by members of the public or authorization is given by the District Administrator.

4.6. Employee Property

For security reasons, employees should not leave personal belongings of value in the workplace. Personal items left in the workplace are subject to inspection and search.

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 the lock being cut off and the employee losing the right to use a District locker.

Terminated employees should remove any personal items at the time they leave the District. Personal items left in the workplace are subject to disposal if not claimed at the time of an employee's termination.

4.7. Security/Workplace Violence

The District has developed guidelines to help maintain a secure workplace. Be aware of persons loitering for no apparent reason in parking areas, walkways, entrances and exits, and service areas. Report any suspicious persons or activities to law enforcement personnel, your Department Manager or District Administrator. Secure your desk or office at the end of the day. When called away from your work area for an extended length of time, do not leave valuable and/or personal articles in or around your workstation. The security of facilities as well as the welfare of employees depends upon the alertness and sensitivity of every individual to potential security risks. Employees should immediately notify their supervisor when unknown persons are acting in a suspicious manner in or around the facilities, or when keys, security passes, or identification badges are missing.

4.8. Anti-Violence Policy

- A. Any employee who suffers unlawful violence or a credible threat of violence from any individual, that can reasonably be construed to be carried out at the work site, should immediately report the incident to the appropriate superior as provided below.
1. “Unlawful violence” is any assault or battery, or stalking as prohibited in Section 646.9 of the Penal Code, but shall not include lawful acts of self-defense or defense of others.
 2. “Credible threat of violence” is a knowing and willful statement or course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family, and that serves no legitimate purpose.
 3. “Course of conduct” is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an employee to or from the place of work; entering the workplace; following an employee during hours of employment; making telephone calls to an employee; or sending correspondence to an employee by any means, including, but not limited to, the use of the public or private mails, interoffice mail, fax, or computer e-mail.
 4. This policy does not permit the District to prohibit speech or other activities that are constitutionally protected, or otherwise protected by any other provision of law.
 5. For purposes of this policy, the term “employee” means every person, including aliens and minors, rendering actual service in any way to the District, whether gratuitously or for wages or pay, whether the wages or pay are measured by the standard of time, piece, task, commission, or other method of calculation, and whether the service is rendered on a commission, concessionaire, or other basis. “Employee” also includes the members of the Governing Board of the District. “Employee” also includes a volunteer or independent contractor who performs services for the District.
- B. It is the District’s policy to promote a safe environment for its employees. The District is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.
- C. Violence, threats, harassment, intimidation and other disruptive behavior in the workplace will not be tolerated. All reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of

physical harm. Individuals who commit such acts may be removed from the premises. This includes violence on the part of patrons or employees.

- E. Threats or assaults that require immediate attention by the police, or that require medical attention, should be reported first to 911.
- F. The District will make reasonable efforts to protect workers who report threats.
- G. Employees may not carry weapons to work, unless approved in writing by the District Administrator and have in their possession all required permits.
- H. Employees working late at night should use the buddy system when possible.
- I. Report any suspicious persons or activities.
- J. Familiarize yourself with the escape routes from various facilities.
- K. Employee cooperation is essential in implementing a workplace anti-violence policy and maintaining a safe working environment. Do not ignore violent, threatening, harassing, intimidating, or otherwise disruptive behavior. If an employee observes behavior by anyone on District premises, whether the person is a District employee or not, and the employee feels there is a threat of imminent violence or danger, the employee should report it immediately to the proper authorities (Auburn Police Department, Placer County Sheriff, etc.). Following this the employee should report to a supervisor or manager. Any supervisor or manager who receives such a report shall notify the District Administrator. If the employee believes that the incident involves a manager, the employee shall report the incident to the District Administrator. The District Administrator will investigate the incident(s) and take appropriate action.

Employees should not create or participate in an unsafe situation when dealing with a violent, threatening, harassing, or intimidating individual.

Employees who violate this policy are subject to personnel action.

4.9. Health and Safety

All employees are responsible for their own safety, as well as that of others in the workplace. To maintain a safe workplace, everyone must be safety-conscious at all times. Report all work-related injuries or illnesses immediately to your supervisor or to the Administrative Services Manager.

To promote the concept of a safe workplace, the District maintains an Injury and Illness Prevention Program. The Injury and Illness Prevention Program is available for review by employees and/or employee representatives in specific areas of each department as well as the District office.

In compliance with applicable law, the District will inform employees of any known exposure to any chemical known to cause cancer or reproductive toxicity.

4.10. Ergonomics

The District will make necessary adjustments to reduce exposure to ergonomic hazards through modifications to equipment, 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 the District's business. The District intends to provide the appropriate resources to create a risk-free environment.

If you have any questions about ergonomics, please contact the Administrative Services Manager.

4.11. Smoking and Vaping

It is the policy of the District to prohibit smoking and vaping while on duty. Smoking and vaping are allowed only on breaks and is not allowed in any enclosed area of a facility, within twenty-five (25) feet of an entrance to a facility and/or in all District vehicles. Smoking is defined as the "act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind." Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs and e-cigars.

4.12. Housekeeping

All employees are expected to keep their work areas clean and organized. Employees using common areas such as lunchrooms, locker rooms, and restrooms are expected to keep them sanitary. Please clean up after meals and dispose of trash properly.

4.13. Parking

The District is not responsible for any loss or damage to employee vehicles or contents while parked on District property. Employees and Board Members are encouraged to park in the outskirts of parking areas, so that District patrons have access to the most convenient parking places.

4.14. Solicitation and Distribution of Literature

In order to ensure efficient operation of the District's business and to prevent disruption to employees, the District has enacted rules applicable to all employees governing solicitation, distribution of written material, and entry onto the premises and work areas. All employees are expected to comply strictly with these rules. Any employee who is in doubt concerning the application of these rules should consult with his or her supervisor.

The District discourages employees from soliciting or promoting support for any cause or organization. No employee shall solicit or promote support for any cause or organization during his or her working time or during the working time of those at whom such activity is directed.

The District discourages employees from distributing or circulating any written or printed material in work areas. No employee shall distribute or circulate any written or printed material during his

or her working time or during the working time of the employee or employees at whom such activity is directed.

Under no circumstances will non-employees be permitted to solicit or to distribute written material for any purpose on District property, unless prior approval is granted from the District Administrator.

4.15. Conducting Personal Business

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

4.16. Employees Who Are Required to Drive

Employees who are required to drive a District vehicle or their own vehicles on District business will be required to show proof of current valid driving licenses 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.

The district retains the right to transfer to an alternative position, suspend, or terminate an employee whose license is revoked, or who fails to maintain personal automobile insurance coverage, or who is uninsurable under the district's policy if the employee is required to drive to meet the essential functions of his/her position.

Employees who drive their own vehicles on District business will be reimbursed at the current rate per mile as established by the Internal Revenue Service (IRS).

4.17. Expense Accounts

The District reimburses employees for business expenses monthly. Employees who have expense accounts or who have incurred business expenses must submit required receipts to the Accounts Payable Department at least fourteen days prior to receiving reimbursement from the district.

Any questions about the district's expense reimbursement policy will be answered by the Administrative Services Manager. Expenditures must be incurred according to District Policy and receipts must be submitted to the accounting department no later than thirty (30) days after the expense is incurred.

4.18. Telecommuting

The District permits exempt employees and other employees to telecommute, with authorization by the District Administrator.

All costs for equipment associated with telecommuting are the responsibility of the employee. Costs include purchase price, maintenance, and insurance coverage for all necessary equipment.

Employees who telecommute still may be required to attend meetings at the office or other designated locations.

Telecommuting does not change the employee's District work location, and employees are still responsible for all costs associated with travel to and from the office when they are required to report to their District work location.

Employees who telecommute will not conduct meetings with customers or clients in their home nor will they perform any manufacturing work at home.

Employees are responsible for contacting local governmental agencies for required licenses, if any, needed to maintain a home office.

Employees are responsible for any costs of obtaining tax advice about a tax deduction for a home office. Employees are responsible for any tax liability should they claim such an expense and it is later disallowed by the Internal Revenue Service.

Employees who telecommute must maintain the security of all confidential and/or sensitive information and other proprietary information as if they were working in the office.

Employees who telecommute are responsible for following all safety rules. The District may conduct visits to telecommuting work-sites, including employees' homes, to ensure that all safety and security procedures are being followed.

The ability to telecommute does not change the performance level expected from an employee.

Employees who are subject to overtime laws must adhere to their beginning and ending work times, break times, and meal breaks, and must maintain required time records.

The District retains the right to require telecommuters to report to the District office to work.

Violation of any telecommuting policies may result in the loss of an employee's telecommuting privileges.

4.19. Bulletin Boards

The District maintains bulletin boards at various locations in each department. Please contact your department manager for the location of bulletin boards in your department.

District bulletin boards are used to provide information to employees concerning Equal Employment Opportunity, Safety and Health Protection, California and Federal Minimum Wage, Family and Medical Leave, Unemployment Insurance, State Disability Insurance and Harassment or Discrimination in Employment.

Employees may not post items on District bulletin board unless the following conditions are met:

- Postings may be made by District employees only.
- The information to be posted must first be approved by the District Administrator.
- Postings are limited to 8 1/2" x 11" in size.
- Bulletin boards will be updated monthly.
- Posted items will be dated and will be removed after one month.

ARTICLE V

Employee Benefits

5.1. Introduction

An employee holding a full-time or regular part-time position will be entitled to District benefits according to the following employment classification:

- A. Full-time employees who are regularly scheduled for forty (40) hours per week: Benefits begin on the first of the month following the first thirty days of regular employment.
- B. Regular part-time employees who work an average of thirty to thirty-nine (30 to 39) hours per week: Benefits begin on the first of the month following the first thirty days of regular employment. Such part-time employee must maintain a minimum of thirty (30) hours per week of work. To maintain eligibility for benefits, hours worked will be monitored on a trailing twelve (12) month basis and will be calculated every quarter. The trailing twelve (12) month period will begin on the first day of the pay period following the “hours worked” eligibility requirements for that level of benefits.
- C. Regular part-time employees who work an average of twenty to twenty-nine (20 to 29) hours per week: Benefits begin on the first of the month following the first thirty days of regular employment. Such part-time employee must maintain a minimum of twenty (20) hours per week of work. To maintain eligibility for benefits, hours worked will be monitored on a trailing twelve (12) month basis and will be calculated every quarter. The trailing twelve (12) month period will begin on the first day of the pay period following the “hours worked” eligibility requirements for that level of benefits.
- D. Part-time employees who work an average of less than twenty (20) hours per week: Part-time employees in this category and temporary, seasonal, and on-call, only qualify for participation in the retirement program as required by CalPERS. These employees do not qualify for any other benefits.

5.2. Rules for Part-time Employees: Hours Worked, Eligibility and Review Periods for Paid Time-Off Benefits

A. Definition of Hours Worked

Whenever “hours worked” is mentioned in the District Benefits section, it refers to actual hours an employee works, and includes the number of hours the employee was paid, including holidays, personal time leave off, and credit allowed for unpaid holidays.

If the part-time employee did not meet the required level of hours to reach a benefit level during the first month of employment, he or she will be re-examined at the end of each

subsequent month using the most recent trailing twelve months' data. Upon reaching the threshold for average hours, the part-time employee will then qualify for the appropriate benefit coverage.

1. Increased Qualification

An employee who initially meets the twenty to twenty-nine (20 to 29) average hours worked per week level of benefits, may at a later date qualify for the thirty to thirty-nine (30 to 39) average hours worked per week level of benefits. After initial qualification, the employee will be monitored on a monthly basis to verify whether he or she meets the required level of hours to reach the thirty to thirty-nine (30 to 39) average hours worked per week level of benefits. If so, the increased level will begin.

B. Maintaining Benefits

Once an employee meets the required number of working hours to become eligible for a specific level of benefits, he or she will be monitored on a trailing twelve (12) month basis to verify that he or she still meets the "hours worked" criteria for that level of benefits. The trailing twelve (12) month period will begin on the first day of the pay period following the "hours worked" eligibility requirement for that level of benefits.

C. Reinstatement of Benefits

If an employee fails to meet the minimum level of hours required to maintain a level of benefits at the quarterly review date, the employee will thereafter be monitored on a monthly basis to determine if he or she qualifies for reinstatement of benefits. (The criteria used to determine the level of reinstated benefits is the same as for qualification of benefits above.)

Benefits such as Holiday Pay and Personal Time Leave will be reinstated beginning the first day of the pay period following the re-qualification date.

5.3. Leaves - General

A. Eligibility for Leaves

All full-time and regular part-time employees who work at least an average of twenty (20) hours per week may be entitled to leaves. For part-time employees of twenty (20) or more hours, the amount of leave shall be proportional to the number of hours they work is to full-time.

B. Personal Time Leave: See Appendix A

C. Bereavement Leave

Bereavement absences with pay in the event of the death of an employee's immediate family member shall be limited to not more than three (3) days during each twelve (12) -

month period. The employee's immediate family is defined to include spouse, domestic partner, child, domestic partner's child, brother, sister, parents or spouse's parents. Bereavement leave will not be charged to an employee's Personal Time Leave. An employee requiring more than three (3) days of bereavement leave may use Personal Time Leave for the excess time.

D. Personal Days

Upon successful completion of the probationary period, full-time employees receive one (1) personal day to be used on the date of their choice. One personal day is earned each year.

Personal Days may not be accrued. Use of the Personal Day must be scheduled with their Supervisor at least one (1) week in advance.

E. Unpaid Leaves of Absence

The District may grant leaves of absence of up to six (6) months to employees in certain circumstances. A request or an unpaid Leave of Absence should be made in writing as far in advance as possible. During such a leave, employees should keep in touch with their supervisor, and give prompt notice of any change in their anticipated return date. If the leave expires and the employee fails to return to work without contacting his/her supervisor, the District will assume that the employee has abandoned his/her job. Under most circumstances, upon return from a leave of absence, the employee will resume all aspects of his/her employment status that existed prior to the start of the leave.

During an unpaid Leave of Absence, the District will not continue to pay premiums for health, life or dental insurance coverage, except where required by law. However, employees may self-pay premiums under the provisions of COBRA. The Administrative Services Manager can provide additional information.

F. Family/Medical Leave

If eligible (see subdivision 5.3 (J)(2) for eligibility requirements) for leave under the provisions of the Federal Family and Medical Leave Act (FMLA) or the State of California Family Rights Acts (CFRA), such leave will be counted as family/medical leave and charged to the employee's entitlement to twelve (12) workweeks of family/medical leave in a 12-month period. Benefits shall be continued during the Family/Medical Leave and salary will be paid for such time as the employee takes concurrent Personal Leave. If Personal Time Leave is available, it must be used concurrently with Family/Medical Leave.

G. Leaves – General

Any employee taking personal, medical (including FMLA, CFRA, PDL), or leave of absence will use all Personal Time Leave concurrently with the leave.

H. Pregnancy Disability Leave

Pregnancy, childbirth, or related medical conditions will be treated like any other disability, and an employee on leave will be eligible for temporary disability benefits in the same amount and degree as any other employee on disability leave.

Any female employee planning to take pregnancy disability leave should advise the personnel department as early as possible. The individual should make an appointment with the Administrative Services Manager to discuss the following:

1. Employees who need to take pregnancy disability leave must inform the District when a leave is expected to begin and how long it will likely last. If the need for a leave or transfer is foreseeable, employees should attempt to provide notification at least thirty (30) days before the pregnancy disability leave or transfer is to begin. Employees must consult with the Administrative Services Manager regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the District. Any such scheduling is subject to the approval of the employee's health care provider;
2. If thirty (30) days' advance notice is not possible, notice must be given as soon as practical;
3. Upon the request of an employee and recommendation of the employee's health care provider, the employee's work assignment may be changed if necessary to protect the health and safety of the employee and her child;
4. Requests for transfers of job duties will be reasonably accommodated if the job and security rights of others are not breached;
5. Temporary transfers due to health considerations will be granted when possible. However, the transferred employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons;
6. Pregnancy leave usually begins when ordered by the employee's health care provider. The employee must provide the District with a certification from a health care provider. The certification indicating disability should contain:
 - a. The date on which the employee became disabled due to pregnancy;
 - b. The probable duration of the period or periods of disability; and
 - c. A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.

- (1). Leave returns will be allowed only when the employee's health care provider provides a release;
- (2). If otherwise eligible to take the time, an employee will be required to use Personal Leave during a pregnancy disability leave.
- (3). Duration of the leave will be determined by the advice of the employee's health care provider, but employees disabled by pregnancy may take up to four months or eighty-eight working days.
- (4). Part-time employees are also entitled to leave on a pro rata basis. The four months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.

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

Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a Pregnancy Disability Leave, an employee will be reinstated to the same position held at the time the Leave began or to an equivalent position, if available. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed.

However, as stated above, leave because of the employee's disability for pregnancy, childbirth or related medical condition is not counted as time used under California Law (the California Family Rights Act). Time off because of pregnancy disability, childbirth or related medical condition does count as family and medical leave under Federal Law (the Family and Medical Leave Act). Employees who take time off for pregnancy disability and who are eligible for family and medical leave will also be placed on family and medical leave that runs at the same time as their pregnancy disability leave. Once the pregnant employee is no longer disabled, she may apply for leave under the California Family Rights Act, for purposes of baby bonding, however, the District will not pay for benefits during this leave.

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. California Family Rights Act leave taken for the birth or placement of a child will be granted in minimum amounts of two weeks. However, the District will grant a request for a California Family Rights Act leave (for birth/placement of a child) of less than two weeks' duration on any two occasions. Any leave taken must be concluded within one year of the birth or placement of the child with the employee.

I. Coordination of Pregnancy Disability Leave with Family/Medical Leave

If eligible under the provisions of FMLA and CFRA, during a Pregnancy Disability Leave, the District will continue group health insurance coverage for up to a maximum of twelve (12) workweeks on the same terms as if the employee had continued to work. Pregnancy Disability Leave runs concurrently with family and medical leave under federal law, but not with family and medical leave under California law. Therefore, when the concurrent Federal family leave expires, the employee shall then be entitled to an additional twelve (12) workweeks of California family leave after the birth of the child for child care and bonding. If an employee is ineligible under the Federal and State family and medical leave laws, while on pregnancy disability the employee will receive continued paid coverage on the same basis as other medical leave that the District may provide and for which the employee is eligible. In some instances, the District may recover premiums it paid to maintain health coverage for an employee if the employee fails to return to work following pregnancy disability leave.

An employee on pregnancy disability leave and who is not eligible for continued paid coverage, or for whom paid coverage ceases after twelve (12) workweeks, may continue the group health insurance coverage through the District in conjunction with Federal COBRA guidelines. This will require making monthly payments to the District for the amount of the relevant premium, plus an administrative fee of two percent. Contact the Administrative Services Manager for further information.

J. Family/Medical Leave.

1. Family Care and Medical Leave

This policy describes the circumstances and conditions under which an employee may take family care and medical leave. It is meant to be read in conjunction with California Government Code Section 12945.2, as well as CFR Part 825 and State and Federal regulations adopted to implement it. This policy is separate and distinct from other leave policies and procedures.

2. Eligibility

All full-time and part-time District employees are eligible if:

- a. They have been employed by the District for at least twelve (12) months; and,
- b. They have been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave; and,
- c. The District employs 50 or more employees at the time the leave is requested.

3. **Leave Description**

A family care leave may be taken for the following reasons:

- a. The birth of a child of the employee or the placement of a child with an employee in connection with adoption or foster care; or
- b. To care for a parent, spouse, or child who has a serious health condition. A serious health condition is defined as an illness, injury, impairment, or physical or medical condition that warrants the participation of a family member to provide care during a period of the treatment or supervision of the parent, spouse or child and involves either inpatient care in a hospital, hospice or residential health care facility or continuing treatment or continuing supervision by a health care provider; or
- c. The employee's own serious health condition. A serious health condition is defined as an illness, injury, impairment or physical or mental condition that prevents the employee from performing the functions of his/her position which involves either inpatient care in a hospital, hospice or residential health care facility or continuing treatment or continuing supervision by a health care provider.

Family and medical leave time is also permitted when an employee is the spouse, registered domestic partner, son, daughter, parent, or next of kin of a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. The employee may take up to a total of 26 workweeks of leave during a 12-month period to care for the service member. In addition, employees are entitled to time off for certain absences relating to any "qualifying exigency" because the employee is the spouse, registered domestic partner, son, daughter, or parent has been notified of an impending call or order to active duty. A "qualifying exigency" is one of the following: a. short-notice deployment, b. military events and activities, c. childcare and school activities, d. financial and legal arrangements, e. counseling, f. rest and recuperation, g. post-deployment activities, and h. any other activity that arises out of active duty, provided that the employee and the District agree, including an agreement regarding timing and duration of the leave.

4. **Duration of Leave and How Taken**

Family care leave shall not be granted for more than four months in a 24-month period, or twelve weeks in a 12-month period, beginning from the date when the leave first commenced.

Four (4) months means seventy (70) working days for full-time employees and shall be adjusted on a pro rata basis for those working less than full-time. For example, for an employee who works half time, four months means thirty-five (35) working days.

If an employee has a second qualifying event (i.e., birth of a child), an additional twelve weeks may be granted during the following twelve (12) months. However, in no event will more than seven months be granted in any 24-month period.

When family and medical leave time is taken to care for a service member, the employee may take up to a total of twenty-six (26) workweeks of leave during a 12-month period to care for the service member.

Family care leave for a serious health condition may be taken intermittently when medically necessary, including but not limited to, reduced workweek or reduced workday schedules.

Family leave does not need to be taken in one continuous period of time. However, it must be taken in complete days at a time. An employee may request a family care leave of at least one day, but less than two weeks duration on any two occasions during a 24-month period. Any additional leaves requested during this 24-month period must be for a minimum of two weeks.

For family care leave taken for reason of the birth, adoption or foster placement of a child, the leave shall be taken within one year of the birth or placement of the child with the employee.

When the employee's serious health condition warrants medical leave, because the employee is unable to perform the functions of his or her position, leave may be taken up to twelve (12) workweeks in any twelve-month period beginning from the date the leave first commenced.

A serious health condition medical leave may be taken intermittently, when medically necessary, including but not limited to reduced workweek or reduced workday schedules.

The District Administrator may require the employee to use any accrued sick, vacation, or compensating time off during this period.

5. Application and Certification

Application for family care leave, or an extension of said leave, shall be made in writing to the District Administrator or his/her designee. Whenever possible, the employee shall give thirty (30) days written notice of any request for family leave. If the employee first learned of the event for which leave is requested less than thirty (30) days before the requested start of the leave, the employee shall provide reasonable advanced notice, and as much advance notice as is possible. The request for leave shall state the reason for the leave, the date the leave will begin, and the probable date of return. The employee need not, however, disclose the nature of the medical condition.

Upon application for a leave to care for a parent, spouse, or child with a serious health condition, the employee must provide a certification from the health care

provider of the individual requiring care. The medical certification must indicate that the leave is necessary for the care of the individual, or will assist in recovery of the individual, and the expected duration.

Upon application for intermittent leave, the certification must indicate the medical necessity for the intermittent leave and the expected duration.

Upon application of a family care leave for the birth, adoption, foster placement or serious health condition of a child, the employee must certify in writing that the child's other parent is not taking a family care leave from his or her employment in order to care for the child at the same time and that the child's other parent is not available to care for the child.

As used in this section, the term "child" includes biological, adopted, foster, stepchild, legal ward or a child of a person standing in loco parentis (responsible as a parent) who is either under eighteen years of age or an adult dependent child. An adult dependent child is an individual who is eighteen (18) years of age or older and who is incapable of self-care because of a mental or physical disability. The term "parent" includes a biological, foster, adoptive, stepparent, legal guardian, or other person standing in loco parentis (responsible as a parent) to a child, but does not include parent-in-law or grandparent.

All employees returning from an approved family leave shall be provided the same or comparable position with the same or similar duties and pay which can be performed at the same or similar geographic location as the position held prior to the leave, provided the leave has not exceeded the four-month limit.

6. Accrual of Benefits during Leaves of Absence

No employee on leave of absence shall accrue sick leave or vacation benefits during the period of the absence if the leave is unpaid, i.e., after the exhaustion of any accrued personal leave time.

Accrued sick leave and vacation benefits shall not be lost by virtue of a leave of absence.

Time granted for a leave of absence without pay will not be considered as service in computing the service necessary for eligibility for a step increase.

7. Return from Leave of Absence

a. Medical Certification

An employee who takes family and medical leave as the result of his or her own serious health condition will be required to submit medical certification from a health care provider that the employee is able to return to work.

8. Reinstatement

Upon granting family care or medical leave, the District will guarantee reinstatement to the same or comparable position, except in those situations where reinstatement could be denied. Employment in a comparable position means employment in a position that is virtually identical to the employee's original position in terms of pay, benefits, and working conditions, including privileges, prerequisites, and status.

9. Change in Date of Return

An employee who learns that the anticipated date of return is either earlier or later than originally anticipated shall immediately advise his or her supervisor. This will assist the District in planning for the absence. The employee shall not report for duty prior to the expiration date of his leave of absence without the permission of the District Administrator.

10. Accommodation Following Return

An employee returning from family and medical leave taken for his or her own serious health condition who is unable to perform the essential functions of the employee's job because of a physical or mental disability, will be given a reasonable accommodation to allow the employee to perform his or her job. This accommodation may include an extension of unpaid time off.

K. Paid Family Leave

An employee may be entitled to Paid Family Leave through the State Disability Insurance (SDI) Program to provide care for parents, children, spouses, and domestic partners or to bond with a new child. Information regarding coverage and benefits may be requested from the Administrative Services Manager.

To qualify for Paid Family Leave compensation, the employee must meet the following requirements:

1. Be covered by SDI and have earned at least \$300 from which deductions were withheld.
2. Complete claim forms accurately, completely, truthfully, and in a timely manner.
3. Supply medical information that supports the claim that the care recipient is in need of the employee's care.
4. Provide documentation to support a claim for bonding with a new child.
5. Use up to two weeks of any earned but unused leave if required by your employer.

6. Serve a 7-day unpaid waiting period before benefits begin.

Also, if an employee wishes to maintain any health benefits, the employee is responsible for all premium amounts during the Paid Family Leave period.

Paid Family Leave does not provide job protection or return rights. The employee must notify the District of the reason for taking leave in a manner consistent with District's leave policy.

Any Paid Family Leave taken under this provision that qualifies as leave under the federal Family Medical Leave Act and the California Family Rights Act must be concurrent with leave taken under those Acts. Leave taken will be counted as family/medical leave and charged to the employee's entitlement of twelve (12) workweeks of family/medical leave in a 12-month period.

L. Extended Medical Leave

A medical leave of absence may be granted for non-work-related temporary medical disabilities (other than pregnancy, childbirth, and related medical conditions) for up to four months with a health care provider's written certificate of disability. Employees should request any leave in writing as far in advance as possible. If granted such a medical leave, the District will pay accrued Personal Time Leave for the period of time equivalent to the employee's accumulated Personal Time Leave which has already been earned.

A medical leave begins on the first day the doctor certifies that the employee is unable to work, and ends when the doctor certifies that the employee is able to return to work or after a total of four months of leave, whichever occurs first. The Department Manager will supply the employee with a form for the health care providers to complete, showing the date the employee was disabled and the estimated date the employee will be able to return to work. An employee returning from a medical leave must present a health care provider's certificate declaring fitness to return to work.

If returning from a non-work-related medical leave, you will be offered the same position you held at the time your leave began, if it is available. If the former position is not available, a comparable position will be offered. If neither the same nor a comparable position is available, the return to work will depend on job openings existing at the time of the scheduled return. The District makes no guarantees of reinstatement, and the return will depend on the employee's qualifications for existing openings.

M. Concurrent Medical Leave or Extended Medical Leave and Family/Medical Leave

Any leave taken under this provision qualifying as leave under the state and/or federal Family and Medical Leave Acts will be counted as family/medical leave and charged to your entitlement of twelve (12) workweeks of family/medical leave in a 12-month period.

N. Concurrent Personal and Family/Medical Leave

Any leave taken under this provision that qualifies as leave under the state and/or federal Family and Medical Leave Acts will be counted as family/medical leave and charged to the employee's entitlement of twelve (12) workweeks of family/medical leave in a 12-month period.

O. Jury Duty and Witness Leave

The District encourages employees to serve on jury duty when called. Non-exempt employees who have completed their probationary periods will receive full pay while serving up to twenty (20) days of jury duty. Exempt employees will receive full salary. Employees should notify their supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received. The employee may be requested to provide written verification from the court clerk of performance of jury service. If on any day work time remains after any day of jury selection or jury duty, the employee will be expected to return to work for the remainder of his/her work schedule.

Employees may retain any mileage allowance paid by the court for jury services. Other fees for jury services shall be endorsed over to the District.

P. Military Leave

Military leave shall be provided in accordance with the law. Employees who wish to serve in the military and take military leave should contact the Administrative Services Manager for information about their rights before and after such leave. Employees are entitled to reinstatement upon completion of military service, provided the employee's return or apply for reinstatement within the time allowed by law.

Q. 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 off enough working time to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours to a maximum of two hours combined. Under these circumstances, an employee will be allowed a maximum of two hours of time off during an election day without loss of pay. When possible, an employee requesting time off to vote shall give his or her supervisor at least two (2) days' notice.

R. Volunteer Firefighters and Peace Officers

No employee shall be disciplined for taking time off to perform emergency duty as a volunteer firefighter, peace officer, or emergency rescue personnel. Employees are also eligible for unpaid leave for required training. If an employee is an official volunteer firefighter, the employee should alert his/her supervisor that the employee may have to take time off for emergency duty. If possible, when taking time off for emergency duty, the employee should alert his/her supervisor before doing so.

S. Domestic Violence Leave

Any employee who is a victim of domestic violence may take time off from work to obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the domestic violence victim or his or her child.

In order to take time off to obtain relief from domestic violence, the employee must give the District reasonable advance notice of her or his intention to take time off, unless the advance notice is not feasible.

If an employee is absent due to domestic violence, the District will not take any action against the employee if, within a reasonable time after the absence, the employee provides appropriate certification of the need for domestic violence time off. The certification may be in any of the following forms:

1. A police report indicating that the employee was a victim of domestic violence.
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence.
3. Other evidence from the court or prosecuting attorney that the employee has appeared in court.
4. Documentation from a medical professional, domestic violence advocate, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence.

To the extent allowed by law, the District will maintain the confidentiality of the employee's request for domestic violence time off.

Non-exempt employees may use vacation, make up time, or other compensated time off that is otherwise available to the employee for domestic violence time off.

Exempt employees taking domestic violence time off will be paid during their absence, so long as the exempt employee works any portion of the week during which this leave is taken.

Employees who are victims of domestic violence are eligible for unpaid leave. The employee may request leave if involved in a judicial action, such as obtaining restraining orders, or appearing in court to obtain relief to ensure the employee's health, safety, or welfare, or that of the employee's child(ren).

The employee should provide notice and certification of the need to take leave under this policy. Certification may be sufficiently provided by any of the following:

1. A police report indicating that the employee was a victim of domestic violence;
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court or prosecuting attorney that the employee appeared in court; or
3. Documentation from a medical professional, domestic violence advocate, health-care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence.

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

The length of unpaid leave an employee may take is limited to the twelve (12) weeks provided for in the federal Family and Medical Leave Act of 1993.

T. Organ Donor Leave

Employees will be granted up to thirty (30) days of time off for organ donation. Employees wishing to take time off for organ donation must provide written certification from a health care provider stating that the employee is an organ donor and that there is a medical necessity for the donation.

Employees will be required to use fifteen (15) days of accrued sick leave and vacation during organ donation leave. If the employee does not have fifteen (15) days of accrued sick leave and vacation leave is not sufficient to provide pay for his or her leave, the employee must exhaust the accrued paid time off. The District will pay the employee for all remaining organ donor leave, up to a maximum of thirty (30) days.

The District will continue the employee's health insurance benefits while the employee is on paid organ donor leave. Vacation, sick leave, and holiday benefits will continue to accrue while the employee is on paid leave.

U. Bone Marrow Donation Leave

Employees will be granted up to five (5) days of time off to donate bone marrow. Employees wishing to take time off to donate bone marrow must provide written certification from a health care provider stating that the employee is a bone marrow donor and that there is a medical necessity for the donation.

Employees will be required to use accrued sick leave and vacation during bone marrow donation leave. If the employee's accrued sick leave and vacation is not sufficient to provide pay for the bone marrow donation leave, the employee must exhaust all accrued paid time off. The employee will be paid for all remaining bone marrow donation leave, up to a maximum of five (5) days.

The District will continue your health insurance benefits while you are on paid bone marrow donation leave. Vacation, sick leave, and holiday benefits will continue to accrue while the employee is on paid leave.

V. School Activities Leave

Employees are encouraged to participate in the school activities of their child(ren). The absence is subject to all of the following conditions:

1. Parents, guardians, or grandparents having custody of one or more children in kindergarten or grades one to twelve may take time off for a school activity;
2. The time off for school activity participation cannot exceed eight hours in any calendar month, or a total of forty (40) hours each school year;
3. Employees planning to take time off for school visitations must provide as much advance notice as possible to their supervisor, and time off must be approved by their supervisor or Department Manager;
4. If both parents are employed by the District, the first employee to request such leave will receive the time off. The other parent will receive the time off only if the leave is approved by his or her department manager;
5. Such time off shall be without pay unless the employee chooses to use Personal Time Leave and receive compensation; and
6. Employees must provide their supervisor with documentation from the school verifying that the employee participated in a school activity on the day of the absence for that purpose.

W. Suspension

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert his or her supervisor as soon as possible before leaving work. Such time shall be unpaid unless the employee chooses to use Personal Time Leave. No discriminatory action will be taken against an employee who takes time off for this purpose.

X. Returning to Work from a Leave of Absence

While an employee is on a leave of absence, an effort will be made to hold the employee's position open for a maximum of twelve (12) weeks or as required by law. Due to business needs, there will be times when positions cannot be held open. Accordingly, it is not possible to guarantee reinstatement following each leave of absence.

In the event that an employee's former position cannot be held open and is unavailable when the employee is ready to return in a timely manner from an approved leave, an effort

will be made to place the employee in a comparable position for which the employee is qualified. If this comparable position is at a lower salary than the previous position, the returning employee will be paid at the lower salary. Employees who do not accept such a position offered by the District will be considered to have voluntarily resigned, effective the date the refusal is made.

Employees taking leave should discuss the right to reinstatement with their supervisors before leave is taken.

Y. Benefits During Unpaid Leave of Absence

An employee on an unpaid leave of absence does not accrue Personal Time Leave benefits. The period that an employee is on unpaid leave of absence is not considered time worked for purposes of determining eligibility for or the amount of any benefit provided by the District, unless required by law or policy. When an employee returns from an unpaid leave of absence, the eligibility and accrual dates for all benefits for which the employee is eligible will be adjusted to reflect the period of such leave. If a paid holiday falls during the period an employee is on an unpaid leave of absence, the employee will not be eligible for holiday pay.

Z. Transfer of Leave Credits

Upon request of an employee and upon approval of the District Administrator, or designee, Personal Time Leave credits can be transferred from one or more employees to another employee when the receiving employee faces financial hardship due to injury or the prolonged illness of the employee, employee's child, step-child, adopted child, parent, spouse, domestic partner spouse's or domestic partner's parent, brother, sister, or other person residing in the immediate household.

The following regulations apply to transfer of leave credit:

1. The receiving employee must have exhausted all leave credits.
2. The donations must be a minimum of ½ day (four hours) and will be credited as Personal Time Leave.
3. Transfer of credits may be across departmental lines.
4. A maximum of 75% of accrued Personal Time Leave time may be donated.
5. All donations of Personal Time Leave shall be anonymous.

5.4. Holidays

- A. All full-time employees of the District shall be entitled to the following eleven holidays per year with pay:

New Year's Day

Martin Luther King's Birthday
President's Day
Memorial Day
Fourth of July (observed)
Labor Day
Veteran's Day
Thanksgiving Day
Friday after Thanksgiving
Christmas Eve
Christmas Day

When a holiday falls on a Sunday, the District will observe the holiday on Monday. When the holiday falls on a Saturday, the District shall observe the holiday on Friday.

An employee is only eligible for Holiday Pay if he or she is available for work on his or her scheduled workdays immediately preceding and following the holiday, i.e., not on Personal Time Leave or leave of absence for any reason. The District Administrator may use discretion when enforcing this policy.

Full-time employees who are scheduled to work on District holidays will receive eight (8) hours of holiday pay, plus straight time at the regular pay rate for the number of hours worked on the holiday. For example, if eight (8) hours were worked on the holiday, the employee would receive eight (8) hours of holiday pay, plus eight (8) hours of regular pay.

The Supervisor and the employee may agree to substitute one (1) alternate day off during the same pay period in lieu of the holiday. Time worked on the holiday would be paid at straight time. For example, if eight (8) hours were worked on the holiday and substituted for an alternate eight-hour day, the net effect would be eight (8) hours paid time and eight (8) hours off.

- B. For each holiday listed above, Regular Part-time Employees who meet and maintain the twenty to twenty-nine (20-29) or thirty to thirty-nine (30-39) average hours worked per week requirement receive holiday pay for the average daily hours worked. The average daily hours worked is calculated by using the number of hours the employee worked during the most recent two pay periods, based upon a five-day workweek. (I.e., total hours worked divided by twenty days equals average daily hours.) A maximum of eight hours per holiday may be earned. This becomes effective after the employee successfully completes the probationary period and meets the minimum hours worked per week requirement.

5.5. **Health Benefits:** See Appendix A

OTHER BENEFITS

A. Workers' Compensation Benefits

The District provides insurance coverage for employees in case of work-related injury. The workers' compensation benefits provided to injured employees may include:

1. Medical care;
2. Cash benefits, tax free, to replace lost wages; and
3. Vocational rehabilitation to help qualified injured employees return to suitable employment.

Employees need to do the following to ensure that they receive any workers' compensation benefits to which they may be entitled:

4. Immediately report any work-related injury to their supervisor; failure to do so shall be considered cause for personnel action;
5. Seek medical treatment and follow-up care if required;
6. Complete a written Employee's Claim Form (DWC Form 1) and return it to their supervisor or Department Manager; and
7. Provide the District with a certification from their health care provider regarding the need for workers' compensation disability leave, as well as the eventual ability to return to work from the leave.

Workers Compensation leave falls under the Family/Medical Leave guidelines and consequently such time runs concurrently with the maximum periods of the state and federal program.

Upon submission of a medical certification that an employee is able to return to work after a workers' compensation leave, the employee under most circumstances will be reinstated to the same position held at the time the leave began, or to an equivalent position, if available. An employee returning from a workers' compensation leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if the employee on workers' compensation leave would have been laid off had he or she not gone on leave, or if the employee's position has been eliminated or filled in order to avoid undermining the District's ability to operate safely and efficiently during the leave, and no equivalent or comparable positions are available, then the employee will not be entitled to reinstatement.

8. District Provided Health Care Provider for Work-Related Injuries

The District provides medical treatment for work-related injuries through Kaiser Occupational Health.

Employees who are injured in a work-related incident will be referred to Kaiser Occupational Health for medical treatment for up to 30 days, unless prior to a work-related injury, the District has received from the employee a written notice that the employee wishes to be treated by his or her own health care provider. In all cases, employees may seek treatment from their own health care provider after thirty (30) days, should they so desire.

Only in cases of extreme emergency, or when Kaiser Occupational Health is closed, should the employee go directly to Auburn Faith Hospital or Sierra Doctors' Medical Clinic. If this is done, the employee should leave a voicemail message at the District Office with details of the accident and actions taken.

It is the employee's responsibility to notify the doctor or hospital that the treatment being requested is a result of a work-related injury. The employee is responsible for adherence to all requirements of the Workers' Compensation Insurance program.

The law requires that the District notify its workers' compensation insurance company of any concerns of false or fraudulent claims.

Any person who makes or causes to be made any knowingly false or fraudulent material statement or material misrepresentation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony. A violation of this law is punishable by imprisonment for one to five years, or by a fine not exceeding \$50,000 or double the value of the fraud, whichever is greater, or both. Additional civil penalties may also apply.

9. Return to Work Program - Temporary Modified Duty Program

The policy of District is to provide the safe environment, training and tools necessary to ensure all work is performed safely. The District's Safety Program is designed to protect all workers from occupational injuries and illnesses but accidents may sometimes occur. When they do, the District will make every effort to ensure that injured workers receive prompt, qualified medical care and all statutory benefits accorded them by the District's Workers' Compensation system. The District will assist workers injured on the job with a recovery program so they may return to work with minimal emotional and financial disruption. Imperative to this policy is employees following conscientious safety practices to ensure maximum effectiveness of the Safety Program at the District.

In keeping with these goals, the District will attempt to provide work tasks which can accommodate the physical restrictions of people who are injured on the job so

they may continue to work as soon as possible following an injury. This Return to Work Program is accomplished through our Temporary Modified Duty Program.

The Temporary Modified Duty Program may be utilized for a period of up to six (6) weeks. During that time frame, employees are asked to do only those tasks their health care provider has determined can be accomplished without risking additional injury. Every effort will be made to structure alternative tasks to meet the physical preclusion of the individual injured worker. If the employee fails to comply with the health care provider's stated restrictions and treatment for the modified duty, the temporary modified duty status will be withdrawn by the District, and the Workers' Compensation carrier shall be notified of the employee's change in status. If, after the six-week temporary modified duty period, the employee cannot return to his or her prior position on a full duty basis, the job will be posted as an available job opportunity.

The District reserves the right to assign, or not assign, a restricted duty position. It is understood that this practice lies solely at the discretion of the District. Restricted duty assignments are not intended to be long term, or consecutive in nature. Seniority will not be used in determining assignments or their availability. In the event an employee refuses to perform a restricted duty assignment or to submit to a second opinion evaluation, the District will contact the Workers' Compensation carrier and may cease all benefits.

B. Non –Work Related Activities and Programs

The District or its insurer are not 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.

C. Retirement Benefits: See Appendix A

D. Disability Insurance

Each employee contributes to the State of California to provide disability insurance mandated by the California Unemployment Insurance Code. Contributions are made through a payroll deduction. Disability insurance is payable when an employee cannot work because of illness or injury not caused by employment at the District or when the employee is entitled to temporary workers' compensation at a rate less than the daily disability benefit amount. Specific rules and regulations governing disability are available from the State of California Employment Development Department.

E. Unemployment Compensation

The District contributes each year to the California Unemployment Insurance Fund on behalf of its employees.

F. Employee Discounts

The following employee program discounts are available:

1. Facilities: Full-time employees shall receive a twenty-five percent (25%) discount on rentals at the C level rate. Part-time employees shall receive a fifteen (15%) discount on rentals at the C level.
2. Classes: Full-time employees and their dependents must pay fifty percent (50%) or the instructor's portion of classes, whichever is more, on a space available status only. In classes where enrollment is limited, the employee must pay the regular fee in order to reserve a space, or wait until the first day of the class and pay the reduced fee, if space is still available.
3. Classes: Part-time employees, seasonal employees, and their dependents must pay seventy-five percent (75%) (25% discount) or the instructor's portion of classes, whichever is more, on a space available status only. This benefit is also extended to interns currently interning with the District and volunteers who provided a minimum of 100 hours of service in the previous 12 months. In classes where enrollment is limited, the employee must pay the regular fee in order to reserve a space, or wait until the first day of the class and pay the reduced fee, if space is still available.
4. Other programs: Full-time or regularly scheduled part-time employees who wish to enroll their children in day camp or discovery club will be allowed to enroll at a fifty percent (50%) discount. (Seasonal, temporary employees, volunteers and interns are excluded from this discount.) All registration fees, enrichment activity costs within the program and extra fees for minimum days are at full price.
5. Recreational Swim: All employees, interns, volunteers (as described above) and their families will be entitled to "free" admission to the Marsha Skinner Memorial/Sierra and Placer Hills Pools. A list of eligible staff and family members will be maintained at each pool.
6. There will be no Out of District charges for all employees, volunteers as described above and interns who reside outside of the District.

G. External Employee Training, Education and Conferences

Some employees may need to attend training programs, seminars, conferences, lectures, meetings, classes, courses or other outside activities for the benefit of the District or the individual employees if the training directly relates to the employees' job responsibilities. Attendance at such activities, whether mandated by the District or requested by the individual employee, requires written approval of the District Administrator. An employee wishing to attend any of the activities listed above must submit a written request detailing all relevant information, including date, hours, location, cost, expenses, and the nature, purpose, and justification for attendance.

The District shall reimburse employees for conference tuition and registration expenses, and for per diem expenses. Per diem expenses, when appropriate, shall include meals, lodging, and travel. All expenses for which reimbursement is requested by an employee or their supervisor, or which are billed to the District by an employee, shall be submitted to the District Administrator, together with validated receipts. Unless the Board or this policy establishes other permitted reimbursement rates for travel, meals, lodging and other actual and necessary expenses, the District will reimburse expenses at the U.S. General Services Administration (GSA) rate for travel, meals, lodging and other actual and necessary expenses as established in the current year's schedule. Reimbursement for alcoholic beverages will not be allowed.

Expenses to the District for employee training, education, and conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations recommended by the District, and by:

Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates.

Employees traveling together whenever feasible and economically beneficial.

Requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.

Upon returning from educational conferences, seminars, trainings, and professional meetings where expenses are reimbursed by the District, employees will either prepare a written or verbal report for their supervisor. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library.

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

Neither reimbursement nor credit for time in attendance shall be provided for an employee's voluntary attendance, outside of normal working hours, at formal or informal educational sessions, even if such sessions may lead to improved job performance. While the District generally encourages all employees to improve their knowledge, job skills, and qualifications, such activities do not qualify for reimbursement or compensation under this policy unless prior written approval is obtained.

H. Promoting Healthy Bodies

The District's mission is to promote activities that enrich the lives of our citizens and employees. As such, the District encourages all employees to join a health club/gym that offers those types of activities that promote cardiac health, weight loss, weight maintenance, aerobics, etc. The District will contribute fifty percent (50%) of membership dues (up to a maximum of \$25.00 per month, or \$300 per year) for "employee only" memberships for employees who are twenty (20) plus hours a week employee, at a

licensed, full-service health club. Employees must pay for their membership in full and present a receipt to the accounting department for reimbursement.

ARTICLE VI

Personnel Actions

Discipline of represented employees shall be as outlined in the MOU between the District and Local 39. All other District employees will be subject to discipline under the following procedures:

6.1. Notice Period

The District Administrator may take disciplinary action against any non-probationary employee for just cause. Written notice of the proposed disciplinary action shall be provided prior to the effective date of the proposed action. The notice will be given personally or by certified mail and must include:

- (1) a statement of the nature of the proposed disciplinary action;
- (2) the effective date of the action;
- (3) a statement in ordinary and concise language of the acts or omissions upon which the causes are based; and
- (4) a statement advising the employee of his/her right to respond, either orally or in writing, and a deadline for that response.

Employees have, upon request, the right to view any documentation used to support the disciplinary notice. However, this right does not limit the right of the District Administrator to use any subsequently acquired information and materials in the case of an appeal or in any subsequent proceeding.

Employees have the right to respond to the District Administrator, either orally or in writing, in order to present such reasons, statements or other materials as to why the proposed disciplinary action should not be taken. The District Administrator will consider an employee's response before taking final action. The District Administrator's final action shall be in writing and provided to the employee.

During the notice period, the employee may remain on active duty unless circumstances are such that his/her retention on active-duty status may be detrimental to the interests of the District or to the employee. The District Administrator may, in his/her discretion, temporarily assign the employee to other duties or place the employee on paid administrative leave during the notice period.

6.2. Action

Disciplinary action becomes effective upon execution of a written order by the District Administrator at the end of the Notice period. Employees have the right to appeal the final action

to the Board. Any such appeal must be made, in writing, within five (5) business days from the date the District Administrator's order is received.

6.3. Appeal

The Board, or its designee, shall schedule an open session hearing within thirty (30) days of submission of a timely appeal. The Board may modify, revoke or sustain the District Administrator's order. The Board's decision shall be rendered in writing not later than thirty (30) days following the close of the hearing. The Board's decision shall be final.

APPENDIX A

A. Personal Time Leave

Personal Time Leave is leave which may be used for either illness or vacation and shall be calculated as follows:

1. **0 – 90 days of employment:** no Personal Time Leave may be taken.
2. **Date of Hire to end of Second (2nd) year:**

Non-Exempt Employee - .0673/hr. or 140 hours/year, with a cap of 452 hours.

Exempt Employee – 7.23 hours/pay period or 188 hours/year, with a cap of 452 hours.
3. **Beginning of third (3rd) year to end of fifth (5th) year:**

Non-Exempt Employee - .0885/hr. or 184 hours/year, with a cap of 496 hours.

Exempt Employee – 8.92 hours/pay period or 232 hours/year, with a cap of 496 hours.
4. **Beginning of sixth (6th) year to end of tenth (10th) year:**

Non-Exempt Employee - .1077/hr. or 224 hours/year, with a cap of 536 hours.

Exempt Employee – 10.46 hours/pay period or 272 hours/year, with a cap of 536 hours.
5. **Beginning of eleventh (11th) year and forward:**

Non-Exempt Employee - .1269/hr. or 264 hours/year, with a cap of 576 hours.

Exempt Employee – 12.0 hours/pay period or 312 hours/year, with a cap of 576 hours.
6. **Beginning of the Sixteenth (16th) year and forward:**

Non-Exempt Employee - .1462/hr. or 304 hours/year with a cap of 616 hours.

Exempt Employee – 13.54 hours/pay period or 352 hours/year with a cap of 616 hours.

Employees hired after June 30, 2014

1. **0 – 90 days of employment:** no Personal Time Leave may be taken.
2. **Date of Hire to end of Second (2nd) year:**
Non-Exempt Employee - .0514 hr. or 107 hours/year, with a cap of 339 hours.
Exempt Employee – 5.5 hours pay period or 143 hours/year, with a cap of 339 hours.
3. **Beginning of third (3rd) year to end of fifth (5th) year:**
Non-Exempt Employee - .0673/hr. or 140 hours/year, with a cap of 372 hours.
Exempt Employee – 6.77 hours pay period or 176 hours/year, with a cap of 372 hours.
4. **Beginning of sixth (6th) year to end of tenth (10th) year:**
Non-Exempt Employee - .0817/hr. or 170 hours/year, with a cap of 402 hours.
Exempt Employee – 7.92 hours/pay period or 206 hours/year, with a cap of 402 hours.
5. **Beginning of eleventh (11th) year and forward:**
Non-Exempt Employee - .0962/hr. or 200 hours/year, with a cap of 432 hours.
Exempt Employee – 9.08 hours/pay period or 236 hours/year, with a cap of 432 hours.
6. **Beginning of the Sixteenth (16th) year and forward:**
Non-Exempt Employee - .1106/hr. or 230 hours/year with a cap of 462 hours.
Exempt Employee – 10.23 hours/pay period or 266 hours/year with a cap of 462 hours.

Accrual depends upon employment status and years of active service. Active service commences with an employee's first day of work and continues thereafter unless broken by an absence without pay, a leave of absence, or termination of employment. Part-time employees accrue Personal Time Leave on a pro rata basis. Employees on unpaid leave and seasonal or temporary employees do not accrue Personal Time Leave. An employee may not use paid time off before its accrual.

Personal Time Leave accrual is capped. When an employee accrues Personal Time Leave in excess of 320 hours (240 hours if hired after June 30, 2014) beyond the number of hours which that employee can earn during one year, the employee shall cease accruing Personal Time Leave until he or she has used sufficient time to reduce it to the cap. For example, if a seventh (7th) year employee ends the year with 536 hours, he/she will not accrue any additional Personal Time Leave until he/she has used some hours. If during the first month the employee uses 80 hours, he/she shall then begin accruing hours until he/she is once again at 536 hours. The District does not grant retroactive compensation for any period of time during which employee was unable to accrue Personal Time Leave because his or her Personal Time Leave had reached capacity.

Accrual depends upon employment status and years of active service. Active service commences with an employee's first day of work and continues thereafter unless broken by an absence without pay, a leave of absence, or termination of employment. Part-time employees accrue Personal Time Leave on a pro rata basis. Employees on unpaid leave and seasonal or temporary employees do not accrue Personal Time Leave. An employee may not use paid time off before its accrual.

Personal Time Off Buy-Out: The District will allow employees to buy out PTO time on the following conditions:

1. Employee may only buy PTO time down to eighty (80) hours.
2. Employees will be allowed to buy down PTO twice per year, June 1st and December 1st of each year.
3. The buy down rate will be one day of PTO time for each day bought out. PTO time may only be bought out in 8-hour increments.

Upon leaving employment with the District, Personal Time Leave will be paid out based on the amount accrued as of the date of termination of employment. It shall be paid at the employee's then-current hourly rate."

Personal Time Leave may be taken any time after 90 days of employment, whenever work schedules permit. An employee wishing to use Personal Time Leave should request such time at least two (2) weeks in advance from his or her department manager. Exempt employee Personal Time Leave shall only be used when an exempt employee is absent from work for more than 4 hours per day. All Personal Time Leave must be approved by the department manager and/or the District Administrator. Due to the seasonal operational requirements of the District, Personal Time Leave may not be used by more than one departmental employee at a time unless approved by the department manager. Unless agreed and voted upon by a department, the following will apply: when two or more employees on the same shift request the same personal leave time and approval cannot be given to all employees requesting it, employees shall be granted their preferred Personal Time Leave on a first-come, first serve basis. In order to give all employees the opportunity to take Personal Time Leave in preferred seasons, seniority "bumping" is allowed one time per year, per employee. The District Administrator or designee shall make final determinations and must approve employee Personal Time Leave schedules in advance.

Personal Time Leave used as sick time is subject to the following rules:

1. The District, through the District Administrator, reserves the right to require medical evidence of illness and/or medical certification of fitness for duty to return to work whenever an employee misses work due to an illness, injury or disability. The District may withhold Personal Time Leave if it suspects that Personal Time Leave has been misused.
2. Personal Time Leave used for illness, injury, or disability that results in an absence of more than three (3) consecutive days may require that the employee bring a doctor's note to excuse such absence as well as release the employee for full duty.
3. The District will not tolerate abuse or misuse of the Personal Time Leave privilege.

B. Medical Health Insurance Benefits

Each employee should consult the applicable Insurance Provider information packet for more detailed information concerning eligibility, co-payments, other charges, and benefits. Employees are required to meet all co-payment requirements and regulations of the Insurance Provider.

The District provides a comprehensive medical insurance plan for eligible employees and their dependents. In the event of an increase in medical insurance premium rates, all employees may be required to contribute to the cost of increased premiums to retain coverage. Details about medical insurance coverage are available in a separate publication distributed by the Administrative Services Manager.

Medical insurance benefits become effective on the first day of the month following the first full month of continuous service. Coverage is available for full-time employees and their dependents and for regular part-time employees who work an average of thirty (30) hours per week and their dependents. Part-time employees who average less than thirty (30) hours per week, seasonal employees, temporary employees, on-call employees, volunteers and independent contractors are ineligible for medical benefits.

The District contribution is made in accordance with the allowable rate as allocated by current union agreements and policies adopted by the Board of Directors.

Open Enrollment

An employee may change providers or coverage once a year during the Mid-September to Mid-October open enrollment period. Employees experiencing a change in family status may change benefits to reflect this change at any time during the year.

HEALTH AND WELFARE BENEFITS DETAIL

ELIGIBLE FULL-TIME EMPLOYEES (40 HOURS PER WEEK)

CalPERS Medical plan available to employees

As per CalPERS policy, employees have a choice of multiple medical providers:

The Administrative Services Manager has detailed information regarding each of these plans, including sub classifications that some of these plans offer.

Additionally, the District will pay employee only dental and life insurance for eligible employees.

The District shall contribute 77% of the CalPERS Kaiser HMO plan. If an employee chooses a higher cost plan, the increased cost will be solely borne by the employee. Furthermore, any cost savings will be retained by the District if the plan chosen by the employee costs less than the employer contribution.

Due to open enrollment restrictions, any employee wishing to change plans from one type of coverage to another shall be allowed to do so only during the Mid-September to Mid-October open enrollment period.

ELIGIBLE PART-TIME EMPLOYEES (30-39 HOURS)

Eligible part-time, employees working 30 or more hours per week will be able to obtain partial employee only medical coverage. The District shall contribute a maximum of \$605 (non-union grandfathered) / \$555.95 (union grandfathered) until the premium reaches 75% of the current maximum for a single employee. Coverage is for employee only and no dental or life insurance is provided by the District.

1. For purposes of calculating insurance coverage of part-time employees if the employee is on Disability, Worker's Compensation, or Medical Leave for at least one (1) week, that period of time away from the District for medical reasons will not be used in averaging hours during a twelve (12) month period.
2. Part-time employees who average less than 30 hours per week, seasonal employees, temporary employees, on call employees, volunteers and independent contractors are ineligible for medical benefits.

C. Dental Insurance Benefit

The District offers group dental insurance coverage for full-time employees. Part-time employees, seasonal employees, temporary employees, on-call employees, volunteers and independent contractors are ineligible for dental benefits.

Dental insurance benefits become effective on the first day of the month following one full month of continuous service. The District will contribute to dental insurance benefits premiums for full-time employees in accordance with the allowable rate as allocated by current union agreements and policies adopted by the Board of Directors. A full-time employee may elect optional coverage for dependents.

D. Life Insurance Benefits

The District will provide a limited Life Insurance Policy for all full-time employees. Part-time, seasonal employees, temporary employees, on-call employees, volunteers and independent contractors are not eligible for life insurance benefits.

E. COBRA Continuation of Benefits

Information will be provided to all employees enrolled in the medical and dental insurance programs upon loss of eligibility for benefits, concerning options for extending insurance coverage for a limited period of time in accordance with both federal and state law. Under COBRA, the employee is responsible for payment of the cost of all premiums. The District has the right to charge employees a two percent (2%) fee for administrative costs.

F. Retirement Benefits

Social Security is an important part of every employee's retirement benefit. The District pays a matching contribution to each employee's Social Security taxes.

The District also participates in the California Public Employee Retirement System (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 to the guidelines established in the contracts and resolutions between the District and CalPERS, and in accordance with current union agreements and policies adopted by the Board of Directors.

Employees should see the Administrative Services Manager for the current percentage rate (rate varies each year and is determined by CalPERS).

Refer to the CalPERS literature for a complete description of eligibility and services. You may obtain this information from the Administrative Services Manager.

The District also provides a Section 457 deferred compensation plan for eligible employees. The District will match up to \$250 per year for full time employees towards the 457 deferred compensation plan. Part time employees will be eligible for seventy-five (75%) of the matching funds, or \$187.50. This matching benefit will be reviewed annually and will only be available if the Board of Directors determines it is reasonable within the District's budgetary restrictions. For information regarding eligibility, contributions and benefits contact the Administrative Services Manager. All eligible participants will receive a summary document.