



Santa Clara County  
**Open Space Authority**

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# Employee Handbook

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# Employee Handbook

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### 3.00 INTRODUCTION

This Employee Handbook has been prepared to help inform you about the Authority's philosophy, employment practices, and policies, as well as the benefits provided to you as a valued employee and the conduct expected from you. All previously issued handbooks and any inconsistent policy statements or memoranda are superseded by this Handbook.

We encourage you to use this Employee Handbook as a reference while working at the Authority. It is designed to answer many of your questions about the practices and policies of the Authority, what you can expect from the Authority, and what the Authority expects from you.

Anytime you need further clarification, please contact the designated person responsible for Human Resources (hereinafter "Human Resources"). The Authority Employee Handbook will be reviewed with you to answer your detailed questions. Our policies, benefits, and rules, as explained in this Handbook, may be changed from time to time at the will of the Authority or as legally required. If and when provisions are changed, you will be notified.

Several of these provisions are based upon or mandated by various federal and state laws and regulations. We observe all legally mandated programs and processes, regardless of whether they have been specifically incorporated into the provisions of this Handbook. If there is any conflict between the provisions contained herein and federal or state laws or regulations, federal or state laws or regulations will supersede those provisions.

The material contained in this handbook is presented for your general information. Its contents can in no way be interpreted as a contract between the Authority and any of its employees. Employment is "at-will" meaning that neither you nor the Authority is bound to continue the employment relationship if either chooses, at their will or without cause, to end the relationship at any time.

Keep in mind that we cannot anticipate every situation that may arise in the workplace or provide information that answers every possible question, so it is not possible for this handbook to cover every conceivable contingency. Circumstances may arise which require modification of the policies, practices, and benefits contained in this document. Therefore, the Authority expressly reserves the right to revise, supplement, or rescind any of the provisions of this handbook through amendment of the same or through a contractual arrangement as needed or desired and as approved by the Board of Directors.

This Employee Handbook is the property of the Authority, and is intended for your personal use and reference as a member of the Authority team.

#### **3.00.010 Equal Opportunity Employment- Statement of Nondiscrimination**

The Authority is an equal opportunity employer. The Authority is committed to providing a work environment free of discrimination or harassment. In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the Authority will be based on merit, qualifications and abilities. Except where required by law, employment practices, including relations with employees and applicants for employment, will not be influenced or affected by an applicant's or employee's race, color, religion,

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gender, national origin, age, creed, political affiliation, marital status, medical condition, disability, ancestry, sexual orientation, veteran status or any other characteristic protected by law. This policy governs all aspects of employment including selection, job assignment, compensation, discipline, termination and access to benefits and training. The Authority's anti-discrimination policy applies to all persons involved in the operation of the Authority and prohibits discrimination or harassment by any employee of the Authority.

### **3.05 CONFLICT OF INTEREST**

Situations of actual or potential conflict of interest, or involving incompatibilities with an assigned job, are to be avoided by all employees. Employees must disclose to the General Manager all facts indicating the existence of conflicts or incompatibilities. Failure to disclose such facts will result in disciplinary action up to and including termination of employment. In its sole discretion, the Authority may take whatever action it deems appropriate to resolve a conflict or incompatibility.

### **3.10 EMPLOYMENT INFORMATION**

#### **3.10.010 "At-will" Employment**

Employment at the Authority is "at-will" and entered into voluntarily. The employee may resign at any time, with or without prior notice or cause. Likewise, the Authority is free to terminate the employment relationship at any time, with or without notice or cause. No employee or representative of the Authority other than the Board of Directors has any power of authority to enter into any agreement of employment for any specified period of time or to make any agreement contrary to the employment at-will relationship. Moreover, any agreement other than an at-will relationship must be done expressly so in a written agreement must be approved by the Board of Directors and signed by the Chair of the Board of Directors (or his or her designee) and the specific employee. Employment and compensation may be terminated or modified with or without cause and with or without notice by you or the Authority.

#### **3.10.020 Immigration Reform and Control Act**

The Authority is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not lawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Form I-9 and present documentation establishing identity and employment eligibility within three days of employment. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Authority within the past three years, or if their previous I-9 is no longer retained or valid.

Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

#### **3.10.030 Exempt and Non-Exempt Employees**

Each Employee is designated as either exempt or non-exempt from federal and state wage and hour laws.

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Exempt – An employee whose position meets the specific exemption tests established by the Fair Labor Standards Act (FLSA) and California law is exempt from overtime pay requirements. Salary for these employees is designed to compensate for all hours required to perform the job in question.

Non-Exempt – An employee whose position does not meet the FLSA and California exemption tests is entitled to the applicable overtime pay rate as specified by state and/or federal wage and hour laws. Employees in the category receive overtime pay for work in excess of 40 hours in a workweek.

### **3.10.040 Probationary Employees**

All new and rehired employees work in a probationary status for the first six months after their date of hire, promotion, or rehire. Upon completion of the probationary period, the Authority will assess your ability to perform your job, and you will have the opportunity to decide if you are satisfied with the job. The Authority reserves the right to extend the duration of the probationary period when it determines, at its sole discretion, that an extension is appropriate.

Probationary employees are immediately eligible to participate in the Authority's benefit programs; however, employees may not take vacation or personal time while on probationary status unless given permission by the General Manager. Employees may however use accrued sick leave for absences that qualify for such leave as described in the Sick Leave Policy.

### **3.10.050 Regular Employees**

Employees who have completed their probationary period are deemed regular employees. Such employees may be either full-time or part-time. Upon receipt of a promotion, or an appointment to a different position, you must serve a new probationary period before obtaining regular status in the new position. However, regular employees who have earned vacation or personal time in their former position may at the Authority take vacation or personal time during the probationary period.

### **3.10.060 Full-Time Employees**

An employee who works at least 40 hours per week is considered a full-time employee. Such employees may be exempt or non-exempt as described previously. These employees are generally eligible to participate in the Authority's benefit programs subject to the terms, conditions, and limitations of each benefit program.

### **3.10.070 Part-Time Employees**

An Employee who works 20 or more hours per week, but less than 40 is considered a part-time employee. Such employees may be exempt or non-exempt as described previously. While regular part-time employees receive legally mandated benefits, they may also be eligible to receive Authority benefits on a pro-rated basis. Benefit premiums for part-time employees are paid on a pro-rated basis. Employees working less than 20 hours a week, are also considered part-time employees, but are not eligible for benefits.

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### **3.10.080 Temporary Employees**

Temporary employees are those employed for short-term assignments, not to extend beyond one year. Temporary employees are not eligible for employee benefits except where mandated by law.

### **3.10.090 Seasonal Employees**

Seasonal employees are those who work for the Authority for a specified portion of the year. They may be full- or part-time employees. Seasonal employees help the Authority complete tasks during high-demand times of the year (e.g., fieldwork to maintain the Authority lands during summer months). Seasonal employees are not eligible for employee benefits except where mandated by law.

## **3.15 EMPLOYMENT POLICIES AND PRACTICES**

### **3.15.010 Job Duties**

During the probationary period, your supervisor will explain the job responsibilities and the performance standards expected of you. Be aware that the 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 Authority. Cooperation and assistance in performing such additional work is expected.

Tasks that employees are expected to complete are defined by the Authority's General Manager. While tasks within each description may be quite broad, it is expected that all employees will essentially work on tasks within their job description. The General Manager may from time to time, update Job descriptions so that tasks are relevant to a changing work environment.

### **3.15.020 Work Schedules and Attendance**

The Authority is normally open for business between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. Field staff may have different schedules based on the needs of the Authority. Supervisors will assign each employee's individual work schedule. Employees may request to begin work earlier or later than the regular business hours. The General Manager must approve permission for such flexible work schedules. Flexible schedules are granted at the discretion of the General Manager and may be changed or revoked by the General Manager without cause.

To maintain a safe and productive work environment, the Authority expects employees to be reliable, punctual, regular in attendance, and follow all safety guidelines. Employees are expected to report to work as scheduled, on time and prepared to perform their work. They shall also be expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized Authority business.

Employees unable to report for work should call the office no later than one half hour after their scheduled start time and speak to their supervisor, or the General Manager. Employees must provide a reason and the probable duration of the absence. Except where otherwise protected by law, excessive absenteeism (excused or not) may result in discipline up to and

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including termination of employment. Excessive absenteeism or tardiness shall be evaluated on a case-by-case basis. If you fail to report for work without prior notification for a period of three days, the Authority will consider that you have abandoned your position and voluntarily terminated your employment.

### **3.15.030 Personal Standards**

Employees are expected to wear clothing appropriate for the nature of the business and the type of work performed. Work attire, grooming and personal hygiene standards should complement an environment that reflects an efficient, professional environment. Reasonable consideration is given to the type of work performed in the office and in the stewardship of the lands of the Authority. Clothing should be neat, clean and tasteful.

### **3.15.040 Open Door Policy**

The Authority is committed to an Open Door Policy. Every employee is encouraged to discuss problems, complaints, needs or requests with those in supervisory positions. Our business is a challenging one that requires a healthy attitude. By keeping our doors open to you, we hope to keep problems or frustrations from diminishing your spirit for the job of satisfying our customers.

Should you face a problem or need that requires special attention, your supervisor is a good place to start. If you do not feel comfortable discussing the matter with your supervisor, please bring the matter to the attention of the General Manager. Every attempt will be made to resolve the issue; however, it may not always be possible to achieve the result you desire. In all instances, the Authority will communicate to you its resolution.

### **3.15.050 Customer Relations**

Employees are expected to be polite, courteous, prompt, and attentive to the public. When a situation arises where the employee does not feel comfortable or capable of handling the problem, a supervisor should be called immediately.

### **3.15.060 Performance Evaluations**

We all strive for a common goal of excellence; therefore, the informal evaluation (and possible discussion) of your performance is an ongoing process. Employees will receive periodic written performance reviews. The review will be conducted by the supervisor who will discuss it with the employee.

The purpose of these performance reviews is to let you know those areas in which you have performed well, in addition to areas where improvement is needed to meet established standards. The first performance evaluation will be after completion of the probationary period. After that review, performance evaluations generally may be conducted annually, on or about the anniversary date of employment with the Authority. 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 will include factors such as the quality and quantity of the work performed, knowledge of the job, initiative, work attitude and attitude toward others. Positive performance evaluations do not guarantee increases in salary or promotions. Upon

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completion of the review, the employee shall sign the report to acknowledge that it has been presented and discussed with the supervisor. Employees shall be allowed to comment on the evaluation to clarify any issue it may contain and these comments shall be made part of the evaluation. The employee shall be given a copy of each final performance evaluation.

### **3.15.070 Resignation**

All notices of resignation are required to be in writing. Circumstances may occur where we may exercise our right to accept a resignation immediately or to accelerate the final date of employment. Employees must return all Authority-owned property including, but not limited to, vehicles, keys, uniforms, identification badges, and credit cards, on or before the employee's last day of work.

### **3.15.080 Reductions in Force**

In its sole discretion, the Authority may decide to restructure or reduce its workforce. The Authority will attempt to provide some advance notice where possible. Factors, which the Authority may use in selecting employees for layoff, include, but are not limited to, budgetary constraints, operational requirements, employee work performance, and length of service.

### **3.15.090 References and Employment Verification**

Because of potential exposure to liability, employees are not authorized to provide professional references in their capacity as employees or representatives of the Open Space Authority. However, limited employment verification information will be provided. The General Manager will be responsible for answering all requests for employment verification and such verification will be limited to length of service, wage confirmation and job.

### **3.15.100 Employment of Relatives**

The Authority will not hire relatives where actual or potential problems may arise regarding supervision, security, safety, or morale, or where potential conflicts of interest exist. "Relatives" are defined to include an employee's spouse, domestic partner, children, siblings, parents, in-laws and step-relatives.

If two employees marry or become related, and the actual or potential problems noted above exist, only one of the employees will be permitted to stay with the Authority unless changes can be made to eliminate the problems. The decision as to which relative will remain with the Authority must be made by the two employees within 30 calendar days of notification by the Authority. If no decision has been made during this time, the General Manager will make the decision.

### **3.15.110 Personnel Records**

All employees shall be able to inspect documents in their personnel file, as provided by law, in the presence of an Authority representative at a mutually convenient time. An employee may add their version of any disputed item to the file. Except where disclosure required by the Public Records Act or other law, or court order, the Authority will restrict disclosure of personnel files to authorized individuals within the Authority. Any request for information from personnel files must be directed to the General Manager or his or her designee. Only

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the General Manager or his or her designee is authorized to release information about current or former employees.

It is your responsibility to promptly notify the Authority of any changes in important information such as: name, address, telephone number and person(s) to be notified in case of an emergency. Other information such as changes in marital status or dependents may require you to change the number of exemptions claimed for income tax withholding purposes. You are required to notify Human Resources of changes to dependent or marital status for enrollment coverage of dependents under your insurance benefits.

### **3.15.120 Reasonable Accommodation**

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the Authority 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 as required by the Americans with Disabilities Act or California law regarding disabilities. Any employee who believes he or she requires any accommodation in order to perform the essential functions of the job should discuss the requirement with the General Manager.

## **3.20 STANDARDS OF CONDUCT**

### **3.20.010 Business Conduct and Ethics**

Employees are prohibited from receiving payment for the employee's expenses, meals, or any other gratuity from any vendor, supplier, or other entity or person that is in any way funded or receives compensation from the Authority. Employees are required to notify the General Manager of any offer of such payment or gratuity.

### **3.20.020 Prohibited Conduct**

To assure orderly operations and provide the best possible work environment, we expect all employees to follow rules of conduct that will protect the interest and safety of you, your co-workers, and visitors. Accordingly, conduct that is unacceptable in the Authority's opinion, whether listed below or not, may result in discipline up to and including termination.

- 1) Unlawful harassment or discrimination (discussed in further detail in the Workplace Violence Prevention and Non-Discrimination and Unlawful/Sexual Harassment sections of this Handbook).
- 2) Falsification of employment records, employment information, or Authority records.
- 3) Recording the work time of another employee or allowing any other employee to record your work time, or allowing falsification of any time card, either your own or another employee's.
- 4) Theft, deliberate or careless damage of Authority property or the property of any employee or customer.
- 5) Deliberate destruction of Authority property or the property of any employee or customer.
- 6) Removing or borrowing Authority property without prior authorization.
- 7) Unauthorized use of Authority equipment, time, materials, or facilities.

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- 8) Provoking a fight or fighting during working hours or on Authority property.
- 9) Participating in destructive or harassing horseplay or practical jokes on Authority time or on Authority premises.
- 10) Carrying firearms or any other dangerous weapons on Authority premises at any time.
- 11) Engaging in criminal conduct.
- 12) Causing, creating, or participating in a significant disruption during working hours on Authority property.
- 13) 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.
- 14) Using profane or abusive language at any time on Authority premises.
- 15) Failure to notify a supervisor when unable to report to work.
- 16) Failure to obtain permission to leave work for personal tasks during normal working hours.
- 17) Continual failure to observe working schedules, including rest and lunch periods.
- 18) Abuse of paid sick leave.
- 19) Sleeping or malingering on the job.
- 20) Making or accepting personal telephone calls that are unreasonable in duration during working hours, except in cases of emergency or extreme circumstances, and excessive use of personal e-mail or fax transmissions.
- 21) Wearing extreme, unprofessional or inappropriate styles of dress or hair while working.
- 22) Violation of any safety, health, security or Authority policies, rules or procedures.
- 23) Committing a fraudulent act or a breach of trust under any circumstances.
- 24) Disrespect of fellow employees, supervisors, contractors or visitors.

### **3.20.030 Workplace Violence Prevention**

The Authority is committed to preventing workplace violence and to maintaining a safe work environment. All employees, including managers and temporary or seasonal employees should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay", or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited on the premises of the Authority without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, a customer, a volunteer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's race, color, religion, sex, gender, pregnancy, national origin, citizenship, disability, ancestry, age, marital status, sexual preference or orientation, or any characteristic protected by federal, state or local law.

All threats of or actual violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or the General Manager. This includes threats and acts by employees as well as threats and acts by persons involved in the operation of the Authority such as volunteers, customers, vendors, solicitors, or other members of the public. When reporting a threat or act of violence, you should be as specific and detailed as possible. All suspicious individuals or activities should also be reported as soon as possible to the General Manager or his or her designee. As soon as possible, the General Manager, or

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his or her designee, will investigate all reports of threats or actual violence, and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. In order to maintain workplace safety and the integrity of its investigation, the Authority may suspend employees, either with or without pay, pending investigation of a complaint related to them.

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

### **3.20.040 Drug and Alcohol Abuse**

The Authority is concerned about the use of alcohol, illegal drugs, or controlled substances as it affects the workplace. Use of these substances can detract from an employee's work performance, efficiency, safety, and health, and therefore seriously impair the employee's value to the Authority. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and exposes the Authority to the risks of property loss or damage, or injury to other persons.

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

- Possession or use of an illegal or controlled substance, or being under the influence of an illegal or controlled substance while on the job;
- Driving an Authority vehicle, or your own vehicle when used for Authority business, while under the influence of alcohol, or an illegal or controlled substance(s); and
- Distribution, sale, or purchase of an illegal or controlled substance while on the job.

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

In order to enforce this policy, the Authority reserves the right to conduct searches of the Authority's property or, after giving prior notice, of the employee's desk, and to implement other appropriate measures necessary to deter and detect abuse of this policy.

An employee's conviction on a charge of illegal sale or possession of any controlled substance while off duty can be subject to discipline because such conduct, even though off duty, reflects adversely on the Authority.

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 Authority encourages its employees with drug or alcohol dependencies to seek treatment and/or rehabilitation and will reasonably accommodate them in this endeavor. Rehabilitation and/or treatment is an option for an employee who acknowledges a chemical

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dependency and voluntarily seeks treatment to end that dependency. Employees desiring such assistance should request a leave of absence.

The Authority is not obligated, however, to continue to employ any person whose performance of essential job duties is impaired because of drug or alcohol use. Employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency or problem, will not automatically be given a second opportunity to seek treatment and/or rehabilitation and may be subject to disciplinary action or termination. All employees are subject to Authority policies and the Authority may enforce disciplinary action for other Authority policies that are violated.

### **3.20.050 Confidentiality**

As a public agency, most information within the Authority is public and completed work is available for the public to view and discuss. However, each employee is responsible for safeguarding confidential information obtained in connection with his or her employment. In the course of your work may have access to confidential information regarding the Authority, and fellow workers. Employees and those people who have knowledge or access to confidential Authority information shall in no way reveal or divulge any such information unless it is necessary in the performance of their duties. Access to confidential information should be on a "need-to-know" basis and must be authorized by the General Manager. Any breach of this policy will not be tolerated and legal action and/or disciplinary action up to and including discharge may be taken by the Authority.

### **3.20.060 Solicitation and Distribution of Literature**

In order to ensure efficient operation of the Authority's business and to prevent annoyance to employees, it is necessary to control solicitation and distribution of literature on Authority property. Any employee who is in doubt concerning the application of these rules should consult the General Manager or his or her designee.

No employee shall conduct fundraising for any political campaign, cause or organization during his or her working time or during the working time of the employee or employees at whom such activity is directed.

No employee shall distribute or circulate any written or printed material in work areas at any time, or during his or her working time or during the working time of the employee or employees at whom such activity is directed.

### **3.20.070 Off-Duty Conduct**

While the Authority 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 Authority's legitimate business interests.

Employees are expected to conduct their personal affairs in a manner that does not adversely affect the Authority's integrity, reputation, or credibility. Illegal or immoral off-duty conduct on the part of an employee that adversely affects the Authority's legitimate business interests or the employee's ability to perform his or her job will not be tolerated and may result in discipline.

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### **3.20.080 Outside Employment**

Employees who wish to engage in outside employment must submit a written request to the General Manager explaining the details of the outside employment in order to determine if a real or potential conflict of interest exists. If the outside employment is authorized, the Authority assumes no responsibility for outside employment. The Authority shall not provide worker's compensation coverage or any other benefit for injuries occurring from or arising out of outside employment. The following types of outside employment are strictly prohibited:

- Employment conflicts with an employee's work schedule, duties, and responsibilities.
- Employment that creates a conflict of interest or is incompatible with the employee's employment with the Authority.
- Employment that impairs or has detrimental effect on the employee's work performance with the Authority.
- Employment that requires the employee to conduct work or related activities on the Authority's property during the Authority's working hours or using the Authority's facilities and/or equipment.

### **3.20.090 Non-Discrimination and Unlawful/Sexual Harassment**

The Authority is committed to providing a work environment free of unlawful harassment and discrimination. Authority policy prohibits sexual harassment, harassment and discrimination based on pregnancy, childbirth or related medical conditions, race, religious creed, color, gender, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, or local law or ordinance or regulation. All such harassment is unlawful. The Authority's anti-harassment policy applies to all persons involved in the operation of the Authority and prohibits unlawful harassment by any employee of the Authority, including supervisors, coworkers and any other persons. It also prohibits unlawful harassment and discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has, or is perceived as having, any of those characteristics.

Prohibited unlawful harassment includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory comments, slurs or unwanted comments and jokes;
- Visual conduct such as derogatory posters, cartoons, drawings or gestures;
- Physical conduct such as blocking normal movement, restraining, touching or otherwise physically interfering with the work or another individual;
- Threatening or demanding that an individual submit to certain conduct or perform certain actions in order to keep or get a job or avoid some other loss, or as a condition of job benefits, security or promotion; and
- Retaliation by any of the above means for having reported harassment or discrimination, or having assisted another employee to report harassment or discrimination

Any behavior towards an employee that constitutes unwelcome sexual advances, requests for sexual favors, or similar conduct of a sexual nature will be considered sexual harassment.

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When such requests or conduct are made part of an individual's terms and conditions of employment, or form the basis for an employment decision, or are so offensive as to create an intimidating or hostile work environment, that behavior shall be deemed sexual harassment.

### **3.20.091 Discrimination and Unlawful Harassment Complaint Procedure**

Discrimination and unlawful harassment of any Authority employee by either a co-worker or member of management will not be tolerated. Violation of this policy will result in disciplinary action up to, and including termination of employment. If you believe that you have been subjected to unlawful harassment or discrimination, or if you are aware of any unlawful harassment or discrimination occurring within the workplace, you should immediately file a formal or informal confidential complaint without fear of reprisal or embarrassment to the General Manager. You will be asked to provide details of the incident or incidents, names of individuals involved, and names of any witnesses. You should file the complaint with the Chairperson of the Board of Directors if the General Manager is either unavailable or is the subject of the complaint.

Every reported incident of employee harassment will be thoroughly and promptly investigated. The confidentiality and sensitivity of all persons involved in the incident will be respected to the extent possible in accordance with the circumstances involved. The Authority will take prompt and proper corrective action following its investigation of all substantiated claims of workplace harassment or discrimination. Where charges of employee harassment are substantiated, appropriate action ranging from counseling to termination of employment will be taken.

Complaints concerning volunteers, contractors, third-party vendors, visitors or clients should also be reported in accordance with Authority procedures so that the Authority can determine the existence of such harassment or discrimination and the Authority can take appropriate action against such person, including termination of the Authority's relationship with the person.

Because the Authority wishes to retain a secure and healthy work environment, any employee that knows or learns of unwelcome harassing or discriminatory behavior should report it to the General Manager, or the Chairperson of the Board of Directors if the General Manager is either unavailable or is the subject of the complaint, whether or not there is a specific complaining party. The Authority will not tolerate any retaliation against any employee for complaining about discrimination or harassment or for participating in the investigation of any such complaint.

The Open Space Authority's General Counsel will review this policy on an annual basis and will, recommend, as necessary, policy amendments to the Board of Directors. The Board shall ratify this policy and adopt necessary amendments on an annual basis.

### **3.20.100 Whistleblower Protection**

The Authority is committed to following all state and federal laws, including those laws in place to protect employees who disclose information to a government or law enforcement

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agency about an employer's conduct that the employee has reasonable cause to believe is illegal. The Authority will not retaliate against any employee who refuses to participate in any activity that may result in violations of the law, or against any employee who has contacted a government or law enforcement agency regarding his or her reasonable belief as to the illegal activity of the Authority or a former employer.

A list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline is provided by the Authority. The Authority encourages employees to go directly to the General Manager or Human Resources with questions or concerns as to the legality of any actions taken by the Authority. Further questions or concerns can be taken to the Office of the Attorney General, State of California, Department of Justice at (800) 952-5225.

### **3.25 DISCIPLINE**

Authority employees are expected to conduct themselves in such a manner that their work is effectively accomplished. This includes observing the requirements of courtesy consideration and promptness in dealing with the public and employees. Employees who do not meet work or Authority standards, or whose conduct is detrimental to Authority service, are subject to disciplinary action by their supervisor or the General Manager. The action taken may vary with each case depending on the seriousness and frequency of infraction, but is usually one of the following:

- 1) Verbal warning
- 2) Written warning
- 3) Suspension
- 4) Demotion
- 5) Discharge

The system is not formal and the Authority may, at its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances. Before implementing a suspension, demotion, or discharge with respect to regular full-time and part-time employees who have completed their probationary period, the Authority shall provide to such employees:

- 1) Written notice of the decision
- 2) The effective date of the decision
- 3) The reasons for the decision
- 4) A list of the materials, if any, on which the Authority relied in making the decision
- 5) An opportunity to respond orally or in writing

### **3.30 GRIEVANCE PROCEDURE**

This section provides regular full-time and part-time employees who have completed their probationary period certain grievance procedures required by the law. Specifically excluded from the grievance procedure are subjects involving termination, the amendment of state or federal law, resolutions adopted by the Authority's Board of Directors, ordinances or minute orders, including decisions regarding wages, hours, and terms and conditions of employment, and complaints regarding unlawful or sexual harassment or discrimination which are handled pursuant to Section 3.20.090 of this Handbook.

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**3.30.010 Definition of Grievance**

A grievance, for the purposes of these procedures, is the complaint of a regular employee alleging unfair treatment, improper working conditions or benefits to him or herself, which are subject to, and within, the prerogatives or control of the Authority management to resolve.

**3.30.020 Informal and Written Resolution**

Any employee who believes he/she has a grievance shall present the evidence thereof orally to the General Manager or his or her designee within five working days after the employee knew, or reasonably should have known, of the circumstances, which form the basis for the alleged grievance. The General Manager or his or her designee shall hold discussions and attempt to resolve the matter within ten (10) working days after the presentation of such evidence. If the grievance has not been resolved by the Preliminary Informal Resolution, the grievant must present his/her grievance in writing to the General Manager within ten (10) working days after the occurrence of the act or omission giving rise to the grievance. The statement shall include the following:

- 1) A concise statement of the grievance including specific reference to any law, policy, rule, regulation, and/or instruction deemed to be violated, misapplied or misinterpreted;
- 2) The circumstances involved;
- 3) The decision rendered by the immediate supervisor;
- 4) The specific remedy sought.

The General Manager shall communicate his/her decision, in writing, within ten (10) days after receiving the written grievance.

## **3.35 PAYMENT OF WAGES**

Paydays shall be every other week. The exact pay day shall be established by the General Manager. If a regular payday falls on a weekend or holiday, employees will be paid on the following workday. Payment may be made by "direct deposit" into an employee's checking account. If you feel there has been an error in any paycheck, or if any questions concerning the amount of the check arise, you should contact the General Manager. The Authority does not permit advances against paychecks or negative vacation balances.

## **3.40 TIMEKEEPING, BREAKS AND OVERTIME**

**3.40.010 Timekeeping Requirements**

All Employees shall be required to record their time on either a timecard or a timesheet. Any errors on a timecard should be reported immediately to your supervisor. Altering, falsifying, or tampering with time records, may result in disciplinary action, up to and including termination of employment.

**3.40.020 Meal Breaks**

One fifteen-minute rest period during each four-hour period, or major fraction thereof, is provided. Rest periods are not provided if the total daily work schedule is less than 3 ½

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hours. These rest periods may not be combined or added to meal periods. To the extent possible, rest periods will be provided and should be taken in the middle of work periods. This fifteen (15) minute rest period is calculated from the time the employee leaves his/her work station until he/she returns. Work breaks cannot be used to shorten your daily work schedule.

If you are scheduled for shifts in excess of five hours (unless six hours completes the schedule) you will be provided with one unpaid meal period of at least 30 minutes in length. Employees working 5-6 hours and wishing to waive their meal period need their revised regular schedules approved by their supervisor or the General Manager.

### **3.40.030 Overtime and Compensatory Time-Off (CTO)**

#### Overtime

Non-exempt employees may be required to work overtime. The Authority will attempt to distribute overtime evenly and to accommodate individual schedules. The General Manager must previously authorize all overtime work.

The Authority provides compensation for all overtime hours worked by non-exempt employees in accordance with the Fair Labor Standards Act. In determining which hours constitute overtime, only actual hours worked in a given workday or workweek, rather than vacation, sick leave, personal leave, or compensatory time will be counted. All hours worked in excess of 40 hours in one workweek will be treated as overtime and paid at the rate of one and one-half times the employee's regular rate of pay. A workweek begins each Monday at 12:00 a.m. and ends the following Sunday at 11:59 p.m. Work on a scheduled Authority holiday will be calculated at two and one-half times the employee's regular rate of pay.

#### Compensatory Time-Off for Non-Exempt Employees

Instead of receiving overtime pay, non-exempt employees may elect to receive compensatory time off for those hours. One and one-half hours of compensatory time will be awarded for each hour of overtime worked. Employees may not exceed an accrual balance of more than 160 hours of compensatory time. Once this cap is reached, no further CTO will be awarded until some CTO is used. Employees electing compensatory time should notify the General Manager in writing before working the overtime hours for which they choose to receive compensatory time. Employees must also obtain prior approval from their supervisor or the General Manager before using compensatory time.

## **3.45 BENEFITS**

The Authority provides an array of benefits, which are briefly described below. More information can be found in the summary plan descriptions available in the office. Upon commencement of employment at a minimum of 20 hours per week you are eligible to enroll in the Authority's benefit programs as provided herein.

The Authority shall make available to its employees (as defined below) selected benefits plans, however these benefit plans and the Authority's offering or payment for such plans may be amended, changed or eliminated at any time. Typically, premium rate changes are implemented by the County of Santa Clara and occur on July 1 of each year. However, premium rates may change at any time. Benefit plans currently provided under the County "umbrella" include the following:

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- Health Insurance (100% premium paid for full-time employees)
- Dental Insurance (100% premium paid for full-time employees)
- Vision Insurance (100% premium paid for full-time employees)
- Long-Term Disability (100% premium paid for full-time employees)
- Life Insurance (100% premium paid for full-time employees)
- Accidental Death & Dismemberment (Optional at 100% employee paid premium)
- Supplemental Life (Optional at 100% employee paid premium)

Other benefits which are not provided for under the County of Santa Clara include:

- 457(k) Retirement Plan
- Employee Assistance Program
- Tuition Reimbursement

### **3.45.010 Health Insurance**

Health Insurance is provided to employees who are regularly scheduled to work at least 20 hours per week. If elected, the Authority pays 100% of the premium for full-time employees and on a pro-rata basis for eligible part-time employees based on a 40-hour work week. Premiums will be deducted bi-weekly from the employee's paycheck. Part-time employees are responsible for payment of the remainder of the premium amount. Benefits become effective the first day of the month following enrollment. Enrollment must occur within 30 days of the employment date or if being elected after the initial enrollment period, within the required number of days following a qualifying event. "Qualifying event" is defined as an event such as marriage, divorce, or the birth of a child, that allows a change in health care coverage outside of the Open Enrollment period. Some qualifying events include the birth of child, marriage, death of a spouse, adoption of a child, or loss of health care by spouse's employer.

If enrolling due to a qualifying event, the effective date, determined by the health care provider, may be more than 30 days from the enrollment date. Please notify Human Resources within 30 days of a qualifying event to make changes to your health plan enrollment information. For more information and full plan details, please contact Human Resources.

### **3.45.020 Employee Waiver of Benefits**

Full-time and part-time employees may waive receipt of medical benefits. Any employee, full or part time, waiving medical benefits is offered \$50.00 for each bi-weekly period in which the employee did not use the medical plan. This waiver is at the discretion of each employee and may be started or discontinued at any time, consistent with any rules, regulations, and restrictions of the medical plan. Employees choosing to waive medical benefits may be asked to provide proof of insurance through another source prior to approval of the waiver.

### **3.45.030 Dental Insurance**

Dental Insurance is provided to employees who are regularly scheduled to work at least 20 hours per week. If elected, the Authority pays 100% of the premium for full-time employees

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and their immediate family and on a pro-rata basis for eligible part-time employees based on 40-hour work week. Eligible part-time employees are responsible for payment of the remainder of the premium amount, which will be deducted bi-weekly from the employee's paycheck. Benefits become effective the first day of the month following enrollment. When elected, employees and their immediate families may be covered by the plan. For more information and full plan details, please contact Human Resources.

### **3.45.040 Vision Insurance**

Vision Insurance is provided to employees who are regularly scheduled to work at least 20 hours per week. If elected, the Authority pays 100% of the premium for full-time employees and on a pro-rata basis for eligible part-time employees based on the percentage of time worked in a week. Eligible part-time employees are responsible for payment of the remainder of the premium amount, which will be deducted bi-weekly from the employee's paycheck. Benefits become effective the first day of the month following enrollment. When elected, employees and their immediate families may be covered by the plan. For more information and full plan details, please contact Human Resources.

### **3.45.050 Long Term Disability (LTD)**

Long Term Disability insurance is provided to full and part-time employees who work at least 20 hours per week. The Authority pays 100% of the premium for all eligible employees.

The Long-Term Disability plan offered by the County of Santa Clara is comprised of two parts. The plan is to financially aid participants in the event of disability that lasts longer than sixty (60) days. The plan does not replace other disability benefit sources, which are available to participant, such as Social Security, Workers' Compensation or State Disability Insurance. The benefit pays 66 2/3% of bi-weekly regular base wages and, if applicable, the maximum is reduced by the other benefit sources. Contact Human Resources to view the Summary Plan Description for more detailed information.

### **3.45.060 Basic Life Insurance**

The Authority provides each employee who works at least 20 hours per week with \$25,000 of life insurance. The Authority pays 100% of the premium for all eligible employees. Benefits continue until termination of employment with the Authority.

For more information and full plan details, please contact Human Resources.

### **3.45.070 Supplemental Life Insurance**

The Authority provides each employee who works at least 20 hours per week the ability to elect Supplemental Life Insurance. The benefit is optional and the employee pays for the premium. For more information and full plan details, please contact Human Resources.

### **3.45.080 Accidental Death & Dismemberment/Personal Accident Insurance**

The Authority provides each employee who works at least 20 hours per week the ability to elect Personal Accident Insurance. The benefit is optional and the premium is paid for by the employee. For more information and full plan details, please contact Human Resources.

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### **3.45.090 Continuing Employee Education/Tuition Reimbursement**

#### Seminars and Training

The Authority will pay all fees for activities that are required of the employee for approved classes and seminars that are directly work related.

#### Conferences

If participation in a conference is approved by the General Manager or Board of Directors, customary and reasonable expenses will be reimbursed upon submission of proper receipts. (Customary and reasonable expenses generally include registration fees, materials, meals, transportation, and parking.) Mileage in excess of 200 miles from the Authority's office must be approved in advance by the General Manager.

#### Tuition Reimbursement

The Authority will reimburse employee for participation in courses related to employment that are approved by the General Manager or Board of Directors up to \$600 per fiscal year (July 1 – June 30).

### **3.45.100 457(k) Retirement Program**

Employees may participate in the ICMA 457(k) retirement program at their option. Employees may contribute monies to this account up to the maximum contribution allowed. For more information and full plan details, please contact Human Resources.

### **3.45.110 Employee Assistance Program (EAP)**

The Authority provides each eligible employee access to a confidential personal consultation program to help you and your eligible dependents deal with personal problems. This program is in addition to benefits available under your health benefit plan. You may contact the provider 24 hours a day, seven days a week via a toll-free telephone number for crisis counseling and to obtain referrals to EAP counselors. Magellan Behavioral Health, Inc provides this service to the Authority. Coverage begins on the first day of employment and remains in effect as long as you are eligible and through the life of the Authority's contract, which may change without notice. All services provided by Magellan are confidential, as provided by law. Information discussed with an EAP counselor will not be disclosed to anyone outside the EAP without your written consent, except in the specific instances required or permitted by law.

Eligible employees receive counseling services for a range of personal problems, including:

- Work-related issues
- Parenting concerns
- Marriage and family distress
- Relationship issues
- Use and misuse of alcohol and drugs, and co-dependency issues
- Stress related to financial and legal problems
- Emotional stress
- Life crises
- Other similar personal problems

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Employees may receive counseling of up to 6 (six) visits per problem per year. For more information and full plan details, please contact Human Resources.

### **3.45.120 California Public Employees Retirement System (PERS)**

The Authority participates in the California Public Employees Retirement System (PERS). Regular, seasonal, or temporary employees who work more than 960 hours per fiscal year are eligible to receive PERS. Eligible employees begin receiving PERS credit from their first day of employment. The Authority pays the employer's portion as well as 100% of the employee's portion of the contribution.

The Authority, through its contract with PERS, provides for retirement benefits including 2% @ 55 (effective July 1, 2005), service credit for unused sick leave, survivor continuance and 1959 survivor benefits (Indexed Level). For a complete list of benefits or questions about retirement, please contact Human Resources or CalPERS.

## **3.50 BENEFITS REQUIRED BY LAW**

The following benefits are provided to Authority employees as required by federal and California law:

- Benefits Continuation (Cal-COBRA)
- Paid Family Leave (PFL)
- Social Security (SSI)
- State Disability Insurance (SDI)
- Unemployment Compensation
- Worker's Compensation

### **3.50.010 Benefits Continuation (Cal-COBRA)**

The California Continuation Benefits Replacement Act (Cal-COBRA) requires insurance carriers and HMOs to provide COBRA-like benefits to employees and their qualified dependents. This means that qualified employees and their qualified dependents have the opportunity to continue health insurance coverage under the Authority's health plans for a specified period of time when a "qualifying event" would normally result in the loss of eligibility. Qualifying events include resignation, termination of employment, death of an employee, reduction in an employee's hours, some leaves of absence, employee's divorce or legal separation, and a dependent child no longer meeting eligibility requirements.

To be eligible for Cal-COBRA, the employee or their qualified dependents must:

- Be enrolled in the Authority's group benefit plan on the day before the qualifying event.
- Have a qualifying event.

Under Cal-COBRA, the employee or beneficiary pays the full cost of coverage under the Authority's group rates, plus an administrative fee. The Authority's health plans provide each eligible employee with a written notice describing rights granted under Cal-COBRA when the employee becomes eligible for coverage. The notice contains important information about the employee's rights and obligations.

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### **3.50.020 Paid Family Leave (PFL)**

Paid Family Leave provides disability compensation to cover individuals who take time off of work to care for a seriously ill child, spouse, parent, or registered domestic partner, or to care for a new child. Employees must wait one-week before applying for Paid Family Leave. Employees must use up to 5 days of unused, accrued vacation time during the one-week waiting period. Eligible employees may receive up to 55% of their wages in compensation for up to six weeks in a 12-month period. Please contact Human Resource for more information.

### **3.50.030 Medicare**

The US government operates a system of contributory insurance and benefits known as Medicare. As a wage earner, you are required by law to contribute a set amount of your weekly wages to the trust fund from which benefits are paid. The Authority deducts this amount from each paycheck you receive. The Open Space Authority and its employees do not make contributions to Social Security.

### **3.50.040 State Disability Insurance (SDI)**

All California employees are covered under the California State Disability Insurance Plan. This plan provides you with some income if you are unable to work due to illness or injury. Contact the California Employment Development Department if you wish to file a claim for this benefit. Your required contribution is deducted from each paycheck until the annual maximum is met.

### **3.50.050 Unemployment Insurance (UI)**

The Authority pays a percentage of its payroll to the Unemployment Insurance program. If you become unemployed, you may be eligible for unemployment compensation, under certain conditions, for a limited period of time. This compensation provides temporary income for workers who have lost their job. For more information about Unemployment Compensation, see Human Resource or contact the Employment Development Department (EDD).

### **3.50.060 Worker's Compensation Insurance**

The Authority provides a comprehensive worker's compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, worker's compensation insurance provides benefits after a short waiting period, unless the employee is hospitalized, in which case benefits begin immediately.

Employees and volunteers who sustain work-related injuries or illnesses should inform their supervisor, the General Manager or Human Resources immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for worker's compensation coverage as quickly as possible.

Neither the Authority nor the insurance carrier will be liable for the payment of worker's compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the Authority.

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### 3.55 PAID TIME OFF AND LEAVE TIME

The Authority offers the following paid time off to regular full-time employees. Part-time employees may be eligible for paid time off on a pro-rated basis.

- Bereavement Leave
- Family Emergencies
- Holidays
- Jury/Witness Duty
- Military Leave
- Personal Leave
- Sick Leave
- Time Off to Vote
- Vacation

#### 3.55.010 Bereavement Leave

A leave of absence of three (3) days may be granted in the event of death in the immediate family (spouse, parent, step-parent, children, stepchildren, grandparent, sibling or domestic partner). This leave may be extended with sick leave, accrued vacation or leave without pay in case of great distance or severe emotional hardship. This time off shall be pro-rated for part time employees who work at least 20 hours per week. If the absence occurs at a time when work is not scheduled payment will not be made.

#### 3.55.020 Family Emergencies

When a family member (spouse, parent, step-parent, children, stepchildren, grandparent, sibling or domestic partner) is in need to be taken to a doctor or hospital in an emergency situation by the employee, the Authority will pay the wages up to one day per incident. This time off shall be pro-rated for part time employees who work at least 20 hours per week.

#### 3.55.030 Holidays

The Authority observes the following holidays for which regular, full-time employees receive a paid holiday:

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- Christmas Day

If any of the above holidays falls on Sunday, the holiday will be observed on the following Monday and if it falls on Saturday, the holiday will be observed on the preceding Friday. The General Manager may change the observance day of any Holiday at his/her own discretion. Changes in holiday observance will be announced in advance.

Part-Time employees who work at least 20 hours per week are entitled to receive holiday pay based on the pro-rated percentage of time scheduled to work as part of a 40-hour week (i.e. Schedule of 20 hours per week (50% time of a regular 8-hour day) is equal to 4 hours of holiday pay.) Part-time employees, if not scheduled to work on an Authority holiday, will be credited with their pro-rated holiday hours. However, the credited time must be used within the week of the holiday. Time worked combined with the credited holiday time

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must not exceed the employees regularly schedule hours for the week. Credited holiday hours may not be placed in a holiday bank. Contact your supervisor or the General Manager prior to an Authority holiday to arrange for a schedule change, if necessary.

Part time employees working less than 20 hours per week and temporary or seasonal employees shall receive holidays off without pay.

### **3.55.040 Jury/Witness Duty**

The Authority supports employees in their civic obligations and encourages employees to serve as jurors when called upon to do so. If you are called for jury duty, we will permit you to take the necessary time off for such service, provided it does not cause undue hardship to the Authority. Employees who have completed their probationary period will receive full pay while serving on jury duty. You may be requested to provide written verification from the court clerk of having served. If work time remains after any day of jury selection or jury duty you will be expected to return to work for the remainder of your work schedule. Any compensation received as a juror, not including any mileage allowance, shall be given to the Authority.

### **3.55.050 Military Leave**

The Authority complies with all state and federal regulations regarding leave due to active military training and provides for benefits, job protection and rights of reinstatement to eligible employees who are absent from work due to their active military service.

Employees of the Authority who have been ordered for military duty and have been employed for at least one year prior to such order are entitled to full base pay for the first 30 days of their active military service for any single military leave of absence in the same fiscal year. This, in addition to, and unaffected by, any pay and allowance received from the military, and in addition to any compensation employees may have received during military leave for training purposes in conjunction with active duty. Employees on Military Leave may use their accrued vacation time while on leave after the first 30 days of their active military service. In determining the one-year of public agency service, all service of a public employee in the recognized military service shall be counted as public agency service. (California Military and Veterans Code, Sect. 395.01).

You are expected to notify the General Manager, orally or in writing, as soon as you are aware of the dates you will be on duty so that arrangements can be made for replacement during this absence. Employees ordered for active military duty may be required to provide adequate documentation to support their entitlement. You may be entitled to other rights under federal and state law. Please contact your supervisor or Human Resources for more information.

#### Recognized Military Service

To be eligible for military leave, an employee must be a member of the "uniformed services," United States Army, Navy, Air Force, Marine Corps, Coast Guard, the Reserves of each of the branches, Army National Guard, Air National Guard, commissioned corps of the Public Health Service, or any other category of people designated by the President in

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time of war or emergency. Military duty includes active military training, encampment, naval cruises, special exercises, or like activity.

Periods of military leave of absence to perform inactive duty training are not eligible for paid military leave.

### Qualifying Events

- 1) Temporary military duty ordered for purposes of active military training, encampment, naval cruises, and special exercises or like activity for an employee serving as a member of a uniformed service (California Military and Veterans Code, Sect. 395.01).
  
- 2) Active military duty when an employee (California Military and Veterans Code, Sect. 395.02):
  - is ordered into active military duty as a member of a reserve component of the armed forces of the United States.
  - is ordered into active federal military duty as a member of the National Guard or Naval Militia.
  - is inducted, enlists, enters or is otherwise ordered or called into active duty as a member of the armed forces of the United States.

### Benefits While on Leave

For the first 30 days of leave, an employee taking Military Leave will be allowed to continue participating in any health and welfare benefit plans in which he/she was enrolled before the first day of the leave at the level and under the conditions of coverage as if the employee had continued in employment. The continued participation in health benefits begins on the date leave first begins under the Military Leave.

After the first 30 days of leave, employees on Military Leave who choose to continue health coverage may continue their group health insurance coverage, for a certain period of time, through the Authority in conjunction with federal COBRA guidelines by making monthly payments to the Authority for the account of the applicable premium plus administrative fees. Employees should contact their supervisor for further information. Payment is due on the same schedule as payments that are made under COBRA.

### Return to Work

Employees serving less than 31 days must report to work no later than the beginning of the first full regularly scheduled work period on the first full calendar day following completion of service.

Employees serving more than 30 days but less than 181 days must apply for reinstatement with the Authority within 14 days after completing service.

Employees serving more than 180 days must apply for re-employment within 90 days after service is completed.

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Employees dishonorably discharged or discharged for “bad conduct” or other factors are not entitled to reinstatement.

### **3.55.060 Personal Leave**

Employees are allowed three personal leave days (24 hours) per year, pro-rated for part-time employees who work at least 20 hours per week. These days may be used by the employee in recognition of holidays not formally recognized by the Authority or for other personal reasons.

### **3.55.070 Sick Leave**

Sick leave is a form of insurance that employees accumulate in order to provide a cushion for incapacitation due to illness. It is intended to be used only when actually required to recover from illness or injury; sick leave is not for “personal” absences. Time off for medical and dental appointments will be treated as sick leave. The Authority will not tolerate abuse or misuse of your sick leave privilege.

You accrue paid sick leave at the rate of .03846 per regular hour worked. Accumulation of sick leave is unlimited.

In order to receive compensation while on sick leave, the employee shall notify his/her supervisor prior to the time for beginning the regular work day, or as soon thereafter as practical. If you are absent longer than 3 days due to illness, medical evidence of your illness and/or medical certification of your fitness to return to work satisfactory to the Authority may be required prior to your return to work. The Authority may withhold sick pay if it suspects that sick leave has been misused.

Upon retirement or termination, each employee with more than five years of service shall be paid one-third of unused, accrued sick leave up to a maximum of 15 days.

#### Kin Care

Employees may use up to one-half of their yearly sick leave accrual to attend to a child, parent, spouse, domestic partner, or domestic partner’s child who is ill. Leave for this purpose may not be taken until it has actually accrued. All conditions and restrictions placed on an employee’s use of sick leave apply also to sick leave used for care of a child, parent, spouse, or domestic partner.

For purposes of sick leave use, a “child” is defined as a biological, foster, or adopted child; stepchild; or a legal ward. A “child” also may be someone for whom you have accepted the duties and responsibilities of raising, even if he or she is not your legal child.

A “parent” is your biological, foster, or adoptive parent; stepparent; or legal guardian.

A “spouse” is your legal spouse according to the laws of California, which do not recognize “common law” spouses (a union that has not been certified by a civil or religious ceremony).

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A “domestic partner” is another adult with whom you have chosen to share your life in an intimate and committed relationship of mutual caring, and with whom you have filed a Declaration of Domestic Partnership with the Secretary of State.

A “domestic partner’s child” is the biological, foster, or adopted child; stepchild; or legal ward of your domestic partner. A “domestic partner’s child” also may be someone for whom your domestic partner has accepted the duties and responsibilities of raising, even if he or she is not your domestic partner’s legal child.

### Required Use of Paid Sick Leave Before Unpaid Leave

You are required to take accrued and unused paid sick leave before taking certain unpaid leaves, or having unpaid absences. Family/medical leave (under both state and federal law) is included in this requirement.

If you are absent for a reason that qualifies you for Paid Family Leave (PFL) compensation, and you have not yet accrued or have no vacation available, you are required to use any accrued and unused sick leave during the 7-day waiting period before PFL benefits begin. You must exhaust all but 24 hours of paid sick leave before taking any unpaid absences. PFL benefits do not replace all of your usual wages. Your PFL benefits will be supplemented with any accrued and unused sick leave.

Employees who are absent because of their own disability may be eligible for State Disability Insurance (SDI) benefits. SDI payments do not begin until after you have been absent from work for 7 calendar days. If you have accrued paid sick leave, sick leave will be used for the first 7 days, before SDI payments begin. If you have no accrued sick leave, any accrued vacation time will be used during this waiting period. SDI benefits do not replace all of your usual wages. Your SDI benefits will be supplemented with any accrued and unused sick leave. If you have no sick leave, or once you exhaust your sick leave, accrued and unused vacation may be used to supplement your SDI benefits.

### Paid Sick Leave and Workers' Compensation Benefits

Paid sick leave is a benefit that also covers absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers' compensation insurance. However, workers' compensation benefits usually do not cover absences for medical treatment. When you report a work-related illness or injury, you will be sent for medical treatment, if treatment is necessary. You will be paid your regular wages for the time you spend seeking initial medical treatment.

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

If you do not have accrued, paid sick leave, or if you have used all of your sick leave, you may choose to substitute vacation/paid time off for further absences from work, related to your illness or injury.

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### 3.55.080 Time Off to Vote

If an employee does not have adequate time outside of working hours to vote in a statewide election, the employee may take off enough working time to enable him or her to vote. Such time off must be taken at the beginning or end of the employee's regular working hours. An employee will be allowed a maximum of two hours on Election Day without loss of pay. If before the election the employee has reason to believe that time off will be necessary to vote, the employee must give his or her supervisor at least two (2) days notice that time off to vote is needed.

### 3.55.090 Vacation

Full-time employees are entitled to 12 days of vacation for each year of active service for their first five years of service. Active service commences with an employee's first day of work and continues thereafter unless broken by an extended absence without pay or a leave of absence. However, vacation credit may not be used during a probationary period. Vacation time continues to accrue during paid sick leave, jury duty, military leave and vacation, but not during any unpaid leave. Vacation can accrue up to a maximum of six weeks. Once this cap is reached, no further vacation will accrue until some vacation is used. There is no retroactive grant of vacation compensation for the period of time the accrued vacation compensation was at the cap.

Vacation schedules should be coordinated and cleared with your supervisor. Vacation shall not be unreasonably disapproved or delayed. An employee whose employment terminates will be paid for accrued, unused vacation days. Vacation time accrues per the following chart:

Years of Service	Accrual Per Hour Worked	Days/Year (Full-time)
0-5	.04615	12 days
6-10	.05769	15 days
11-15	.06923	18 days
16+	.08076	21 days

Part-time employees who work at least 20 hours per week are entitled to receive vacation pay based on the pro-rated percentage of time scheduled to work as part of a 40-hour work week (i.e. Schedule of 20 hours per week is 50% of a regular 8-hour day) is equal to 4 hours of vacation pay.)

## 3.60 UNPAID LEAVES OF ABSENCE

A leave of absence is an official authorization to be absent from work without pay for a specified period of time. The purpose of a leave of absence is to temporarily release you from your job at the Authority at a time when you may need to be absent but do not wish to resign.

Based on standard practice and any applicable federal, state and local regulations, the Authority offers Unpaid Leave of Absence. Unpaid Leave of Absence includes:

- Crime Victims Leave
- Family/Medical Leave (FMLA)

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- School Activities Leave
- Pregnancy Disability Leave (PDL)
- Unpaid Leave for Personal Reasons
- Emergency Rescue Personnel

Below is a discussion of general practices and procedures applicable to most leaves. It is important to recognize that eligibility requirements, benefits, and reinstatement rights may differ from one type of leave to another. Please see Human Resources if you have questions about unpaid leaves of absence.

### **3.60.010 Crime Victims Leave**

Employees may take time off for judicial proceedings related to a crime if you are:

- A victim of a crime;
- An immediate family member of a victim;
- A registered domestic partner of a victim; or
- The child of a registered domestic partner of a victim.

Employees must give as much advance notice as possible to the General Manager prior to each scheduled proceeding that is provided to the victim by the agency responsible for providing notice.

An employee may elect to use accrued paid vacation time, personal leave time, sick leave time, compensatory time off that is available or unpaid leave time.

If you believe you need time off under this policy, please see the General Manager to arrange a confidential meeting to discuss the details of this policy and your rights.

### **3.60.020 Family/Medical Leave**

The federal Family and Medical Leave Act (FMLA) provides up to 12 workweeks of unpaid family/medical leave within a 12-month period, under the following conditions:

- The employee has more than 12 months of service;
- The employee has worked at least 1,250 hours during the previous 12-month period before the need for leave; and
- The employee is employed at a work site where there are 50 or more employees within a 75 mile radius or the employee works for a public or governmental agency.

Contact the General Manager as soon as you realize the need for family/medical leave.

Leave may be taken for one or more of the following reasons:

- The birth of the employee's child, or placement of a child with the employee for adoption or foster care;

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- To care for the employee's spouse, child, or parent who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform his or her job.

For purposes of calculating the 12-month period during which 12 weeks of leave may be taken, the Authority uses January 1 through December 31.

### Time off for Pregnancy

Time off because of pregnancy disability (PDL), childbirth or related medical condition counts as family/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/medical leave will also be placed on family/medical leave that runs concurrently with their pregnancy disability leave.

### Time Off for Birth of a Child

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. Any leave taken must be concluded within one year of the birth or placement of the child with the employee.

If the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, the employee must notify the Authority at least 30 days before leave is to begin. The employee must consult with his or her supervisor regarding scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the Authority. Any such scheduling is subject to the approval of the health care provider of the employee or the health care provider of the employee's child, parent, or spouse. If the employee cannot provide 30 days' notice, the Authority must be informed as soon as is practical.

### Second Opinion

If the Family and Medical Leave Act request is made because of the employee's own serious health condition, the Authority may require, at its expense, a second opinion from a health care provider that the Authority chooses. The health care provider designated to give a second opinion will not be one who is employed on a regular basis by the Authority.

If the second opinion differs from the first opinion, the Authority may require, at its expense, the employee to obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee. The opinion of the third health care provider shall be considered final and binding on the Authority and the employee.

### Certification

The Authority requires the employee to provide certification within 15 days of any request for family/medical leave under state and federal law, unless it is not practicable to do so. The Authority may require recertification from the health care provider if additional leave is required.

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If an employee cites his/her own serious health condition as a reason for leave, the employee must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition; and
- Inability of the employee to work at all or perform any one or more of the essential functions of his/her position because of the serious health condition.

The Authority will require certification by the employee's health care provider that the employee is fit to return to his or her job.

Failure to provide certification by the health care provider of the employee's fitness to return to work will result in denial of reinstatement for the employee until the certificate is obtained.

If the leave is needed to care for a sick child, spouse, registered domestic partner, or parent, the employee must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition;
- Estimated amount of time for care by the health care provider; and
- Confirmation that the serious health condition warrants the participation of the employee.

When both parents are employed by the Authority, and request simultaneous leave for the birth or placement for adoption or foster care of a child, the Authority will not grant more than 12 workweeks total of family/medical leave for each employee.

### Continuation of Benefits

An employee taking family/medical leave will be allowed to continue participating in any health and welfare benefit plans in which he/she was enrolled before the first day of the leave (for a maximum of 12 workweeks) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. The Authority will continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins under the Family and Medical Leave Act (e.g., for pregnancy disability leaves or for all other family care and medical leaves). In some instances, the Authority may recover from an employee premiums paid to maintain health coverage if the employee fails to return to work following family/medical leave.

Employees on family/medical leave who are not eligible for continued paid coverage may continue their group health insurance coverage through the Authority in conjunction with the state Cal-COBRA guidelines by making monthly payments to the Authority for the account of the applicable premium and small administrative fee. Employees should contact their supervisor for further information. Payment is due on the same schedule as payments

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that are made under Cal-COBRA.

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

- Accrued sick leave is required to be used during family/medical leave for the employee's own serious health condition, or, up to a limit of that which is accrued over six months, to attend to the illness of a child, parent, spouse, or registered domestic partner of the employee; or
- Vacation and other accrued time (other than sick leave) is required to be used for any family/medical leave qualifying event.

### Reinstatement after Leave

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

Reinstatement after family/medical leave may be denied to certain salaried "key" employees under the following conditions:

- An employee requesting reinstatement was among the highest-paid 10 percent of salaried employees employed within 75 miles of the work site at which the employee worked at the time of the leave request;
- The refusal to reinstate is necessary because reinstatement would cause substantial and grievous economic injury to the Authority's operations;
- The employee is notified of the Authority's intent to refuse reinstatement at the time the Authority determines the refusal is necessary; and
- If leave has already begun, the Authority gives the employee a reasonable opportunity to return to work following the notice described previously.

For additional information about eligibility for family/medical leave, contact Human Resources.

### Time Accrual

Employees on family/medical leave will not continue to accrue vacation, sick leave, personal leave or any other accrued time off during their family/medical leave. Employees on family/medical leave will not be paid for holidays that fall within the leave time taken unless the employee is in paid status the day before and the day after the leave.

### Carryover

Leave granted under any of the reasons provided by state and federal law will be counted as family/medical leave and will be considered as part of the 12-workweek entitlement in a

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12-month period. The 12-month period is measured forward from the date any employee's first family/medical leave begins. Successive 12-month periods commence on the date of an employee's first use of such leave after the preceding 12-month period has ended. No carryover of unused leave from one 12-month period to the next 12-month period is permitted.

### Intermittent Leave

Employees may take family/medical leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for the serious health condition of the employee's child, parent, or spouse, registered domestic partner, or of the employee, and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. The smallest increment of time that can be used for such leave is .25 of an hour.

### **3.60.030 School Activities Leave**

An employee who is the parent or guardian of a child who has been suspended from school will be allowed time off if requested to appear at the school in connection with that suspension. Employees are requested to schedule in advance with their supervisor or the General Manager any planned time off for this purpose.

### **3.60.040 Pregnancy Disability Leave**

Under the California Fair Employment and Housing Act (FEHA), if you are a California employee and are disabled by pregnancy, childbirth or related medical conditions, you are eligible to take a pregnancy disability leave (PDL). If you are affected by pregnancy or a related medical condition, you are also eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if this transfer is medically advisable.

Maximum of 4 Months: The PDL is for any period(s) of actual disability caused by your pregnancy, childbirth or related medical conditions up to four months (or 88 workdays for a full time employee) per pregnancy.

Intermittent Leave: The PDL does not need to be taken in one continuous period of time but can be taken on an as-needed basis.

Concurrent Leave: Under federal family leave provisions, the PDL runs concurrently with family/medical leave (FMLA).

Includes Related Conditions: Time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth would all be covered by your PDL.

### Medical Certification

You may be required to obtain a certification from your health care provider of your pregnancy disability or the medical advisability for a transfer. The certification required may include:

- The date on which you become disabled due to pregnancy or the date of the medical advisability for the transfer;

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- The probable duration of the period(s) of disability or the period(s) for the advisability of the transfer; and
- A statement that, due to the disability, you are unable to work at all or to perform any one or more of the essential functions of your position without undue risk to yourself, the successful completion of your pregnancy or to other persons, or a statement that, due to your pregnancy, the transfer is medically advisable.

### Transfer Requests

Requests for transfers will be reasonably accommodated if the transfer does not cause undue hardship and does not violate other employees' rights.

### Use of Paid Time Off

Employees must use any accrued sick leave. At your option, you can use any accrued paid time off (personal time or vacation time) as part of your pregnancy disability leave before taking the remainder of your leave as unpaid leave. You may also be eligible for disability insurance for the duration of your leave. The substitution of paid leave does not extend the total duration of the leave to which an employee is entitled. Benefit accruals, such as vacation and sick time, will be suspended during the unpaid leave and will resume upon return to active employment.

### Reinstatement Rights

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

### Health Benefits Coverage

If you are on pregnancy disability leave you will receive continued paid coverage on the same basis as other medical leaves which the Authority may provide and which you are eligible to take. In some instances, the Authority may recover premiums it paid to maintain health coverage for you if you fail to return to work following leave.

### **3.60.050 Unpaid Leave for Personal Reasons**

The Authority may grant a leave of absence for personal reasons. Leave will be granted at the discretion of the General Manager and will take into consideration the needs of the department as well as the employee. As soon as an employee becomes aware of the need for a leave of absence, they should request a leave from the General Manager. A leave of absence must not interfere with the operations of your department or the Authority.

During your leave you may be entitled to partial reimbursement of lost wages through the Paid Family Leave program. To know more about Paid Family Leave coverage and eligibility see the Benefits Required by Law section.

You may not use any accrued sick time for pay but must use your accrued vacation and personal leave prior to taking an unpaid leave for personal reasons. Insurance benefits will

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be paid through the end of the month in which the leave began. Beginning the first of the month following the commencement of the leave, the employee will be responsible for the entire premium of insurance benefits until return to active employment. Failure to return from a leave at the time agreed may be cause for termination of your employment.

### **3.60.060 Emergency Rescue Personnel**

No employee shall receive discipline for taking time off to perform emergency duty as emergency rescue personnel. If you are qualified as "Emergency Rescue Personnel", please alert your supervisor so that he or she knows that you may have to take time off for emergency duty. Please alert your supervisor as soon as possible if an emergency situation arises for which you may need to take time off.

"Emergency rescue personnel" is defined as any person who is an officer, employee, or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of California, or of a sheriff's department, police department, or a private fire department, whether that person is a volunteer or partly paid or fully paid, while he or she is actually engaged in providing emergency services.

### **3.60.070 Other Employment While on Leave of Absence**

If you accept any employment or go into business while on a leave of absence from the Authority, you will be considered to have voluntarily resigned from employment with the Authority as of the day on which you began your leave of absence.

### **3.60.080 Prior to Beginning a Leave**

Any employee desiring to take a leave of absence must complete a Leave Request Form. Failure to complete this form or to get approval for a leave of absence will mean that the absence from work will be unauthorized. This could subject the employee to disciplinary action up to and including termination of employment. Whenever possible, an employee must complete the Leave Request Form and obtain approval prior to the commencement of the leave. The more notice an employee can provide, the better management will be able to prepare for the employee's anticipated absence. In a medical emergency or other similar situation that makes advance notice impossible, the employee must complete and submit the Leave Request Form as soon as possible. When arranging a leave of absence, employees should contact Human Resources to make arrangement to continue coverage under the Authority's benefit plans.

### **3.60.090 Before Returning from a Leave**

Employees who are on a leave of absence that lasts 30 days or more must notify Human Resources in writing of their intent to return to work or of their request for a leave extension at least one week prior to the anticipated return date. The more notice an employee can provide, the better management will be able to prepare for the employee's anticipated return.

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If notice is not received from the employee of their intent to return to work or need for an extension of leave, employment will be considered voluntarily terminated at the end of the third day following the anticipated return date.

### **3.60.100 Benefits During a Leave**

During all unpaid leaves of absence, the Authority will continue to pay the employee's benefits through the remaining portion of the calendar month in which the leave begins to the same extent that the Authority contributed before the leave. For example, if an employee is approved for and takes a three (3) month unpaid leave beginning June 15, benefits will continue through June 30. Thereafter, the employee can continue benefits in accordance with applicable law with the employee paying for coverage. Benefit accruals cease during unpaid leaves of absence.

## **3.65 INTERNET/E-MAIL POLICY**

The goal of this Policy is to ensure the proper use of electronic media for communication and research purposes for the benefit of the Authority and the public.

### **3.65.010 Public Access to Authority Records**

All Authority records, whether paper or computerized, are governed by the mandatory public disclosure requirements of the Public Records Act ("the Act") and its exceptions. Unless subject to exemption, any file, including notes, may be subject to public disclosure under the Act.

### **3.65.020 Public Communications**

Internet email messages received from the public addressed to the Authority in general or the Board of Directors are considered official written communication and will be treated as such. Internet email messages addressed to individual staff members should be treated, as would typical written business correspondence.

### **3.65.030 Electronic Records and Communications**

All electronic communications, systems and media, including computer files, hardware, software, and email and Internet access are the property of the Authority, regardless of their physical location or the form in which they are maintained. Furthermore, all data, pictures, files, folders, graphics or other material stored on the server or individual computer workstations is the property of the Authority, and any deletion of such property will result in discipline, including possible termination. The Authority reserves the right, for any reason, to access, log, and/or disclose all such electronic communications systems and other electronic data stored on the Authority computers.

The following are authorized Internet usage for business purposes only:

- Newsgroup subscriptions
- Mailing list subscriptions
- Chat room participation
- Audio-video conferencing
- Research and dissemination of Authority related information

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The General Manager must approve the dissemination of general information about the Authority, its mission, goals and its official purposes.

### **3.65.040 Prohibited Uses**

The following are prohibited Internet/Electronic Communication Uses:

- Use or transmission of material which constitutes harassment or disparagement of others or is threatening, defamatory, obscene or sexually explicit.
- Download and/or installation of software (i.e. screensavers) onto the Authority equipment without the authorization of the Authority's Network Administrator.
- Transmission of messages that disclose personal information without authorization.
- Disclosure or discussion of confidential information including the communication and information.
- The use of aliases - This includes the use of "anonymous", alias, message board postings, or re-mailing services to protect or hide individual identity.
- Unauthorized access to other employees' files.
- Any use which results in private gain for the employee, soliciting others for private commercial ventures, religious or political causes, outside organizations, or any other non-Authority related matters.

### **3.65.050 Network Security**

Passwords: In order to protect the Authority's privacy interests in its official business messages and assure the security of the electronic mail systems, the Authority provides employees with private password protection. Employees shall protect the Authority's security by not sharing their passwords.

## **3.70 OTHER EMPLOYMENT POLICIES**

### **3.70.010 Authority Property**

All Authority property must be maintained according to Authority rules and regulations. It must be kept clean and is to be used only for work-related purposes. Prior authorization must be obtained before Authority property may be removed from the premises.

### **3.70.020 Smoking**

In the best interest of the health and safety of employees and the general public and to comply with California law, the smoking of tobacco products shall be banned completely within Authority buildings or confined spaces, or in the Authority vehicles. The Authority employees who violate this policy will be subject to disciplinary action.

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### **3.70.030 Housekeeping**

All employees are expected to keep their work areas clean and organized. Common areas such as lunchrooms, kitchens, and restrooms should be kept clean by those using them. Trash must be disposed of properly.

### **3.70.040 Vehicles**

When an employee is authorized to use his/her personal vehicle in the performance of Authority work, he/she shall be reimbursed for the cost of said use on the basis of total miles driven in the course of business use and at the rate specified in the Internal Revenue Service Guidelines in effect at the time of said usage. Before using personal vehicles for the Authority business, employees will provide adequate proof of insurance for their vehicle, which shall be updated as necessary. The Authority is not responsible for any loss or damage to employee vehicles or contents.

### **3.70.050 Parking**

The authority assumes no responsibility for damage to your vehicle or theft of articles from your vehicle while on Authority property. You will be held responsible for any Authority property/equipment that is stolen or damaged from or while in your car.