

# Employee Handbook

The Personnel Policies of the Open Space Authority



Board Approved on 10/28/2021

## OUR MISSION

The Open Space Authority conserves the natural environment, supports agriculture and connects people to nature by protecting open spaces, natural areas, and working farms and ranches for future generations.

## OUR VALUES

- **We are entrusted to serve the public** and are responsible for carrying out the mission of the Open Space Authority for the benefit of nature, wildlife and the community.
- Through policy and our personal actions, we are actively engaged in **reducing our impact on the environment**.
- We are committed to providing **excellence** in all that we do.
- We take pride in our work; we are accountable and entrusted to carry out our responsibilities safely with **honesty and integrity**.
- We have a passion for open space of all kinds, rural areas as well as urban.
- We believe that **collaboration** with agencies, organizations and businesses allows us to build a stronger network.
- We are committed to building a **lasting legacy** through our commitment to environmental education and stewardship of the land for future generations.
- We are committed to deliver **fiscal responsibility, accountability and transparency**.
- **Open communication**, cooperation, and teamwork are shared responsibilities and essential to the successful performance of our work.



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## **SECTION 1: INTRODUCTION**

### **INTRODUCTION**

Welcome to the Santa Clara Valley Open Space Authority! We're excited to have you join our team.

There's work and there's life's work, the kind of work that has your fingerprints all over it; the kind of work you'd never compromise on. That's the kind of work we do at the Open Space Authority; providing you an opportunity to contribute to your community, protection of the environment and improving the lives of others.

As part of the Authority team, you are our most important and greatest asset. We know our continued success depends on our employees and the work they do. We are personally committed to providing a collaborative and inclusive work environment that encourages growth and development, and rewards individual and team achievements.

### **PURPOSE OF THE HANDBOOK**

This Employee Handbook ("Handbook") is designed to ensure that you have the information you need to be successful at the Authority. It was written to provide clarity and assist you in understanding the practices and procedures of the agency. In the Handbook you will find a summary of personnel policies as well as information about the agency and how we conduct ourselves. It is to be used as a reference to provide a general overview and is intended for informational purposes only.

The Handbook contains the policies and practices of the agency, which are applicable at the time of publication. The information contained in the Handbook may be revised, modified, deleted, or added to at any time with or without advance notice. It is your responsibility to receive, to review, and to comply with these materials as they are distributed. If there is ever a discrepancy between the information in this Handbook and the actual policies or procedures adopted by the Board of Directors on that subject, the policy or procedure will prevail.

All employees are expected to read and comply with this Handbook and all other applicable policies and procedures. Your awareness and understanding of these guidelines is necessary for your continued growth as well as the growth of our agency.

This Handbook is not intended to conflict with applicable state or federal law. In the event that any provision conflicts with state or federal law, the applicable law will govern and the Handbook provision will be superseded to the extent it is inconsistent with such law.

This Handbook may not contain all of the information that you will need during the course of your employment. As such, you may receive additional information and instructions from time to time. If you have any questions regarding this Handbook or any agency policies or procedures, please direct your concerns to your immediate supervisor, or the Human Resources Department. You are required to sign

the Acknowledgement of Receipt and return the original signed copy to Human Resources and keep one copy for yourself as a reference to remind you of your acknowledgements of these obligations. In addition, all policies and procedures referenced are available to you through Human Resources at any time.

**At-Will Employment Status**

It's important to know that while this handbook is a guideline, it's not a guarantee of employment.

Authority employees are employed on an at-will basis. Employment at-will means that you have the right to terminate the employment relationship at any time for any or no reason, with or without cause, and with or without notice. The Authority also has the right to terminate the employment relationship at any time for any or no reason, with or without cause, and with or without notice. Nothing in this handbook shall limit or alter your at-will employment status. No manager, supervisor or employee of the Authority has any authority to make any promise or enter into an agreement for employment that varies the at-will nature of your employment.





## SECTION 2: HANDBOOK ACKNOWLEDGEMENT

### HANDBOOK ACKNOWLEDGEMENT

This Employee Handbook has been prepared for your information and understanding of the policies, philosophies, practices and benefits of the Santa Clara Valley Open Space Authority (Authority). Please read it carefully. Upon completion of your review of this Handbook, sign the statement below, and return it to Human Resources when you accept the offered position.

I, \_\_\_\_\_, have received and read a copy of the Authority's Employee Handbook which outlines the policies, philosophies, practices and benefits of the Authority, as well as my responsibilities as an employee.

I have familiarized myself with the contents of this Handbook. By my signature below, I acknowledge, understand, accept and agree to comply with the information contained in the Employee Handbook provided to me by Authority. I understand this Handbook is not intended to cover every situation, which may arise during my employment, but is a general guide.

I understand that the Authority Employee Handbook is not a contract of employment and should not be deemed as such. All Authority employees are hired on an at-will basis as explained in this Handbook.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

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## SECTION 3: AUTHORITY OVERVIEW

### **HISTORY**

In the 1970s and '80s, a grassroots coalition of business and community leaders, citizen activists, and legislators were committed to maintaining the precious natural resources, healthy living, and high quality of life in the Santa Clara Valley. Their efforts helped form the Authority. Our communities have benefited from the efforts of those founders who served to protect the environmental treasures of the Santa Clara Valley.

#### **Over 25 Years of Open Space Protection**

The Authority was created in 1993 by the California Legislature to balance rapid urban growth through the acquisition and preservation of open space, greenbelts, water resources, and wildlife habitat. In the more than 25 years since, the Authority has worked to effectively leverage its modest funding for important conservation projects in unincorporated Santa Clara County and within the cities in its jurisdiction which include Campbell, Milpitas, Morgan Hill, San Jose, and Santa Clara.

#### **What Is the Open Space Authority?**

The Authority is an independent special district dedicated to acquiring, preserving and restoring the natural environment and resources of the Santa Clara Valley. It is governed by an elected seven-member board of directors.

#### **What We Do: Resource Protection**

The Authority—working in partnership with the county, cities, and other agencies and organizations—has acquired and preserved over 25,000 acres of open space and natural lands in the Santa Clara Valley including rolling hills, meadows, creeks, ranches, and farmland.

The Authority protects and carefully stewards the plants, animals, water, soil resources and cultural and recreational assets on its lands by:

- Providing and maintaining hiking, walking, mountain biking, and horseback riding trails
- Preserving local family farms and healthy local food sources
- Helping to ensure clean, safe drinking water by protecting lands around rivers, lakes, and streams
- Protecting natural habitats for native species
- Helping to prevent wildfires and floods by managing land and water

### **Lands Open to the Public**

The Authority operates a number of open space preserves. They are open to the public year-round for hiking, mountain biking, and horseback riding.

The Rancho Cañada del Oro Open Space Preserve offers more than twelve miles of multi-use trails for exploring the eastern foothills of the Santa Cruz Mountains.

The Sierra Vista Open Space Preserve offers more than ten miles of multi-use trails in the hills east of San Jose above Alum Rock Park.

The Coyote Valley Open Space Preserve is located on the valley floor and provides four miles of multi-use trails, all accessible within five minutes from Morgan Hill and South San Jose.

### **The Future of Open Space**

The Authority's *Santa Clara Valley Greenprint*, our guiding planning document, is a 30-year vision for conservation and stewardship of land, water and natural resources to help achieve community health, safety, and economic sustainability.

The *Santa Clara Valley Greenprint* was developed with input from scientists, planners, stakeholder groups, and local communities. It identifies the highest priority geographic areas in the region for conservation and provides strategies for land acquisition and natural resource stewardship.



## SECTION 4: WORKPLACE COMMITMENTS

### **WORKPLACE COMMITMENTS**

The Santa Clara Valley Open Space Authority is committed to creating a safe environment where people are treated with respect and appreciated for their unique differences, where issues are promptly raised and resolved and where communication flows across all levels of the agency.

### **EQUAL OPPORTUNITY EMPLOYMENT**

The Authority is committed to the principles of equal employment. We are earnest in our efforts to comply with all state and federal laws providing Equal Employment Opportunities, and all other employment laws and regulations.

It is our intent to maintain a work environment which is free of harassment and discrimination because of sex, race, religion, color, national origin, ancestry, physical or mental disability, genetic information, marital status, pregnancy, age, sexual orientation, gender, gender identity, gender expression, military service, veteran status, or any other status protected by state or federal laws. We are dedicated to the fulfillment of this policy in regard to all aspects of employment, including but not limited to recruiting, hiring, placement, transfer, training, promotion, rates of pay and other compensation, termination and all other terms conditions and privileges of employment.

The Authority will conduct a prompt and thorough investigation of all allegations of discrimination or any violation of the agency's Equal Employment Opportunity Policy in a confidential manner. We will take appropriate corrective action, if and where warranted. We prohibit retaliation against any employee who reports, provides information about, or assists in the investigation of any claim of discrimination or violation of the agency's Equal Employment Opportunity Policy.

We are all responsible for upholding the agency's Equal Employment Opportunity policy and any claimed violations of that policy should be brought to the attention of your supervisor or the Human Resource Administrator.

### **NONDISCRIMINATION & UNLAWFUL HARASSMENT**

The Authority is committed to maintaining a secure work environment free of all forms of discrimination, harassment, violence and abusive conduct. It is our firm belief that a safe and secure work environment is fundamental to all employees, volunteers, customers, contractors, vendors, guests and members of the public.

See BRD-034 – Non-Discrimination and Sexual Harassment for more detailed information about this policy or contact the Authority's Human Resources department.

### **IMMIGRATION REFORM AND CONTROL ACT**

The Authority does not 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 and sign Section 1 of Form I-9 no later than the first day of employment. The employee must also present documentation establishing identity and employment eligibility within three days of employment. When rehiring an employee within three (3) years of the date the Form I-9 was originally completed, the Authority has the option to complete a new Form I-9 or complete Section 3 of the original Form I-9.

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

### **OPEN DOOR POLICY**

The Authority is committed to the free flow of information between employees and management, without fear of retaliation. Our work is challenging and requires a healthy attitude. We seek to resolve problems or frustrations promptly to ensure a healthy workplace.

This policy provides for a work environment where:

- Open, honest communication between supervisors and employees is a day-to-day business practice.
- Employees may seek counsel, provide or solicit feedback, or raise concerns within the agency.
- Supervisors hold the responsibility for creating a work environment where employees' input is welcome, advice is freely given, and issues are identified early and are candidly shared without the fear of retaliation when this input is shared in good faith.

Suggestions for improving the agency are always welcome and every employee is encouraged to discuss problems, complaints, needs or requests with their supervisor. If the employee does not feel comfortable discussing the matter with their supervisor, or the employee feels their supervisor has failed to resolve the matter, or their supervisor is the subject of the complaint or concern, the employee should bring the matter to the attention of the Human Resources department as soon as possible. Where a problem or complaint concerns Human Resources, the employee should discuss the matter with the Assistant General Manager of Administrative and Field Operations or the General Manager. If the General Manager is the subject of a problem or complaint, the employee should discuss the matter with the Chair of the Board of Directors. The complaint or concern can be verbal or in writing. However, a written complaint or concern will assist the Authority in investigating employee concerns. We cannot guarantee that every problem will be resolved to an employee's satisfaction. However, we value employee observations and employees should feel free to raise issues of concern, in good faith, without fear of retaliation. In all instances, the Authority will respond to issues raised and seek to resolve them.

## **WHISTLEBLOWER PROTECTION**

The Authority is committed to following all state and federal laws in place to protect employees who disclose information to a government or law enforcement 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 agency or a former employer.

The Authority encourages, but does not require, employees to go directly to the General Manager or the Human Resources department with questions or concerns as to the legality of any actions taken by the agency. A list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline can be found at <http://oag.ca.gov/contact/whistleblower>. Further questions or concerns can be taken to the Office of the Attorney General, State of California, and Department of Justice at (800) 952-5225.



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## SECTION 5: STANDARDS OF CONDUCT

### **STANDARDS OF CONDUCT**

The Santa Clara Valley Open Space Authority is committed to providing open, transparent, and accountable government. Transparency promotes accountability and provides information for citizens about the actions of their government. The Board and Staff of the Authority work together with the community to ensure the public trust and establish a system of transparency, public participation, and collaboration.

This commitment is the backbone for our standards of conduct.

### **BUSINESS CONDUCT & ETHICS**

Employees of the Authority are expected to adhere to the highest standards of business and personal integrity. To assure orderly and efficient operations and provide the best possible work environment, all employees are expected to follow the rules of conduct set forth in this Handbook and adhere to all state and federal laws. In addition, we expect employees to align their behavior with our core values and to conduct themselves in a responsible, courteous, and honest manner at all times.

The following conduct is prohibited. The Authority has zero tolerance for such conduct and discipline up to and including termination will result. Each disciplinary situation is unique and will be reviewed individually. A level of discipline may include demotion and/or financial consequences including, but not limited to, impact on an employee's rate of pay. Further, the Authority reserves the right to terminate employees at any time without notice and without prior discipline.

- Engaging in criminal conduct, whether or not related to job performance, at any time, including but not limited to theft, possession and/or distribution of an illegal substance, or driving while under the influence;
- Committing or participating in a fraudulent act or a breach of trust under any circumstances, including but not limited to the falsification of employment records, employment information, or Authority records;
- Unauthorized use or misuse of Authority equipment, time, materials, or facilities;
- Provoking a fight or fighting during working hours or on Authority property at any time;
- Carrying firearms or any other dangerous weapons at any time on Authority property, in Authority vehicles or while on duty;
- Improper receipt of any gift or gratuity, which could negatively affect the agency's interests;
- Failing to cooperate fully and truthfully in any investigation;
- Violation of policies set forth by the Authority, included or not included in this Handbook.

This list of prohibited conduct is illustrative only. Other types of conduct that threaten security, personal safety, employee welfare and Authority operations may also be prohibited and may result in discipline up to and including termination.

## **PUBLIC RELATIONS**

The Authority is a public agency committed to serving the public. Employees are expected to be polite, courteous, prompt, and attentive in all interactions. Employees should always regard a question or concern from a member of the public as an essential part of their job and never an interruption or annoyance. If a situation arises where an employee does not feel comfortable or capable of handling a situation with a member of the public, the employee's supervisor should be called immediately.

## **CONFIDENTIALITY**

As a public agency, much of the information within the Authority is public and completed work is available for the public to view and discuss. However, in the course of employment, employees may have access to confidential information regarding the Authority, including, but not limited to, fellow workers. Each employee is responsible for safeguarding confidential information obtained in connection with his or her employment. Employees have a responsibility to prevent revealing or divulging any such information unless it is necessary for employees to do so in the performance of their duties or as required by law. 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 the Authority may take disciplinary action up to and including discharge.

## **GIFTS & HONORARIA**

The Authority has a responsibility to allocate taxpayer funds in an ethical and efficient manner. We are committed to an ethical environment for all employees, and as a public agency, we must remain impartial in our decision-making. Therefore, all employees are prohibited from receiving a gift or gifts totaling more than \$460 in a calendar year from certain sources, including vendors, suppliers, and other persons doing business with the Authority (Gov. Code Section 89503). Employees are required to notify the General Manager of any gifts, gratuities, or payment of expenses or meals offered and/or received.

A "Gift" means anything of value, including but not limited to meals, lodging, loans, cash, favorable terms or discounts on any product or service, services, equipment, prizes, products, transportation, use of vehicles, vacation or other facilities, stocks or other securities, home improvements, tickets, gift certificates, gift cards, discount cards, memberships and employment or consulting relationships.

Employees of the Authority are prohibited from receiving honoraria payments from any source including for speaking and other engagements.

## **SOLICITATION & DISTRIBUTION OF LITERATURE**

In order to ensure efficient operation of the Authority's business and to prevent disruption to employees, it is necessary to control solicitation and distribution of political and other literature on Authority property. The Authority has enacted rules applicable to all employees governing solicitation, distribution of written material, and entry onto the premises and work areas. All employees are expected to comply with these rules. Any employee who is in doubt concerning the application of these rules should consult the General Manager, his/her supervisor or Human Resources.

No employee shall solicit or promote support for any cause or organization during his or her working time or during the working time of the employee(s) at whom such activity is directed.

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

Under no circumstances will non-employees be permitted to solicit or to distribute written material for any purpose on Authority property.

## **DRUG & ALCOHOL FREE WORKPLACE**

The Authority considers drug and alcohol abuse a serious matter and violation of these rules and standards of conduct will not be tolerated. The Authority absolutely prohibits employees from manufacturing, distributing, using, selling, possessing, or being under the influence of alcohol or any controlled substance, including any marijuana product, prescription drug not medically authorized, or over-the-counter drugs that may impair the employee while at their job, or while on Authority property. The Authority may bring violations to the attention of appropriate law enforcement authorities.

The use or possession of alcohol or controlled substances on the job constitutes a potential danger to the welfare and safety of other employees and the public, thus exposing the agency and our mission to tremendous risk. The use of these substances on the job, can detract from an employee's work performance, efficiency, and safety.

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

- Possession or use of alcohol or a controlled substance, or being under the influence of alcohol or a controlled substance;
- Driving a vehicle or operating heavy machinery or other hazardous work tools while under the influence of alcohol, or any drug that impairs or may impair the employee's physical or cognitive abilities; and
- Manufacture, distribution, sale, or purchase of alcohol or any controlled substance.

In order to enforce this policy, the Authority reserves the right to conduct intermittent searches of the Authority workplace. This includes offices, desks, lockers, vehicles, and storage cabinets. The Authority also reserves the right to implement other appropriate measures necessary to deter and detect abuse of this policy.

An employee's conviction on a charge of illegal manufacture, distribution, sale, purchase or possession of any controlled substance while on- or off-duty will not be tolerated because such conduct, reflects adversely on the Authority. Such a conviction can be subject to discipline, up to and including termination.

The Authority will encourage and reasonably accommodate employees with alcohol or drug dependencies to seek treatment and/or rehabilitation to end that dependency. Employees desiring such assistance should request a leave of absence for treatment or rehabilitation.

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. This policy on treatment and rehabilitation is not intended to affect, alter or negate the Authority's discipline of employees who otherwise violate this Handbook.

### **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 up to and including termination.

### **OUTSIDE EMPLOYMENT**

While employed by the Authority, employees are expected to devote their energies to their jobs with the Authority. Employees who engage in outside employment must notify their supervisor and the Human Resources department, explaining the details of the outside employment in order to determine if a real or potential conflict of interest exists. 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. Employment that directly conflicts with the Authority's essential business interests and disrupts business operations is strictly prohibited. The following types of outside employment are also strictly prohibited:

- Employment that 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 a 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.



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## SECTION 6: EMPLOYMENT CLASSIFICATIONS

### **EMPLOYEE CLASSIFICATION AND STATUS**

The following is intended to help employees understand employment classifications and employees' employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. The right to terminate the employment-at-will relationship at any time is retained by both the employee and the Open Space Authority.

### **CLASSIFICATION**

All employees are designated as either non-exempt or exempt under state and federal wage and hour laws.

**Non-exempt employees** are employees whose work does not meet the Fair Labor Standards Act (FLSA) and California exemption tests. Non-exempt employees are NOT exempt from the law's requirements concerning minimum wage and overtime, and therefore are entitled to the applicable overtime pay rate as specified by state and/or federal wage and hour laws.

Non-exempt employees receive overtime pay for work in excess of eight hours in any workday or more than 40 hours in any workweek. To understand overtime rates of pay and calculations, you can visit U.S. Department of Labor at <https://www.dol.gov/whd/flsa/faq.htm> .

**Exempt employees** are generally managers or professional, administrative or technical staff who meet the specific exemption tests established by the Fair Labor Standards Act (FLSA) and California law. Exempt employees ARE exempt from the minimum wage and overtime provisions of the FLSA. Salary for these employees is designed to compensate for all hours required to perform the job in question.

If you have questions or would like to better understand the classification for your role, please contact Human Resources.

### **STATUS**

The Authority has established the following status categories for both non-exempt and exempt employees: Please note that employees fit into multiple status categories. You CAN be temporary and full time, but you CANNOT be temporary and regular.

**Regular:** Employees who are not in a temporary or seasonal status. A timeframe for employment is not specified and their employment is at will (see section 1). Regular employees may be full or part-time. They are eligible for benefits if they work more than 30 hours a week.

**Temporary:** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project. They are hired for a limited duration. However, employment beyond any initially stated period does not in any way imply a change in

employment status. Temporary employees can be full- or part-time. They are not eligible for benefits except where required by applicable law. A temporary assignment should last no longer than 1,000 hours.

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

**Full-time:** Employees who are regularly scheduled to work the agency’s full-time schedule of 40 hours per week. They can be regular, temporary or seasonal employees. Generally, these employees are eligible for the full benefits package, subject to the terms, conditions and limitations of each benefits program.

**Part-time:** Employees who are regularly scheduled to work less than the full-time each week. Regular, part-time employees who work more than twenty (20) hours per week are eligible for some of the benefits offered by the agency subject to Authority policy and the terms, conditions and limitations of each benefits program.

**Onboarding Period:** All new, promoted and rehired employees are considered to be in an onboarding period for the first six (6) months of the new position. Employees in an onboarding period are immediately eligible to participate in the Authority’s benefit programs as applicable and as allowed by the benefit provider. Regular employees that are promoted may take Vacation, Personal Leave or Sick Leave during the promotion onboarding period. However, new or rehired employees may not take Vacation time during the onboarding period. New or rehired employees may however use Personal Leave and accrued Sick Leave for absences that qualify for such leave as described in the Sick Leave Policy in this Handbook.





## SECTION 7: TIME & ATTENDANCE

### **TIME AND ATTENDANCE**

It is the intention of the Santa Clara Valley Open Space Authority to provide convenient and consistent operating hours for the public, and when possible, provide a flexible work environment that imparts a healthy work-life balance. It is the responsibility of the Authority to ensure that normal operating hours are maintained to provide adequate customer service to the public and security of Authority properties. The Authority may set or adjust employees work schedules, when appropriate, to promote efficient operations.

To maintain a productive work environment, the Authority expects employees to be reliable, punctual and regular in attendance. Employees are expected to report to work as scheduled, on time and prepared to perform their work. They are also expected to perform their work for the Authority for their entire work schedule, except for rest or meal periods provided by law or for other reasons provided by law.

### **BUSINESS OPERATING HOURS**

The Authority Administration Office is normally open for business between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Authority Field Operations has variable hours of operation necessary to manage Authority lands. These hours change seasonally based on sunrise and sunset times.

Unless otherwise stated, employees are to report to work during normal business hours described above.

### **FLEXIBLE WORK ARRANGEMENTS**

The Authority supports a flexible work environment when possible. Management may use flexible work arrangements to meet the needs of both the department and the employee. Department managers are encouraged to be as flexible as possible in allowing for alternate work schedules while at the same time ensuring business needs are met.

There are three major types of flexible work arrangements: A) alternate work schedules, B) flexible work hours, and C) flexible work locations.

**Alternate work schedules** are schedules that vary from Authority regular business hours on a recurring basis. They are used to accommodate departmental needs or to respond to employee needs.

Alternate work schedules are utilized when it is necessary to accommodate and serve beyond the standard operating hours and are necessary to provide optimal security and coverage for Authority properties and the efficient, effective operations of the agency. Department managers may assign each

employee's individual work schedule and have the option to approve alternate work schedules to accommodate departmental needs as required.

Alternate work schedules may also be used to respond to work/life needs of an employee. Employees may request an alternate work schedule by submitting their request in writing to Human Resources and their supervisor. The granting of a request is a privilege, not an entitlement. Therefore, the granting of the request is at the sole discretion of an Assistant General Manager and may be changed or revoked without cause.

Certain positions require the performance of work during normal business hours and under these circumstances a request to alter an employee's work schedule must be denied. Requests that do not support the operational needs of the agency and allow for appropriate oversight of the employee's work will be denied.

**Flexible work hours**, referred to as "flexing", are temporary changes in an employee's regular work schedule in order to adjust for an unplanned, short-notice, or sporadic event, such as doctor's appointments, children's events or traffic accidents. The Authority recognizes that events do not happen on a schedule. However, flexible work hours should be an exception, not the rule. Any flexible work hour adjustment is at the discretion of the employee's supervisor and department manager. Excessive flexible work hour adjustments cause difficulties for co-workers and jeopardize effective operations. Excessive adjustments will be addressed on a case-by-case basis.

Employees may request flexible work hours by submitting their request in writing to their supervisor and department manager. Flexible work hours must be approved by the employee's department manager at least 24 hours prior to "flexing" and may be revised or revoked as needed at any time.

**Flexible work locations** are adjustments to the employee's regular worksite on short-notice or on a recurring basis to respond to needs of an employee and/or operational needs of the agency. Some examples include working from home to complete a report or project that requires focus. The alternate location arrangement must continue to support the needs of the agency and allow for appropriate oversight of the employee's work. Flexible work location adjustments must be approved by the employee's supervisor and department manager and may be revised or revoked as needed at any time.

## **ABSENCE**

Employees unable to report for work should provide as much notice as practical. At a minimum, this notice should be provided prior to the time for beginning the regular, scheduled workday, or as soon thereafter as possible. Employees must provide a reason and the probable duration of the absence. If the employee cannot reach their supervisor, they should notify Human Resources. In the event neither their supervisor nor Human Resources can be reached, the employee should leave a message with Human Resources stating the reasons for the absence and probable duration.

## **JOB ABANDONMENT**

A failure to report for work without contacting the Authority and excessive absenteeism (excused or not) may result in discipline up to and including termination. The Authority considers an employee’s failure to report for work without prior notification for a period of three (3) consecutive days to be an abandonment of the employee’s position and the voluntary termination of employment at the Authority.

### **TIMEKEEPING REQUIREMENTS**

All employees shall be required to record their time within the official Authority timecard method. Any errors on a timecard should be reported to the Accounting department, Human Resources, or your supervisor immediately. Altering, falsifying, or tampering with time records, either yours or another employee’s may result in disciplinary action, up to and including termination of employment.

Employees are not allowed to work “off the clock”. Working “off the clock” violates Authority policy. Your supervisor must approve, in advance, any work performed before or after a regularly scheduled shift. If you perform any “off the clock” work, please report the work to your supervisor.

### **REST PERIODS AND MEAL BREAKS**

Rest periods are provided as follows:

<b>Length of Shift</b>	<b># Of Paid Rest Breaks (15 minutes)</b>
Less than 3.5 hours	0
3.5 to 6 hours	1
6 to 10 hours	2
10 to 14 hours	3

For shifts in excess of fourteen (14) hours, you will be entitled to an additional paid fifteen (15) minute rest periods for every four (4) hours you work, or major fraction thereof.

These rest periods may not be combined or added to meal periods. Rest periods will be provided and should be taken in the middle of work periods. The fifteen (15) minute rest periods are calculated from the time the employee leaves his/her workstation until he/she returns. Rest periods cannot be used to shorten your daily work schedule.

Meal breaks are provided as follows:

<b>Length of Shift</b>	<b># Of Unpaid Meal Breaks (30 minutes)</b>
5 to 10 hours	1
10+ hours	2

For shifts of six (6) or more hours in length, your meal period will be provided no later than the end of your fifth (5th) hour of work. For example, if you begin work at 8:00 a.m., you must start your meal period by 1:00 p.m. (which is before the end of your fifth (5th) hour of work). You will be permitted a reasonable opportunity to take this meal period, and you will be relieved of all duty. During your meal period, you are free to come and go as you please and you are free to leave the premises. You are expected to return to work promptly at the end of any meal period.

Employees working five (5) to six (6) hours and wishing to waive their meal period need their revised regular schedules approved by their department manager and their Assistant General Manager. You must discuss any such waiver with your department manager and the Assistant General Manager in advance. The waiving of meal periods must be done in writing and applies to all work days until it is revoked in writing, the meal period cannot be waived on a day-to-day basis.

If you work more than ten (10) hours in a day, your second meal period will be provided no later than the end of your tenth (10th) hour of work. For example, if you began work at 8:00 a.m., you must start your second meal period by 6:00 p.m. (which is before the end of your tenth (10th) hour of work).

If for any reason you are not provided a meal period in accordance with Authority policy and applicable state laws, or if you are in any way discouraged or impeded from taking your meal period or from taking the full amount of time allotted to you, please notify Human Resources.

## **LACTATION**

The Authority accommodates lactating employees by providing a reasonable amount of break time to any employee who needs to express breast milk for an infant child. The Authority also provides a designated lactation room for employees who wish to express breast milk at work. Lactation accommodations will be provided to employees for as long as they desire to express breast milk. Employees who desire lactation accommodations should contact their supervisor or Human Resources to request accommodation.

## **OVERTIME AND COMPENSATORY TIME OFF (CTO)**

### **Overtime**

Non-exempt employees may be required to work overtime. Only actual hours worked in a given workweek can apply in calculating overtime. The Authority will attempt to distribute overtime evenly

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and to accommodate individual schedules. **All overtime must be approved by your supervisor prior to being worked.**

The Authority provides compensation for all overtime hours worked by non-exempt employees in accordance with the Fair Labor Standards Act (FLSA) and all applicable state and federal laws. In determining which hours constitute overtime only actual hours worked in a given workweek will be counted. Vacation, sick leave, compensatory time off for exempt employees, personal leave, holiday, or compensatory time (CTO) used will not be counted toward the 40-hour threshold. All hours actually worked in excess of forty (40) hours in one workweek will be treated as overtime. A workday begins at 12:01 a.m. and ends at midnight twenty-four (24) hours later. Workweeks begin each Monday at 12:01 a.m. and ends Sunday at 11:59 p.m.

Overtime is calculated as follows:

<b>Hours Worked</b>	<b>Rate of Overtime Pay</b>
More than 40 hours	1.5x normal rate of pay

**Compensatory Time-Off (CTO) for Non-Exempt Employees**

Instead of receiving overtime pay, non-exempt employees may elect to bank compensatory time off for those hours. One and one-half (1.5) hours of compensatory time will be banked for each hour of overtime worked. Employees may not exceed a banked balance of more than one hundred and sixty (160) hours of CTO. Once this cap is reached, no further CTO will be banked until some CTO is used, instead the time will be paid as overtime. Employees electing to bank compensatory time must indicate that election on the timecard. Employees must also obtain prior documented approval from their supervisor before using compensatory time.

**PAYMENT OF WAGES**

Paydays shall be every other week (bi-weekly) for work performed during the previous two-week period. Human Resources establishes the exact payday schedule each calendar year. If a regular payday falls on a weekend or holiday, employees will be paid on the preceding workday.

See Human Resources for a calendar of exact pay dates.

If you feel there has been an error in any paycheck, or if any questions concerning the amount of your check arise, you should contact Human Resources immediately.

The Authority does not permit advances against paychecks.

The Authority offers automatic payroll deposit into your checking account. You may begin and stop automatic payroll deposit at any time. To begin automatic payroll deposit, you must notify the Human Resources in writing. You may be asked to complete a form (available from Human Resources) and return it at least twenty-one (21) days before the pay period for which you would like the service to

begin. You should carefully monitor your payroll deposit statements for the first two (2) pay periods after the service begins.

To stop automatic payroll deposit, you must notify the Human Resources in writing. You may also be asked to complete a form (available from Human Resources). Return the form to Human Resources at least ten (10) days before the pay period for which you would like the service to end. You will receive a regular payroll check no later than two pay periods after the receipt of the form.



## SECTION 8: GENERAL EMPLOYMENT

### **PERSONAL STANDARDS**

The Open Space Authority knows that public confidence and trust are important factors to accomplishing our mission. At the Open Space Authority, we take pride in the fact that every interaction with the public reflects our commitment to service and competence in accomplishing our objectives. As an employee, your appearance is a reflection on the Authority and directly affects public opinion. Therefore, a professional appearance is essential. Good grooming and appropriate dress reflect employee pride and inspire confidence.

You are expected to dress neatly and, in a manner, consistent with the nature of the work performed. If you are unsure of what is appropriate you should check with your supervisor.

Specified positions at the Authority (e.g., employees in the Field Operations department) are required to wear uniforms while on duty.

Employees who report to work inappropriately dressed or with less than desirable personal hygiene may be asked to leave work and return after making the necessary changes to comply with the policy. Employees shall not be compensated for the time missed from work to correct unacceptable attire.

### **EMPLOYMENT OF RELATIVES**

The Authority strives to maintain a professional atmosphere of mutual respect and trust. We are committed to the practice of employment and advancement based on qualifications and merit and do not discriminate in favor of, or in opposition to, the employment of relatives.

While the Authority respects the privacy of its employees, we recognize that certain relationships in the workplace have the potential to compromise, or appear to compromise, the fairness and objectivity of employment, decision-making and the discharge of other professional duties. This policy is intended to promote employment and conduct in the workplace that avoids a conflict of interest, appearance of favoritism, abuse of power, or potential for a hostile work environment.

Therefore, the Authority will hire or consider other employment actions concerning relatives of persons currently employed only if: (1) candidates for employment will not be working directly for or supervising a relative, and (2) candidates for employment will not occupy a position in the same line of authority in which employees can initiate or participate in decisions involving a direct benefit to the relative. Such decisions include hiring, retention, transfer, promotion, wages and leave requests.

The Authority defines “relatives” as: (1) relationships by blood—parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece and first cousin; and, (2) relationships by marriage—husband or wife (as defined by state law), step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, niece,

spouse/partner of any of the above and co-habiting couples or significant others, or any other relationship that would present a conflict of interest as determined by the Authority.

In the event a relationship between two employees is created during employment, each employee involved has a responsibility to immediately inform their supervisor and Human Resources. An appropriate solution will be sought as soon as practical. Failure to report the situation may result in disciplinary action up to and including termination.

This policy applies to all current employees and candidates for employment.

## **PERSONNEL RECORDS**

Employee files are maintained by the Human Resources department and are considered confidential, unless otherwise required to be disclosed by law. For instance, salaries and benefits are a matter of public record. The Authority safeguards employee information by maintaining personnel records in accordance with state and federal law.

An employee has a right to inspect or receive a copy of the personnel records that the Authority maintains relating to performance or to any grievance concerning the employee. Certain documents may be excluded or redacted from an employee personnel file by law, and there are legal limitations on the number of requests that can be made.

Any request to inspect or copy personnel records must be made in writing to Human Resources. Upon receipt of your request a time will be scheduled for your review that is mutually agreeable. The records will be made available no later than thirty (30) calendar days from the date the Authority receives your written request to inspect or copy your personnel records (unless you and/or your representative and the Authority mutually agree in writing to a date beyond thirty (30) calendar days but no later than thirty five (35) calendar days from receipt of the written request).

You may designate a representative to conduct the inspection of the records or receive a copy of the records. However, you must authorize any designated representative in writing, to inspect or receive a copy of the records. The Authority may take reasonable steps to verify the identity of any representative you have designated in writing to inspect or receive a copy of your personnel records.

If you request a copy of the contents of your file, you may be charged the actual cost of copying.

Disclosure of personnel information to outside sources, other than your designated representative will be limited. However, the Authority will cooperate with requests from authorized law enforcement or state, or federal agencies conducting official investigations and as otherwise legally required, including without limitation the California Public Records Act or court order.

The California Confidentiality of Medical Information Act requires employers to ensure strict confidentiality for any employee medical information. The Authority maintains separate medical files (independent of an employee's personnel file).



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, registered domestic partnership status, or dependents may require you to change the number of exemptions claimed for income tax withholding purposes. It is your responsibility to notify Human Resources of changes to dependent or marital status for enrollment coverage of dependents under your insurance benefits.

### **AUTHORITY PROPERTY**

Authority operations are funded by taxpayer money. As a result, all agency property is owned by the public. It is essential to ensure all property maintained by the Authority is kept in the best possible working condition and that it is used strictly for the purpose for which it was intended.

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.

No employee may use Authority property (including computers, telephones, cellphones, copiers, faxes, Internet services and printers) for personal use.

Any employee who is found to have neglected or misused Authority property may be subject to disciplinary action up to and including termination. If an employee's misuse of Authority property damages the property, the Authority reserves the right to require the employee to pay all or part of the cost to repair or replace the property. Misappropriation of Authority property is grounds for immediate termination and possible criminal action.

The Authority reserves the right to inspect all Authority property including computer or phone data or messages to ensure compliance with its rules and regulations, without notice to the employee at any time, not necessarily in the employee's presence.

### **WORKPLACE SAFETY**

Safety is a priority at the Open Space Authority. The Authority strives to provide a safe and healthy environment for its staff and visitors. All persons are empowered to provide for safety and environmental health. The Authority subscribes to recognized standards of safety and health as defined in published materials from agencies such as California Occupational Safety and Health Act (Cal-OSHA).

The Authority expects supervisors and managers to support safety and health programs through employee motivation and empowerment. Employees are encouraged to improve their safety skills and awareness by participating in training, reporting unsafe conditions, and leading by example. During their orientation, new employees are provided an overview of the Authority's Safety Program. Employees are oriented to the Authority's Injury and Illness Prevention Plan (IIPP) which includes an overview of the Safety Committee, hazard reporting and injury reporting. The Safety Program introduction also includes information on and employee rights regarding worker's compensation as well as a map and direction

regarding the Authority's building emergency plan. All information, forms and policies can be accessed by contacting the Human Resources department.

Authority requires that every person in the agency assumes the responsibility of individual and agency safety. It is the responsibility of each employee to conduct all tasks in a safe and efficient manner complying with all Authority program standards, as well as state and federal safety and health regulations.

Although most safety regulations are consistent throughout each department and program, each employee has the responsibility to identify and familiarize her/himself with the emergency plan for his/her working area.

Health and safety is dependent on the cooperation and actions of everyone at the Open Space Authority.

Failure to follow agency safety and health guidelines or engaging in conduct that places the employee, client or agency property at risk could lead to employee disciplinary action and/or termination.

## **SMOKING**

As required by California law and to provide a healthy work environment for our employees and visitors, the following smoking policy has been adopted and shall apply to all employees of the Authority.

Smoking is prohibited on all Authority lands, in all enclosed workplaces, both private and public, including vehicles, parking garages and covered parking lots, and common areas such as lobbies, restrooms, stairwells, and elevators. Smoking is prohibited within twenty (20) feet of entrances, exits, operable windows, or ventilation system intakes of Authority Property.

## **HOUSEKEEPING**

Good housekeeping is the foundation for a safer workplace and the cornerstone of efficiency. Good housekeeping at the Authority means:

- Work areas are kept clean and organized;
- All items are stored in their proper place;
- Food items are stored in sealed containers;
- Work surfaces and floors are kept free of dust, dirt and liquids;
- Entrances & exits are kept clear;
- Common areas such as lunchrooms, kitchens, and restrooms should be kept clean by those using them; and
- Trash is disposed of properly.

All Authority employees are responsible for keeping the workplace safe and efficient. This is your home away from home. Please help keep it clean.

## **VEHICLES AND DRIVING**

The Open Space Authority recognizes that some Authority employees are required to drive a vehicle in the performance of their duties. The safety of our employees and the community is a priority of the Open Space Authority. As a driver, you have a responsibility to yourself, your passengers, the Authority, and to the general public with whom you share roads.

The primary responsibility of the driver is to operate a motor vehicle safely. The task of driving requires full attention and focus. Drivers should resist engaging in any activity that takes their eyes and attention off the road for more than a couple of seconds. In some circumstances even a second or two can make all the difference in a driver being able to avoid a crash. The following safety guidelines are designed to support safe and prudent use of vehicles.

- Drivers must observe and obey all traffic regulations.
- Drivers are personally responsible for any traffic citations that may be issued as a result of improper vehicle operation.
- Drivers and passengers shall wear seatbelts at all times.
- Drivers shall be alcohol and drug free. This includes non-prescription drugs, and prescription drugs that may impair a driver's judgment or driving ability.
- Using a cell phone while driving inhibits driving abilities and increases risk. When driving on Authority business, using an electronic device for writing, reading or sending text messages, emailing or speaking on a non-hands-free device is strictly prohibited.

Some employees may be authorized to drive Authority vehicles. Further, an employee may be authorized to use his or her own personal vehicle in the performance of Authority work.

When an employee is authorized to use his or her personal vehicle in the performance of Authority work, he or she shall be reimbursed for the cost of use on the basis of total miles driven in the course of business and at the rate specified in the Internal Revenue Service Guidelines in effect at the time of use. Before using your personal vehicle for Authority business, employees must provide proof of a valid driver's license and 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.

## **PARKING**

Employees may park their vehicles in designated areas, if space permits. 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.



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## SECTION 9: PUBLIC INFORMATION & INTERNET USAGE

### **PUBLIC ACCESS TO AUTHORITY RECORDS**

The Open Space Authority is committed to providing open, transparent, and accountable government. Open and transparent government requires that the business of the Authority be open to public review.

The Open Space Authority makes records that are not exempt from disclosure available and accessible to the public in an expedient and reasonable manner under the terms of the California Public Records Act (PRA - California Government Code Section 6250 and following).

All Authority records, whether paper or computerized, may be subject to public disclosure under the PRA. The public may request access to Authority records per BRD-042 – Authority Public Records Act Requests Policy. Distribution of Authority records to the public is prohibited unless required by law and authorized by the General Manager or his/her designee.

#### **What is considered a public record?**

The California Public Records Act defines public records as, “...any writing containing information relating to the conduct of the public’s business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.” For example, public records may include, but are not limited to, letters, maps, charts, photographs, audiotapes, videotapes, and information stored on a computer.

#### **Public Communications**

Communication between the public and the Authority is generally considered a public record. Email messages and social media messages received from the public addressed to the Authority, including to the Board of Directors, are considered official written communications and will be treated as such. Internet email messages, or other electronic communications, addressed to individual staff members may also be subject to the PRA.

### **ELECTRONIC INFORMATION & COMMUNICATIONS**

All electronic communications, records, systems and media transmitted or prepared on behalf of the Open Space Authority, including computer files, hardware, software, email and Internet access are the property of the Authority, regardless of their physical location or the form in which they are maintained.

For purposes of this policy, the following definitions apply:

- **Computer** is defined as a desktop computer, laptop, handheld device (including but not limited to smart phones, other electronic tablets and cell phones), computer software/hardware and servers. Furthermore, all data, pictures, files, folders, graphics or other material stored on the server or individual computer is the property of the Authority.

- **Electronic communications** are correspondence via email, text messages, telephones, cell phones and other handheld devices (such as smart phones or tablets), fax machines and online services including the Internet.
- **Electronic information** is any information created by an employee on behalf of the Open Space Authority using computers or any means of electronic communication, including but not limited to, data, messages, multimedia data, and files.

The following policies apply:

1. Computers and all data transmitted through and stored on Authority servers are considered Authority property and exist for the purpose of conducting Authority business. These items must be maintained according to Authority rules and regulations.
2. Computers must be kept clean and employees must exercise care to prevent loss and damage. Prior authorization must be obtained before any Authority property may be removed from the premises;
3. All electronic communications also remain the sole property of the Authority and are to be used for Authority business. For example, email messages are considered Authority (and often times public) records;
4. Electronic information created by an employee using any computer or any means of electronic communication owned by the Authority is also the property of the Authority and remains the property of the Authority;
5. Information stored in Authority computers and file servers is the property of the Authority (and may be public record) and may not be distributed outside the Authority unless required by law and only by the General Manager or his or her designee;
6. Deletion of such property is prohibited;
7. Violation of any of the provisions of this policy, whether intentional or not, will subject the employee to disciplinary action, up to and including termination.

### **EXPECTATION OF PRIVACY**

Employees should be aware that computers and all electronic communications and information are subject to monitoring. No one should expect privacy regarding such use and therefore plan to conduct personal communication by other means. To ensure proper usage and compliance, the Authority reserves the right to inspect all Authority property, including electronic information and communication, without notice to the employee and at any time, not necessarily in the employee's presence. Assume that email may be accessed, forwarded, read or heard by someone other than an intended recipient, even if it is marked as "private."

### **SOCIAL MEDIA**

Social media is an important tool in helping the Authority connect people to nature and raising public awareness to the importance of protecting open spaces for future generations. Employees may be

required to use Authority social media tools in the course of performing their job. However, social media usage is limited to the purpose of educating and informing the public with regards to Authority business.

Social media should be broadly understood for purposes of this policy to include blogs, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites (such as Facebook, Twitter, LinkedIn, Snapchat, or other similar social networking sites), and other sites or services that permit users to share information with others in a contemporaneous manner.

Only authorized individuals are allowed to speak and/or write on behalf of the Authority using the social media tools of the Authority (for example, the Authority Facebook page, or other forms of social media utilized by the Authority). The General Manager, or their designee will authorize, in writing, the employees that can use the Authority social media tools to perform job duties. The General Manager must approve the dissemination of general information about the Authority, its mission, goals and its official purposes. Authorized employees using Authority social media and communications tools shall identify themselves honestly, accurately and completely and comply with all Authority policies using this media.

An employee's authorization is limited to business purposes and personal use of Authority social media tools or programs is prohibited and can result in discipline, up to and including termination. All policies relating to monitoring usage of Authority property apply.

Employees may use their own personal devices and accounts to engage in personal social media during non-working times, such as breaks and meal periods; however, all other Authority policies against inappropriate usage, including the Authority's no-tolerance-for-discrimination, harassment or retaliation in the work place, and protection of confidential information, applies.

### **PROHIBITED USES OF ELECTRONIC TOOLS**

The following are prohibited Internet/Electronic Communication/Social Uses of Authority computers and electronic devices and tools. This description of prohibited uses is not exhaustive, and it is within the discretion of the Authority to determine if there has been a violation of this policy:

- Use or transmission of material or usage in a manner, which constitutes harassment or disparagement of others or is threatening, defamatory, obscene or sexually explicit;
- Download and/or installation of software onto Authority equipment without the authorization of the Authority's Network Administrator;
- Use in a manner that constitutes copyright or trademark infringement;
- Use in a manner that violates software-licensing rules;
- Use in any manner that is illegal or contrary to the goals of the Authority;
- Transmission of messages that disclose personal information without authorization;
- Disclosure or discussion of confidential 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 agencies, or any other non-Authority related matters;
- The display of any kind of sexually explicit multimedia content, message, or document on any Authority computer;
- Unauthorized use of social media on behalf of the Authority

Employees that engage in prohibited use may be subject to discipline up to and including immediate termination.

### **NETWORK SECURITY**

Employees shall protect the Authority's security by not sharing their passwords with anyone other than the designated IT/Network Administrator. In order to assure the security of the Authority's electronic information and communication systems, the Authority provides employees with private password protection. The Authority may periodically need to assign and/or change passwords and personal codes for email, voicemail, cell phones, computers or other forms of electronic media used by the employee in the course of Authority business. The Authority reserves the right to keep a record of all passwords and codes and/or may be able to override any such password system. Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by Authority management.





## SECTION 10 WORK PERFORMANCE

### **PERFORMANCE EXPECTATIONS**

All employees of the Open Space Authority strive for a common goal of excellence. Therefore, it is expected that all employees will perform the tasks within their job classification and Comprehensive Position Requirements (CPR) to the best of their abilities and to the standards set forth by the agency. Job responsibilities may be updated periodically so that tasks are relevant to a changing work environment and the needs of the Authority.

Employees may be asked to work on special projects or to assist with other work that is necessary or important to the operation of the Authority that is not within an employee's job classification and CPR. All employees are expected to cooperate and assist performing such work. When assigning projects, the Authority strives to match employee expertise and interest with operational needs. However, this may not always be possible. Employees are encouraged to communicate interest and career goals with their supervisor on a regular basis.

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

### **PERFORMANCE EVALUATIONS**

The purpose of performance evaluations is to aid your skills development. This is an ongoing process that requires consistent, two-way communication between you and your supervisor. It is your supervisor's responsibility to let you know the areas in which you are performing well and areas where improvement is needed to meet established performance standards.

Periodically, employees will receive formal performance evaluations, followed by a meeting with their manager or supervisor to discuss the content on the evaluation and next steps. Performance evaluations are conducted after the conclusion of the 6-month onboarding period and thereafter on an annual basis. While the frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems, employee will receive at least one written performance evaluation per year.

Performance evaluations include factors such as the quality and quantity of the work performed, knowledge of the job, initiative, work attitude, demonstration of Authority values and attitude toward others. Positive performance evaluations do not guarantee increases in salary or promotions. Employee who have received positive performance evaluations are eligible to participate in Authority staff programs such as job shadowing. A positive performance evaluation is required to participate in an internal recruitment process.

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

### **CONFLICTS OF INTEREST**

Situations of actual or potential conflict of interest with an assigned job are to be avoided by all employees. Personal or romantic involvement with a subordinate employee of the Authority or with a person employed by agencies the Authority works with can impair an employee's ability to exercise good judgment on behalf of the Authority and can create an actual conflict of interest. Supervisor or manager-subordinate romantic or personal relationships can also lead to supervisory problems, possible claims of sexual harassment, and morale problems. Employees must disclose to Human Resources and the General Manager all facts indicating the existence of potential or actual conflicts. Failure to disclose such facts may result in disciplinary action up to and including termination of employment. At its sole discretion, the Authority may take whatever action it deems appropriate to resolve a conflict of interest.

Conflicts of interest also include financial and business conflicts of interest. Employees should refer to BRD-030 – Conflict of Interest Code for more detailed information about what constitutes a conflict of interest and annual reporting requirements for some Authority employees.

### **REASONABLE ACCOMODATIONS**

#### **Americans with Disabilities Act (ADA)**

The Authority will make every effort to ensure equal employment opportunities to qualified individuals with a known physical or mental limitation disability by making reasonable accommodations. Under Title I of the Americans with Disabilities Act (ADA), "reasonable accommodation" includes adjustments and modifications that enable employees with disabilities to perform the essential functions of their job. 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 Human Resources. The Authority will engage in an interactive process with the employee to identify possible accommodations, if any that will help the applicant or employee perform the job.

#### **Religious**

The Authority values diversity in the workplace and will make accommodations for religious observances if the accommodation is reasonable and will not impose an undue hardship as defined by law. Any employee who requires an accommodation of a religious belief or observance should contact their supervisor and discuss the need for accommodation. Religious belief or observance includes, but is not limited to, days of religious observance, reasonable time necessary for travel prior and subsequent to a religious observance, and religious dress practice and religious grooming practice as defined by law.



## SECTION 11 DISCIPLINE & GRIEVANCE

### **DISCIPLINE**

Authority employees are expected to be aware of and abide by existing rules and policies and to perform their duties to the standards as set forth in his/her job classification, Comprehensive Position Requirement or as otherwise established. This includes observing the requirements of courteous consideration and promptness in dealing with the public and other employees of the Authority.

The Authority supports the use of progressive discipline as a way to ensure that an employee has every opportunity to meet expectations. The Authority's progressive discipline policy is designed consistent with our agency values. It is a transparent process that provides clarity and empowers employees to take action and be accountable for their own outcome.

Outlined below are the steps of our progressive discipline policy and procedure.

1. Verbal warning
2. Written warning
3. Suspension
4. Demotion
5. Termination

The process is not formal and the Authority reserves the right to combine or skip steps in this process depending on the facts of each situation and the nature of the issue. The level of disciplinary intervention may also vary. Some of the factors that will be considered are frequency and/or severity of the issue, the employee's performance history and the impact to our agency.

Before implementing a suspension, demotion, or termination, the Authority shall provide employees the following information:

- Written notice of the decision
- The effective date of the decision
- The reasons for the decision
- A list of the materials, if any, on which the Authority relied in making the decision

The Authority's policy of progressive discipline in no way limits or alters the at-will employment relationship.

### **GRIEVANCE PROCESS**

#### **Definition of Grievance**

It is important that employees are treated fairly and receive a prompt response to problems and concerns. A grievance, for the purposes of this process, is the complaint of an employee alleging unfair

treatment, improper working conditions or deprivation of benefits, which are subject to, and within, the prerogatives or control of Authority management to resolve.

Specifically excluded from the grievance process are decisions involving termination, the amendment of state or federal law, resolutions, ordinances or orders adopted by the Authority's Board of Directors, including decisions regarding wages, hours, and terms and conditions of employment. Complaints regarding unlawful or sexual harassment or discrimination are handled in accordance with policy BRD-034 – Non-discrimination and Sexual Harassment Policy.

### **Complaint and Written Resolution**

Prior to making an informal or written grievance, employees are encouraged to review the Open Door Policy in this Handbook. However, the Authority encourages you to utilize the policy procedure that is most appropriate for your grievance or complaint.

Any employee who believes he or she has a grievance should file a formal or informal confidential complaint, without fear of reprisal or embarrassment as soon as possible. Complaints can be filed with Human Resources, their supervisor, department manager, an Assistant General Manager or the General Manager.

Within three (3) days of being notified of the grievance, the General Manager, or neutral party within the agency designated to investigate the grievance, shall schedule a meeting with the aggrieved employee. The employee may present evidence of the grievance with the notice of the grievance or during the scheduled meeting.

In order to assist the designated investigator with their investigation of the grievance, employees are encouraged to provide 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, including specific dates and times (when possible)
3. The specific remedy sought

The designated investigator will interview others if necessary to resolve the matter. 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 designated investigator will make every effort to resolve grievances within ten (10) working days after the filing of a grievance, although circumstances may warrant a longer period of time for complete resolution of a grievance. The designated investigator shall communicate his/her decision in writing.



## SECTION 12 SEPARATION OF EMPLOYMENT

### **SEPARATION OF EMPLOYMENT**

Separation of employment from the Authority can occur for several different reasons including resignation, retirement and termination.

#### **Resignation**

Although we hope that employment with us will be a mutually rewarding experience, we understand that varying circumstances cause employees to voluntarily resign employment. Resigning employees are encouraged to provide two weeks' notice, preferably in writing, to facilitate a smooth transition out of the agency.

#### **Retirement**

Employees who wish to retire are requested to notify their supervisor and the Human Resource department in writing at least one (1) month before the planned retirement date. Employees are responsible for filing their notification of retirement with the California Public Employees Retirement System (CalPERS). Employees should contact CalPERS to gain specific information about retirement prior to their projected retirement date.

#### **Job Abandonment**

Employees who fail to report to work or contact their supervisor for three (3) consecutive workdays shall be considered to have abandoned the job without notice, effective at the end of their normal shift on the third day. The supervisor will notify the Human Resource department, who shall initiate the paperwork to terminate the employee at the expiration of the third workday. Employees who are separated due to job abandonment are ineligible to receive accrued benefits and are ineligible for rehire.

#### **Release**

Release is the end of temporary or seasonal employment.

#### **Termination**

Authority employees are employed on an at-will basis, and the Authority retains the right to terminate an employee at any time.

#### **Reduction in Force**

The Authority may decide to restructure or reduce its workforce for a number of reasons, including, but not limited to, agency changes, lack of funds or lack of work. In the event this occurs, the Authority will attempt to provide advance notice where possible.

## **SEPARATION PROCESS**

### **Exit Interview**

Except in cases of termination for cause or job abandonment, the employee separating from employment will be scheduled for an exit interview. The interview will be on the employee's last day of work or another day, as mutually agreed on.

### **Return of Agency Property**

Employees separating from employment with the Authority for any reason must return all agency property at the time of separation, including vehicles, uniforms, identification badges, credit cards, cell phones, keys, computers, tablets and any and all tools or electronic equipment. This also includes PIN numbers, passwords and other access codes.

### **Final Paycheck**

An employee's final paycheck will be provided to the employee on their last day of employment. Accrued vacation, compensatory time off for exempt employees, and personal leave, and any banked CTO will be paid in the final paycheck. Employees should submit final expense reports at least three days before their last day employment to ensure timely reimbursement. Any expense reports will not be accepted or reimbursed after the employee's last day of employment.

### **Continuation of Health Benefits**

Health insurance terminates the last day of the month of employment. Employees may elect to continue health benefits through Consolidated Omnibus Budget Reconciliation, or COBRA. COBRA notification will be sent to employees within two weeks of their last day of employment. COBRA requires that employees elect benefits within the specified timeframe. The employee is responsible for paying 100% of their insurance premium through COBRA.

### **Rehire**

Former employees who leave Authority in good standing and were classified as eligible for rehire may be considered for reemployment. The hiring process is the same as for new employees. An application must be submitted to the Human Resource department, and the applicant must meet all minimum qualifications and requirements of the position.

Supervisors or managers must obtain approval from the General Manager prior to rehiring a former employee. Rehired employees begin benefits just as any other new employee. Previous tenure will not be considered in calculating longevity, leave accruals, or any other benefits, unless where required by law.

An applicant or employee who is terminated for violating policy or who resigned in lieu of termination from employment for cause, or who abandoned their job, will be not be eligible for rehire.

## **REFERENCES AND EMPLOYMENT VERIFICATION**

Prospective employers, financial institutions and residential property managers routinely contact the Authority for information on a former or current employee's work history and salary. The Authority is committed to safeguarding employee information and will release limited employment verification information. Disclosure of information is the responsibility of Human Resources and is limited to the dates of employment and the title of the position last held by the former employee. Because of potential exposure to liability, employees are not authorized to provide professional references in their capacity as employees or representatives of the Authority.

If an employee authorizes disclosure in writing, the Authority will also inform prospective employers of the amount of salary or wage the employee last earned. No other manager, supervisor, or employee is authorized to release references for current or former employees.

This section does not limit a current employee providing a personal reference as long as they are not in any way representing the Authority.



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## SECTION 13.A LEAVE OF ABSENCE: PAID TIME OFF

### LEAVE OF ABSENCE: PAID TIME OFF

The Open Space Authority offers the following paid time as detailed below.

Accrued Leave	Awarded Leave	Other Leave
Sick Leave	Compensatory Time Off For Exempt Employees	Bereavement Leave
Vacation	Holidays	Family Emergencies
	Personal Leave/Personal Time Off	Jury/Witness Duty
		Military Leave
		Time Off to Vote

A leave of any kind (paid or unpaid) that will last more than three (3) weeks will require the approval of the employee's supervisor and department manager, or department manager and Assistant General Manager (if the supervisor is the department manager). Requests for leave of three (3) weeks or more must be submitted at least four (4) weeks in advance.

### BEREAVEMENT LEAVE

A paid leave of absence of three (3) days will be granted in the event of death in the immediate family (spouse, registered domestic partner, parent, legal guardian, step-parent, child(ren), sibling(s), stepchildren, grandparent, grandchild, or mother-, father-, sister-, brother-,son- or daughter-in-law). This leave may be extended with sick leave, accrued vacation, Personal Leave, Compensatory Time Off For Exempt Employees, or leave without pay. This time off shall be pro-rated for part-time employees who work at least twenty (20) hours per week. The employee's supervisor must approve additional paid and unpaid time off, unpaid time off requires approval of their Assistant General Manager. If the absence occurs at a time when work is not scheduled payment will not be made.

### COMPENSATORY TIME OFF FOR EXEMPT EMPLOYEES

Compensatory Time Off For Exempt Employees (CTOEE) is paid time off awarded to exempt employees who typically work significant amounts of time beyond a normal work day on a regular basis. CTOEE is awarded in quarterly increments coinciding with the first pay period of each quarter. General Manager, Assistant General Manager, and department manager employees receive sixty-four (64) hours annually. All other exempt employees receive forty (40) hours annually. Employees who become eligible for CTOEE after the beginning of a quarter will receive a pro-rated amount of CTOEE hours for that quarter.

For CTOEE, quarters are defined as January 1 – March 31, April 1 – June 30, July 1 – September 30, October 1 – December 31. The maximum balance of CTOEE for any employee is sixty-four (64) hours.

## **FAMILY EMERGENCIES**

When a family member (spouse, registered domestic partner, parent, legal guardian, stepparent, child(ren), sibling(s), stepchildren, grandparent, grandchild, or mother-, father-, sister- brother-, son- or daughter-in-law) 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 (1) day per incident. This time off shall be pro-rated for part-time employees who work at least twenty (20) hours per week.

## **HOLIDAYS**

The Authority observes the following holidays for which regular, full-time employees and regular, part-time employees working at least twenty (20) hours receive a paid holiday:

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Memorial Day
- July 4th, Independence Day
- Juneteenth, Emancipation 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. For employees regularly scheduled to work Saturday and Sunday, holidays will be observed on the actual day they occur. The General Manager may change the observance day of any holiday at his or her own discretion. Changes in holiday observance will be announced in advance. To be eligible to be paid for holiday leave, you must be in paid status the day before and the day after the observed holiday.

For the purposes of payroll, a holiday is based on an eight (8) hour day.

Regular, part-time employees who work at least twenty (20) hours per week are eligible to be paid for the holiday based on the pro-rated percentage of their workday. Percentages are calculated as follows:

- $\text{Average weekly hours worked} / 40 \text{ hours} = \text{Pro-Rated Percentage}$
- $\text{Pro-Rated Percentage} \times 8 \text{ hour work day} = \text{Holiday Hours Credited}$

For example: If a part-time employee works an average of 30 hours a week, they will receive 6 hours of Holiday Pay for an Authority observed holiday.

- $30/40 = 75\%$
- $75\% \times 8 = 6$  hours

If an employee who works twenty (20) hours a week or more is not scheduled to work on an Authority observed holiday or the actual holiday if they regularly work weekends, they will be credited with their pro-rated holiday hours. However, the credited time must be used within the work week of the holiday. Time worked combined with the credited holiday time 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 prior to an Authority observed holiday to arrange for a schedule change, if necessary.

Part-time employees working less than twenty (20) hours per week and temporary or seasonal employees shall receive holidays off without pay. Part-time employees working less than twenty (20) hours per week and temporary and seasonal employees who work on a holiday are not eligible to receive the Holiday Pay Rate.

#### Holiday Worked Pay Rate

If you are required to work on a paid scheduled holiday you will be paid Holiday Pay Rate which is your rate of pay calculated at double time and a half.

To be eligible for Holiday Pay Rate, you must be regularly scheduled to work on the day on which the holiday is observed or the actual holiday if you regularly work weekends and must work your regularly scheduled working days immediately preceding and immediately following the holiday, unless absence on either day is approved in advance by your supervisor or the absence is otherwise protected by law.

### **JURY DUTY**

To provide income protection while an employee carries out his or her civic responsibility, the Authority will provide full pay for an employee while serving on jury duty for a maximum of 15 workdays. Full pay may be extended at the General Manager's discretion.

You must notify your supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received. You will be requested to provide written verification from the court clerk of performance of jury service.

Occasionally, the summons to jury duty may occur at a time that would cause undue hardship to Authority operations. In these instances, the Authority may write a letter to the court requesting the postponement of the employee's jury duty.

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.

### **MILITARY LEAVE**

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Under the California Military and Veterans Act, the following benefits apply to employees who have completed at least one year of Authority service, or combined military/Authority service, immediately prior to the commencement of the leave:

The Authority will provide up to 30 calendar days of paid military leave for qualifying events. This is 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.

#### 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; or
  - Is inducted, enlists, enters or is otherwise ordered or called into active duty as a member of the armed forces of the United States.

Employees on inactive duty training (i.e. drills) are not entitled to their salary, but may choose to use accrued vacation, personal leave, compensatory time off for exempt employees, and/or CTO, or take leave without pay.

Employees may not receive more than 30 calendar days of paid leave for any one military leave of absence (including multiple orders extending the leave), or during any one fiscal year (Authority fiscal year: July 1st – June 30th).

Employees on Military Leave may use their accrued vacation time while on leave after the first thirty (30) days of their active military service.

#### Benefits While on Leave

For a leave of thirty (30) days or less, benefits continue as if you are not absent. For a leave of 31 days or more, coverage stops unless you elect COBRA (for a period of up to 24 months) and make monthly payments for the applicable premium, which may include administrative fees (not to exceed 102% of the full premium as established by law).

Health insurance will be reinstated the day you are reinstated to employment with no waiting period.

#### To Request Military Leave

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 are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law. You may be entitled to other rights under federal and state law. Please contact Human Resources for more information.

#### Return to Work

Employees serving less than thirty-one (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 and safe transportation home, plus an eight (8) hour period for rest.

Employees serving more than thirty (30) days but less than one hundred eighty (180) days must apply for reinstatement with the Authority within fourteen (14) days after completing service. If submitting the application within fourteen (14) days is impossible or unreasonable through no fault of the employee, he or she must submit the application as soon as possible thereafter.

Employees serving one hundred eighty-one (181) days or more must apply for reemployment within ninety (90) days after service is completed.

These deadlines to report to work or to apply for reemployment can be extended up to two years to accommodate a period during which a person was hospitalized for, or convalescing from, an injury or illness that occurred or was aggravated during a period of military service.

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

Time spent on military leave counts as service credit for any calculation, determination or other decision that is dependent upon length of employment. This includes cost of living salary adjustment, vacation accrual rate and seniority ranking which would have occurred during the employee’s military absence.

#### **PERSONAL LEAVE/PERSONAL TIME OFF**

Regular employees of the Authority are granted three (3) personal leave days (24 hours) per calendar year, pro-rated for part-time employees who work at least twenty (20) hours per week. Employees working less than twenty (20) hours a week are not eligible to receive personal leave. These days may be used by the employee in recognition of holidays not formally recognized by the Authority or for other personal reasons. Supervisor approval is required before taking personal time. The supervisor shall promptly respond to a request for time off and provide an explanation if the request was denied.

#### Distribution and Usage

Personal Leave is calculated based on a calendar year and is awarded to all employees on January 1 of each year. All Personal Leave must be used by December 31 of the year it was received. All unused Personal Leave shall be lost if not used December 31.

#### Usage

Regular employees hired during the course of a calendar year will receive a pro-rata number of Personal Leave hours for the remainder of that calendar year. Supervisor approval is required prior to the use of Personal Leave. Should an employee terminate his/her employment with the Open Space Authority, any Personal Leave the employee has remaining in his/her leave bank shall be paid to the employee at his/her current hourly rate of pay. Personal Leave may be used during an employee's Onboarding Period, the first six (6) months of their employment.

### **SICK LEAVE**

#### **Sick Leave**

The Open Space Authority provides sick leave to all paid employees in order to guard against lost income due to illness or incapacitation. 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 Open Space Authority will not tolerate abuse or misuse of sick leave.

#### **Eligibility**

Paid sick leave is offered to all paid employees (regular, full time, part time, exempt, non-exempt, temporary and seasonal employees) who work at the Open Space Authority for thirty (30) or more days within a twelve-month period beginning July 1, 2015 or the date they are hired, whichever is later.

#### **Utilization**

An employee is eligible to use accrued sick leave beginning on the ninetieth (90th) day of employment.

Sick leave must be taken in a minimum of two (2) hour increments. Employees are entitled to use up to, but not more than, the number of hours scheduled on the missed work day.

Temporary and Seasonal Employees shall be limited to the use of no more than 3 days or 24 hours, whichever is greater, in a year. A year is calculated from the employee's first day of employment.

#### **Accrual Rate**

Regular, temporary and seasonal employees shall accrue sick leave at the rate of 1.15 hour for every thirty (30) hours worked, or 0.03846 hours for every hour worked.

Accumulation of sick leave is unlimited for regular employees.

#### **How to Utilize Accrued Paid Sick Leave**

Leave under this section may be used as outlined in the Healthy Work Places, Healthy Families Act of 2014. In order to receive compensation while on sick leave, the employee shall notify his or her supervisor with as much advanced notice as practical. At a minimum, prior to the time for beginning the regular work day, or as soon thereafter as possible.

This time should be noted on the employee's time card as sick leave and approved by his or her supervisor.

If an employee is absent longer than three (3) days due to illness, appropriate documentation must be provided to human resources in support of the leave taken. We will not ask for, and the employee should not provide, protected medical information. Medical certification of fitness to return to work may be required prior to an employee's return to work.

### **When to Use Paid Sick Leave**

Paid sick leave may be used when there is a "qualifying event." A qualifying event includes the diagnosis, care or treatment of an existing health condition for, or the preventive care of, an employee or an employee's covered family member. Time off for medical and dental appointments will be treated as sick leave. All conditions and restrictions placed on an employee's use of sick leave apply also to sick leave used for the care of a covered family member, such as for the care of a child, parent, spouse, registered domestic partner, grandparent, grandchild, and siblings. Leave under this section may also be used for employees who are the victims of domestic violence, sexual assault or stalking for the purposes described in Labor Code section 230(c) and Labor Code Section 230.1(a).

For purposes of paid sick leave, a covered family member includes:

A "child" is defined as a biological, foster, or adopted child; stepchild; or a legal ward. A "child" may also 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 a legal guardian of an employee or the employee's spouse or registered domestic partner. A "parent" may also be someone who accepted the duties and responsibilities of raising you when you were a minor child, even if he or she is not your legal parent.

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).

A registered "domestic partner" is another adult with whom you have filed a Declaration of Domestic Partnership with the Secretary of State.

A "grandparent" is your biological, foster, or adoptive grandparent; step-grandparent.

A "sibling" is your biological, foster, or adoptive sibling; stepsibling.

The policy of the Open Space Authority exceeds the requirements of the Kin Care Law (Labor Code Section 233).

### **Required Uses of Paid Sick Leave**

#### Family Medical Leave

Employees are required to use 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 an employee is using family/medical leave they may retain twenty-four (24) hours of paid sick leave before taking any unpaid absences.

#### Paid Family Leave

If employees are absent for a reason that qualifies them for Paid Family Leave (PFL) compensation, they may use accrued paid sick leave during the first week of absence and may retain twenty-four (24) hours of paid sick leave before taking any unpaid absences.

#### Worker's Compensation

When an employee reports a work-related illness or injury, they will be paid their regular wages for the time spent seeking initial medical treatment. Any absences from work for follow-up treatment, physical therapy or other prescribed appointments will not be paid as time worked. Instead, the employee is required to use accrued paid sick leave.

The Open Space Authority will not deny employees the right to use paid sick leave and will not discriminate or retaliate against employees for exercising their right to use accrued sick leave.

### **Benefit Retention**

Unused sick leave is forfeited upon termination of employment for any reason other than retirement.

At the time of retirement, each regular employee with more than five years of service may request to be paid one-third (1/3) of unused, accrued sick leave up to a maximum of fifteen (15) days.

Upon retirement, accumulated sick leave (regardless of eligible sick leave cash out) may be converted to the regular employee's CalPERS service time and the rate designated by CalPERS. The employee shall make the request to convert sick leave to CalPERS service time at the time of retirement.

If an employee is re-hired within one (1) year from the date of separation, previously accrued and unused paid sick time shall be reinstated. The employee shall be entitled to use previously accrued and unused paid sick time and to accrue additional paid sick time upon rehiring.

### **TIME OFF TO VOTE**



If an employee does not have adequate time outside of working hours to vote in an official state sanctioned 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.

## **VACATION**

Regular, full-time and regular, part-time employees who work at least thirty (30) hours a week accrue vacation as follows:

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

Active service commences with an employee’s first day of work as a regular employee and continues thereafter unless broken by an extended absence without pay or a leave of absence.

Employees are not eligible to use accrued vacation time until after six (6) months of employment.

Vacation time continues to accrue during paid leave time.

Vacation can accrue up to a maximum of six (6) weeks. Once this cap is reached, no further vacation will accrue until vacation time is used. There is no retroactive grant of vacation time for the period of time the vacation accrual was capped.

Employees shall make their request for vacation in writing at least two (2) weeks in advance for a vacation longer than three (3) days. Vacations shall be scheduled to provide adequate coverage of job responsibilities and staffing requirements. Written approval from the employee’s supervisor is required before taking vacation time. The employee’s supervisor shall promptly provide approval of vacation or communicate as to why the request was denied.

An employee whose employment terminates will be paid for accrued, unused vacation days.

### **Vacation Cash Out**

An employee may elect to cash out up to forty (40) hours of their accrued vacation after they have accrued a minimum of eighty (80) hours of vacation. Employees must make a written request to their

supervisor and the request must be approved by their department manager and Assistant General Manager. A request from an Assistant General Manager must be approved by the General Manager. Approved requests should be submitted to Human Resources ten (10) days prior to the end of the pay period for processing in the next eligible pay period.



## SECTION 13.B LEAVE OF ABSENCE: UNPAID TIME OFF

### LEAVE OF ABSENCE: UNPAID TIME OFF

Based on standard practice and any applicable state or federal laws, the Open Space Authority offers Unpaid Leaves of Absence. Unpaid Leaves of Absence include:

Crime Victim’s Leave	Pregnancy Disability Leave (PDL)
Emergency Rescue Personnel Leave	School Activities Leave
Family /Medical Leave (FMLA) & California Family Rights Act (CFRA)	Unpaid Leave for Personal Reasons

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.

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. Leave of absence requirements and application are complex. The below information is provided as a reference and not meant as a comprehensive guide. Please see Human Resources if you have questions about unpaid leaves of absence or other types of unpaid leave required by law.

### CRIME VICTIM’S LEAVE

An employee who is themselves a victim or who is the family member of a victim of certain serious crimes may take time off from work to attend judicial proceedings related to the crime or attend proceedings involving rights of the victims.

Employees may take time off for judicial proceedings related to a crime, pursuant to California Labor Code Section 230.2, if you are:

- The victim of a violent crime (a violent felony, serious felony, or a felony theft or embezzlement);
- An immediate family member (spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father or stepfather) of a victim; a registered domestic partner of a victim; or the child of a registered domestic partner of a victim. Other family members may also be covered, depending on the purpose of the leave (See also Section 8, Kin Care); and
- You wish to take time off from work to attend judicial proceedings related to that crime.

An employee, who is a victim as defined under Labor Code Section 230.2, may elect to use accrued paid vacation time, compensatory time off for exempt employees or personal leave time, sick leave time or CTO that is available, or unpaid leave time if all other leave has been exhausted.

Employees may take time to appear in court to be heard when the rights of the victim are at issue and if they are a victim of a crime as outlined in California Labor Code section 230.5. A victim under this section is defined as “any person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or a delinquent act.” A victim also includes family members and includes a person’s spouse, registered domestic partner, parent, child, sibling or guardian. You may be eligible if you are the victim of the following serious crimes:

- Vehicular manslaughter while intoxicated;
- Felony child abuse likely to produce great bodily harm or a death;
- Assault resulting in the death of a child under eight (8) years of age;
- Felony domestic violence (See also Section 8, Kin Care);
- Felony stalking;
- Solicitation for murder;
- A serious felony, such as kidnapping, rape or assault;
- Hit-and-run causing injury or death;
- Felony driving under the influence causing injury; or
- Specified sexual assaults.

Any absence from work to attend judicial proceedings or proceedings involving victim rights (pursuant to Labor Code Section 230.5) will be unpaid, unless you choose to take paid time off. An employee may elect to use accrued paid vacation time, compensatory time off for exempt employees, personal leave time, sick leave time or CTO that is available or, unpaid leave time if all other leave has been exhausted.

The absence from work must be in order to attend judicial proceedings or proceedings involving rights of the victim. Employees must give as much advance notice as possible to their supervisor prior to each scheduled proceeding that is provided to the victim by the agency responsible for providing notice. If you believe you need time off under this policy, please see your supervisor or human resources to arrange a confidential meeting to discuss the details of this policy and your rights. When asking for leave, your supervisor or Human Resources may require a copy of the notice for each scheduled proceeding, unless advance notice is not feasible.

The Authority will keep records regarding an employee’s absence under Crime Victim Leave confidential and will not discharge or discriminate against an employee who takes leave to appear in a judicial proceeding or to attend a proceeding involving the rights of the employee/victim.

### **EMERGENCY RESCUE PERSONNEL LEAVE**

"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 as defined by Section 1799.107 of the Health and Safety Code.

Emergency Rescue Personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate of fourteen (14) days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. 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.

### **FAMILY MEDICAL LEAVE (FMLA) & CALIFORNIA FAMILY RIGHT ACT (CFRA)**

State and federal family and medical leave laws provide up to twelve (12) work weeks of unpaid family/medical leave within a twelve-month period, State and federal family and medical leave laws allows for leave under the following conditions:

- The employee has more than (twelve) 12 months of service. If the leave is for FMLA only, the twelve (12) months of service must have accumulated within the previous seven (7) years. There is no such requirement under CFRA;
- The employee has worked at least 1,250 hours during the previous twelve (12) month period before the need for leave; and
- The employee is employed at a work site where there are fifty (50) or more employees within a seventy-five (75) mile radius or the employee works for a public or governmental agency.

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 (FMLA/CFRA);
- For incapacity due to pregnancy, prenatal medical care or child birth (FMLA only);
- To care for the employee's spouse, child, or parent who has a serious health condition (FMLA/CFRA);
- To care for the employee's registered domestic partner (CFRA only); or
- For a serious health condition that makes the employee unable to perform his or her job.

For purposes of calculating the twelve (12) month period during which twelve (12) weeks of leave may be taken, the Authority uses the first date of the employee's leave. Contact Human Resources as soon as you realize the need to utilize family medical leave.

#### **Time off for Pregnancy and/or Birth of a Child**

Leave because of the employee's disability due to pregnancy (pregnancy disability leave or PDL), childbirth or related medical condition is not counted as time used under California law (CFRA). However, time off because of pregnancy disability, childbirth or related medical conditions does count as family and medical leave under federal law (FMLA). Employees who take time off for pregnancy disability and who are eligible for family and medical leave will also be placed on family and medical leave that runs at the same time as their pregnancy disability leave.

Time off for Baby Bonding (Birth or placement of a child)

Once the pregnant employee is no longer disabled, or once the employee has exhausted their PDL and has given birth, she may apply for leave under the CFRA, for purposes of baby bonding.

Any leave taken for birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. Leave taken under the CFRA for birth or placement of a child will be granted in minimum amounts of two (2) weeks. However, the Authority will grant a request for a CFRA leave (for birth/placement of a child) of less than two (2) weeks duration for up to two (2) occasions. Any leave must be concluded within one (1) year of the birth or placement of the child with the employee.

Notice

Employees seeking to use FMLA for leave that 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 thirty (30) days before leave is to begin. The employee must consult with Human Resources and 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, spouse, or registered domestic partner. If the employee cannot provide thirty (30) days' notice, the Authority must be informed as soon as is practical.

Second Opinion

The Authority may require that the need for leave for a serious health condition of the employee or the employee's immediate family member be supported by a certification issued by a health care provider. The employer must allow the employee at least fifteen (15) calendar days to obtain the medical certification.

If the FMLA 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 employer and the employee must approve the third health care

provider jointly. 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 fifteen (15) days of any request for family and 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 (for example, if an employee needs two weeks of family and medical leave, but following the two weeks needs intermittent leave, a new medical certification will be requested and required). If the employee does not provide medical certification in a timely manner to substantiate the need for family and medical leave, the Authority may delay approval of the leave, or continuation thereof, until certification is received. If certification is never received, the leave may not be considered family and medical leave.

If an employee cites his or 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 or her position because of the serious health condition.

The Authority will also 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 twelve (12) work weeks 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 s/he was enrolled before the first day of the leave (for a maximum of twelve (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 FMLA and/or CFRA (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 the 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 amount of the applicable premium and small administrative fee. Employees should contact their Human Resources for further information. Payment is due on the same schedule as payments that are made under Cal-COBRA.

Paid leave will be substituted for unpaid leave at the employee's option, this includes Sick Leave, Compensatory Time Off For Exempt Employees, Personal Leave, Compensatory Time Off and Vacation.

#### 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 ten (10) percent of salaried employees employed within seventy-five (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, please contact Human Resources.

#### Time Accrual



Employees on family/medical leave under FMLA and/or CFRA will not continue to accrue vacation, sick leave, compensatory time off for exempt employees, or personal leave or any other accrued time off during unpaid family/medical leave under FMLA/CFRA. 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.

Employees who are on FMLA and/or CFRA shall have their Compensatory Time Off for Exempt Employees and Personal Leave pro-rated for the time they were on unpaid leave, depending on their leave dates.

#### 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 twelve (12) workweek entitlement in a twelve (12) month period. The twelve (12) month period is measured forward from the date any employee's first FMLA and/or CFRA leave begins. Successive twelve (12) month periods commence on the date of an employee's first use of such leave after the preceding twelve (12) month period has ended. No carryover of unused leave from one twelve (12) month period to the next twelve (12) month period is permitted.

#### Intermittent Leave

Employees may take FMLA and/or CFRA 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 (fifteen (15) minutes).

#### Military Family Leave Entitlements

Eligible employees whose spouse, registered domestic partner, son, daughter, or parent is on covered active duty status may use their twelve (12) week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Eligible employees may also take a special leave entitlement of up to twenty-six (26) weeks of leave to care for a covered service member during a single twelve (12) month period. FMLA/CFRA for twelve (12) weeks if the care provides is eligible for both, followed by fourteen (14) weeks of FMLA only, or twenty-six (26) weeks of FMLA only if leave is not CFRA covered. A covered service member is either:

- A current member of the Armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

- A veteran who was discharged or released under conditions other than dishonorable at any time during the five (5) year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

\*The FMLA definition of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition.”

#### Leave Related to Military Service

A leave taken due to a "qualifying exigency" related to military service must be supported by a certification of its necessity. A leave taken due to the need to care for a service member shall be supported by a certification by the service member's health care provider or other certification allowed by law. Special certification requirements apply to leaves related to military service.

#### Health and Benefit Plans – Military Service

An employee taking family/medical leave will be allowed to continue participating in any health and welfare benefit plans in which he or she was enrolled before the first day of the leave (for a maximum of twelve (12) workweeks, or twenty six (26) workweeks if the leave is to care for a covered service member) 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. 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.

#### Substitution of Paid Leave

Generally, FMLA/CFRA leave is unpaid. Employees may choose, to use accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the agency's normal paid leave policies. For more information on the specific circumstances requiring or allowing the substitution of paid leave, please contact Human Resources.

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

### **PREGNANCY DISABILITY LEAVE (PDL)**

Any female employee planning on taking pregnancy disability leave should advise Human Resources as soon as possible. The individual should make an appointment with Human Resources to discuss the following conditions:

- Duration of pregnancy disability leave that will be determined by the advice of the employee's physician, but employee's disabled by pregnancy may take up to four (4) months (or eighty-eight

(88) workdays) for full time employees per pregnancy. Part-time employees are entitled to leave on a pro rata basis. The four (4) months (or eighty-eight (88) work days) of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care;

- The Authority will also reasonably accommodate medical needs related to pregnancy, childbirth, or related conditions or temporarily transfer you to a less strenuous or hazardous position (where one is available) or duties if medically needed because of your pregnancy;
- Employees who need to take pregnancy disability leave must inform the Authority when a leave is expected to begin and how long it will likely last. If the need for a leave, reasonable accommodation, or transfer is foreseeable, employees must provide reasonable advance notice at least thirty (30) days before the pregnancy disability leave or transfer is to begin. Employees must consult with Human Resources regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the agency. Any such scheduling is subject to the approval of the employee's health care provider;
- If thirty (30) days' advance notice is not possible, notice must be given as soon as practical;
- Failure to give reasonable advance notice may result in delay of leave, reasonable accommodation, or transfer.

Pregnancy disability leave usually begins when ordered by the employee's physician. The employee must provide Authority with a written certification from a health care provider for need of PDL, reasonable accommodation or transfer. The certification must be returned within fifteen (15) calendar days of notifying the Authority of the need for PDL. Failure to do so may, in some circumstances, delay PDL, reasonable accommodation, or transfer. The certification indicating the need for disability leave should contain:

- A statement that the employee needs to take pregnancy disability leave because she is disabled by pregnancy, childbirth or related medical condition;
- The date on which the employee became disabled due to pregnancy;
- The probable duration of the period or periods of disability; and
- If the employee needs a reasonable accommodation or transfer, a medical certification is sufficient if it contains all of the following: a description of the requested reasonable accommodation or transfer; a statement that describes the medical advisability of the reasonable accommodation or transfer because of pregnancy; and the date on which the need for reasonable accommodation or transfer became/will become medically advisable and the estimated duration of the reasonable accommodation or transfer.

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

#### 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

At your option, you can use any accrued paid time off (Sick Leave, Compensatory Time Off For Exempt Employees, Personal Leave, Compensatory Time Off and Vacation) 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.

If intermittent leave or leave on a reduced work schedule is medically advisable the employee may, in some instances, be required to transfer temporarily to an available alternative position that meets the employee's needs. The alternative position need not consist of equivalent duties but must have the equivalent rate of pay and benefits. The employee must be qualified for the position. The position must better accommodate the employee's leave requirements than her regular job. Transfer to an alternative position can include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work schedule.

#### Health Benefits Coverage

Employees on pregnancy disability leave will be allowed to continue to participate in group health insurance coverage for up to a maximum of four (4) months (if such insurance was provided before the leave was taken) at the level and under the conditions that coverage would have been provided if the employee had continued employment continuously for the duration of leave. 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. PDL may impact other benefits or a seniority date.

For any additional questions, please contact Human Resources.

### **UNPAID LEAVE FOR PERSONAL REASONS**

The Authority may grant a leave of absence for personal reasons if all other leave is exhausted. As soon as an employee becomes aware of the need for an unpaid leave of absence, they should request the leave. The leave will require approval from their supervisor, department manager, and Assistant General

Manager. A leave of absence must not interfere with the operations of your department or the Authority. While the Authority understands and respects that life circumstances may require an employee to take unpaid leave for personal reasons, employment at the Authority is at-will employment. The Authority cannot guarantee an employee's job will be available when the employee is prepared to return, unless the employee's time off and position are otherwise protected by law.

For further information regarding your insurance benefits and the duration they will remain in effect while you are on unpaid leave for personal reasons, please contact Human Resources. Failure to return from a leave at the time agreed may be cause for termination of your employment.



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## SECTION 13.C LEAVE OF ABSENCE: GENERAL INFORMATION

### **OTHER EMPLOYMENT WHILE ON LEAVE OF ABSENCE**

If you accept any employment or go into business while on any form of leave from your employment at 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.

### **MILITARY SPOUSES, REGISTERED DOMESTIC PARTNERS**

Employees who work more than twenty (20) hours per week and have a spouse or registered domestic partner in the Armed Forces, National Guard or Reserves who have been deployed during a period of military conflict are eligible for up to ten (10) unpaid days off when their spouse is on leave from (not returning from) military deployment.

Employees must request this leave in writing to their supervisor within two (2) business days of receiving official notice that their spouse or registered domestic partner will be on leave. Employees requesting this leave are required to attach the leave request written documentation certifying the spouse or registered domestic partner will be on leave from deployment.

### **PRIOR TO BEGINNING A LEAVE**

Any employee desiring to take a leave of absence must notify their supervisor in writing. Failure to provide a written request 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. A leave of any kind (paid or unpaid) that will last more than three (3) weeks will require the approval of the employee's supervisor and department manager, or department manager and Assistant General Manager (if the supervisor is the department manager). Requests for leave of three (3) weeks or more must be submitted at least four (4) weeks in advance. The more notice an employee can provide, the better the agency 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 notify their supervisor and Human Resources in writing as soon as possible. When arranging a leave of absence, employees should contact Human Resources to make arrangements to continue coverage under the Authority's benefit plans.

### **BEFORE RETURNING FROM A LEAVE**

Employees who are on a leave of absence that lasts thirty (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 (1) week prior to the anticipated return date. The more notice an employee can provide, the better the agency will be able to prepare for the employee's anticipated return.

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.

### **BENEFITS DURING A LEAVE**

During all unpaid leaves of absence, the Authority may continue to pay the employee's benefits up to a certain duration. This duration varies and is dependent upon the type of leave taken. Benefit accruals cease during unpaid leaves of absence. Please contact Human Resources for further information.

### **NO DISCRIMINATION FOR LEAVE ASSOCIATED WITH SCHOOL ACTIVITIES**

An employee who is the parent or guardian of a school-age child will not be discharged or discriminated against for specific child-related activities as follows:

- To find, enroll, or re-enroll the child in a school or with a licensed child care provider, or to participate in activities of the school or licensed child care provider of the employee's child, if the employee, prior to taking the time off, gives reasonable notice to their supervisor of the planned absence of the employee.
- To address a child care provider or school emergency, if the employee gives notice to their supervisor. A child care provider or school emergency means that the child cannot remain in school or with the child care provider due to the school or child care provider requiring the child to be picked up, the child has behavioral or discipline problems, the closure or unexpected unavailability of the school or child care provider [excluding planned holidays], and a natural disaster).

The absence is subject to all of the following conditions:

- The time off is for parents, guardians, stepparent, foster parent or grandparents having custody of one or more children in kindergarten or grades one (1) through twelve (12);
- The time off for school activity participation cannot exceed eight (8) hours in any calendar month, or a total of forty (40) hours each school year;
- If the Authority employs both parents, the first employee to request such leave will receive the time off. The other parent may receive the time off only if the leave is approved by his or her supervisor;
- Employees shall use vacation, personal leave or CTO;
- Employees must, if requested by their supervisor, provide their supervisor with documentation from the school verifying that the employee participated in a school activity on the day of the absence for that purpose.





## SECTION 14 BENEFITS

### **BENEFITS**

The Open Space Authority provides an array of benefits, including health, life and retirement. Details about these benefits can be found in the Benefits Summary Sheet and the Summary Plan Descriptions, available through Human Resources. The following information is a brief overview of benefits available at the Open Space Authority.

### **AUTHORITY PROVIDED BENEFITS**

#### Eligibility

Regular employees who work a minimum of thirty (30) hours per week are eligible for benefits upon commencement of employment.

Benefit plans paid for the by the Open Space Authority:

- Health Insurance (100% premium paid for full-time employees and dependents)
- Dental Insurance (100% premium paid for full-time employees and dependents)
- Vision Insurance (100% premium paid for full-time employees and dependents)
- Basic Life Insurance (100% premium paid for full-time employees)

Optional benefits paid for by the employee:

- Long-Term Disability (Optional at 100% employee paid premium)
- Accidental Death & Dismemberment (Optional at 100% employee paid premium)
- Supplemental Life (Optional at 100% employee paid premium)

Other benefits include:

- 457(k) Retirement Plan (employee pays contribution)
- 401(a) Retirement Plan (contribution paid for eligible senior management employees)
- Employee Assistance Program
- Tuition Reimbursement of \$600 per fiscal year

#### Enrollment

Enrollment for Health, Dental and Vision insurances must occur:

- Within thirty (30) days of the employment date
- During the open enrollment period, or
- Within thirty (30) days following a qualifying event

A “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 may also include, registered domestic partnership, death of a spouse, adoption of a child, or loss of health care by spouse’s employer. Employees are responsible for contacting Human Resources in writing of a qualifying event and requesting changes to their benefit plan(s).

Please notify Human Resources within thirty (30) days of a qualifying event to make changes to your health plan enrollment information.

Enrollment and changes for other benefit options can be completed at any time during employment. However, if not completed within thirty (30) days of the employment date additional documentation may be required.

#### Premiums

Premiums and Authority contribution amounts can be found in the Authority’s Premium Rate Summary Sheet.

#### Employee Waiver of Benefits

Full-time and part-time employees may waive receipt of medical benefits. Any employee, full-time 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 are required to provide proof of insurance coverage through another source, other than Covered California, prior to approval of the waiver. For more information and details, please contact Human Resources.

#### Plan Changes

Benefit plans and premium schedules are at the discretion of the Authority, and as such may be amended, changed or eliminated at any time at the Authority’s discretion.

#### **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 one thousand (1,000) hours in a fiscal year or an average of twenty (20) hours a week for a year or more are eligible to receive PERS. Eligible employees begin receiving PERS credit for service beginning on their first day of employment.

PERS Classic members are those enrolled in PERS prior to January 1, 2013. Classic members receive retirement benefits at the 2% @ 55 formula. The Authority pays the employer’s contribution as well as 100% of the employee’s contribution. Contributions are based on the hours worked by the employee.

PERS PEPRA members are those enrolled in PERS after January 1, 2013. PEPRA members receive retirement benefits at the 2% @ 62 formula. The Authority and individual employees share the contribution cost to PERS based on hours worked by the employee. The rate of cost sharing is determined by the annual PERS Actuarial report.

For a complete list of PERS benefits or questions about retirement, please contact Human Resources or CalPERS.

### **Professional Development**

Authority offers employees assistance in pursuing professional development in line with their role at Authority.

#### **Seminars and/or Training**

Employees may attend seminars or trainings to assist the employee in maximizing their role at Authority and further their professional development. The department manager must authorize the cost of the seminar or training prior to employee attendance. A request must be submitted and approved at least two (2) weeks prior to the seminar or 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. The employee will be required to provide proof of attendance to the seminar or training, and receipts for anything they seek reimbursed.

#### **Conferences**

You are encouraged to keep current with industry trends and network with industry professionals. The department manager must approve participation in a conference. 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.) An Assistant General Manager must approve mileage in excess of 200 miles from the Authority's office in advance.

Employees that attend seminars and conferences are expected to share their learning upon return. This may be in the form of a brief presentation during a weekly staff meeting, a brown bag training for other Authority employees, a written report to the supervisor, or some other agreed upon form of sharing. The employee should discuss and agree on the appropriate post training actions prior to attendance.

### **Tuition Reimbursement**

The Authority supports employees who wish to continue their education to secure increased responsibility and growth within their professional careers. The Authority will reimburse employees for participation in courses related to employment if all of the following conditions are met:

- The employee receives previous authorization to attend the course by An Assistant General Manager, the General Manager, or the Board of Directors;
- The employee receives a passing grade of "B" or its equivalent;

- The employee obtains, and provides the Authority with, an official certificate of passing;
- The employee validates the expense of the course through receipts, or other evidence, as requested by the Authority.

Provided all of the above conditions are met, the Authority will reimburse up to \$600 per fiscal year (July 1 – June 30).

### **Per Diem**

When employees are required to travel for agency business meals will be reimbursed based on the current daily per diem rate established by Federal Government General Services Administration ([www.gsa.gov/pediam](http://www.gsa.gov/pediam)). The Authority will reimburse for actual meal expenses up to the GSA per diem amount. All business travel must be approved in advance by the employee's department manager.

### **BENEFITS PROVIDED BY LAW**

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

- Benefits Continuation (Cal-COBRA)
- Medicare
- Paid Family Leave (PFL)
- Paid Sick Leave (See corresponding section of this Handbook)
- Social Security
- State Disability Insurance (SDI)
- Unemployment Compensation
- Worker's Compensation

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

The California Continuation of Benefits Replacement Act (Cal-COBRA) requires insurance carriers and HMOs to provide COBRA-like benefits to employees and their qualified dependents. COBRA requires continuation coverage to be offered to covered employees, their spouses, former spouses, and dependent children when group health coverage would otherwise be lost due to a "qualifying event." Qualifying events for an employee include termination of the employee's employment for any reason other than gross misconduct, or reduction in the number of hours of employment. Qualifying events for the spouse or dependent child of a covered employee, if the employee causes the spouse or dependent child to lose coverage, include termination of the covered employee's employment for any reason other than gross misconduct, reduction in the hours worked by the covered employee, the covered employee becomes entitled to Medicare, divorce or legal separation of the spouse from the covered employee, or death of the employee. 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;
- A qualifying event must occur;
- Individual must be beneficiary of that 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 total of which cannot exceed 102% of the cost to the plan for similarly situated individuals covered under the plan who have not incurred a qualifying event. 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. Please contact Human Resources for more information.

#### 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. Please contact Human Resource for more information.

#### Paid Family Leave (PFL)

Employees may be eligible for Paid Family Leave (PFL) wage replacement benefits, which are funded through payroll deductions and coordinated through the Employment Development Department. PFL provides limited compensation for up to eight (8) weeks after an unpaid, seven (7) day waiting period when an employee needs to take leave from work to care for a parent, parent-in-law, child, spouse, registered domestic partner, grandparent, grandchild, or sibling who is seriously ill, or for a working parent who wants time to bond with his or her newborn, foster child or newly adopted child. Employees must use up to five (5) days of unused, accrued vacation time during the one (1) week waiting period. The PFL program does not provide employees with a right to a leave of absence; it is limited to a state-mandated wage replacement benefit. Please contact the California Employment Development Department (EDD) or Human Resource for more information.

#### Social Security

The Authority and its employees do not make contributions to Social Security.

#### State Disability Insurance (SDI)

All California employees are covered under the California State Disability Insurance (SDI) 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 (EDD) if you wish to file a claim for this benefit. Your required contribution is deducted from each paycheck until the annual maximum is met. Please contact Human Resource for more information.

#### Unemployment Insurance (UI)

The Authority pays a percentage of its payroll to the Unemployment Insurance (UI) 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 Insurance, see Human Resource or contact the Employment Development Department (EDD).

### Worker's Compensation Insurance

In accordance with state law, 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 and 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.

To ensure you receive any workers' compensation benefits to which you may be entitled, you will need to:

- Immediately report any work-related injury to your supervisor;
- Seek medical treatment and follow-up care if required;
- Complete a written Employee's Claim for Worker's Compensation Benefits (Form DWC 1) and return it to Human Resources; and
- Provide the Authority with a certification of your health care provider regarding the need for workers' compensation disability leave, as well as your eventual ability to return to work from the time you leave.

The law requires the Authority to notify the workers' compensation insurance agency of any concerns of false or fraudulent claims.

Employees who are ill or injured as a result of work-related incident, and who are eligible for family and medical leave under state and federal law (Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA), will be placed on FMLA/CFRA during the time they are disabled and not released to return from work. The leave under these laws runs concurrently, and eligible employees will be on FMLA/CFRA for a maximum of twelve (12) weeks in a twelve (12) month period.

Paid sick leave is a benefit that also covers absences for work-related illness or injury. Employees who have a work-related 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 regular wages for the time you spend seeking 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

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## Authority Employee Handbook – The Personnel Policies of the Open Space Authority

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as time worked, if you have accrued unused sick leave, and the time off is not covered by FMLA, the additional absences from work will be paid with the use of sick leave. If absences are covered by FMLA, you may choose to substitute sick leave for any time what would otherwise be unpaid. If you do not have accrued, paid sick leave, or if you have used all of your sick leave, you may be required to substitute vacation for further absences related to your illness or injury.

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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<b>Policy #</b>	<b>Revision</b>	<b>Date</b>	<b>Reso</b>	<b>Action</b>
BRD-026	12	10/28/2021	20-67	Ratification
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