

Alameda County Waste Management Authority Human Resources Manual

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Attachment A: Annual Salary Adjustment Plan

Introduction

Introductory Statement

The general purpose of this Manual is to establish fair and uniform procedures for dealing with Alameda County Waste Management Authority (“Authority”)* personnel matters including appointments, promotions, transfers, discipline, discharge, classification, wages and other terms and conditions of employment. All decisions dealing with Authority employees shall be based on merit and performance without regard to age, race, color, religion, marital status, sex, sexual orientation, veteran status, disability, national origin or political affiliation.

The provisions contained in this Manual apply to all Authority employees, unless otherwise indicated in the Manual or in a written employment contract between the Authority and the individual. In case of conflict between a written employment contract and this Manual, the contract supersedes.

The Authority does not have a traditional departmental/hierarchical structure in most areas. The exception to this are administrative services staff and non-exempt program employees, who are supervised within a hierarchy. Wording in this Manual has been modified to address this blended structure; therefore there are minimal references to supervisors or supervisory staff for programmatic employees.

This Manual, and any amendments to it, summarizes the policies and practices in effect at the time of publication. This Manual supersedes all previously issued Manuals and any policy, benefit statements or memoranda that are inconsistent with the policies described here. Internal clarifications or interpretations of policies contained in this Manual may be developed over time and will be issued in the form of Administrative Policies as needed. Please direct questions regarding the Manual to the ASD.

This Manual and the policies contained in it do not create any contract of employment, expressed or implied, nor any rights in the nature of a contract. Nothing in this Manual or any other personnel-related document, including benefit plan descriptions, creates a promise or representation of continued employment for any Authority employee. The circumstances and conditions under which an employee may continue or may be terminated from Authority employment are contained in this Manual.

*StopWaste.Org is the Alameda County Waste Management Authority and Alameda County Source Reduction and Recycling Board operating as one public agency. The Authority is the legal entity responsible for administration of both organizations, including personnel, and is therefore used in this Manual.

Confirmation of Receipt

I have received my copy of the Alameda County Waste Management Authority HR Manual. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the Manual and any amendments thereto.

I understand that any and all policies or practices can be changed at any time by the Authority. I understand and agree that only the Executive Director of the Authority or his/her designee has authority to enter into any agreement, expressed or implied, for employment for any specific period of time, or to make any agreement for employment and then only in writing, signed by the Executive Director or his/her designee. The Manual does not create a contract or provide any rights in the nature of a contract.

I understand and agree that nothing in the HR Manual creates or is intended to create a promise or representation of continued employment at the Authority. My signature certifies that I understand the foregoing and agree to perform the duties and responsibilities of my position in compliance with these policies and procedures.

Employee Name _____

Employee's Signature _____

Date _____

Return to Administrative Services Director

Integration Clause & Right To Revise

This Human Resources Manual contains the employment policies and practices of the Alameda County Waste Management Authority in effect at the time of publication. All previously issued Manuals and any inconsistent policy statements or memoranda are superseded by the Manual unless they are more current. This Manual shall be maintained by the ASD.

The Authority reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this Manual or in any other document. In response to changes in applicable laws and regulations, the ASD, in concert with the Executive Director (ED), shall periodically recommend additions, deletions, or amendments to these policies. The ED shall recommend these changes for adoption by the Authority through Board resolution.

Severability: If any court finds any section, subsection, sentence, clause or phrase of these rules to be inconsistent with the law, such finding(s) shall not affect the validity of the remaining portion.

Any written changes to this Manual will be distributed to all employees so that employees will be aware of the new policies or procedures and their responsibilities with regard to them. No oral statements or representations can in any way alter the provisions of this Manual. The following identifies specific responsibilities in administering the policies set forth:

Executive Director - As the appointing authority, the ED shall be the final authority on questions of interpretation and application of these policies except as laid out in the Appeals Procedure.

Administrative Services Director - As the custodian of these policies and procedures, the ASD will provide interpretation and professional advice to the ED, the Review Panel, and all other staff.

Authority Counsel - As the legal counsel of the Authority, the Authority Counsel shall provide professional legal advice to the ED and ASD on matters related to these policies. As determined by the ED and/or ASD, the use of legal counsel other than the Authority Counsel may be obtained for purposes such as specialized representation.

Review Panel – As the body responsible for policy oversight, the RP provides recommendations to the ED on policy changes, including changes to the Human Resources Manual. The RP will approve or deny changes to budgets, work schedules and/or part-time status. The ED retains veto power over all RP decisions.

Chapter 1 - Employment Policies

1.1 Employment Status

Tenure of employees is conditioned on necessity for the performance of work, the availability of funds and satisfactory performance of work as determined by the ED or designee. It is the Authority's policy to staff all positions in a fair and consistent manner and to create an environment that will contribute to successful ongoing employment.

The ED is the appointing authority, having the power to appoint and remove employees, subject to the provisions of the HR Manual. The power to appoint and dismiss may be delegated by the ED; any person delegated authority to appoint and dismiss employees shall be known as an appointing officer for the purpose of such appointment and removal.

Employment status at the Authority: Employees are defined as Probationary Employees, Regular Employees, Special Service Employees, Temporary Employees, Intermittent Employees, Full-Time Employees, Part-Time Employees, Limited Term, Exempt and Non-Exempt Employees. These categories are defined in this chapter of this Manual. One or more definitions may apply to a particular employee.

1.2 Equal Employment Opportunity

The Authority is an equal opportunity employer and makes employment decisions on the basis of merit and the service needs of the Authority. The Authority wants to have the best available person in every job and does not make any employment-related decisions on the basis of race, color, creed, gender, religion, marital status, age, national origin or ancestry, physical or mental disability, medical condition including genetic characteristics, sexual orientation, or any other consideration made unlawful by federal, state, or local laws. The Authority also prohibits discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful and considered a violation of Authority policy.

The Authority is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the operations of the Authority and prohibits discrimination by or against any employee of the Authority.

1.3 Reasonable Accommodation

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

An employee or applicant who desires a reasonable accommodation in either the employment selection process or in order to perform essential job functions should make such a request in writing to the ASD. The request must identify: a) the portion(s) of the selection process or the job-related functions at issue; and b) the desired accommodation.

Following receipt of the request, the ASD or his/her designee may require additional information. For example, the ASD may require reasonable information to support the existence of a disability. The ASD may also require an employee to undergo a fitness for duty examination to determine whether the employee can perform the essential functions of the job with or without accommodation. The ASD may also require that an Authority-approved physician conduct the examination.

The Authority will arrange to meet with the applicant or employee, and his or her representatives, to work in good faith to fully consider all feasible potential reasonable accommodations. Whether a reasonable accommodation can be made and the type of reasonable accommodation that will be provided shall be

determined by the ASD on a case-by-case basis. The ASD will not provide accommodations that pose an undue hardship upon Authority finances or operations.

The ASD will inform the applicant or employee of its decision as to reasonable accommodation(s) in writing. An employee or applicant who alleges an unlawful denial of a reasonable accommodation may file a complaint with the ED. As described in the Authority's Policy Against Retaliation, the Authority does not permit or tolerate retaliation against any employee or applicant requesting a reasonable accommodation or making a complaint of an alleged unlawful denial of such a request.

1.4 Retaliation - Policy Against

The purpose of this policy is to state the Authority's strong commitment to prohibit retaliation against those who report, oppose, or participate in the investigation of alleged wrongdoing in the workplace.

It is the Authority's policy to prohibit retaliation against those who report, oppose, or participate (as witnesses or accused) in investigations into complaints of alleged retaliation. To that end, this policy establishes a complaint procedure that applicants, officials, officers, employees or contractors can use to report potential violations. Disciplinary action, up to and including termination, may be taken against an employee or officer who is found to have violated this policy. Any elected official or contractor who violates this policy will be subject to appropriate sanctions.

This policy protects those who engage in a protected activity from being retaliated against because of that protected activity. "Protected activity" includes any of the following:

- Filing a complaint with a federal or state enforcement or administrative agency
- Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the Authority regarding alleged unlawful activity
- Testifying as a party, witness, or accused regarding alleged unlawful activity
- Associating with another employee who is engaged in any of the protected activities enumerated here
- Making or filing an internal complaint with the Authority regarding alleged unlawful activity

This policy prohibits Authority officials, officers, employees, or contractors from retaliating against applicants, officers, officials, employees, or contractors because of any of the protected activity as defined herein.

Except as otherwise provided, this policy prohibits any adverse action taken because an applicant, employee, or contractor has engaged in any of the forms of protected activity as defined herein. Adverse action includes any of the following:

- Taking sides because an individual has reported alleged wrongdoing
- Spreading rumors about a complaint of alleged wrongdoing
- Shunning or avoiding an individual who has engaged in any of the forms of protected activity described above
- Real or implied threats of intimidation to attempt to prevent an individual from reporting alleged wrongdoing or because of protected activity
- Refusing to hire an individual because of protected activity
- Denying promotion to an individual because of protected activity
- Taking any form of disciplinary action because of protected activity
- Issuing a poor evaluation because of protected activity
- Extending a probationary period because of protected activity
- Altering work schedules or work assignments because of protected activity

This policy prohibits adverse action that is taken because of an individual's protected activity. This policy does not prohibit adverse action that is taken for legitimate or non-discriminatory reasons, such as: discipline for legal cause, rejection from probation because of failure to meet standards of probation, or refusing to hire because of inadequate qualifications. As a result, adverse action is only prohibited if it is causally connected to, or taken because of, the alleged protected activity.

An applicant, employee, officer, official, or contractor who feels he or she has been retaliated against in violation of this policy should immediately report the conduct according to the complaint procedure found in the Authority's Policy Against Discrimination and Harassment so that the complaint can be resolved fairly and quickly.

This policy against retaliation provides an administrative remedy that individuals should use prior to resorting to judicial remedies to address the conduct described herein.

1.5 Discrimination and Harassment - Policy Against

The Authority is committed to providing a work environment free of discrimination and harassment. The Authority prohibits discrimination and harassment on the basis of race, religion, creed, color, national origin or ancestry, physical or mental disability, medical condition (including pregnancy and childbirth), marital status, age, sexual orientation, perceived sexual orientation, or any other basis protected by federal, state, or local law, ordinance, or regulation. *All such harassment is unlawful.* The Authority's policy against discrimination and harassment applies to all persons involved in the operation of the Authority and prohibits discrimination and harassment by or against any employee of the Authority or anyone doing business with the Authority. It also prohibits unlawful harassment based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. Any applicant, official, officer or employee who violates this policy will be subject to disciplinary action, up to and including termination. Any contractor who violates this policy will be subject to appropriate sanctions. Retaliation, as described in the Authority's policy against retaliation, against anyone who makes a complaint of alleged harassment or discrimination or cooperates with the complaint procedure described here, is prohibited.

This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

Harassment and Discrimination:

Depending upon the circumstances, a single act of harassment or discrimination, as defined below, can violate this policy:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, or comments—including comments about dress or physical features, or stories that tend to disparage those of a protected classification;
- Visual displays such as derogatory and/or sexually-oriented posters, notices, photography, cartoons, drawings, or gestures that depict inappropriate content or tend to disparage those of a protected classification;
- Physical conduct taken because of an individual's protected classification, including assault, pinching, grabbing, patting, propositioning, leering, mimicking, stalking, taunting, or making job threats or promises in return for submission to physical acts, intentionally blocking normal movement or interfering with work; or
- Sexual harassment, including unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that is an expressed or implied condition

of continued employment or other term or condition of employment.

1.5.1 Harassment and Discrimination Complaint Procedure

An employee, applicant, contractor or official who believes that he/she has been discriminated against or harassed may file a complaint with any one of the following:

- Immediate Supervisor (if applicable)
- Administrative Services Director
- Executive Director
- Chairperson of the Programs & Administration n (P&A) Committee, if the complaint is against the Executive Director

The Authority encourages anyone who believes he or she has been discriminated against or harassed by an Authority applicant, employee, official or contractor to immediately notify the offending individual of the unacceptable behavior and that it is unwelcome. Incidents of alleged retaliation should, when possible, be handled this way as well.

If a person who has alleged harassment or discrimination prefers not to confront the offending individual, he or she need not do so. If the individual is not confronted by the complainant, or if the complainant is not satisfied with his or her response, the complainant must then immediately notify the ASD or ED as soon as possible after the incident. The complaint must include details of the incident or incidents, names of the individuals involved, and names of any witnesses. A written account is preferred but is not necessary.

The Authority also requires that employees, officials or contractors report any act that is observed and believed, in good faith, to constitute discrimination, harassment or retaliation.

1.5.2 Reporting Options to Outside Administrative Agencies

Applicants, employees, officials and contractors should be aware that the U.S. Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment in employment. If you think you have been harassed, discriminated against or retaliated against for resisting or complaining, you may file a complaint with the appropriate agency. The nearest office is listed in the telephone book.

1.5.3 Investigation Procedure

The ED or his or her designee will immediately undertake an effective, thorough, and objective investigation of the discrimination or harassment allegations. The Chairperson of the A&O Committee or his or her designee shall investigate when the complaint is against the ED. An investigation will typically include interviews of the complainant and accused, as well as any known witnesses. Although the Authority will strive to protect the confidentiality of all parties involved, complete confidentiality is not possible due to the Authority's duty to investigate and take corrective action. An individual interviewed during the course of an investigation is prohibited from discussing the content of the interview or complaint except as required by the Authority. The Authority will not disclose a completed investigation report except as it deems necessary to support disciplinary action, to take remedial action, to defend itself in an adversarial proceeding, or to comply with the law or a court order.

In the event of a harassment or discrimination complaint against the ED, the Chairperson of the P&O Committee shall consult with Authority Counsel who will be instructed to investigate the complaint, or who shall advise the Chair as to the selection of a third party investigator, whose duty it will be to

investigate the complaint. The results of this investigation will be transmitted to the Chairperson of the A&O Committee. Upon receipt of the investigator's report, the Chairperson shall call a meeting of the Authority's A&O Committee who shall interview the complainant, review the investigative report, and clarify the complainant's desired solution. The A&O Committee may call witnesses and interview other employees, as deemed necessary. Following this review, the A&O Committee shall make a finding and notify the parties of its decision. Either party may appeal the A&O decision to the full Board. The full Board is the final level of resolution for the Authority. As these are personnel related matters, all such Board discussions will be in closed session.

1.5.4 Disciplinary Action

If the ED determines that discrimination or harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Employees or officials found to have engaged in harassment or discrimination will be disciplined up to and including termination. Disciplinary action may also be taken against any official, supervisor or manager who condones, ignores or otherwise fails to take appropriate action to enforce this Policy. The Authority will not tolerate retaliation against the complainant, accused or witnesses.

1.5.5 Harassment Appeal Procedures

Upon notification of the ED's findings and recommended course of action, if the complainant is still not satisfied, he/she may appeal the ED's decision to the P&A Committee. Such appeals must be filed within thirty (30) calendar days of receipt of the ED's decision.

The P&A Committee shall review the ED's findings and recommendations, interview the complainant to clarify the issues surrounding the complaint and clarify the complainant's desired solution. The A&O Committee may call witnesses or interview other employees, as deemed necessary. Following this review, the P&A Committee shall make a finding which shall be the final level of administrative review for the Authority.

The P&A Committee's findings will be submitted to the complainant and the ED. As necessary, any follow-up action required will be taken by the ED.

1.6 Employment Process

It is the Authority's policy to staff all positions in a fair and consistent manner. The ASD or other designee of the ED is responsible for recruiting, screening, testing, and referring all eligible applicants for regular employment in accordance with established state and federal legal guidelines and adopted policy.

1.6.1 Recruitment and Selection Procedures

The employment process will be comprised of the following stages:

- A. **Vacancies** - When a vacancy occurs, the ED shall review the budget to ensure that each vacancy is within its budgeted position allocation. A request to fill the vacant position along with all other pertinent data shall be prepared by the ASD in conjunction with the appropriate program managers and program groups. A review as to the availability of in-house candidates for a vacancy shall also be conducted. The ED may make internal interim appointments subject to the needs of the Agency. In addition, subject to the needs of the Agency the ED may at his/her discretion offer a regular position to a limited term or intermittent employee if 1)a previously open recruitment had been conducted and the limited term or intermittent employee is currently serving in the position that is being converted to

regular status, or2) the incumbent has been serving in the position that is being converted to regular status for two years or longer and has acquired specialized knowledge and skills that would make an open recruitment process an inefficient use of Agency resources.

- B. Recruitment Process** - A recruitment will be conducted as an “open competitive” or a “closed promotional” opportunity as defined under “D. Types of Examinations” below.

Recruiting sources to be used and the recruitment time period will be determined by the Authority’s recruitment strategy, labor market conditions and/or by any special requirements of the position.

- C. Notice of Recruitment** - Notice of all Authority open competitive recruitments shall be posted on Authority website or other designated locations at least one week, including the last date for filing applications. Recruitment notices will be posted internally. The notice shall specify the title and pay range for the class; the nature of the work to be performed; minimum qualifications; time, place and manner of making application, the type of examination; and any other pertinent information.

D. Types of Examinations

1. Open Competitive - These recruitments shall be open to the public. Employees are encouraged to apply. Such recruitments shall be used to fill entry-level vacancies, and vacancies above the entry level where sufficient qualified applicants for promotion are not available.

2. Closed Promotional - These recruitments shall be open to employees of the Authority who meet the requirements set forth in the promotional recruitments announcements.

- E. Application Process** - All applications for employment shall be made on official forms supplied by the Authority. The forms require information covering education, training, experience, and other information deemed pertinent and allowable by law. When the position to be filled requires specific or exceptional qualifications of professional, or other unique expertise, supplemental documents may be required. Resumes will be accepted only as a supplement to the application.

- F. Selection Methods** - Applicants for positions shall meet the minimum qualifications of the position for which they have applied. Qualifications shall be evaluated solely on the basis of information provided on the application form, resume and supplemental documents required by the Authority. The selection process for open recruitments will include an interview of final candidate(s).

- G. Eligibility Lists** - Eligibility Lists shall be prepared and maintained consisting of names of candidates who qualified in the evaluation and consequently are eligible for appointment. Names will be posted on the list without scores, in alphabetical order, and may be eligible for employment consideration for up to one year. The ED will assess the validity of any list and may shorten or extend its certification depending on the number and availability of qualified eligible candidates. The Authority may re-recruit and supplement a current eligibility list with additional candidates when the position requires additional or exceptional qualifications, or when the list, in the opinion of the ED, contains an insufficient number of names.

- H. Transfers** - Authority employees may be transferred from a position in one program area to a position in the same class in another program area of the Authority service or to another vacant position so long as the qualification requirements and pay range do not exceed those of his/her present position. The Authority reserves the right to transfer any employee for the good of the service, and the employee’s rate of pay shall remain the same as it was in the prior position.

No employee shall be transferred to a position for which he/she does not possess the minimum requirements.

- I. **Reinstatement** - Those employees who leave Authority service in good standing may request reinstatement, in writing, within four (4) years of separation. The person's name will be placed on an open-competitive list, without examination, for the same or lower class than was held at the time of separation. If a list does not exist, the request will be considered for any open-competitive list created for that class, within one year from the date received.

If reinstated, such persons shall begin as new employees. As such, the reinstated employee will be subject to original probationary periods and will not recover benefits and credits from prior Authority service, unless they continue in Authority service for a period of three (3) continuous years of satisfactory service. At such time, the reinstated employee shall be eligible to receive full service credit with respect to benefits tied to length of service, e.g. increased vacation.

Reinstated PERS-covered employees will continue to accrue service credit consistent with PERS rules and vesting rights.

1.6.2 Appointments

The appointing officer or designee shall interview those applicants on the list determined to be best qualified based on all the pertinent information. The appointing officer shall send written confirmation to the person or persons appointed. The Authority may require that the applicant submit to a physical examination, as permissible by law.

1.7 Probationary Periods

The first 12 months of continuous employment at the Authority is considered a probation period for new employees. For employees who receive a promotion, the probationary period is six months.

1.7.1 New Employees

The first 12 months of continuous employment at the Authority is considered a probation period. During this time it is hoped that each new employee will learn his/her responsibilities and demonstrate satisfactory competence in the new position. It is also an opportunity for the employee to get acquainted with coworkers and determine whether or not the position meets his/her needs and expectations. Probationary program staff will receive an additional review at six months from a selected team of staff, in order to provide on-going feedback and maximize the success of the probationary period. This team, under oversight from the ASD, will conduct a performance assessment at the six-month juncture to provide positive feedback and to advise the employee of any problem areas with proposed corrective measures. Just prior to the probationary employee reaching the end of the probation period, the team will again prepare an evaluation that takes into consideration any comments and/or corrective action resulting from the first evaluation. The evaluation will contain a recommendation to the ED as to whether or not the probationary employee should be granted regular employee status or released from service.

For Administrative Services staff, the ASD will evaluate at six and 12 months. Based on the results of these evaluations, a recommendation will be made to the ED to end the employee's probation and either grant regular employee status or release from service.

The ED has the authority to end probationary periods prior to the completion of one year, as allowed by law.

Upon completion of the probation period, if the employee's performance is satisfactory and a recommendation is made to end probationary status, he/she will be granted regular employee status and subject to the normal evaluation process outlined in the Performance System.

1.7.2 Promotional

Employees serving a probationary period due to a promotion will maintain their original anniversary date for benefits that are tied to length of service; future salary increases will be tied to the annual salary adjustment plan starting after they complete their probationary period (see section 2.21 and attachment A). Promotional probation periods shall be for six months duration. Prior to being considered for promotion, the ASD will review the duties and qualifications for the requested job before the request can proceed, and determine if the work plan is consistent with the duties and qualifications in the requested classification. For more information, see Chapter 2.

Employees who fail to complete a promotional probationary period may be reassigned to the position from which they were promoted, if such a vacancy exists, or to a similar or lower level position if such a vacancy exists and they meet the minimum qualifications. Reassignment may not be made if the Authority determines that reassignment is not in the Authority's best interest (e.g., the reason for failing to complete probation is related to a violation of Authority rules or policy or other regulation or law). In some cases, employees may be subject to another probationary period if the scope of responsibilities is significantly different from their position prior to promotion.

1.8 Regular Employees

Regular employees are those who have passed probation. Regular employees may be classified as Full time or Part time.

Full time employees are scheduled and work 40 hours per week or 80 hours per pay period. They are entitled to all health benefits and paid time off.

Part time employees are scheduled and work at least 20 hours but less than 40 hours per week, or work at least 40 hours but less than 80 hours per pay period. They are entitled to all health benefits and paid time off on a pro-rated basis. All regular employees are subject to an annual performance review.

1.9 Exempt/Non-Exempt Employees

Exempt and non-exempt are terms that are used to define whether the Fair Labor Standards Act (FLSA) applies. FLSA establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments. Positions are categorized as exempt or non-exempt according to the nature of the duties and responsibilities assumed and must meet all the tests included in FLSA. Exempt employees are those employees serving in executive, administrative, or professional positions. The following are key distinctions among positions at the Authority:

- The employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise;
- The employee's primary duty includes the exercise of discretion and independent judgment with respect to matters of significance;
- The employee's primary duty must be the performance of work requiring advanced knowledge, defined as work that is primary intellectual in character and which includes work requiring the consistent exercise of discretion and judgment.

Unless a position meets all the standards outlined in FLSA to qualify as exempt, it will be defined as non-exempt and therefore subject to the FLSA rules.

1.10 Special Service Employees

This classification is used only on rare occasions and includes employees that work under 20 hours per week or under 40 hours per pay period. They are not entitled to any health, dental or vision benefits, or retirement benefits unless previously vested in PERS, but are otherwise considered regular employees. Employees will receive other fringe benefits subject to applicable provisions, e.g., social security or life insurance. They receive paid time off on a pro-rated basis.

1.11 Intermittent Employees

The Authority may require the services of temporary employees to be hired for a period of time not exceeding 1,000 hours per fiscal year (July 1 through June 30.) The ED may only appoint an intermittent employee within available funding. Intermittent employees are not regular employees and can be dismissed from Authority service at any time without the right of appeal. The hourly rate of pay shall be determined by the ED, within ranges established by the Authority Board, consistent with the established job classifications and pay structure. Intermittent employees receive the legally mandated benefits, e.g. Social Security/Medicare, State Disability Insurance and Worker's Compensation Insurance. If the employee is vested in PERS, PERS contributions will be made in lieu of Social Security. Intermittent employees do not accrue or have the right to use paid leaves.

1.12 Limited Term Employees

A limited term employee is an employee hired for any position for a specific period of time. Once the term is reached, the employee is released from service. They are eligible for health benefits, provided they work at least 20 hours per week,, paid time off on a pro-rated basis and other benefits as required by the Public Employees Retirement Service (PERS) . Limited term employees are not regular employees and can be dismissed from Authority service at any time.

1.13 Volunteers

The number of volunteers within the organization may vary due to programmatic need. Volunteers shall sign a volunteer waiver form and shall submit a log of hours volunteered monthly.

1.14 Anti-Nepotism Policy

Relatives may be eligible for hire only with the authorization of the ED. The Authority may refuse to hire relatives of present employees if doing so could result in actual or potential problems in supervision, security, safety, or morale, or if doing so could create potential conflicts of interest. The Authority defines "relatives" as spouse, children, siblings, parents, grandparents, aunts, uncles, nieces, nephews, cousins, in-laws, step-relatives and domestic partners. Present employees who marry will be permitted to continue working in the job position held only if they do not work in a direct supervisory relationship with one another or in job positions involving conflict of interest.

1.15 Work Period and Work Week

The work week is defined as starting at 12:01 a.m. Sunday and ending at midnight Saturday. A normal work period will generally be 40 hours of work within seven consecutive days for non-exempt employees

and 80 hours bi-weekly for exempt employees. Normal work hours are 8am-5pm, Monday through Friday.

1.15.1 Flex-time

Understanding that effective and efficient public service is paramount, flexible work hours may be established for the employee's benefit and based on the following guidelines: A flexible work schedule shall not interfere with service to the public, shall meet the needs of the Authority and, when feasible, be complementary to the schedule of other Authority employees and/or the public.

- A flexible work schedule may be authorized for an individual employee.
- All existing HR policies and regulations shall continue to apply, including those dealing with overtime compensation. Should the ED or designee determine that any conflict or problem results from a flexible schedule, the existing policies or regulations will prevail and the flexible schedule discontinued.
- While work schedules should stay within a consistent range, minor modifications may be made providing the employee works the approved numbers of hours during the fiscal year. Employees should inform the front office if they are sick, late, or absent for other unforeseen reasons. Employees should inform project leads, team members, or other affected parties of major changes in schedule, and consider the impact of the change upon work load, other staff, and deliverables.
- The employee must accurately account for the total number of hours each working day, work week, and work period.
- Exempt employees may work a flexible schedule as long as it meets the needs of the Authority. Flexible schedules may be set by the exempt employee, in consideration of workload, other staff, and deliverables. Any impacts of individual schedules should be reviewed by the program group. Problems with an individual flexible schedule for exempt staff can be addressed through the program group review process and Performance System. The ED or designee can, with notification, alter the schedule of the employee.
- Non-exempt program employees may work a flexible schedule with the approval of their project lead(s) and the Program Group(s), consistent with appropriate state and federal law. Non-exempt administrative employees may work a flexible schedule with the approval of the ASD, consistent with appropriate state and federal laws. Problems with an individual flexible schedule for non-exempt program staff can be addressed through the program group review process and/or Performance System. The ED or designee can, with notification, alter the schedule of the employee.

1.15.2 Work Hours – Request to Change

Employees may request an increase or decrease in total work hours as part of the budget process. The change in hours will be considered as part of the budget review and approved by the RP and ED for program staff, and by the ASD for administrative staff, based on the needs of the Authority. The change in hours, once approved, is expected to stay in effect throughout that fiscal year.

In extraordinary circumstances, when a request is made after the budget is adopted to either significantly reduce hours or increase work hours beyond 30 hours/week, the following steps should be taken:

- The employee determines when this change will become effective, e.g. beginning of the fiscal year, beginning of the calendar year, etc.

- The employee discusses this change with his/her Program Group(s) and ASD to determine what impact the change would have on the budget, his/her projects/work and alternatives developed for addressing any workload concerns.
- Assuming Program Group approval, a recommendation is made to the RP for final approval for programmatic staff.
- The ASD will approve/deny requests from the Administrative Services staff.

Regardless of when the change in hours becomes effective, the term is for the remainder of the fiscal year although it can be subject to change based on the needs of the Authority.

1.16 Meal and Rest Periods (Non-Exempt Employees)

Non-exempt employees are provided with an unpaid one hour meal period, to be taken approximately in the middle of the workday. If an employee is periodically required to work during his/her designated lunch period, either his/her daily work schedule may be temporarily changed, or the additional time worked compensated. Employees are encouraged to take the appointed lunch break whenever possible, rather than working through the entire day. Employees must obtain authorization from a supervisor prior to working during a meal period.

Non-exempt employees may use one morning and one afternoon rest period of 15 minutes each. Rest periods should be scheduled in such a way that disruption to the day to day work flow is minimized.

1.17 Personnel Records

The Authority maintains a personnel file for each employee. Personnel files contain documents relating to employee performance, documents related to decisions made about the employee, and other documents related to the administration of Authority personnel. It is the responsibility of each employee to promptly notify the ASD of any changes in the employee's personal information, such as address, telephone number, emergency contacts and number/names of dependents. Employee medical information is maintained in separate confidential files.

Employees have the right to inspect their personnel files in the presence of an Authority representative at a mutually convenient time. An employee is entitled to receive a copy of any employment-related document that he or she has signed. Employees are not entitled access to documents in their personnel file that pertain to a pending investigation regarding the employee's conduct or references and related information about the employee given in confidence as part of the hiring or promotional process.

Personnel file documents and employee medical information is not disclosed to anyone, other than Authority management with a legitimate personnel need for access, without prior written authorization from the employee or as required by law. All requests for access to employee personnel files must be made to the ASD. Only the ASD is authorized to grant access to a personnel file or medical information file.

Destruction of personnel files, including employment applications, shall be made only in accordance with the Authority's retention schedule and state and federal law.

1.18 Employee References

All requests for references must be directed to the ASD (or in his/her absence the ED). Only the ED, ASD or designee is authorized to provide official employee references. Only the specific information authorized for release by the employee, in writing, will be provided. Without written authorization, the Authority will disclose only the dates of employment, and the last title and salary held by the employee.

1.19 Force Reductions

Under some circumstances, the Authority may need to restructure or reduce its workforce. If restructuring operations or reducing the number of employees becomes necessary, at the sole discretion of the Authority Board, the ED or designee will provide at least 30 days advance notice to help prepare affected individuals. If possible, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff, whether short-term or indefinite.

In determining which employees will be subject to layoff, the Authority will take into account, among other things, operational requirements in conjunction with the skill, productivity, ability, and past performance of the affected employee(s). Length of service, or seniority, will be a factor only when all other variables are equal. Regular employees will not be laid off if there are intermittent, special service, limited term, or probationary employees in the same class for which the regular employee is qualified, eligible, and available. In such a case, the probationary, intermittent, limited term, or special service employees will be laid off first. Incumbents in positions that are reduced in hours or eliminated may apply for other vacancies within the Authority for which they possess the minimum qualifications.

1.20 Voluntary Termination and Resignation

Voluntary termination results when an employee voluntarily resigns his or her employment, or fails to report to work for three (3) consecutively scheduled workdays without notice. Employees with supervisors need to notify their supervisors directly and those without direct supervisors should notify team members, a RP member, and/or the ED and ASD of their resignation. All Authority-owned property, including keys, security cards, and credit cards, must be returned immediately upon termination of employment.

Employees wishing to resign from Authority employment in good standing are requested to give a minimum of two (2) weeks advance notice in writing stating the date of resignation, their last day of work and forwarding address. Failure to comply with this section may impose a hardship on the Authority and consequently will be taken into consideration, should that individual again seek employment with the Authority.

1.21 Exit Interview

The purpose of the exit interview is to provide an opportunity for departing employees to express their views regarding their employment and to provide a means for communicating these views to the Authority. Its intent is to provide for the uniform treatment of departing employees, to obtain and compile data on separations as a basis for analyzing employee turnover, to advise employees of their separation rights to benefits, to provide a tool to identify and resolve Authority problems, and to process the required documentation.

The ASD shall be responsible for the coordination of the exit interview. The ASD shall contact the employee to schedule the exit interview, which will generally be held on the last day of employment. The ASD shall conduct the interview. In the absence of the ASD, the ED shall conduct the exit interview. If for any reason an exit interview cannot be conducted, the ASD shall notify the employee in writing of their rights and benefits. The ASD shall provide a copy of the completed exit interview to the ED and a copy for the employee's personnel file.

1.22 Departure Procedures

The employee's final paycheck will be ready for the employee to pick up from the ASD on the normal payday. When an employee is involuntarily terminated, he or she will receive their check within three (3)

working days of the effective date of the discharge, or a mutually agreed upon date. Employees may request their final paycheck by normal process for automatic deposit.

At the time of the exit interview the ASD will request the return of any keys and other property that belongs to the Authority, if this has not already been done.

Separating employees will be compensated in their final check for all accrued annual vacation leave. Non-exempt employees will also be compensated for any compensatory time, if applicable.

Employees who terminate employment before becoming eligible for a retirement annuity may, by contacting PERS, and consistent with current PERS policies, do one of the following:

- Receive a refund of the employee's contributions made to their retirement account, plus interest at the determined rate.
- Leave retirement contributions in the system.

Chapter 2 - Personnel Systems & Procedures

2.1 Classification Plan

The purpose of the Classification Plan is to ensure that all positions are classified appropriately based on current duties and responsibilities so that the resulting compensation is fair and equitable relative to other positions within the Authority. The Plan is an orderly appraisal and inventory of each classification in the Authority with each position within the Authority allocated to an appropriate classification and pay range. All positions that are substantially similar in duties, responsibilities, and character of work are included within the same classification in order to ensure the work is evaluated and compensated in an equitable manner. The ED, in concert with the ASD, will make the final determination as to the appropriateness of a classification and the findings are not subject to the Appeals Procedure.

2.1.1 Maintenance of the Classification Plan

Based on studies performed by the ASD, new classes may be created, classes revised, combined or abolished, and pay ranges established.

- A. **New Positions** – Proposed new positions shall be reported to the ASD. The ASD shall study and evaluate the new position to provide a basis for determining its proper classification, pay range and exempt or non-exempt status. All new positions shall be approved by the Authority Board.
- B. **Reclassifications/Reorganizations** - When the duties of a position change substantially (level and responsibility increased or decreased) due to a reorganization or reassignment of tasks, and these changes will be permanent in nature, a request to study and evaluate the position shall be submitted by the employee or if applicable the employee's supervisor, to the ASD. The ASD may also initiate a study. Upon completion of a study, a determination will be made whether or not the position should be reclassified. If so, the position will be allocated to its appropriate classification, pay range and exempt or non-exempt status. Reclassifications shall not be used as a reward or punishment for performance levels, or in place of the promotion or demotion procedures. If, in the course of the study, other inequities are discovered, those positions may also be studied.

The ASD shall be notified of any reorganization that will impact position classifications and be available to advise on reorganization issues. Studies of affected positions will be conducted and appropriate adjustments made to the positions' classifications, pay ranges and exempt or non-exempt status.

In general, non-exempt employees temporarily assigned out of their classification for five working days or more will receive a 5% temporary pay differential or receive the bottom of the out-of-class salary range (if it exists), whichever is greater with approval of the ASD. In extraordinary situations a non-exempt employee may receive more than 5% with the approval of the ED in consultation with the ASD and the employee's supervisor (if applicable).

In general, exempt employees assigned out of their classification for 20 working days or more will receive 5% temporary pay differential or the bottom of the out-of-class salary range, whichever is greater, with approval of the ASD and ED. In extraordinary situations an employee may receive more than 5% with the approval of the ED in consultation with the ASD. Exceptions to the required number of days before the differential is granted can be made at the discretion of the ED.

- C. **Promotional Requests** - Prior to a promotional request being considered, the ASD will review the job responsibilities of the existing and requested position to determine whether the duties, responsibilities and qualifications fit the classification being requested.

- D. **Periodic Review** - At the discretion of the Authority, a maintenance review of all classification series may be conducted periodically. Appropriate adjustments will be recommended and may be made with approval of the Authority Board based on recommendations from the ED.
- E. **Abolishment of Positions** - A recommendation to abolish positions may come from the ASD. The Authority Board, based on recommendations from the ED in concert with the ASD, shall make the final determination on the abolishment of positions.

2.1.2 Class Specifications

A class specification is a description of a group of similar jobs. Class specifications are descriptive only and not restrictive. They serve as a general guide as to what type of work is performed by a particular set of jobs and the associated knowledge and abilities required. They are not designed nor do they limit the authority of any appointing authority to assign, direct and control the work of employees under his/her supervision. In determining the class of a particular position, the class specification in total serves as a guide. A change in job duties does not necessarily lead to a change in classification or a promotion. The ED or ASD may make changes or corrections to job descriptions as needed which do not substantially alter the basic job requirements for the position. Impacted employees will be advised of any changes to their job descriptions.

2.2 Salary Administration

The Authority's policy is to recognize and compensate employees for the work they perform within and beyond the normal work period. The Authority embraces the philosophy to pay fair and reasonable wages that will attract, retain and motivate qualified personnel to meet organizational goals and objectives.

2.2.1 Salary Adjustment Plan Design

The salary plan shall include all classifications in the Authority. Except for the ED, the salary structure shall consist of a salary range. Each range is established using salary control points that will be set to the appropriate labor market. The salary ranges will be reviewed periodically and modifications recommended where appropriate. Annual salary increases are based upon performance as outlined in attachment A. Any salary increase requires at least satisfactory performance.

2.2.2 Changes in Status

- A. **Completion of Probationary Period** - All regular status employees shall serve a twelve (12)month original employment probationary period. Employees who are promoted or reclassified serve an additional six month probationary period
- B. **Promotions** – Promoted employees shall be placed in the higher salary range and will receive an increase in salary of 5% (but not to exceed the maximum of the new range) once the employee's work plan is approved and another 5% at the end of six months if the promotion is granted. The salary increase may exceed this percentage adjustment if needed to bring the salary up to the minimum of the new range. If the employee moves from a non-exempt to an exempt position, the rules regarding overtime compensation and administrative leave for the new position will apply. Anniversary dates for annual pay increases not associated with a promotion will remain consistent with other employees (currently awarded each October 1st) subject to the provisions of the Annual Salary Adjustment Plan. Anniversary dates for length of service remains the same.

- C. **Compensation When Reclassified** – When an employee's position is reclassified to a higher level classification, or when a classification is assigned to a higher salary range, the employee will receive an increase in salary of 5% (not to exceed the maximum of the new salary range) and an additional 5% after six months assuming satisfactory performance (not to exceed the maximum of the new salary range). Anniversary dates for annual pay increases not associated with a reclassification will remain consistent with other employees (currently awarded each October 1st) subject to the provisions of the Annual Salary Adjustment Plan.. If the initial increase falls below the minimum of the new range, the salary will be increased to the minimum salary of the new range. Exceptions may be made based on a determination of how long the employee has been at the maximum of their existing salary and performing the functions of the higher classification. Furthermore, should a temporary assignment result in a permanent reclassification, the incumbent will maintain the original differential and will be eligible for a 5% step increase after six months, provided that the increase does not exceed the new salary range.
- D. **Annual Salary Adjustments** - In order to properly compensate employees, adjustments in salary shall be made. Adjustments shall not be automatic, but shall depend upon an evaluation that shall be performed annually. Salary adjustments will be administered in accordance with the Annual Salary Adjustment Plan (see attachment A).
- E. **Voluntary Demotion** - Employees who are voluntarily demoted shall be placed in the new classification's salary range, at the same salary if it is within the new range. Salary will be adjusted if it is outside the new range. The new salary shall not exceed the maximum rate for the new, lower salary range, without approval of the ASD and ED.
- F. **Involuntary Demotion** - Employees who are involuntarily demoted as a result of disciplinary action, shall be placed in the new classification range and their salary may be reduced by five percent (5%) from their present salary. However, their salary shall not exceed the maximum rate for the new lower salary range, without approval of the ASD and ED.
- G. **Transfers** - Employees who laterally transfer to a classification with the same pay range shall retain their present salary.

2.2.3 Wage Payment

The Authority operates on a biweekly pay period that shall commence on Sunday and continue through the following second Saturday (two weeks). Pay dates will be every other Friday and cover the period ending two weeks before (e.g., pay period ends on a Friday the 14th, payday will be Friday the 28th). The manner of distributing the paychecks will be determined by the ASD. Employees are encouraged to use direct deposit.

2.3 Overtime Compensation

Employees may be required to work beyond the normal workday or workweek in order to meet operational needs; however, the ED or designee will attempt to distribute these additional hours evenly and accommodate individual schedules. Positions are designated as exempt or non-exempt from overtime compensation, based on FLSA, according to the nature of the duties and responsibilities assumed.

2.3.1 Non-Exempt Employees

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

- All hours paid in excess of 40 hours in one workweek will be treated as overtime. Workweeks begin each Sunday at 12:01 a.m. and end the following Saturday at midnight;
- Compensation for hours in excess of 40 for the workweek, shall be paid at a rate one and one-half times the employee's regular rate of pay or equivalent compensatory hours may be requested in lieu of cash.

Hours paid in a given workweek are applied in calculating overtime. All overtime worked by non-exempt employees must be previously authorized by the ASD or supervisor. Non-exempt employees who work overtime without prior authorization, except in emergency situations as determined by the ASD, may be subject to discipline, up to and including termination.

Non-exempt employees may accrue a maximum of 96 hours of compensatory time (64 hours of overtime worked), which may be accumulated for a maximum of twelve (12) months. Once a year, at the employee's option, compensatory time earned may be converted to pay or be extended upon approval of the ASD. Once 96 hours have been reached, the employee will be compensated in cash unless an increase in the compensatory hours has been authorized by the ASD. The use of compensatory time shall be scheduled in accordance with the Authority's vacation leave guidelines and procedures.

2.3.2 Exempt Employees

Exempt employees are not entitled to overtime pay or compensatory time off.

Regular, part-time employees serving in an exempt position will be paid a pro-rated salary based on their budgeted work hours per year. This amount can be adjusted within their range during the annual and/or midyear budget processes, when budgeted hours are changed

2.4 Performance System

The Authority's performance system is designed to work on an annual basis for all employees with the exception of probationary employees and intermittent employees. The performance system for probationary employees is designed to provide ongoing shared communication during the first year of employment. As described in attachment a, the feedback process for employees consists of the annual performance review which is linked to pay and conducted in the Fall and anonymous 360° "competencies" assessment which is conducted in the Spring and is not linked to pay,

The ASD administers the performance system. The Clerk of the Board assists with the 360° review process. The ED can approved administrative changes to the performance system (attachment A), provided that those changes do not exceed the approved budget for that fiscal year or exceed the maximum amount of a performance based salary increase that an employee receives (i.e., cannot exceed 150% of the average of the salary pool or the 95th percentile of the employee's salary range). Examples of administrative changes would include revising the evaluation form, expanding, or revising core or job specific competencies, etc.). Any proposed change will be reviewed by the Review Panel and discussed with employees prior to implementation.

2.5 Disciplinary System

It is the policy of the Authority to use a progressive disciplinary process. The disciplinary action will be related to the severity of the performance or behavioral deficiency, its frequency and its consequences. A serious or major performance or behavioral deficiency may result in more severe disciplinary action and may not necessarily be preceded by less severe forms of disciplinary action. This policy emphasizes the prevention, identification and resolution of employee performance or behavioral deficiencies, before instituting progressive discipline.

The A-Team will evaluate employees under its regular evaluation procedures outlined in the Performance System. Based on the standards in the Performance System, the ASD may identify individuals as needing a performance improvement plan as a corrective measure. Individuals without a direct supervisor who need performance improvement will be assigned a performance supervisor by the ASD and ED, and will act in the capacity of a direct supervisor until the performance issue is satisfactorily resolved. Recommendations for corrective action will be taken to the performance supervisor for implementation of a performance improvement plan, consisting of specific recommendations on performance and behavior over a period of time. If behavior and performance do not improve under the performance improvement plan, the supervisor, in concert with the ASD, may choose to initiate disciplinary action.

The supervisor will use the following strategies:

- Communicate and explain the Authority's expected performance and behavioral standards.
- Communicate and explain the Authority's Disciplinary System and Procedures.
- Provide employees training, recognition and feedback on performance standards.
- Conduct periodic performance reviews and appraisals.
- Apply positive reinforcement measures.
- Apply progressive disciplinary measures.

The supervisor will report to the ASD on the individual's progress at regular intervals. If punitive measures are proposed by the supervisor, the ASD will make recommendations on the punitive measures to the ED. The ASD has sole discretion in handling disciplinary matters for administrative staff.

This disciplinary system shall apply to all regular full-time, part-time, limited term, and special service employees. It shall not apply to: Intermittent employees; or to Authority appointees including the ED and Authority Counsel; probationary employees; or employees who have written contracts of employment.

2.5.1 Discipline Guidelines

- A. Employee Standards** - Every employee shall maintain high standards of performance and acceptable behavior, including cooperation, efficiency and economy in his/her work for the Authority. Each employee is responsible for correcting any deficiencies in his/her performance.
- B. Grounds for Discipline** – Regular, limited term, and special service employees may be disciplined as defined herein for any of the following causes described in this Manual, including, but not limited to:
- Unauthorized absence, tardiness, abuse of sick leave privileges, fraud in securing appointment, incompetence, inefficiency, insubordination, dishonesty, mishandling of public funds, falsifying Authority records, conviction of a criminal offense, illegal political activity, negligence in the use of or unauthorized use of Authority equipment, willful disobedience of these rules and regulations, or of any rules and regulations which have been formally approved by the ED, or any other act or acts which are incompatible with or inimical to the public service.

In identifying and analyzing a deficiency, the severity of the deficiency will be determined by the ASD and supervisor in order to administer the appropriate disciplinary action. When determining the appropriate disciplinary action, the following factors, not limited to, may be considered:

1. Seriousness and consequences of the deficiency.
2. Employee's previous work record.
3. Previous disciplinary actions for similar deficiencies.
4. The disciplinary action that would be most effective in correcting the employee's deficiency.

C. Seriousness and Consequences of the Deficiency - Disciplinary deficiencies fall into three categories. The disciplinary action taken should be appropriate to the deficiency and its consequences.

1. Minor Deficiencies - These are acts not involving any question of trust or honesty; they do not pose a threat to orderly Authority operations; they do not endanger the health, welfare, or safety of employees or other individuals. Examples are:
 - a. Isolated instances of tardiness or absenteeism.
 - b. Abuse of meal or rest periods.
 - c. Minor job performance deficiencies addressed in the Performance System.

These deficiencies should be handled through positive and preventive measures.

2. Serious Deficiencies - These are acts that constitute a threat to orderly Authority operations or pose a threat to the health, welfare or safety of employees or other individuals. Examples are:
 - a. Insubordination.
 - i. Disrespect toward supervisory or other authority.
 - ii. Disorderly conduct causing disruption of work unit or task.
 - iii. Disregard, omission or neglect of duties.
 - b. Conduct Unbecoming of an Authority Employee.
 - i. Abusive attitude, language or conduct, toward employees or the public including threatening or intimidating language or actions.
 - ii. Abuse of authority over employees or the public.
 - iii. On or off duty conduct that may bring discredit to employees or the Authority.
 - c. Violation of safety laws, regulations, or guidelines.
 - d. Negligence or careless job performance.
 - e. Negligence of Authority property or equipment.
 - f. Unexcused or excessive absenteeism.
 - g. Violation of equal employment opportunity laws, policies and regulations.
 - h. Repeated delays in meeting professional obligations.

These deficiencies normally should be handled through corrective actions.

3. Major Deficiencies - These are acts that seriously threaten the operation of the Authority or pose a grave threat to the health, welfare or safety of employees or other individuals. Examples are:
 - a. Major Insubordination.
 - i. Disobedience or refusal to obey a reasonable order from the ED, ASD, their designee(s), or supervisor
 - ii. Neglect or carelessness resulting in injury or damage.
 - iii. Promoting work unit insubordination.
 - b. Willful and unauthorized removal and control of Authority or employee property.
 - c. Misappropriation or conversion of Authority, employee or general public's property.

- d. Unauthorized possession of, transfer of, consumption of, or being under the influence of alcohol, intoxicants, or controlled substances (illegal drugs), or misuse of prescription drugs while on duty. The employee shall be considered “under the influence” if the employee’s ability to perform his/her duties is to the slightest degree affected by the consumption of alcohol, intoxicants, controlled substances or prescription drugs.
- e. Unauthorized physical restraint, contact or attack upon any employee or other person while on duty.
- f. Willful falsification or omission of Authority documents, records, forms or information required by the Authority.
- g. Conduct that is a violation of public policy or trust, or is corrupt.
- h. Criminal activity that jeopardizes effective or efficient business practices, or poses a threat to the safety or security of persons or property.
- i. Disclosure of confidential information that is defined by law.
- j. Improper use of position, character or confidential information for personal benefit (financial or other interests) or for the benefit of others.
- k. Conduct that is a conflict of interest or a conflict in the performance of duties.
- l. Preferential treatment of individuals or firms.
- m. Continued performance deficiencies after corrective disciplinary action.
- n. Intentional abandonment of one’s position for three (3) or more work days.

These deficiencies should normally be handled through punitive actions up to and including dismissal.

2.5.2 Discipline Administration

The type of disciplinary action taken is determined by the seriousness and consequences of the performance deficiency or non-performance violations. The following three categories of disciplinary action may be used:

- A. Positive Disciplinary Action** - These actions are intended to prevent and document minor deficiencies.
- 1. Types of Positive Disciplinary Action
 - a. Counseling - A discussion to explain an actual performance deficiency and emphasizing expected standards.
 - b. Memo of Expectations - A written notice emphasizing past counseling and current deficiencies with a stronger emphasis on expected standards.
 - c. Memo of Correction - A written notice requiring the need for immediate and sustained improvement in performance to expected standards.
 - 2. Authority to Take Positive Disciplinary Action - These actions may be taken by the supervisor, ASD, or ED in consultation with the ASD.
 - 3. Related Recordkeeping - A written report shall be kept of these actions. Written notice shall be placed in the employee’s personnel file and copies of written notice shall be provided to the employee. The employee may request in writing the removal of these records after one (1) year from the date of the notice. The supervisor, ASD or ED may request removal of these records from the employee’s file if there is sustained performance meeting expected standards. The Authority reserves the right to retain these records in the employee’s file.

4. Appeal Rights - Positive disciplinary actions do not require a notice of intent and may not be appealed. However, the employee may respond in writing and that record may be put into their Personnel file at their request.

B. Corrective Disciplinary Actions - These actions are intended to correct and record serious performance deficiencies or instances where positive disciplinary actions have not resulted in performance meeting expected standards.

1. Types of Corrective Disciplinary Action - The sequence of disciplinary action shall be discretionary. A more serious action need not necessarily be preceded by a lesser action.
 - a. Admonishments - An oral notice to an employee explaining the actual serious performance deficiency and requiring immediate and sustained improvement to expected standards.
 - b. Written Reprimand - A written notice to an employee informing him/her that a serious performance deficiency exists or that a violation of work rules has taken place. The contents of the notice must be explained to the employee in an interview. The notice shall include the standards of performance immediately expected and shall advise the employee that more serious disciplinary actions will be taken if immediate and sustained performance meeting these expected standards is not achieved.
 - i. The written reprimand shall be placed in the employee's official personnel file. A copy shall be given to the employee.
 - ii. The notice of written reprimand shall include:
 - Reason for the reprimand reflecting each performance deficiency and its impact upon the Authority, its employees or the public.
 - Reference to prior disciplinary actions if any.
 - The expected performance standard and a time frame for achieving the standard.
 - A general indication of the consequences if there is not immediate and sustained improvement.
2. Authority to Take Corrective Disciplinary Action - These actions may be taken by the supervisor, ASD, or ED in consultation with the ASD.
3. Appeal Rights – Corrective disciplinary actions do not require a notice of intent and may not be appealed. However, the employee may respond in writing and that record may be put into their Personnel file at their request.

C. Punitive Disciplinary Actions - These actions are intended to record, discipline and/or correct major deficiencies. The sequence of disciplinary action shall be discretionary. A more serious action need not necessarily be preceded by a lesser action.

1. Types of Action
 - a. Suspension With or Without Pay - This action may be taken to stress the seriousness of a performance deficiency or alleged deficiency to an employee.
 - b. Involuntary Demotions - This action may be taken for major deficiencies when it is determined that the employee is unwilling or unable to perform his/her assigned duties at expected performance standards; but should be able to perform the assigned duties of a lower classified job at expected performance standards.

- c. Termination - This action may be taken for major deficiencies. Termination is the involuntary permanent removal of an employee from employment.
2. Authority to Take Punitive Disciplinary Action - These actions shall be taken by the ASD or ED. The Notice of Intent shall be signed and approved by the ED (see 5.a. below).
3. Recordkeeping - Recordkeeping for punitive disciplinary action must comply with all employee due process rights, including a notice of intent to take disciplinary action and a right to appeal.
4. Appeal Rights – See Appeals Procedure, Section 2.6.
5. Employee Due Process Rights
 - a. Notice of Intent - All intended punitive disciplinary action shall be written and presented to the employee. The notice shall include:
 - i. Notice of intended disciplinary action and date of implementation.
 - ii. Reasons for the action, including identification of each performance deficiency and a statement of the particular facts which evidence each performance deficiency.
 - iii. A list of exhibits and witnesses supporting the statement of facts.
 - iv. A notice to the employee of his/her option to respond, orally or in writing, to the reasons for action or to challenge the intended action, within ten (10) working days of the notice.
 - b. Notice of Disciplinary Action - After consideration of any employee response to a Notice of Intent, and decision to effect the action, a Notice of Disciplinary Action shall be written and presented to the employee. The notice shall include:
 - i. Notice of the effective date of the action.
 - ii. Reasons for the action, including a statement of the particular facts that evidence each performance deficiency and identification of each performance deficiency.
 - iii. A list of exhibits and witnesses supporting the statement of facts.
 - iv. A notice to the employee of his/her right to appeal the action to the ED, by submitting a written letter to the ASD within ten (10) working days of the notice.
 - c. Distribution of Notices - The ED or designee shall be responsible for placing all notices in the employee's personnel file and shall present a copy of all notices of punitive disciplinary action to the employee, and forward a copy to the ASD. Records of punitive disciplinary action shall remain in the employee's file. Employee may request removal of these records to the ASD. At the ASD's discretion, the record may be removed or a statement that performance was corrected may be placed in file.

2.6 Appeals and Disputes

It is the policy of the Authority to provide for an orderly, informed and confidential process for regular, limited term and special service employees to have their problems and/or concerns considered in a fair and expedient manner without fear of reprisal. Dependent upon the situation, prior to filing an appeal, a one-on-one meeting should take place to see if situation can be resolved.

Any regular, limited term, or special service employee may appeal punitive disciplinary actions, applications and intent of the HR policies and procedures, and interpretation of benefits and rights. An appeal shall not include, and the appeal policy shall not apply, to any of the following:

- The content or structure of the Classification Plan.
- The content or structure of the Salary Plan.

- Performance reviews.
- Positive and Corrective Actions.

Promotion and/or reclassification decisions and processes may be appealed only to the ASD and ED, and may not use a Human Resources (HR) Committee or hearing officer detailed in steps 2a and 2b below. For the purposes of this policy, an “Appeal” means any claim by a regular, limited term, or special service employee that such claimant’s rights, benefits, privileges or interests, provided for in these policies and procedures, have been violated, misapplied or misinterpreted.

2.6.1 Appeals and Dispute Definitions

The employee shall file a written notice of appeal with the ASD within ten (10) working days after written notification of the disciplinary action or application of policy. This shall set forth his/her intention to appeal and the reasons for the appeal. Failure on the part of a disciplined employee to file a written notice of appeal within the allotted time terminates the right to an appeal and the punitive action or application of policy shall be final. Any regular, limited term, and special service employee may also use this procedure to resolve a dispute with another employee that is not solved by ordinary means.

A statement of appeal must include the following:

1. Employee name and title.
2. Statement of appeal giving:
 - a. Date and time of action being appealed.
 - b. Circumstances of appeal. The employee should set forth the act or omission that he/she believes unjustly denied his/her rights, benefits, privileges or interests.
3. Specific Authority policy the employee alleges was violated.
4. Statement of the relief sought, which must be within the authority of the ED to grant in whole or in part.
5. Signature of employee and date.

A. Hearing Officer

1. In the case of an appeal of punitive actions only, the use of a hearing officer may be requested by either the employee, the ED, or the ASD.
2. If a hearing officer is requested, the ED shall request that the name of a hearing officer be provided by the State Mediation and Conciliation Service or some similarly appropriate body. Such services shall be at Authority expense. Both parties will agree on the selection of the hearing officer.
3. The hearing officer shall be a neutral professional with fact-finding experience.
4. The function of the hearing officer shall be to conduct an evidentiary hearing and examine all the facts and available evidence, to question witnesses under oath, and to make a written recommendation.
5. Evidence taken at the hearing by the hearing officer shall conform to the provisions of the California Administrative Procedure Act, Government Code Section # 11513.
6. The written findings and recommendation of the hearing officer shall be submitted to the appellant, the ED, and the ASD.

B. Human Resources Committee

An ad hoc HR Committee may be requested to hear an appeal of eligible, non-punitive actions. This committee will be formed by one staff member appointed by the Review Panel, one staff member selected by the person making the appeal, and one outside participant selected by the ED. Participants in the HR Committee are expected to observe strict confidentiality.

C. Executive Director Review Procedure

The ED shall review the findings and recommendation of the hearing officer's or HR Committee and make a final decision in writing. The ED may not deviate from the hearing officer's findings and recommendation without reviewing the entire record of the proceedings.

2.6.2 Appeals and Dispute Resolution Procedure and Time Limits

In attempting to resolve a dispute, or make an appeal, the following steps should be followed. The steps are for purposes of simplicity, set forth in a manner that assumes the previous step did not resolve the issue. Except for Step 1, these steps need not be followed in sequence. Other than requiring an employee to submit the problem and the ASD to respond to the problem, these time limits are guidelines. The 10 working day time limit to present a problem must be met by the employee in order to process a problem through this procedure. The Authority has an obligation to respond to appeals in a timely manner.

The ASD or designee will act as the facilitator for all disputes and appeals.

WHO	ACTION	TIME LIMIT
STEP 1 – Appeal to the ASD		
Employee	Present problem in writing to ASD	10 working days from notice of problem
ASD	Respond to employee in writing with timeline to resolve dispute and/or resolution	Within 10 working days of prior action
STEP 2 – Appeal to ED (optional)		
Employee	Appeal to ED in writing specifying why employee feels he/she has not been given full and impartial consideration	Within 10 working days of prior action
Employee and/or ASD and/or ED	If desired, request a Hearing Office or HR Committee as outlined in Steps 2a and 2b below.	
ED	Meet with employee(s), review the case, make a binding decision, and notify the employee, RP, HR Committee (if used in the appeal) and ASD in writing of the decision	Within 10 working days of prior action
STEP 2a – Appeal to the Human Resources Committee (optional)		
Employee	Notify ASD in writing that dispute still is not resolved and request that a HR Committee be formed to review the	Within 10 working days of prior action

	problem.	
ASD	Request HR Committee with appointments from the Review Panel, employee, and Executive Director.	Within 10 working days of prior action
ASD	Send all materials to the HR Committee	Within 10 working days of prior action
ASD and HR Committee	Hears appeal and conducts investigation	Within 10 working days of prior action
ASD on behalf of the HR Committee	Respond to employee in writing with timeline to resolve dispute and/or resolution	Within 10 working days of prior action
STEP 2b – Appeal to a Hearing Officer (optional, for appeals of punitive actions only)		
Employee and/or ASD/ED	Request Hearing Officer (Section 2.6.1A) for punitive actions and suspensions	Request made within 10 days of prior action
ED	Appoint Hearing Officer	Schedule to be developed at time of appeal to hearing officer, with Authority obligation to respond in a timely manner
Hearing Officer	Respond to the employee, ED and ASD with findings and recommendation	Schedule to be developed at time of appeal to hearing officer, with Authority obligation to respond in a timely manner

This section applies only when the Appeals Procedure pertains to charges of illegal conduct, malfeasance or fiscal misconduct by the ED:

WHO	ACTION	TIME LIMIT
Employee	Presents problem in writing to the ASD	The time limits are waived due to the serious nature of the charge
ASD	Discusses with employee and relevant parties	
ASD	Consults with Authority Counsel	
ASD	Presents to A&O Committee	
P&A Committee	Reviews, makes decision and notifies employee if action will be taken. If action needed, P&A Committee will refer to WMA Board.	
P&A Committee – Authority Programs & Administration Committee		

2.6.3 Conduct of Appeals and Dispute Resolution Procedure

In conducting the Appeals Procedure, the following shall be applied as appropriate:

- A.** The time limits specified above may be extended to a definite date by mutual agreement of the employee and the reviewer concerned.
- B.** The employee at his/her own expense may request the assistance of another person of his/her own choosing in preparing and presenting his/her appeal at any level of review, including his/her own legal counsel.
- C.** The employee and his/her representative may be privileged to use a reasonable amount of work time as determined by the ASD in conferring about and presenting the appeal.
- D.** Consultation with the ASD may be done as it relates to clarification and interpretation of these rules.
- E.** Employees shall be assured freedom from reprisal for using the Appeals Procedures.

Chapter 3 - Standards of Conduct

3.1 Prohibited Conduct

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

- Falsifying employment records, employment information, or other Authority records;
- Falsifying any time card, either one's own or another employee's;
- Theft, deliberate or careless damage, or destruction of any Authority property, or the property of any employee or customer;
- Removing or borrowing Authority property without prior authorization from ASD or designee;
- Unauthorized use of Authority equipment, time, materials, or facilities;
- Provoking a fight or fighting during working hours or on Authority property;
- Engaging in unsafe practices during working hours or on Authority property;
- Carrying firearms or any other dangerous weapons on Authority premises at any time;
- Engaging in criminal conduct on duty, or off duty if the off duty conduct has a nexus to the employee's job;
- Causing, creating, or participating in a serious disruption of Authority operations during working hours on Authority premises;
- Insubordination, including but not limited to failure or refusal to obey the directives or instructions of a supervisor, RP, ASD or ED;
- Using abusive language, threatening physical harm or bullying behavior at any time on Authority premises against any person;
- Failing to notify a supervisor or appropriate staff in a timely manner when unable to report to work;
- Unauthorized absence of three consecutive scheduled workdays or more;
- For staff with direct supervisors, failure of notification to leave work for any reason during normal working hours;
- Failing to observe work schedules, including rest and lunch periods;
- Failing to provide a physician's certificate when requested or required to do so;
- For non-exempt employees, working overtime without authorization from a supervisor or designee, or project lead, or refusing to work assigned overtime;
- Violating any safety, health, security or Authority policy, rule, or procedure;
- Committing a fraudulent act or a breach of trust ; and
- Committing of or involvement in any act of harassment discrimination, or retaliation as prohibited by these rules.

The preceding statements are not intended to be all-inclusive, but serve to provide examples. The above stated or similar conduct constitutes grounds for discipline, up to and including termination.

3.2 Drug and Alcohol Free Workplace Policy

The Authority is concerned about the use of alcohol, illegal drugs, or controlled substances as it affects the workplace. Use of these substances, whether on or off the job, can detract from an employee's work performance, efficiency, safety, and health, and therefore seriously impair the employee's value to the Authority. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and exposes the Authority to the risks of property loss or damage, or injury to other persons. Compliance with this policy is a condition of Authority employment. Disciplinary action will be taken for policy violations and law enforcement authorities may be notified of potentially illegal acts.

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

- Unlawful possession, manufacture, distribution, dispensation or use of alcohol or any controlled substance in Authority workplaces and wherever Authority business is performed;
- Reporting to work while under the influence of alcohol, or any controlled substance or drug, that may impair the employees ability to perform their job;
- Driving or operating machinery during work hours while under the influence of alcohol, or any controlled substance or drug that may impair the employee's ability to operate a vehicle or other machinery; and
- Failure to inform the employee's supervisor, ASD, or ED before beginning or resuming work that the employee is taking drugs or medication that could interfere with the safe and effective performance of Authority duties or operation of Authority equipment.

The Authority encourages employees with alcohol or drug dependencies to seek treatment and/or rehabilitation. Employees desiring such assistance should request it by contacting their supervisor or the ASD. The Authority is not obligated, however, to continue to employ any person whose performance of essential job duties is impaired because of current drug or alcohol use. This policy on treatment and rehabilitation is not intended to affect the Authority's treatment of employees who violate the regulations described previously. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

Searches: In order to promote a safe, productive and efficient workplace, the Authority has the right to search and inspect all Authority property, including but not limited to lockers, storage areas, furniture, Authority vehicles, and other places under the common control of the Authority and employees. No employee has any expectation of privacy in any Authority building, property, or communications system.

Drug and Alcohol Testing: Except as to safety-sensitive employees subject to Department of Transportation (DOT) requirements, the Authority has discretion to test a current employee for alcohol or drugs in the following instances:

Reasonable Suspicion Testing: The Authority may require a blood test, urinalysis, or other drug and/or alcohol screening of those persons reasonably suspected of using or being under the influence of a drug or alcohol at work. Testing must be approved by the ASD or his or her designee. "Reasonable suspicion" is based on objective factors, such as behavior, speech, body odor, appearance, or other evidence of recent drug or alcohol use which would lead a reasonable person to believe that the employee is under the influence of drugs or alcohol. In order to receive authority to test, the employee's supervisor or other management employee observing the behavior must record the factors that support reasonable suspicion and discuss the matter with the ASD. If there is a reasonable suspicion of drug or alcohol abuse, the employee will be relieved from duty and placed on sick leave until the test results are received. If the test results are negative, the sick leave used will be returned to the employee.

Post-Accident Testing: The Authority may require alcohol or drug screening following any work-related accident or any violation of safety precautions or standards, whether or not an injury resulted from the accident or violation, provided that the “reasonable suspicion” factors described above are met.

3.3 Punctuality and Attendance

Employees shall comply with Authority policies and procedures regarding hours of work. While exempt employees have flexibility in their work hours, regular attendance is expected and employees are required to notify the office if they are unable to work on a scheduled work day. Because the Authority is accountable to the public in the expenditure of public funds, exempt employees are expected to work the total number of approved budgeted hours, whether part-time or full-time, and report hours accurately.

Employees assigned to the Administrative Services Department, and/or other non-exempt employees, are required to notify their supervisor or designee by telephone within one hour of the start of the employee’s normal work day if unable to report to work. In the event of an emergency, the employee should make arrangements to contact his/her supervisor or designee as soon as is reasonably possible and in no event later than the beginning of the next working day.

Exempt employees should inform project leads, project team members, and other affected parties of any changes to work hours or significant absences. Scheduling of these absences or changes should consider the impact on workloads, staff, and deliverables and be done with a minimum of interruption to the work. Employees should allow adequate notice and make arrangements for coverage of responsibilities.

If an employee fails to report for work without ensuring that his/her supervisor, designee or the office is appropriately notified, and his/her absence continues for a period of three days, the Authority will consider that he/she has abandoned his/her employment.

The ASD may require documentation of illness in the event of excessive use of sick leave.

3.4 Dress Code and Other Personal Standards

Because each employee is a representative of the Authority in the eyes of the public, each employee must report to work wearing appropriate clothing. Employees are expected to dress neatly and in a manner consistent with the nature of the work performed. Employees who report to work inappropriately attired may be asked to leave and return in acceptable attire.

3.5 Confidentiality

Each employee is responsible for safeguarding confidential information obtained during employment. In the course of work, the employee may have access to confidential information regarding the Authority, its vendors or consultants, its customers, or fellow employees. The employee has responsibility to prevent revealing or divulging any such information unless it is necessary for him/her to do so in the performance of his/her duties. Access to confidential information is on a “need-to-know” basis and must be authorized by ASD or ED. Any breach of this policy will not be tolerated and legal action may be taken by the Authority.

3.6 Proprietary Rights

Any and all work products including software design, reports and research analysis completed by Authority employees, while in the employ of the Authority, is deemed to be Authority property.

No employee may sell, copy, or otherwise use proprietary information for outside economic gain without the explicit written consent of the Authority. Employees leaving the employment of the Authority are subject to the same prohibitions relative to selling or otherwise using any work product produced while

employed by the Authority for economic gain without the explicit written consent of the Authority. Any reports, analysis or other products produced specifically for unlimited public use are exempt from this policy.

3.7 Conflict of Interest and Incompatible Activities

No officer or employee of the Authority shall have a financial interest, of any kind, as defined by the laws of this state in any contract, business entity, stock, land or other economic interest such as employment or a consultant contract which is related in any manner to the Authority, such as by being a business entity regulated by the Authority or a vendor providing services, goods or land to the Authority. Exceptions to the policy for diminimus economic interests may be made to the ASD (such as ownership of 100 shares of a stock in a listed company which provides services to the Authority).

No employee of the Authority shall serve on the Board of Directors or an advisory committee of any organization which regularly takes positions on Authority issues or seeks or obtains contracts with the Authority. Nor shall any employee have any employment or consultant relationship with such an organization. If an organization which an employee has a relationship or obtains contracts with the Authority, the employee must recuse himself or herself from involvement in the matter both in that person's role as an employee of the Authority and in that person's capacity as associated with such organization. Employees may consult the ASD or ED for further guidance. Requests for exceptions to possible incompatible activities may be made to the ASD or ED for good cause and upon showing that the exception would not interfere with e employee's duties to the Agency; any approved exception shall be issued in writing.

Any employee willfully violating this section shall be subject to the disciplinary process, with consequences up to and including termination of employment. In addition to any provisions of state law which may void such contracts, any violation of this section with the express or implied knowledge of the involved employee or the business entity or the organization contracting with the Authority shall constitute a material break and be the basis for terminating the contract.

3.7.1 Disclosure Statements

Certain employees may be required by state law and the Authority's Conflict Code to file annual disclosure statements.

3.8 Gratuities

Employees must follow all applicable state and federal laws regarding the acceptance as an individual any fee, gift, or other valuable item in the course of performing the duties of his/her position from vendors, grant applicants, or persons doing business with the Authority, including the maximum value of the gift and reporting requirements. Employees and officers may accept such items as candy, cake, cookies, or other items of nominal value (in compliance with state law) that are intended to be complimentary or appreciative in nature and that would be made available for general office consumption or use. Meals and miscellaneous travel expenses related to the conduct of Authority business are exempt from this policy, but may be covered under State Economic Interest laws.

3.9 Additional Compensation

No employee shall receive or agree to receive direct or indirect non-Authority compensation for providing any Authority service.

Chapter 4 - Operational Considerations

4.1 Authority Property

Desks, computers, and other office equipment are Authority property and must be maintained according to Authority rules and regulations. They must be used primarily for work-related purposes. The Authority reserves the right to inspect all Authority property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence.

Authority voice mail and/or electronic mail (e-mail) are to be used primarily for business purposes. E-mail and voice mail are not confidential, and the Authority reserves the right to monitor voice and e-mail communications at any time, without notice.

Occasional, infrequent use of equipment for personal use is allowed during breaks or after hours. If personal use of e-mail or other equipment interferes with the discharge of an employee's duties the right to use for personal use may be revoked. The Authority may periodically need to assign and/or change "passwords" and personal codes for voice mail, e-mail, or other computer access. These communication technologies and related storage media and databases are to be used for Authority business and they remain the property of the Authority. The Authority reserves the right to keep a record of all passwords and codes used and/or may be able to override any such password system.

Prior authorization from the ASD or his or her designee must be obtained before any Authority property may be removed from any Authority worksite.

Separated employees should remove any personal items at the time they leave the Authority. Personal items left in the workplace are subject to reuse, recycling or disposal if not claimed at the time of an employee's separation.

4.2 Employee Property

As a general policy, if a reasonable suspicion exists that the employee is in unauthorized possession of Authority property, the Authority will contact the appropriate law enforcement agency to conduct a criminal investigation. This investigation may include search of an employee's personal property at the worksite.

For security reasons, employees should not leave personal belongings of value in the workplace. The Authority is not liable for any loss of personal property.

4.3 Use of Electronic Media

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

Electronic communication and media may not be used in any manner that would be discriminatory, harassing, or obscene, or for any other purpose that is illegal, against Authority policy, or not in the best interest of the Authority. Under no circumstances will the Authority knowingly tolerate the use of electronic communication and media to receive or forward offensive e-mail or visit pornographic websites.

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

Employees may not install personal software on Authority computer systems without prior authorization from the ASD or designee.

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

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

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

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

No employee may install or use anonymous e-mail transmission programs or encryption of e-mail communications.

Questions about access to electronic communications or issues relating to security should be addressed to the ASD.

4.4 Health and Safety/Injury and Illness Prevention Program

All employees are responsible for their own safety, as well as that of others in the workplace. To help the Authority maintain a safe workplace, all employees must be safety-conscious at all times. Employees must report all work-related injuries or illnesses immediately to the ASD. In compliance with California law, and to promote the concept of a safe workplace, the Authority maintains an Injury and Illness Prevention Program. The Injury and Illness Prevention Program is available for review by employees and/or employee representatives in the ASD's office.

In compliance with Proposition 65, the Authority will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

4.5 Ergonomics

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

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

Employees may contact the ASD with questions

4.6 Smoking

The entire Authority workspace is designated no-smoking. Employees desiring to smoke may do so in off-site locations during their normal work break period.

4.7 Employees Required to Drive

Employees whose duties require them to drive on Authority business will be required to show proof of current valid driving licenses and current effective insurance coverage before the first day of employment, or periodically as needed.

The Authority retains the right to transfer to an alternative position, suspend, or terminate an employee whose job duties require driving whose license is revoked, who fails to maintain personal automobile insurance coverage, or who is uninsurable under the Authority's policy.

Employees who drive their own vehicles on Authority business will be reimbursed at the IRS rate.

4.7.1 Mileage Reimbursement

Employees will be reimbursed for non-commute work-related mileage at the IRS allowable rate, adjusted at least annually. The work site for all employees (regardless of whether they spend most of their work time in the office or the field) is the Authority office. Consistent with IRS regulations, employees shall not charge mileage for commuting from home to the work site and from the work site to home. The Agency may adjust the rate more frequently than annually, in the event that the IRS adjusts the allowable rate more frequently.

4.8 Administrative Policies

Administrative policies are guidelines established with the approval of the ED, ASD, and RP. The implementation of administrative policies is to provide guidance on procedures, operational considerations, and interpretation of HR policies and procedures. Examples include policies on travel, cell phones, contracts, etc. For specific guidelines, see the ASD. Any such guidelines may be revised periodically with approval of the RP and/or ED/ASD.

4.9 Bulletin Boards

The Authority maintains bulletin boards located in the lunchroom.

Bulletin boards are used to provide information to employees concerning occupational health, benefits, safety information, PERS, and other materials deemed suitable by the ASD.

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

- Postings may be made by Authority employees only;
- The information to be posted must first be approved by the ASD; and
- Postings are limited to 8.5" X 11" in size.