
POLICIES, PROCEDURES & REGULATIONS MANUAL

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PERSONNEL POLICIES, PROCEDURES AND REGULATIONS

INTRODUCTION

The contents of this Manual, which includes personnel policies, procedures and regulations of the Coachella Valley Mosquito and Vector Control District (the “District”), are subject to change, amendment or modification by the Board of Trustees (the “Board”) in its full discretion. None of the policies, procedures and regulations in this Manual are intended to confer any special rights or privileges upon any person, or to entitle any person to any fixed terms or conditions of employment. This Manual does not create any contract of employment, expressed or implied, or any rights in the nature of a contract. The District reserves the right to modify or cancel certain aspects of the policies, procedures and regulations in this Manual. When such changes, amendments or modifications occur, they will be communicated in writing to the employees and appropriate representatives in a timely manner.

SPECIAL NOTE

The policies, procedures and regulations in this Manual apply to all categories of employees of the District, except as indicated in particular sections or provisions. If a provision of this Manual conflicts with any provision of an applicable collective bargaining agreement entered into by the District and a recognized employee organization, to the extent there is a conflict, the provision in the collective bargaining agreement shall be deemed controlling as to employees represented by that recognized employee organization unless the provision in this Manual has been negotiated more recently.

ARTICLE I -- GENERAL

SEC. 101 Adoption of Policies, Procedures and Regulations

The following Policies, Procedures and Regulations have been approved by the Board by Resolution 2016-19 in order to establish a uniform procedure for dealing with personnel matters. It is the intention of the Board to develop a sound working relationship with individual employees and the employee organizations without surrendering the rights of the Board to govern the District’s affairs for the benefit of the general public.

The Board therefore seeks to establish and maintain appropriate policies, procedures and regulations to run District activities in an effective and economical manner. Amendments to this resolution may add, delete or modify aspects of the District’s operation.

Except as otherwise provided by an existing and legally binding employment agreement, Memorandum of Understanding, or side letter agreement, this Manual hereby supersedes all previous personnel policies, procedures, and regulations, agreements and documents whether written or unwritten. The District will use its best efforts to review this Manual on a periodic basis to determine whether it needs to be updated to reflect current law and/or any other legal obligations of the District.

All employees shall:

1. Receive a copy of this Manual when they are hired;
2. Read and obtain necessary clarification regarding the provisions of this Manual; and
3. Sign a statement of receipt, as a condition of employment.

SEC. 102 Administration of the Merit System

The General Manager shall administer the merit personnel system under direction of the Board, in compliance with all federal and state laws and regulations. The General Manager shall have the power to appoint employees, remove employees, discipline employees, suspend employees, and exercise general control and supervision of employees, subject to this Manual. The General Manager may delegate any of the duties conferred upon him or her to any other employee or agent of the District in accordance with all federal and state laws and regulations and this Manual.

SEC. 103 Purpose

The purpose of the Policies, Procedures and Regulations contained in this Manual is to define the obligations, rights, privileges, and prohibitions placed upon employees in the District service and to ensure that applicants and employees are treated in a manner that is consistent with the mission and objectives of the District.

SEC. 104 Equal Employment Opportunity

The District is an equal opportunity employer. The District is absolutely committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to applicants and any and all employees of the District.

The District prohibits discrimination and harassment against employees, officers, officials, contractors and applicants for employment on the basis of race, religion, color, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), national origin, ancestry, disability, medical condition, genetic characteristics or information, marital status, age (over 40), sexual orientation (including homosexuality, bisexuality, or heterosexuality), military and veteran status or any other basis protected by law. The District will afford equal employment opportunity to all qualified employees and applicants as to all terms and conditions of employment, including compensation, hiring, training, promotion, transfer, discipline, and termination. Employees, applicants, officers, officials or contractors who believe they have experienced any form of employment discrimination are encouraged to report this immediately, using the complaint procedure provided in Section 106 of these personnel rules.

SEC. 105 Reasonable Accommodation

The District 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, or for any individual who otherwise is entitled to a reasonable accommodation under state or federal law.

Procedure

1. **Request for Accommodation** – An employee who desires a reasonable accommodation should make such a request, preferable in writing, to the Human Resources Manager. The request must identify: a) the job-related functions at issue, and b) the desired accommodation(s).
2. **Reasonable Documentation of Disability** – Following receipt of the request, the Human Resources Manager may require additional information, such as reasonable documentation confirming the existence of a disability, the need for reasonable accommodation, and the functional limitations, or work restrictions that apply to the employee’s ability to perform the essential functions of the job.
3. **Fitness for Duty Examination** – The District may require an employee to undergo a fitness for duty examination at the District’s expense to determine whether the employee has a disability and can perform the essential functions of the job with or without reasonable accommodation. The District may also require that a District-approved physician conduct the examination.
4. **Interactive Process Discussion** – The District will engage in the interactive process as required by law.
5. **Case-By-Case Determination** – The District determines, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of accommodation(s) to provide. The District will not provide accommodation(s) that would pose an undue hardship upon District finances or operations, or that would endanger the health or safety of the employee or others. The District will inform the employee of its decision as to reasonable accommodation(s) in writing.

SEC. 106 Policy Against Harassment, Discrimination and Retaliation

The purpose of this Policy is to: establish a strong commitment to prohibit and prevent discrimination, harassment, and retaliation in employment; to define those terms; and to set forth a procedure for investigating and resolving internal complaints. The District encourages all covered individuals to report—as soon as possible— any conduct that is believed to violate this Policy.

Policy

The District has zero tolerance for any conduct that violates this Policy. Conduct need not arise to the level of a violation of law to violate this Policy. Instead a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions.

Harassment or discrimination against an applicant, intern, volunteer or employee by a supervisor, management employee, appointed official, co-worker, member of the public, or contractor on the basis of race, religion, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), national origin, ancestry, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), or any other protected classification as defined below, will not be tolerated.

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, compensation, and training.

Disciplinary action or other appropriate sanction up to and including termination will be instituted for prohibited behavior as defined below.

Any retaliation against a person for filing a complaint or participating in the complaint resolution process is prohibited. Individuals found to be retaliating in violation of this Policy will be subject to appropriate sanction or disciplinary action up to and including termination.

Definitions

- A. **Protected Classifications:** This Policy prohibits harassment or discrimination because of an individual's protected classification. "Protected Classification" includes race, religion, color, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, citizenship status, marital status, pregnancy, age, medical condition, genetic characteristics or information, military and veteran status, and physical or mental disability.
- B. **Policy Coverage:** This Policy prohibits the employer, appointed officials, officers, employees, or contractors from harassing or discriminating against applicants, officers, officials, employees, interns, volunteers, or contractors because of: 1) an individual's protected classification; 2) the perception that an individual has a protected classification; or 3) the individual associates with a person who has or is perceived to have a protected classification.
- C. **Discrimination:** This policy prohibits treating individuals differently because of the individual's protected classification as defined in this Policy.
- D. **Harassment** may include, but is not limited to, the following types of behavior that is taken because of a person's protected classification. Note that harassment is not limited to conduct that District's employees take. Under certain circumstances, harassment can also include conduct taken by those who are not employees, such as appointed officials, persons providing services under contracts, or even members of the public:

- (1) Speech, such as epithets, derogatory comments or slurs, and propositioning on the basis of a protected classification. This might include inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification, or race-oriented stories and jokes.
- (2) Physical acts, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.
- (3) Visual acts, such as derogatory posters, cartoons, emails, pictures, or drawings related to a protected classification.
- (4) Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

E. Guidelines for Identifying Harassment: To help clarify what constitutes harassment in violation of this Policy, use the following guidelines:

- (1) Harassment includes any conduct which would be "unwelcome" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.
- (2) It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.
- (3) Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.
- (4) Even visual, verbal, or physical conduct between two employees who appear to welcome the conduct can constitute harassment of a third applicant, official, employee, or contractor who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.
- (5) Conduct can constitute harassment in violation of this Policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification,

and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, over attention, endearing nicknames).

- F. Retaliation: Any adverse conduct taken because an applicant, employee, or contractor has reported harassment or discrimination, or has participated in the complaint and investigation process described herein, is prohibited. "Adverse conduct" includes but is not limited to: taking sides because an individual has reported harassment or discrimination, spreading rumors about a complaint, shunning and avoiding an individual who reports harassment or discrimination, or real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. The following individuals are protected from retaliation: those who make good faith reports of harassment or discrimination, and those who associate with an individual who is involved in reporting harassment or discrimination or who participates in the complaint or investigation process.

Pursuant to the Patient Protection and Affordable Care Act ("Act"), employers are prohibited from retaliating against any employee who: (1) receives health insurance premium tax credits or a subsidy in the health benefits exchange; (2) reports potential violations of protections afforded under Title I of the Act; (3) testifies, assists or participates in a proceeding concerning such violation; or (4) objects to, or refuses to participate in any activity, policy, practice or assigned task that the employee reasonably believes to be a violation of any provision of Title I of the Act.

Complaint Procedure

- (A) An employee, job applicant, intern, volunteer, or contractor who believes he or she has been harassed may make a complaint verbally or in writing with any of the following. There is no need to follow the chain of command:
1. Immediate supervisor
 2. Any other supervisor or manager within or outside of the department
- (B) Any supervisor or manager who receives a harassment complaint shall notify the Human Resources Manager immediately.
- (C) Upon receiving notification of a harassment complaint, the Human Resources Manager shall:
1. Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation may include interviews with: 1) the complainant; 2) the accused harasser; and 3) other persons who have relevant knowledge concerning the allegations in the complaint.
 2. Review the factual information gathered through the investigation to determine whether the alleged conduct violates any aspect of this Policy giving consideration to

all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.

3. Report a summary of the determination as to whether harassment occurred to appropriate persons. If discipline is imposed, the level of discipline will not be communicated to the complainant.
 4. If conduct in violation of this Policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.
 5. Take reasonable steps to protect the complainant from further harassment, discrimination, or retaliation.
 6. Take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
- (D) The District takes a proactive approach to potential Policy violations and will conduct an investigation, or cause an investigation to be conducted, if its supervisors or managers become aware that a violation of this Policy may be occurring, regardless of whether the recipient or third party reports a potential violation.
- (E) Option to report to outside administrative agencies: An individual has the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed in the government section of the telephone book or employees can check the posters that are located on employer bulletin boards for telephone numbers.

Confidentiality

Every possible effort will be made to assure the confidentiality of complaints made under this Policy. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview if the individual is properly instructed not to discuss his or her interview by a supervisor or the Human Resources Manager. Violation of any proper order not to discuss an interview may be subject to discipline or other appropriate sanction. The District will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

Responsibilities

Managers and Supervisors are responsible for:

1. Informing employees of this Policy.
2. Modeling appropriate behavior.
3. Taking all steps necessary to prevent a violation of this Policy from occurring.
4. Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
5. Monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
6. Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
7. Informing those who complain of harassment or discrimination of his or her option to contact the EEOC or DFEH regarding alleged Policy violations.
8. Assisting, advising, or consulting with employees and the Human Resources Manager regarding this Policy and Complaint Procedure.
9. Assisting in the investigation of complaints involving employee(s) in their departments and, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with District Personnel Rules, up to and including termination.
10. Implementing appropriate disciplinary and remedial actions.
11. Reporting potential violations of this Policy of which he or she becomes aware, regardless of whether a complaint has been submitted, to the department manager or the Human Resources Manager.
12. Participating in periodic training and scheduling employees for training.

Each employee or contractor is responsible for:

1. Treating all employees and contractors with respect and consideration.
2. Modeling appropriate behavior.
3. Participating in periodic training.
4. Fully cooperating with the District's investigations by responding fully and truthfully to all questions posed during the investigation.
5. Maintaining the confidentiality of any investigation that the District conducts by not disclosing the substance of any investigatory interview, as directed by the department manager or Human Resources Manager.
6. Reporting any act he or she believes in good faith constitutes harassment, discrimination, or retaliation as defined in this Policy, to his or her immediate supervisor, or department manager, or Human Resources Manager.

Dissemination of Policy

All employees shall receive a copy of this Policy when they are hired. The Policy may be updated from time to time and redistributed.

SEC. 107 Policy Against Abusive Conduct

The Coachella Valley Mosquito and Vector Control District considers workplace bullying unacceptable and will not tolerate it under any circumstances. It is the policy of the District that all employees should be able to work in an environment free of bullying.

It is the District's expectation that all communication and interaction between District workers will, at all times, be professional, courteous and respectful.

Definition

Workplace bullying is behavior that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees or members of the public.

Examples of bullying include, but are not limited to:

- (A) Profane or disrespectful language
- (B) Hostile and rude behavior and speech directed at a co-worker
- (C) Derogatory or sarcastic remarks and comments about a co-worker's appearance or job performance
- (D) Angry outbursts or yelling
- (E) Name calling
- (F) Throwing anything at or toward a co-worker
- (G) Comments that undermine a co-worker's trust and confidence
- (H) Retaliation against any person who has reported disruptive behavior
- (I) Cyber bullying

Managers and supervisors must take reasonable measures to prevent workplace bullying, and to respond promptly if it is identified to address and prevent future instances.

The District has investigation procedures to deal with workplace bullying. Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially. All employees are encouraged to report workplace bullying. Retaliation against any employee who is a target of bullying behavior, as well as any employee who makes complaints about or participated in any investigation or administrative process related to a complaint of workplace bullying is prohibited.

Disciplinary action will be taken against anyone who bullies a co-employee or retaliates against an employee that has reported workplace bullying. Discipline may involve a warning, counseling, reprimand or dismissal, depending on the circumstances.

Contact your immediate supervisor or department manager with complaints of bullying.

SEC. 108 Policy Against Workplace Violence

The District has adopted a Zero Tolerance Policy against workplace violence. It is committed to providing a safe work environment that is free of violence and the threat of violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion, which involve or affect the District or which occur on District property will not be tolerated.

- A. Violence, or the threat of violence, against or by any employee of the District or any other person is unacceptable.
 - (1) Should a non-employee, on District property, demonstrate or threaten violent behavior he/she may be subject to criminal prosecution, and
 - (2) Should an employee, during working hours, demonstrate or threaten violent behavior he/she may be subject to disciplinary action, as well as criminal prosecution.

- B. Workplace violence is any conduct that causes an individual to reasonably fear for his or her personal safety or the safety of his or her family, friends, and/or property. Examples of workplace violence include, but are not limited to, the following:
 - (1) All threats or acts of violence occurring on District premises, regardless of the relationship between the District and the parties involved in the incident.
 - (2) All threats or acts of violence occurring off District premises involving someone who is acting in the capacity of a representative of the District.
 - (3) All threats or acts of violence occurring off District premises involving an employee of the District if the threats or acts affect the legitimate interest of the District or if the employee is acting in the course and scope of employment.
 - (4) Any acts or threats resulting in the conviction of an employee or agent of the District, or of an individual performing services for the District on a contract or temporary basis, under any criminal code provision relating to violence or threats of violence which adversely affect the legitimate interests and goals of the District.

- C. Specific examples of conduct which may be considered threats or acts of violence include, but are not limited to, the following:
 - (1) Striking, punching, slapping or assaulting another person.
 - (2) Destruction of property belonging to either the District or another employee.
 - (3) Fighting or challenging another person to fight.
 - (4) Grabbing, pinching or touching another person in an unwanted way whether sexually or otherwise.
 - (5) Harassing phone calls.
 - (6) Surveillance
 - (7) Stalking
 - (8) Engaging in dangerous, threatening or unwanted horseplay.

- (9) Possession, use, or threat of use, of a gun, knife or other weapon of any kind on District property, including parking lots, other exterior premises, District vehicles, or while engaged in activities for the District in other locations, unless such possession or use is a requirement of the job.
- (10) Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.

D. Every employee and every person on District property is required to report incidents of threats or acts of physical violence or any other violation of this policy of which he or she is aware. The report should be made to the reporting individual's immediate supervisor, or another supervisory employee if the immediate supervisor is not available, the Human Resources Manager or General Manager. The supervisor or department head will immediately report the matter to the Human Resources Manager or General Manager. Nothing in this policy alters any other reporting obligation established in District policies or in state, federal, or other applicable law.

The Human Resources Manager, General Manager, or designee will document the incident, including the employee names(s), date/time, location, incident description, witness names and statements, description of unidentified parties, description of the act(s) and/or behavior arising from the incident, action taken, and provide any other relevant information regarding the incident.

The District will take appropriate steps to provide security, such as:

- (1) Placing the employee alleged to have engaged in workplace violence on administrative leave, pending investigation;
- (2) Asking any threatening or potentially violent person to leave the site; or
- (3) Immediately contacting an appropriate law enforcement agency.

The District will see that reported violations of this Policy are investigated as necessary.

In the event the District fears for the safety of the perpetrator or the safety of others at the scene of the violent act, law enforcement will be called.

SEC. 109 Drug and Alcohol-Free Workplace Policy

The District is concerned about employees being under the influence of alcohol, drugs and/or controlled substances at work. The purpose of this policy is to promote a drug and alcohol-free workplace and to eliminate substance abuse and its effects in the workplace.

A. Policy

- (1) The manufacture, distribution, sale, dispensation, possession, or use of alcohol or any controlled substance is prohibited in both District workplaces and wherever District business is performed.

- (2) A District employee is prohibited from working or being subject to call in if impaired by alcohol or any controlled substance.
- (3) An employee must notify his/her supervisor before beginning work when taking medications or drugs which could interfere with the safe and effective performance of duties or operation of District equipment. If there is a question regarding an employee's ability to perform assigned duties safely and effectively while using prescribed medications, the District may require medical clearance.
- (4) Compliance with this policy is a condition of District employment. Disciplinary action will be taken against those who violate this policy.

B. Scope of Policy

This policy applies to all District employees when they are on District property, when they are subject to being called to duty with the District, or when performing District-related business elsewhere.

C. Searches

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

D. Drug and Alcohol Testing

Except as provided otherwise in a memorandum of understanding, the District has discretion to test a current employee for alcohol or drugs in the following instances:

1. Reasonable Suspicion Testing

The District 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 Human Resources Manager, the department manager, or a designee, if possible.

“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 at work. In order to receive authority to test, the supervisor must record the factors that support reasonable suspicion and discuss the matter with the Human Resources Manager or department manager, if possible. If there is a reasonable suspicion of drug or alcohol abuse at work, the employee will be relieved from duty

until the test results are received. The employee may also be transported to the testing facility and/or to his or her residence, as appropriate.

2. Post-Accident Testing

The District 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 present.

E. Employee’s Responsibilities

A District employee must:

1. Not report to work or be on standby or on-call status while his or her ability to perform job duties is impaired due to on or off-duty alcohol or drug use;
2. Not possess or use controlled substances (illegal drugs or prescription drugs without a prescription) at any time, or use alcohol at any time, while on District property, while subject to being on call, or while on duty for the District at any location;
3. Not directly or indirectly through a third party manufacture, sell, distribute, dispense, or provide controlled substances to any person, including any employee, at any time; or manufacture, sell, distribute, dispense or provide alcohol to any employee while either or both are on duty;
4. Notify his or her supervisor, before beginning work, when taking any medications or drugs, prescription or nonprescription, which may interfere with the safe and effective performance of duties or operation of District equipment;
5. Notify the department manager of any criminal conviction for a drug violation that occurred in the workplace within no more than five days after such conviction;
6. Notify the supervisor immediately of facts or reasonable suspicions when he or she observes behavior or other evidence that a fellow employee poses a risk to the health and safety of the employee or others;
7. Consent to drug or alcohol testing and searches pursuant to this policy; and
8. Follow the District’s drug and alcohol-free workplace policy.

F. Management Employee Responsibilities

District management employees (supervisors and managers) must:

1. Promptly record factors supporting “reasonable suspicion” as defined above and consult with other management staff in order to determine whether there is reasonable suspicion to test an employee as described by this policy;
2. Take appropriate disciplinary action up to and including termination for any criminal drug statute conviction that has a nexus to the employee’s employment, or require that the convicted employee participate satisfactorily in a drug abuse assistance or rehabilitation program as a condition for returning to duty;
3. Take appropriate disciplinary action for any violation of this policy consistent with existing discipline procedures;
4. Enforce this policy;
5. Report any suspected violation of this policy to the Human Resources Manager; and
6. Any manager or supervisor who knowingly permits a violation of this policy by any employee shall be subject to disciplinary action.

SEC. 110 Dress and Grooming Standards

The District prides itself on the professional atmosphere it maintains and the favorable image that employees present as representatives of the District. Employees of the District are required to dress appropriately for the jobs they are performing. Therefore, failure to follow the dress regulations contained in this section shall be grounds for discipline.

- A. All clothing must be neat, clean and in good repair.
- B. Prescribed uniforms and safety equipment must be worn when required.
- C. Footwear must be appropriate for the work environment and work duties being performed.
- D. Hair must be neat, clean, and well-groomed. It also must be worn in a manner that does not jeopardize safety, particularly if employee works with equipment.
- E. Beards, mustaches and sideburns must be maintained in a neat and well-groomed fashion. For positions that require the use of a respirator: Beards or other facial hair which may interfere with the direct contact between your face and the sealing surface of the respirator is prohibited.
- F. Jewelry is acceptable except in areas where it constitutes a health or safety hazard.
- G. Good personal hygiene is required.
- H. Dress must be appropriate to the work setting, particularly if the employee deals with the public.

Tattoos: Employees are expected to project a professional appearance while at work and must abide by the standards below. If an employee has questions about how these standards apply to

him or her, the matter should be immediately raised with their supervisor for consideration and determination.

- (a) No visible tattoos are allowed anywhere on the head, face, or neck.
- (b) Any visible tattoos shall not be obscene, sexually explicit, discriminatory to sex, race, religion, or national origin, extremist, and/or gang-related.
- (c) No visible tattoos shall be larger than 4 by 6 inches.
- (d) Any non-conforming tattoos will be covered with clothing, bandage or makeup while at work.

Piercing: Employees are expected to project a professional appearance while at work and not endanger themselves or others with excessive body piercing. If an employee has questions about how these standards apply to him or her, the matter should be immediately raised with their supervisor for consideration and determination.

- (a) No objects, articles, jewelry or ornamentation of any kind shall be attached to or through the skin if visible on any body part including the tongue or any part of the mouth except that one set of reasonably-sized pierced earrings may be worn in each lobe.
- (b) Any non-conforming piercing shall be removed, covered with a bandage, or replaced with a clear, plastic spacer.

Employees who have questions regarding appropriate dress and attire should direct them to their supervisor in advance to avoid conflicts and potential problems. Employees who are inappropriately dressed will be sent home and directed to return to work in proper attire. Such employees will not be compensated for the time away from work.

SEC. 111 Intellectual Property

All inventions, patents, source codes (software), innovations and copyrightable works conceived, developed, or created under District direction by any District employee during paid working hours are created as works for hire and will remain the sole property of the District. The District will be free to use any such discoveries, inventions, ideas, or creations without obligation of any sort to the employee. If patents or other intangible rights should result from this, the employee agrees that all such rights will be the District's sole property. The employee will cooperate fully in signing documents to assign or transfer and perfect full rights, title, and interest to and for the District.

SEC. 112 Internet and Email Usage

Employee access to Internet and Email is provided by the District to use in the performance of their job duties. The following guidelines are provided to ensure these tools are used in a manner consistent with the intentions of the District.

1. The District's email system is an official communication tool for District business. An official email address is established and assigned by the District to designated employees. All District communications sent via email will be sent to this address. District

employees must use the official District email, instead of their private email address, when communicating District business via email.

2. District employees may use District phones and email for minimal personal use provided that the use:
 - a. is kept to a minimum and limited to break times or non-work hours;
 - b. does not have any impact upon other District employees or operations;
 - c. allows the employee to more efficiently perform District work; and
 - d. is not abusive, illegal, or inappropriate (See SEC. 115).
3. Viruses: Because of the possibilities of introducing or spreading viruses, employees are required to use their best judgment when opening attachments or clicking hyperlinks. If there is any doubt about the validity of an email, the employee is to contact the IT Department for assistance immediately. Employees can be held accountable for any malicious activity introduced to the District's Network Infrastructure.
4. Program Installations: All installations of outside computer programs are to be approved by the Information Technology Manager. Any unauthorized program found on a computer will be uninstalled without notice.
5. Inappropriate Use: The computer which the District has provided to the employee is to be used in a professional manner. Employees will not access inappropriate material from the web or external device at any time. Reports are run on a regular basis to ensure that employees have not accessed inappropriate websites.

SEC. 113 Right to Monitor

In the District's ongoing effort to achieve the highest level of efficiency, accountability, services and safety, as well as to enhance security, the District reserves the right to monitor employees and others throughout the District's premises, and/or at the District worksites, either by way of direct observation or through use of electronic devices, including CCTV, monitoring of email, internet usage and electronic Global Positioning System (GPS) devices. The District may install GPS devices in vehicles and video cameras to monitor reception areas, work areas, and/or other generally open areas. Therefore, employees and others should have no expectation of privacy in open areas of the workplace, at worksites, or in their use of any District resources. Private areas, such as restrooms and changing rooms, are not monitored.

SEC. 114 Smoke Free Workplace

Due to health and safety considerations, it is the District's policy to provide a smoke free environment for its employees and the public.

- A. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoking" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

- B. Smoking is prohibited in all locations on District property except those specifically designated as smoking areas. Smoking is prohibited:
 - (1) In any District building or within 20 feet of any entrance or exit to any District Building; or
 - (2) In any vehicle owned, leased or rented by the District.

- C. All individuals are responsible for ensuring:
 - (1) That their smoke does not enter buildings.
 - (2) The safe disposal of their smoking materials.

Violations of this section should be reported to a supervisor.

SEC. 115 Use of District Property and Equipment

A. Policy

1. District property is to be used for conducting District business only unless otherwise authorized. District property includes, but is not limited to: telephones, cell phones, desks, computers (including hardware and software), file cabinets, lockers, communications stored or transmitted on District property (such as e-mails and voice-mails), vehicles and any other District property used by District employees in their work. Employees do not have a reasonable expectation of privacy in District property or equipment.
2. District property may be monitored and searched at any time and for any reason. Messages sent or received on District equipment including cell phones may be saved and reviewed by others. As a result, District employees have no expectation of privacy in the messages sent or received on District property or equipment.
3. Every District employee is required to adhere to all District rules and policies while on District property or using District property or equipment.

B. Inappropriate Use of Communications Equipment Prohibited

The following are examples of inappropriate and prohibited uses of the District's communications systems:

1. Exposing others, either intentionally or unintentionally, to material which is offensive, obscene or in poor taste;
2. Any use that would be offensive to a reasonable person because it involves an individual's race, religion, color, sex, gender identity, sexual orientation (including heterosexuality, homosexuality and bisexuality), ethnic or national origin, ancestry, citizenship status, uniformed service member status, marital status, family relationship, pregnancy, age, medical condition (cancer or HIV/AIDS related),

- genetic characteristics, and physical or mental disability (whether perceived or actual);
3. Communication of confidential District information to unauthorized individuals within or outside the District;
 4. Sending messages with content that conflicts with any District policies, rules or other applicable laws;
 5. Unauthorized attempts to access District data or systems;
 6. Theft or unauthorized copying of electronic files or data;
 7. Initiating or sustaining chain letters, and
 8. Intentionally misrepresenting one's identity for improper or illegal acts.

ARTICLE II -- CODE OF CONDUCT

SEC. 201 Principles of Code of Conduct

The Coachella Valley Mosquito and Vector Control District is a special district and a government agency. Government exists to serve its citizens and government service is a public trust. Those who work in government have an obligation to carry out the responsibilities of their position and to conduct themselves at all times in accordance with the highest ethical standards.

- Be Honest
- Be Considerate
- Be Respectful
- Be Collaborative
- Be Prudent
- When you disagree, consult others
- When you are unsure, ask for help

It is the District's expectation that employees act with honesty and integrity, and avoid situations that involve conflicts of interest. Employees should strive to provide impartial quality service to those with whom they interact, including residents, visitors and fellow employees, and avoid providing preferential treatment to any individual or organization.

SEC. 202 Advantages of Being Ethical

Reputation and integrity are valuable assets of the District and are vital to the District's success. Each employee of the District is responsible for conducting the District's work in a manner that demonstrates a commitment to the highest standards of integrity.

Advantages of employee ethical behavior include:

Reputation: Simply stated, people respect ethical people. Those around you are constantly forming impressions about you based on your ethics and actions.

Reward: Ethical people earn the trust of their organization and the benefits that go with it.

Reduced Stress: Being ethical allows you to avoid many of the stressful events resulting from unethical conduct such as losing the respect of others, embarrassment, losing your job, making enemies, or conviction of a crime.

SEC. 203 Professionalism

District employees are expected to present themselves in a professional manner at all times during work hours and while representing the District. Being professional is especially important when dealing with members of the public and co-workers in person or over the phone. Employees should always be polite, respectful and patient while assisting the public but take care not to be overly familiar. The use of profanity or speaking in a condescending manner is inappropriate, no matter what the situation. If this type of behavior is displayed and/or an employee is having trouble maintaining their composure with a fellow employee or member of the public, a supervisor should be notified to intervene.

Supervisors are responsible for setting a positive and professional example. Remember that your words and actions set the standard that others will follow.

District employees represent the District whenever they meet with the public or employees of other government agencies. It is expected that District employees not only be prepared for meetings and arrive on time, they must also dress and act professionally. Be aware of what is communicated to others and do not make derogatory remarks or inappropriate comments.

All employees are expected to be punctual by arriving to work on time, getting to their work assignments in a timely manner, returning promptly to their work from all breaks, and clocking out at the designated time unless prior approval was granted. Failure to be punctual shall be cause for discipline.

SEC. 204 Diversity

Diversity has to do with more than race or ethnicity. Diverse workplaces are composed of employees with varying characteristics including, but not limited to, religious and political beliefs, gender, ethnicity, education, socioeconomic background, sexual orientation and geographic location.

All employees of the District have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other District-sponsored and participative events. All employees are also required to attend and complete semi-annual diversity awareness training to enhance their knowledge to fulfill this responsibility.

SEC. 205 Protecting the Environment

As a public health organization, the District is committed to the protection of the health and safety of our employees, residents and visitors of the Coachella Valley, and the environment. As

a part of the community, we are required to comply with all environmental, health and safety laws and requirements. Employees who have job responsibilities that relate in any way to environmental activities must strictly adhere to applicable laws and regulations. Failure to do so could impact our communities and the environment in addition to bringing legal consequences.

SEC. 206 Avoidance of Actual, Potential, or Apparent Conflict of Interest

An employee or spouse/domestic partner may not accept from, or provide to, individuals or companies doing or seeking to do business with the District gifts, entertainment, and/or services, or benefits.

- Employees who are required to file Statements of Economic Interests (Form 700) per the District’s Conflict of Interest Code may not accept any gift or gifts from a single source aggregating in excess of the total annual amount set by the Fair Political Practices Commission (which is set at \$460.00 for 2015-2016) in any calendar year.
- Employees who are required to file Statements of Economic Interests (Form 700) per the District’s Conflict of Interest Code must disclose the receipt and value of any gift or gifts aggregating \$50.00 or more in their Form 700s.

Please refer to District Resolution regarding Conflict of Interest Code, for further information.

SEC. 207 Full, Fair, Accurate, and Timely Disclosures by the District to the Public

The District strictly complies with the Ralph M. Brown Act (“open meetings law”) and Public Records Act (“public information disclosure law”). The Ralph M. Brown Act is intended to provide public access to meetings of California local government agencies. In order to achieve this objective, governmental bodies subject to the requirements of the Brown Act must provide public notice of their meetings, post agendas of the subjects to be discussed at those meetings, and provide public access to those meetings. The California Public Records Act is designed to give the public access to information in possession of public agencies. The Act’s fundamental precept is that governmental records shall be disclosed to the public, upon request, unless there is a legal basis not to do so.

SEC. 208 Civic/Political/Other Activities

An employee may not engage in political activity of any kind or solicit or receive political funds during the employee’s work hours or on District property, or while in a District uniform or District-issued clothing. Nor may an employee use District resources for political activity or to solicit or receive political funds. Any political activity or solicitation or receipt of political funds is done solely in the employee’s capacity as a private citizen.

SEC. 209 Outside Employment

Employees are cautioned to consider carefully the demands that additional work activity will create before accepting outside employment. An employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or detrimental to his or her duties with the District or if it involves District time, facilities,

equipment or supplies. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, or refusal to work overtime or different hours. Employees shall not solicit or conduct any outside business during paid working time. Employees who have accepted outside employment may not use paid sick time to work on the outside job.

ARTICLE III – EMPLOYMENT

SEC. 301 Recruitment

Recruitment of qualified applicants will be performed both internally within the District and/or externally as necessary to ensure that the District will have available applications of interested, qualified persons for possible employment or promotion to available positions. Notices of employment opportunities may be placed in newspapers, magazines or trade publications, posted on the internet, or given to reputable agencies offering those services which would bring responses from qualified persons.

SEC. 302 Application

Candidates for any employment positions shall file employment applications on official District application forms. All applications must be completed in full and signed by the person applying. On-line applications may require a valid electronic signature in a form approved by the District. Human Resources will not process any application which is not fully completed and signed.

The Human Resources Manager or designee may reject an application, if the applicant:

1. Has made false statements of any material fact, or practiced any deception or fraud on the application or declarations.
2. Is found to lack any of the requirements, certifications, or qualifications for the position involved.
3. Is physically or mentally unable to perform the essential functions of the job, with or without reasonable accommodation, if disabled.
4. Is a current user of illegal drugs.
5. Is a relative of an employee, and is subject to the Employment of Relatives Policy in Section 308.
6. Used or attempted to use political pressure or bribery to secure an advantage in the application process.
7. Directly or indirectly obtained information regarding examinations.
8. Failed to submit the employment application correctly or within the prescribed time limits.
9. Has had his or her privilege to operate a motor vehicle in the State of California suspended or revoked, if driving is an essential function of the position.

The Human Resources Manager or designee may also reject an application for any material cause which in the judgment of the Human Resources Manager or designee would render the

applicant unsuitable for the position, including a prior resignation from the District, termination from the District, or a significant disciplinary action.

SEC. 303 Qualifications

Candidates for employment shall possess at least the following qualifications: the physical and mental capacity to adequately perform essential job functions, applicable experience and education, and a safe driving record (if applicable).

Specifically, persons applying for employment with the District must comply with the following conditions:

- A. Meet the specified requirements of the job description for the position applied for.
- B. Be eligible for employment under all applicable federal laws and regulations.
- C. Possess a valid California driver's license and driving record acceptable to the District's insurance company (no more than 2 points by DMV and no Driving Under the Influence convictions in the last 3 years) for positions that require driving 50% or more of the time.
- D. Meet all qualifications set forth in this Manual.

SEC. 304 Selection Process

- a) The selection process may consist of such recognized techniques as aptitude tests, evaluation of education and experience through personal interviews, performance tests, review of work samples, physical agility tests (where appropriate), review and investigation of personal background, and reference checks, or any combination thereof.
- b) After completion of an open or promotional examination for a classification, the Human Resources Manager will prepare an eligibility list consisting of the names of candidates who passed the examination. Eligibility lists shall become effective upon the certification by the Human Resources Manager.
- c) A person appearing on an eligible list will be mailed or emailed notice of his or her placement on the list.
- d) A person placed on an eligibility list shall be removed from the list if he or she so requests in writing or fails to respond to notification of an opening within five days after notification. It is the responsibility of the eligible person to keep the Human Resources Manager informed of his/her current physical or email address, or phone number.
- e) Eligibility lists shall remain valid for a period of six (6) months. After six (6) months from the date of creation of the eligibility list, it shall expire.

SEC. 305 Appointments

(a) The General Manager will make all appointments except for those classifications that report to the governing body. The General Manager has discretion to decide in what manner a vacancy shall be filled. Vacancies may be filled by reinstatement, promotion, transfer, demotion, appointment of temporary / seasonal employees, or from an appropriate eligibility list.

(b) When a position is to be filled from a promotional or open eligibility list, the District may choose from the specified list one of the top three candidates on the eligibility list. If no person among the top three candidates indicates a willingness to accept the appointment, the General Manager may make the appointment from among the remaining names on the eligibility list, may request a new examination and establish a new eligibility list, or may fill the position by any other method authorized by these Policies.

SEC. 306 Pre-Placement Examinations

After a conditional offer of employment has been extended to an applicant, as a condition of employment, a medical and physical examinations, at the District's expense, may be required of all applicants offered employment by the District, if such examination is job-related and consistent with business necessity. Such physical examinations shall include, without limitation, a drug test. Only those applicants who meet the medical, physical, and mental requirements of the position for which they have been offered employment, as determined by the examinations performed by the District's designated medical physician(s), may be employed in the job for which they were offered employment.

If the applicant successfully completes the pre-employment requirements and begins working for the District, all Regular Employees (see SEC 307, subdivision B) whose job description includes functional requirements such as the ability to periodically traverse uneven ground such as fields, dirt banks, stream beds, and shallow ponds carrying equipment and materials up to 50 pounds, will be required to take a fitness for duty examination every 3 to 5 years.

SEC. 307 Employment Status

A. Probationary Employee

A probationary employee is one who is serving a probationary period. The probationary period is part of the selection process, a time during which the District determines whether work performance or work-related behavior meets the required standards for the position.

1. Length of Probation: Unless otherwise specified by a memorandum of understanding or this Manual, the probationary period is 6 months of actual and continuous service. The probationary period is automatically extended by the length of any authorized leave(s) of absence of one work week or more.

2. At-will Status: The probationary period is used to determine whether work performance or work-related behavior meets the required standards of the position. A probationary employee may be rejected at any time during the probationary period with or without cause or reason, without notice or appeal or grievance, and without any rights set forth under the Section 1303, Causes for Discipline. A probationary employee who is not selected for regular appointment will be notified prior to the expiration of the probationary period.
3. Regular Appointment Status: No probationary employee will receive a regular appointment without first passing any required examinations specified in the applicable job description, such as, but not limited to, the State Public Health vector certification examinations. If any required examinations are not passed, the probationary employee will be notified prior to the expiration of the probationary period that he or she has been rejected for regular appointment.
4. Probation After Promotion: On accepting a promotion, an employee serves a new probationary period of six (6) months of actual and continuous service as measured from the first day the employee actually serves in the promotional position. Periods of time on paid or unpaid leave of one work week or more shall automatically extend the promotional probationary period by the number of days the employee is on leave. If the employee fails to satisfactorily complete the probationary period in the promotional position, the employee will be entitled to return to the position held prior to promotion at the range and step previously held, unless the employee is subject to termination for disciplinary reasons.

B. Regular Employee

A *regular employee* position is designated as such in the corresponding job description.

1. Regular Full-Time Employee: An employee who has successfully completed the probationary period and who regularly works at least forty (40) hours per week.
2. Regular Part-Time Employee: An employee who regularly works less than forty (40) hours per week and twenty (20) or more hours per week and who has successfully completed the probationary period.

Employees working less than 20 hours per week do not acquire regular status and are not entitled to benefits. Such employees serve at the pleasure of the General Manager, have no property rights in continued employment, and have no rights to any pre- or post-disciplinary procedural due process or evidentiary appeal.

C. Temporary or Seasonal Employee

An employee who is assigned to work on a particular project or on a job of limited or definite duration is a temporary or seasonal employee. A temporary or seasonal employee: (1) does not hold regular status, (2) does not serve a probationary period, (3) can be dismissed from District employment at any time without cause, (4) has no

property right in continued employment, and has no right to any pre- or post-disciplinary procedural due process or evidentiary appeal, and (5) is not entitled to earn, accrue, or participate in any District employee benefit plans, or paid or unpaid leaves, except as required by law.

SEC. 308 Certification

District employees, if specified in their respective job descriptions, must successfully pass California State Certification examination(s) required for various District positions. Successful completion of the certification examination(s) shall be a condition of regular full-time employment, and must be obtained during the time period specified in the job description. Successful maintaining of, or renewal of, certifications during the length of employment, as required by job requirements or the applicable job description, is required as a condition of continued employment.

SEC. 309 Employment of Relatives

The District regulates the employment and placement of relatives, spouses, and domestic partners so as to avoid conflicts of interest and to promote safety, security, supervision, and morale.

A. Definitions

- (a) "Relative" means child, step-child, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, or in-laws of those enumerated by marriage or domestic partnership.
- (b) "Spouse" means one of two persons to a marriage, or two people who are domestic partners, as those terms are defined by California law. (Fam. Code § 297 & 300).
- (c) "Supervisory relationship" means one in which one employee exercises the right to control, direct, reward, or discipline another by virtue of the duties and responsibilities assigned to his or her District appointment.

B. Employment of Relatives

The District will not appoint, promote or transfer a person to a position within the same department, division, or facility in which the person's relative already holds a position, if any of the following would result:

- A direct or indirect supervisory relationship;
- The two employees having job duties which require performance of shared duties on the same or related work assignment;
- Both employees having the same supervisor; or
- A potential for creating an adverse impact on supervision, safety, security, morale or efficiency.

C. Spouses or Domestic Partners

The District will not appoint, promote or transfer a person to the same department, division, or facility in which the person's spouse or domestic partner already holds a position, if such employment would result in any of the following:

- One spouse or domestic partner being under the direct supervision of the other spouse or domestic partner; or
- Potential conflicts of interest or hazards for married persons or those in domestic partnership which are greater than for those who are not married or in domestic partnerships.

D. Marriage or Domestic Partnership After Employment:

(a) Transfer: If two District employees who work in the same department later become spouses or domestic partners, the District has discretion to transfer one of the employees to a similar position in another department or to a different supervisor. Although the wishes of the two employees will be considered, the General Manager, or his/her designee, retains sole discretion to determine which employee will be transferred based upon District needs for supervision, safety, security or morale. Any such transfer that results in a salary reduction is not disciplinary and is not subject to any grievance or appeal, or pre- or post-disciplinary appeal due process.

(b) Separation: If continuing employment of both employees, who work in the same department and who later become spouses or domestic partners, cannot be accommodated in a manner the General Manager finds to be consistent with the District's interest in the promotion of supervision, safety, security, or morale, then the General Manager retains sole discretion to separate one employee from District employment. Absent the resignation of one employee, the less senior employee will be separated. Any such separation is not considered to be disciplinary and is not subject to any grievance or appeal, or pre- or post-disciplinary appeal due process.

SEC. 310 Fraternization

A. Romantic Relationships Between Supervisors and Subordinate Employees Are Prohibited.

Public trust, safety and District morale require that employees avoid the appearance of a conflict between their professional responsibilities and any involvement that they may have in a romantic or sexual relationship with other District employees. In order to promote efficient operation of the District and to avoid misunderstandings, complaints of favoritism, other problems of supervision, security, morale, and possible claims of sexual harassment and/or gender based discrimination, romantic and/or sexual relations between supervisors and subordinate employees are prohibited.

B. Romantic Relationships Between Co-Employees

Public trust, safety and District morale require that employees avoid relations that may negatively impact the efficient operation of the District. In order to promote efficient operation of the District and to avoid formation of cliques and factions, claims of sexual harassment and gender based discrimination, and the blurring of professional and personal responsibilities and relationships in the workplace, romantic and/or sexual relationships between co-employees in the same Department is discouraged.

The Human Resources Manager must be notified when:

- 1) The work or morale of employees in a Department, or the fair and impartial supervision and evaluation of employees has been adversely affected by a personal relationship; or
- 2) Nepotism concerns arise as a result of changed circumstances after hiring (e.g., marriage).

The District recognizes there may be situations where two individuals who have a personal relationship may appropriately be allowed to work in the same department without adverse impact. When situations arise that have, or could be perceived as having, adverse impact on the work of the Department or the employees, the safety and morale of the employees, or the fair and impartial supervision and evaluation of employees, the issue may be negated by the reassignment of one of the two affected employees, if possible. If necessary, the Human Resources Manager will contact the impacted Department Manager to discuss and identify acceptable remedies, if available.

Employees who allow personal relationships with coworkers, whether between employees in the same department or employees in different departments, to adversely affect the working environment will be subject to discipline. Continued failure to resolve such a situation may ultimately be deemed insubordination and therefore serve as cause for discipline up to and including termination.

ARTICLE IV -- PROFESSIONAL DEVELOPMENT

SEC. 401 Policy Statement

To promote and support the continued educational development of District employees, the District offers attractive educational benefits to eligible employees. It is the policy of the District to encourage all employees to improve their effectiveness in their job performance and to prepare themselves for future possible career advancements with the District. Therefore, eligible full-time employees may receive reimbursement toward tuition at an accredited educational institution or program according to the conditions established in this policy.

SEC. 402 Tuition Reimbursement

Refer to the administrative Tuition Reimbursement Policy.

SEC. 403 Education Incentive Pay

The District encourages employees to pursue education and professional development opportunities that improve knowledge and skills related to the performance of their jobs. In recognition of the completion of such education and professional development, the District will provide a base pay adjustment to eligible employees upon the receipt of a degree or an approved job related certificate not considered a minimum job requirement of the position as documented in the Job Description.

The Human Resources Manager and General Manager will determine if the degree or job related certification qualifies for the base pay adjustment and documentation of completion will be required for verification.

Refer to the Tuition Reimbursement Policy for additional information on the types of programs that are eligible for this program.

Education incentive pay increases will be based upon the degree or certification as follows:

- a) Approved Certification 1% of Base Pay
- b) Associate’s Degree 2% of Base Pay
- c) Bachelor’s Degree 3% of Base Pay
- d) Master’s Degree 4% of Base Pay
- e) Doctoral Degree 5% of Base Pay

The certificate or degree must be earned while employed at the District. Additionally, the degree must be in a major which the Human Resources Manager and/or General Manager determine bears a reasonable relationship to the duties regularly performed in the job classification. In all cases, the decision of the General Manager shall be final and shall not be subject to administrative review.

To be eligible for education incentive pay, the educational institution or program where the employee is enrolled, or from where the employee has graduated, must be accredited by a recognized accrediting agency as determined by the U.S. Secretary of Education. For vocation or certificate programs that may not be officially recognized by the U.S. Secretary of Education due to their specific subject matter or focus, approval will be on a case-by-case basis as determined by the Human Resources Manager and/or General Manager.

ARTICLE V– ABSENCE CONTROL

SEC. 501 Deviation from Regular Work Hours

Employees may clock in no more than five (5) minutes before scheduled start time or clock out no more than five (5) minutes after scheduled end time without prior authorization from Supervisor.

Tardiness

Tardiness is the failure of the employee to report to work at the commencement of the scheduled workday or the failure to return to work at the scheduled time following a meal break or rest period.

Payroll Rounding

Although the District does not reduce pay from an employee for the first ten (10) minutes after the scheduled start time, this is for payroll rounding purposes only. This action does not permit employees to be late. Employees are expected to be clocked in at the start of their scheduled work time.

Arriving late to work or leaving early in connection with scheduled work times, breaks, or meal periods is prohibited. For security and safety purposes, non-exempt employees should not be on District premises more than fifteen (15) minutes before or fifteen (15) minutes after scheduled work time. An employee is required to seek advance permission from his or her supervisor for any foreseeable absence or deviation from regular working hours.

SEC. 502 Employee's Duty to Notify of Late Arrival or Absence

An employee who is unexpectedly unable to report for work as scheduled must notify his or her immediate supervisor no later than thirty (30) minutes prior to the scheduled work time and report the expected time of arrival or absence. In addition, the employee must notify the front office. An employee who fails to timely notify of absences, or who is not present and ready to work during all scheduled work times will be deemed to have an unauthorized tardy or absence and will not receive compensation for the period of absence.

SEC. 503 Excessive Tardiness/Absenteeism

Excessive use of sick leave, tardiness, and failing to use the call-in procedures when absent or tardy, can negatively impact the performance of your job or affect others in the performance of their job. Factors that will be considered in determining whether use of sick leave is excessive include, but are not limited to, the number of absences compared to other employees, whether absenteeism is limited to a finite time period or whether it continues over time, the basis for the absenteeism and the significance of the impact on the performance of your job or of others. Excessive tardiness, excessive absenteeism, or abuse or misrepresentation of any form of accrued or unpaid leave time will be grounds for discipline, up to and including termination.

ARTICLE VI -- SICK LEAVE AND INDUSTRIAL INJURY

SEC. 601 Statement of Policy

The District wishes to take every opportunity to stress the importance of regular attendance of employees, and urges employees to maintain good health standards which will allow them to perform their work in a competent manner on a regular and consistent basis.

SEC. 602 Definition

Sick leave is leave from duty which may be granted by the District to an employee because of illness, injury, exposure to contagious disease, illness or injury of a member of the employee's immediate family requiring the employee's attendance, and medical, dental and optical appointments to the extent that such appointments cannot be scheduled outside the work day. For purposes of this policy, an employee's immediate family shall consist of the employee's: spouse; domestic partner; children; or mother or father.

Abuse of Sick Leave means the misrepresentation of the actual reason for taking sick leave, using sick leave for unauthorized purposes, failure to report sick leave, and may include chronic, persistent, or patterned use of sick leave.

SEC. 603 Paid Sick Leave Policy

This Section has been added to comply with California's Paid Sick Leave Law, which became effective July 1, 2015.

This Section shall apply only to (1) part-time, temporary and seasonal employees of the District, or (2) regular full-time employees of the District. For regular full-time employees, this Section shall apply only to the first three (3) days or 24 hours of sick leave use in a 12-month period and to the first six (6) days or 48 hours sick leave accrual in a 12-month period.

- An employee begins to accrue paid sick leave at the rate of one (1) hour of paid sick leave for every thirty (30) hours worked beginning on the first day of employment or on July 1, 2015, whichever is later. An employee is not eligible to begin using any accrued paid sick leave until after 90 days of employment with the District.
- An employee is only allowed to use up to a maximum of 3 days or 24 hours of paid sick leave in a 12-month period to begin as of July 1, 2015, the employee's hire date, or the employee's anniversary of hire date, whichever is later.
- An employee can only accrue paid sick leave up to a cap of 6 days or 48 hours ongoing. Any unused accrued paid sick leave carries over year to year while continuously employed.
- An employee may use 3 days or 24 hours of accrued paid sick leave in a 12-month period for one of the following reasons:
 - For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.
 - For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including:

- Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis);
 - Spouse or Registered Domestic Partner;
 - Parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child);
 - Grandparent;
 - Grandchild; or
 - Sibling.
- To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:
 - A temporary restraining order or restraining order;
 - Other injunctive relief to help ensure the health, safety or welfare of themselves or their children;
 - To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking;
 - To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking;
 - To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking; or
 - To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.
- An employee shall provide reasonable advance notification of his or her need to use accrued paid sick leave to his or her supervisor if the need for paid sick leave use is foreseeable (e.g., doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the employee shall provide notice of the need for the leave to their supervisor as soon as is practicable.
- An employee who uses paid sick leave must do so with a minimum increment of two hours of sick leave.

- Paid sick leave will not be considered hours worked for purposes of overtime calculation. An employee will not receive compensation for unused accrued paid sick leave upon termination, resignation, retirement or other separation from employment from the District.
- If an employee separates from District employment and is re-hired by the District within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law. However, if a rehired employee had not yet worked the requisite 90 days of employment to use paid sick leave at the time of separation, the employee must still satisfy the 90 days of employment requirement collectively over the periods of employment with the District before any paid sick leave can be used.
- Sick leave will not be granted to any employee absent from duty after separation from District service.

SEC. 604 Sick Leave Accrual for Regular Full-Time Employees

This Section shall apply only to regular full-time employees of the District.

- a. Employees accrue one (1) work day of sick leave for each calendar month of service as a District employee.
- b. Sick leave that is used will be deducted from the employee's accrued sick leave balance.
- c. Employees granted a leave of absence with pay or other approved leave with pay will accrue sick leave as provided herein.
- d. Sick leave will not be accrued by an employee absent from duty after separation from District service, or during a District authorized leave of absence without pay, or any other absence from duty not authorized by the District.

SEC. 605 Sick Leave Not Required By California's Paid Sick Leave Law

This Section shall apply only to regular full-time employees of the District. This Section shall not apply to sick leave use pursuant to Section 603. An employee's use of sick leave is governed by this Section after he or she has used all the sick leave available to him or her under Section 604. An employee is not eligible to begin using any accrued paid sick leave until after 90 days of employment with the District.

Sick leave may be accrued according to the terms of any MOUs or individual contracts. Accrual will take place on a monthly basis. A prorated accrual will occur for any month in which the employee has performed less than a full calendar month of service.

Sick leave may be granted by the District to an employee for reasons of illness, injury, exposure to contagious disease, illness or injury of a member of the employee's immediate family requiring the employee's attendance, and medical, dental and optical appointments to the extent

that such appointments cannot be scheduled outside the work day. "Immediate family," as used in this Section, shall mean the employee's spouse, registered domestic partner, children, mother or father.

SEC. 606 Employer Notification

This Section shall apply only to regular full-time employees of the District. This Section shall not apply to sick leave use pursuant to Section 603. An employee's use of sick leave is governed by this Section after he or she has used all the sick leave available to him or her under Section 604.

In order to receive sick leave compensation for absences due to illness, it shall be the employee's responsibility to notify his or her supervisor, on their District cell phone, as well as the administration staff as soon as possible on the first day of absence (generally 1/2 hour prior to the employee's scheduled reporting time). Calling another employee, e-mailing or texting a notice is not an acceptable substitute for this call-in requirement. Failure to call in without good reason may result in that day of absence being treated as leave of absence without pay.

Employee's supervisor will require proof of illness in the form of a doctor's statement or other reasonable proof for all absences of three (3) or more consecutive workdays due to illness. Certification may also be requested for any absence when the supervisor has a reasonable suspicion that the employee may be abusing his or her sick leave.

Employees shall give their immediate supervisors at least three (3) days advance notice of scheduled sick leave absences. Absences shall be permitted unless an absence at a particular time would unduly interfere with District operations. In all cases, employees shall attempt to schedule examinations and/or treatments at times outside of their normal working hours.

SEC. 607 Use of Sick Leave

This Section shall apply only to regular full-time employees of the District. This Section shall not apply to sick leave use pursuant to Section 604. An employee's use of sick leave is governed by this Section after he or she has used all sick leave provided under Section 603.

- a. An employee may be granted sick leave only for the reasons stated in Section 605. Only one half of the employee's yearly accrued sick leave may be used to attend to the illness of an immediate family member, as defined in Section 605.
- b. If the employee is absent on sick leave for more than one (1) day, the employee must keep his or her immediate supervisor informed as to the date the employee expects to return to work.
- c. Sick leave will not be granted to any employee absent from duty as a result of any sickness, injury or disability purposely self-inflicted or caused by willful misconduct.
- d. Sick leave will not be granted to any employee absent from duty after separation from District service, or during a District authorized leave of absence without pay, or any other absence from duty not authorized by the District.

- e. Sick leave will not be granted to any employee for the sole purpose of permitting an extension of the employee's vacation.
- f. A probationary employee is only allowed to use up to a maximum of 3 days or 24 hours of paid sick leave in a 12-month period.
- g. Employees will not be permitted to use vacation in lieu of sick leave unless approved by the immediate Supervisor.
- h. Supervisors have the discretion to place employees on sick leave when, in the judgment of the supervisor, the presence of the employee at work would endanger the health and welfare of other employees or where the illness or injury of the employee interferes with the performance of such employee's duties. Notwithstanding language in this Article to the contrary, District-mandated sick leave will not count against an employee's use of sick leave permitted under Section 604
- i. An employee is subject to disciplinary action for abuse of sick leave which is defined as a claim of entitlement to sick leave when the employee uses sick leave for reasons not provided in Section 605.
- j. Excessive use of unprotected sick leave may be considered in establishing an employee's job performance rating. Unprotected sick leave is leave which is not used in connection with FMLA/CFRA leave, leave due to a reasonable accommodation for a disability, or any other leave that is protected under the law. Excessive use of sick leave can negatively impact the performance of an employee's job and/or affect others in the performance of their jobs.

SEC. 608 Deduction

In use of sick leave, employees' accounts shall be charged at the same rate as the time absent from work, to the nearest quarter hour.

SEC. 609 Disposition of Accrued Sick Leave

This Section shall apply only to regular full-time employees of the District.

In the event of an employee's death prior to retirement or disability retirement any sick leave reimbursement benefit the employee is due shall be paid to the employee's beneficiary whom he or she has designated with the District.

SEC. 610 Sick Leave - Credit to Retirement

The District's agreement with the Public Employee's Retirement System (PERS) includes the option of providing "Credit for Unused Sick Leave", which states: Unused accumulated sick leave at time of retirement, for which there is **no** compensation or remuneration at all to the employee including, but not limited to, sick leave reimbursement under the terms of an employment contract or any current MOU, would be converted to additional service credit at the rate of 0.004 year for each day (250 days of sick leave for one additional year of service credit). The increase in allowance will apply to any retirement allowance paid **after** the effective date of this benefit in the District's contract.

SEC. 611 Depletion of Sick Leave Benefits

This Section shall apply only to regular full-time employees of the District.

Sick leave may be used as needed to the point of depletion, at which time the employee will no longer receive sick leave payment.

SEC. 612 Worker's Compensation Coverage

The District furnishes Worker's Compensation insurance coverage as required by law to protect employees who are injured on the job. The District will continue for thirty (30) calendar days (inclusive) to pay the full salary of an employee injured on the job. The employee will turn over to the District any Workers' Compensation disability income benefits paid. If the resultant disability exceeds thirty (30) calendar days, the employee may use accumulated sick leave, vacation, or CTO time as may be available, or Catastrophic Leave if approved as per Section 617 of this policy.

SEC. 613 Reporting

Work-related accidents/illnesses, minor or insignificant as they may seem, shall be reported immediately to the employee's immediate supervisor/safety officer. Employees must also submit a detailed written report as soon as possible after an accident or illness occurs. If the injury/illness appears to require medical treatment or if an employee feels medical treatment necessary, the supervisor/safety officer shall direct the employee to the District's authorized medical facility or if out of the area, to the nearest appropriate medical facility.

SEC. 614 Return to Work

Return to work of employees following job-related injury or illness shall be subject to the following conditions:

- A. The employee's return is approved by a physician to the satisfaction of the District.
- B. Providing the employee is released unconditionally, if possible he or she will be returned to the job he or she had prior to his or her injury/illness. If that job is not available, because of business necessity, the employee will be assigned to work which is as closely related (in duties, hours and pay) to his or her previous job as possible.
- C. If the employee is released but is restricted in the duties he or she can perform, he or she will be assigned to work which corresponds to his restrictions provided the restriction is acceptable to the District and such work is available.

It is, likewise, the policy of the District that if the employee cannot do so or if he/she is unable or unwilling to accept some other vacant position which the employee is psychologically and/or physically and otherwise qualified to perform, his/her employment will be terminated. The medical criteria presented to the Industrial Accident Commission by the employee and his/her doctor shall be obtained and utilized by the District and interpreted in terms of specific job restrictions and limitations. The department manager, or his/her designee, will then interpret

and apply such job restrictions and limitations to the specific physical and/or psychological requirements of the employee's position and make a recommendation to the Human Resources Manager. In consultation with the Human Resources Manager, a determination shall be made by the General Manager as to whether or not the employee shall:

- Return to the job.
- Transfer to some other vacant position for which he/she is qualified based upon physical or psychological ability and experience.
- Separate from the District's employment.

SEC. 615 Non-Work Related Injury

Physical and mental disability which cannot be reasonably accommodated and prevents an employee from the proper performance of his or her duties and responsibilities as determined by the District shall be deemed sufficient cause for removal of the employee from District service.

SEC. 616 Integration of State Disability with Sick Leave

In the event the employee desires to integrate state disability with sick leave to extend their benefits, such action may be approved by the Human Resources Manager or designee.

SEC. 617 Catastrophic Sick Leave Bank

The purpose of the Catastrophic Sick Leave Bank (Bank) is to provide eligible employees (who are bank members) with the possibility of obtaining additional sick leave days to avoid loss of compensation due to a catastrophic illness or injury of the employee or an eligible family member of the employee when the employee has exhausted all accrued leave. Membership in the Bank is voluntary.

A. Definitions

- (1) Eligible Employees – Regular full-time employees. Probationary and seasonal employees are not eligible.
- (2) Bank Members – Eligible Employees who have contributed at least one (1) day (8 hours) of accumulated sick leave to the Bank annually.
- (3) Eligible Family Member – Spouse, dependent child or stepchild, or parent or stepparent of eligible employee.
- (4) Catastrophic Illness/Injury – An extremely severe illness or injury that is expected to incapacitate the employee for an extended period of time, or that incapacitates an eligible family member which incapacity requires the employee to take time off from work for an extended period of time to care for that family member, for the purpose of receiving medically required hospitalization, treatment or convalescence. Pregnancy and delivery, incapacities due to elective procedures, or work related illness or injury for which the employee is eligible for workers' compensation benefits are not considered under this program.

- (5) Open Enrollment Period – The open enrollment period shall coincide with the open enrollment period for the District’s health benefits.

B. Membership and Donations

Eligibility for membership in the Bank begins upon the employee’s original donation. Eligibility will continue from year to year, provided the employee donates at least one day of accrued sick leave each subsequent open enrollment period. Eligibility for participation in the Bank will discontinue upon termination of employment or failure to donate the required minimum yearly rate noted above. Membership applications are accepted during the open enrollment period only.

- (1) The minimum amount of sick leave an employee may contribute is one (1) day (8 hours). To ensure that employees retain sufficient sick leave to meet needs that normally arise, donating employees, upon initial enrollment, must have a minimum of eighty (80) hours of accrued sick leave in their personal account to be eligible to donate to the Bank. Sick leave donated to the Bank will not be returned for any reason.
- (2) The maximum amount of sick leave an employee may contribute in any one open enrollment period is five (5) days (40 hours).
- (3) Donations are to be taken from accrued sick leave only. The employee’s personal sick leave balance is reduced by the number of days/hours donated.
- (4) Employees may not designate a particular employee to receive their donated time.

C. Withdrawals

Only employees who have contributed to the Bank as required and who have depleted all available sick leave and vacation/float/compensatory time shall be eligible to receive consideration for sick leave from the Bank. Withdrawals from the Bank are not available retroactively.

- (1) Allocations from the Bank are contingent upon availability of days within the Bank at the time of request.
- (2) The maximum number of days any member may apply for initially is twenty (20) days. A member may request an additional twenty (20) days by filing a second request for consideration.
- (3) The maximum number of days allowed for distribution to any one member for a single injury/illness shall not exceed forty (40) days.
- (4) Requests to use sick leave from the Bank must be in writing and must include:
 - a. Reason for request
 - b. Written verification from attending physician (including nature, severity of illness or health problem)
 - c. Projected recovery date
 - d. Number of days requested

- (5) Only original signatures from licensed physicians will be accepted on verifications.
- (6) Withdrawal requests accompanied by the required verification should be submitted to the Human Resources Manager or designee. The Human Resources Manager shall determine:
 - a. If the employee is unable to work due to the employee's or his/her family member's catastrophic illness or injury, and
 - b. If the employee has exhausted all accrued sick, vacation, float, and compensatory time off hours.
- (7) The District reserves the right to approve requests, deny requests, or to approve only a portion of the days requested.
- (8) When the above verification and determinations are made, the Human Resources Manager or designee will render a decision in writing to the employee.
- (9) In the event that a member is denied benefits from the Bank, the employee may appeal the decision to the General Manager within ten (10) working days of the decision. All appeals must be in writing. The decision of the General Manager shall be final.

D. Return of Unused Time

Upon an employee's return to work, all unused leave granted from the Bank shall be returned to the Bank.

ARTICLE VII -- VACATION LEAVE

SEC. 701 Statement of Policy

The purpose of vacation leave is to enable each eligible employee the opportunity to be away from District service for a period of time and return to District service both physically and mentally refreshed. For this reason, it is the District's intention that vacation be taken, whenever possible. Each employee is encouraged to utilize their Vacation Leave each year for this purpose.

Vacation leave will not accrue during leaves of absence without pay unless required by law (e.g., military leave). Additional details on vacation days accrued may be contained in MOUs and individual employment agreements.

SEC. 702 Use of Vacation Leave

The Supervisor and employee shall schedule the times at which vacation leave is to be taken with due consideration being given to the desires of the employee and operational needs of the department. Employee shall give their immediate supervisor at least three (3) days advance

notice of scheduled vacation leave absences. Whenever possible, vacation or personal reason leave requests may be granted for the time requested by the employee. However, to avoid disruption of work activities or minimize conflicts with other employees' requests for Vacation Leave, the supervisor may place reasonable seasonal or other restrictions on the use of this time.

Where a paid holiday falls during the period of an employee's vacation leave, that day will not be charged against the employee's vacation accrual.

SEC. 703 Vacation Allowances Upon Termination

Employees leaving District service for any reason shall be paid for their unused accrued Vacation Leave. The amount payable to the employee shall be calculated upon the employee's current hourly wage rate and the number of hours of unused Vacation Leave at the termination of employment. Provided sufficient advance notice is given, the amount payable shall be included in the employee's final paycheck.

In the event of employee's death, the employee's designated beneficiary will be paid an amount equivalent of all accrued but unused Vacation Leave, and shall be calculated in the same manner as that of all other employees leaving District service.

ARTICLE VIII -- OTHER LEAVES OF ABSENCE

SEC. 801 Eligibility

Regular full-time and probationary full-time employees are eligible to request leaves of absence as described below. Seasonal/temporary employees are not eligible.

The District may grant leaves of absence to maintain continuity of service in instances where unusual or unavoidable circumstances require an employee's absence. Leaves are granted on the assumption that the employee will be available to return to regular employment upon expiration of the leave. Except as otherwise provided herein, employee shall not accrue benefits or any leave during the leave of absence.

Duration of leaves of absence may be requested for periods up to the maximums established in this policy. The employee is to make the initial request for a leave to his immediate Supervisor, who shall request approval of the leave from the Human Resources Manager and the General Manager. All such leaves are subject to Human Resources Manager and General Manager approval.

SEC. 802 Anniversary Date

As necessary, employee anniversary dates shall be adjusted to conform to the amount of time off due to leave without pay.

SEC. 803 Family Care and Medical Leave

The District complies with all provisions of the Federal Family and Medical Leave Act of 1993 (“FMLA”) and the California Family Rights Act (“CFRA”). Refer to Appendix A covering this topic for additional information.

SEC. 804 Pregnancy Disability Leave

An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid pregnancy disability leave for up to the number of hours she would normally work within 4 calendar months.

A. Notice & Certification Requirements

1. Requests for pregnancy disability leave must be submitted in writing and must be approved by the employee’s supervisor and Human Resources Manager before the leave begins. The request must be supported by a written certification from the attending physician stating that the employee is disabled from working by pregnancy, childbirth or a related medical condition. The certification must also state the date on which the employee became disabled by pregnancy, childbirth or a related medical condition, the expected duration of the disability and the expected date of return to work.
2. All leaves must be confirmed in writing, have an agreed-upon specific date of return, and be submitted to the Human Resources Manager prior to being taken. Requests for an extension of leave must be submitted in writing to the Human Resources Manager prior to the agreed date of return and must be supported by a written certification of the attending physician that the employee continues to be disabled by pregnancy, childbirth, or a related medical condition.

B. Compensation During Leave

Pregnancy disability leaves are without pay. However, the employee may first use accrued sick leave, vacation leave, and then any other accrued paid time off during the leave.

C. Benefits During Leave

1. The District will continue to maintain and pay for group health insurance coverage for up to four months while the employee is out on pregnancy disability leave. If the employee does not return to work following pregnancy disability leave, the District may recover premiums it paid to maintain health insurance coverage during the leave unless:
 - (a) The employee is taking leave under the California Family Rights Act and the employee chooses not to return to work following the CFRA leave;
 - (b) The employee’s inability to return to work is due to the continuation, recurrence, or onset of a health condition that entitles the employee to

pregnancy disability leave, unless the employee chooses not to return to work following the leave;

- (c) The employee has non-pregnancy related medical conditions requiring further leave, unless the employee chooses not to return to work following the leave; or
 - (d) There are other circumstances beyond the control of the employee, including, but not limited to, circumstances where the employer is responsible for the employee's failure to return to work (e.g. the employer does not return the employee to her same position or reinstate the employee to a comparable position), or circumstances where the employee must care for a family member (e.g., the employee gives birth to a child with a serious health condition).
2. Sick and Vacation Leave Accrual: Sick leave and vacation leave do not accrue while an employee is on unpaid pregnancy disability leave.

D. Reinstatement

- 1. Upon the expiration of pregnancy leave and the District's receipt of a written statement from the health care provider that the employee is fit to return to duty, the employee will be reinstated to her original or an equivalent position, so long as it was not eliminated for a legitimate business reason during the leave.
- 2. If the employee's original position is no longer available, the employee will be assigned to an open position that is substantially similar in job content, status, pay, promotional opportunities, and geographic location as the employee's original position.
- 3. If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the District will initiate an interactive process with the employee in order to identify a potential reasonable accommodation.
- 4. An employee who fails to return to work after the termination of her leave loses her reinstatement rights.

SEC. 805 Bereavement Leave

Regular full-time employees are entitled to a paid leave of absence up to three (3) days for the death of an immediate family member, four (4) days if travel of at least 200 miles (one way) is required, and five (5) days if travel beyond 500 miles (one way) is required.

For purposes of this policy, an "immediate family member" shall be defined as the employee's parents, legal guardian(s), child or step child, spouse, grandparents, grandchild, brothers or step-brothers, sisters or step-sisters, aunt, uncle, in-laws, registered domestic partner or any relative living in the immediate household.

SEC. 806 Military Leave

Military leave shall be granted in accordance with the provisions of state and federal law. An employee requesting leave for this purpose shall promptly provide the Supervisor or Human Resources Manager with a copy of the military orders specifying the dates, site and purpose of the activity or mission. Within the limits of such orders, the Supervisor may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave.

SEC. 807 Administrative Leave

The District has the right to place an employee on leave at any time with full pay. An employee may be placed on administrative leave pending investigation of misconduct, potential disciplinary action, or other reasons that the General Manager, in his/her discretion, believe warrant such leave. The employee has no right to appeal the decision to be placed on administrative leave.

SEC. 808 Leave of Absence Without Pay

1. Upon the request of the employee and the recommendation of the department manager, a leave of absence without pay may be granted by the General Manager to an employee who has completed at least one year of continuous employment prior to the effective date of the leave. An employee is not entitled to a leave of absence as a matter of right.
2. Request for leave of absence without pay shall state specifically the reason for the request, the date when the employee desires to begin the leave, and the probable date of return.
3. A leave of absence without pay may be granted for periods of 90 days, not to exceed a total of one year.
4. Failure of the employee to return to his or her employment upon the termination of any authorized leave of absence will, except under extraordinary circumstances, constitute the employee's separation from District employment.
5. Leave of absence without pay is not a break in service or employment, and rights accrued at the time the leave is granted are retained by the employee; however, vacation credits, sick leave credits, increases in salary, all other paid leaves, holidays and fringe benefits and other similar benefits shall not accrue to a person granted such leave during the period of absence. Nor is the District required to maintain contributions toward group insurance or retirement coverage. During the period of such leaves, all service and leave credits shall be retained at the levels existing as of the effective date of the leave. The employee shall be reinstated to his or her former position or to a comparable one if the former position is abolished during the period of leave.

SEC. 809 Jury Duty

Any employee called for jury duty shall be granted jury duty leave with pay up to the amount of the difference between the employee's regular earnings and any amount he or she receives as juror's fees.

An employee who has been summoned for jury duty shall notify his or her supervisor as soon as possible and shall attempt to schedule the period of jury service to minimize administrative and operational inconvenience. Employees shall obtain a certification of dates of service from the court or jury office, and remit jury fees to the District. The employee is not required to remit mileage fees and jury fees for District holidays, vacation days, or days when the employee is not in paid status.

With allowance for reasonable travel time, employees shall be available to the District for work during the portion of the employee's normal workday or week when not required for jury duty.

The number of hours, the time of day, or the days of the week during which an employee is required to be absent for jury duty shall not be the basis for any overtime payment by the District. In addition, pay under this section is limited to those days and hours for which the employee would have received pay if not excused for jury duty.

Time for appearance in court for personal business will be the individual employee's responsibility. Normally, Vacation Leave days will be used for this purpose.

SEC. 810 Holidays

Each regular full-time employee shall be entitled to the following holidays with pay:

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Cesar Chavez Day
- Good Friday (1/2 day)
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas

If any of these holidays falls on a Sunday, the Monday following will be treated as the holiday. If the holiday falls on a Saturday, the Friday preceding will be treated as the holiday.

The employee will be paid one day's compensation for the holiday.

Each regular full-time employee also qualifies for one (1) additional paid floating holiday. Eligible employees are awarded the floating holiday on January 1st of each year. This floating holiday may be scheduled and taken on any regular workday, subject to three (3) days advance

notice and supervisory approval. Employees hired on or after October 1st of any calendar year are not eligible to receive a floating holiday in that calendar year.

Employees must take their floating holiday all at once; they may not spread the hours out over several days. Any floating holiday in a year must be taken by December 31. A floating holiday not used during the calendar year will be forfeited.

Non-exempt employees required to work on an authorized holiday shall be paid one and one-half (1-1/2) times the regular rate of pay for such work in addition to their regular holiday pay.

An employee must be in paid status by the District on the day preceding and the day following a holiday to qualify for holiday pay.

Seasonal and Temporary employees are not eligible for this benefit.

SEC. 811 Absence Without Approval

Leave of absence without approval shall be considered to be without pay and reductions in the employee's pay shall be made accordingly. Absence without approval may result in disciplinary action up to and including termination.

ARTICLE IX – COMPENSATION AND PAYROLL

SEC. 901 Definition of Workweek

The workweek begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. on Saturday, except as otherwise designated by an applicable MOU.

SEC. 902 Overtime Compensation

A. Prior Approval Required.

Overtime-eligible employees are not permitted to work overtime except as the Supervisor and/or General Manager authorizes or directs. Overtime-eligible employees directed to work overtime must do so. Working overtime without advance approval is grounds for discipline. Employees may not work "off the clock" for any period of time. It is misconduct for an employee to fail to record all time worked and for a supervisor to discourage an employee from recording all time worked. Any employee violating this policy may be subject to disciplinary action.

B. "Overtime" Defined.

"Overtime" is all hours an overtime-eligible employee actually works over 40 in a work week. Overtime is compensated at 1.5 times the Fair Labor Standards Act ("FLSA") regular rate of pay. Only actual hours worked will be counted toward the 40-hour threshold for purposes of calculating FLSA overtime pay.

SEC. 903 Compensatory Time Off

A. General Manager and/or Supervisor Approval Required Before Work

A non-exempt employee may opt to accrue compensatory time-off (“CTO”) in lieu of cash payment for overtime worked if the General Manager and/or his or her supervisor agrees prior to overtime work being performed.

B. Accrual Rate

CTO accrues at the rate of 1.5 hours for each hour worked over 40 hours of actual work in the work week. Time in paid leave status does not count toward CTO. CTO cannot be accumulated in excess of 80 hours at any given time.

C. Employee Requests to Use CTO

The District will grant an employee’s request to use accumulated CTO provided that: (1) the supervisor can accommodate the use of CTO on the day requested without undue operational disruption; and (2) the employee makes the request to the supervisor no later than two days prior to the date requested.

D. Cash Out Upon Separation

Employees separating from District service shall be compensated for all accrued, unused compensatory hours at the employee’s current regular rate of pay

SEC. 904 Acting Pay

Employees who are assigned to and actually perform the duties of a position with a higher salary classification than that in which they are regularly employed will receive the compensation specified for the position to which assigned, if performing the duties thereof for a period of fifteen (15) or more consecutive workdays. The increased compensation will be at such step within the higher classification as will accord such employee an increase of at least five percent over his or her current regular compensation.

SEC. 905 Meal Period

Depending on position, a thirty (30) or sixty (60) minute non-compensated meal period shall be provided to all full-time employees. Employees are responsible for taking their own meal period at the approximate mid-point of the shift, unless department rules indicate otherwise. Non-exempt employees who are assigned to work on District premises must clock-out before leaving and clock-in when returning from their meal period. Non-exempt employees who are assigned to work outside of the District premises must clock-out before beginning their meal period and clock-in when back on duty; if unable to clock-in or out, non-exempt employees must notify their supervisor by email or by mobile phone when taking a meal break.

SEC. 906 Rest Period

A fifteen (15) minute compensated rest period will be provided all employees for each four (4) hour period of service. The rest period shall be taken at a time designated by the employee’s

supervisor. The rest periods may not be combined to shorten the workday or to extend the meal period.

ARTICLE X -- PERFORMANCE EVALUATION

SEC. 1001 Purpose

The General Manager and Human Resources Manager shall design and maintain a system of employee performance evaluations to monitor the quantity and quality of work performed by an employee. Such evaluations shall be prepared and recorded in the employee's personnel file and a copy given to the employee upon completion of the evaluation process. Performance evaluations will be used by the District to track employee performance, progress and as supporting evidence for promotions and disciplinary actions. Additional information pertaining to performance evaluations may be contained in MOUs, employment agreements and the Administrative Policies Manual.

An employee does not have the right to appeal any matter relating to a performance evaluation. Instead, the employee may comment on the evaluation in a written statement which will then be placed with the evaluation in the employee's personnel file. The written statement must be submitted within 10 calendar days after the employee receives the evaluation.

ARTICLE XI -- MEDICAL EXAMINATIONS

SEC. 1101 Pre-Employment Physical Examination

See SEC. 306.

SEC. 1102 Physical Examination During Employment

Any District employee may be required to take a physical or psychological examination performed by the District's designated physician(s) at the District's expense to determine if the employee is able to perform the essential functions of his or her job.

District employees whose job description includes certain functional requirements will be required to take a fitness for duty examination every 3 to 5 years.

The General Manager/designee may order a fitness for duty examination if the employee appears to be unable to perform or has difficulty performing essential functions of his or her job.

The General Manager/designee may order a fitness for duty examination if there is reason to question the employee's ability to safely or efficiently complete work duties; the employee's ability to perform one or more essential functions of his or her job has declined; or could cause a reasonable person to question whether an employee is still capable of performing one or more of

his or her essential job duties, or is still capable of performing those duties in a manner that does not harm him or herself or others.

Subject to applicable law, where such examination(s) show an illness, injury, physical or mental condition where work by the employee for the District may be detrimental to and adversely affect the employee, their fellow employees, the public or the efficiency of the District operations, the employee may be terminated from District employment.

ARTICLE XII -- CERTIFICATION IN PUBLIC HEALTH PEST CONTROL

SEC. 1201 Requirements

All regular and probationary full-time employees, if specified in their job description, are required to successfully pass State Public Health pesticide and/or vector certification examination(s) and remain certified to continue employment at the District. Probationary employees shall be given a reasonable opportunity to pass the required examination(s), and that time is specified in each job description. An employee's failure to pass or maintain a state certification that is required for his or her job, will result in suspension of his or her certificate(s) and possible termination from the District.

ARTICLE XIII -- DISCIPLINARY PROCEEDINGS

SEC. 1301 Requirements

Unless otherwise specified by a memorandum of understanding, the following constitutes the District's policy regarding disciplinary actions:

SEC. 1302 Policy Coverage

The following categories of persons can be terminated at-will and have no rights to any of the pre- or post-disciplinary processes or procedures in this Policy: (1) temporary employees, (2) seasonal employees, (3) probationary employees, (4) any person who serves pursuant to a contract, and (5) any person who is not a regular employee or whose employment is designated "at-will" in any District policy, document, acknowledgement, or resolution. In addition, any regular employee who is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) is not subject to any disciplinary penalty which is inconsistent with his or her FLSA overtime-exempt status.

SEC. 1303 Causes for Discipline

Examples of actions which may be grounds for discipline include, but are not limited to:

1. Violation of any department rule, District policy or District regulation or resolution;

2. Making any false statement, omission or misrepresentation of a material fact;
3. Obtaining employment on the basis of false or misleading statements;
4. Neglect of duty;
5. Theft;
6. Unauthorized absence from work;
7. Being under the influence of, or possessing, intoxicants or narcotics on District property or work sites, or during work hours. (See Section 109 regarding District Policy on Drug and Alcohol use);
8. Bullying, horseplay, running, fighting, or causing any other person to fight;
9. Disorderly conduct or the use of foul or abusive language;
10. Deliberately or negligently damaging property, tools, equipment, or machines belonging to the District;
11. Leaving a department, station or District facilities during working hours without permission;
12. Disregard of safety rules or of common safety and sanitary practices;
13. Insubordination or refusal to follow instructions or to perform designated work;
14. Possession of dangerous weapons on District property;
15. Consistently poor workmanship;
16. Use of District equipment, machines or tools, either inside or outside District facilities, without specific District authorization;
17. Failure to report injuries, no matter how slight;
18. Clocking in for someone else or permitting another to clock in for an employee;
19. Working overtime without prior authorization or refusing to work assigned overtime;
20. Excessive absenteeism, lateness, tardiness or time away from work station;
21. Discourteous treatment of other employees or others; or
22. Other violations of District policy, including but not limited to the sexual harassment and weapons/anti violence policies.

SEC. 1304 Administrative Leave

The General Manager/Designee may place an employee on an administrative leave with pay pending a potential disciplinary action. Administrative leave with pay is authorized: (1) when the department manager believes that the employee's continued presence at the work site could have detrimental consequences for District operations, or (2) pending investigation into charges of misconduct. If the charges against the employee are substantiated by the investigation, appropriate disciplinary action may be taken.

SEC. 1305 Types of Discipline

The types of personnel actions are:

Non-Disciplinary Action

1. Counseling Memo

A counseling memo shall be retained in the supervisor's file, and may not be appealed under this policy.

2. Oral Reprimand

An oral reprimand will be memorialized in writing and retained in the supervisor's file. An oral reprimand may not be appealed under this policy.

Disciplinary Action

3. Written Reprimand

A written reprimand is provided to the employee and is a statement of the specific reasons for the reprimand. A copy of the reprimand will be retained in the employee's personnel file, and may not be appealed. The employee has the right to have a written rebuttal attached to the reprimand in the employee's personnel file if the rebuttal is submitted to the Human Resources Manager within 10 working days of the date the reprimand was received.

4. Suspension

An employee may be suspended without pay from his or her position for cause. Documents related to a suspension shall become part of the employee's personnel file when the discipline is final. An employee subject to suspension will receive prior written notice and appeal as provided herein. An employee suspended from District service shall forfeit all rights, privileges and salary while on such suspension with the exception of group health and life insurance benefits.

5. Demotion

An employee may be demoted from his or her position for cause. Documents related to a demotion shall become part of the employee's personnel file when the discipline is final. An employee subject to demotion will be entitled to prior written notice and appeal as provided herein.

6. Reduction in Pay

An employee may receive a reduction in pay for cause. A reduction in pay for disciplinary purposes may take one of two forms: (1) a decrease in salary to a lower step within the salary range, or (2) a decrease in salary paid to an employee for a fixed period of time. Documents related to a reduction in pay shall become part of the employee's personnel file when the discipline becomes final. An employee subject to a reduction in pay is entitled to prior written notice and appeal as provided herein. Employees who are exempt from the Fair Labor Standards Act (FLSA) overtime requirements are not subject to pay reduction.

7. Discharge

The General Manager/designee may discharge an employee from his or her position for cause. Documents related to discharge shall become a part of an employee's personnel file when the discipline becomes final. A discharged employee is entitled to prior written notice and appeal as provided herein. Discharged employees shall be paid for vacation and CTO accumulated but unused to the effective date of discharge.

SEC. 1306 Skelly Process – Pre-Disciplinary Procedure for Suspension, Demotion, Reduction in Pay, or Discharge

The discipline procedures set forth in this Section shall apply only to the District's for-cause employees, and to discipline in the form of suspension without pay, reduction in pay, demotion, or discharge.

1. Notice of Intent to Discipline

The employee will be provided a written notice of intent to discipline that contains the following in the event of a proposed suspension, demotion, reduction in pay or discharge:

- a. The level of discipline intended to be imposed;
- b. The specific charges upon which the intended discipline is based;
- c. A summary of the facts upon which the charges are based;
- d. A copy of all written materials, reports, or documents upon which the intended discipline is based;
- e. Notice of the employee's right to respond to the proposing authority regarding the intended discipline within 5 working days from the date of the Notice, either by requesting a conference, or by providing a written response, or both;
- f. Notice of the employee's right to have a representative of his or her choice at the conference, should he or she choose to respond orally; and
- g. Notice that the failure to respond at the time specified shall constitute a waiver of the right to respond prior to the imposition of discipline.

2. Employee's Response and the *Skelly* Conference

- a. Regular full-time employees shall have the right to respond, either orally or in writing, to the District and have the response considered prior to the discipline being imposed. Except as provided in Section 1307 below, such a response must be filed with the proposing authority within five (5) working days after receipt of the written notice of the proposed disciplinary action.
- b. The employee's failure to make an oral response at the arranged conference time, or the employee's failure to cause his or her written response to be delivered by the date and time specified in the notice, constitutes a waiver of the employee's right to respond

prior to the imposition of the discipline. In that case, the proposed disciplinary action will be imposed on the date specified.

3. **Final Notice of Discipline**

Within 5 working days of receipt of the employee's timely written response or within 5 calendar days of the informal conference, the *Skelly* Officer will (1) dismiss the notice of intent and take no disciplinary action against the employee, (2) modify the intended disciplinary action, or (3) impose the intended disciplinary action. In any event, a notice will be prepared and provided to the employee that contains the following:

- a. The level of discipline, if any, to be imposed and the effective date of the discipline;
- b. The specific charges upon which the discipline is based;
- c. A summary of the facts upon which the charges are based;
- d. A copy of all materials upon which the discipline is based; and
- e. A statement of the nature of the employee's right to appeal.

SEC. 1307 Short Term Suspensions

The discipline procedures set forth in this Section shall apply only to the District's for-cause employees.

Where the discipline to be imposed is a suspension without pay for five (5) days or less, the employee shall be provided with a written notice and an opportunity to respond prior to the suspension in the same manner as all other suspensions as set forth in Section 1306 above. The time for response shall be set forth in the notice. However, there is no further right of appeal for such short-term suspensions.

SEC. 1308 Right to Appeal

This Section applies only to the District's for-cause employees. Eligible employees covered by this policy shall have the right to appeal any disciplinary action taken by the District, except for suspensions of five (5) days or less. Such appeal must be filed with the Human Resources Manager/Designee within ten (10) working days after receipt of the final notice of discipline. Failure to file an appeal within such period constitutes a waiver of the right to appeal. The appeal must be in writing. The Human Resources Manager/Designee shall appoint an independent hearing officer to review any written evidence submitted by the District and the employee and to conduct an evidentiary appeal hearing.

SEC. 1309 Representation

Where applicable, any District employee, other than those defined as Management and Confidential Employees, shall be permitted to represent another District employee or group of District employees when responding to the authority proposing the disciplinary action and at the evidentiary appeal hearing. The appellant may appear in person, be represented by counsel, or duly authorized employee organization representative when responding to the authority proposing the action and at the evidentiary appeal hearing. Any eligible District employee shall be entitled to representation at any or all stages of disciplinary procedures which are related to discharge, demotion, reduction in salary, disciplinary probation or suspension.

SEC. 1310 Hearing

An evidentiary hearing to consider an appeal shall be conducted within sixty (60) working days after receipt of the appeal (such time may be extended by mutual written consent of both parties). Written notice of the time and place of the hearing and any continuance thereof shall be given to the appellant.

The District shall prepare and submit a hearing packet to the independent hearing officer at least one week prior to the hearing. The hearing packet shall include copies of all relevant documentation and include a description of the violation(s) and proposed discipline. The employee may also submit a hearing packet at least one week prior to the hearing if he or she so chooses.

At the hearing, the independent hearing officer shall hear any evidence offered in support or in protest of the proposed discipline provided such evidence is relevant to the issues of the hearing. The independent hearing officer has the authority to determine the relevance of any evidence to the hearing and the authority to exclude unduly repetitious and cumulative evidence, regardless of its relevancy.

Both the District and the employee may call and examine witnesses; introduce documentary and physical evidence; cross-examine opposing witnesses; impeach any witness regardless of which party first called the witness to testify; and to rebut evidence.

SEC. 1311 Cost and Notices to Witnesses

The District shall take all reasonable and legal steps to compel the appearance of witnesses for the appellant upon his or her written request and at his or her cost. The District may require such cost to be prepaid.

SEC. 1312 Failure of Employee to Appear at Hearing

Failure of the appellant, or his or her designated representative, to appear at the evidentiary hearing without good cause shall be deemed a withdrawal of the subject appeal and the action of the General Manager/Designee shall be deemed final.

SEC. 1313 Decisions

The independent hearing officer shall render a recommendation, in writing, within fifteen (15) working days after concluding the hearing. The recommendation shall be reviewed by the General Manager and the General Manager has the power to affirm, reverse or modify the hearing officer's recommendation. The General Manager's decision shall be final and binding upon the District and appellant. A copy of such decision shall be forwarded to the appellant. If the disciplinary action taken against the employee is reversed or modified by the General Manager, the employee may be compensated, in whole or in part, for the time lost as determined by the General Manager.

SEC. 1314 Release of Information Relative to Discipline

Except as otherwise required by law, in the interest of preventing undue embarrassment and subsequent loss of ability to perform the District's work effectively, no information will be released to any third parties without prior approval of the General Manager/Designee, with concurrence of the Board of Trustees and District legal counsel, and the employee, except as required by law.

ARTICLE XIV -- TERMINATION OF EMPLOYMENT

SEC. 1401 Policy

It is the intent of the District to define the various types of separations of employment with the District and the effect of separation on employee benefits and continuous service.

SEC. 1402 Applicability

This policy shall apply to all regular full-time employees. Except as otherwise noted, this policy will also apply to probationary, part-time and temporary/seasonal employees.

SEC. 1403 Types of Separations

- A. **Voluntary termination** - This occurs when the separation is initiated by the employee. The following are examples of voluntary terminations:

- 1) Written or oral resignation.
- 2) Failure to report for work upon recall from layoff on the date designated.
- 3) Failure to return from an approved leave of absence at the expiration of the leave.
- 4) Failure to report to work for three (3) consecutive days without satisfactory reason.
- 4) Retirement.

B. **Involuntary termination** - This occurs when the separation is initiated by the employer. The following are examples of involuntary terminations:

- 1) Layoff for lack of work or funds - when the District reduces its work force for economic or other reasons.
- 2) Release due to unsuitability - when an employee through no fault of his/her own, is unsuited for or incapable of performing work assigned and no appropriate change of assignment is available.
- 3) Discharge - when an employee is terminated for cause for such reasons as inefficiency, absenteeism, or failing or refusing to comply with the policies, standards and/or rules of the District.
- 4) Death of the employee.
- 5) Disability - when, on the basis of medical evidence, an employee is totally and permanently disabled from performing his usual work assignment and thus eligible for disability benefits.

SEC. 1404 Notice of Resignation or Retirement

Regular full-time employees wishing to leave the service of the District in good standing either by resignation or retirement, are requested to give the General Manager at least two (2) weeks advance written notice specifying the last day of work and are subject to Section 1408 of this Manual. Resignation or retirement notice shall be accepted upon submission and shall be effective on the date stated in the notice. Employees who do not provide the requested notice shall be considered ineligible for rehire.

SEC. 1405 Reduction in Force

Employees may be subject to layoff by the General Manager due to changes in duties, organization, abolishment of position, shortage of work or funds or completion of work or other reasons. In cases involving regular full-time employees only, notice of reduction in force shall be given to affected employees at least thirty (30) calendar days prior to the effective date of termination. Such reductions shall not be subject to appeal.

The order of lay-offs within a class shall be determined by the General Manager. Skill, ability, performance and other work-related factors shall be the primary factors taken into account. Where the foregoing are substantially equal, seniority shall determine the order of layoff.

Employees failing to respond to notice of recall within a period of three (3) working days will be, without further notice, regarded as permanently separated from District employment with no right of recall. Should such separated employees be rehired, the employee will be re-employed as a new employee on probationary status.

Laid-off employees shall be paid for all leave accumulated but unused, as defined in these policies, to the effective date of termination.

SEC. 1406 Discharge

Probationary and temporary/seasonal employees may be discharged at the will and pleasure of the General Manager without right of appeal or hearing.

SEC. 1407 Final Paychecks

Final paychecks may be picked up by the employees at the Administration Office in accordance with the following:

A. Seasonal Employees: Seasonal employees leaving District employment at the completion of their term shall be paid in full not later than the next regular payday.

B. Regular Full-Time Employees:

- 1) Voluntary terminations - employees terminating voluntarily shall be paid in full not later than the next regular payday.
- 2) Involuntary terminations - laid-off or discharged employees shall be paid in full for all time worked prior to termination on the next regular workday following the termination date.

SEC. 1408 Return of District Property

It is the responsibility of the terminating employee's immediate supervisor to assure that the employee returns all District property, tools, electronic devices, passwords, uniforms, keys, credit cards, etc. The District can deduct the cost of such items not returned if the employee signs a written deduction authorization at the time of deduction. Failure to provide written authorization could result in pursuing legal action against the employee.

Intangible assets such as electronic documents, computer applications (compiled and uncompiled), reports, and models developed while employed at the District and created on the District's Network are considered District property. District policy prohibits the theft or other abuse of intangible assets. Abuse can be prosecuted under applicable statutes. Under certain circumstances, the law contains provisions for felony offenses. Violations of this policy may lead to legal action against the employee, as appropriate. It is the responsibility of the terminating employee's immediate supervisor to notify the IT department of all terminations (voluntary and involuntary) to ensure a full backup of network and local files is completed prior to termination.

All travel advances, if any, and expense reports must be balanced, and all credit cards must be returned prior to issuance of final paychecks.

SEC. 1409 Job Reference or Verification of Employment

Any request for a job reference or verification of employment for a current or former employee of the District shall be referred to Human Resources.

Only dates of employment, position held, and current salary will be disclosed. No other employment data shall be given without a written authorization and release signed by the individual who is the subject of the inquiry.

ARTICLE XV -- PEACEFUL PERFORMANCE OF SERVICE

SEC. 1501 Purpose

The Board feels it is important for the District to continue to provide for control of mosquitoes and eye gnats and other vectors and the diseases they can transmit to humans at all times without interruption for any reason. Therefore, the Board, all employees and any employee organization will work together to prevent any disruption of service which constitutes an imminent and substantial threat to the public health and safety.

SEC. 1502 Policy

No employee, employee organization, employee organization representative, or member of an employee organization shall engage in, cause, instigate, encourage, or condone a strike, work stoppage, work slowdown, or "sick-in" of any kind. An employee, employee organization, its representatives or members who participate in any such actions will be subject to disciplinary action.

As used in this Section, "strike," work stoppage, work slowdown or "sick-in" includes the concerted failure to report for duty, the willful absence from one's position, the stoppage or deliberate slowdown of work or the abstinence in whole or in part from full faithful performance of the duties of employment for the purpose of inducing, influencing or coercing a change in the

conditions of compensation, or the rights, privileges or obligation of employment that creates a substantial and imminent threat to health or safety of the public.

APPENDIX A

COACHELLA VALLEY MOSQUITO & VECTOR CONTROL DISTRICT ADMINISTRATIVE POLICY			
Subject	Policy Number	Date Adopted	Date Revised
Family Care and Medical Leave Policy	1.07	04/16/10	11/8/16

I. STATEMENT OF POLICY

To the extent not already provided for under current leave policies and provisions, the District will provide family and medical care leave for eligible employees as required by state and federal law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 (“FMLA”), and the regulations of the California Family Rights Act (“CFRA”). Unless otherwise provided by this policy, “leave” under this policy shall mean leave pursuant to the FMLA and CFRA.

II. DEFINITIONS

- A. “12-Month Period” means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.
- B. “Single 12-month period” means a 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered servicemember and ends 12 months after that date.¹
- C. “Child” means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self care because of a mental or physical disability. An employee’s child is one for whom the employee has actual day-to-day responsibility for care and includes, a biological, adopted, foster or step-child.

A child is “incapable of self care” if he/she requires active assistance or supervision to provide daily self care in three or more of the activities of daily living or instrumental activities of daily living — such as, caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.

- D. “Parent” means the biological, adoptive, step or foster parent of an employee, or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.
- E. “Spouse” means a husband or wife as defined or recognized under California State law for purposes of marriage. “Spouse” also includes registered domestic partners and same-sex partners in marriage.

- F. “Domestic Partner,” as defined by Family Code §§ 297 and 299.2, shall have the same meaning as “Spouse” for purposes of CFRA Leave.
- G. “Serious health condition” means an illness, injury impairment, or physical or mental condition that involves:
1. Inpatient Care in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom). A person is considered an “inpatient” when a health care facility formally admits him or her to the facility with the expectation that he or she will remain at least overnight, even if it later develops that such person can be discharged or transferred to another facility, and does not actually remain overnight; or
 2. Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - a) A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to serious health condition of more than three full consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - i) Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist by a health care provider, by a nurse, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity; or
 - ii) Treatment by a health care provider on at least one occasion which must take place within seven days of the first day of incapacity and results in a regimen of continuing treatment under the supervision of the health care provider. This includes for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.
 - b) Any period of incapacity due to pregnancy or for prenatal care. This entitles the employee to FMLA leave, but not CFRA leave. (Under California law, an employee disabled by pregnancy is entitled to pregnancy disability leave.)
 - c) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - i) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider or by a nurse;

- ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
- iii) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.
- d) A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.
- e) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

H. “Health Care Provider” means:

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;
2. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treat or supervise treatment of a serious health condition;
3. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
4. Nurse practitioners and nurse-midwives, clinical social workers, and physician assistants who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
5. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
6. Any health care provider from whom an employer or group health plan’s benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

I. “Covered active duty” means: (1) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country, or (2) in the case of a member of a reserve component of the Armed

Forces, duty during the deployment of member of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions.

- J.** “Covered Servicemember” means (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- K.** “Outpatient Status” means, with respect to a covered servicemember, the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
- L.** “Next of Kin of a Covered Servicemember” means the nearest blood relative other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.
- M.** “Serious Injury or Illness”: (1) in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; or (2) in the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

III. REASONS FOR LEAVE

Leave is only permitted for the following reasons:

- 1.** The birth of a child or to care for a newborn of an employee;

2. The placement of a child with an employee in connection with the adoption or foster care of a child;
3. Leave to care for a child, parent, spouse, or domestic partner who has a serious health condition;
4. Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position (i.e., an employee is unable to perform any one or more of the essential functions of his/her position);
5. Leave for a “qualifying exigency” may be taken arising out of the fact that an employee’s spouse, son, daughter, or parent is on covered active duty or call to active duty status (under the FMLA only, not the CFRA); or
6. Leave to care for a spouse, son, daughter, parent, or “next of kin” who is a covered servicemember of the United States Armed Forces who has a serious injury or illness incurred in the line of duty while on active military duty or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces (this leave can run up to 26 weeks of unpaid leave during a single 12-month period) (under the FMLA only, not the CFRA).

Employees who misuse or abuse FMLA leave may be disciplined up to and including termination. An employee who fraudulently obtains or uses CFRA leave is not protected by the CFRA’s job restoration or maintenance of health benefits provisions.

IV. EMPLOYEES ELIGIBLE FOR LEAVE

An employee is eligible for leave if the employee:

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

V. AMOUNT OF LEAVE

Eligible employees are entitled to a total of 12 workweeks (or 26 weeks to care for a covered servicemember) of leave during any 12-month period. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

A. Minimum Duration of Leave

If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an

employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks duration on any two occasions.

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

B. Parents Both Employed by the District

In any case in which both parents are employed by the District and are entitled to leave, the aggregate number of workweeks of CFRA leave to which both may be entitled may be limited to 12 workweeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave). Similarly, where married spouses both work for the District, they may be limited to a total of 12 weeks of FMLA leave for bonding leave.

In any case in which a husband and wife both employed by the District are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 26 workweeks during any 12-month period if leave is taken to care for a covered servicemember under FMLA.

Except as noted above, this limitation does not apply to any other type of leave under this policy.

VI. EMPLOYEE BENEFITS WHILE ON LEAVE

Leave under this policy is unpaid. While on family and medical care leave, employees will continue to be covered by the District group health insurance to the same extent that coverage is provided while the employee is on the job for up to 12 weeks each leave year. If the employee is disabled by pregnancy, coverage will continue to be covered for up to 4 months each leave year. In the event an employee is disabled by pregnancy and also uses leave under the California Family Rights Act, District will maintain the employee's health benefits while the employee is disabled by pregnancy (up to four months or 17 weeks) and during the employee's CFRA leave (up to 12 weeks).

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

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the District shall have the right to recover its share of health plan premiums for the entire

leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The District shall have the right to recover premiums through deduction from any sums due the District (e.g. unpaid wages, vacation pay, etc.).

VII. SUBSTITUTION OF PAID ACCRUED LEAVES

While on leave under this policy, as set forth herein, an employee may elect to concurrently use paid accrued leaves. Similarly, the District may require an employee to concurrently use paid accrued leaves after requesting FMLA and/or CFRA leave, and may also require an employee to use family and medical care leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA-qualifying. If an employee is receiving a paid benefit (e.g., State Disability Insurance or workers' compensation), an employee may, at his/her option, coordinate the use of paid time off, sick leave, or accrued vacation up to his/her regular salary amount.

A. Employee's Right to Use Paid Accrued Leaves Concurrently with Family Leave

Where an employee has earned or accrued paid vacation, administrative leave, or compensatory time, that paid leave may be substituted for all or part of any (otherwise) unpaid leave under this policy.

As for sick leave, an employee may elect or District may require an employee to use accrued sick leave only if:

1. The leave is for the employee's own serious health condition; or
2. The leave is for another reason mutually agreed upon between the District and the employee.

If the District and employee do not "mutually agree" to allow use of accrued sick leave to care for a family member, the District may still be required to allow the employee to use some sick leave for the employee to care for a family member with a serious health condition pursuant to the Protected Sick Leave law under Labor Code section 233 and the California Paid Sick Leave Law.

An employee receiving Paid Family Leave to care for the serious health condition of a family member or to bond with a new child is not on "unpaid leave." Therefore the District may not require the employee to use the paid time off, sick leave, or accrued vacation.

B. District's Right to Require an Employee to Use Paid Leave When Using FMLA/CFRA Leave

Employees must exhaust their accrued leaves concurrently with FMLA/CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with FMLA/CFRA leave, with two exceptions:

1. Employees are required to use accrued compensatory time earned in lieu of overtime earned pursuant to the Fair Labor Standards Act; and
2. Employees will only be required to use sick leave concurrently with FMLA/CFRA leave if the leave is for the employee's own serious health condition or another reason mutually agreed upon between the District and the employee.

C. District's Right to Require an Employee to Exhaust FMLA/CFRA Leave Concurrently with Other Leaves

If an employee takes a leave of absence for any reason which is FMLA/CFRA-qualifying, the District may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement.

D. District's and Employee's Rights if an Employee Requests Accrued Leave, Other Than Accrued Sick Leave, Without Mentioning Either the FMLA or CFRA

If an employee requests to utilize accrued vacation leave or other accrued paid time off, other than accrued sick leave, without reference to a FMLA/CFRA-qualifying purpose, the District may not ask the employee if the leave is for a FMLA/CFRA-qualifying purpose. However, if the District denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA-qualifying purpose, the District may inquire further into the reason for the absence. If the reason is FMLA/CFRA-qualifying, the District may require the employee to exhaust accrued leave as described above.

VIII. MEDICAL CERTIFICATION

Employees who request leave for their own serious health condition or to care for a child, parent or a spouse who has a serious health condition must provide written certification from the health care provider of the individual requiring care if requested by the District.

If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his/her position.

Employees who request leave to care for a covered servicemember who is a child, spouse, parent, or "next of kin" of the employee must provide written certification from a health care provider regarding the injured servicemember's serious injury or illness.

The first time an employee requests leave because of a qualifying exigency, an employer may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to active duty status in a foreign country, and the dates of the military member's active duty service. A copy of new active duty orders or similar documentation shall

be provided to the employer if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different military member.

A. Time To Provide A Certification

When an employee's leave is foreseeable and at least 30 days' notice has been provided, if a medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to the District within the time frame requested by the District (at least 15 calendar days), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

B. Consequences for Failure to Provide an Adequate or Timely Certification

If an employee provides an incomplete medical certification the employee will be given a reasonable opportunity to cure any such deficiency.

However, if an employee fails to provide a medical certification within the time frame established by this policy, the District may delay the taking of FMLA/CFRA leave until the required certification is provided.

C. Second and Third Medical Opinions

If the District has a good faith, objective reason to doubt the validity of a certification, the District may require a medical opinion of a second health care provider chosen and paid for by the District. If the second opinion is different from the first, the District may require the opinion of a third provider jointly approved by the District and the employee, but paid for by the District. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a second or third medical opinion sought.

D. Intermittent Leave or Leave on a Reduced Leave Schedule

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

IX. EMPLOYEE NOTICE OF LEAVE

Although the District recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. Except for qualifying exigency leave, if leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that he/she will need leave in the future, but does

not know the exact date(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. If the District determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the District may delay the granting of the leave until it can, in its discretion, adequately cover the position with a substitute.

For foreseeable leave due to a qualifying exigency, an employee must provide notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

X. REINSTATEMENT UPON RETURN FROM LEAVE

A. Right to Reinstatement

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

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and the District, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

B. Employee's Obligation to Periodically Report on His/Her Condition

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

C. Fitness-for-Duty Certification

As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

D. Reinstatement of "Key Employees"

The District may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed by the District within 75 miles of the work site) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the District, and the employee is notified of the District's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.

XI. REQUIRED FORMS

Employees must fill out the following applicable forms in connection with leave under this policy:

- 1.** “Request for Family or Medical Leave Form” prepared by the District to be eligible for leave. **NOTE: EMPLOYEES WILL RECEIVE A DISTRICT RESPONSE TO THEIR REQUEST WHICH WILL SET FORTH CERTAIN CONDITIONS OF THE LEAVE.**
- 2.** Medical certification—either for the employee’s own serious health condition or for the serious health condition of a child, parent, spouse or domestic partner.
- 3.** Authorization for payroll deductions for benefit plan coverage continuation.
- 4.** Fitness-for-duty to return from leave form.

ⁱ 29 C.F.R. § 825.127(e)(1).