

**AGENDA**  
1054<sup>th</sup> MEETING OF THE BOARD OF TRUSTEES  
OF THE ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT

MARCH 14TH, 2018

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TIME: 5:00 P.M.  
PLACE: Office of the District, 23187 Connecticut Street, Hayward  
TRUSTEES: Elisa Marquez, President, City of Hayward  
Wendi Poulson, Vice-President, City of Alameda  
Eric Hentschke, Secretary, City of Newark  
Humberto Izquierdo, County-at-Large  
P. Robert Beatty, City of Berkeley  
Alan Brown, City of Dublin  
Betsy Cooley, City of Emeryville  
George Young, City of Fremont  
James N. Doggett, City of Livermore  
Jan O. Washburn, City of Oakland  
Robert Dickinson, City of Piedmont  
Kathy Narum, City of Pleasanton  
Ed Hernandez, City of San Leandro  
Subru Bhat, City of Union City

1. Call to order.
2. Roll call.
3. President Marquez invites any member of the public to speak at this time on any issue relevant to the District. (Each individual is limited to three minutes).
4. Approval of the minutes of the 1053<sup>rd</sup> meeting held February 14th, 2018 (**Board action required**)
5. Second reading of revisions to chapter 200 of ACMAD policy (**Board Action Required**)
6. First reading of revisions to chapter 100, 300, 400, 500, 600, 700, 800 of ACMAD policy (Information only)
7. Report from the Strategic Planning Committee (Information only)
8. Report from the Finance Committee regarding the 1st draft of the 2018-19 budget (Information Only)
9. Financial Reports:
  - a. Review of warrants dated February 15, 2018 numbering 040818 through 043318 amounting to \$137,106.36 and warrants dated February 28, 2018 numbering 043418 through 046118 amounting to \$118,932.42 (Information only).
  - b. Review of Budget as of February 28, 2018. (Information only).
  - c. Investments, Reserves, and Cash Balance as of February 28, 2018.
10. Presentation of the Monthly Staff Report for February 2018 (Information only).

11. Presentation of the Manager's Report for February 2018 (Information only).
  - a. CSDA Annual Dinner March 22<sup>nd</sup>, 2018, Redwood Canyon
  - b. AMCA Annual Conference summary
  - c. VCJPA Annual Workshop summary
  - d. MVCAC Legislative Day summary
  - e. AB 1825 in-house staff training on April 23<sup>rd</sup>
  - f. FPPC Economic Interest Form 700 FFPP **due** for 4 trustees (EM, RD, KN, EH)
  - g. LAFCo's 2018 Municipal Service Review (MSR) Alameda County cities: update
12. Board President asks for reports on conferences and seminars attended by Trustees.
13. Board President asks for announcements from members of the Board.
14. Board President asks trustees for items to be added to the agenda for the next Board meeting.
15. Adjournment.

RESIDENTS ATTENDING THE MEETING MAY SPEAK ON ANY AGENDA ITEM AT THEIR REQUEST.

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## MINUTES

### 1053<sup>rd</sup> MEETING OF THE BOARD OF TRUSTEES OF THE ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT

FEBRUARY 14<sup>TH</sup>, 2018

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TIME: 5:00 P.M.  
PLACE: Office of the District, 23187 Connecticut Street, Hayward  
TRUSTEES: Elisa Marquez, President, City of Hayward  
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Eric Hentschke, Secretary, City of Newark  
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P. Robert Beatty, City of Berkeley  
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Betsy Cooley, City of Emeryville  
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James N. Doggett, City of Livermore  
Jan O. Washburn, City of Oakland  
Robert Dickinson, City of Piedmont  
Kathy Narum, City of Pleasanton  
Ed Hernandez, City of San Leandro  
Subru Bhat, City of Union City

Board President Marquez called the regularly scheduled board meeting to order at 5:02 PM.

Trustees Marquez, Poulson, Hentschke, Beatty, Brown, Cooley, Young, Washburn, Narum, and Bhat were present; Trustees Izquierdo and Dickinson were absent. Trustee Hernandez arrived at 5:06 P.M. and Trustee Doggett arrived at 5:08 P.M.

Board President Marquez invited members of the public to speak on any issue relevant to the District. Andrew Brown of Highmark Capital Management and David Alvey of Maze & Associates were present. Accounting Associate Michelle Matthes was also present, along with Mosquito Control Technician Jeremy Sette. to record the minutes.

Mr. Subru Bhat and Mr. Alan Brown were introduced as new Board Members, representing the City of Union City and the City of Dublin, respectively.

The Board approved the minutes of the 1052<sup>nd</sup> meeting held January 10<sup>th</sup>, 2018. (Narum, Washburn) --unanimous.

Andrew Brown of Highmark Capital Management presented to the Board regarding ACMAD's Pension Rate Stabilization Fund Investment Strategy. President Marquez asked if the Board could reevaluate the investment strategy at future meetings (yes, it will be put in a board agenda for review in six months). Trustee Narum asked about the feasibility and sensibility of splitting funds in both Conservative and Moderately Conservative, either 50/50% or 25/75%, for example (the policy would fall somewhere in between the

Conservative and Moderate Conservative plan, Highmark does not offer that type of split option though). Trustee Bhat asked where the \$500k came from, originally (the funds are from the surplus revenue reserve) and commented that the District should choose the investment strategy with the least amount of risk. Trustee Narum commented on the importance of long-term plans, per a recent presentation at Stanford University, and how the District is aligned with these planning practices. Trustee Washburn commented that the investing process will take three years. Trustee Beatty asked for clarification on what the Board was voting on (Conservative vs Moderately Conservative Investment Strategy and Active vs Passive Portfolio). Trustee Hernandez commented that CalPERS investment strategy is capital management. The Board voted (11-1) to approve the Moderately Conservative Investment Strategy with the caveat that in six months the Finance Committee will review (Narum, Hernandez)—opposed by Trustee Bhat. The Board voted (10-2) to approve the Active Portfolio (Hernandez, Narum)—opposed by Trustees Bhat and Beatty. Trustee Young asked for a recommendation from Andrew Brown (Andrew Brown answered that Moderately Conservative could be considered appropriate at this point) and requested clarification on the fee structure. Trustee Hernandez commented on the current economic market and its impact on financial decision making.

David Alvey of Maze & Associates presented the Financial Audit and Memorandum on Internal Controls for Fiscal Year 2016-17. Trustee Narum commented that part of the audit process is to review proper internal controls for fraud protection. Trustee Bhat requested clarification on how the Board can approve a draft, what if the numbers change? Mr. Alvey and Trustee Narum answered that it is standard practice to approve an audit draft, followed by a certified final report. President Marquez asked how long the audit process took (approximately 1 week of field work, which began in November). The audit report was approved (Bhat, Washburn)—unanimous.

The President's Award Plaque was presented to Past Board President Kathy Narum by President Marquez.

The 5-year award, a pewter belt buckle, was presented to Trustee George Young.

The General Manager reported on the State of California Master Mutual Aid Agreement. The Board voted to approved resolution 1053-1 adopting the State of California Master Mutual Aid Agreement (Doggett, Brown)—unanimous.

During discussion of resolution 1053-2 recognizing the mosquito control benefits of Unmanned Aerial Systems (UAS, or "drones"), Trustee Narum commented on the concern for privacy of private home-owners regarding drones and asked if drones will be used over private homes (no, and the District will specify these restrictions in District policy). Trustee Beatty asked for clarification of the state law regarding mosquito control drone use (the law allows for the use of pesticide applications by mosquito control districts). Trustee Bhat asked if the Board had a budget for drone purchases (yes, \$40,000). Trustee Narum asked if the Board will discuss this policy further in the future (yes). The Board approved resolution 1053-2 (Beatty, Washburn)—unanimous.

The Board underwent a first reading of revisions to chapter 200 of ACMAD policy. Trustee Narum commented on the importance of preferring local vendors within Alameda County.

Trustees Beatty and Washburn gave a report on behalf of the Strategic Planning Committee meeting.

The Board reviewed warrants dated January 15, 2018 numbering 035518 through 037918 amounting to \$120,114.21 and warrants dated January 31, 2018 numbering 038018 through 040718 amounting to \$124,672.77. The Board reviewed the Budget, as well as Investments, Reserves, and Cash Balance as of January 31, 2018.

The General Manager presented the monthly staff report for January 2018. Trustee Washburn praised staff involvement at the annual MVCAC conference and commented that it was the best ACMAD representation in his 33 years of attending, and arguably the most contributions by any District regardless of its size. He also commented on the District's recent excellence in all fields and its positive influence and presence at the conference. Notable talks at the conference were given by ACMAD's Lab Director Eric Haas-Stapleton, and Trustee Washburn also provided recognition to multiple ACMAD papers that were either already in, or in process of publication in official scientific journals. Trustee Bhat asked where it will be held next year (Burlingame).

The General Manager presented the Manager's report for January 2018. A typo was noted- the CSDA Annual Dinner is on March 22<sup>nd</sup>, not 23<sup>rd</sup>, at 6:00 P.M. President Marquez and Trustees Beatty, Hernandez and Young stated they would attend the dinner. Trustee Narum asked about who the architect for capital projects was (Carlos Castillo) and if there were any bids in the works (the architect's fees are around \$1,500 thus far and a full bidding process will occur when the plans are finalized). Trustee Bhat asked about what the timetable was for the possible annexation of Albany (possibly by mid-year). Trustee Narum commented on the importance of setting up community meetings to discuss the annexation. Trustee Hernandez asked what the amount Albany would be taxed (tentatively, the same as other cities, but this process is yet to be finalized).

Board President Marquez asked for reports on conferences and seminars attended by Trustees. Trustee Washburn previously reported on his attendance of the annual MVCAC.

Board President Marquez asked for announcements from the Board. Trustee Bhat asked about Board committee availability (various committees can be joined). Trustee Brown asked about an opportunity to attend a CSDA leadership conference (yes, information will be provided). Trustee Hernandez asked when presentations are given to city councils (they were last given in 2016, planned again for fall of 2018 by the General Manager). Trustee Young commented on his frustration with the online ethics training module.

Board President Marquez asked trustees for items to be added to the agenda for the next Board meeting (none).

The meeting adjourned at 6:35 P.M.

**Respectfully submitted,**

Approved as written and/or corrected  
at the 1054<sup>th</sup> meeting of the Board of  
Trustees held March 14<sup>th</sup>, 2018

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Elisa Marquez, President  
BOARD OF TRUSTEES

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Eric Hentschke, Secretary  
BOARD OF TRUSTEES

## **CHAPTER 200. FINANCIAL**

### **Section 201. Expenditures**

By resolution of the Board of Trustees the Board established the following policy to more efficiently review and approve District expenditures.

- 201.1 The District budget will be reviewed, approved and modified as necessary by the Board, consistent with existing District policies, procedures and state law.
- 201.2 The Board authorizes the General Manager to issue warrants that are consistent with the objectives of the budget.
- 201.3 The General Manager shall act as Purchasing Agent unless the Board of Trustees designates another employee. The General Manager may delegate purchasing authority to other personnel in accordance with work functions and operational feasibility.
- 201.4 Any designated Purchasing Agent, within the intent and limits of the District budget, can purchase all materials, supplies, equipment, furnishings and other property for the District. No purchase of property by any person other than the General Manager or his/her designated Purchasing Agent shall be binding upon the District or constitute a lawful charge against any District funds.

### **Section 202. Bidding Policies**

- 202.1 Less than \$10,000. Bidding is not required when the item or service to be purchased is less than \$49,999 in value.
- 202.2 \$5,000 to \$15,000. Informal bidding shall be required when the item or service to be purchased costs between \$5,000 and \$15,000. Such bidding may be accomplished by written request for bids sent to selected bidders; by telephone survey of prices; by electronic requests for bids or surveys of prices; or by such other efforts directed towards obtaining a minimum of three bids. The Purchasing Agent shall award the bid to the lowest responsible bidder, unless the Purchasing Agent determines that the public interest requires a different action. The Board will receive a report of all purchases in this cost range. The Board of Trustees authorizes the Purchasing Agent to purchase items described by this policy, provided they do not exceed \$15,000 and do not exceed the District's approved budget amount for the item or service in consideration.
- 202.3 Above \$15,000. When the cost of the item or service to be purchased exceeds \$15,000, formal bidding shall be required. Such bidding process shall require that a notice be posted at the District office at least ten (10) days prior to the bid

opening and that formal requests for bids be solicited either by newspaper publication, trade journal publication, use of a bid service, or other reasonable solicitation. Solicited sealed bids shall be reviewed by the Board and awarded to the lowest responsible bidder based on the Purchasing Agent's analysis and recommendation, unless the Board makes a determination that it would be in the public's best interest to do otherwise. All bids will be retained as part of the District's official record per District record retention policy. See Appendix 800-1.

202.4 Bidding is Not Required for the following:

- (a) when an emergency situation exists – Designation of an emergency shall be determined General Manager with the consent of the Board President or available Board officer;
- (b) when requiring the services of specialized professionals, such as scientists, engineers, attorneys, or accountants;
- (c) when the item or service can only be obtained from one vendor; or
- (d) when the public interest may otherwise require that bidding be dispensed with, provided that the facts constituting the basis for the exception are documented by the Board or General Manager as appropriate. Documentation for exceptions shall be retained as part of the District's official records for at least two years.

Any warrant issued under this Section 202.4 shall indicate on the warrant list the specific exemption relied upon.

202.5 The General Manager shall first review all bids received to determine if they are responsive to the bid request. The General Manager is authorized to waive minor deviations and irregularities in the bids.

202.6 The General Manager shall also have the authority to inspect and test products for quality and fitness described or identified in any bid to determine its appropriateness, and further, may investigate the character and reputation of any bidder to determine responsibility and capability. The General Manager's analysis of these factors shall be used in the determination and recommendation of the lowest responsible bidder.

202.7 The District contract shall be awarded to the lowest responsible bidder, except as otherwise provided above. When feasible, preference may be given to Alameda County vendors. If two or more bids are substantially identical, the District may accept any such bid. In its sole discretion, the District may reject any and all bids received, and it may re-advertise for additional bids, have District staff perform such work, or negotiate with the lowest bidder.

### **Section 203. Contracts**

- 203.1 The General Manager is hereby authorized to sign and enter into contracts on the District's behalf when the dollar value of the contract is \$25,000 or less.
- 203.2 The Board authorizes the General Manager to enter into contracts that are consistent with the objectives of the budget upon receiving approval from the Board.

### **Section 204. Warrants**

- 204.1 The Board shall review warrants at least monthly to ensure expenditures are within the limitations of the budget, and to raise questions, when appropriate, about any of the listed expenditures.
- 204.2 The Board hereby authorizes the withdrawal of funds from the general fund upon a warrant signed by one member of the Board and the General Manager, or his/ her designee.
- 204.3. In an emergency situation where there is not sufficient time to secure prior authorization from the Board, the Board hereby authorizes the General Manager emergency powers to withdraw funds up to \$5000, bypassing the dual signature requirement, as noted in Section 204.2 from the District's transfer bank only. If emergency funds are withdrawn, the Board shall be notified immediately, or as reasonably possible, and the issue shall be placed on the next Board agenda for discussion.

### **Section 205. Meeting Stipends**

- 205.1 Consistent with Health and Safety Code section 2030, the members of the Board of Trustees may receive their actual and necessary traveling and incidental expenses incurred while on official business. In lieu of paying for actual expenses, the Board of Trustees may by resolution provide for the allowance and payment to each Trustee a sum not to exceed one hundred dollars (\$100) per month for expenses incurred while on official business. A Trustee may waive the payments permitted by this subdivision. Such compensation is in addition to any reimbursement for meals, lodging, travel and expenses consistent with this policy. (Health & Safety Code § 2051.)
- 205.2 Meetings and Service Subject Monthly In Lieu of Allowance. To be entitled to the monthly In Lieu Allowance under this policy, the official business in question must constitute one of the following:
  - (a) A meeting of the District Board of Trustees within the meaning of Government Code section 54952.2(a);

- (b) A meeting of a District committee within the meaning of Government Code section 54952(b);
- (c) An advisory body meeting within the meaning of Government Code section 54952(b);
- (d) A conference within the meaning of Government Code section 54952.2(c)(2);
- (e) A meeting of any multi-jurisdictional governmental body on which the General Manager serves as the District's designated representative; or
- (f) Any meeting attended or service provided on a given day at the formal request of the District Board of Trustees and for which the District Board of Trustees approves payment of In Lieu of Allowance stipend.

### **Section 206. Travel and Payment of Expenses While on Official Business**

206.1 Travel and Payment of Expenses While on Official Business will be approved if:

- (a) There is a substantial benefit to the residents of Alameda County
- (b) It includes discussion of the community's concerns with local, regional, state and federal officials;
- (c) There is participation in local, regional, state and national organizations whose activities affect the District;
- (d) Educational seminars are attended designed to improve officials' skill and information levels; and
- (e) Public service, team building, or leadership is promoted with service to ACMAD.

### **Section 207. ACMAD Expense Policy**

The following policy governs expenditures of District funds and reimbursement of expenses:

207.1 Authorized Expenses. District funds, equipment, supplies (including letterhead), titles and staff time must only be used for authorized District business. The following types of expenses generally constitute authorized expenses, as long as the other requirements of this policy are met:

- (a) Expenses associated with communicating with representatives of regional, state and national government on District adopted policy positions;

- (b) Expenses associated with attending educational seminars designed to improve officials' skill and information levels;
- (c) Expenses associated with participating in regional, state and national organizations whose activities affect the District's interests;
- (d) Expenses associated with recognizing service to the District (for example, thanking an employee with a retirement gift or celebration of nominal value and cost of less than \$50.00);
- (e) Expenses associated with attending District events;
- (f) Expenses associated with meetings, such as those listed above for which a meeting stipend is expressly authorized under this policy, or
- (g) Expenses associated with legislative and other District-related local, regional, state and federal agency business, conducted over meals, where each meal expenditure must also comply with the limits and reporting requirements of local, regional, state and federal law.

207.2 Any expenditures not included in the budget require approval by the District Board of Trustees.

207.3 Examples of personal expenses that the District will not reimburse include, but are not limited to:

- (a) The personal portion of any trip;
- (b) Political or charitable contributions or events;
- (c) Family expenses, including partner's expenses when accompanying official on District-related business, as well as children- or pet-related expenses;
- (d) Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
- (e) Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
- (f) Personal losses incurred while on District business.

Any questions regarding the propriety of a particular type of expense should be resolved by the purchasing agent before the expense is incurred.

207.4 Expense Report Content and Submission Deadline. Expense reports must document that each expense claimed has met the requirements of the policy.

For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the District's adopted legislative positions and priorities. Trustees and employees must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the required documentation. Receipts for gratuities and tolls under \$5 are not required. Inability to provide such documentation in a timely fashion may result in the expense being borne by the individual.

- 207.5 Reports to Governing Board. At the following District Board meeting, each official shall provide a brief oral or written report on meetings or functions attended at District expense. If multiple District representatives attended, a joint report may be provided.
- 207.6 Compliance with Laws. District officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.
- 207.7 Violation of this Policy. Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: (1) loss of reimbursement privileges, (2) demand for restitution to the District, (3) the District's reporting the expenses as Trustee or employee income to state and federal tax authorities, and (4) prosecution for misuse of public resources.

### **Section 208. Cost Control**

To conserve District resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines.

- 208.1 Transportation. District personnel are expected to use the most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements, using the most direct and time-efficient route. In the event that a more expensive transportation mode or route is used, the cost borne by the District will be limited to the cost of the most economical, direct, efficient and reasonable mode of transportation. District personnel are encouraged to use public transit when available and feasible and to carpool/ride share when several people are traveling to the same event by automobile. Automobile mileage is reimbursable at Internal Revenue Service prevailing rates in effect. These rates are designed to compensate the driver for gasoline, insurance, maintenance and other expenses associated with operating the vehicle. Parking, tolls and other similar expenses relating to travel by auto are reimbursable if necessarily incurred in connection with a meeting or function authorized under this policy.

- 208.2 Lodging. Lodging costs will be reimbursed or paid for by the District when travel on official District business reasonably requires an overnight stay. If such lodging is in connection with a conference, lodging costs should not exceed any group rate published by the conference sponsor for the meeting in question. In any event, lodging expenses should be moderate, taking into account community standards and prevailing lodging costs for the area.
- 208.3 Meals. Meal expenses and associated gratuities should be moderate, taking into account community standards and the prevailing restaurant costs of the area. A helpful source of guidance is Internal Revenue Service per diem rates for meals and incidental expenses, which include adjustments for higher cost locations. Alcohol/personal bar bills are not an appropriate use of District resources and will not be reimbursed.
- 208.4 Telephone/Fax/Mobile. Individuals will be reimbursed for actual telephone and fax expenses incurred on District business. Telephone bills should identify which calls were made on District business.
- 208.5 Airport Parking. Long-term parking should be used for travel exceeding 24 hours.
- 208.6 Cash Advance Policy. From time to time, it may be necessary for a District representative to request a cash advance to cover anticipated expenses while traveling or doing business on the District's behalf. Such request for an advance should be submitted to the General Manager at least 14 days prior to the need for the advance with the following information:
- (a) The purpose of the expenditure(s);
  - (b) The benefits of such expenditure to the residents of District;
  - (c) The anticipated amount of the expenditure(s) (for example, actual or expected hotel rates, meal costs, and transportation expenses); and
  - (d) The dates of the expenditure(s).

Any unused advance must be returned to the District treasury within two business days of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

- 208.7 Credit Card Use Policy. The District does not issue credit cards to individual Trustees, but does have credit cards for selected District expenses. Trustees may use the District's credit card for such purposes as airline tickets and hotel reservations by following the same procedures as for cash advances. Receipts documenting expenses incurred on the District credit card and compliance with this policy must be submitted within five business days of use. District credit cards may not be used for personal expenses, even if the Trustee or employee

subsequently reimburses the District. Purchasing agents have a credit card. Employees can purchase items approved in the budget. Receipts are given to the Office Assistant or Administrator. The receipts are reconciled to the statements and then recorded to the general ledger. Disbursement goes through the warrant process noted above

- 208.8 In the event circumstances should arise appearing to warrant deviation from these policies, the General Manager shall secure the approval of the Board before making any changes.

### **Section 209. Conference Policy**

- 209.1 Out of State National Mosquito Control Conference. The General Manager or his/her delegate, trustees, and limited staff may be permitted to attend.
- 209.2 Mosquito and Vector Control Association of California Conference - Outside of the Bay Area. The General Manager may require the Field Operations Supervisor, the Lab Director, and the community education staff to attend, or their designees. Any additional staff or Trustees may request approval, and this approval will be based on workload and conference involvement.
- 209.3 Mosquito and Vector Control Association of California Conference - Within the Bay Area. The General Manager may select any number of District personnel to attend such sessions as he or she may designate from which, in his/her opinion, the employees and the District would derive the most benefit.
- 209.4 Mosquito and Vector Control Association of California (MVCAC) Seminars and Workshops. Trustees are encouraged to represent the District at MVCAC seminars, workshops, committee meetings and regional meetings. Approved cost for registration, travel, lodging, and meal will be reimbursed.

### **Section 210. Loss or Damage to Personal Property**

The District will not be responsible for loss or damage to personal items when the loss or damage incurred was not work-related. Each occurrence of loss or damage to the employee's personal property will be reviewed by the Board on a case-by-case basis.

### **Section 211. Policy for Disposition of Fixed Assets**

- 211.1 Fixed assets of \$5,000 or greater current value are considered Capital Assets, have an expected useful life of three years or greater, and must have Board approval before disposal. Disposal of other fixed assets must be approved by the General Manager.

- 211.2 Disposition of fixed assets may be initiated by a Purchasing Agent. A disposal form must be completed by the initiator and approved by the General Manager and Board, consistent with District policy, before the item is disposed of, salvaged or sold. Money received through the disposition of fixed assets shall be deposited in the County treasury in the District fund.

### **Section 212. Policy on Petty Cash**

The District shall maintain a petty cash fund of \$100 to be used for incidental District expenditures. All reimbursements to employees must be approved by the General Manager, and the transaction documented by pre-numbered voucher with attached receipt of purchase and signed employee request for reimbursement form. The fund disbursements shall be reviewed by the Board.

### **Section 213. Fraud Policy**

- 213.1 District Management is responsible for the detection and prevention of fraud, misappropriations, and other irregularities. "Fraud" is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his/her injury. Each member of the management team will be familiar with the types of improprieties that might occur within his/her area of responsibility and be alert for any indication of irregularity. Any fraud that is detected or suspected must be reported to the General Manager or alternatively, to the Finance Committee, who coordinates all investigations.
- 213.2 Actions Constituting Fraud. The terms "fraud," "embezzlement," "misappropriation," and other fiscal irregularities refer to, but are not limited to:
- (a) Any dishonest or fraudulent act;
  - (b) Forgery or alteration of any document or account belonging to the District;
  - (c) Forgery or alteration of a check, bank draft, or any other financial document;
  - (d) Misappropriation of funds, securities, supplies, equipment, or other assets;
  - (e) Impropriety in the handling or reporting of money or financial transactions;
  - (f) Disclosing confidential and proprietary information to outside parties;
  - (g) Accepting or seeking anything of material value from contractors, vendors, or persons providing goods or services to the District;

- (h) Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment; or
- (i) Any similar or related irregularity.

213.3 Investigation Responsibilities. The District Finance Committee has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. The Finance Committee may utilize whatever internal and/or external resources it considers necessary in conducting an investigation. If an investigation substantiates that fraudulent activities have occurred, the Finance Committee will issue reports to the appropriate personnel, and if appropriate, the District Board of Trustees. Decisions to prosecute or refer the investigation results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel and senior management, as will final dispositions of the case.

213.4 Confidentiality. The Finance Committee will treat all information received confidentially. Any employee who suspects dishonest or fraudulent activity will notify the General Manager or the Finance Committee immediately, and should not attempt to personally conduct investigations or interviews related to the suspected fraudulent act. (See Reporting Procedures in Section 212.6, above.) Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the District from potential civil liability.

213.5 Investigation Authority. Members of the District Finance Committee will have free and unrestricted access to all District records and premises and authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises, without the prior knowledge or consent of any individual who may use or have custody or any such items or facilities, when it is within the scope of the Committee's investigations.

213.6 Reporting Procedures. Care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is underway.

An employee who discovers or suspects fraudulent activity will contact the General Manager or the Finance Committee immediately. Alternatively, the employee may use the Employee Risk Management Authority (ERMA – this is a part of the VCJPA self-insurance group coverage) Employee Reporting Line at 1-877-651-3924 to make an anonymous report. This line is monitored 24 hours a day.

The employee or other complainant may remain anonymous to the extent that the law will allow. All inquiries concerning the activity under investigation from the suspected individual(s), his/her/their legal counsel, or any other inquirer should be directed to the Finance Committee or District legal counsel. No information concerning the status of an investigation will be given out. The proper response to any inquiry is, "I am not at liberty to discuss this matter."

The individual making the report should be counseled to not contact the suspected individual in an effort to determine facts or demand restitution and to not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the District legal counsel or the Finance Committee.

### **Section 214. Security**

- 214.1 Accounting Security. Petty cash is stored in a locked file cabinet. The General Manager or designee will be the only employee(s) with keys to the petty cash cabinet.
- 214.2 Access to Electronically Stored Accounting Data. It is the policy of the District to utilize passwords to restrict access to accounting software and data. Only duly authorized accounting personnel with data input responsibilities will be assigned passwords that allow access to the system.
- 214.3 Storage of Backup Files. It is the policy of the District to maintain back-up copies of electronic data files. Access to back-up files shall be limited to individuals authorized by management.
- 214.4 General Office Security. During normal business hours, all visitors are required to check in at the front counter. After hours, a key and security passcode are required for access to the District's office. Keys are issued only to employees (and janitorial services).

### **Section 215. Financial Transactions**

- 215.1 Warrant Authorization Signers. Warrant Requests require two signatures from the following group: Board Members and the General Manager or his/her designee.
- 215.2 Electronic Funds Transfers. The General Manager is authorized to transfer funds between reserve accounts, the general fund, and any vendors where electronic payments are a more efficient process. The General Manager will get pre-approval via the warrant authorization process in the previous section..

- 215.3 Cash Receipts. When miscellaneous checks come in the mail, staff will prepare a deposit form and mail to the general fund with the check. The District keeps a copy of the check for records. All revenue shall be entered in the ledger.
- 215.4 Bank and Cash Account Reconciliations. Reserve accounts and VCJPA statements shall be reconciled once a year at the end of the year. The general fund cash general ledger detail is reconciled as soon as it is received. The Payroll imprest account is reconciled monthly.

### **Section 216. Liabilities and Assets**

- 216.1 Pension Liability. The District's retirement fund shall be at least 80% funded.
- 216.2 Capital Assets. The Office Assistant or Administrator maintains a capital depreciation schedule. Items valued over \$5000 are placed on the depreciation schedule. Disposal or sale of capital assets on this schedule must have Board approval.

### **Section 217. Payroll and Benefits**

- 217.1 The District uses a third party administrator (TPA) for payroll. Payroll is paid bi-monthly. The TPA prepares 941 and DE6 forms. The TPA delivers payroll checks to the District. Employees have the option to have direct deposit handled by the TPA.
- 217.2 Payroll will be recorded to the general ledger twice a month. Payroll is paid out of a separate imprest bank account. Employees enter time into the District database. The reports are reviewed monthly by the management staff.
- 217.3 Administrative/Finance Manager prepares a payroll spreadsheet that is approved and signed by the General Manager. This report is support for the transfer of funds from the County cash account to the payroll account.

### **Section 218. District Fund Policy**

#### **218.1 Policy Statement**

- 218.1.1 The District recognizes the importance of adopting policies for financial reserves and reserve funds that adhere to Government Accounting Standards Board (GASB) guidelines and professional standards/best practices such as those identified by, but not limited to Government Finance Officers Association (GFOA). Written, adopted financial policies regarding designated reserves are a critical element of sound short- and long-term fiscal management.

The designation of funds for long-term financial goals is an important element of prudent fiscal management.-

## 218.2 Fund Policy

- 218.2.1 This policy follows the guidelines set in the Governmental Accounting Standards Board (“GASB”) Statement No. 54, regarding Fund Balance Reporting and Governmental Fund Type Definitions.
- 218.2.2 In order to achieve the objectives of this policy, the Board of Trustees shall adhere to the guidelines as set forth herein.
- 218.2.3 Funds may be established from time to time by the Board of Trustees as an important component of sound financial management to meet both short- and long-term financial objectives, and to ensure prudent financial management practices.
- 218.2.4 Classification of Funds. Funds may be designated by the Board of Trustees as “restricted” or “non-restricted.” These classifications are defined under GASB 54 as follows:
- (a) Restricted Funds shall be segregated, and limited in use to specific and designated purposes as defined and established by the Board of Trustees. According to GASB 54, Restricted Funds are those that are constrained to specific purposes by the constitution, external resource providers (such as grantors, bondholders, and higher levels of government), or through enabling legislation. Examples of Restricted Funds, but not limited to, are pension stabilization, Other Post-Employment Benefits (OPEB)
  - (b) Non-restricted Funds may be classified as “Committed” or “Assigned.” These funds do not require the physical segregation of funds, but maybe segregated if desirable.
  - (c) Committed Funds are defined by GASB 54 as those that are constrained to specific purposes by a formal action of the agency’s highest level decision-making authority (the District’s Board of Trustees). Committed Funds cannot be used for any other purpose, unless the District takes the same highest level action to remove or change the constraint. The District’s Committed funds include the Public Health Emergency, Repair and Replace, Operating Reserve, and Capital Reserve funds
  - (d) Assigned Funds are defined as those that are intended for a specific purpose, but do not meet the criteria to be classified as Restricted or Committed. Intent can be expressed by the Board of Trustees or by an official or body to which the Board of

Trustees delegates the authority. The District currently has no Assigned Funds.

218.2.5 Investment earnings from Restricted and Non-Restricted Funds shall be credited to the District General Fund, unless otherwise stated herein.

218.2.6 Approval by the District's Board of Trustees shall be required prior to the expenditure of Restricted or Committed Funds. Approval shall be determined by action at a public meeting of the Board.

218.2.7 The Board of Trustees shall maintain a written Fund Policy.

218.2.8 The Board of Trustees shall annually review the District Policy at a public meeting in order to determine appropriate changes, additions, and/or deletions.

### 218.3. Funds

218.3.1 The Board of Trustees hereby establishes and **commits** the following funds:

(a) Public Health Emergency Fund. Appendix 200-1.

(b) Repair and Replace Fund. Appendix 200-2.

(c) Operating Reserve Fund. Appendix 200-3.

(d) Capital Reserve Fund. Appendix 200-4.

218.3.2 The Board of Trustees hereby establishes and **restricts** the following funds:

(a) Pension Stabilization Fund. Appendix 200-5.

(b) Other Post-Employment Benefits (OPEB) Fund Appendix 200-6

### 218.4. Target Fund Levels

218.4.1 The Board of Trustees shall establish a stated target fund level for each designated fund.

### 218.5 Annual Evaluation

218.5.1 The General Manager shall perform a review and analysis of each designated fund for presentation to the Board of Trustees at a public meeting upon the occurrence of the following:

- (a) Upon consideration by the Board of Trustees of the annual budget;
- (b) Upon any significant change to and/or expenditure(s) from a designated fund; or
- (c) Upon determination that a fund balance is less than the established target fund level for a designated fund.

## APPENDIX 200-1

### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT PUBLIC HEALTH EMERGENCY FUND

#### **Purpose of Fund:**

The purpose of the Public Health Emergency Fund is to mitigate the financial impact of unusually high levels of vector-borne disease activity or prevent a future threat to public health from a newly detected invasive mosquito species.

#### **Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

1. This fund shall be known as the “Public Health Emergency Fund.”
2. The Public Health Emergency Fund shall be designated as a Committed Fund.
3. These funds will be used to replenish operating cash flow in the General Fund should circumstances cause the District to incur greater than normal expenses to prevent or manage an imminent threat to public health from vectors and vector-borne disease.
4. Expenditure of Public Health Emergency Funds must be authorized by the Board of Trustees at a publicly noticed meeting.
5. Expenditures from this designated fund that are subsequently recovered, either partially or fully, from State sources, shall be utilized solely for the purpose of refunding the Public Health Emergency Fund.
6. Investment earnings from the Public Health Emergency Fund may be credited to the District’s General Fund.
7. The Public Health Emergency Fund may be invested in financial institutions and instruments that maintain the highest level of liquidity, such as checking, savings, and interest earning savings accounts.
8. Annual replenishment will vary, depending upon other designation requirements and current year expense requirements.
9. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

**Target Fund Level:**

The target balance of this fund is based on an estimate of likely operational needs should the most likely public health threat scenario become reality. This target balance will be reviewed annually and adjusted as needed to remain current. However it is recognized that having a minimum fund balance of \$500,000 would be prudent.

## APPENDIX 200-2

### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT REPAIR AND REPLACE FUND

#### **Purpose of Fund:**

The purpose of the Repair and Replace Fund is to set aside sufficient financial resources to ensure timely replacement and upgrade of the District's vehicles, mobile equipment, laboratory equipment, operational equipment, administrative equipment, and facilities.

#### **Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

1. This fund shall be known as the "Repair and Replace Fund."
2. The Repair and Replace Fund shall be designated as a Committed Fund.
3. These funds will be used to pay for capital assets according to the District budget and purchasing policies.
4. Each year, funds can be transferred from the Repair and Replace Fund to the General Fund to cover the cost of capital purchases designated and approved during the annual budgeting process.
5. Funds transferred from the Repair and Replace Fund shall be expended solely for the purpose of replacement, repair and upgrade of existing District vehicles and equipment, or for renovations or replacement of District facilities.
6. The Repair and Replace Fund may be invested in financial institutions and instruments that maintain the highest level of liquidity, such as checking, savings, and reserve accounts.
7. Investment earnings from the Capital Improvement Fund may be credited to the District's General Fund.
8. Annual replenishment will vary, depending upon other designation requirements and current year expense requirements.
9. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

#### **Target Fund Level:**

The target balance for this fund will be the total cumulative depreciation for the District's

capital assets as stated in the District's Basic Financial Statements prepared by the auditor each year. This target will be reviewed annually and adjusted as needed.

## APPENDIX 200-3

### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT OPERATING RESERVE FUND

#### **Purpose of Fund:**

This fund would act as a rate stabilizer, covering unforeseen losses in revenue caused by drastic reductions in property taxes. This fund will preserve the District's credit worthiness, ensure adequate financial resources are available for timely payment of District obligations, and provide liquidity throughout the fiscal year.

#### **Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

1. The fund shall be known as the "Operating Reserve Fund ."
2. The Operating Reserve shall be designated as a Committed reserve fund.
3. Each year, funds can be transferred from the General Fund to the Operating Reserve Fund to ensure the target fund balance is met.
4. Funds transferred from the Operating Reserve Fund shall be expended solely for the purpose covering unforeseen losses in revenue caused by drastic reductions in property taxes.
5. Investment earnings from the Operating Reserve Fund may be credited to the District's General Fund.
6. Annual replenishment will vary, depending upon other designation requirements and current year expense requirements.
7. This policy shall be reviewed on an annual basis for long-term adequacy and use restrictions.

#### **Target Fund Level:**

The target fund level for the Operating Reserve Fund is to maintain a minimum equal to 60% of discretionary General Fund revenues, as of July 1st of each fiscal year. This target fund level was established based upon the following general guidelines:

1. The District shall maintain a balance in the Operating Reserve Fund equal to approximately 60% budgeted expenditures for the fiscal year.
2. For the purpose of this policy, budgeted expenditures shall include all expenditures associated with the following:

- (a) Salaries and Employee Benefits; and
- (b) Services and Supplies.

## **APPENDIX 200-4**

### **ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT CAPITAL RESERVE FUND**

#### **Purpose of Fund:**

The purpose of the Capital Reserve Fund is to set aside money for large projects rather than withdrawing those funds from the general fund account.

#### **Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

1. This fund shall be known as Capital Reserve Fund.”
2. The Capital Reserve Fund shall be designated as a Committed Fund.
3. These funds will be used to finance large projects that may be identified in the strategic plan.
4. Each year, funds can be transferred from the General Fund to Capital Reserve Fund to ensure the target fund balance is met.
5. Funds transferred from the Operating Capital Reserve shall be expended solely on strategic plan-identified capital projects.
6. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

#### **Target Fund Level:**

The target balance of this fund is based on large future capital project needs. This target balance will be reviewed annually and adjusted as needed to remain current.

## APPENDIX 200-5

### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT PENSION STABILIZATION FUND

#### **Purpose of Fund:**

The purpose of the Pension Stabilization Fund is to ensure that increasing pension costs are offset by investments in interest-earning accounts.

#### **Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

7. This fund shall be known as the "Pension Stabilization Fund."
8. The Pension Stabilization Fund shall be designated as a Restricted Fund.
9. These funds will be used to offset increases in pension costs from unfunded liabilities.
10. The Pension Stabilization Fund will be invested in financial institutions that restrict the funds for only pension-related expenses.
11. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

#### **Target Fund Level:**

The target balance of this fund is based on the annual CalPERS actuarial report of unfunded liability.

## APPENDIX 200-6

### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT OTHER POST-EMPLOYEE BENEFITS (OPEB) FUND

#### **Purpose of Fund:**

The purpose of the Other Post-Employee Benefits (OPEB) Fund is to ensure that agreed-upon health, dental, and vision benefits to retired employees, will be fulfilled.

#### **Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

12. This fund shall be known as the "Other Post-Employee Benefits (OPEB) Fund."
13. The Other Post-Employee Benefits (OPEB) Fund shall be designated as a Restricted Fund.
14. These funds will be used to annually replenish expenses occurred in the General Fund used to provide health, dental, and vision benefits to qualified retired employees along with fund management.
15. The Other Post-Employee Benefits (OPEB) Fund will be invested in financial institutions that restrict the funds for only OPEB-related expenses.
16. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

#### **Target Fund Level:**

The target balance of this fund is based on an actuarial report provided by an independent audit firm based on the current requirements of the Government Accounting Standards Board (GASB)

## CHAPTER 200. FINANCIAL

### Section 201. Expenditures

By resolution of the Board of Trustees the Board established the following policy to more efficiently review and approve District expenditures.

- 201.1 The District budget will be reviewed, approved and modified as necessary by the Board, consistent with existing District policies, procedures and state law.
- 201.2 The Board authorizes the ~~manager~~ General Manager to issue warrants that are consistent with the objectives of the budget.
- 201.3 The ~~District~~ General Manager shall act as Purchasing Agent unless the Board of Trustees designates another employee. The ~~District~~ General Manager may delegate purchasing authority to other personnel in accordance with work functions and operational feasibility.
- 201.4 Any designated Purchasing Agent, within the intent and limits of the District budget, can purchase all materials, supplies, equipment, furnishings and other property for the District. No purchase of property by any person other than the District General Manager or his/her designated Purchasing Agent shall be binding upon the District or constitute a lawful charge against any District funds.

### Section 202. Bidding Policies

- 202.1 Less than ~~\$4000~~ \$10,000. Bidding is not required when the item or service to be purchased is less than ~~\$4000~~ \$49,999 in value.
- 202.2 ~~\$1,000 to \$7,500~~ \$5,000 to \$15,000. Informal bidding shall be required when the item or service to be purchased costs between ~~\$1,000 and \$7,500~~ \$5,000 and \$15,000. Such bidding may be accomplished by written request for bids sent to selected bidders; by telephone survey of prices; by electronic requests for bids or surveys of prices; or by such other efforts directed towards obtaining a minimum of three bids. The Purchasing Agent shall award the bid to the lowest responsible bidder, unless the Purchasing Agent determines that the public interest requires a different action. The Board will receive a report of all purchases in this cost range. The Board of Trustees authorizes the Purchasing Agent to purchase items described by this policy, provided they do not exceed ~~\$7,500~~ \$15,000 and do not exceed the District's approved total budget amount for the item or service in consideration.
- 202.3 Above ~~\$7,500~~ \$15,000. When the cost of the item or service to be purchased exceeds ~~\$7,500~~ \$15,000, formal bidding shall be required. Such bidding process shall require that a notice be posted at the District office at least ten

(10) days prior to the bid opening and that formal requests for bids be solicited either by newspaper publication, trade journal publication, use of a bid service, or other reasonable solicitation. Solicited sealed bids shall be reviewed by the Board and awarded to the lowest responsible bidder based on the Purchasing Agent's analysis and recommendation, unless the Board makes a determination that it would be in the public's best interest to do otherwise. All bids will be retained as part of the District's official record per District record retention policy. See Appendix 800-1.

202.4 Bidding is Not Required for the following:

- (a) when an emergency situation exists – Designation of an emergency shall be determined by District General Manager with the consent of the Board President or available Board officer;
- (b) when requiring the services of specialized professionals, such as scientists, engineers, attorneys, or accountants;
- (c) when the item or service can only be obtained from one vendor; or
- (d) when the public interest may otherwise require that bidding be dispensed with, provided that the facts constituting the basis for the exception are documented by the Board or General Manager as appropriate. Documentation for exceptions shall be retained as part of the District's official records for at least two years.

Any warrant issued under this Section 202.4 shall indicate on the warrant list the specific exemption relied upon.

202.5 The General Manager shall first review all bids received to determine if they are responsive to the bid request. The General Manager is authorized to waive minor deviations and irregularities in the bids.

202.6 The General Manager shall also have the authority to inspect and test products for quality and fitness described or identified in any bid to determine its appropriateness, and further, may investigate the character and reputation of any bidder to determine responsibility and capability. The General Manager's analysis of these factors shall be used in the determination and recommendation of the lowest responsible bidder.

202.7 The District contract shall be awarded to the lowest responsible bidder, except as otherwise provided above. When feasible, preference may be given to Alameda County vendors. If two or more bids are substantially identical, the District may accept any such bid. In its sole discretion, the District may reject any and all bids received, and it may re-advertise for additional bids, have District staff perform such work, or negotiate with the lowest bidder.

### Section 203. Contracts

- 203.1 The District ~~District~~ General Manager is hereby authorized to sign and enter into contracts on the District's behalf when the dollar value of the contract is ~~\$7,500~~ **\$25,000** or less.
- 203.2 The Board authorizes the ~~District~~ General Manager to enter into contracts that are consistent with the objectives of the budget upon receiving approval from the Board.

### Section 204. Warrants

- 204.1 The Board shall review warrants at ~~least monthly each business meeting~~ to ensure expenditures are within the limitations of the budget, and to raise questions, when appropriate, about any of the listed expenditures.
- 204.2 The Board hereby authorizes the withdrawal of funds from the ~~County treasury~~ general fund upon a warrant signed by one member of the Board and the ~~District~~ General Manager, or his/ her designee.
- 204.3. In an emergency situation where there is not sufficient time to secure Board prior authorization from the Board, the Board hereby authorizes the General Manager emergency powers to withdraw funds up to \$5000, bypassing the dual signature requirement, as noted in Section 204.2 from the District's transfer bank (bank of the West) only. If emergency funds are withdrawn, the Board shall be notified immediately, or as reasonably possible, and the issue shall be placed on the next Board agenda for discussion.

**Commented [RC1]:** Leaving out the name of the bank, so the policy is still current with a change in bank.

### Section 205. Meeting Stipends

- 205.1 Consistent with Health and Safety Code section 2030, the members of the Board of Trustees may receive their actual and necessary traveling and incidental expenses incurred while on official business. In lieu of paying for actual expenses, the Board of Trustees may by resolution provide for the allowance and payment to each Trustee a sum not to exceed one hundred dollars (\$100) per month for expenses incurred while on official business. A Trustee may waive the payments permitted by this subdivision. Such compensation is in addition to any reimbursement for meals, lodging, travel and expenses consistent with this policy. (Health & Safety Code § 2051.)
- 205.2 Meetings and Service Subject Monthly In Lieu of Allowance. To be entitled to the monthly In Lieu Allowance under this policy, the official business in question must constitute one of the following:
- (a) A meeting of the District Board of Trustees within the meaning of Government Code section 54952.2(a);

- (b) A meeting of a District committee within the meaning of Government Code section 54952(b);
- (c) An advisory body meeting within the meaning of Government Code section 54952(b);
- (d) A conference within the meaning of Government Code section 54952.2(c)(2);
- (e) A meeting of any multi-jurisdictional governmental body on which the District General Manager serves as the District's designated representative; or
- (f) Any meeting attended or service provided on a given day at the formal request of the District Board of Trustees and for which the District Board of Trustees approves payment of In Lieu of Allowance stipend.

#### Section 206. Travel and Payment of Expenses While on Official Business

206.1 Travel and Payment of Expenses While on Official Business will be approved if:

- (a) There is a substantial benefit to the ~~citizens-residents of the Alameda Alameda County~~County Mosquito Abatement District: Alameda County
- (b) It includes discussion of the community's concerns with local, regional, state and federal officials;
- (c) There is participation in local, regional, state and national organizations whose activities affect the District;
- (d) Educational seminars are attended designed to improve officials' skill and information levels; and
- (e) Public service, team building, or leadership and ~~moral maorale~~ is promoted with service to ACMAD.

#### Section 207. ACMAD Expense Policy

The following policy governs expenditures of District funds and reimbursement of expenses:

207.1 Authorized Expenses. District funds, equipment, supplies (including letterhead), titles and staff time must only be used for authorized District business. The following types of expenses generally constitute authorized expenses, as long as the other requirements of this policy are met:

- (a) Expenses associated with communicating with representatives of regional, state and national government on District adopted policy positions;
- (b) Expenses associated with attending educational seminars designed to improve officials' skill and information levels;
- (c) Expenses associated with participating in regional, state and national organizations whose activities affect the District's interests;
- (d) Expenses associated with recognizing service to the District (for example, thanking an employee with a retirement gift or celebration of nominal value and cost of less than \$50.00);
- (e) Expenses associated with attending District events;
- (f) Expenses associated with meetings, such as those listed above for which a meeting stipend is expressly authorized under this policy, or
- (g) Expenses associated with legislative and other District-related local, regional, state and federal agency business, conducted over meals, where each meal expenditure must also comply with the limits and reporting requirements of local, regional, state and federal law.

207.2 ~~All Any other~~ expenditures not included in the budget require approval by the District Board of Trustees.

The following expenses specifically require Board approval if not included in the budget:

- (a) ~~International and out of state travel; and/or~~
- (b) ~~Expenses exceeding \$200 per trip.~~

207.3 Examples of personal expenses that the District will not reimburse include, but are not limited to:

- (a) The personal portion of any trip;
- (b) Political or charitable contributions or events;
- (c) Family expenses, including partner's expenses when accompanying official on District-related business, as well as children- or pet-related expenses;
- (d) Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;

- (e) Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
- (f) Personal losses incurred while on ~~city/County~~ District business.

Any questions regarding the propriety of a particular type of expense should be resolved by the ~~purchasing agent approving authority~~ before the expense is incurred.

- 207.4 Expense Report Content and Submission Deadline. Expense reports must document that each expense claimed has met the requirements of the policy. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the District's adopted legislative positions and priorities. Trustees and employees must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the required documentation. Receipts for gratuities and tolls under \$5 are not required. Inability to provide such documentation in a timely fashion may result in the expense being borne by the individual.
- 207.5 Reports to Governing Board. At the following District Board meeting, each official shall provide a brief oral or written report on meetings or functions attended at District expense. If multiple District representatives attended, a joint report may be provided.
- 207.6 Compliance with Laws. District officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.
- 207.7 Violation of this Policy. Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: (1) loss of reimbursement privileges, (2) demand for restitution to the District, (3) the District's reporting the expenses as Trustee or employee income to state and federal tax authorities, and (4) prosecution for misuse of public resources.

#### Section 208. Cost Control

To conserve District resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines.

- 208.1 Transportation. District personnel are expected to use the most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements, using the most direct and time-efficient route. In the event that a more expensive transportation mode or route is used, the cost borne by the District will be limited to the cost of the most economical,

direct, efficient and reasonable mode of transportation. District personnel are encouraged to use public transit when available and feasible and to carpool/ride share when several people are traveling to the same event by automobile. Automobile mileage is reimbursable at Internal Revenue Service prevailing rates in effect. These rates are designed to compensate the driver for gasoline, insurance, maintenance and other expenses associated with operating the vehicle. Parking, tolls and other similar expenses relating to travel by auto are reimbursable if necessarily incurred in connection with a meeting or function authorized under this policy.

- 208.2 Lodging. Lodging costs will be reimbursed or paid for by the District when travel on official District business reasonably requires an overnight stay. If such lodging is in connection with a conference, lodging costs should not exceed any group rate published by the conference sponsor for the meeting in question. In any event, lodging expenses should be moderate, taking into account community standards and prevailing lodging costs for the area.
- 208.3 Meals. Meal expenses and associated gratuities should be moderate, taking into account community standards and the prevailing restaurant costs of the area. A helpful source of guidance is Internal Revenue Service per diem rates for meals and incidental expenses, which include adjustments for higher cost locations. Alcohol/personal bar bills are not an appropriate use of District resources and will not be reimbursed.
- 208.4 Telephone/Fax/CellularMobile. Individuals will be reimbursed for actual telephone and fax expenses incurred on District business. Telephone bills should identify which calls were made on District business.
- 208.5 Airport Parking. Long-term parking should be used for travel exceeding 24 hours.
- 208.6 Cash Advance Policy. From time to time, it may be necessary for a District representative to request a cash advance to cover anticipated expenses while traveling or doing business on the District's behalf. Such request for an advance should be submitted to the District General Manager at least 14 days prior to the need for the advance with the following information:
- (a) The purpose of the expenditure(s);
  - (b) The benefits of such expenditure to the residents of District;
  - (c) The anticipated amount of the expenditure(s) (for example, actual or expected hotel rates, meal costs, and transportation expenses); and
  - (d) The dates of the expenditure(s).

Any unused advance must be returned to the District treasury within two business days of the official's return, along with an expense report and receipts

documenting how the advance was used in compliance with this expense policy.

- 208.7 Credit Card Use Policy. The District does not issue credit cards to individual Trustees, but does have credit cards for selected District expenses. Trustees may use the District's credit card for such purposes as airline tickets and hotel reservations by following the same procedures as for cash advances. Receipts documenting expenses incurred on the District credit card and compliance with this policy must be submitted within five business days of use. District credit cards may not be used for personal expenses, even if the Trustee or employee subsequently reimburses the District. Purchasing agents have a credit card. Employees can purchase items approved in the budget. Receipts are given to the Office Assistant or Administrator. The receipts are reconciled to the statements and then recorded to the general ledger. Disbursement goes through the warrant process noted above
- 208.8 In the event circumstances should arise appearing to warrant deviation from these policies, the District General Manager shall secure the approval of the Board before making any changes.

#### Section 209. Conference Policy

- 209.1 Out of State National Mosquito Control Conference. The District General Manager or his/her delegate, trustees, and limited staff may be permitted to attend.
- 209.2 Mosquito and Vector Control Association of California Conference - Outside of the Bay Area. The District General Manager may require the Field Operations Supervisor, the Lab Director, and the community education staff to attend, or their designees. Any additional staff or Trustees may request approval, and this approval will be based on workload and conference involvement.
- 209.3 Mosquito and Vector Control Association of California Conference - Within the Bay Area. The District General Manager may select any number of District personnel to attend such sessions as he or she may designate from which, in his/her opinion, the employees and the District would derive the most benefit.
- 209.4 Mosquito and Vector Control Association of California (MVCAC) Seminars and Workshops. Trustees are encouraged to represent the District at MVCAC seminars, workshops, committee meetings and regional meetings. Approved cost for registration, travel, lodging, and meal will be reimbursed.

#### Section 210. Loss or Damage to Personal Property

The District will not be responsible for loss or damage to personal items when the loss or damage incurred was not worked-related. Each occurrence of loss or damage to the

employee's personal property will be reviewed by the Board on a case-by-case basis.

#### Section 211. Policy for Disposition of Fixed Assets

- 211.1 Fixed assets of \$5,000 or greater current value are considered Capital Assets, have an expected useful life of three years or greater, and must have Board approval before disposal. Disposal of other fixed assets must be approved by the General Manager.
- 211.2 Disposition of fixed assets may be initiated by a Purchasing Agent. A disposal form must be completed by the initiator and approved by the General Manager and Board, consistent with District policy, before the item is disposed of, salvaged or sold. Money received through the disposition of fixed assets shall be deposited in the County treasury in the District fund.

#### Section 212. Policy on Petty Cash

The District shall maintain a petty cash fund of \$100 to be used for incidental District expenditures. All reimbursements to employees must be approved by the District General Manager, and the transaction documented by pre-numbered voucher with attached receipt of purchase and signed employee request for reimbursement form. The fund disbursements shall be reviewed by the Board.

#### Section 213. Fraud Policy

- 213.1 District Management is responsible for the detection and prevention of fraud, misappropriations, and other irregularities. "Fraud" is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his/her injury. Each member of the management team will be familiar with the types of improprieties that might occur within his/her area of responsibility and be alert for any indication of irregularity. Any fraud that is detected or suspected must be reported to the District General Manager or alternatively, to the ~~Chair of the~~ Finance Committee, who coordinates all investigations.
- 213.2 Actions Constituting Fraud. The terms "fraud," "embezzlement," "misappropriation," and other fiscal irregularities refer to, but are not limited to:
- (a) Any dishonest or fraudulent act;
  - (b) Forgery or alteration of any document or account belonging to the District;
  - (c) Forgery or alteration of a check, bank draft, or any other financial document;

- (d) Misappropriation of funds, securities, supplies, equipment, or other assets;
- (e) Impropriety in the handling or reporting of money or financial transactions;
- (f) Disclosing confidential and proprietary information to outside parties;
- (g) Accepting or seeking anything of material value from contractors, vendors, or persons providing goods or services to the District;
- (h) Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment; or
- (i) Any similar or related irregularity.

213.3 Investigation Responsibilities. The District Finance Committee has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. The Finance Committee may utilize whatever internal and/or external resources it considers necessary in conducting an investigation. If an investigation substantiates that fraudulent activities have occurred, the Finance Committee will issue reports to the appropriate personnel, and if appropriate, the District Board of Trustees. Decisions to prosecute or refer the investigation results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel and senior management, as will final dispositions of the case.

213.4 Confidentiality. The Finance Committee will treat all information received confidentially. Any employee who suspects dishonest or fraudulent activity will notify the District General Manager or the Finance Committee Chair immediately, and should not attempt to personally conduct investigations or interviews related to the suspected fraudulent act. (See Reporting Procedures in Section 212.6, above.) Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the District from potential civil liability.

213.5 Investigation Authority. Members of the District Finance Committee will have free and unrestricted access to all District records and premises and authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises, without the prior knowledge or consent of any individual who may use or have custody or any such items or facilities, when it is within the scope of the Committee's investigations.

213.6 Reporting Procedures. Care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is underway.

An employee who discovers or suspects fraudulent activity will contact the District General Manager or the ~~Chair of the~~ Finance Committee immediately. Alternatively, the employee may use the Employee Risk Management Authority (ERMA – this is a part of the VCJPA self-insurance group coverage) Employee Reporting Line at 1-877-651-3924 to make an anonymous report. This line is monitored 24 hours a day.

The employee or other complainant may remain anonymous **to the extent that the law will allow**. All inquiries concerning the activity under investigation from the suspected individual(s), his/her/their legal counsel, or any other inquirer should be directed to the Finance Committee or District legal counsel. No information concerning the status of an investigation will be given out. The proper response to any inquiry is, "I am not at liberty to discuss this matter."

The individual making the report should be counseled to not contact the suspected individual in an effort to determine facts or demand restitution and to not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the District legal counsel or the Finance Committee.

#### Section 214. Security

- 214.1 Accounting Security. Petty cash is stored in a locked file cabinet. The ~~Office Assistant or Administrator and the District~~ General Manager **or designee** will be the only employee(s) with keys to the petty cash cabinet.
- 214.2 Access to Electronically Stored Accounting Data. It is the policy of the District to utilize passwords to restrict access to accounting software and data. Only duly authorized accounting personnel with data input responsibilities will be assigned passwords that allow access to the system.
- 214.3 Storage of Backup Files. It is the policy of the District to maintain back-up copies of electronic data files. Access to back-up files shall be limited to individuals authorized by management.
- 214.4 General Office Security. During normal business hours, all visitors are required to check in at the front counter. After hours, a key and security passcode are required for access to the District's office. Keys are issued only to employees (and janitorial services).

**Commented [BB2]:** By stating "designee" if the position title changes the policy doesn't need updating.

#### Section 215. Financial Transactions

- 215.1 Warrant Authorization Signers. Warrant Requests require two signatures from the following group: Board Members and the District General Manager or his/her designee.

- 215.2 Electronic Funds Transfers. The District General Manager is authorized to transfer funds between ~~Local Agency Investment Fund (LAIF); reserve accounts, the County account~~ general fund, and any vendors where electronic payments are a more efficient process ~~VCJPA. The District General Manager will get pre-approval from the Board at the previous meeting. Approval will be noted in Board Minutes via the warrant authorization process in the previous section..~~
- 215.3 Cash Receipts. When miscellaneous checks come in the mail, ~~the Office Assistant or Administrator~~ staff will prepare a ~~County~~ deposit form and mail to the general fund ~~County~~ with the check. The District keeps a copy of the check for records. All revenue shall be ~~entered into~~ entered in the ~~accounting software once a year~~ ledger.
- 215.4 Bank and Cash Account Reconciliations. ~~LAIF Reserve accounts~~ and VCJPA statements shall be reconciled once a year at the end of the year. The general fund ~~County~~ cash general ledger detail is reconciled as soon as it is received. The Payroll imprest account is reconciled monthly.

#### Section 216. Liabilities and Assets

- 216.1 Pension Liability. The District's retirement fund shall be at least 80% funded.
- 216.2 Capital Assets. The Office Assistant or Administrator maintains a capital depreciation schedule. Items valued over \$5000 are placed on the depreciation schedule. Disposal or sale of capital assets on this schedule must have Board approval.

#### Section 217. Payroll and Benefits

- 217.1 The District uses a third party administrator (TPA) for payroll. Payroll is paid bi-monthly. The TPA prepares 941 and DE6 forms. The TPA delivers payroll checks to the District. Employees have the option to have direct deposit handled by the TPA.
- 217.2 ~~The Office Assistant or Administrator records payroll~~ Payroll will be recorded to the general ledger twice a month. Payroll is paid out of a separate imprest bank account. Employees enter time into the District database. The reports are reviewed monthly by the management staff.
- 217.3 Administrative/Finance Manager prepares a payroll spreadsheet that is approved and signed by the District General Manager. This report is support for the transfer of funds from the County cash account to the payroll account.

**Commented [BB3]:** Removing the position title makes it so policy doesn't have to be updated due to a position title change.

## Section 218. District Fund Policy

### 218.1 Policy Statement

218.1.1 The District recognizes the importance of adopting policies for financial reserves and reserve funds that adhere to Government Accounting Standards Board (GASB) guidelines and professional standards/best practices such as those identified by, but not limited to Government Finance Officers Association (GFOA). Written, adopted financial policies regarding designated reserves are a critical element of sound short- and long-term fiscal management. The designation of funds for long-term financial goals is an important element of prudent fiscal management. and a cornerstone of long-

~~Written, adopted financial policies regarding designated reserves are a critical element of sound short- and long-term fiscal management. The designation of funds for long-term financial goals is an important element of prudent fiscal management and a cornerstone of long-term financial planning. A written and adopted policy on these funds facilitates the attainment of program goals. This policy was developed to clearly identify specific, designated funds. It is the intent of this policy to clearly identify funds, articulate the purpose of each fund, designate the way the funds are replenished and set target levels that are consistent with the District's mission, and the philosophy of its Board of Trustees. This policy shall be known, and may be cited as, the Alameda County Mosquito Abatement District Fund Policy.~~

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218.1.2 — Objectives: This policy has been developed to provide for the following:

- ~~(a) — To assure continued operation and solvency of the District for carrying out its stated mission;~~
- ~~(b) — To maintain a financially-viable District that can preserve adequate levels of service;~~
- ~~(c) — To maintain financial flexibility in order to continually adapt to change and permit orderly adjustment to unanticipated events;~~
- ~~(d) — To maintain a diversified, financial flexibility and a stable long-term financial plan;~~
- ~~(e) — To facilitate the accumulation and preservation of District funds in an amount equal to the stated target fund level for each specific fund created by the District; and~~
- ~~(f) — To provide information to the citizens of Alameda County on how tax revenues are used and managed.~~

218.1.3 — This policy will be reviewed on an annual basis in order to incorporate appropriate changes, additions and/or deletions.

## 218.2 Fund Policy

- 218.2.1 This policy follows the guidelines set in the Governmental Accounting Standards Board ("GASB") Statement No. 54, regarding Fund Balance Reporting and Governmental Fund Type Definitions.
- 218.2.2 In order to achieve the objectives of this policy, the Board of Trustees shall adhere to the guidelines as set forth herein.
- 218.2.3 Funds may be established from time to time by the Board of Trustees as an important component of sound financial management to meet both short- and long-term financial objectives, and to ensure prudent financial management practices.
- 218.2.4 Classification of Funds. Funds may be designated by the Board of Trustees as "restricted" or "non-restricted." These classifications are defined under GASB 54 as follows:
- (a) Restricted Funds shall be segregated, and limited in use to specific and designated purposes as defined and established by the Board of Trustees. According to GASB 54, Restricted Funds are those that are constrained to specific purposes by the constitution, external resource providers (such as grantors, bondholders, and higher levels of government), or through enabling legislation. ~~The District currently has no Restricted Funds.~~ **Examples of Restricted Funds, but not limited to, are pension stabilization, Other Post-Employment Benefits (OPEB)**
  - (b) Non-restricted Funds may be classified as "Committed" or "Assigned." These funds do not require the physical segregation of funds, but maybe segregated if desirable.
  - (c) Committed Funds are defined by GASB 54 as those that are constrained to specific purposes by a formal action of the agency's highest level decision-making authority (the District's Board of Trustees). Committed Funds cannot be used for any other purpose, unless the District takes the same highest level action to remove or change the constraint. ~~The District's Committed Funds include the Capital Improvement Fund and the Public Health Emergency Fund.~~ **Examples of Committed Funds, but not limited to, are Capital Improvement Fund, Public Health Emergency Fund, Working Capital Fund, Fleet Equipment Fund.** The District's Committed funds include the Public Health Emergency, Repair and Replace, Operating Reserve, and Capital Reserve funds
  - (d) Assigned Funds are defined as those that are intended for a specific purpose, but do not meet the criteria to be classified as

Restricted or Committed. Intent can be expressed by the Board of Trustees or by an official or body to which the Board of Trustees delegates the authority. The District's ~~Assigned Funds include the Working Capital Fund~~ currently has no Assigned Funds.

- 218.2.5 Investment earnings from Restricted and Non-Restricted Funds shall be credited to the District General Fund, unless otherwise stated herein.
- 218.2.6 Approval by the District's Board of Trustees shall be required prior to the expenditure of Restricted or Committed Funds. Approval shall be determined by action at a public meeting of the Board.
- 218.2.7 The Board of Trustees shall maintain a written Fund Policy.
- 218.2.8 The Board of Trustees shall annually review the District Policy at a public meeting in order to determine appropriate changes, additions, and/or deletions.

### 218.3. Funds

- 218.3.1 The Board of Trustees hereby establishes and ~~designates~~ commits the following funds:
  - (a) Public Health Emergency Fund. Appendix 200-1.
  - (b) ~~Capital Improvement Fund~~ Repair and Replace Fund. Appendix 200-2.
  - (c) ~~Working Capital Fund~~ Operating Reserve Fund. Appendix 200-3.
  - (d) Capital Reserve Fund. Appendix 200-4.

218.3.2 The Board of Trustees hereby establishes and restricts the following funds:

- (a) Pension Stabilization Fund. Appendix 200-5.
- (b) Other Post-Employment Benefits (OPEB) Fund Appendix 200-6

### 218.4. Target Fund Levels

- 218.4.1 The Board of Trustees shall establish a stated target fund level for each designated fund.

### 218.5 Annual Evaluation

| 218.5.1 The District General Manager shall perform a review and analysis of each designated fund for presentation to the Board of Trustees at a public meeting upon the occurrence of the following:

- (a) Upon consideration by the Board of Trustees of the annual budget;
- (b) Upon any significant change to and/or expenditure(s) from a designated fund; or
- (c) Upon determination that a fund balance is less than the established target fund level for a designated fund.

## APPENDIX 200-1

### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT PUBLIC HEALTH EMERGENCY FUND

#### **Purpose of Fund:**

The purpose of the Public Health Emergency Fund is to mitigate the financial impact of unusually high levels of vector-borne disease activity or prevent a future threat to public health from a newly detected invasive mosquito species.

~~The primary role of the District is to prevent and manage threats to public health as they relate to vectors and vector-borne diseases. Due to a wide range of dynamic biological and environmental factors, the abundance and disease levels of vectors and vector borne disease can vary from year to year. In addition, three new species of mosquitoes have entered California in recent years, and have brought with them the potential for the transmission of human disease not previously endemic to California. In either case, an increased threat to public health is possible, and the District has the duty to respond according to its Integrated Pest Management program and to obtain guidance from the California Department of Public Health as stated in the "Invasive Aedes Response Plan in California" and the "California Mosquito-Borne Virus Response Plan."~~

#### **Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

1. This fund shall be known as the "Public Health Emergency Fund."
2. The Public Health Emergency Fund shall be designated as a Committed Fund.
3. These funds will be used to replenish operating cash flow in the General Fund should circumstances cause the District to incur greater than normal expenses to prevent or manage an imminent threat to public health from vectors and vector-borne disease.
4. Expenditure of Public Health Emergency Funds must be authorized by the Board of Trustees at a publicly noticed meeting.
5. Expenditures from this designated fund that are subsequently recovered, either partially or fully, from State sources, shall be utilized solely for the purpose of refunding the Public Health Emergency Fund.
6. Investment earnings from the Public Health Emergency Fund may be credited to the District's General Fund.

7. The Public Health Emergency Fund may be invested in financial institutions and instruments that maintain the highest level of liquidity, such as checking, savings, and interest earning savings accounts LAIF.
8. Annual replenishment will vary, depending upon other designation requirements and current year expense requirements.
9. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

**Target Fund Level:**

The target balance of this fund is ~~\$500,000~~. This target is based on an estimate of likely operational needs should the most likely public health threat scenario become reality. This target balance will be reviewed annually and adjusted as needed to remain current. However it is recognized that having a minimum fund balance of \$500,000 would be prudent.

## APPENDIX 200-2

### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT CAPITAL IMPROVEMENT FUND REPAIR AND REPLACE FUND

#### Purpose of Fund:

The purpose of the ~~Capital Improvement Fund~~Repair and Replace Fund is to set aside sufficient financial resources to ensure timely replacement and upgrade of the District's vehicles, mobile equipment, laboratory equipment, operational equipment, administrative equipment, ~~(CPU's, PC's, laptops, etc.)~~ and facilities. ~~Safe, reliable and up-to-date vehicles and equipment, which are in good working order, are essential for the District to meet our mission of providing public health services in a timely and professional manner. The Repair and Replace Fund Capital Improvement Fund will allow for the replacement of vehicles, and equipment if lost due to a disaster. In addition, this fund will allow for the renovation and/or improvement of the District's Office and garage facilities as they age. The recommended maximum funding for this item is also an amount equal to the accumulated amount of depreciation for all capital items.~~

#### Policy:

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

1. This fund shall be known as the "~~Capital Improvement Fund~~Repair and Replace Fund."
2. The ~~Capital Improvement Fund~~Repair and Replace Fund shall be designated as a Committed Fund.
3. These funds will be used to pay for capital assets according to the District budget and purchasing policies.
4. Each year, funds can be transferred from the ~~Capital Improvement Fund~~Repair and Replace Fund to the General Fund to cover the cost of capital purchases designated and approved during the annual budgeting process.
5. Funds transferred from the ~~Capital Improvement Fund~~Repair and Replace Fund shall be expended solely for the purpose of replacement, ~~repair~~ and upgrade of existing District vehicles and equipment, or for renovations or replacement of District facilities.
6. The ~~Capital Improvement Fund~~Repair and Replace Fund may be invested in financial institutions and instruments that maintain the highest level of liquidity, such as checking, savings, and ~~LAI~~reserve accounts.

7. Investment earnings from the Capital Improvement Fund may be credited to the District's General Fund.
8. Annual replenishment will vary, depending upon other designation requirements and current year expense requirements.
9. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

**Target Fund Level:**

The target balance for this fund will be the total cumulative depreciation for the District's capital assets as stated in the District's Basic Financial Statements prepared by the auditor each year. This target will be reviewed annually and adjusted as needed.

## APPENDIX 200-3

### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT WORKING CAPITAL OPERATING RESERVE FUND

#### Purpose of Fund:

The Working Capital Fund is necessary because the District receives the majority of its funding from the property taxes and a benefit assessment collected by the Alameda County Treasurer/Controller. These revenues are not transmitted to the District until December, six months after the beginning of the fiscal year. Therefore, it is imperative that the District have funds available to cover general operating costs from the beginning of the fiscal year (July 1) to the time that revenues are received in December. This fund would also act as a rate stabilizer, covering unforeseen losses in revenue caused by drastic reductions in property taxes. Mosquitoes develop in Alameda County throughout the year, and in the absence of working capital would inhibit the District's ability to provide service to the residents of Alameda County. This fund will preserve the District's credit worthiness, ensure adequate financial resources are available for timely payment of District obligations, and provide liquidity throughout the fiscal year.

#### Policy:

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

- ~~1.~~ 1. The fund shall be known as the "Operating Reserve Fund Working Capital Fund."
- ~~2.~~ 2. The Operating Reserve Working Capital Fund shall be designated as an Assigned Committed reserve fund.
- ~~3.~~ 3. Each year, funds can be transferred from the General Fund to the Operating Reserve Fund to ensure the target fund balance is met.
- ~~4.~~ 4. Funds transferred from the Operating Reserve Fund shall be expended solely for the purpose covering unforeseen losses in revenue caused by drastic reductions in property taxes.
- ~~3.~~ 3. The District Manager is authorized to approve the expenditure of Working Capital Funds, without prior approval of the Board of Trustees, in response to day-to-day cash flow requirements.
- ~~4.~~ 4. The Working Capital Fund will be held in the District's account in the County Treasury.
- ~~5.~~ 5. Investment earnings from the Operating Reserve Working Capital Fund may be credited to the District's General Fund.

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~~6. 6.~~ Annual replenishment will vary, depending upon other designation requirements and current year expense requirements.

~~7. 7.~~ This policy shall be reviewed on an annual basis for long-term adequacy and use restrictions.

**Target Fund Level:**

The target fund level for the ~~Operating Reserve Working Capital~~ Fund is to maintain a minimum ~~of Capital Funds for operations~~ equal to 60% of discretionary General Fund revenues, as of July 1st of each fiscal year. This target fund level was established based upon the following general guidelines:

1. The District shall maintain a balance in the ~~General Fund-Operating Reserve Fund~~ equal to approximately 60% budgeted expenditures for the fiscal year.
2. For the purpose of this policy, budgeted expenditures shall include all expenditures associated with the following:
  - (a) Salaries and Employee Benefits; and
  - (b) Services and Supplies.

**APPENDIX 200-4**

**ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT  
CAPITAL RESERVE FUND**

**Purpose of Fund:**

The purpose of the Capital Reserve Fund is to set aside money for large projects rather than withdrawing those funds from the general fund account.

**Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

1. This fund shall be known as Capital Reserve Fund."
2. The Capital Reserve Fund shall be designated as a Committed Fund.
3. These funds will be used to finance large projects that may be identified in the strategic plan.
4. Each year, funds can be transferred from the General Fund to Capital Reserve Fund to ensure the target fund balance is met.
5. Funds transferred from the Operating Capital Reserve shall be expended solely on strategic plan-identified capital projects.
6. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

**Target Fund Level:**

The target balance of this fund is based on large future capital project needs. This target balance will be reviewed annually and adjusted as needed to remain current.

**APPENDIX 200-5**

**ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT  
PENSION STABILIZATION FUND**

**Purpose of Fund:**

The purpose of the Pension Stabilization Fund is to ensure that increasing pension costs are offset by investments in interest-earning accounts.

**Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

7. This fund shall be known as the "Pension Stabilization Fund."
8. The Pension Stabilization Fund shall be designated as a Restricted Fund.
9. These funds will be used to offset increases in pension costs from unfunded liabilities.
10. The Pension Stabilization Fund will be invested in financial institutions that restrict the funds for only pension-related expenses.
11. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

**Target Fund Level:**

The target balance of this fund is based on the annual CalPERS actuarial report of unfunded liability.

**APPENDIX 200-6**

**ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT  
OTHER POST-EMPLOYEE BENEFITS (OPEB) FUND**

**Purpose of Fund:**

The purpose of the Other Post-Employee Benefits (OPEB) Fund is to ensure that agreed-upon health, dental, and vision benefits to retired employees, will be fulfilled.

**Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

12. This fund shall be known as the "Other Post-Employee Benefits (OPEB) Fund."
13. The Other Post-Employee Benefits (OPEB) Fund shall be designated as a Restricted Fund.
14. These funds will be used to annually replenish expenses occurred in the General Fund used to provide health, dental, and vision benefits to qualified retired employees along with fund management.
15. The Other Post-Employee Benefits (OPEB) Fund will be invested in financial institutions that restrict the funds for only OPEB-related expenses.
16. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

**Target Fund Level:**

The target balance of this fund is based on an actuarial report provided by an independent audit firm based on the current requirements of the Government Accounting Standards Board (GASB)

**SECTION 2: ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT  
POLICY MANUAL  
EFFECTIVE XXXXX**

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POLICIES SET FORTH IN THIS HANDBOOK REFLECT THE REQUIREMENTS OF CURRENT EMPLOYMENT LAWS. THESE LAWS AND THE ASSOCIATED REGULATORY REQUIREMENTS ARE SUBJECT TO CHANGE. CHANGES IN LAW MAY NOT BE REFLECTED IN THE STAFF POLICIES, BUT WILL BE IN FULL EFFECT. IF THERE IS A CONFLICT BETWEEN THE STAFF POLICY AND THE LEGAL REQUIREMENTS, THE LEGAL REQUIREMENTS SHALL CONTROL.

**CHAPTER 100. THE BOARD OF TRUSTEES  
ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT**

**Section 100. Definitions**

- 100.1 **District** means the Alameda County Mosquito Abatement District.
- 100.2 **Mosquito** means any insect of the family Culicidae (excluding the subfamilies Dixinae and Chaoborinae) capable of transmitting human disease or causing human annoyance.
- 100.3 **Jurisdiction** means within the boundaries of the District or in proximity close enough so that mosquitoes produced outside of the District may affect people within the District.
- 100.4 **Board member** and **Trustee** are references used interchangeably within these Policies. Both terms mean individual members of the Alameda County Mosquito Abatement District Board of Trustees.

**Section 101. Enabling Legislation**

- 101.1 This District was formed under the Mosquito Act, California Government Code Title 3, Division 2, Part 2, Chapter 8, Section 25842.5 and sections 2000-2093, inclusive, of the California Health and Safety Code, and therefore the rules and regulations of this Code shall be the rules by which this District operates. Minutes of 02-24-65.

**Section 102. Code of Ethics**

- 102.1 The Board of Trustees of the Alameda County Mosquito Abatement District is committed to providing excellence in legislative leadership that results in the provision of the highest quality services to its constituents and complies with State and Federal laws. Consistent with this commitment, this Code of Ethics sets forth expectations regarding behavior between and among members of the Board of Trustees and District staff.
- 102.2 The dignity, style, values and opinions of each Trustee shall be respected.
- 102.3 Responsiveness and attentive listening in communication is encouraged.
- 102.4 The needs of the District's constituents should be the priority of the Board of Trustees.
- 102.5 The primary responsibilities of the Board of Trustees is noted in Section 103.2. Routine matters concerning the operational aspects of the District are to be

delegated to the General Manager and the professional staff members of the District.

102.5.1 Board members should follow the guidelines set forth below relative to interactions with District staff:

- (a) Board members should develop a working relationship with the General Manager wherein current issues, concerns, and District projects can be discussed comfortably and openly.
- (b) Board members should contact the General Manager before approaching District staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
- (c) If approached by District personnel concerning a specific District policy, Board members should direct inquiries to the General Manager. The chain of command should be followed.
- (d) Issues related to safety, concerns for safety or hazards should be reported to the General Manager. Emergency situations should be dealt with immediately by seeking appropriate assistance.
- (e) Clarification on policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming should be referred directly to the General Manager or legal counsel.

102.6 Trustees should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged.

102.7 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but should do so in a respectful manner. Once the Board of Trustees takes action, Trustees should commit to supporting said action and not to create barriers to the implementation of said action.

102.8 When responding to constituent requests and concerns, Board members should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

- (a) Complaints from residents and property owners of the District should be referred directly to the General Manager.

- 102.9 Board members should function as a part of the whole, in accordance with the Brown Act. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.
- 102.10 The Board of Trustees is responsible for monitoring the District's progress in attaining goals and objectives, while fulfilling its mission.

### **Section 103. Code of Conduct**

- 103.1 This Code of Conduct shall govern the conduct of the Board of Trustees of the District.
- 103.1.1 The purpose of this Code of Conduct is to:
- (a) Protect the integrity of the District Board of Trustees and sustain the confidence of the people of the District by articulating specific standards and guidelines to assure that those entrusted with the public authority avoid conduct that undermines respect for the District.
  - (b) Provide a comprehensive statement of pertinent laws and regulations, considerations, and obligations governing the conduct of the Board members to provide a transparent framework and enhance the public trust in the District.
  - (c) Enhance the understanding of laws and principles that create the obligations of Board members.
- 103.1.2 Pursuant to section 2022(d) of the State Health and Safety Code, "It is the intent of the Legislature that persons appointed to boards of trustees have experience, training, and education in fields that will assist in the governance of the districts"; and section (e) "...The trustees shall represent the interests of the public as a whole and not solely the interests of the board of supervisors or the city council that appointed them."
- 103.1.3 The public served by the District need and deserve an agency whose commitment to pursuing public interest outweighs any competing personal or political considerations.
- 103.1.4 Board members are expected to exercise discretion and judgment to adhere to the spirit of this Code of Conduct. It is essential to recognize that an act is not ethical simply because it is legal, and conduct is not proper simply because it is permissible. Board members should be willing to do more than the law requires. Strict compliance is not necessarily enough, and attempts to evade or circumvent ethics, laws, and rules are improper.

- 103.1.5 All actions, decisions, and votes should be made on their merits, objectively and without party, regional, or ideological partnership.
- 103.1.6 Confidential information, particularly investigative reports from the General Manager, District Counsel, and personnel matters, shall not be disseminated to any party except as specifically authorized.

## 103.2 Board Roles and Responsibilities

- 103.2.1 The Board has duties distinct from those of management. The Board oversees and provides counsel and direction to management and should not be involved in the day-to-day affairs, function, or activities of the District.
- 103.2.2 The role of the Board shall principally be to:
  - (a) Set District policy;
  - (b) Hire the General Manager; and
  - (c) Retain legal counsel as necessary.
- 103.2.3 The Board is responsible for policy-level direction and controls that:
  - (a) Ensures that the District is able to fulfill its statutory obligations;
  - (b) Ensures the financial stability of the District;
  - (c) Supports collaboration and building communications “bridges” between communities, regions, and districts; and
  - (d) Values constructive employer-employee relationships.
- 103.2.4 Board members do not have individual power or authority, and it is improper for any Board member to exercise such authority. The power and decision-making authority resides with the full Board.
- 103.2.5 Board members shall not be involved in employee matters (i.e., hiring, firing, discipline, etc.) or other personnel action unless required by provision within the “Policy Handbook” or advice by District counsel.

## 103.3 Board Member Norms

- 103.3.1 Board members shall understand the authoritative limits and responsibilities allowed to them and the Board under the provisions of the State Health and Safety Code and conduct themselves accordingly.

- 103.3.2 Proper parliamentary conduct is expected during Board meetings. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules (e.g., Robert's Rules of Order).
- (a) If a Board member believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order – not requiring a second – to the President. If the ruling of the President is not satisfactory to the Board member, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.
  - (b) Any Board member desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.
  - (c) Any Trustee, including the President, may make or second a motion. A motion shall be brought and considered as follows:
    - (1) A Trustee makes a motion; another Trustee seconds the motion; and the President states the motion.
    - (2) Once the motion as been stated by the President, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the President will call for the vote. The motion must be made, seconded and approved by a majority vote of the Board to pass.
    - (3) Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular Board meeting on any subject that lies within the jurisdiction of the Board of Trustees shall be as follows: Three (3) minutes may be allotted to each speaker. Speaking times may be adjusted at the discretion of the Board President.
    - (4) No oral presentation shall include charges or complaints against any District employee, regardless of whether or not the employee is identified in the presentation by name or by any other reference, which tends to identify.
- 103.3.3 Board members shall treat each other and District staff at all times and in all situations professionally, with respect and courtesy.
- 103.3.4 Board members shall not publicly engage in personal attacks on one another, District staff, or the District.

- 103.3.5 Any concerns regarding an employee's performance shall be communicated in writing to the General Manager. Any concerns regarding the General Manager's performance shall be communicated in writing to the President. Any concerns regarding a Board officer's performance shall be communicated, in writing, to the affected officer. Nothing in this Section shall affect the right of the Board to evaluate Board officers.
- 103.3.6 The President of the Board may call for an action of Board censure against any Board member who fails to comply with any provision of this Section.

### **Section 104. Required Board Training**

- 104.1 Ethics Training (AB 1234 Compliance)
- 104.1.1 All Trustees and the General Manager of the District shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of appointment to the Board of Trustees and at least once every two years thereafter.
- 104.1.2 This policy shall also apply to all staff members that the Board of Trustees designates, and to members of all committees and other bodies that are subject to the Ralph M. Brown Open Meeting Act.
- 104.1.3 Ethics training shall be provided by entities whose curriculum has been approved by the California Attorney General and the Fair Political Practices Commission.
- 104.1.4 District staff shall provide the Board of Trustees with information on available training that meets the requirements of this policy at least once every year.
- 104.1.5 If a Trustee attends ethics training not directly provided by the District, the Trustee shall provide proof of participation to the District after completing the training. Applicable costs for attending the training will be reimbursed by the District.
- 104.1.6 District staff shall maintain records indicating both the dates that Trustees completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five years after Trustees receive the training, and are public records subject to disclosure under the California Public Records Act.

- 104.2 Sexual Harassment and Abusive Conduct Prevention and Response Training (AB 1825 Compliance)
- 104.2.1 All members of the Board of Trustees and supervisors of the Alameda County Mosquito Abatement District shall receive two hours of training in sexual harassment and abusive conduct prevention and response (AB 1825) within six months of appointment to the Board of Trustees and at least once every two years thereafter.
  - 104.2.2 This policy shall apply to Trustees, the General Manager, and any other staff member that meets the definition of a “supervisor” as set forth under Government Code section 12926(r) (“Supervisor” means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment).
  - 104.2.3 All sexual harassment and abusive conduct prevention and response training shall be provided by entities whose curriculum has been approved by the California Attorney General.
  - 104.2.4 District staff shall provide the Board of Trustees with information on available training that meets the requirements of this policy at least once every year.
  - 104.2.5 If a Trustee attends sexual harassment and abusive conduct prevention and response training not directly provided by the District, the Trustee shall provide proof of participation to the District after completing the training. Applicable costs for attending the training will be reimbursed by the District.
  - 104.2.6 District staff shall maintain records indicating both the dates that staff and Board members completed the sexual harassment prevention and response training and the name of the entity that provided the training. These records shall be maintained for at least five years after Trustees receive the training, and are public records subject to disclosure under the California Public Records Act.

### **Section 105. Board Meetings**

- 105.1 Regular meetings of the Board of Trustees shall be held on the second Wednesday of each month, at the District Headquarters, unless otherwise posted. The public sessions of meetings begin at 5:00 p.m., unless otherwise

posted. Board members should inform the General Manager as soon as possible if they intend to be out of town on a set meeting date.

- 105.1.1 The General Manager shall mail or email a notice of the meeting, including a copy of the agenda together with his/her notice of meeting on the Friday preceding the regular meeting, and shall give the Board members thirty days' notice of matters pending involving a policy change or adoption of any new policy deviating from that of the County or cities within the District.
- 105.2 Special meetings of the Board of Trustees may be called by the Board President or by a majority of the Board.
  - 105.2.1 All Trustees shall be notified of the special Board meeting and the purpose or purposes for which it is called. Said notification shall be in writing, received by them at least 24 hours prior to the meeting.
- 105.3 Emergency Meetings. In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Trustees may hold an emergency special meeting without complying with the 24-hour notice required in 105.2.1, above. An emergency situation means a crippling disaster, which severely impairs public health, safety, or both, as determined by a majority of the Board.
- 105.4 Each year the Board, at its January meeting, shall elect a President, Vice President, and Secretary for the calendar year.
- 105.5 Attendance – Officers of the Board (President, Vice President and Secretary) with three consecutive unexcused absences from Board meetings will be subject to removal from the Board position by a majority vote of the Board members present.
- 105.6 Nominating Committee – A nominating committee, consisting of the Board President and two Trustees appointed by the President, will meet in December of each year to nominate new officers. Nominations will also be taken from the floor.
- 105.7 In lieu of actual costs, the members of the Board shall receive an allowance not to exceed \$100 dollars per month per member for expenses incurred in attending meetings of the Board.
- 105.8 The General Manager's monthly report shall be presented at the Board meeting (of the following month).
- 105.9 The District's Biennial Report shall be made on a fiscal year basis.

**Section 106. Conflict of Interest**

- 106.1 State laws are in place to control actions by a Board member, which may result in a conflict of interest. The purpose of such laws and regulations is to ensure that all actions by the Board are taken in the public interest. State conflict law is complex; consultation with legal counsel is encouraged.
- 106.2 At any point a Board member believes there is a potential for a conflict of interest between actions he or she may take as a Trustee of the District and his/her personal interest, he/she is encouraged to consult with the Attorney for the District or private legal counsel for advice.
- 106.3 While not inclusive, a general summary of Conflict of Interest rules is provided below.
- (a) In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official; Government Code section 1090 prohibits a public official from having a financial interest in government contracts.
  - (b) The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official positions to influence a governmental decision in which they know, or have reason to know, that they have a financial interest.
  - (c) The public official has a financial interest if “it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally...” on a financial interest of the official or a member of the official’s immediate family.
  - (d) Determining whether a Board member has a financial interest is very complicated and fact specific. Financial interests include interests in leases worth \$1,000 or more, and gifts of \$250 or more provided to or received within one year of the decision, or as determined by the Political Reform Act.
  - (e) A Board member must take the following steps after he or she has determined that a conflict of interest exists under the Political Reform Act:
    - (1) Publicly identify the financial interest. This must be done in enough detail for the public to understand the financial interest that creates the conflict of interest.
    - (2) Recuse his or herself from both the discussion and the vote on the matter. The Board member must recuse his or herself from all proceedings related to the matter.

- (3) Leave the room until the matter has been completed. The matter is considered complete when there is no further discussion, vote or any other action.

Exception: If the matter is on the consent calendar, the Board member does not have to leave the room.

- (f) The Fair Political Practices Commission (FPPC) has published lengthy regulations and opinions on conflicts of interest that are useful in determining whether a particular financial interest or decision could give rise to disqualification based on a potential conflict of interest. The FPPC also puts out informational pamphlets to assist public officials in determining what types of situations may give rise to prohibited conflicts of interest.
- (g) Government Code section 1090 is similar to the Political Reform Act, but applies only to contracts in which a public official has a financial interest. The financial interests covered by section 1090 are different from those in the Political Reform Act. Having an interest in a contract may preclude the Board member from entering into the contract at all. In addition, the penalties for violating section 1090 are severe. If a Board member believes that he or she may have any financial interest in a contract that will be before the Board, the member should immediately seek advice from the District's attorney or the member's personal attorney.
- (h) There are a number of other restrictions placed on Board actions, such as prohibitions on secrecy and discrimination as well as assurance that all District funds are spent for public purposes.
- (i) Violations of these restrictions may result in personal liability for individual Board members.

### **Section 107. Awards**

- 107.1 Awards to the employees and Trustees for five, ten, twenty and thirty years of service will be as follows: pewter belt buckle (5 year), bronze belt buckle (10 year), silver pin (20 year), and gold pin (30 year). All are to be engraved with the District logo. Res. #689-1.
- 107.2 A retiring employee will be presented a certificate of recognition with the District seal.
- 107.3 Presentation of awards to employees or Trustees will occur at a regular staff or Trustee meeting.
- 107.4 Trustees will be awarded a gavel/plaque following their Presidency and a certificate of commendation upon retirement.

### **Section 108. State Requirements for Reporting**

- 108.1 Designated positions within the District, including members of the Board of Trustees, that are authorized to make, or participate in the making of, decisions that may foreseeably have a material effect on any personal financial interest, are required to report those interests to the Fair Political Practices Commission in accordance with the terms of Title 2 California Code of Regulations, Section 18730. Appendix 100-1 sets forth the District positions so designated, and documents the required disclosure categories.
- 108.1.1 Designated employees shall file their statements with the Alameda County Board of Supervisors as stated in Government Code section 87500(j). Statements for all designated employees will be retained by the agency.
- 108.2 Pursuant to the Political Reform Act and its regulations, all designated employees shall file statements of economic interests with the Clerk of the Alameda County Board of Supervisors, which shall be the filing officer. The Alameda County Board of Supervisors shall be the code reviewing body.

### **Section 109. Board Standing Committees**

- 109.1 The Board may, by resolution, create such standing or special committees as it determines are necessary or useful for the conduct of District business. The Board President shall, at the start of his/her term, appoint the following standing committees:
- 109.2 Finance Committee. There shall be a Board Standing Committee on Finances. The Finance Committee members shall serve terms that are coterminous with that of the Board President. The duties of the Finance Committee are:
- (a) to review the annual budget and make recommendations to the Board;
  - (b) to review the annual audit and recommend any changes in policy as necessary;
  - (c) to review long-term capital needs and make recommendations for designating reserves and allocation of the OPEB Trust to the Board; and
  - (d) to handle additional related responsibilities as the Board may assign.
- 109.3 Personnel Committee. There shall be a Board Standing Committee on Personnel. The Personnel Committee members, who are officers of the Board, shall serve terms that are coterminous with that of the Board President. The duties of the Personnel Committee are:

- (a) to meet as needed if personnel issues rise to the level of an appeal to the Board; to make recommendations to the full Board regarding the adjustment of an appeal; and
  - (b) to serve as the Salary Committee as needed.
- 109.4 Policy Committee. There shall be a Board Standing Committee on Policy. The Policy Committee members shall serve terms that are coterminous with that of the Board President. The duties of the Policy Committee are:
- (a) to review District policies for compliance with current regulatory requirements, existing agreements, and relevance in supporting the goals of the District;
  - (b) to make and/or approve policy amendments for submission to the full Board for approval and ratification; and
  - (c) to handle additional related responsibilities as the Board may assign.
- 109.5 General Manager Evaluation Committee. There shall be a Board Standing Committee to review the performance of the General Manager. The Committee members, who are traditionally the past, present, and future Board Presidents, shall serve terms that are coterminous with that of the Board President. The duties of the General Manager Evaluation Committee are:
- (a) to set performance expectations, goals and measures for the General Manager;
  - (b) to review the performance of the General Manager in June of each year;
  - (c) to recommend compensation changes and contract adjustments for the General Manager to the full Board based on the General Manager's performance over the review period; and
  - (d) to coordinate and oversee the recruitment of a General Manager should a vacancy occur in that position.
- 109.6 Public Health Emergency Committee. There shall be a Board Standing Committee to address current Public Health threats. The Public Health Committee members shall serve terms that are coterminous with that of the Board President. The duties of the Public Health Emergency Committee are:
- (a) to meet with the General Manager and/or staff to review District surveillance and treatment information pertaining to current or emerging public health threats and make recommendations to the Board if necessary; and
  - (b) to perform additional related responsibilities as the Board may assign.

109.6 Sustainability Committee. There shall be a Board Standing Committee to evaluate areas the District can improve its sustainability such as solar energy, refuse reduction, and fuel efficiency.

(a) to perform additional related responsibilities as the Board may assign.

### **Section 110. Open Meeting Laws (“The Brown Act”)**

110.1 The District conducts its business in compliance with the Ralph M. Brown Act, State Government Code section 54950. The intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in the open and at public meetings. The law provides for misdemeanor penalties for members of a body who violate the Act (Cal. Gov. Code § 54959). In addition, violations are subject to civil action (Cal. Gov. Code § 54960). A current copy of the Act will be provided to all Board members when assuming office.

110.2 The Act applies to the Board and all committees and task forces that advise Board. Staff cannot promote actions that would violate the Act.

110.3 Actions cannot be taken unless there is a quorum. A quorum is defined as a majority of Trustees being present at a posted meeting, regardless the number of vacant seats.

### **Section 111. Non-Discrimination/Anti-Harassment/Anti-Retaliation**

111.1 State and Federal laws prohibit, and the District has policies and procedures which prohibit, any form of illegal discrimination, harassment, or retaliation based upon an individual’s protected status. Board members should be familiar with, and are expected to comply with the District’s non-discrimination, harassment, and retaliation policies. Violations of such policies could result in Board members being personally exposed through legal action

### **Section 112. Policy Review**

112.1 Board Policy Review. At least every four years, the Board, or a designated Board committee, shall review District policies.

**APPENDIX 100-1  
CONFLICT OF INTEREST CODE, DESIGNATED POSITIONS  
AND DISCLOSURE STATEMENTS**

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**Designated Position.** The positions listed below include those persons who are deemed to make, or participate in the making of, decisions that may foreseeably have a material effect on any financial interest. The persons holding the designated positions listed shall disclose interests and investments in accordance with the corresponding disclosure categories, which are defined below.

<b><u>Designated Positions</u></b>	<b><u>Disclosure Category</u></b>
Members of the Board of Trustees	1, 2, 3 & 4
General Manager	1, 2, 3 & 4
Accounting Associate/Office Administrator	1, 2, 3 & 4
Field Operations Supervisor	1, 2, 3 & 4
Lab Director	1, 2, 3 & 4
Mechanic Specialist	1, 2, 3 & 4
Regulatory & Public Affairs Director	1, 2, 3 & 4
IT Director	1, 2, 3 & 4
*Consultants	

**Disclosure Categories**

1. A designated official or employee assigned to Category 1 is required to disclose direct or indirect investments in any business entity that may be affected materially by any decision made or participated in by the designated official or employee by virtue of his/her position.
2. A designated official or employee assigned to Category 2 is required to disclose interests in real property, which is located in whole or in part either within the boundaries of the District, or within two miles of the boundaries of the District, that may be affected materially by any decision made or participated in by the designated official or employee by virtue of his/her position.
3. A designated official or employee assigned to Category 3 is required to disclose any source of income that may be affected materially by any decision made or participated in by the designated official or employee by virtue of his/her position.
4. A designated official or employee assigned to Category 4 is required to disclose any business entity in which the designated official or employee is a director, officer, partner, Trustee, employee, or holds any position of management that may be

affected materially by any decision made or participated in by the designated official or employee by virtue of his/her position.

\*Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation.

The General Manager may determine in writing that a particular consultant, although a “designated position” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

**SECTION 2: ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT  
POLICY MANUAL  
EFFECTIVE XXXXX**

Table of Contents

**Commented [BB1]:** To be updated when policies are approved.

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POLICIES SET FORTH IN THIS HANDBOOK REFLECT THE REQUIREMENTS OF CURRENT EMPLOYMENT LAWS. THESE LAWS AND THE ASSOCIATED REGULATORY REQUIREMENTS ARE SUBJECT TO CHANGE. CHANGES IN LAW MAY NOT BE REFLECTED IN THE STAFF POLICIES, BUT WILL BE IN FULL EFFECT. IF THERE IS A CONFLICT BETWEEN THE STAFF POLICY AND THE LEGAL REQUIREMENTS, THE LEGAL REQUIREMENTS SHALL CONTROL.

**CHAPTER 100. THE BOARD OF TRUSTEES  
ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT**

Section 100. Definitions

- 100.1 **District** means the Alameda County Mosquito Abatement District.
- 100.2 **Mosquito** means any insect of the family Culicidae (excluding the subfamilies Dixinae and Chaoborinae) capable of transmitting human disease or causing human annoyance.
- 100.3 **Jurisdiction** means within the boundaries of the District or in proximity close enough so that mosquitoes produced outside of the District may affect people within the District.
- 100.4 **Board member** and **Trustee** are references used interchangeably within these Policies. Both terms mean individual members of the Alameda County Mosquito Abatement District Board of Trustees.

Section 101. Enabling Legislation

- 101.1 This District was formed under the Mosquito Act, California Government Code Title 3, Division 2, Part 2, Chapter 8, Section 25842.5 and sections 2000-2093, inclusive, of the California Health and Safety Code, and therefore the rules and regulations of this Code shall be the rules by which this District operates. Minutes of 02-24-65.

Section 102. Code of Ethics

- 102.1 The Board of Trustees of the Alameda County Mosquito Abatement District is committed to providing excellence in legislative leadership that results in the provision of the highest quality services to its constituents and complies with State and Federal laws. Consistent with this commitment, this Code of Ethics sets forth expectations regarding behavior between and among members of the Board of Trustees and District staff.
- 102.2 The dignity, style, values and opinions of each Trustee shall be respected.
- 102.3 Responsiveness and attentive listening in communication is encouraged.
- 102.4 The needs of the District's constituents should be the priority of the Board of Trustees.
- 102.5 The primary responsibilities of the Board of Trustees is [noted in Section 103.2.](#) ~~the formulation and evaluation of policy.~~ Routine matters concerning the

operational aspects of the District are to be delegated to the District General Manager and the professional staff members of the District.

102.5.1 Board members should follow the guidelines set forth below relative to interactions with District staff:

- (a) Board members should develop a working relationship with the District General Manager wherein current issues, concerns, and District projects can be discussed comfortably and openly.
- (b) Board members should contact the District General Manager before approaching District staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
- (c) If approached by District personnel concerning a specific District policy, Board members should direct inquiries to the District General Manager. The chain of command should be followed.
- (d) Issues related to safety, concerns for safety or hazards should be reported to the District General Manager. Emergency situations should be dealt with immediately by seeking appropriate assistance.
- (e) Clarification on policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming should be referred directly to the District General Manager or legal counsel.

102.6 Trustees should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged.

102.7 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but should do so in a respectful manner. Once the Board of Trustees takes action, Trustees should commit to supporting said action and not to create barriers to the implementation of said action.

102.8 When responding to constituent requests and concerns, Board members should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

- (a) Complaints from residents and property owners of the District should be referred directly to the District General Manager.

- 102.9 Board members should function as a part of the whole, in accordance with the Brown Act. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.
- 102.10 The Board of Trustees is responsible for monitoring the District's progress in attaining goals and objectives, while fulfilling its mission.

#### Section 103. Code of Conduct

- 103.1 This Code of Conduct shall govern the conduct of the Board of Trustees of the ~~Alameda County Mosquito Abatement~~ District.
- 103.1.1 The purpose of this Code of Conduct is to:
- (a) Protect the integrity of the ~~Alameda County Mosquito Abatement~~ District Board of Trustees and sustain the confidence of the people of the District by articulating specific standards and guidelines to assure that those entrusted with the public authority avoid conduct that undermines respect for the District.
  - (b) Provide a comprehensive statement of pertinent laws and regulations, considerations, and obligations governing the conduct of the Board members to provide a transparent framework and enhance the public trust in the District.
  - (c) Enhance the understanding of laws and principles that create the obligations of Board members.
- 103.1.2 Pursuant to section 2022(d) of the State Health and Safety Code, "It is the intent of the Legislature that persons appointed to boards of trustees have experience, training, and education in fields that will assist in the governance of the districts"; and section (e) "...The trustees shall represent the interests of the public as a whole and not solely the interests of the board of supervisors or the city council that appointed them."
- 103.1.3 The public served by the District need and deserve an agency whose commitment to pursuing public interest outweighs any competing personal or political considerations.
- 103.1.4 Board members are expected to exercise discretion and judgment to adhere to the spirit of this Code of Conduct. It is essential to recognize that an act is not ethical simply because it is legal, and conduct is not proper simply because it is permissible. Board members should be willing to do more than the law requires ~~and less than it allows~~. Strict compliance is not necessarily enough, and attempts to evade or circumvent ethics, laws, and rules are improper.

- 103.1.5 All actions, decisions, and votes should be made on their merits, objectively and without party, regional, or ideological partnership.
- 103.1.6 Confidential information, particularly investigative reports from the District General Manager, District Counsel, and personnel matters, shall not be disseminated to any party except as specifically authorized.

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- 103.2.1 The Board has duties distinct from those of management. The Board oversees and provides counsel and direction to management and should not be involved in the day-to-day affairs, function, or activities of the District.
- 103.2.2 The role of the Board shall principally be to:
- (a) Set District policy;
  - (b) Hire the District General Manager; and  
~~© Approve the budget and control the expenditures;~~  
~~(d) Monitor the District's progress in attaining goals and objectives, while fulfilling its mission;~~
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- 103.3.4 Board members shall not publicly engage in personal attacks on one another, District staff, or the District.
- 103.3.5 Any concerns regarding an employee's performance shall be communicated in writing to the ~~District~~ General Manager. Any concerns regarding the ~~District~~ General Manager's performance shall be communicated in writing to the President. Any concerns regarding a Board officer's performance shall be communicated, in writing, to the affected officer. Nothing in this Section shall affect the right of the Board to evaluate Board officers.
- 103.3.6 The President of the Board may call for an action of Board censure against any Board member who fails to comply with any provision of this Section.

#### Section 104. Required Board Training

##### 104.1 Ethics Training (AB 1234 Compliance)

- 104.1.1 All Trustees and ~~the General Manager designated executive staff of Alameda County Mosquito Abatement~~ the District shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of appointment to the Board of Trustees and at least once every two years thereafter.
- 104.1.2 This policy shall also apply to all staff members that the Board of Trustees designates, and to members of all committees and other bodies that are subject to the Ralph M. Brown Open Meeting Act.
- 104.1.3 Ethics training shall be provided by entities whose curriculum has been approved by the California Attorney General and the Fair Political Practices Commission.
- 104.1.4 District staff shall provide the Board of Trustees with information on available training that meets the requirements of this policy at least once every year.
- 104.1.5 If a Trustee attends ethics training not directly provided by the District, the Trustee shall provide proof of participation to the District after completing the training. Applicable costs for attending the training will be reimbursed by the District.
- 104.1.6 District staff shall maintain records indicating both the dates that Trustees completed the ethics training and the name of the entity

that provided the training. These records shall be maintained for at least five years after Trustees receive the training, and are public records subject to disclosure under the California Public Records Act.

104.2 Sexual Harassment and Abusive Conduct Prevention and Response Training (AB 1825 Compliance)

- 104.2.1 All members of the Board of Trustees and supervisors of the Alameda County Mosquito Abatement District shall receive two hours of training in sexual harassment and abusive conduct prevention and response (AB 1825) within six months of appointment to the Board of Trustees and at least once every two years thereafter.
- 104.2.2 This policy shall apply to Trustees, the District General Manager, and any other staff member that meets the definition of a “supervisor” as set forth under Government Code section 12926(r) (“Supervisor” means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment).
- 104.2.3 All sexual harassment and abusive conduct prevention and response training shall be provided by entities whose curriculum has been approved by the California Attorney General.
- 104.2.4 District staff shall provide the Board of Trustees with information on available training that meets the requirements of this policy at least once every year.
- 104.2.5 If a Trustee attends sexual harassment and abusive conduct prevention and response training not directly provided by the District, the Trustee shall provide proof of participation to the District after completing the training. Applicable costs for attending the training will be reimbursed by the District.
- 104.2.6 District staff shall maintain records indicating both the dates that staff and Board members completed the sexual harassment prevention and response training and the name of the entity that provided the training. These records shall be maintained for at least five years after Trustees receive the training, and are public records subject to disclosure under the California Public Records Act.

**Commented [BB2]:** In 2015, AB 2503 expanded AB 1825 – sexual harassment prevention training to include a component on “abusive conduct”. Commonly referred to as bullying.

## Section 105. Board Meetings

- 105.1 Regular meetings of the Board of Trustees shall be held on the second Wednesday of each month, at the District Headquarters, unless otherwise posted. The public sessions of meetings begin at 5:00 p.m., unless otherwise posted. Board members should inform the District General Manager as soon as possible if they intend to be out of town on a set meeting date.
- 105.1.1 The District General Manager shall mail or email a notice of the meeting, including a copy of the agenda together with his/her notice of meeting on the Friday preceding the regular meeting, and shall give the Board members thirty days' notice of matters pending involving a policy change or adoption of any new policy deviating from that of the County or cities within the District.
- 105.2 Special meetings of the Board of Trustees may be called by the Board President or by a majority of the Board.
- 105.2.1 All Trustees shall be notified of the special Board meeting and the purpose or purposes for which it is called. Said notification shall be in writing, received by them at least 24 hours prior to the meeting.
- 105.3 Emergency Meetings. In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Trustees may hold an emergency special meeting without complying with the 24-hour notice required in 105.2.1, above. An emergency situation means a crippling disaster, which severely impairs public health, safety, or both, as determined by a majority of the Board.
- 105.4 Each year the Board, at its January meeting, shall elect a President, Vice President, and Secretary for the calendar year.
- 105.5 Attendance – Officers of the Board (President, Vice President and Secretary) with three consecutive unexcused absences from Board meetings will be subject to removal from the Board position by a majority vote of the Board members present.
- 105.6 Nominating Committee – A nominating committee, consisting of the Board President and two Trustees appointed by the President, will meet in December of each year to nominate new officers. Nominations will also be taken from the floor.
- 105.7 In lieu of actual costs, the members of the Board shall receive an allowance not to exceed \$100 dollars per month per member for expenses incurred in attending meetings of the Board.
- 105.8 The District General Manager's monthly report shall be presented at the Board meeting (of the following month).

105.9 The District's Biennial Report shall be made on a fiscal year basis.

#### Section 106. Conflict of Interest

- 106.1 State laws are in place to control actions by a Board member, which may result in a conflict of interest. The purpose of such laws and regulations is to ensure that all actions by the Board are taken in the public interest. State conflict law is complex; consultation with legal counsel is encouraged.
- 106.2 At any point a Board member believes there is a potential for a conflict of interest between actions he or she may take as a Trustee of the District and his/her personal interest, he/she is encouraged to consult with the Attorney for the District or private legal counsel for advice.
- 106.3 While not inclusive, a general summary of Conflict of Interest rules is provided below.
- (a) In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official; Government Code section 1090 prohibits a public official from having a financial interest in government contracts.
  - (b) The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official positions to influence a governmental decision in which they know, or have reason to know, that they have a financial interest.
  - (c) The public official has a financial interest if "it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally..." on a financial interest of the official or a member of the official's immediate family.
  - (d) Determining whether a Board member has a financial interest is very complicated and fact specific. Financial interests include interests in leases worth \$1,000 or more, and gifts of \$250 or more provided to or received within one year of the decision, or as determined by the Political Reform Act.
  - (e) ~~Effective January 1, 2003, a~~ **A** Board member must take the following steps after he or she has determined that a conflict of interest exists under the Political Reform Act:
    - (1) Publicly identify the financial interest. This must be done in enough detail for the public to understand the financial interest that creates the conflict of interest.

- (2) Recuse his or herself from both the discussion and the vote on the matter. The Board member must recuse his or herself from all proceedings related to the matter.
- (3) Leave the room until the matter has been completed. The matter is considered complete when there is no further discussion, vote or any other action.

Exception: If the matter is on the consent calendar, the Board member does not have to leave the room.

- (f) The Fair Political Practices Commission (FPPC) has published lengthy regulations and opinions on conflicts of interest that are useful in determining whether a particular financial interest or decision could give rise to disqualification based on a potential conflict of interest. The FPPC also puts out informational pamphlets to assist public officials in determining what types of situations may give rise to prohibited conflicts of interest.
- (g) Government Code section 1090 is similar to the Political Reform Act, but applies only to contracts in which a public official has a financial interest. The financial interests covered by section 1090 are different from those in the Political Reform Act. Having an interest in a contract may preclude the Board member from entering into the contract at all. In addition, the penalties for violating section 1090 are severe. If a Board member believes that he or she may have any financial interest in a contract that will be before the Board, the member should immediately seek advice from the District's attorney or the member's personal attorney.
- (h) There are a number of other restrictions placed on Board actions, such as prohibitions on secrecy and discrimination as well as assurance that all District funds are spent for public purposes.
- (i) Violations of these restrictions may result in personal liability for individual Board members.

#### Section 107. Awards

- 107.1 Awards to the employees and Trustees for five, ten, twenty and thirty years of service will be as follows: pewter belt buckle (5 year), bronze belt buckle (10 year), silver pin (20 year), and gold pin (30 year). All are to be engraved with the District logo. Res. #689-1.
- 107.2 A retiring employee will be presented a certificate of recognition with the District seal.

- 107.3 Presentation of awards to employees or Trustees will occur at a regular staff or Trustee meeting.
- 107.4 Trustees will be awarded a gavel/plaque following their Presidency and a certificate of commendation upon retirement.

#### Section 108. State Requirements for Reporting

- 108.1 Designated positions within the District, including members of the Board of Trustees, that are authorized to make, or participate in the making of, decisions that may foreseeably have a material effect on any personal financial interest, are required to report those interests to the Fair Political Practices Commission in accordance with the terms of Title 2 California Code of Regulations, Section 18730. Appendix 100-1 sets forth the District positions so designated, and documents the required disclosure categories.
- 108.1.1 Designated employees shall file their statements with the Alameda County Board of Supervisors as stated in Government Code section 87500(j). Statements for all designated employees will be retained by the agency.
- 108.2 Pursuant to the Political Reform Act and its regulations, all designated employees shall file statements of economic interests with the Alameda County Mosquito Abatement District Board Clerk of the Alameda County Board of Supervisors, which shall be the filing officer. The Alameda County Board of Supervisors shall be the code reviewing body.

#### Section 109. Board Standing Committees

- 109.1 The Board may, by resolution, create such standing or special committees as it determines are necessary or useful for the conduct of District business. The Board President shall, at the start of his/her term, appoint the following standing committees:
- 109.2 Finance Committee. There shall be a Board Standing Committee on Finances. The Finance Committee members shall serve terms that are coterminous with that of the Board President. The duties of the Finance Committee are:
- (a) to review the annual budget and make recommendations to the Board;
  - (b) to review the annual audit and recommend any changes in policy as necessary;
  - (c) to review long-term capital needs and make recommendations for designating reserves and allocation of the OPEB Trust to the Board; and

- (d) to handle additional related responsibilities as the Board may assign.
- 109.3 Personnel Committee. There shall be a Board Standing Committee on Personnel. The Personnel Committee members, who are officers of the Board, shall serve terms that are coterminous with that of the Board President. The duties of the Personnel Committee are:
- (a) to meet as needed if personnel issues rise to the level of an appeal to the Board; to make recommendations to the full Board regarding the adjustment of an appeal; and
- (b) to serve as the Salary Committee ~~as needed. during labor negotiations.~~
- 109.4 Policy Committee. There shall be a Board Standing Committee on Policy. The Policy Committee members shall serve terms that are coterminous with that of the Board President. The duties of the Policy Committee are:
- (a) to review District policies for compliance with current regulatory requirements, existing agreements, and relevance in supporting the goals of the District;
- (b) to make and/or approve policy amendments for submission to the full Board for approval and ratification; and
- (c) to handle additional related responsibilities as the Board may assign.
- 109.5 ~~District~~ General Manager Evaluation Committee. There shall be a Board Standing Committee to review the performance of the ~~District~~ General Manager. The Committee members, who are traditionally the past, present, and future Board Presidents, shall serve terms that are coterminous with that of the Board President. The duties of the General Manager Evaluation Committee are:
- (a) to set performance expectations, goals and measures for the ~~District~~ General Manager;
- (b) to review the performance of the ~~District~~ General Manager in June of each year;
- (c) to recommend compensation changes and contract adjustments for the ~~District~~ General Manager to the full Board based on the General Manager's performance over the review period; and
- (d) to coordinate and oversee the recruitment of a ~~District~~ General Manager should a vacancy occur in that position.
- 109.6 Public Health Emergency Committee. There shall be a Board Standing Committee to address current Public Health threats. The Public Health

Committee members shall serve terms that are coterminous with that of the Board President. The duties of the Public Health Emergency Committee are:

- (a) to meet with the District General Manager and/or staff to review District surveillance and treatment information pertaining to current or emerging public health threats and make recommendations to the Board if necessary; and
- (b) to perform additional related responsibilities as the Board may assign.

109.6 Sustainability Committee. There shall be a Board Standing Committee to evaluate areas the District can improve its sustainability such as solar energy, refuse reduction, and fuel efficiency.

(a) to perform additional related responsibilities as the Board may assign.

#### Section 110. Open Meeting Laws ("The Brown Act")

110.1 The District conducts its business in compliance with the Ralph M. Brown Act, State Government Code section 54950. The intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in the open and at public meetings. The law provides for misdemeanor penalties for members of a body who violate the Act (Cal. Gov. Code § 54959). In addition, violations are subject to civil action (Cal. Gov. Code § 54960). A current copy of the Act will be provided to all Board members when assuming office.

110.2 The Act applies to the Board and all committees and task forces that advise Board. Staff cannot promote actions that would violate the Act.

110.3 Actions cannot be taken unless there is a quorum. A quorum is defined as a majority of Trustees being present at a posted meeting, regardless the number of vacant seats.

#### Section 111. Non-Discrimination/Anti-Harassment/**Anti-Retaliation**

111.1 State and Federal laws prohibit, and the District has policies and procedures which prohibit, any form of illegal discrimination, ~~or sexual harassment,~~ **or retaliation based upon an individual's protected status.** Board members should be familiar with, and are expected to comply with the District's non-discrimination, ~~sexual harassment,~~ **and retaliation** policies. Violations of such policies could result in Board members being personally exposed through legal action

Section 112. Policy Review

- 112.1 Board Policy Review. At least every four years, the Board, or a designated Board committee, shall review District policies.

**APPENDIX 100-1**  
**CONFLICT OF INTEREST CODE, DESIGNATED POSITIONS**  
**AND DISCLOSURE STATEMENTS**

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**Designated Position.** The positions listed below include those persons who are deemed to make, or participate in the making of, decisions that may foreseeably have a material effect on any financial interest. The persons holding the designated positions listed shall disclose interests and investments in accordance with the corresponding disclosure categories, which are defined below.

<b><u>Designated Positions</u></b>	<b><u>Disclosure Category</u></b>
Members of the Board of Trustees	1, 2, 3 & 4
General Manager	1, 2, 3 & 4
Accounting Associate/Office Administrator	1, 2, 3 & 4
Field Operations Supervisor	1, 2, 3 & 4
Lab Director	1, 2, 3 & 4
Mechanic Specialist	1, 2, 3 & 4
Regulatory & Public Affairs Director	1, 2, 3 & 4
IT Director	1, 2, 3 & 4
*Consultants	

**Disclosure Categories**

1. A designated official or employee assigned to Category 1 is required to disclose direct or indirect investments in any business entity that may be affected materially by any decision made or participated in by the designated official or employee by virtue of his/her position.
2. A designated official or employee assigned to Category 2 is required to disclose interests in real property, which is located in whole or in part either within the boundaries of the District, or within two miles of the boundaries of the District, that may be affected materially by any decision made or participated in by the designated official or employee by virtue of his/her position.
3. A designated official or employee assigned to Category 3 is required to disclose any source of income that may be affected materially by any decision made or participated in by the designated official or employee by virtue of his/her position.
4. A designated official or employee assigned to Category 4 is required to disclose any business entity in which the designated official or employee is a director, officer, partner, Trustee, employee, or holds any position of management that may be

affected materially by any decision made or participated in by the designated official or employee by virtue of his/her position.

\*Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation.

The District General Manager may determine in writing that a particular consultant, although a “designated position” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The District General Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

## **CHAPTER 300. SALARIES AND WORKING CONDITIONS OF EMPLOYEES**

### **Section 301. Salaries**

#### **301.1 Compensation Plan**

- 301.1.1 The District has developed a compensation plan that is intended to achieve and support the following goals and objectives:
- (a) The plan enables the District to recruit and retain highly qualified employees;
  - (b) The plan provides equitable salaries within a structure where positions are paid in appropriate relationship to each other in the organization and comparable agencies;
  - (c) The plan recognizes employee performance and motivates employees to improve their level of performance on the job; and
  - (d) The plan is flexible in administration.
- 301.1.2 Salaries, benefits and working conditions are subject to the meet and confer process with recognized employee bargaining units. In establishing a framework for review of compensation, the District takes into account compensation in place in Alameda County as well as adjacent mosquito abatement districts, unless otherwise modified through the bargaining process.
- 301.1.3 The salary of the General Manager shall be considered independently of other District positions.

#### **301.2 Salary Steps**

- 301.2.1 Entry-level field personnel shall be hired at the position of Assistant Mosquito Control Technician for a minimum of six months and until certification as a Mosquito Control Technician is received, at which time they shall advance to the position of Mosquito Control Technician. The salary for the position of Assistant Mosquito Control Technician is approximately 5% below that of Mosquito Control Technician step 1.
- 301.2.2 The recommended plan for the positions of Mosquito Control Technicians, Accounting Associate, Lab Director, and Field Operations Supervisor consists of a series of salary ranges, each containing five steps. Each step is approximately 5% above the preceding step in that range.

- 301.2.3 For each salary range, the first step is considered the entrance rate and the top step the maximum, unless the General Manager finds merit the candidate possesses exceptional skills or qualifications that would be highly beneficial to the District; or due to the difficult nature of the recruitment, few qualified candidates were available and it is necessary to hire at an advanced step in order to obtain a person to fill the vacancy. Ordinarily, new employees would be started at the minimum rate and progress to the second step after six months of satisfactory service. The third step is achieved after an additional six months of satisfactory service. Each remaining step is reached after one year of satisfactory service at the preceding step. This provision applies to all represented employees.
- 301.2.4 The position of Vector Biologist consists of two steps. Vector Biologist step 2 is 5% above the salary range of step 1 and can be achieved after one year of satisfactory service.
- 301.2.5 The positions of IT Director, Regulatory & Public Affairs Director, Mechanical Specialist, and Laboratory Scientist consist of a series of salary ranges, each containing five steps. Each step is 2.5% above the preceding step in that range. Progression from step 1 through step 5 follows the plan described in 301.2.3, above.
- 301.2.6 If an employee is promoted or changes position in the District service to another position in a higher salary schedule, the salary shall be the amount provided in the schedule step for the new position, which is at least one step higher than the amount received in the former position, but may not exceed the salary schedule. Such salary will be pro-rated from the effective date of promotion to the end of the subject pay period. The date of promotion or advancement will be the new anniversary date established for the employee for purposes of evaluation and advancement in the salary range.
- 301.2.7 The Board may provide for longevity pay as agreed upon in the Employees' Association Memorandum of Understanding.

### **301.3. Workweek and Pay Days**

- 301.3.1 The standard workweek is defined as any consecutive seven-day period at 12:00 a.m. of any Sunday and ending at 11:59 p.m. the following Saturday.
- 301.3.2 Established paydays for the District are the 15th and last working day of the month. Employees will be paid for time worked from the 1st through the 15th on the 15th of the month; time worked between the 16th and the end of the month will be paid on the last working day of the month.

### **301.4. Alternate Workweek**

- 301.4.1 The General Manager may approve an alternate work schedule (including a 9/80 schedule, a 4/10 schedule, or some other alternate schedule based on a 40-hour workweek) for individual employees based on staffing needs, the employee's performance and the nature of the position. An alternate work schedule for an employee may be implemented at the sole discretion of the General Manager and may be thereafter modified or eliminated as needed, at any time by the District General Manager.
- 301.4.2 Employees approved to work an alternate 9/80 work schedule will work nine (9) hours for four fixed days in each one workweek, and eight (8) hours the remaining day of one workweek. The employee will be off work on the corresponding fifth day in the following workweek. As such, during the two-week work period, the employee will work a total of 44 hours one calendar week and 36 hours the following calendar week, with the hours worked split between two workweeks as defined in Section 301.4.3, below.
- 301.4.3 The Fair Labor Standards Act (FLSA) workweek for employees on the 9/80 schedule will begin at "mid-day of an employee's scheduled 8-hour workday" and end "mid-day of the employee's scheduled workday on the same day of the following week." Using this method, an employee will work a total of 40 hours during each scheduled workweek. Overtime and compensation time apply to non-exempt employees for hours worked beyond 40 in any established workweek.
- 301.4.4 The employee will be eligible to request a 9/80 work schedule following at least six months of employment, subject to the recommendation of his/her supervisor, and the approval of the General Manager. Employees must complete a signed agreement approved by their supervisor and the General Manager, to be eligible for the 9/80 work schedule.
- 301.4.5 The employee will continue accruing vacation and sick leave hours at the same rate as before being assigned to an alternative work schedule. An employee who is using vacation or sick leave will be charged the number of hours of use.
- 301.4.6 Compensation for holidays will change when an employee is assigned to an alternative work schedule. Employees normally receive 8 hours of holiday pay when assigned to a regular 40 hour per week work schedule. Under the 9/80 work schedule option, an employee will continue to receive 8 hours of holiday pay, even if the holiday falls on a day when the employee is scheduled to work 9 hours. The employee will use his/her accrued compensatory time off time or vacation time to make up the one-hour difference.

### **301.5 Working Hours**

- 301.5.1 Established hours of District operation are between 7 a.m. and 5:30 p.m. each day. Reporting times, defined as the time when employees are expected to be present and ready to start work, may vary based on the specific job requirements. The supervisor will establish the reporting times for each group of employees.
- 301.5.2 Employees must be present at their job during the “core hours” of 8 a.m. to 11 a.m. and 1:30 p.m. to 3:30 p.m., unless their supervisor and/or the General Manager modify those hours. For employees approved to use an alternate work schedule, the employee and the employee’s supervisor will establish the work hours for the employee based on established guidelines and as determined by the supervisor and General Manager.
- 301.5.3 Each employee is provided a 30-minute unpaid meal period on any workday the employee works longer than 6 hours.
- 301.5.4 Employees are entitled to take one 10-minute rest period-for every four hours of work. Rest periods may not be combined with the 30-minute meal period or be used to arrive late to work or leave work early.
- 301.5.5 Employees are expected to arrive at work at their regularly-scheduled reporting time.
- (a) If an unforeseen delay results in arriving at work 15 minutes or less past the regularly-scheduled reporting time, the employee is expected to make that time up at the end of the work shift.
  - (b) If an unforeseen delay results in arriving at work more than 15 minutes past the regular reporting time, the period of absence is to be charged to the employee’s accrued vacation balance or compensatory time off.

### **301.6 Overtime**

- 301.6.1 “Overtime work” for a non-exempt employee is actual hours worked over 40 hours in any one workweek. Vacation, sick, and holiday hours taken during the workweek will not be credited towards overtime hours.

Overtime must be for definite work performance and ordered and approved by the supervisor or General Manager. The General Manager or authorized designee may authorize overtime work during Saturdays, Sundays or holidays for any or all personnel.

- 301.6.2 Overtime work shall be compensated at the rate of one and one-half times the base hourly rate for each hour worked in excess of 40 hours in a workweek, and two hours for each hour worked on a holiday that is recognized by the

District. Overtime may be paid in cash, or accrued as compensatory time off (CTO) as set forth in Section 301.7, below.

### **301.7 Compensatory Time Off (CTO)**

- 301.7.1 Compensatory time off (CTO) may be granted to those non-exempt employees who work overtime as provided in Section 301.6, above, and with whom the District has a prior agreement or understanding that the employee will accept CTO in lieu of cash payment for overtime.
- 301.7.2 Compensatory time off is earned at the overtime rate (one and one-half hour for each hour worked in excess of 40 hours in a workweek and two hours for each hour worked on a holiday that is recognized by the District).
- 301.7.3 Employees are encouraged to use their accrued CTO, and the District will make every effort to grant reasonable requests for the use of CTO when sufficient advance notice is given and the workplace is not unduly disrupted.
- 301.7.4 The maximum number of CTO hours that an employee may accrue is eighty (80) hours. Any employee who has reached this maximum shall not work any additional overtime until the employee's accrued compensatory time has fallen below the maximum allowed, unless the employee receives advance written authorization and receives payment in cash for any such additional overtime.
- 301.7.5 The District reserves the right at any time to pay an employee in cash for any or all accrued compensatory time and/or to require the employee to use accumulated CTO.
- 301.7.6 Employees who separate from District service for any reason shall be paid for accrued and unused CTO.

### **301.8 Uniform Allowance**

- 301.8.1 The District shall grant designated employees a sufficient number of uniforms to maintain an adequate supply for the changes necessary to keep same clean and in good condition, and also will supply a laundry service. The color and type of uniform will be determined by the General Manager with the cooperation of the employees.
  - (a) The uniforms will include the District's insignia placed on the shirts and jackets selected.
  - (b) The District shall also furnish each employee with name patches, to be placed on the front of the shirt or jacket so as to be visible at all times. This clothing shall be worn during working hours unless specifically

exempted by the General Manager. Uniforms shall not be modified without permission from the General Manager.

- 301.8.2 The District, in order to reduce injuries to workers, will provide an allowance not to exceed the limits set by the Board of Trustees to purchase safety boots that meet Cal/OSHA standards for toe and penetration protection. Safety shoes are to be above ankle height. Employees are to be reimbursed up to the allowance set by the Board upon presenting a receipt of purchase to the District. Employees may have the option of purchasing safety boots at an approved supplier that will then bill the District.

All employees of the District working outside of the office are required to wear approved safety boots or other approved footwear. Safety boots are not required for attending meetings or continuing education training.

### **301.9 Professional Development**

- 301.9.1 It is the policy of the District to encourage participation by all employees in continuing education. The General Manager is authorized to reimburse employees for job-related education and training.
- 301.9.2 General Manager approval is required for any educational or training course work for which an employee will be seeking reimbursement. Approval must be granted before the course begins.
- 301.9.3 Reimbursement for approved job-related education and training will be processed, following successful completion of the course or training, upon presentation of documentation of successful completion and all associated receipts.
- 301.9.4 Training should be scheduled so that it is not disruptive to the employee's normal job duties.

## **302. Health and Welfare Benefits**

### **302.1 Health, Dental, and Vision Benefits**

- 302.1.1 Health Insurance is available to full-time employees of the District, as well as eligible members of the employee's family as defined in plan documents. Dental, and Vision Benefits are available to full-time employees after six months of satisfactory service. The District reserves the right to select and contract with Health, Dental and Vision Insurance providers, and to change providers and plans. Impacts associated with changes in Health, Dental and Vision Insurance coverage or carriers will be negotiated with affected employee bargaining groups.

302.1.2 District contributions to health, dental, and vision insurance premiums are negotiated as a part of the bargaining process, and are documented in the relevant Memoranda of Understanding and/or Compensation Agreements. Health Plan summaries and specific plan information are available from the General Manager or designee.

### 302.2 Group Term Life Insurance

Full-time regular employees are provided, at District cost, group term life insurance coverage. The General Manager or designee can provide additional information, plan documents, and literature regarding this benefit.

### 302.3 Unemployment Insurance

Unemployment insurance provides compensation payable to individuals unemployed through no fault of their own who are actively seeking employment and are available and able to work. The District will adhere to California Employment Development Department (EDD) unemployment insurance requirements for claim responses. The decision to provide an individual with unemployment insurance is solely at the discretion of the EDD. The General Manager or designee can provide additional information regarding this benefit.

### 302.4 Consolidated Omnibus Budget Reconciliation Act (COBRA)

302.4.1 Employees and dependents who lose group health coverage due to termination of employment or other “qualifying events” (i.e., death of employee, divorce or separation) may continue health and dental coverage on a self-pay basis under the COBRA option for eighteen (18) months, or the limits specified by law.

302.4.2 Upon an employee’s termination of employment, the District will issue a Notice of Right to Elect COBRA Continuation Coverage for health care coverage. To continue health care coverage under COBRA, the employee will fill out and sign forms provided by the District. The terminating employee must pay the full cost of coverage, plus the allowable administrative fee, by the deadlines set forth in the Notice.

### 302.5 Retirement Plan

302.5.1 Classic PERS Members. The District offers a retirement benefit package to all eligible full-time employees through the California Public Employment Retirement System (CalPERS). Full-time employees hired prior to January 1, 2013 and Classic PERS members will be covered under the 2% @ age 55 formula in CalPERS.

New PERS Members. The District offers a retirement benefit package to all full-time employees hired on or after January 1, 2013 and are New PERS members will be covered under the 2% @ age 62 formula in CalPERS.

- 302.5.2 In accordance with California Public Employees' Pension Reform Act of 2013 (CalPEPRA), as lawfully applicable, New PERS Members will contribute 50% of the cost of the CalPERS contribution rate. Service credit will be credited in accordance with CalPERS plan guidelines. More information on the retirement program can be obtained by contacting the General Manager or designee.

### 302.6 Social Security

Employees are not covered under the full federal Social Security program. The District participates in the federal Medicare portion of Social Security for all employees. The employee and the District contribute the mandatory amount into Medicare.

### 302.7 Workers' Compensation

- 302.7.1 Employees who are injured on the job, no matter how slightly, must report the incident immediately to their supervisor. Failure to follow District procedures may affect eligibility to receive Workers' Compensation benefits.
- 302.7.2 If an employee has an illness or injury that is either caused by his/her job, or incurred within the course and scope of his/her employment, the employee may be entitled to medical care and leave (time away from the job based on medical provider's orders). These benefits are administered by the District's workers' compensation carrier.
- 302.7.3 Following the required three (3)-day waiting period, the employee may be entitled to partial wage continuation during time he or she is off work due to a work-related illness or injury. This partial wage continuation will be in the form of temporary disability payments through the District's workers' compensation carrier.
- 302.7.4 The injured employee will be allowed to integrate any accrued and unused sick leave, vacation, and compensatory time off with the workers' compensation temporary disability payment to retain the full regular rate of pay. After the employee has exhausted available accrued leave the sole source of income will be the temporary disability payments through the workers' compensation carrier. Workers Compensation will run concurrently with Family Care Leave.
- 302.7.5 The District will not allow any form of retaliation against individuals who file a workers' compensation claim.

## 302.8 Reasonable Accommodation

In compliance with federal and state laws, the District provides reasonable accommodation for employees who are unable to perform the essential duties of their jobs due to illness or injury.

- (a) An employee may request an accommodation when an illness or injury limits the employee's ability to perform the essential duties of his or her job. An employee seeking a reasonable accommodation to perform the essential job functions of his/her job should make such a request, preferably in writing, to the General Manager. The request must identify: (a) the job-related functions at issue; and (b) the desired accommodation(s).
- (b) The District will consider the request for an accommodation consistent with federal and state laws including, but not limited to the American with Disabilities Act.
- (c) Following receipt of a request for accommodation, the General Manager may require additional information, such as reasonable documentation of the existence of a disability.
- (d) The District may require an employee to undergo a fitness for duty examination at the District's expense to determine whether the employee can perform the essential functions of the job with or without reasonable accommodation. The District may also require that a District-approved medical provider conduct the examination.
- (e) After receipt of reasonable documentation of a disability and/or a fitness for duty report, the General Manager will arrange for an interactive discussion, in person or via telephone conference call, with the employee and his/her representative(s), if any. The purpose of the discussion is to work in good faith to fully consider all feasible potential reasonable accommodations.
- (f) Following the conclusion of the interactive discussion, the ~~District~~ General Manager will determine whether reasonable accommodation(s) can be made, and the type of accommodation(s) that will be offered. The District may 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 General Manager will inform the applicant or employee of his/her decision as to reasonable accommodation(s) in writing.
- (g) Periodic evaluation of the accommodation will be conducted and the continuance of the accommodation is not guaranteed. An accommodation may be modified, or ended at any time with notice.

## Section 303. Leaves

### 303.1 Holidays

303.1.1 The District shall provide full-time employees time off with pay for the following recognized holidays:

- (a) January 1<sup>st</sup>, known as New Year Day;
- (b) The third Monday in January, known as “Dr. Martin Luther King Jr. Day”;
- (c) February 12<sup>th</sup>, known as “Lincoln’s Birthday”;
- (d) The third Monday in February, known as “President’s Day”;
- (e) The last Monday in May, known as “Memorial Day”;
- (f) July 4<sup>th</sup>, known as “Independence Day”;
- (g) The first Monday in September, known as “Labor Day”;
- (h) September 9<sup>th</sup>, known as “Admission Day”;
- (i) The second Monday in October, known as “Columbus Day”;
- (j) November 11<sup>th</sup>, known as “Veterans Day”;
- (k) Thanksgiving and the day after Thanksgiving;
- (l) December 24<sup>th</sup>, known as “Christmas Eve”;
- (m) December 25<sup>th</sup>, known as “Christmas”; and
- (n) Other or alternate holidays agreed upon between the District and employee bargaining groups, as documented in the Employees’ Association Memorandum of Understanding.

303.1.2 In the event that any of the holidays provided fall on Sunday, the Monday following will be observed, and in the event any of the holidays provided fall on a Saturday, the Friday preceding will be observed.

303.1.3 A day off with pay for full-time employees under this Section shall be recognized as eight (8) hours.

### 303.2 Vacation Leave

303.2.1 Accrual of vacation leave under the District’s vacation plan will be administered as stated below, unless modified by Employees’ Association Memorandum of Understanding. The General Manager may increase the rate of accrual for the purposes of recruitment and as a reward for consistent outstanding performance for any employee who is at the top step of the employee’s classification wage range.

Years of Employment

Days Vacation Accrued/Month

Beginning of 1<sup>st</sup> year through end of 3<sup>rd</sup> year

1 day/month =12 days/year

Beginning of 4 <sup>th</sup> year through end of 7 <sup>th</sup> year	11/4 days/month = 15 days/year
Beginning of 8 <sup>th</sup> year through end of 12 <sup>th</sup> year	1 2/3 day/month = 20 days/year
Beginning of 13 <sup>th</sup> year and after	2 1/12 days/month = 25 days/year

- 303.2.2 Vacation leave accrued and taken in any calendar year may not exceed the number of days the employee would be entitled to for the number of years of service they have accumulated with the District.
- 303.2.3 If the General Manager determines that the best interest of the District will be served by delaying all or part of the vacation leave due such employee, unused vacation leave so accumulated shall be added to leave subsequently due, not to exceed a maximum of two years' vacation allowance in the case of any employee in a calendar year.
- 303.2.4 An employee who has reached the maximum vacation accrual level of two years allowance will cease accruing vacation until sufficient vacation is taken that the accrual balance is less than the stated maximum, unless otherwise approved by the General Manager.
- 303.2.5 Vacation credit shall begin on the first day of the month if employment began on that date, or the first business day following the first of the month; otherwise it shall begin on the first day of the succeeding calendar month.
- 303.2.6 Employees who separate from District service for any reason will be paid for accrued and unused vacation.

### 303.3 Sick Leave

- 303.3.1 Paid sick leave provides time off without loss of pay for reasons, and under the conditions, specified in this policy, as may be modified by MOU or applicable law. The District's Sick Leave Policy conforms to Healthy Families Act of 2014 (CA Paid Sick Leave.) Every employee should use sick leave with respect for the intent of the policy and the impact on fellow employees. All employees are responsible for the proper administration of the sick leave provision.
- 303.3.2 Accrual of paid sick leave is set forth below, as may be amended or modified by specific provisions in relevant Memoranda of Understanding and/or adopted Compensation Resolutions.
  - (a) Regular Full-time Employees: Sick leave with pay shall accrue to regular full-time employees at the rate of one work day for each calendar month of service, or according to current Memoranda of Understanding or Compensation Agreements. Sick leave credits shall accrue only while an employee is in paid status with the District.

(b) Part-time and Seasonal Employees: After working a minimum of 30 calendar days for the District, 3 days (24 hours) of paid sick leave shall accrue to part-time, seasonal and temporary employees. The accrual will be capped at 3 days or 24 hours.

303.3.3 Approved Sick Leave may be granted to all full-time employees for the following reasons:

(a) For the diagnosis, care or treatment of an existing health condition, or preventive health care for the employee or a member of the employee's immediate family.

(b) Enforced quarantine of the employee in accordance with community health regulations.

(c) To allow a victim of domestic violence and/or a victim of sexual assault to obtain relief or attempt to obtain relief to help ensure his/her health, safety, or welfare, or that of his or her child(ren).

(d) To allow a victim of domestic violence and/or a victim of sexual assault to seek medical attention, to obtain services from a domestic violence program or psychological counseling, or to participate in safety planning.

(e) Complication or disability resulting from or contributed to any pregnancy, termination of pregnancy, or recovery therefrom.

303.3.4 One-half (50%) of the Sick Leave accrued by a full-time employee in any one year shall be granted if needed for the reasons cited in 303.3.3(a),(c),or (d).

303.3.5 After meeting the eligibility and waiting period requirements set forth in this policy, accrued Sick Leave can be taken by eligible part-time, seasonal and temporary employees for the following reasons:

(a) The diagnosis, care or treatment of a health condition or for preventive care of the employee or a member of the employee's immediate family.

(b) For specified purposes when an employee is a victim of domestic violence, sexual assault or stalking.

(c) Sick Leave under this Section can only be taken for an absence from a previously scheduled work shift.

303.3.6 Supervisory personnel are charged with the responsibility for reviewing and evaluating sick leave usage.

(a) Sick leave misuse or abuse is generally defined as use of sick leave for reasons other than are set forth in this policy. Potential indicators of abuse are:

- (1) A pattern of sick leave use involving days adjacent to scheduled days off and holidays.
- (2) Refusal or inability to provide medical substantiation when requested.
- (3) Frequent absences with vague or questionable substantiation.
- (4) Frequent or recurring exhaustion of sick leave soon after it is earned (unless for substantiated medical reasons).
- (5) Other evidence of employee activity that is inconsistent with the legitimate use of sick leave, such as usage higher than the District average for the previous calendar year (deduct serious illness or injury) and two or more indicators above.

(b) When it is determined, by investigation, that sufficient evidence exists to demonstrate that an employee has abused or is abusing or misusing the sick leave privilege, the General Manager may cause such disciplinary action to occur as deemed appropriate to deter future misuse. If it is found that the claim for sick leave was fraudulent, the claim for sick leave will not be paid. Sick leave taken under Sections 303.3.4 and 303.3.5, above, shall not be considered in determining abuse or misuse of the sick leave privilege.

303.3.7 Except for sick leave taken under Sections 303.3.4 and 303.3.5, above, the District may require a medical provider's certificate for absences due to illness when the employee has been put on notice of being suspected of misuse of sick leave and that future absences will require a medical provider's certificate. The medical provider's certificate shall be requested at the earliest possible time and prior to the employee's return to work, whenever possible. The request for a medical provider's certification will adhere to 303.3.7 (b).

(a) Fitness for Duty Exam - Any employee may be required by the General Manager to submit to an examination by a licensed medical provider or psychologist at any time, subject to sufficient cause existing, by the District at its expense in order to determine the state of the employee's health and fitness to perform assigned tasks.

(b) Privacy laws restrict employers from requesting certain medical or health information. Therefore, if asking for a medical provider's certification or other verification of absence due to illness, the District may ask when the employee is anticipated to return to work, with or without restrictions, but cannot ask for a diagnosis or prognosis.

303.3.8 Paid sick leave provides time off without loss of pay for qualifying reasons. It is a non-vested benefit which carries no cash value. Except as may be provided as Accrual Incentives or Retiree Service Credit in designed Memoranda of Understanding or Compensation Resolutions, there is no provision for a pay-out of accrued and unused sick leave upon separation from District employment.

If a part time, seasonal or temporary employee separates and returns within one (1) year of separation, unused sick leave hours shall be restored to the employee. If the employee returns after one (1) year of the previous separation, the sick leave hours shall not be restored to the employee.

#### 303.4 Voting Time Off

303.4.1 In the event an employee does not have sufficient time outside of working hours to vote in an election, the employee may take a limited amount of time off without loss of pay to vote.

303.4.2 Voting time off should be taken at the beginning or end of the regular work schedule, whichever allows the most free time for voting and the least time off from work. An employee will be allowed a maximum of two (2) hours of voting leave on Election Day.

303.4.3 Employees should notify their supervisor of the need for time off to vote at least three (3) working days prior to Election Day.

#### 303.5 Military Leave

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

In an emergency situation, if orders are not available at the time of the ordered leave, oral notice should be given as soon as possible, with a copy of the military orders to be provided to the District as soon as it is available.

- 303.5.2 Employees ordered into active federal military duty as a member of the National Guard or Naval Militia will be granted military leave for a period not to exceed five (5) years, unless there is an authorized exemption. Authorized exemptions to the five-year limit include: initial enlistments lasting longer than five years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls.
- 303.5.3 Employees ordered to temporary active duty, or for training, will be granted military leave for a period not to exceed 180 calendar days, including time spent traveling to and from such duty.
- 303.5.4 Employees will receive District pay while on military leave, as outlined by law.
- 303.5.5 The District will continue to pay the District's portion of the cost of Health Insurance for an employee while he or she is on any military leave to the same extent it would if the employee were working, regardless of pay status in accordance with the law.
- 303.5.6 Employees on temporary military leave and who have at least one year of service with the District or at least one year of combined military/District employment service, continue to accrue the same vacation, sick leave, and holiday benefits for up to a maximum of 180 days. This provision also applies to employees who are members of the National Guard.
- (a) Employees on active military leave are not entitled to accrue sick leave or vacation during the period of Military Leave.
  - (b) Employees who are members of the National Guard and are on active military leave accrue vacation and holiday benefits, but not sick leave, for the first 30 days of active service.
- 303.5.7 An employee returning from active duty after serving in time of war or national emergency must seek reemployment within six months after completing military service, but not later than six months after the end of the war or national emergency. Reemployment rights do not extend to an employee who fails to return to his/her position within 12 months after the first date on which he or she could terminate active military service.
- (a) An employee on military leave for reasons other than war or national emergency must return to work or seek reemployment as set forth below:
    - (1) An employee whose military leave lasted from 1 to 30 days must report to the District by the beginning of the first full

regularly scheduled work day on the first full calendar day following the completion of the period of service.

- (2) An employee whose military service lasted from 31 to 180 days must submit a reemployment application (verbally or in writing) with the District no later than 14 days after the completion of the period of service.
- (3) An employee whose military leave lasted more than 180 days must submit a reemployment application (verbally or in writing) with the District no later than 90 days after the completion of the period of service.

- (b) An employee who fails to report to work or submit a reemployment application as set forth in this Section may be deemed to be on Unauthorized Leave from the District.

### 303.6 Family Care Leave

Although the District has fewer than 50 employees and is not required to provide family and medical leave under either the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), it will grant eligible employees family care leave similar to the provisions of the FMLA and CFRA, their corresponding regulations, and this rule. If, at any time, the District employs 50 or more employees, this rule will also govern leave procedures under the FMLA and CFRA. The Family Care Leave policy may be found at Appendix 300.

### 303.7 Pregnancy Disability Leave

303.7.1 The District will provide up to four months, or seventeen and one-third (17 1/3) weeks of Pregnancy Disability Leave to eligible employees as required by State law. Pregnancy Disability Leave is without pay.

303.7.2 An employee who has been advised by her health care provider that she is disabled due to pregnancy or a pregnancy-related condition, and who has provided timely notice of this determination to the District, is entitled to Pregnancy Disability Leave. There is no minimum service requirement for eligibility.

303.7.3 Pregnancy Disability Leave is available when a woman is actually disabled by her pregnancy, childbirth, or a related medical condition. The reasons for leave include:

- (a) time off needed for prenatal care;
- (b) severe morning sickness;

- (c) doctor-ordered bed rest; and/or
- (d) childbirth, recovery from childbirth, and any related medical condition.

A woman does not have to be completely incapacitated or confined to her bed to qualify as being disabled by pregnancy. However, as a general rule, a woman must be, in the opinion of her physician, unable to perform one or more essential functions of her job without undue risk to herself or to other persons, or without undue risk to successful completion of her pregnancy.

303.7.4 The duration of Pregnancy Disability Leave is limited to four months (17 1/3 weeks) during the period the employee is disabled by pregnancy or a pregnancy-related condition.

303.7.5 Pregnancy Disability Leave may be accounted for in increments of no greater than one hour, or the increment utilized to account for use of other forms of leave (if the same is less than one hour).

303.7.6 An employee disabled by pregnancy is eligible for intermittent or reduced schedule leave if recommended by her treating physician.

- (a) If intermittent leave is medically advisable, it may be necessary to temporarily transfer the employee to an available alternative position with an equivalent rate of pay and benefits.
- (b) The employee must be qualified for the available alternative position.
- (c) The equivalent position must better accommodate recurring periods of leave than the employee's regular job.
- (d) If there is no available alternative position, the District may consider altering the employee's existing position on a temporary basis to accommodate intermittent leave or reduced schedule.

303.7.7 The District will consider temporary reasonable accommodations that are determined to be medically advisable by the employee's health care provider, and reasonable by the District. Temporary accommodations may include:

- (a) Additional leave after the employee has exhausted her right to four months of Pregnancy Disability Leave;
- (b) Transfer to a less strenuous or hazardous position if the employee's health care provider states that it is medically advisable and the employee is qualified for the position;

- (c) Creation of a temporary light-duty assignment, or modification of current job on a temporary basis;
- (d) Modifying the work schedule on a temporary basis; and/or
- (e) Allowing more frequent restroom breaks.

303.7.8 An employee seeking a temporary accommodation in conjunction with pregnancy or a pregnancy-related condition shall provide notice of the need for such an accommodation in advance of the needed accommodation, unless such notice is not possible.

- (a) The request for accommodation must include Medical Certification that documents the specific limitations the health care provider has set forth for the employee, as well as the anticipated duration of those limitations.
- (b) The District shall engage in an interactive process with an employee seeking a temporary accommodation in conjunction with pregnancy or a pregnancy-related condition to identify, discuss, evaluate, and implement accommodations that are consistent with the recommendations of the health care provider.

303.7.9 Employees on approved Pregnancy Disability Leave will be required to exhaust accumulated leave balances before being placed on unpaid leave.

303.7.10 The District will continue to pay the District's portion of the cost of "Health Insurance" for an employee while she is on an approved Pregnancy Disability Leave to the same extent it would if the employee were working, regardless of pay status, for a maximum of four (4) months.

- (a) "Health Insurance" is defined as medical, vision, and dental insurance. The employee must continue to pay his/her employee contribution to Health Insurance either through payroll deduction while using leave balances, or by direct payment to the District while on unpaid leave.
- (b) Coverage on a particular plan may be dropped if the employee is more than 30 days late in making a premium payment. However, the employee shall receive a notice at least 15 days before coverage is to cease, advising that she will be dropped if the premium payment is not paid by a certain date.
- (c) Contribution amounts for all employees are subject to any change if changes in rates occur while the employee is on leave.

(d) The total combined duration of District contribution toward Health Insurance available during unpaid leaves due to any combination of pregnancy disability, the employee's serious health condition, and family care purposes will not exceed twenty-nine and one-third (29.33) weeks in a twelve (12) month period.

303.7.11 Leave available under the California Family Rights Act will not run concurrently with Pregnancy Disability Leave. An employee may have separate eligibility for "bonding" leave following the birth of a child under the California Family Rights Act. Refer to the District Family and Medical Care Leave policy for information about eligibility requirements.

303.7.12 Employees must provide at least thirty (30) days' advance notice of the need for Pregnancy Disability Leave, or the need for a temporary reasonable accommodation, or transfer in conjunction with pregnancy, if the need is foreseeable. If such notice is not possible due to a change in circumstances, medical emergency, or other good cause, the employee is required to provide notice as soon as practicable.

303.7.13 Medical certification will be required to support the need for Pregnancy Disability Leave or other reasonable accommodation in conjunction with pregnancy or a pregnancy-related condition.

(a) Medical certification is to be provided by the employee's health care provider, and must include:

(1) the date on which the employee became disabled due to pregnancy;

(2) the anticipated duration of the period of disability; and

(3) an explanatory statement that, due to the disability, the employee is unable to work at all, or is unable to perform any one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.

303.7.14 An employee returning from Pregnancy Disability Leave or temporary accommodation shall be reinstated to the same position she held prior to taking leave or undertaking a temporary accommodation in conjunction with pregnancy or a pregnancy-related condition, except as provided below.

(a) The employee may not be reinstated to the exact same position if the employee would not have been employed for reasons unrelated to the leave, such as a layoff.

- (b) If the exact same position is not available, the employee will be reinstated to a comparable position. A comparable position is one that is virtually identical to the employee's previously held position, including wages, benefits, working conditions, and shift.

#### 303.7.15 Lactation

In accordance with California Labor Code section 1030, the District shall provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time, if possible, shall run concurrently with the employee's regular break time.

In accordance with California Labor Code section 1031, the District shall make all reasonable efforts to provide the employee with the use of a room or other location, other than the restroom, in close proximity to the employee's work area, for the employee to express milk in private.

#### 303.8 Bereavement Leave

- 303.8.1 A leave of absence with pay because of death in the immediate family of a person in the District employ, as defined in Section 303.15, below, may be granted by the General Manager for a period not to exceed three days.
- 303.8.2 For out-of-state funerals the Board authorizes an additional day (for a total of four days).
- 303.8.3 Entitlement to a leave of absence under this Section shall be in addition to any sick leave, emergency leave, or any other leave to which the employee may be entitled.

#### 303.9 Jury Duty

- 303.9.1 The District will grant time off in conjunction with service on a jury in response to a subpoena pursuant to the requirements of the Federal Jury System Improvement Act of 1978 and California Labor Code section 230. Compensation during authorized jury will be provided pursuant to the terms of this policy, as may be modified by relevant Memoranda of Understanding or approved Compensation Agreements. Proof of jury duty must be provided to District.
- 303.9.2 In the event an employee is called for jury duty, no deduction from salary will be made for the absence while serving as a juror or in answering the call for jury duty; provided, however, that the employee shall endorse payments from the Courts for jury duty to the District.

- 303.9.3 Employees may retain any reimbursement for mileage issued by the Courts in conjunction with jury service.
- 303.9.4 Employees called to jury duty must report to work before or return to work following their service whenever practical.
- (a) If an employee does not have to report to the jury room/court for full days in the midst of their service, he or she is expected to report to work whenever practical.
  - (b) An employee's failure to report to work may be considered to be an absence without leave and could be subject to disciplinary action.
  - (c) Employees who must report for jury duty on their regular days off will not be eligible for jury duty pay. Such service is considered to be a civic duty and not compensable by the District.
- 303.9.5 In the event an employee is subpoenaed to appear as a witness in a trial related to District business, no deduction from salary will be made for the absence while serving as a witness or in answering the subpoena; provided, however, that the employee shall endorse all payments, if any, for witness duty to the District.

### 303.10 School Activities Leave

- 303.10.1 Parents, guardians, grandparents, or individuals serving as parents with custody of minor children are entitled to take up to forty (40) hours of time off work each year to attend school-related activities for the following reasons:
- (a) when a student has been suspended and the parent, guardian or grandparent is required to appear at the school pursuant to the school's request; and/or
  - (b) to attend designated Child-Related activities. Child-Related activities include: attending school functions, activities and programs; finding, enrolling or reenrolling a child in a school or with a licensed child care provider; addressing a child care or school emergency, including closure or unexpected unavailability of the school (excluding planned holidays) or a natural disaster.
- 303.10.2 Except for the need to address a child care provider or school emergency, the use of School Activities Leave is limited to 8 hours per month.
- 303.10.3 The District may require proof of an employee's participation in these activities.

303.10.4 The employee must provide reasonable advance notice to his or her supervisor before taking any time off under this policy.

303.10.5 Employees must use accrued paid time off for the absence. If the employee does not have any accrued paid time off, the absence will be unpaid. However, exempt employees will be paid their full salary for any week in which they perform any work for the District that is interrupted by the need for time off under this policy.

### 303.11 Time Off for Crime Victims

303.11.1 Employees who have been victims of serious or violent felonies, as specified under California law, or felonies relating to theft or embezzlement, may take time off work to attend judicial proceedings related to the crime.

303.11.2 Employees also may take time off if an immediate family member has been a victim of such a crime and the employee needs to attend judicial proceedings related to the crime.

303.11.3 Employees must give their supervisor a copy of the court notice given to the victim of each scheduled proceeding before taking time off, unless advance notice to the District of the need for time off is not feasible. When advance notice is not feasible, the employee must provide the District with documentation evidencing the judicial proceeding, within a reasonable time after the absence. The documentation may be from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim.

303.11.4 Employees will be paid under this section only to the extent they have accrued vacation or compensatory time off available.

### 303.12 Catastrophic Leave

303.12.1 A leave of absence with pay for up to five days annually may be granted in the case of a catastrophic event (such as earthquake, flood or fire) that directly impacts the employee, or a member of the employee's immediate family as defined in Section 303.15, below. Employees must request and receive approval from the General Manager to receive paid Catastrophic Leave. Catastrophic Leave shall be in addition to any other entitled sick, vacation or other leave benefit.

### 303.13 Medical Leave Donation Program

303.13.1 Any District employee who accrues vacation credit may voluntarily donate those credits to any other District employee if the recipient

employee experiences a catastrophic illness or injury and has exhausted all accrued leave credits, i.e. sick leave, vacation, compensatory time off, due to illness or injury, including pregnancy and maternity leave.

- 303.13.2 Employees may donate a maximum of forty (40) hours of vacation per fiscal year in increments of eight hours in support of fellow employees who experience a catastrophic illness or injury. Unused donated time will be returned proportionally to the donors.
- 303.13.3 Donated time will be “banked,” using the value of each hour of donated time as the basis for credit.
- 303.13.4 An employee may request a grant of donated time under the program when he/she has a catastrophic illness or injury, and has exhausted all accrued paid leave benefits. Grants may be requested when the employee must care for a member of his/her immediate family under the same conditions. The request must include documentation of the catastrophic illness or injury, the limitations of that condition, and the anticipated duration of the condition.
- 303.13.5 A request for donated time under this program may be submitted by the legal representative or an employee’s immediate family member with the employee’s authorization. The request must include documentation of the catastrophic illness or injury, the limitations of that condition, and the anticipated duration of the condition.
- 303.13.6 Grants of donated time will be approved by the General Manager, with consideration being given to the amount of available donated time and the demonstrated need of the employee. In no event will a grant of donated time be approved for an employee who has a history or record of sick leave abuse or failure to responsibly use accrued leave benefits.
- 303.13.7 Grants will be awarded as hours from the leave bank. Donated vacation credit may not exceed continuance of the employee’s regular rate of compensation.
- 303.13.8 While an employee is on catastrophic leave using donated time, the employee shall not accrue any vacation or sick leave.
- 303.13.9 Donations are subject to applicable tax laws. Recipient employees will be responsible for any applicable state and federal income taxes on the donated time. There is no tax liability to donors.

### 303.14 Leave Without Pay

303.14.1 A leave of absence without pay may be granted by the Board of Trustees upon the request of a District employee and recommendation of the General Manager, but such leave shall not be for longer than six months

303.14.2 Unless otherwise specifically provided in the policies in this Chapter, or set forth in provisions of the Employee's Memorandum of Understanding, the General Manager is directed NOT to pay the health benefits of employees at any time that they are on leave without pay from the District.

### 303.15 Definition of Immediate Family

303.15.1 The definition of "Immediate Family" shall be consistently applied to all leave policies set forth in this Chapter. The District purposefully elects a broad and consistent definition, which may, in some circumstances, be beyond what is required by law and regulation, to ensure efficient and consistent administration of leave policies.

303.15.2 For purposes of leave administration in this Chapter, "Immediate Family" is defined as an employee's: Spouse (including a lawfully married same-sex spouse), state registered domestic partner, child, (including a biological, adopted, or foster child, legal ward, or a child to whom the employee stands in loco parentis) child of registered domestic partner, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, stepfather, parent-in-law, grandparent and grandchild.

## **Section 304. Probation and Performance Management**

### 304.1 Probationary Period

304.1.1 The probationary period is regarded as a part of the selection process for regular employees and is utilized for the purpose of determining the employee's ability to satisfactorily perform the essential job duties, with or without reasonable accommodations, prescribed for the position, and determining the employee's ability to work with other employees. All probationary employees are considered to be "at-will." Temporary, part-time, and seasonal employees are at-will employees and are not subject to a probationary period. The probationary period policy does not apply to at-will management employees.

- 304.1.2 All initial and promotional appointments shall be tentative and subject to a probationary period of actual District service in the new position. The probationary period does not include time served under any temporary or provisional appointment. The length of the initial and promotional probationary period shall be six (6) months for all full-time employees.
- 304.1.3 The probationary period of an individual employee may be extended by the General Manager prior to the expiration of probation, upon the request of the supervisor and approved by the General Manager, for a period not to exceed an additional six (6) months.
- (a) Probation may be extended if there has been insufficient opportunity to fully evaluate the employee's ability to perform the duties prescribed for the regular position. Such an extension must be approved by the General Manager, and the employee shall be notified in writing of the extension of the probationary period.
- (b) If the number of leaves of absences (paid or unpaid) totals thirty (30) or more days, it will automatically extend the probationary period the equivalent amount of time the employee was absent from work.
- 304.1.4 A supervisor may determine that a probationary employee should not pass probation at any time during the employee's probationary period or extension thereof. When the supervisor makes such a determination, he/she shall notify the General Manager in writing. Upon approval of the General Manager, the supervisor shall terminate employment of the probationary employee by written notice prior to the expiration of probation.
- 304.1.5 Probationary employees serve in an at-will capacity. Any release from probation shall not be for cause but rather, because the employee failed to meet the standards of the class/position. The employee has no right of appeal of failure to pass probation.
- 304.1.6 An employee who fails to pass probation following a promotional appointment and held regular status in his/her former classification shall be reinstated to his/her former position or to a vacant position in the same classification.
- 304.1.7 If an employee is promoted during a probationary period, the employee shall serve the probationary period in the new position. If the employee does not pass the probationary period of the promotion, there are no specific employee rights to return to his/her previous job, since regular status was not obtained.

## 304.2 Performance Evaluations

- 304.2.1 The performance management system at the District is designed to motivate, recognize and reward employees' efforts and achievements. The District strives to create a work environment in which employees are recognized and rewarded for their contributions and where employees understand, contribute and help meet the District's overall goals.
- 304.2.2 Goal-oriented performance objectives should be established and clearly communicated for each employee. Both performance and behavioral objectives may be established. It is important that employees understand the District's expectations.
- 304.2.3 The District encourages individual feedback to employees on a regular basis. The District's performance management system is designed so that each regular full-time employee will be evaluated at least annually, and quarterly while the employee is on probation.
- 304.2.4 Employees will be eligible for consideration of a salary step increase in conjunction with the annual evaluation. The first increase will be considered with the evaluation at the employee's six-month anniversary.
- 304.2.5 All employee evaluations shall be prepared in written form and shall be signed by the employee's supervisor. (The General Manager's supervisor is the Board of Trustees or its chosen representatives.)
- 304.2.6 For each evaluation, there shall be a performance evaluation review meeting between the employee and the employee's supervisor, during which the written evaluation shall be presented and discussed.
- (a) Upon completion of the performance evaluation review meeting, the employee shall sign the evaluation to show that the interview was completed.
  - (b) The employee shall have the opportunity to provide written comments regarding the evaluation within seven calendar days of the interview.
  - (c) The General Manager shall review the performance evaluation and employee comments. The General Manager shall sign the performance evaluation to indicate that the process was completed. A copy of the completed performance evaluation, and the employee's comments, shall be provided to the employee. The original copy will be kept in the employee's personnel file.

- 304.2.7 An employee evaluation that is less than satisfactory requires preparation of a performance improvement plan to be signed by the employee, and a follow-up evaluation within six months.
- 304.2.8 The performance evaluation is not subject to the grievance process set forth in Chapter 700 of this Policy Manual.

### **Section 305. Job Abandonment**

Attendance and punctuality that is observant of scheduled hours on a regular basis is an essential function of all classification. A constructive resignation occurs and is effective when an employee has been absent from duty for three (3) or more consecutive working days without authorized leave. The District may consider that a constructive resignation has occurred due to the absence, or that the absence provides a reasonable basis for believing that the employee has abandoned the job.

At minimum, one phone call in an attempt to speak with the employee will occur. A voice message may be left for the employee.

After being absent for three consecutive working days, a written notice will be sent via U.S.P.S. Priority Mail to the employee. If known, an e-mail may also be sent to the employee's personal e-mail address. The employee will be given written notice, at employee's address of record, of the circumstances of the job abandonment, and an opportunity to provide an explanation for employee's unauthorized absence. The employee will be provided five (5) calendar days to respond, in writing, why employee's employment with the District should not be terminated due to job abandonment, or can arrange for an appointment with the General Manager or designee before final action is taken to explain the unauthorized absence and failure of timely notification. The decision of the General Manager is final.

### **Section 306. Drug Free Workplace**

- 306.1 The District is committed to providing a work environment that is safe, healthy, and free of any adverse effects caused by alcohol or controlled substances. The District is concerned about employees or other persons working, contracting, or volunteering with the District being under the influence of alcohol, drugs, and/or controlled substances at work or while on District premises. 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.
- 306.2 A District employee is prohibited from working or being subject to call-in if impaired by alcohol or any controlled substance.
- 306.3 An employee must notify his/her supervisor before beginning work when taking medications or drugs that 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.

- 306.4 Compliance with this policy is a condition of District employment. Disciplinary action will be taken against those who violate this policy.
- 306.5 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 or joint control of the District and employees, without prior notice. No employee has any expectation of privacy in any District building, property, or communications system. No personal property items, such as personal cell phones or other personal electronic devices, purses, backpacks, briefcases, etc., will be searched under this policy.
- 306.6 Except as provided otherwise in a Memorandum of Understanding, the District has discretion to test a current employee for alcohol or drugs following any work-related accident or any violation of safety precautions or standards.

### **Section 307. Workplace Violence**

The goal of the District is to provide every employee a safe work environment. To this end it is the District's policy that violence, or the threat of violence, in the workplace will not be tolerated in any form. It is inappropriate to use violence or threats of violence for any reason or to in any way interfere with providing a safe workplace. Violence, or the threat of violence, against or by any employee of the District or any other person is unacceptable.

- 307.1 Should a non-employee or District Trustee on District property demonstrate or threaten violent behavior, the District will call law enforcement and he/she may be subject to criminal prosecution. Should an employee demonstrate or threaten violent behavior, he/she may be subject to disciplinary action up to and including termination.
- 307.2 The following actions are considered violent acts, but not limited:
- (a) Striking, punching, slapping or assaulting another person.
  - (b) Fighting or challenging another person to a fight.
  - (c) Grabbing, pinching or touching another person in an unwanted way whether sexually or otherwise.
  - (d) Engaging in dangerous, threatening or unwanted horseplay.
  - (e) Threat with the use of a gun, knife or other weapon of any kind on District property, including parking lots, other interior and exterior premises, District vehicles, or while engaged in activities for the District in other locations.

- (f) Verbal assaults. Verbal assaults are statements that would place a reasonable person in fear of harm for the safety of himself/herself or others and that serve no legitimate workplace purpose.
  - (g) Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.
- 307.3 Any employee or Trustee who is a victim of any violent threatening or harassing conduct, any employee or Trustee witness to such conduct, or any employee or Trustee receiving a report of such conduct, whether the perpetrator is a District employee or a non-employee, shall immediately report the incident to their supervisor or other appropriate person in the chain of command. The General Manager must be notified.
- 307.4 No one, acting in good faith, who initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment by the District.
- 307.5 Any employee reported to be a perpetrator, will be provided due process before the District takes disciplinary action.
- 307.6 Anyone who fears for the safety of persons at the scene of the violent act should call law enforcement immediately.

### **Section 308. Exit Interviews**

- 308.1 The General Manager, or immediate supervisor, shall meet with each employee at the end of their employment at the District.

## CHAPTER 300. SALARIES AND WORKING CONDITIONS OF EMPLOYEES

### Section 301. Salaries

#### 301.1 Compensation Plan

301.1.1 The District has developed a compensation plan that is intended to achieve and support the following goals and objectives:

- (a) The plan enables the District to recruit and retain highly qualified employees;
- (b) The plan provides equitable salaries within a structure where positions are paid in appropriate relationship to each other in the organization and comparable agencies;
- (c) The plan recognizes employee performance and motivates employees to improve their level of performance on the job; and
- (d) The plan is flexible in administration.

301.1.2 Salaries, benefits and working conditions are subject to the meet and confer process with recognized employee bargaining units. In establishing a framework for review of compensation, the District takes into account compensation in place in Alameda County as well as adjacent mosquito abatement districts, unless otherwise modified through the bargaining process.

301.1.3 The salary of the District General Manager shall be considered independently of other District positions.

#### 301.2 Salary Steps

301.2.1 Entry-level field personnel shall be hired at the position of Assistant Mosquito Control Technician for a minimum of six months and until certification as a Mosquito Control Technician is received, at which time they shall advance to the position of Mosquito Control Technician. The salary for the position of Assistant Mosquito Control Technician is approximately 5% below that of Mosquito Control Technician step 1.

301.2.2 The recommended plan for the positions of Mosquito Control Technicians, ~~Accounting Associate, and Administrative Assistant, Entomologist~~ Lab Director, and Field Operations Supervisor consists of a series of salary ranges, each containing five steps. Each step is approximately 5% above the preceding step in that range.

301.2.3 For each salary range, the first step is considered the entrance rate and the top step the maximum, unless the District General Manager finds merit in a the candidate possesses exceptional skills or qualifications that would be highly beneficial to the District; or due to the difficult nature of the recruitment, few qualified candidates were available and it is necessary to hire at an advanced step in order to obtain a person to fill the vacancy. candidate's related work experience and training. Ordinarily, new employees would be started at the minimum rate and progress to the second step after six months of satisfactory service. The third step is achieved after an additional six months of satisfactory service. Each remaining step is reached after one year of satisfactory service at the preceding step. This provision applies to all represented employees.

301.2.4 The position of Vector Biologist consists of two steps. Vector Biologist step 2 is 5% above the salary range of step 1 and can be achieved after one year of satisfactory service.

301.2.5 The positions of Administrative Assistant, Regulatory & Public Affairs Director, Environmental Specialist, Mechanical Specialist, Mechanical Specialist, Information Technology Coordinator, IT Director, and Biological Specialist Laboratory Scientist consist of a series of salary ranges, each containing five steps. Each step is 2.5% above the preceding step in that range. Progression from step 1 through step 5 follows the plan described in 301.2.3, above.

301.2.6 If an employee is promoted or changes position in the District service to another position of in a higher salary schedule, the salary ~~received~~ shall be the amount provided in the schedule step for the ~~latter~~ new position, which is at least one step higher than the amount received in the former position, but may not exceed the salary schedule. Such salary will be pro-rated from the effective date of promotion to the end of the subject pay period. The date of promotion or advancement will be the new anniversary date established for the employee for purposes of evaluation and advancement in the salary range.

301.2.7 The Board may provide for longevity pay as agreed upon in the Employees' Association Memorandum of Understanding.

### 301.3. Workweek and Pay Days

301.3.1 The standard workweek ~~as used herein~~ is hereby defined as any consecutive seven-day period commencing at 12:00 a.m. of any Sunday and ending at 11:59 p.m. the following Saturday.

301.3.2 Established payday for the District are the 15th and last working day of the month. Employees will be paid for time worked from the 1st through the 15th on the 15th of the month; time worked between the 16th and the end of the month will be paid on the last working day of the month.

#### 301.4. Alternate Workweek

301.4.1 The District General Manager may approve an alternate work schedule (including a 9/80 schedule, a 4/10 schedule, or some other alternate schedule based on a 40-hour workweek) for individual employees based on staffing needs, the employee's performance and the nature of the position. An alternate work schedule for an employee may be implemented at the sole discretion of the District General Manager and may be thereafter modified or eliminated as needed, at any time by the District General Manager.

301.4.2 Employees approved to work an alternate 9/80 work schedule will work nine (9) hours for four fixed days in each one workweek, and eight (8) hours the remaining day of one workweek. The employee will be off work on the corresponding fifth day in the following workweek. As such, during the two-week work period, the employee will work a total of 44 hours one calendar week and 36 hours the following calendar week, with the hours worked split between two workweeks as defined in Section 301.4.3, below.

301.4.3 The Fair Labor Standards Act (FLSA) workweek for employees on the 9/80 schedule will begin at "mid-day of an employee's scheduled 8-hour workday" and end "mid-day of the employee's scheduled workday on the same day of the following week." Using this method, an employee will work a total of 40 hours during each scheduled workweek. Overtime and compensation time apply to non-exempt employees for hours worked beyond 40 in any established workweek.

301.4.4 The employee will be eligible to request a 9/80 work schedule following at least six months of employment, subject to the recommendation of his/her supervisor, and the approval of the District General Manager. Employees must complete a signed agreement approved by their supervisor and the District General Manager, to be eligible for the 9/80 work schedule.

301.4.5 The employee will continue accruing vacation and sick leave hours at the same rate as before being assigned to an alternative work schedule. An employee who is using vacation or sick leave will be charged the number of hours of use.

301.4.6 Compensation for holidays will change when **an employee is** assigned to an alternative work schedule. Employees normally receive 8 hours of holiday pay when assigned to a regular 40-hour per week work schedule. Under the 9/80 work schedule option, an employee ~~will continue~~s to receive 8 hours of holiday pay, even if the holiday falls on a day when the employee is scheduled to work 9 hours. The employee will use his/her accrued compensatory time off time or vacation time to make up the one-hour difference.

### 301.5 Working Hours

301.5.1 Established hours of District operation are between 7 a.m. and 5:30 p.m. each day. Reporting times, defined as the time when employees are expected to be present and ready to start work, may vary based on the specific job requirements. The supervisor will establish the reporting times for each group of employees.

301.5.2 Employees must be present at their job during the “core hours” of 8 a.m. to 11 a.m. and 1:30 p.m. to 3:30 p.m., unless their supervisor and/or the District General Manager ~~those hours are~~ modifies ~~those hours~~ by their supervisor and/or the District Manager. For employees approved to use an alternate work schedule, the employee and the employee’s supervisor will establish the work hours for the employee based on established guidelines and as determined by the supervisor and District General Manager.

301.5.3 Each employee is provided ~~required to take~~ a 30-minute unpaid meal period ~~lunch break~~ on any workday ~~that he or she~~ the employee works longer than 6 hours.

301.5.4 Employees are entitled to take one 10-minute ~~break~~ rest period for every four hours of work. ~~Breaks~~ Rest periods may not be combined with the 30-minute ~~lunch~~ meal period or be used to arrive late to work or leave work early.

301.5.5 Employees are expected to arrive at work at their regularly-scheduled reporting time.

(a) If an unforeseen delay results in ~~arrival to~~ **arriving at** work 15 minutes or less past the regularly-scheduled reporting time, the employee is expected to make that time up at the end of the work shift.

(b) If an unforeseen delay results in ~~arrival to~~ **arriving at** work more than 15 minutes past the regular reporting time, the period of absence is to be charged to the employee’s accrued vacation balance or compensatory time off.

**Commented [BB1]:** PLEASE NOTE THE LAW HAS CHANGED AND EMPLOYERS DO NOT NEED TO ENSURE AN EMPLOYEE TAKES A MEAL PERIOD. ER ARE NOW REQUIRED TO OFFER A MEAL PERIOD.

## 301.6 Overtime

301.6.1 “Overtime work” as used herein is hereby defined as all time that ~~for a non-exempt employee of the District is required to work in excess of~~ is actual hours worked over 40 hours in any one workweek. ~~except that, in any workweek in which a holiday or holidays occur, all time worked in excess of 40 hours in a workweek, less the number of hours (but not to exceed 8 hours in any one day) normally worked by such employee on such day or days if they were not holidays shall be considered as overtime.~~ Vacation, sick, and holiday hours taken during the workweek will not be credited towards overtime hours.

Overtime service must be for definite work performance and ordered and approved by the supervisor or District General Manager. The District General Manager or authorized designee may authorize overtime work during Saturdays, Sundays or holidays for any or all personnel.

301.6.2 Overtime work shall be compensated at the rate of one and one-half times the regular base hourly rate for each hour worked in excess of 40 hours in a workweek, and two hours for each hour worked on a holiday that is recognized by the District. Overtime may be paid in cash, or accrued as compensatory time off (CTO) as set forth in Section 301.7, below.

## 301.7 Compensatory Time Off (CTO)

301.7.1 Compensatory time off (CTO) may be granted to those non-exempt employees who work overtime as provided in Section 301.6, above, and with whom the District has a prior agreement or understanding that the employee will accept CTO compensatory time in lieu of cash payment for overtime.

301.7.2 Compensatory time off is earned at the overtime rate (one and one-half hour for each hour worked in excess of 40 hours in a workweek and two hours for each hour worked on a holiday that is recognized by the District).

301.7.3 Employees are encouraged to use their accrued CTO compensatory time, and the District will make every effort to grant reasonable requests for the use of ~~compensatory time~~ CTO when sufficient advance notice is given and the workplace is not unduly disrupted.

301.7.4 The maximum number of ~~compensatory time~~ CTO hours that an employee may accrue is eighty (80) hours. Any employee who has reached this maximum shall not work any additional overtime until the employee's accrued compensatory time has fallen below the maximum allowed, unless the employee receives advance written

authorization and receives payment in cash for any such additional overtime.

301.7.5 The District reserves the right at any time to pay an employee in cash for any or all accrued compensatory time and/or to require the employee to use accumulated CTO compensatory time.

301.7.6 Employees who separate from District service for any reason shall be paid for accrued and unused CTO compensatory time off.

### 301.8 Uniform Allowance

301.8.1 The District shall grant designated employees a sufficient number of uniforms to maintain an adequate supply for the changes necessary to keep same clean and in good condition, and also will supply a laundry service. ~~for said uniforms, The color and type of uniform will~~ to be determined by the District General Manager with the cooperation of the employees.

(a) The ~~District~~ uniforms will include the District's insignia, ~~to be~~ placed on the shirts and jackets selected.

(b) The District shall also furnish each employee with name patches, to be placed on the front of the shirt or jacket so as to be visible at all times. This clothing shall be worn during working hours unless specifically exempted by the District General Manager. Uniforms shall not be modified without permission from the District General Manager.

301.8.2 The District, in order to reduce injuries to workers, will provide an allowance not to exceed the limits set by the Board of Trustees to purchase safety boots that meet Cal/OSHA standards for toe and penetration protection. Safety shoes are to be above ankle height. Employees are to be reimbursed up to the allowance set by the Board upon presenting a receipt of purchase to the District. Employees may have the option of purchasing safety boots at an approved supplier that will then bill the District.

~~(a)~~ All employees of the District working outside of the office are required to wear approved safety boots or other approved footwear. Safety boots are not required for attending meetings or continuing education training.

### 301.9 Professional Development

301.9.1 It is the policy of the District to encourage participation by all employees in continuing education. The District General Manager is

authorized to reimburse employees for job-related education and training.

- 301.9.2 District General Manager approval is required for any educational or training course work for which an employee will be seeking reimbursement. Such Approval must be granted before the course begins.
- 301.9.3 Reimbursement for approved job-related education and training will be processed, following successful completion of the course or training, upon presentation of documentation of successful completion and all associated receipts.
- 301.9.4 Training should be scheduled so that it is not disruptive to the employee's normal job duties.

## **302. Health and Welfare Benefits**

### **302.1 Health, Dental, and Vision Benefits**

- 302.1.1 Health Insurance is available to full-time employees of the District, as well as eligible members of the employee's family as defined in plan documents. Dental, and Vision Benefits are available to full-time employees after six months of satisfactory service. The District reserves the right to select and contract with Health, Dental and Vision Insurance providers, and to change providers and plans. Impacts associated with changes in Health, Dental and Vision Insurance coverage or carriers will be negotiated with affected employee bargaining groups.
- 302.1.2 District contributions to health, dental, and vision insurance premiums are negotiated as a part of the bargaining process, and are documented in the relevant Memoranda of Understanding and/or Compensation Agreements. Health Plan summaries and specific plan information are available from the District General Manager or designee.

### **302.2 Group Term Life Insurance**

Full-time regular employees are provided, at District cost, group term life insurance coverage. The District General Manager or designee can provide additional information, plan documents and literature regarding this benefit.

### **302.3 Unemployment Insurance**

Unemployment insurance provides compensation payable to individuals unemployed through no fault of their own who are actively seeking employment and are available

and able to work. The District will adhere to California Employment Development Department (EDD) unemployment insurance requirements for claim responses. The decision to provide an individual with unemployment insurance is solely at the discretion of the EDD. The District General Manager or designee can provide additional information regarding this benefit.

#### 302.4 Consolidated Omnibus Budget Reconciliation Act (COBRA)

302.4.1 Employees and dependents who lose group health coverage due to termination of employment or other “qualifying events” (i.e., death of employee, divorce or separation) may continue health and dental coverage on a self-pay basis under the COBRA option for eighteen (18) months, or the limits specified by law.

302.4.2 Upon an employee’s termination of employment, the District will issue a Notice of Right to Elect COBRA Continuation Coverage for health care coverage. To continue health care coverage under COBRA, the employee will fill out and sign forms provided by the District. The terminating employee must pay the full cost of coverage, plus the allowable administrative fee, by the deadlines set forth in the Notice.

#### 302.5 Retirement Plan

302.5.1 Classic PERS Members. The District offers a retirement benefit package to all eligible full-time employees through the California Public Employment Retirement System (CalPERS). Full-time employees hired prior to January 1, 2013 and Classic PERS members will be covered under the 2% @ age 55 formula in CalPERS.

New PERS Members. The District offers a retirement benefit package to all full-time employees hired on or after January 1, 2013 and are New PERS members will be covered under the 2% @ age 62 formula in CalPERS.

302.5.2 In accordance with California Public Employees’ Pension Reform Act of 2013 (CalPEPRA), as lawfully applicable, ~~employees hired after January 1, 2013~~ New PERS Members will contribute 50% of the cost of the CalPERS contribution rate. Service credit will be credited in accordance with CalPERS plan guidelines. More information on the retirement program can be obtained by contacting the ~~District~~ General Manager or designee.

#### 302.6 Social Security

Employees are not covered under the full federal Social Security program. The District participates in the federal Medicare portion of Social Security for all employees. The

employee and the District contribute the mandatory 4.45% each amount into Medicare.

### 302.7 Workers' Compensation

302.7.1 Employees who are injured on the job, no matter how slightly, must report the incident immediately to their supervisor. Failure to follow District procedures may affect eligibility to receive Workers' Compensation benefits.

302.7.2 If an employee has an illness or injury that is either caused by his/her job, or incurred within the course and scope of his/her employment, the employee may be entitled to medical care and industrial leave (time away from the job based on doctor's medical provider's orders). These benefits are administered by the District's workers' compensation carrier.

302.7.3 Following the required three (3)-day waiting period, the employee may be entitled to partial wage continuation during time he or she is off work due to a work-related illness or injury. This partial wage continuation will be in the form of temporary disability payments through the District's workers' compensation carrier.

302.7.4 The injured employee will be allowed to integrate any accrued and unused sick leave, vacation, and compensatory time off with the workers' compensation temporary disability payment to retain the full regular rate of pay. After the employee has exhausted available accrued leave the sole source of income will be the temporary disability payments through the workers' compensation carrier.  
**Workers Compensation will run concurrently with Family Care Leave.**

302.7.5 302.7.7-The District will not allow any form of retaliation against individuals who file a workers' compensation claim.

### 302.8 Reasonable Accommodation

302.7.5 In compliance with federal and state laws, the District provides reasonable accommodation a temporary light duty program for employees who are unable to perform the essential duties of their jobs due to illness or injury. sustain a workplace injury or illness.

(a) An employee may request an accommodation when an illness or injury limits the employee's ability to perform the essential duties of his or her job. The District will provide a temporary modified or light duty assignment, as available to an employee with an approved workers' compensation claim, once the employee has been released to temporary modified/restricted work by his/her treating physician. An employee seeking a reasonable accommodation to perform the essential job functions of his/her job should make such a request, preferably in writing.

**Commented [BB2]:** REASONABLE ACCOMMODATION PROCESS MUST BE PROVIDED FOR INDUSTRIAL AND NON-INDUSTRIAL ILLNESS & INJURIES. DON'T PUT THIS INFORMATION ONLY UNDER WORKERS' COMP.

to the District General Manager. The request must identify: (a) the job-related functions at issue; and (b) the desired accommodation(s).

Commented [BB3]: MOVED FROM 505.3

(b) The District will consider the request for an accommodation consistent with federal and state laws including, but not limited to the American with Disabilities Act. Placement into a light duty position is on a temporary basis and should never become permanent. In no event shall a temporary light duty assignment exceed six (6) months.

(c) Following receipt of a request for accommodation, the District General Manager may require additional information, such as reasonable documentation of the existence of a disability.

Commented [BB4]: MOVED FROM 505.4

(d) The District may require an employee to undergo a fitness for duty examination at the District's expense to determine whether the employee can perform the essential functions of the job with or without reasonable accommodation. The District may also require that a District-approved medical provider conduct the examination.

Commented [BB5]: MOVED FROM 503.5

(e) After receipt of reasonable documentation of a disability and/or a fitness for duty report, the District General Manager will arrange for an interactive discussion, in person or via telephone conference call, with the employee and his/her representative(s), if any. The purpose of the discussion is to work in good faith to fully consider all feasible potential reasonable accommodations.

Commented [BB6]: MOVED FROM 503.6

(f) Following the conclusion of the interactive discussion, the District General Manager will determine whether reasonable accommodation(s) can be made, and the type of accommodation(s) that will be offered. The District may 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 General Manager will inform the applicant or employee of his/her decision as to reasonable accommodation(s) in writing.

Commented [BB7]: MOVED FROM 503.7

(ge) Light duty Periodic evaluation of the accommodation will be conducted and the continuance of the accommodation is not guaranteed. An accommodation is not guaranteed, and may be modified, or ended at any time with notice, even if the employee's physician has not released him/her to regular duty.

~~302.7.6 If the treating physician has not cleared the injured employee to return to full duty the end of the light duty assignment or by the conclusion of the maximum period of industrial leave, the employee may be entitled to the reasonable accommodation processes set forth under the provisions of the Americans with Disabilities Act.~~

~~302.7.7 The District will not allow any form of retaliation against individuals who file a workers' compensation claim.~~

**Section 303. Leaves**

303.1 Holidays

303.1.1 The District shall provide full-time employees time off with pay for the following recognized holidays:

- (a) January 1<sup>st</sup>, known as New Year Day;
- (b) The third Monday in January, known as “Dr. Martin Luther King Jr. Day”;
- (c) February 12<sup>th</sup>, known as “Lincoln’s Birthday”;
- (d) The third Monday in February, known as “President’s Day”;
- (e) The last Monday in May, known as “Memorial Day”;
- (f) July 4<sup>th</sup>, known as “Independence Day”;
- (g) The first Monday in September, known as “Labor Day”;
- (h) September 9<sup>th</sup>, known as “Admission Day”;
- (i) The second Monday in October, known as “Columbus Day”;
- (j) November 11<sup>th</sup>, known as “Veterans Day”;
- (k) Thanksgiving and the day after Thanksgiving;
- (l) December 24<sup>th</sup>, known as “Christmas Eve”;
- (m) December 25<sup>th</sup>, known as “Christmas”; and
- (n) Other or alternate holidays agreed upon between the District and employee bargaining groups, as documented in the Employees’ Association Memorandum of Understanding.

303.1.2 In the event that any of the holidays provided for herein shall fall on Sunday, the Monday following will be observed, and in the event any of the holidays provided for herein shall fall on a Saturday, the Friday preceding will be observed.

303.1.3 A day off with pay for full-time employees under this Section shall be recognized as eight (8) hours.

303.2 Vacation Leave

303.2.1 Accrual of vacation leave under the District’s vacation plan will be administered as stated below, unless modified by Employees’ Association Memorandum of Understanding. The General Manager may increase the rate of accrual for the purposes of recruitment and as a reward for consistent outstanding performance for any employee who is at the top step of the employee’s classification wage range.

<u>Years of Employment</u>	<u>Days Vacation Accrued/Month</u>
Beginning of 1 <sup>st</sup> year through end of 3 <sup>rd</sup> year	1 day/month =12 days/year

Beginning of 4 <sup>th</sup> year through end of 7 <sup>th</sup> year	1 1/4 days/month = 15 days/year
Beginning of 8 <sup>th</sup> year through end of 12 <sup>th</sup> year	1 2/3 day/month = 20 days/year
Beginning of 13 <sup>th</sup> year and after	2 1/12 days/month =25 days/year

303.2.2 Vacation leave accrued and taken in any calendar year may not exceed the number of days the employee would be entitled to for the number of years of service they have accumulated with the District.

303.2.3 If the District General Manager determines that the best interest of the District will be served by delaying all or part of the vacation leave due such employee, unused vacation leave so accumulated shall be added to leave subsequently due, not to exceed a maximum of two years' vacation allowance in the case of any employee in a calendar year.

303.2.4 An employee who has reached the maximum vacation accrual level of two years allowance will cease accruing vacation until sufficient vacation is taken that the accrual balance is less than the stated maximum, unless otherwise approved by the District General Manager.

303.2.5 Vacation credit shall begin on the first day of the month if employment began on that date, or the first business day following the first of the month; otherwise it shall begin on the first day of the succeeding calendar month.

303.2.6 Employees who separate from District service for any reason will be paid for accrued and unused vacation.

### 303.3 Sick Leave

303.3.1 Paid sick leave provides time off without loss of pay for reasons, and under the conditions, specified in this policy, as may be modified by MOU or applicable law. **The District's Sick Leave Policy conforms to Healthy Families Act of 2014 (CA Paid Sick Leave.)** Every employee should use sick leave with respect for the intent of the policy and the impact on fellow employees. All employees are responsible for the proper administration of the sick leave provision.

303.3.2 Accrual of paid sick leave is set forth below, as may be amended or modified by specific provisions in relevant Memoranda of Understanding and/or adopted Compensation Resolutions.

- (a) Regular Full-time Employees: Sick leave with pay shall accrue to regular full-time employees at the rate of one work day for each calendar month of service, or according to current Memoranda of Understanding or Compensation Agreements.

Sick leave credits shall accrue only while an employee is in paid status with the District.

- (b) Part-time and Seasonal Employees: After working a minimum of 30 calendar days for the District, 3 days (24 hours) of paid sick leave shall accrue to part-time, seasonal and temporary employees. The accrual will be capped at 3 days or 24 hours.

303.3.3 Approved Sick Leave may be granted to all full-time employees for the following reasons:

- (a) For the diagnosis, care or treatment of an existing health condition, or preventive health care for the employee or a member of the employee's immediate family.
- (b) Enforced quarantine of the employee in accordance with community health regulations.
- (c) To allow a victim of domestic violence and/or a victim of sexual assault to obtain relief or attempt to obtain relief to help ensure his/her health, safety, or welfare, or that of his or her child(ren).
- (d) To allow a victim of domestic violence and/or a victim of sexual assault to seek medical attention, to obtain services from a domestic violence program or psychological counseling, or to participate in safety planning.
- (e) Complication or disability resulting from or contributed to any pregnancy, termination of pregnancy, or recovery therefrom.

303.3.4 One-half (50%) of the Sick Leave accrued by a full-time employee in any one year shall be granted if needed for the reasons cited in 303.3.3(a),(c),or (d).

303.3.5 After meeting the eligibility and waiting period requirements set forth in this policy, accrued Sick Leave can be taken by eligible part-time, seasonal and temporary employees for the following reasons:

- (a) The diagnosis, care or treatment of a health condition or for preventive care of the employee or a member of the employee's immediate family.
- (b) For specified purposes when an employee is a victim of domestic violence, sexual assault or stalking.
- (c) Sick Leave under this Section can only be taken for an absence from a previously scheduled work shift.

303.3.6 Supervisory personnel are charged with the responsibility for reviewing and evaluating sick leave usage.

(a) Sick leave misuse or abuse is generally defined as use of sick leave for reasons other than are set forth in this policy. Potential indicators of abuse are ~~set forth below~~:

- (1) A pattern of sick leave use involving days adjacent to scheduled days off and holidays.
- (2) Refusal or inability to provide medical substantiation when requested.
- (3) Frequent absences with vague or questionable substantiation.
- (4) Frequent or recurring exhaustion of sick leave soon after it is earned (unless for substantiated medical reasons).
- (5) Other evidence of employee activity that is inconsistent with the legitimate use of sick leave, such as usage higher than the District average for the previous calendar year (deduct serious illness or injury) and two or more indicators above.

(b) When it is determined, by investigation, that sufficient evidence exists to demonstrate that an employee has abused or is abusing or misusing the sick leave privilege, the ~~District~~ General Manager may cause such disciplinary action to occur as deemed appropriate to deter future misuse. If it is found that the claim for sick leave was fraudulent, the claim for sick leave will not be paid. Sick leave taken under Sections 303.3.4 and 303.3.5, above, shall not be considered in determining abuse or misuse of the sick leave privilege.

303.3.7 Except for sick leave taken under Sections 303.3.4 and 303.3.5, above, the District may require a ~~physician's~~ medical provider's certificate for absences due to illness when the employee has been put on notice of being suspected of misuse of sick leave and that future absences will require a ~~physician's~~ medical provider's certificate. The ~~physician's~~ medical provider's certificate shall be requested at the earliest possible time and prior to the employee's return to work, whenever possible. The request for a medical provider's certification will adhere to 303.3.7 (b).

(a) Fitness for Duty Exam - Any employee may be required by the ~~District~~ General Manager to submit to an examination by a licensed ~~physician~~ medical provider or psychologist at any time, subject to sufficient cause existing, by the District at its expense

in order to determine the state of the employee's health and fitness to perform assigned tasks.

- (b) Privacy laws restrict employers from requesting certain medical or health information. Therefore, if asking for a physician's medical provider's certification or other verification of absence due to illness, a ~~supervisor~~ the District may ask when the employee is anticipated to return to work, with or without restrictions, but cannot ask for a diagnosis or prognosis.

303.3.8 Paid sick leave provides time off without loss of pay for qualifying reasons. It is a non-vested benefit which carries no cash value. Except as may be provided as Accrual Incentives or Retiree Service Credit in designed Memoranda of Understanding or Compensation Resolutions, there is no provision for a pay-out of accrued and unused sick leave upon separation from District employment.

(a)——If a part time, seasonal or temporary employee separates and returns within one (1) year of separation, unused sick leave hours shall be restored to the employee. If the employee returns after one (1) year of the previous separation, the sick leave hours shall not be restored to the employee.

#### 303.4 Voting Time Off

303.4.1 In the event an employee does not have sufficient time outside of working hours to vote in an election, the employee may take a limited amount of time off without loss of pay to vote.

303.4.2 Voting time off should be taken at the beginning or end of the regular work schedule, whichever allows the most free time for voting and the least time off from work. An employee will be allowed a maximum of two (2) hours of voting leave on Election Day.

303.4.3 Employees should notify their supervisor of the need for time off to vote at least three (3) working days prior to Election Day.

#### 303.5 Military Leave

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

In an emergency situation, if orders are not available at the time of the ordered leave, oral notice should be given as soon as possible, with a copy of the military orders to be provided to the District as soon as it is available.

- ~~303.5.1 The District provides paid and unpaid military leave in accordance with provisions of federal and state laws. Should this policy be in conflict with applicable laws, rules, regulations or agreements, those laws, rules, regulations or agreements shall control. Rights and obligations that are not specifically set forth below are set forth in the Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA).~~
- ~~303.5.2 Military Leave is available to all District employees, including part-time and seasonal employees who receive duly executed orders for active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and for examination to determine the fitness of a person to perform any such duty.~~
- ~~303.5.3 Temporary Military Leave is available to all District employees, including part-time and extra-help employees who receive duly executed orders for temporary military duty for purposes of active military training, encampment, navel cruises, special exercises or like activity as a member of the reserve corps or force of the Armed Forces of the United States, or the National Guard, or the Navel Militia.~~
- ~~303.5.4 Qualifying Exigency Leave is available to District employees when an immediate family member of the employee is a military member and is deployed or has been notified of an impending deployment to a foreign country. Details regarding eligibility for and limitations of Qualifying Exigency Leave are set forth in the District Family and Medical Care Leave Policy.~~
- ~~303.5.5 Military Caregiver Leave is available to District employees when the employee's immediate family member has a qualifying serious injury or illness. Details regarding eligibility for and limitations of Military Caregiver Leave are set forth in the District Family and Medical Care Leave Policy.~~
- ~~303.5.6 Employees requesting a Military Leave of Absence must provide advance notice of their intent to take military leave and provide copies of their orders (or provide other appropriate documentation to substantiate the need for military leave if orders are not available, (i.e., Special Operations) to their supervisor, unless doing so is unreasonable or is precluded by military necessity. This request~~

must identify the type of leave, anticipated dates and duration of the leave.

~~(a) In an emergency situation, if orders are not available at the time of the ordered leave, oral notice should be given as soon as possible, with a copy of the military orders to be provided to the District as soon as it is available.~~

303.5.72 Employees ordered into active federal military duty as a member of the National Guard or Naval Militia will be granted military leave for a period not to exceed five (5) years, unless there is an authorized exemption. Authorized exemptions to the five-year limit include: initial enlistments lasting longer than five years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls.

303.5.83 Employees ordered to temporary active duty, or for training, will be granted military leave for a period not to exceed 180 calendar days, including time spent traveling to and from such duty.

303.5.94 Employees will receive District pay while on military leave, as outlined by law, as set forth below:

~~(a) Employees employed by the District for a period of not less than one year are entitled to pay for the first 30 days of military leave.~~

~~(b) National Guard members on military leave are entitled to receive pay for the first 30 days of leave, regardless of length of service with the District.~~

~~(c) The aggregate of payments for reserve training leave, temporary military leave, and military leave shall not exceed thirty (30) calendar days in any one fiscal year.~~

~~(d) If an employee's military leave exceeds 30 days in any fiscal year, the employee will have the option of using available vacation, compensatory time, or to move to military leave without pay (MLWOP) status.~~

~~303.5.405~~ The District will continue to pay the District's portion of the cost of Health Insurance for an employee while he or she is on any military leave to the same extent it would if the employee were working, regardless of pay status in accordance with the law, for a maximum of thirty (30) days. "Health Insurance" is defined as medical, vision, and dental insurance. The employee must continue to pay his/her employee contribution to Health Insurance either through payroll deduction while using leave balances, or by direct payment to the District.

303.5.416 Employees on temporary military leave and who have at least one year of service with the District or at least one year of combined military/District employment service, continue to accrue the same vacation, sick leave, and holiday benefits for up to a maximum of 180 days. This provision also applies to employees who are members of the National Guard.

- (a) Employees on active military leave are not entitled to accrue sick leave or vacation during the period of Military Leave.
- (b) Employees who are members of the National Guard and are on active military leave accrue vacation and holiday benefits, but not sick leave, for the first 30 days of active service.

303.5.427 An employee returning from active duty after serving in time of war or national emergency must seek reemployment within six months after completing military service, but not later than six months after the end of the war or national emergency. Reemployment rights do not extend to an employee who fails to return to his/her position within 12 months after the first date on which he or she could terminate active military service.

- (a) An employee on military leave for reasons other than war or national emergency must return to work or seek reemployment as set forth below:
  - (1) An employee whose military leave lasted from 1 to 30 days must report to the District by the beginning of the first full regularly scheduled work day on the first full calendar day following the completion of the period of service.
  - (2) An employee whose military service lasted from 31 to 180 days must submit a reemployment application (verbally or in writing) with the District no later than 14 days after the completion of the period of service.
  - (3) An employee whose military leave lasted more than 180 days must submit a reemployment application (verbally or in writing) with the District no later than 90 days after the completion of the period of service.
- (b) An employee who fails to report to work or submit a reemployment application as set forth in this Section may be deemed to be on Unauthorized Leave from the District.

### 303.6 Family and Medical Care Leave

Although the District has fewer than 50 employees and is not required to provide family and medical leave under either the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), it will grant eligible employees family care leave similar to the provisions of the FMLA and CFRA, their corresponding regulations, and this rule. If, at any time, the District employs 50 or more employees, this rule will also govern leave procedures under the FMLA and CFRA. The Family Care Leave policy may be found at Appendix 300.

~~303.6.1 The District will provide up to twelve (12) weeks of Family and Medical Care Leave in a twelve (12) month period 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 that 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 of 1993 ("CFRA"), as amended.~~

~~303.6.2 District employees who have been employed by the District for twelve (12) months and have worked one thousand two hundred and fifty (1,250) hours or more in the twelve (12) months immediately preceding the request for leave are eligible to take Family and Medical Care Leave.~~

~~303.6.3 Leave is only permitted for the following reasons:~~

- ~~(a) The birth of a child or to care for a newborn of an employee;~~
- ~~(b) The placement of a child with an employee in connection with the adoption or foster care of a child;~~
- ~~(c) Leave to care for an immediate family member, as defined in Section 303.15, below, who has a serious health condition;~~
- ~~(d) Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position;~~
- ~~(e) Leave for a "qualifying exigency" arising out of the fact that an employee's immediate family member is on active duty or is called to active duty status in the regular Armed Forces, National Guard or Reserves who is deployed by the military to a foreign country; or~~
- ~~(f) Leave to care for an immediate family member of the service member or veteran within five years of discharge from the~~

military of the United States Armed Forces, National Guard or Reserves who has a serious injury or illness incurred in the line of duty while on active military duty.

~~303.6.4~~ An eligible employee may be granted up to a total of twelve (12) work weeks of Family and Medical Care Leave in a rolling twelve- (12) month period. This rolling twelve-month period will be measured forward from the date an employee uses any Family and Medical Care Leave. In the case of a serious health condition of an employee or an employee's family member, adequate medical certification is required.

(a) An eligible employee may be granted up to a total of twenty six (26) work weeks of Military Caregiver Leave during a single 12-month period to care for a covered service member or veteran within five years of discharge from the military who has a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy; or otherwise in an outpatient status; or otherwise on the temporary disability retired list. The single 12-month period shall be measured forward from the date an employee's first FMLA leave to care for the covered service member begins. During the single 12-month period, an eligible employee's FMLA leave entitlement is limited to a combined total of 26 workweeks of FMLA leave for any qualifying reason.

(b) 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.

~~303.6.5~~ If leave under this Section 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.

(a) If leave is requested to care for an immediate family member or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the employee must comply with the notice and medical certification provisions of this policy.

~~303.6.6~~ Family and Medical Care Leave may be taken on an intermittent basis as separate blocks of time or on a reduced leave schedule due to a single qualifying event if it is medically necessary for medical

~~treatment of a serious health condition, for recovery from treatment or recovery from a serious health condition, or in conjunction with a chronic serious health condition of the employee or a member of the employee's immediate family.~~

- ~~(a) 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. It may also be taken to provide care or psychological comfort to an immediate family member with a serious health condition.~~
- ~~(b) Intermittent or reduced schedule leave after the birth or placement of a child for adoption or foster care may be taken only if the District agrees, unless the intermittent or reduced schedule leave is due to the mother's serious health condition or the baby's serious health condition. Intermittent leave must be taken in increments of at least one-half hour.~~
- ~~(c) An employee taking intermittent leave or leave on a reduced schedule for planned medical treatment or recovery from a serious health condition, or an employee permitted to take intermittent leave or reduced schedule leave for the birth or placement of a child, may be temporarily transferred to an available alternative position for which the employee qualifies which better accommodates recurring periods of leave than the employee's regular position. Although the alternative position may or may not have equivalent duties, the employee will receive equivalent pay and benefits during the time he/she works in the alternative position.~~
- ~~(d) Leave due to a qualifying exigency may be taken on an intermittent or reduced schedule basis.~~

~~303.6.7 Employees on approved Family and Medical Care Leave will be required to exhaust accumulated leave balances before being placed on unpaid leave, as provided below:~~

- ~~(a) If the need for leave is in conjunction with employee's own serious health condition, the employee must first exhaust accrued sick leave balances, then other leave balances including vacation, compensatory time off, and holiday time prior to moving to unpaid Family and Medical Care Leave.~~
- ~~(b) If the need for leave is in conjunction with the care of an immediate family member who has a serious health condition, the employee may use the limited allowance of sick leave hours~~

~~and then must use other leave balances including vacation, compensatory time off, and holiday time prior to moving to unpaid Family and Medical Care Leave.~~

~~(e) If the leave is requested for a non-medical reason such as bonding after the birth of a child, the employee must exhaust accrued vacation and other leave balances exclusive of sick leave prior to moving to unpaid Family and Medical Care Leave. (Compensatory time may be voluntarily elected.)~~

~~(d) An employee on leave that is qualifying under the California Family Rights Act (CFRA) and who is receiving either disability or paid family leave benefits through the State of California is not required to use leave accruals prior to moving to unpaid Family and Medical Care leave.~~

~~303.6.8 If an employee takes a leave for any reason that is FMLA/CFRA qualifying, the District may designate the requested leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement. Upon District designation of leave as FMLA/CFRA qualifying, written notice of such shall be provided to the employee.~~

~~303.6.9 The District will continue to pay the District's portion of the cost of "Health Insurance" for an employee while he/she is on an approved Family and Medical Care Leave to the same extent it would if the employee were working, regardless of pay status.~~

~~(a) "Health Insurance" is defined as medical, vision, and dental insurance.~~

~~(b) The employee must continue to pay his/her employee contribution to Health Insurance" either through payroll deduction while using leave balances, or by direct payment while on unpaid leave.~~

~~(c) Coverage on a particular plan may be dropped if the employee is more than 30 days late in making a premium payment. However, the employee shall receive a notice at least 15 days before coverage is to cease, advising that he/she will be dropped if the premium payment is not paid by a certain date.~~

~~(d) Contribution amounts for all employees are subject to any change if changes in rates occur while the employee is on leave.~~

~~(e) 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 Insurance 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.~~

~~303.6.10 An employee disabled by pregnancy is eligible for up to four (4) months of leave for medical disability related to pregnancy under State law. This leave may be in addition to up to twelve (12) weeks of Family and Medical Care Leave. Family and Medical Care Leave available under the California Family Rights Act will not run concurrent with Pregnancy Disability Leave.~~

~~(a) The total combined duration of District contribution toward Health Insurance available during unpaid leaves due to any combination of pregnancy disability, the employee's serious health condition, and family care purposes under this Section will not exceed twenty-nine and one-third (29.33) weeks in a twelve (12)-month period.~~

~~303.6.11 Although the District recognizes that emergencies arise that may require an employee to request immediate leave, the employee is required to give as much notice as possible of his/her need for leave.~~

~~(a) Except for qualifying exigency leave, if leave is foreseeable, at least 30 days written notice is required. 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 is to inform his/her supervisor as soon as possible that such leave will be needed; this notice may be given orally.~~

~~(b) In the case of a qualifying exigency, the employee shall provide the District with a copy of the covered service member's active duty orders or other documentation issued by the military that indicate that the service member is on, or has been called to, active duty for deployment by the military to a foreign country and the dates of the active duty service. In addition, the employee will provide documentation that the leave is for a qualifying exigency listed in this policy and the anticipated length of the leave.~~

~~303.6.12 Following receipt of a Request for Medical Leave of Absence Form the District shall, within five (5) business days, send the employee a Notice of Eligibility and Rights and Responsibilities. At that time the employee will be given at least 15 calendar days to return to the District a completed Certification of Health Care Provider, either for~~

~~the employee's own serious health condition or for the serious health condition of an immediate family member.~~

~~303.6.13 An employee requesting Family and Medical Care Leave due to his or her own the serious health condition, or the serious health condition of a family member shall provide certification from the health care provider treating the individual.~~

~~(a) When a leave is requested for the serious health condition of a family member, the certification must include the date, if known, on which the serious health condition commenced; the probable duration of the condition; an estimate of the time the health care provider believes the employee needs to care for the individual; and a statement that the serious health condition warrants the participation of the employee to provide care during treatment.~~

~~(b) When a leave is requested for the serious health condition of the employee, the certification shall include the information included above, and a statement that, due to the serious health condition, the employee is unable to perform any one or more of the essential functions of the position.~~

~~(c) If the District has a good faith, objective reason to doubt the validity of a certification provided by the employee for his or her own serious health condition, 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 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) Medical certification for a Military Caregiver Leave shall be from a United States Department of Defense, Department of Veteran's Affairs, or other authorized medical provider. It shall indicate:~~

~~(1) whether the service member has incurred a serious injury or illness;~~

~~(2) whether the injury or illness renders the service member medically unable to perform the duties of the member's position;~~

~~(3) whether the injury or illness was incurred in the line of duty while on active duty;~~

- ~~(4) whether the service member is undergoing medical treatment, recuperation, or therapy, or is otherwise on outpatient status, or is otherwise on the temporary disability retired list;~~
- ~~(5) the probable duration of the injury or illness;~~
- ~~(6) the frequency and duration of leave the family member requesting leave will require; and~~
- ~~(7) the family relationship of the eligible employee to the covered service member.~~
- ~~(e) When an employee's leave is foreseeable and at least 30 days' notice has been provided, if 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 timeframe requested by the District (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.~~
- ~~(f) 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 Family and Medical Care Leave until the required certification is provided.~~
- ~~(g) Recertification of the serious health condition may be requested upon the expiration of the time period the health care provider originally estimated. Re-certification from a health care provider may only be requested after the first certification has expired.~~
- ~~(h) Upon receipt of the Certification of Health Care Provider, the District will send the employee a Family and Medical Care Leave Designation memo, indicating if the leave is approved, not approved or if additional information is needed to make a determination. If the leave is approved, the Family and Medical Care Leave Designation memo will set forth any conditions of the leave that may exist beyond what are provided in the Notice of Eligibility and Rights and Responsibilities.~~

~~303.6.14 An employee granted Family and Medical Care Leave in accordance with this policy shall, upon returning to work, generally be reinstated to the position of employment held before the leave commenced, or,~~

~~if such a position is not available, to an equivalent position with equivalent employment benefits, pay, and terms and conditions of employment.~~

~~(a) Employees have no greater rights to reinstatement, benefits, and conditions of employment than if the employee had been continuously employed during the leave period.~~

~~303.6.15 It is against District policy and State and Federal law to discriminate against any individual because that individual has exercised his or her right to Family and Medical Care Leave or leave taken under the California Family Rights Act.~~

~~303.6.16 An employee who fraudulently obtains or uses leave under the California Family Rights Act is not protected by job restoration or maintenance of health benefit provisions of that Act.~~

### 303.7 Pregnancy Disability Leave

303.7.1 The District will provide up to four months, or seventeen and ~~one-half (17.5)~~ **and one-third (17 1/3)** weeks of Pregnancy Disability Leave to eligible employees as required by State law. [Pregnancy Disability Leave is without pay.](#)

303.7.2 An employee who has been advised by her health care provider that she is disabled due to pregnancy or a pregnancy-related condition, and who has provided timely notice of this determination to the District, is entitled to Pregnancy Disability Leave. There is no minimum service requirement for eligibility.

303.7.3 Pregnancy Disability Leave is available when a woman is actually disabled by her pregnancy, childbirth, or a related medical condition. The reasons for leave include:

- (a) time off needed for prenatal care;
- (b) severe morning sickness;
- (c) doctor-ordered bed rest; and/or
- (d) childbirth, recovery from childbirth, and any related medical condition.

A woman does not have to be completely incapacitated or confined to her bed to qualify as being disabled by pregnancy. However, as a general rule, a woman must be, in the opinion of her physician, unable to perform one or more essential functions of her job without undue risk to herself or to other persons, or without undue risk to

successful completion of her pregnancy.

- 303.7.4 The duration of Pregnancy Disability Leave is limited to four months (17.5 ~~1~~<sup>1</sup>/<sub>3</sub> weeks) during the period the employee is disabled by pregnancy or a pregnancy-related condition.
- 303.7.5 Pregnancy Disability Leave may be accounted for in increments of no greater than one hour, or the increment utilized to account for use of other forms of leave (if the same is less than one hour).
- 303.7.6 An employee disabled by pregnancy is eligible for intermittent or reduced schedule leave if recommended by her treating physician.
- (a) If intermittent leave is medically advisable, it may be necessary to temporarily transfer the employee to an available alternative position with an equivalent rate of pay and benefits.
  - (b) The employee must be qualified for the available alternative position.
  - (c) The equivalent position must better accommodate recurring periods of leave than the employee's regular job.
  - (d) If there is no available alternative position, the District may consider altering the employee's existing position on a temporary basis to accommodate intermittent leave or reduced schedule.
- 303.7.7 The District will consider temporary reasonable accommodations that are determined to be medically advisable by the employee's health care provider, and reasonable by the District. Temporary accommodations may include:
- (a) Additional leave after the employee has exhausted her right to four months of Pregnancy Disability Leave;
  - (b) Transfer to a less strenuous or hazardous position if the employee's health care provider states that it is medically advisable and the employee is qualified for the position;
  - (c) Creation of a temporary light-duty assignment, or modification of current job on a temporary basis;
  - (d) Modifying the work schedule on a temporary basis; and/or
  - (e) Allowing more frequent restroom breaks.
- 303.7.8 An employee seeking a temporary accommodation in conjunction with pregnancy or a pregnancy-related condition shall provide notice

of the need for such an accommodation in advance of the needed accommodation, unless such notice is not possible.

- (a) The request for accommodation must include Medical Certification that documents the specific limitations the health care provider has set forth for the employee, as well as the anticipated duration of those limitations.
- (b) The District shall engage in an interactive process with an employee seeking a temporary accommodation in conjunction with pregnancy or a pregnancy-related condition to identify, discuss, evaluate, and implement accommodations that are consistent with the recommendations of the health care provider.

303.7.9 Employees on approved Pregnancy Disability Leave will be required to exhaust accumulated leave balances before being placed on unpaid leave. ~~However, if the employee is receiving either disability or paid family leave benefits, the employee is not required to use any of her paid time off, sick leave or accrued vacation during the qualifying leave.~~

303.7.10 The District will continue to pay the District's portion of the cost of "Health Insurance" for an employee while she is on an approved Pregnancy Disability Leave to the same extent it would if the employee were working, regardless of pay status, for a maximum of four (4) months.

- (a) "Health Insurance" is defined as medical, vision, and dental insurance. The employee must continue to pay his/her employee contribution to Health Insurance either through payroll deduction while using leave balances, or by direct payment to the District while on unpaid leave.
- (b) Coverage on a particular plan may be dropped if the employee is more than 30 days late in making a premium payment. However, the employee shall receive a notice at least 15 days before coverage is to cease, advising that she will be dropped if the premium payment is not paid by a certain date.
- (c) Contribution amounts for all employees are subject to any change if changes in rates occur while the employee is on leave.
- (d) The total combined duration of District contribution toward Health Insurance available during unpaid leaves due to any combination of pregnancy disability, the employee's serious health condition, and family care purposes will not exceed twenty-nine and one-third (29.33) weeks in a twelve- (12) month period.

- 303.7.11 Leave available under the California Family Rights Act will not run concurrently with Pregnancy Disability Leave. An employee may have separate eligibility for “bonding” leave following the birth of a child under the California Family Rights Act. Refer to the District Family and Medical Care Leave policy for information about eligibility requirements.
- 303.7.12 Employees must provide at least thirty (30) days’ advance notice of the need for Pregnancy Disability Leave, or the need for a temporary reasonable accommodation, or transfer in conjunction with pregnancy, if the need is foreseeable. If such notice is not possible due to a change in circumstances, medical emergency, or other good cause, the employee is required to provide notice as soon as practicable.
- 303.7.13 Medical certification will be required to support the need for Pregnancy Disability Leave or other reasonable accommodation in conjunction with pregnancy or a pregnancy-related condition.
- (a) Medical certification is to be provided by the employee’s health care provider, and must include:
- (1) the date on which the employee became disabled due to pregnancy;
  - (2) the anticipated duration of the period of disability; and
  - (3) an explanatory statement that, due to the disability, the employee is unable to work at all, or is unable to perform any one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.
- 303.7.14 An employee returning from Pregnancy Disability Leave or temporary accommodation shall be reinstated to the same position she held prior to taking leave or undertaking a temporary accommodation in conjunction with pregnancy or a pregnancy-related condition, except as provided below.
- (a) The employee may not be reinstated to the exact same position if the employee would not have been employed for reasons unrelated to the leave, such as a layoff.
- (b) If the exact same position is not available, the employee will be reinstated to a comparable position. A comparable position is one that is virtually identical to the employee’s previously held position, including wages, benefits, working conditions, and shift.

303.7.15 Lactation

In accordance with California Labor Code section 1030, the District shall provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time, if possible, shall run concurrently with the employee's regular break time.

In accordance with California Labor Code section 1031, the District shall make all reasonable efforts to provide the employee with the use of a room or other location, other than the restroom, in close proximity to the employee's work area, for the employee to express milk in private.

303.8 Bereavement Leave

303.8.1 A leave of absence with pay because of death in the immediate family of a person in the District employ, as defined in Section 303.15, below, may be granted by the ~~District~~ General Manager for a period not to exceed three days.

303.8.2 For out-of-state funerals the Board authorizes an additional day (for a total of four days).

303.8.3 Entitlement to a leave of absence under this Section shall be in addition to any sick leave, emergency leave, or any other leave to which the employee may be entitled.

303.9 Jury Duty

303.9.1 The District will grant time off in conjunction with service on a jury ~~or serving as a witness~~ in response to a subpoena pursuant to the requirements of the Federal Jury System Improvement Act of 1978 and California Labor Code section 230. Compensation during authorized jury ~~or witness duty~~ will be provided pursuant to the terms of this policy, as may be modified by relevant Memoranda of Understanding or approved Compensation Agreements. Proof of jury duty must be provided to District.

303.9.2 In the event an employee is called for jury duty, no deduction from salary will be made for the absence while serving as a juror or in answering the call for jury duty; provided, however, that the employee shall endorse payments from the Courts for jury duty to the District.

303.9.3 Employees may retain any reimbursement for mileage issued by the Courts in conjunction with jury service.

303.9.4 ~~Unless otherwise provided for in the relevant Memoranda of Understanding, e~~ Employees called to jury duty must report to work before or return to work following their service whenever practical.

- (a) If an employee does not have to report to the jury room/court for full days in the midst of their service, he or she is expected to report to work whenever practical.
- (b) An employee's failure to report to work may be considered to be an absence without leave and could be subject to disciplinary action.
- (c) Employees who must report for jury duty on their regular days off will not be eligible for jury duty pay. Such service is considered to be a civic duty and not compensable by the District.

303.9.5 In the event an employee is subpoenaed to appear as a witness in a trial related to District business ~~for which the employee is not a party of interest~~, no deduction from salary will be made for the absence while serving as a witness or in answering the subpoena; provided, however, that the employee shall endorse all payments, if any, for witness duty to the District.

### 303.10 School Activities Leave

303.10.1 Parents, guardians, grandparents, or individuals serving as parents with custody of minor children are entitled to take up to forty (40) hours of time off work each year to attend school-related activities for the following reasons:

- (a) when a student has been suspended and the parent, guardian or grandparent is required to appear at the school pursuant to the school's request; and/or
- (b) to attend designated Child-Related activities. Child-Related activities include: attending school functions, activities and programs; finding, enrolling or reenrolling a child in a school or with a licensed child care provider; addressing a child care or school emergency, including closure or unexpected unavailability of the school (excluding planned holidays) or a natural disaster.

303.10.2 Except for the need to address a child care provider or school emergency, the use of School Activities Leave is limited to 8 hours per month.

303.10.3 The District may require proof of an employee's participation in these activities.

- 303.10.4 The employee must provide reasonable advance notice to his or her supervisor before taking any time off under this policy.
- 303.10.5 Employees must use accrued paid time off for the absence. If the employee does not have any accrued paid time off, the absence will be unpaid. However, exempt employees will be paid their full salary for any week in which they perform any work for the District that is interrupted by the need for time off under this policy.

### 303.11 Time Off for Crime Victims

- 303.11.1 Employees who have been victims of serious or violent felonies, as specified under California law, or felonies relating to theft or embezzlement, may take time off work to attend judicial proceedings related to the crime.
- 303.11.2 Employees also may take time off if an immediate family member has been a victim of such a crime and the employee needs to attend judicial proceedings related to the crime.
- 303.11.3 Employees must give their supervisor a copy of the court notice given to the victim of each scheduled proceeding before taking time off, unless advance notice to the District of the need for time off is not feasible. When advance notice is not feasible, the employee must provide the District with documentation evidencing the judicial proceeding, within a reasonable time after the absence. The documentation may be from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim.
- 303.11.4 Employees will be paid under this section only to the extent they have accrued vacation or compensatory time off available.

### 303.12 Catastrophic Leave

- 303.12.1 A leave of absence with pay for up to five days annually may be granted in the case of a catastrophic event (such as earthquake, flood or fire) that directly impacts the employee, or a member of the employee's immediate family as defined in Section 303.15, below. Employees must request and receive approval from the District General Manager to receive paid Catastrophic Leave. Catastrophic Leave shall be in addition to any other entitled sick, vacation or other leave benefit.

### 303.13 Medical Leave Donation Program

- 303.13.1 Any District employee who accrues vacation credit may voluntarily donate those credits to any other District employee if the recipient

employee experiences a catastrophic illness or injury and has exhausted all accrued leave credits, i.e. sick leave, vacation, compensatory time off, due to illness or injury, including pregnancy and maternity leave.

- 303.13.2 Employees may donate a maximum of forty (40) hours of vacation per fiscal year in increments of eight hours in support of fellow employees who experience a catastrophic illness or injury. Unused donated time will be returned proportionally to the donors.
- 303.13.3 Donated time will be “banked,” using the value of each hour of donated time as the basis for credit.
- 303.13.4 An employee may request a grant of donated time under the program when he/she has a catastrophic illness or injury, and has exhausted all accrued paid leave benefits. Grants may be requested when the employee must care for a member of his/her immediate family under the same conditions. The request must include documentation of the catastrophic illness or injury, the limitations of that condition, and the anticipated duration of the condition.
- 303.13.5 A request for donated time under this program may be submitted by the legal representative or an employee’s immediate family member with the employee’s authorization. The request must include documentation of the catastrophic illness or injury, the limitations of that condition, and the anticipated duration of the condition.
- 303.13.6 Grants of donated time will be approved by the District ~~District~~ General Manager, with consideration being given to the amount of available donated time and the demonstrated need of the employee. In no event will a grant of donated time be approved for an employee who has a history or record of sick leave abuse or failure to responsibly use accrued leave benefits.
- 303.13.7 Grants will be awarded as hours from the leave bank. Donated vacation credit may not exceed continuance of the employee’s regular rate of compensation.
- 303.13.8 While an employee is on catastrophic leave using donated time, the employee shall not accrue any vacation or sick leave.
- 303.13.9 Donations are subject to applicable tax laws. Recipient employees will be responsible for any applicable state and federal income taxes on the donated time. There is no tax liability to donors.

### 303.14 Leave Without Pay

303.14.1 A leave of absence without pay may be granted by the Board of Trustees upon the request of a District employee and recommendation of the District General Manager, but such leave shall not be for longer than six months. ~~Nothing herein contained shall limit or prevent the granting of a leave of absence without pay for a period longer than six months to any employee who is injured on the job or has a serious illness, or mental or physical impairment. However, such occurrence may result in the initiation of a reasonable accommodation evaluation under the Americans with Disabilities Act.~~

303.14.2 Unless otherwise specifically provided in the policies in this Chapter, or set forth in provisions of the Employee's Memorandum of Understanding, the District General Manager is directed NOT to pay the health benefits of employees at any time that they are on leave without pay from the District.

### 303.15 Definition of Immediate Family

303.15.1 The definition of "Immediate Family" shall be consistently applied to all leave policies set forth in this Chapter. The District purposefully elects a broad and consistent definition, which may, in some circumstances, be beyond what is required by law and regulation, to ensure efficient and consistent administration of leave policies.

303.15.2 For purposes of leave administration in this Chapter, "Immediate Family" is defined as an employee's: Spouse (including a lawfully married same-sex spouse), state registered domestic partner, child, (including a biological, adopted, or foster child, legal ward, or a child to whom the employee stands in loco parentis) child of registered domestic partner, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, stepfather, parent-in-law, grandparent and grandchild.

## Section 304. Probation and Performance Management

### 304.1 Probationary Period

304.1.1 The probationary period is regarded as a part of the selection process for regular employees and ~~shall be~~ is utilized for the purpose of determining the employee's ability to satisfactorily perform the essential job duties, with or without reasonable accommodations, prescribed for the position, and determining the employee's ability to work with other employees. All probationary employees are considered to be "at-will." Temporary, part-time, and seasonal employees are at-will employees and are not subject to a

probationary period. The probationary period policy does not apply to temporary, part-time, seasonal or at-will management employees.

- 304.1.2 All initial and promotional appointments shall be tentative and subject to a probationary period of actual District service in the new position. The probationary period shall ~~shall~~ **does** not include time served under any temporary or provisional appointment. The length of the initial and promotional probationary period shall be six (6) months for all full-time employees.
- 304.1.3 The probationary period of an individual employee may be extended by the District General Manager prior to the expiration of probation, upon the request of the supervisor and approved by the District General Manager, for a period not to exceed an additional six (6) months.
- (a) Probation may be extended if there has been insufficient opportunity to fully evaluate the employee's ability to perform the duties prescribed for the regular position. Such an extension must be approved by the District General Manager, and the employee shall be notified in writing of the extension of the probationary period.
- (b) If the number of leaves of absences (paid or unpaid) totals thirty (30) or more days, it will automatically extend the probationary period the equivalent amount of time the employee was absent from work.
- ~~304.1.4~~ A supervisor may determine that a probationary employee should not pass probation at any time during the employee's probationary period or extension thereof. When the supervisor makes such a determination, he/she shall notify the District General Manager in writing. Upon approval of the District General Manager, the supervisor shall terminate employment of the probationary employee by written notice prior to the expiration of probation.
- 304.1.5 Probationary employees serve in an at-will capacity. Any release from probation shall not be for cause but rather, because the employee failed to meet the standards of the class/position. The employee ~~shall have~~ **has** no right of appeal of failure to pass probation.
- 304.1.6 An employee who fails to pass probation following a promotional appointment and held regular status in his/her former classification shall be reinstated to his/her former position or to a vacant position in the same classification, ~~if said employee held regular status in the classification.~~

304.1.7 If an employee is promoted during a probationary period, the employee shall serve the probationary period in the new position. If the employee does not pass the probationary period of the promotion, there are no specific employee rights to return to his/her previous job, since regular status was not obtained.

#### 304.2 Performance Evaluations

304.2.1 The performance management system at the District is designed to motivate, recognize and reward employees' efforts and achievements. The District strives to create a work environment in which employees are recognized and rewarded for their contributions and where employees understand, contribute and help meet the District's overall goals.

304.2.2 Goal-oriented performance objectives should be established and clearly communicated for each employee. Both performance and behavioral objectives may be established. It is important that employees understand the District's expectations.

304.2.3 The District encourages individual feedback to employees on a regular basis. The District's performance management system is designed so that each permanent regular full-time employee will be evaluated at least annually, and quarterly while the employee is on probation.

304.2.4 Employees will be eligible for consideration of a salary step increase in conjunction with the annual evaluation. The first increase will be considered with the evaluation at the employee's six-month anniversary.

304.2.5 All employee evaluations shall be prepared in written form and shall be signed by the employee's supervisor. (The District General Manager's supervisor is the Board of Trustees or its chosen representatives.)

304.2.6 For each evaluation, there shall be a performance evaluation review meeting between the employee and the employee's supervisor, during which the written evaluation shall be presented and discussed.

(a) Upon completion of the performance evaluation review meeting, the employee shall sign the evaluation to show that the interview was completed.

(b) The employee shall have the opportunity to provide written comments regarding the evaluation within seven calendar days of the interview.

- (c) The District General Manager shall review the performance evaluation and employee comments. He/she The General Manager shall sign the performance evaluation to indicate that the process was completed. A copy of the completed performance evaluation, and the employee's comments, shall be provided to the employee. The original copy shall **will** be kept in the employee's personnel file.
- 304.2.7 An employee evaluation that is less than satisfactory shall requires preparation of a ~~remedial~~ performance improvement plan to be signed by the employee, and a follow-up evaluation within six months.
- 304.2.8 The performance evaluation is not subject to the grievance process set forth in Chapter 700 of this Policy Manual.

### **Section 305. Job Abandonment**

Attendance and punctuality that is observant of scheduled hours on a regular basis is an essential function of all classification. A constructive resignation occurs and is effective when an employee has been absent from duty for three (3) or more consecutive working days without authorized leave. The District may consider that a constructive resignation has occurred due to the absence, or that the absence provides a reasonable basis for believing that the employee has abandoned the job.

At minimum, one phone call in an attempt to speak with the employee will occur. A voice message may be left for the employee.

After being absent for three consecutive working days, a written notice will be sent via U.S.P.S. Priority Mail to the employee. If known, an e-mail may also be sent to the employee's personal e-mail address. The employee will be given written notice, at employee's address of record, of the circumstances of the job abandonment, and an opportunity to provide an explanation for employee's unauthorized absence. The employee will be provided five (5) calendar days to respond, in writing, why employee's employment with the District should not be terminated due to job abandonment, or can arrange for an appointment with the General Manager or designee before final action is taken to explain the unauthorized absence and failure of timely notification. The decision of the General Manager is final.

### **Section 306.5. Drug Free Workplace**

306.5.1 ~~The Alameda County Mosquito Abatement~~ District is committed to providing a work environment that is safe, healthy, and free of any adverse effects caused by alcohol or controlled substances. The District is concerned about employees or other persons working, contracting, or volunteering with the District being under the influence of alcohol, drugs, and/or controlled substances at work or while on District premises. 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.

- 3065.2 A District employee is prohibited from working or being subject to call-in if impaired by alcohol or any controlled substance.
- 3065.3 An employee must notify his/her supervisor before beginning work when taking medications or drugs that 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.
- 3065.4 Compliance with this policy is a condition of District employment. Disciplinary action will be taken against those who violate this policy.
- 3065.5 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 or joint control of the District and employees, without prior notice. No employee has any expectation of privacy in any District building, property, or communications system. No personal property items, such as **personal cell phones or other personal electronic devices**, purses, backpacks, briefcases, etc., will be searched under this policy.
- 3065.6 Except as provided otherwise in a Memorandum of Understanding, the District has discretion to test a current employee for alcohol or drugs following any work-related accident or any violation of safety precautions or standards.

### **Section 307. Workplace Violence**

The goal of the District is to provide every employee a safe work environment. To this end it is the District's policy that violence, or the threat of violence, in the workplace will not be tolerated in any form. It is inappropriate to use violence or threats of violence for any reason or to in any way interfere with providing a safe workplace. Violence, or the threat of violence, against or by any employee of the District or any other person is unacceptable.

307.1 Should a non-employee or District Trustee on District property demonstrate or threaten violent behavior, the District will call law enforcement and he/she may be subject to criminal prosecution. Should an employee demonstrate or threaten violent behavior, he/she may be subject to disciplinary action up to and including termination.

307.2 The following actions are considered violent acts, but not limited:

- (a) Striking, punching, slapping or assaulting another person.
- (b) Fighting or challenging another person to a fight.

- (c) Grabbing, pinching or touching another person in an unwanted way whether sexually or otherwise.
- (d) Engaging in dangerous, threatening or unwanted horseplay.
- (e) ~~Possession, use, or Threats with the~~ of use, of a gun, knife or other weapon of any kind on District property, including parking lots, other interior and exterior premises, District vehicles, or while engaged in activities for the District in other locations.
- (f) Verbal assaults. Verbal assaults are statements that would place a reasonable person in fear of harm for the safety of himself/herself or others and that serve no legitimate workplace purpose.
- (g) Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.

307.3 Any employee or Trustee who is a victim of any violent threatening or harassing conduct, any employee or Trustee witness to such conduct, or any employee or Trustee receiving a report of such conduct, whether the perpetrator is a District employee or a non-employee, shall immediately report the incident to their supervisor or other appropriate person in the chain of command. The General Manager must be notified.

307.4 No one, acting in good faith, who initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment by the District.

307.5 Any employee reported to be a perpetrator, will be provided due process before the District takes disciplinary action.

307.6 Anyone who fears for the safety of persons at the scene of the violent act should call law enforcement immediately.

#### **Section 308. Exit Interviews**

308.1 The General Manager, or immediate supervisor, shall meet with each employee at the end of their employment at the District.

## **Chapter 400. OPERATIONS**

### **Section 401. District Policy General**

The following goals and guidelines have been adopted by the Board of Trustees of the District to be used by management in the formulation and implementation of District programs:

- (a) The District shall carry on a mosquito control program to provide an acceptable level of comfort and to protect the public from mosquito-borne disease.
- (b) The mosquito control program shall be consistent with prevailing land-use planning, comply with the California Environmental Quality Act of 1970 (adopted February 28, 1973), and be appropriately integrated with environmental management plans.
- (c) The mosquito control program shall emphasize environmental management techniques that reinforce already operating forces of natural control. Control agents and/or methodologies shall be selected on the basis of human and environmental safety and efficiency.

401.1 Other Pertinent Legislation and Cooperative Agreements impacting the Operations of the District:

- (a) California Department of Agriculture Pesticide Worker Regulation;
- (b) Cooperative Agreement, State Department of Public Health; and/or
- (c) Occupational Safety and Health Act.

401.2 Source Reduction Policy

401.2.1 It shall be the overall goal of the District to provide for the public's health and comfort by carrying on a program of mosquito source abatement that is responsive to the public, cost effective, compatible with the natural environment and consistent with prevailing land-use planning or zoning.

401.2.2 The primary objective of the District shall be the progressive elimination and/or management of mosquito breeding sources. This shall be accomplished through District review of local government planning processes, by educational means, by public projects accomplished by the District or in cooperation with regulatory agencies, by legal abatement procedures, or by other means.

401.2.3 When it is determined by the District that a mosquito source will require a continuing program of maintenance and/or water management, the District objective shall be to educate landowners and land managers to fully accept the responsibility for managing the mosquito source in a manner that will reduce mosquito production to a level determined to be satisfactory to the District.

#### 401.3 Legal Abatement Procedures

401.3.1 Under the following circumstances, the District shall initiate legal procedures to abate a mosquito source, and/or gain repayment of the costs of temporary control incurred by the District:

- (a) A landowner, corporation, public agency, etc., has not made a reasonable effort to abate, or cooperate in the abatement of, a mosquito source as recommended by the District.
- (b) A landowner, corporation, public agency, etc., has not made a reasonable effort to take the responsibility for maintenance and management of a long-term mosquito source.
- (c) During the interim period before a source is eliminated, or before a mosquito control management program can be implemented by the landowner or land manager, the District shall, within the limits of its resources and legal authority, make physical modification, introduce biological controls, and/or apply approved pesticides to provide temporary control in order to maintain a satisfactory level of public health and comfort.

The District shall initiate legal action to abate the source, or to gain repayment of costs incurred by the District, when the conditions specified above prevail.

### **Section 402. Injury and Illness Prevention Program**

402.1 Policy Statement. The District will institute and administer a comprehensive and continuous occupational Injury and Illness Prevention Plan (IIPP) for all employees. The health and safety of the individual employee, whether in the field, shop, or office, takes precedence over all other concerns. Management's goal is to prevent accidents, to reduce personal injury and occupational illness and to comply with all safety and health standards.

402.2 Program Administration. Overall responsibility for the development, implementation, and monitoring of the IIPP shall be vested with the General Manager. Day-to-day responsibility for the IIPP shall be assigned to the {IIPP Administrator} as designated by the General Manager. Duties of the IIPP Administrator include but are not limited to:

- (a) Ensuring that all supervisors are trained in workplace safety and are familiar with the safety and health hazards to which employees under their immediate direction may be exposed, as well as applicable laws, regulations, and the District's safety rules and policies;
- (b) Ensuring that employees are trained in accordance with this program;
- (c) Inspecting, recognizing, and evaluating workplace hazards, including repetitive stress, on a continuing basis;
- (d) Developing methods for abating workplace hazards;
- (e) Ensuring that workplace hazards are abated in a timely and effective manner;
- (f) Maintaining current certification in CPR and first aid training; and
- (g) Maintaining the District's Safety Binders, which include safety information on equipment and materials used at the District. A copy of the Safety Binder will be located in the Tech room for employee use.

#### 402.3 Employee Compliance

- 402.3.1 All employees are responsible for carrying out the IIPP in their work areas. A copy of the IIPP shall be available from the IIPP Administrator or the General Manager, who shall be able to answer employee questions about the program.
- 402.3.2 Employees who follow safe and healthful work practices will have this fact recognized and documented on their performance reviews.
- 402.3.3 Employees who are unaware of correct safety and health procedures will be trained or retrained by the IIPP Administrator and/or their supervisor and this training will be documented in the IIPP Training Log.
- 402.3.4 Willful violations of safe work practices may result in disciplinary action in accordance with District policies set forth in Chapter 700. ~~below.~~

#### 402.4 Communication

- 402.4.1 Matters concerning occupational safety and health will be communicated to employees by means of written documentation, staff meetings, formal and informal training and posting.
- 402.4.2 Communication from employees to the IIPP Administrator about unsafe or unhealthy conditions is encouraged and may be verbal or

written, as the employee chooses. The employee may use the Unsafe Condition Form and remain anonymous.

402.4.3 No employee shall be retaliated against for reporting hazards or potential hazards, or for making suggestions related to safety.

402.4.4 The results of the investigation of any employee safety suggestion or report of hazard will be distributed to all employees affected by the hazard, or posted on appropriate bulletin boards.

#### 402.5 Inspections

402.5.1 The IIPP Administrator will conduct monthly inspections to identify unsafe work conditions and practices. The monthly inspection will also include all safety items such as fire extinguishers, eye wash stations, fire/smoke alarms and wash facilities. (See Emergency Equipment Maintenance Check Form.)

402.5.2 Employees are required to inspect equipment and the work site for unsafe conditions before beginning work each day.

402.5.3 The IIPP Administrator is also required to inspect new substances, processes, procedures, or equipment introduced into the workplace for occupational safety and work hazards.

#### 402.6 Accident and Incident Investigation

402.6.1 All work-related accidents shall be investigated by the District immediately. Reported minor accidents and near misses shall be investigated as well as serious incidents. A "near miss" is an incident which, although not serious in itself, could have resulted in serious injury or significant property damage.

402.6.2 The investigation must obtain all the facts surrounding the occurrence including, but not limited to: what caused the situation to occur; who was involved; was/were the employee(s) qualified to perform the functions involved in the accident or near miss; were they properly trained; were proper operating procedures followed, and if not, why not; where else this or a similar situation might exist, and how it can be corrected. A written report of the investigation shall be prepared and submitted to the General Manager.

402.6.3 The accident and incident investigator (IIPP Administrator or person designated by the General Manager) must determine which aspects of the operation or process require additional attention to eliminate the cause of the accident or near miss.

402.6.4 Actions already taken to reduce or eliminate the exposures being investigated should be noted, along with those remaining to be addressed. Any interim or temporary precautions should also be noted. Any pending corrective action and reason for delaying its implementation shall be identified.

402.6.5 Corrective action shall be identified in terms of how it will prevent a recurrence of the accident or near miss in the future.

#### 402.7 Correction of Unsafe or Unhealthful Conditions

402.7.1 Whenever an unsafe or unhealthful condition, practice or procedure is observed, discovered, or reported, the IIPP Administrator will take appropriate corrective measures in a timely manner based upon the severity of the hazard. Employees will be informed of the hazard, and interim protective measures taken until the hazard is corrected.

402.7.2 Employees may not enter an imminent hazard area without appropriate protective equipment, training, and prior specific approval given by the IIPP Administrator.

#### 402.8 Training

402.8.1 The IIPP Administrator or designee shall assure that the supervisors receive training on recognizing the safety and health hazards to which employees under their immediate direction may be exposed.

402.8.2 Supervisors are responsible for seeing that those under their direction receive training on general workplace safety and specific instructions regarding hazards unique to any job assignment.

402.8.3 This safety training will be provided:

(a) To all employees and those given new job assignments for which training was not previously received;

(b) Whenever new substances, processes, procedures or equipment introduced to the workplace present a new hazard; and/or

(c) Whenever the employer is made aware of a new or previously recognized hazard.

402.8.4 When supervisory staff are unable to provide the required training themselves, they shall request that the training be given by others or designees.

402.8.5 A specific list of training requirements for employee instruction is contained in the California Code of Regulations, Title 8, Section 1510, "Safety Instructions for Employees."

#### 402.9 Record Keeping

402.9.1 The IIPP Administrator or designee shall keep records of inspections, including the name of the person(s) conducting the inspection, the unsafe conditions and work practices identified, and action taken to correct those identified unsafe conditions and work practices. The records shall be maintained for three years.

402.9.2 The IIPP Administrator or designee shall also keep documentation of safety and health training attended by each employee, including employee name or other identifier, training dates, type(s) of training, and training providers in the IIPP folder. This documentation shall be maintained for three years. Training history may also be included in employees' personnel files with employees' signed acknowledgments.

402.9.3 The IIPP Administrator or designee shall keep records of all employees' safety and health-related certifications, including specifically certifications for pesticide application, first aid, and cardiopulmonary resuscitation. The IIPP Administrator or designee shall advise employees of the expected expiration of certifications in a timely manner so that certifications can be kept current. The IIPP Administrator or designee shall notify the General Manager immediately of the expiration of any employee's required certification.

402.9.4 The General Manager shall ensure that all required employee certifications are maintained.

#### 402.10 Hazard Communication Program

402.10.1 The District has developed a Hazard Communication Program to enhance our employees' health and safety.

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(a) Containers are clearly labeled as to the contents;

(b) Appropriate hazard warnings are noted; and

(c) The name and address of the manufacturer are listed.

402.10.4 The container labeling responsibility is assigned to the IIPP Administrator. All secondary hazardous material containers will be labeled.

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#### 402.11 Safety Data Sheets (SDS)

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402.14 Plan Questions. Questions about this plan should be directed to the IIPP Administrator. The plan will be monitored by the IIPP Administrator to ensure that the policies are carried out and that the plan is effective.

## 402.15 ACMAD Safety Committee

402.15.1 The Safety Committee is to be made up of the General Manager, the IIPP Administrator, and two other employees representing the lab and field operations. The two other employees will serve on the committee for a one-year period (calendar year). Employees are to be rotated through the Safety Committee so that they might benefit from an increased awareness of safety at the District. At any time, a supervisor may attend a meeting. The Safety Committee is to meet at least quarterly.

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- 403.5.7 Parental consent must be obtained before posting images of minors on District social media platforms.

#### **Section 404. Policy for District Vehicle Use**

- 404.1 The General Manager may grant temporary use of a District vehicle to an employee for use after regular District work hours when it proves to be more efficient in the completion of District work.
- 404.2 No employee will be granted temporary use of a District vehicle under this policy who has not provided the District with proof of: (1) valid automobile insurance with coverage that meets current State minimums, and (2) a current DMV printout which documents that the employee has a valid California Driver's license, and an acceptable driving record.
- 404.3 At no time shall the General Manager grant use of a District vehicle to anyone other than a District employee or Trustee, and at no time shall the vehicle be used for any other purpose than District business.

#### **Section 405. Policy for Use of District Unmanned Aircraft Systems (UAS)**

- 405.1 At no time shall District UAS be used for any purpose other than District business. Only District employees that hold a valid Remote Pilot license that is issued by the US Federal Aviation Administration (FAA) and a properly trained flight crew are permitted to operate and participate in an operation that involves the use of unmanned aircraft systems (UAS). All operations that involve UAS must include a pilot in command (PIC) and at least one visual observer (VO).
- 405.2 Monitor and comply with Evolving Federal (14 CFR Part 107), State and Local UAS Laws.

- 405.3 Each UAS operation must comply with current FAA rules and recommendations, and adhere to restrictions made by air traffic control services that monitor the airspace of the operation. Operations using UAS may be conducted only after the land owner or property manager has provided prior and verifiable permission for the operation, or when legal authority for the operation is provided. A maintenance record book must be maintained for each UAS. A flight log book that records all UAS operations should be made by the PIC for each operation, and retained for at least three (3) years after an operation. The flight log book should record the following: date, time, location, weather conditions at the site and time of an operation, PIC, VO(s), completion of the preflight checklist, updates to maintenance records, purpose of the operation, and anomalous incidents.
- 405.4 The elevation above ground level (AGL) that the UAS is flown should be minimized, preferably less than 100 feet AGL, and may not exceed 400 feet AGL. Appropriate PPE must be used during all operations that involve UAS, including safety glasses during UAS takeoff and landing. All incidents of UAS loss of control (LOC), collisions (person, animal, or structure) must be reported verbally to the supervisor of the PIC as soon as it is safe, and a written summary of the incident provided to the supervisor of the PIC within one (1) working day of the incident. Incidents that are reportable to the FAA must be reported to the FAA. The PIC and VO must maintain an unaided visual line of sight (VLOS) with the UAS. The PIC may fly the UAS only if satisfied that the flight can be made safely. The PIC should conduct a pre-mission survey of the flight area to evaluate local geography, identify hazards, and determine where PIC and VO should be positioned so that VLOS with the UAS is maintained throughout the operation. The PIC will always seek to minimize the risk of injury, property damage, and intrusion of privacy when planning and conducting operations with UAS. The UAS may not be flown within 25 feet of any person.
- 405.5 If during an operation, someone asks the PIC to delete imagery collected using the UAS, do so, unless there is a good reason not to. The PIC is responsible for destroying all photographs or videos (originals and copies) that are made using the UAS within seven (7) working days from the conclusion of each UAS operation if they contain personally identifiable information (PII). PII includes, but is not limited to images of a face, vehicle license plate, or metadata that conclusively identifies the site if any part of the operation was conducted over private property (e.g. addresses or GPS coordinates). Photos or videos made using the UAS may be retained longer than seven (7) working days with approval of the General Manager, and only if all PII and metadata associated with the imagery is obfuscated or deidentified. The PIC is responsible to make sure that no photograph or video (originals and copies) that are made using the UAS is shared with anyone outside the District without the written permission of the General Manager of the District. Data collected by the UAS, including photographs and or videos shall be used only by the District in accordance with

its stated mission and objectives. Monthly inspections (Ref. Section 402.5) shall cover all aspects of the usage of the UAS that includes reasonable effort to regularly monitor systems for breach and data security risks.

## Chapter 400. OPERATIONS

### Section 401. District Policy General

The following goals and guidelines have been adopted by the Board of Trustees of the ~~Alameda County Mosquito Abatement~~ District to be used by management in the formulation and implementation of District programs:

- (a) The District shall carry on a mosquito control program to provide an acceptable level of comfort and to protect the public from mosquito-borne disease.
- (b) The mosquito control program shall be consistent with prevailing land-use planning, comply with the California Environmental Quality Act of 1970 (adopted February 28, 1973), and be appropriately integrated with environmental management plans.
- (c) The mosquito control program shall emphasize environmental management techniques that reinforce already operating forces of natural control. Control agents and/or methodologies shall be selected on the basis of human and environmental safety and efficiency.

401.1 Other Pertinent Legislation and Cooperative Agreements impacting Providing Constraints on the Operations of the ~~Alameda County Mosquito Abatement~~ District:

- (a) California Department of Agriculture Pesticide Worker Regulation;
- (b) Cooperative Agreement, State Department of Public Health; and/or
- (c) Occupational Safety and Health Act.

401.2 Source Reduction Policy

401.2.1 It shall be the overall goal of the ~~Alameda County Mosquito Abatement~~ District to provide for the public's health and comfort by carrying on a program of mosquito source abatement that is responsive to the public, cost effective, compatible with the natural environment and consistent with prevailing land-use planning or zoning.

401.2.2 The primary objective of the District shall be the progressive elimination and/or management of mosquito breeding sources. This shall be accomplished through District review of local government planning processes, by educational means, by public projects accomplished by the District or in cooperation with regulatory agencies, by legal abatement procedures, or by other means.

401.2.3 When it is determined by the District that a mosquito source will require a continuing program of maintenance and/or water management, the District objective shall be to educate landowners and land managers to fully accept the responsibility for managing the mosquito source in a manner that will reduce mosquito production to a level determined to be satisfactory to the District.

#### 401.3 Legal Abatement Procedures

401.3.1 Under the following circumstances, the District shall initiate legal procedures to abate a mosquito source, and/or gain repayment of the costs of temporary control incurred by the District:

- (a) A landowner, corporation, public agency, etc., has not made a reasonable effort to abate, or cooperate in the abatement of, a mosquito source as recommended by the District.
- (b) A landowner, corporation, public agency, etc., has not made a reasonable effort to take the responsibility for maintenance and management of a long-term mosquito source.
- (c) During the interim period before a source is eliminated, or before a mosquito control management program can be implemented by the landowner or land manager, the District shall, within the limits of its resources and legal authority, make physical modification, introduce biological controls, and/or apply approved pesticides to provide temporary control in order to maintain a satisfactory level of public health and comfort.

The District shall initiate legal action to abate the source, or to gain repayment of costs incurred by the District, when the conditions specified above prevail.

### **Section 402. Injury and Illness Prevention Program**

402.1 Policy Statement. The Alameda County Mosquito Abatement District will institute and administer a comprehensive and continuous occupational Injury and Illness Prevention Plan (IIPP) for all employees. The health and safety of the individual employee, whether in the field, shop, or office, takes precedence over all other concerns. Management's goal is to prevent accidents, to reduce personal injury and occupational illness and to comply with all safety and health standards.

402.2 Program Administration. Overall responsibility for the development, implementation, and monitoring of the IIPP shall be vested with the District General Manager. Day-to-day responsibility for the IIPP shall be assigned to the District ~~Mechanical Specialist (IIPP Administrator)~~ as designated by the

[General Manager](#). Duties of the IIPP Administrator include but are not limited to:

- (a) Ensuring that all supervisors are trained in workplace safety and are familiar with the safety and health hazards to which employees under their immediate direction may be exposed, as well as applicable laws, regulations, and the District's safety rules and policies;
- (b) Ensuring that employees are trained in accordance with this program;
- (c) Inspecting, recognizing, and evaluating workplace hazards, including repetitive stress, on a continuing basis;
- (d) Developing methods for abating workplace hazards;
- (e) Ensuring that workplace hazards are abated in a timely and effective manner;
- (f) Maintaining current certification in CPR and first aid training; and
- (g) Maintaining the District's Safety Binders, which include safety information on equipment and materials used at the District. A copy of the Safety Binder will be located in the Tech room for employee use.

#### 402.3 Employee Compliance

402.3.1 All employees are responsible for carrying out the IIPP in their work areas. A copy of the IIPP shall be available from the IIPP Administrator or the District [General Manager](#), who shall be able to answer employee questions about the program.

402.3.2 Employees who follow safe and healthful work practices will have this fact recognized and documented on their performance reviews.

402.3.3 Employees who are unaware of correct safety and health procedures will be trained or retrained by the IIPP Administrator and/or their supervisor and this training will be documented in the IIPP Training Log.

402.3.4 Willful violations of safe work practices may result in disciplinary action in accordance with District policies set forth in Chapter 700. ~~below.~~

#### 402.4 Communication

402.4.1 Matters concerning occupational safety and health will be communicated to employees by means of written documentation, staff meetings, formal and informal training and posting.

402.4.2 Communication from employees to the IIPP Administrator about unsafe or unhealthy conditions is encouraged and may be verbal or written, as the employee chooses. The employee may use the Unsafe Condition Form and remain anonymous.

402.4.3 No employee shall be retaliated against for reporting hazards or potential hazards, or for making suggestions related to safety.

402.4.4 The results of the investigation of any employee safety suggestion or report of hazard will be distributed to all employees affected by the hazard, or posted on appropriate bulletin boards.

#### 402.5 Inspections

402.5.1 The IIPP Administrator will conduct monthly inspections to identify unsafe work conditions and practices. The monthly inspection will also include all safety items such as fire extinguishers, eye wash stations, fire/smoke alarms and wash facilities. (See Emergency Equipment Maintenance Check Form.)

402.5.2 Employees are required to inspect equipment and the work site for unsafe conditions before beginning work each day.

402.5.3 The IIPP Administrator is also required to inspect new substances, processes, procedures, or equipment introduced into the workplace for occupational safety and work hazards.

#### 402.6 Accident and Incident Investigation

402.6.1 All work-related accidents shall be investigated by the District ~~immediately, in a timely manner~~. Reported minor accidents and near misses shall be investigated as well as serious incidents. A “near miss” is an incident which, although not serious in itself, could have resulted in serious injury or significant property damage.

402.6.2 The investigation must obtain all the facts surrounding the occurrence including, but not limited to: what caused the situation to occur; who was involved; was/were the employee(s) qualified to perform the functions involved in the accident or near miss; were they properly trained; were proper operating procedures followed, and if not, why not; where else this or a similar situation might exist, and how it can be corrected. A written report of the investigation shall be prepared and submitted to the District General Manager.

402.6.3 The accident and incident investigator (IIPP Administrator or person designated by the District General Manager) must determine which aspects of the operation or process require additional attention to eliminate the cause of the accident or near miss.

402.6.4 Actions already taken to reduce or eliminate the exposures being investigated should be noted, along with those remaining to be addressed. Any interim or temporary precautions should also be noted. Any pending corrective action and reason for delaying its implementation shall be identified.

402.6.5 Corrective action shall be identified in terms of how it will prevent a recurrence of the accident or near miss in the future.

#### 402.7 Correction of Unsafe or Unhealthful Conditions

402.7.1 Whenever an unsafe or unhealthful condition, practice or procedure is observed, discovered, or reported, the IIPP Administrator will take appropriate corrective measures in a timely manner based upon the severity of the hazard. Employees will be informed of the hazard, and interim protective measures taken until the hazard is corrected.

402.7.2 Employees may not enter an imminent hazard area without appropriate protective equipment, training, and prior specific approval given by the IIPP Administrator.

#### 402.8 Training

402.8.1 The IIPP Administrator or designee shall assure that the supervisors receive training on recognizing the safety and health hazards to which employees under their immediate direction may be exposed.

402.8.2 Supervisors are responsible for seeing that those under their direction receive training on general workplace safety and specific instructions regarding hazards unique to any job assignment.

402.8.3 This safety training will be provided:

- (a) To all employees and those given new job assignments for which training was not previously received;
- (b) Whenever new substances, processes, procedures or equipment introduced to the workplace present a new hazard; and/or
- (c) Whenever the employer is made aware of a new or previously recognized hazard.

402.8.4 When supervisory staff are unable to provide the required training themselves, they shall request that the training be given by others or designees.

402.8.5 A specific list of training requirements for employee instruction is contained in the California Code of Regulations, Title 8, Section 1510, "Safety Instructions for Employees."

#### 402.9 Record Keeping

402.9.1 The IIPP Administrator or designee shall keep records of inspections, including the name of the person(s) conducting the inspection, the unsafe conditions and work practices identified, and action taken to correct those identified unsafe conditions and work practices. The records shall be maintained for three years.

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- 403.5.6 Content posted on social media sites may be considered public records subject to disclosure under California's Public Records Act ("PRA" – Government Code §§ 6250, et. seq.). Any content maintained on any Approved District Social Media Site that is related to District business, including a list of subscribers, posted communication, and communication submitted for posting, as well as any deleted content, may be a public record subject to disclosure. All such content must be retained pursuant to the ~~Public Records Act~~ [PRA](#) and the District's retention policy. PRA requests for the production of posts or deleted content on an Approved District Social Media Site shall be referred to the District ~~General~~ Manager for review and response.

403.5.7 Parental consent must be obtained before posting images of minors on District social media platforms.

#### **Section 404. Policy for District Vehicle Use**

- 404.1 The [General](#) Manager may grant temporary use of a District vehicle to an employee for use after regular District work hours when it proves to be more efficient in the completion of District work.
- 404.2 No employee will be granted temporary use of a District vehicle under this policy who has not provided the District with proof of: (1) valid automobile insurance with coverage that meets current State minimums, and (2) a current DMV printout which documents that the employee has a valid California Driver's license, and an acceptable driving record.
- 404.3 At no time shall the District ~~General~~ Manager grant use of a District vehicle to anyone other than a District employee or Trustee, and at no time shall the vehicle be used for any other purpose than District business.

#### **Section 405. Policy for Use of District Unmanned Aircraft Systems (UAS)**

- 405.1 At no time shall District UAS be used for any purpose other than District business. Only District employees that hold a valid Remote Pilot license that is issued by the US Federal Aviation Administration (FAA) and a properly trained flight crew are permitted to operate and participate in an operation that involves

the use of unmanned aircraft systems (UAS). All operations that involve UAS must include a pilot in command (PIC) and at least one visual observer (VO).

405.2 Monitor and comply with Evolving Federal (14 CFR Part 107), State and Local UAS Laws.

405.3 Each UAS operation must comply with current FAA rules and recommendations, and adhere to restrictions made by air traffic control services that monitor the airspace of the operation. Operations using UAS may be conducted only after the land owner or property manager has provided prior and verifiable permission for the operation, or when legal authority for the operation is provided. A maintenance record book must be maintained for each UAS. A flight log book that records all UAS operations should be made by the PIC for each operation, and retained for at least three (3) years after an operation. The flight log book should record the following: date, time, location, weather conditions at the site and time of an operation, PIC, VO(s), completion of the preflight checklist, updates to maintenance records, purpose of the operation, and anomalous incidents.

**Commented [EH1]:** This is intended to cover court-authorized abatements.

405.4 The elevation above ground level (AGL) that the UAS is flown should be minimized, preferably less than 100 feet AGL, and may not exceed 400 feet AGL. Appropriate PPE must be used during all operations that involve UAS, including safety glasses during UAS takeoff and landing. All incidents of UAS loss of control (LOC), collisions (person, animal, or structure) must be reported verbally to the supervisor of the PIC as soon as it is safe, and a written summary of the incident provided to the supervisor of the PIC within one (1) working day of the incident. Incidents that are reportable to the FAA must be reported to the FAA. The PIC and VO must maintain an unaided visual line of sight (VLOS) with the UAS. The PIC may fly the UAS only if satisfied that the flight can be made safely. The PIC should conduct a pre-mission survey of the flight area to evaluate local geography, identify hazards, and determine where PIC and VO should be positioned so that VLOS with the UAS is maintained throughout the operation. The PIC will always seek to minimize the risk of injury, property damage, and intrusion of privacy when planning and conducting operations with UAS. The UAS may not be flown within 25 feet of any person.

**Commented [EH2]:** This is required of a FAA licensed Remote Pilot. Additionally, it is required for flying under Part 107 and with a COA.

405.5 If during an operation, someone asks the PIC to delete imagery collected using the UAS, do so, unless there is a good reason not to. The PIC is responsible for destroying all photographs or videos (originals and copies) that are made using the UAS within seven (7) working days from the conclusion of each UAS operation if they contain personally identifiable information (PII). PII includes, but is not limited to images of a face, vehicle license plate, or metadata that conclusively identifies the site if any part of the operation was conducted over private property (e.g. addresses or GPS coordinates). Photos or videos made using the UAS may be retained longer than seven (7) working days with approval of the General Manager, and only if all PII and metadata associated

with the imagery is obfuscated or deidentified. The PIC is responsible to make sure that no photograph or video (originals and copies) that are made using the UAS is shared with anyone outside the District without the written permission of the General Manager of the District. Data collected by the UAS, including photographs and or videos shall be used only by the District in accordance with its stated mission and objectives. Monthly inspections (Ref. Section 402.5) shall cover all aspects of the usage of the UAS that includes reasonable effort to regularly monitor systems for breach and data security risks.

**Commented [EH3]:** Consider having images stored only on a computer that is specified for UAS image analysis, that is not connected to any network. This way, IT can set up a schedule to automatically delete files in a folder after 7 days.

## **CHAPTER 500. HIRING AND EQUAL EMPLOYMENT OPPORTUNITY POLICIES**

### **501. Hiring**

- 501.1 All District recruitments shall be conducted on a merit-based, competitive basis. There is not an established minimum number of days set for an open recruitment; the number of days a recruitment is open will depend upon an analysis of the current labor market for that job class.
- 501.2 The job announcement and other advertisement materials will state the application process and timeline. An applicant's failure to provide a completed application by the filing deadline or failure to follow instructions may disqualify the applicant from further consideration.
- 501.3 Staff assigned by the District will review all application materials and determine those applicants who present qualifications that most closely match the requirements of the position, and who should be further considered for employment. After such review, applicants will be notified of their status and/or next steps in the selection process.
- 501.4 Applicants may be required to participate in a variety of selection processes that may include, but not limited to, an interview panel and/or written examination, physical ability or skills testing, or any combination of valid and job-related assessments designed to evaluate an applicant's possession of the knowledge, skills and abilities relevant to the position. Performance in the selection processes will identify those applicants qualified to proceed further in the hiring process.
- 501.5 Applicant screening will include a review and confirmation of the applicant's employment history, education, professional credentials and/or certification, and criminal records (after the applicant is determined to be qualified for the position). If applicable to the position, the applicant's driving record and credit record may also be reviewed. Appropriate authorization from the candidate will be obtained before the background checks are initiated.
- 501.6 The General Manager or designee will be responsible for verifying references. An offer of employment shall not be made until the reference checking is completed.
- 501.7 Only the General Manager is authorized to approve an offer of employment to a candidate. The initial verbal offer of employment

may be made on a contingent basis, based on successful completion of further steps of the screening process. Contingencies may include a post offer of employment medical exam and/or drug testing. Candidates failing to meet the requirements of the contingent offer are subject to a withdrawal of the offer of employment.

- 501.8 The employee's first day of work is considered the employee's anniversary date for purposes of service start date and benefits determination. An employee's anniversary date may change if the employee becomes permanent from a temporary or seasonal classification. Employee performance evaluations and step increases fall on the anniversary day unless the employee's classification changed or he/she took a leave of absence that required bridging two periods of uninterrupted employment.

## **502. Equal Employment Opportunity**

- 502.1 It is the District's policy to provide equal employment opportunity to all applicants and employees in accordance with applicable equal opportunity laws, directives and regulations of Federal, State and local governing bodies and agencies thereof. The District will base all of its employment decisions on job-related standards and its commitment to equal employment opportunity, and will employ, retain, train, promote, terminate and otherwise treat any and all employees and job applicants on the basis of merit, qualifications, and competence.
- 502.2 The District does not discriminate against its employees or applicants on the basis of race, religion, color, sex (including gender, gender identity, gender expression, pregnancy, and breastfeeding), sexual orientation (including heterosexuality, homosexuality, ~~and~~ bisexuality, transgender, or sex stereotype), national origin, ancestry, marital status, age (40 or over), medical condition, genetic characteristics or information, ~~and~~ physical or mental disability, military or veteran status, or any other category protected by law.
- 502.3 Non-Discrimination/Equal Opportunity applies in all areas of District operations, including recruitment, hiring, promotion, compensation, benefits, work assignments, performance evaluation, disciplinary actions, layoffs, and employee development, along with District educational, social, and recreational programs.
- 502.4 Employees, applicants, unpaid interns, volunteers, 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 604 of these personnel rules, or by contacting the U.S. Equal Employment Opportunity Commission, or the California Department of Fair Employment and Housing.

503. Reasonable Accommodation as Part of the Recruitment Process

An otherwise qualified candidate for employment who needs a reasonable accommodation to participate in a selection process should make such a request, preferably in writing, to the General Manager. The request must identify: (a) the presence of a disability as set forth in the California Fair Employment and Housing Act and/or the Americans with Disabilities Act, (b) the element(s) of the selection process for which an accommodation is requested, and (c) the requested accommodation.

## CHAPTER 500. HIRING AND EQUAL EMPLOYMENT OPPORTUNITY POLICIES

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- 501.4 Applicants may be required to participate in a variety of selection processes that may include, but not limited to, an interview panel and/or written examination, physical ability or skills testing, or any combination of valid and job-related assessments designed to evaluate an applicant's possession of the knowledge, skills and abilities relevant to the position. Performance in the selection processes will identify those applicants qualified to proceed further in the hiring process.
- 501.5 Applicant screening will include a review and confirmation of the applicant's employment history, education, professional credentials and/or certification, and criminal records (after the applicant is determined to be qualified for the position). If applicable to the position, the applicant's driving record and credit record may also be reviewed. Appropriate authorization from the candidate will be obtained before the background checks are initiated.
- 501.6 The District General Manager or designee will be responsible for verifying references. An offer of employment shall not be made until the reference checking is completed.
- 501.7 Only the District General Manager is authorized to approve an offer of employment to a candidate. The initial verbal offer of employment

may be made on a contingent basis, based on successful completion of further steps of the screening process. Contingencies may include a [post offer of employment](#) pre-placement medical exam [and/or drug testing](#). Candidates failing to meet the requirements of the contingent offer are subject to a withdrawal of the offer of employment.

501.8 The employee's first day of work is considered the employee's anniversary date for purposes of service start date and benefits determination. An employee's anniversary date may change if the employee becomes permanent from a temporary or seasonal classification. Employee performance evaluations and step increases fall on the anniversary day unless the employee's classification changed or he/she took a leave of absence that required bridging two periods of uninterrupted employment.

## 502 Equal Employment Opportunity

502.1 It is the District's policy to provide equal employment opportunity to all applicants and employees in accordance with applicable equal opportunity laws, directives and regulations of Federal, State and local governing bodies and agencies thereof. The District will base all of its employment decisions on job-related standards and its commitment to equal employment opportunity, and will employ, retain, train, promote, terminate and otherwise treat any and all employees and job applicants on the basis of merit, qualifications, and competence.

502.2 The District does not discriminate against its employees or applicants on the basis of race, religion, color, sex (including gender, gender identity, gender expression, pregnancy, and breastfeeding), sexual orientation (including heterosexuality, homosexuality, ~~and~~ bisexuality, **transgender, or sex stereotype**), national origin, ancestry, marital status, age (**40 or over**), medical condition, genetic characteristics or information, ~~and~~ physical or mental disability, **military or veteran status**, or any other category protected by law.

502.3 Non-Discrimination/Equal Opportunity applies in all areas of District operations, including recruitment, hiring, promotion, compensation, benefits, work assignments, performance evaluation, disciplinary actions, layoffs, and employee development, along with District educational, social, and recreational programs.

**502.4 Employees, applicants, unpaid interns, volunteers, 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 604](#)**

of these personnel rules, or by contacting the U.S. Equal Employment Opportunity Commission, or the California Department of Fair Employment and Housing.

### 503 Reasonable Accommodation as Part of the Recruitment Process

~~503.1 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.~~

503.2 An otherwise qualified candidate for employment who needs a reasonable accommodation to participate in a selection process should make such a request, preferably in writing, to the District General Manager. The request must identify: (a) the presence of a disability as set forth in the California Fair Employment and Housing Act and/or the Americans with Disabilities Act, (b) the element(s) of the selection process for which an accommodation is requested, and (c) the requested accommodation.

~~X An employee seeking a reasonable accommodation to perform the essential job functions of his/her job should make such a request, preferably in writing, to the District Manager. The request must identify: (a) the job-related functions at issue; and (b) the desired accommodation(s).~~

Commented [BB1]: MOVED TO 302.8

~~503.4 Following receipt of a request for accommodation, the District Manager may require additional information, such as reasonable documentation of the existence of a disability.~~

~~503.5 The District may require an employee to undergo a fitness for duty examination at the District's expense to determine whether the employee 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.~~

~~503.6 After receipt of reasonable documentation of a disability and/or a fitness for duty report, the District Manager will arrange for an interactive discussion, in person or via telephone conference call, with the employee and his/her representative(s), if any. The purpose of the discussion is to work in good faith to fully consider all feasible potential reasonable accommodations.~~

~~503.7 Following the conclusion of the interactive discussion, the District Manager will determine whether reasonable accommodation(s) can be made, and the type of accommodation(s) that will be offered. The District may 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 Manager will inform the applicant or employee of his/her decision as to reasonable accommodation(s) in writing.~~



## **CHAPTER 600. HARASSMENT, DISCRIMINATION, AND RETALIATION**

### **Section 601. Policy**

- 601.1 The District prohibits any form of discrimination, harassment, or retaliation on the basis of membership in one or more protected classifications as defined in Section 601.2, below, as may be amended by State and Federal law. District employees have a grave responsibility for maintaining high standards of honesty, integrity, impartiality and conduct to assure proper performance of the District's business and the maintenance of confidence of the people it serves.
- 601.2 Protected classifications include race, religion, color, sex (including gender, gender identity, gender expression, pregnancy, and breastfeeding), sexual orientation (including heterosexuality, homosexuality, bisexuality, transgender, or sex stereotype), national origin, ancestry, marital status, age (40 or over), medical condition, genetic characteristics or information, and physical or mental disability, military or veteran status, or any other classification protected by law.
- 601.3 The District, elected or appointed officials, officers, employees, interns, volunteers, or contractors are prohibited from harassing or discriminating against applicants, officers, officials, employees, interns, volunteers, or contractors because of: (1) an individual's membership in a protected classification; (2) the perception that an individual is a member of a protected classification; or (3) the individual associates with a person who has or is perceived to be a member of a protected classification.
- 601.4 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.
- 601.5 Disciplinary action or other appropriate sanctions up to and including termination will be instituted for prohibited behavior.
- 601.6 Any form of 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.

### **Section 602. Definitions**

- 602.1 Harassment is unwelcome conduct based on membership in a protected classification that unreasonably interferes with an employee's job performance, or creates an intimidating, hostile or offensive work environment. Behavior that constitutes harassment may include, but is not limited to:

- (a) Unwanted sexual advances, requests for sexual favors and other acts 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.
- (b) Behavior that interferes with an employee's work performance or creates an intimidating, hostile or offensive working environment, including but not limited to:
  - (1) Speech, such as epithets, derogatory comments or slurs, 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, or leering.
  - (3) Visual acts, such as displaying derogatory posters, or cartoons, or sending emails, pictures or drawings which are derogatory or sexually explicit.

602.2 Discrimination is treatment or consideration of, or making a distinction in favor of or against, an applicant or employee based on membership in a protected classification. Discrimination in employment applies to all aspects of employment, including hiring; firing; compensation; transfer; promotion or layoff; recruitment and testing; training and apprenticeship programs; fringe benefits; pay, retirement plans and disability leave; as well as other terms and conditions of employment.

602.3 Retaliation is 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, and 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, real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination, or taking negative employment action.

### **Section 603. Policy Dissemination**

603.1 All employees, volunteers, interns, contractors, or other District officials, shall be informed of the District's harassment and discrimination policy and complaint process prior to their need to know, and on a regular biennial basis. Also, said

policy and complaint process shall be readily available to the Board of Trustees, all employees, and members of the general public utilizing the District's facilities and services. All employees of the District shall receive training on harassment, discrimination, and retaliation prevention in the workplace.

- 603.2 All new employees, volunteers, interns, or other District officials, shall be given a copy of the harassment, discrimination, and retaliation policy and complaint process.
- 603.3 Employees promoted into supervisory positions shall be given another copy of the District's harassment and discrimination policy, as well as training on the supervisor's role in preventing harassment and discrimination in the workplace as required by law.

#### **Section 604. Complaint Process**

- 604.1 An employee, job applicant or contractor who believes he or she is a victim of harassment, retaliation, or discrimination may make a complaint verbally or in writing with an incumbent in any of the following District positions without fear of reprisal. It is not necessary to follow the chain of command:
  - (a) Immediate supervisor;
  - (b) Any supervisor; or
  - (c) General Manager or designee.

If the complaint of harassment or discrimination is the result of direct action or inaction on the part of the District General Manager, the complaint should be filed directly with the President of the Board.

- 604.2 Any supervisor who receives a complaint of harassment or discrimination shall notify the General Manager or designee immediately.

#### **Section 605. Complaint Response Process**

- 605.1 Upon receipt of notification of a harassment or discrimination complaint, the General Manager or designee shall:
  - (a) Authorize and supervise the timely investigation of the complaint and/or investigate the complaint. The investigation may include interviews with: (a) the complainant; (b) the alleged accused; and (c) other persons who have relevant knowledge concerning the allegations in the complaint.
  - (b) Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, discrimination, or retaliation 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.

- (c) Report the findings as to whether harassment or discrimination occurred to appropriate persons, including the complainant, the alleged violator, and the direct supervisor of the alleged violator as appropriate. Limitations on information released are set forth under Section 606, below.
- (d) If the allegations are sustained, take appropriate immediate remedial action, including imposition of discipline at a level appropriate to the circumstances, and sufficiently severe to ensure that the behavior does not continue. If discipline is imposed, the level of discipline will not be communicated to the complainant.

605.2 The person initiating the complaint has the right to be accompanied by an advocate(s) when discussing alleged incidents, or participating in investigatory interviews. Said person shall be advised of this right prior to the commencement of such discussions.

605.3 The District takes a proactive approach to potential policy violations and will conduct an investigation of its employees, supervisors, managers or Board members if it becomes aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

605.4 The District encourages all covered individuals to report, as soon as possible, any conduct that is believed to violate this Policy.

605.6 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 office locations and telephone numbers.

### **Section 606. Confidentiality**

606.1 Every possible effort will be made to ensure the confidentiality of complaints made under this Policy. Complete confidentiality cannot be guaranteed, 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.

- 606.2 An individual who is interviewed during the course of an investigation is requested to maintain confidential of the interview to maintain the integrity of the investigation.
- 606.3 The District will not disclose or release 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.

### **Section 607. Disciplinary Procedures and Sanction**

- 607.1 If conduct in violation of this Policy is found to have occurred, the District shall take prompt and effective remedial action against the individual found to have committed the harassment, ~~or~~ discrimination, or retaliation. The remedial action will be commensurate with the severity of the offense.
- 607.2 Action taken to remedy a harassment, discrimination, or retaliation situation shall be done in a manner so as to protect employees from future occurrences of harassment, discrimination, or retaliation. A confidential written record of the District's investigation and action shall be maintained by the General Manager.
- 607.3 The District shall take all reasonable steps to protect the complainant from retaliation and further harassment, discrimination, or retaliation.

## CHAPTER 600. HARASSMENT, AND DISCRIMINATION, AND RETALIATION

### Section 601. Policy

- 601.1 The District prohibits any form of discrimination, ~~or~~ harassment, or retaliation on the basis of membership in one or more protected classifications as defined in Section 601.2, below, as may be amended by State and Federal law. District employees have a grave responsibility for maintaining high standards of honesty, integrity, impartiality and conduct to assure proper performance of the District's business and the maintenance of confidence of the people it serves.
- 601.2 Protected classifications include race, religion, color, sex (including gender, gender identity, gender expression, pregnancy, and breastfeeding), sexual orientation (including heterosexuality, homosexuality, ~~and~~ bisexuality, transgender, or sex stereotype), national origin, ancestry, marital status, age (40 or over), medical condition, genetic characteristics or information, ~~and~~ physical or mental disability, military or veteran status, or any other classification protected by law.
- 601.3 The District, elected or appointed officials, officers, employees, interns, volunteers, or contractors are prohibited from harassing or discriminating against applicants, officers, officials, employees, interns, volunteers, or contractors because of: (1) an individual's membership in a protected classification; (2) the perception that an individual is a member of a protected classification; or (3) the individual associates with a person who has or is perceived to be a member of a protected classification.
- 601.4 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.
- 601.5 Disciplinary action or other appropriate sanctions up to and including termination will be instituted for prohibited behavior.
- 601.6 Any form of 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.

### Section 602. Definitions

- 602.1 Harassment is unwelcome conduct based on membership in a protected classification that unreasonably interferes with an employee's job performance, or creates an intimidating, hostile or offensive work environment. Behavior that constitutes harassment may include, but is not limited to:

- (a) Unwanted sexual advances, requests for sexual favors and other acts 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.
- (b) Behavior that interferes with an employee's work performance or creates an intimidating, hostile or offensive working environment, including but not limited to:
  - (1) Speech, such as epithets, derogatory comments or slurs, 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, or leering.
  - (3) Visual acts, such as displaying derogatory posters, or cartoons, or sending emails, pictures or drawings which are derogatory or sexually explicit.

602.2 Discrimination is treatment or consideration of, or making a distinction in favor of or against, an applicant or employee based on membership in a protected classification. Discrimination in employment applies to all aspects of employment, including hiring; firing; compensation; transfer; promotion or layoff; recruitment and testing; training and apprenticeship programs; fringe benefits; pay, retirement plans and disability leave; as well as other terms and conditions of employment.

602.3 Retaliation is 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, and 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, real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination, or taking negative employment action.

### **Section 603. Policy Dissemination**

603.1 All employees, **volunteers, interns, contractors, or other District officials**, shall be informed of the District's harassment and discrimination policy and complaint process prior to their need to know, and on a regular biennial basis. Also, said

policy and complaint process shall be readily available to the Board of Trustees, all employees, and members of the general public utilizing the District's facilities and services. All employees of the District shall receive training on harassment, ~~and~~ discrimination, and retaliation prevention in the workplace.

603.2 All new employees, **volunteers, interns, or other District officials**, shall be given a copy of the harassment, ~~and~~ discrimination, and retaliation policy and complaint process ~~upon hire~~.

603.3 Employees promoted into supervisory positions shall be given another copy of the District's harassment and discrimination policy, as well as training on the supervisor's role in preventing harassment and discrimination in the workplace as required by law.

#### **Section 604. Complaint Process**

604.1 An employee, job applicant or contractor who believes he or she is a victim of harassment, retaliation, or discrimination may make a complaint verbally or in writing with an incumbent in any of the following District positions without fear of reprisal. It is not necessary to follow the chain of command:

- a. Immediate supervisor;
- b. Any supervisor; or
- c. ~~District~~ General Manager or designee.

If the complaint of harassment or discrimination is the result of direct action or inaction on the part of the ~~District~~ General Manager, the complaint should be filed directly with the President of the Board.

604.2 Any supervisor who receives a complaint of harassment or discrimination shall notify the ~~District~~ General Manager or designee immediately.

#### **Section 605. Complaint Response Process**

605.1 Upon receipt of notification of a harassment or discrimination complaint, the ~~District~~ General Manager or designee shall:

- (a) Authorize and supervise the timely investigation of the complaint and/or investigate the complaint. The investigation ~~will~~ may include interviews with: (a) the complainant; (b) the alleged accused harasser, ~~or the individual alleged to have committed discriminatory action(s)~~; and (c) other persons who have relevant knowledge concerning the allegations in the complaint.
- (b) Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment,

discrimination, or retaliation 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.

- (c) Report the findings as to whether harassment or discrimination occurred to appropriate persons, including the complainant, the alleged violator, and the direct supervisor of the alleged violator as appropriate. Limitations on information released are set forth under Section 606, below.
- (d) If the allegations are sustained, take appropriate immediate remedial action, including imposition of discipline at a level appropriate to the circumstances, and sufficiently severe to ensure that the behavior does not continue. If discipline is imposed, the level of discipline will not be communicated to the complainant.

605.2 The person initiating the complaint has the right to be accompanied by an advocate(s) when discussing alleged incidents, or participating in investigatory interviews. Said person shall be advised of this right prior to the commencement of such discussions.

605.3 The District takes a proactive approach to potential policy violations and will conduct an investigation of its employees, supervisors, managers or Board members if it becomes aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

605.4 The District encourages all covered individuals to report—as soon as possible—any conduct that is believed to violate this Policy.

605.6 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 office locations and telephone numbers.

### **Section 606. Confidentiality**

606.1 Every possible effort will be made to ensure the confidentiality of complaints made under this Policy. Complete confidentiality cannot be guaranteed, 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.

- 606.2 An individual who is interviewed during the course of an investigation is requested to maintain confidential of the interview to maintain the integrity of the investigation. ~~prohibited from attempting to influence any potential witness while the investigation is ongoing~~ discussing the substance of the interview, except as otherwise directed by a supervisor or the District Manager. Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate sanction.
- 606.3 The District will not disclose or release 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.

### **Section 607. Disciplinary Procedures and Sanction**

- 607.1 If conduct in violation of this Policy is found to have occurred, the District ~~Manager or the President of the Board of Trustees~~ shall take prompt and effective remedial action against the individual found to have committed the harassment, ~~or discrimination,~~ or retaliation. The remedial action will be commensurate with the severity of the offense.
- 607.2 Action taken to remedy a harassment, ~~or discrimination,~~ or retaliation situation shall be done in a manner so as to protect employees from future occurrences of harassment, ~~or discrimination,~~ or retaliation. A confidential written record of the District's investigation and action shall be maintained by the District General Manager.
- 607.3 The District shall take all reasonable steps to protect the complainant from retaliation and further harassment, ~~or discrimination,~~ or retaliation.

## **Chapter 700. GRIEVANCE AND DISCIPLINARY PROCEDURES**

### **Section 701. Grievance Procedures**

701.1 The purpose of this grievance procedure is to promote communication and improve employer-employee relations by establishing a procedure for further consideration of alleged violations of the specific provisions of the Employee Association's Memorandum of Understanding and District policies that impact working conditions. Specifically excluded from the scope of grievances are:

- (a) Harassment/discrimination/retaliation complaints that allege violations of equal employment opportunity laws or employment discrimination, which shall be processed under the District's anti-harassment/discrimination complaint procedure.
- (b) The Board's decision to proceed with a reduction in force.
- (c) Disciplinary actions, whether or not appealable.
- (d) Performance evaluation or a performance improvement plan.

The District's objective is to encourage settlement of disputes as near as possible to the point of origin, and as informally as possible.

701.2 Definitions – As used in this Chapter, the following definitions shall apply:

- (a) A "grievance" is a formal written allegation by an employee who believes he/she has been adversely affected by an alleged violation of the specific provisions of the Employee Association's Memorandum of Understanding and District policies that impact working conditions.
- (b) A "grievant" is any employee adversely affected by an alleged violation of the specific provisions of the Employee Association's Memorandum of Understanding and District policies that impact working conditions, or is the Employee Association if grieving its rights on behalf of represented employees under any of the above.
- (c) A "day" is any day in which the District offices are open for business.

701.3 General Provisions

701.3.1 All documents dealing with the processing of a grievance shall be filed separately from the personnel files of the participants.

701.3.2 Failure of the grievant to adhere to the time deadlines set forth in this policy shall mean that the grievant is satisfied with the previous

decision and waives the right to further appeal. Failure of the District to adhere to the time deadlines at any level shall mean that the grievance is automatically appealed to the next level, if any.

- 701.3.3 The grievant and the District may extend any time deadline by mutual agreement.
- 701.3.4 Every effort will be made to schedule meetings for the processing of grievances at times that will not interfere with the regular workday of the participants. If any grievance meeting or hearing must be scheduled during the workday, any employee required by either party to participate as a witness or grievant in such meeting or hearing shall be released from regular duties for a reasonable amount of time without loss of pay.
- 701.3.5 Either party to the grievance may be represented at any step of the grievance procedure by an individual or organization of that party's choice.
- 701.3.6 Until final disposition of a grievance, the grievant shall comply with the directions of the General Manager.
- 701.3.7 No party to a grievance shall take any reprisals against the other party to the grievance because the party participated in an orderly manner in the grievance procedure.
- 701.3.8 Grievances of a similar or like nature may be joined as a single grievance by the District. The final decision in such cases shall be binding upon all parties to the consolidated grievance.

#### 701.4 Procedure

Grievances will be processed in accordance with the following procedures:

- (a) Level I – Informal Resolution. Any employee or an individual or organization of that party's choice who believes he/she has a grievance shall present the grievance orally or in writing to the General Manager within ten (10) business days after the grievant knew, or reasonably should have known, of the circumstances which form the basis for the grievance. An e-mail will serve as a written submittal. The General Manager may meet with the employee and both shall make a bona fide effort to clarify the matter promptly and informally in a good faith effort to resolve the matter.
- (b) Level II – Formal Written Grievance.
  - 1. If the grievance is not settled within ten (10) business days of written or oral presentation to the General Manager as set forth in Level I of

this procedure, and the grievant wishes to pursue the matter, the grievant shall present the grievance in writing on the appropriate form to the General Manager within ten (10) business days after the oral decision by the General Manager. The written information shall include:

- (A) A description of the specific grounds of the grievance, including names, dates, and places necessary for a complete understanding of the grievance;
- (B) A listing of the specific rule, regulation or provision which is alleged to have been violated;
- (C) A listing of the reasons why the General Manager's proposed Level I resolution of the problem is unacceptable to the grievant; and
- (D) A listing of the specific actions requested of the District which will remedy the grievance.

2. The General Manager shall review the Written Appeal and shall communicate his/her decision on the Formal Written Grievance to the grievant in writing within ten (10) business days after receiving the grievance.
3. Within the above time limits, either party may request a personal conference.

(c) Level III – Appeal to President of the District Board of Trustees

1. If the grievant is not satisfied with the decision at Level II, the grievant may, within ten (10) business days of the receipt of the decision at Level II, appeal the decision to the Board President on the appropriate form. This statement shall include a copy of the original grievance and appeal along with a clear, concise statement of the specific basis for the appeal.
2. The Board President shall review all of the submitted documentation and communicate his/her decision to the grievant within ten (10) business days of his/her review.
3. The decision of the Board President shall be final and binding.

## **Section 702. Employee Disciplinary Procedures**

- 702.1 Disciplinary actions are intended to give employees advance notice, whenever possible, of problems with their conduct or performance in order to provide them an opportunity for improvement or correction.
- 702.2 Disciplinary Action Defined
- 702.2.1 As used in this Chapter, "Disciplinary Action" shall mean oral reprimand, written reprimand, suspension without pay, reduction in base rate of pay, demotion, and termination.
- 702.2.2 The procedures set forth in this Chapter shall not apply to at-will employees, which includes probationary employees or to any employee hired on a temporary basis, and any other employee with an at-will employment contract.
- 702.2.3 The provisions of this Chapter shall not apply to reductions in force, and/or in pay which are part of a general plan to reduce or adjust salaries and wages.
- 702.2.4 The procedures set forth in this Chapter shall not preclude an employee from entering into a written agreement with the District to settle a pending disciplinary matter, and further shall not preclude an employee from waiving any of the provisions provided for in this Chapter, as part of that written settlement agreement.
- 702.3 Causes for Disciplinary Action
- 702.3.1 Rules outlining impermissible conduct of employees are necessary for the orderly operation of any business and for the benefit and protection of the rights and safety of all employees.
- 702.3.2 Examples of impermissible or unacceptable conduct that may lead to disciplinary action are identified below. The following list contains examples of conduct that may lead to imposing disciplinary action, and this list should not be considered exhaustive:
- (a) Fraud in securing appointment;
  - (b) Inexcusable neglect of duty;
  - (c) Insubordination by refusal or willful failure to obey any lawful and reasonable order or directive made or given by any supervisor or the General Manager;

- (d) Dishonesty by any misuse or misappropriation or attempted misuse or misappropriation of District funds or District property, by the rendering of any false statement or report to the District or General Manager, or by the willful omission to report information or to disclose facts which the duties of the position require to be reported or disclosed;
- (e) Reporting to work under the influence of alcohol, restricted substances or drugs, or buying, selling, or using same on District property or at a worksite. Employees taking prescription or over-the-counter medication, which may affect their ability to perform must advise the General Manager so that he/she can evaluate whether the employee will be able to safely work;
- (f) Failure to competently perform the duties of the position;
- (g) Unexcused absences, tardiness, or persistent absenteeism;
- (h) Discourteous treatment of the public or other employees;
- (i) Violation of District safety rules or other failure to perform work in a safe manner;
- (j) Misuse of District property;
- (k) Violation of any of the provisions of the District's rules, policies, and regulations;
- (l) Refusal to take or subscribe to any oath or affirmation which is required by law in connection with his/her employment;
- (m) Discrimination, harassment, retaliation as defined by law and in violation of District policy;
- (n) Initiating a physical altercation during work hours or on a worksite;
- (o) Carrying and/or using firearms or any other weapon while on duty or on District property;
- (p) Failure to maintain required licenses and/or certifications; and/or
- (q) Conviction of a felony, or of a misdemeanor involving moral turpitude, or accepting a plea of *nolo contendere* to any felony or misdemeanor involving moral turpitude; or which is in conflict with the position held.

## 702.4 Written Notice of Intended Disciplinary Action (NOI)

702.4.1 The General Manager may take disciplinary action against an employee for one or more of the causes specified in this Chapter.

Prior to suspension without pay, reduction in base rate of pay, demotion, or termination being taken, a Written Notice of Intended Disciplinary Action (NOI) will be served on the employee and shall include:

- (a) State the purpose of the Notice of Intent.
- (b) State the proposed discipline.
- (c) The date that the proposed action will be effective.
- (d) State the rules, regulations, collective bargains agreement provisions and statutes that have been violated.
- (e) State the factual bases for findings of violations of rules, regulations, collective bargaining agreement provisions and statutes.
- (f) Include copies of all materials alleged to support the action.
- (g) A statement advising the employee of his/her right to respond in writing or verbally to the proposed action.
- (h) Advise the employee that if he/she does not provide a written response and/or request a pre-discipline (Skelly) conference by a certain date, then his/her failure will constitute a waiver of the right to respond to the proposed discipline.
- (i) Advise the employee that he/she has a right to be represented by a representative of his/her choice at the Skelly conference.

702.4.2 The NOI will be provided to the employee either in person or by mail.

The NOI may be personally served by the General Manager or his/her designee. If the NOI is personally served, the employee will sign and date the NOI to acknowledge receipt. If the employee refuses to sign the NOI, the individual serving the NOI will document the time and date of service, and will document that the employee refused to sign the NOI.

The NOI may be mailed to the employee at his/her last known address by U.S.P.S. Priority Mail The tracking notice reflecting the

date and time of delivery to the last know address, will be attached to NOI and serve as acknowledgment of receipt.

The NOI will be placed in the employee's personnel file.

#### 702.5 Employee Response

Employees shall have the right to respond in to the General Manager and have the response considered prior to the discipline being imposed. Such a response must be submitted in writing to the General Manager within five (5) business days after receipt of the NOI. Failure to submit a response within such period constitutes a waiver of the right to respond; however, a failure to respond shall not affect the employee's right to appeal the disciplinary action.

##### 702.5.1 Written Response

Employees shall have the right to respond in writing to the ~~District~~ General Manager and have the response considered prior to the discipline being imposed. An e-mail may serve as a written response.

##### 702.5.1 Pre-Discipline Skelly Conference

An employee requesting a pre-discipline Skelly conference must provide a written request within five business days. An email may serve as a written request.

If the employee timely requests a *Skelly* conference, the *Skelly* officer will conduct an informal meeting with the employee. Generally, the General Manager or designee will serve as the *Skelly* officer. During the informal meeting, the employee shall have the opportunity to rebut the charges against him or her and present any mitigating circumstances. Any meeting pursuant to this policy is not an evidentiary hearing. The *Skelly* officer and the employee each have the right to audio-record the *Skelly* conference. The *Skelly* officer shall consider the response, if any, of the employee in determining the propriety and nature of disciplinary action.

The employee's failure to attend the conference, or to deliver a written response by the date specified in the NOI, is a waiver of the right to respond, and the intended disciplinary action will be imposed on the date specified in the NOI.

#### 702.6. Written Notice of Decision (NOD)

After the *Skelly* conference and/or timely receipt of the employee's written response, the *Skelly* officer will either:

1. Take no disciplinary action;
2. Modify the intended discipline; or

3. Impose the intended disciplinary action.

In any case, the *Skelly* officer will provide the employee with a Notice of Decision (NOD) that contains the following:

1. The level of discipline, if any, to be imposed and the effective date of the discipline;
2. The specific charges upon which the discipline is based;
3. A summary of the facts that show that the elements of each charge at issue in the intended discipline;
4. A copy of all materials upon which the discipline is based; and
5. A reference to the employees appeal right and deadline to appeal.

Employees who do not wish to appeal but who wish to make a statement regarding the NOD may have a written response entered into their personnel file.

An employee's decision to appeal a NOD will not stay the implementation of the action described in the NOD.

#### 702.7 Delivery of Notice of Decision (NOD)

The NOD will be sent by U.S.P.S. Priority mail or will be delivered to the employee in person. If the notice is not deliverable because the employee has moved without notifying the District or the employee refuses to accept delivery, the effective date of discipline will be the date the post office or delivery service attempted delivery.

The NOD will be placed in the employee's personnel file even if the employee refuses to sign the NOD.

#### 702.8 Right of Appeal

- 702.8.1 An employee who has been suspended without pay, terminated, demoted, or has had a disciplinary reduction in base rate of pay has the right to appeal the disciplinary action to the District Board of Trustees.

A request for such an appeal must be filed in writing with the General Manager within ten (10) business days from the date of receipt of NOD. Failure to file an appeal within the specified time period constitutes a waiver of the right of appeal. An email may serve as a written request.

- 702.8.2 **Costs of Hearing**  
The cost of the court reporter shall be borne equally by the parties. The costs of the hearing transcript, if jointly requested, shall also be borne equally by the parties. If only one party requests hearing

transcripts, the full cost will be borne by the requesting party. All other expenses incurred by either party in the preparation or presentation of its case are to be borne solely by the party incurring the expense. For purposes of this section, the parties shall be considered as the District and the representative, or if an employee is representing himself/herself, the District and the employee.

702.8.3 The procedure for the Board of Trustees appeal hearing may be found in Appendix 700-1.

## Chapter 700. GRIEVANCE AND DISCIPLINARY PROCEDURES

### Section 701. Grievance Procedures

701.1 The purpose of this grievance procedure is to promote communication and improve employer-employee relations by establishing a procedure for further consideration of alleged violations of the specific provisions of the Employee Association's Memorandum of Understanding and District policies that impact working conditions. ~~These procedures are not applicable to actions taken pursuant to Section 304.2, above (Employee Evaluations) or Section 702, below (Employee Disciplinary Procedures).~~ Specifically excluded from the scope of grievances are:

- (a) Harassment/discrimination/retaliation complaints that allege violations of equal employment opportunity laws or employment discrimination, which shall be processed under the District's anti-harassment/discrimination complaint procedure.
- (b) The Board's decision to proceed with a reduction in force.
- (c) Disciplinary actions, whether or not appealable.
- (d) Performance evaluation or a performance improvement plan.

The District's objective is to encourage settlement of disputes as near as possible to the point of origin, and as informally as possible.

701.2 Definitions – As used in this Chapter, the following definitions shall apply:

- (a) A "grievance" is a formal written allegation by an employee who believes he/she has been adversely affected by an alleged violation of the specific provisions of the Employee Association's Memorandum of Understanding and District policies that impact working conditions.
- (b) A "grievant" is any employee adversely affected by an alleged violation of the specific provisions of the Employee Association's Memorandum of Understanding and District policies that impact working conditions, or is the Employee Association if grieving its rights on behalf of represented employees under any of the above.
- (c) A "day" is any day in which the District offices are open for business.

701.3 General Provisions

- 701.3.1 All documents dealing with the processing of a grievance shall be filed separately from the personnel files of the participants.
- 701.3.2 Failure of the grievant to adhere to the time deadlines set forth in this policy shall mean that the grievant is satisfied with the previous decision and waives the right to further appeal. Failure of the District

**Commented [BB1]:** UNDER MMBA(Meyers-Milias-Brown Act), GRIEVANCE PROCESS IS USED TO ADDRESS ALLEGED VIOLATIONS OF MOUS AND POLICIES ONLY. DISCIPLINE IS ADDRESSED UNDER DUE PROCESS IN SECTIO 702.

**Commented [BB2]:** THE DECISION TO REDUCE THE WORKFORCE CAN NOT BE GREIVED. ONLY THE IMPACTS OF REDUCTION IN WORKFORCE MAY BE DISCUSSED. THAT DISCUSSION DOES NOT HAVE TO FOLLOW THE GRIEVANCE PROCESS.

to adhere to the time deadlines at any level shall mean that the grievance is automatically appealed to the next level, if any.

- 701.3.3 The grievant and the District may extend any time deadline by mutual agreement.
- 701.3.4 Every effort will be made to schedule meetings for the processing of grievances at times that will not interfere with the regular workday of the participants. If any grievance meeting or hearing must be scheduled during the workday, any employee required by either party to participate as a witness or grievant in such meeting or hearing shall be released from regular duties for a reasonable amount of time without loss of pay.
- 701.3.5 Either party to the grievance may be represented at any step of the grievance procedure by an individual or organization of that party's choice.
- 701.3.6 Until final disposition of a grievance, the grievant shall comply with the directions of the District [General](#) Manager.
- 701.3.7 No party to a grievance shall take any reprisals against the other party to the grievance because the party participated in an orderly manner in the grievance procedure.
- 701.3.8 Grievances of a similar or like nature may be joined as a single grievance by the District. The final decision in such cases shall be binding upon all parties to the consolidated grievance.

#### 701.4 Procedure

Grievances will be processed in accordance with the following procedures:

- (a) Level I – Informal Resolution. Any employee or an individual or organization of that party's choice who believes he/she has a grievance shall present the grievance orally [or in writing](#) to the District [General](#) Manager within ten (10) business days after the grievant knew, or reasonably should have known, of the circumstances which form the basis for the grievance. [An e-mail will serve as a written submittal.](#) The District [General](#) Manager shall [may](#) meet with the employee and **both shall make a bonafide effort to clarify the matter promptly and informally in a good faith effort** ~~attempt~~ to resolve the matter.
- (b) Level II – Formal Written Grievance.
- (1) If the grievance is not settled within ten (10) business days of [written](#) [or](#) oral presentation to the District [General](#) Manager as set forth in Level I of this procedure, and the grievant wishes to pursue the

matter, the grievant shall present the grievance in writing on the appropriate form to the District General Manager within ten (10) business days after the oral decision by the District General Manager. The written information shall include:

- (A) A description of the specific grounds of the grievance, including names, dates, and places necessary for a complete understanding of the grievance;
  - (B) A listing of the specific rule, regulation or provision which is alleged to have been violated;
  - (C) A listing of the reasons why the District General Manager's proposed Level I resolution of the problem is unacceptable to the grievant; and
  - (D) A listing of the specific actions requested of the District which will remedy the grievance.
- (2) The District General Manager shall review the Written Appeal and shall communicate his/her decision on the Formal Written Grievance to the grievant in writing within ten (10) business days after receiving the grievance.
- (3) Within the above time limits, either party may request a personal conference.
- (c) Level III – Appeal to President of the District Board of Trustees
- (1) If the grievant is not satisfied within the decision at Level II, the grievant may, within ten (10) business days of the receipt of the decision at Level II, appeal the decision to the Board President on the appropriate form. This statement shall include a copy of the original grievance and appeal along with a clear, concise statement of the specific basis for the appeal.
  - (2) The Board President shall review all of the submitted documentation and communicate his/her decision to the grievant within ten (10) business days of his/her review.
  - (3) The decision of the Board President shall be final and binding.

## Section 702. Employee Disciplinary Procedures

- 702.1 ~~The District has adopted a progressive discipline policy to ensure a fair and consistent method of disciplining employees. The progressive Disciplinary actions policy is are intended to give employees advance notice, whenever possible, of problems with their conduct or performance in order to provide them an opportunity for improvement or correction.~~
- 702.2 Disciplinary Action Defined
- 702.2.1 As used in this Chapter, "Disciplinary Action" shall mean oral reprimand, ~~written or oral reprimand, suspension without pay, reduction in salary, base rate of pay, demotion, and/or termination.~~
- 702.2.2 The procedures set forth in this Chapter shall not apply to at-will employees, which includes probationary employees or to any employee hired on a temporary basis, and any other employee with an at-will employment contract.
- 702.2.3 The provisions of this Chapter shall not apply to reductions in force, and/or in pay which are part of a general plan to reduce or adjust salaries and wages.
- 702.2.4 The procedures set forth in this Chapter shall not preclude an employee from entering into a written agreement with the District to settle a pending disciplinary matter, and further shall not preclude an employee from waiving any of the provisions provided for in this Chapter, as part of that written settlement agreement.
- 702.3 Causes for Disciplinary Action
- 702.3.1 Rules outlining impermissible conduct of employees are necessary for the orderly operation of any business and for the benefit and protection of the rights and safety of all employees.
- 702.3.2 Examples of impermissible or unacceptable conduct that may lead to disciplinary action are identified below. The following list contains examples of conduct that may lead to imposing disciplinary action, and this list should not be considered exhaustive:
- (a) Fraud in securing appointment;
  - (b) Inexcusable neglect of duty;

- (c) Insubordination by refusal or willful failure to obey any lawful and reasonable order or directive made or given by any supervisor or the District [General](#) Manager;
- (d) Dishonesty by any misuse or misappropriation or attempted misuse or misappropriation of District funds or District property, by the rendering of any false statement or report to the District or District [General](#) Manager, or by the willful omission to report information or to disclose facts which the duties of the position require to be reported or disclosed;
- (e) Reporting to work under the influence of alcohol, restricted substances or drugs, or buying, selling, or using same on District property or at a worksite. Employees taking prescription or over-the-counter medication which may affect their ability to perform must advise the District [General](#) Manager so that he/she can evaluate whether the employee will be able to safely work;
- (f) Failure to competently perform the duties of the position;
- (g) Unexcused absences, tardiness, or persistent absenteeism;
- (h) Discourteous treatment of the public or other employees;
- (i) Violation of District safety rules or other failure to perform work in a safe manner;
- (j) Misuse of District property;
- (k) Violation of any of the provisions of the ~~Alameda County Mosquito Abatement District Policy Manual or other District's~~ rules, policies, and regulations;
- (l) Refusal to take or subscribe to any oath or affirmation which is required by law in connection with his/her employment;
- (m) Discrimination, or harassment, [retaliation](#) as defined by law and [in violation of District policy](#) ~~in the Alameda County Mosquito Abatement District Policy Manual, Chapter 600;~~
- (n) Initiating a physical altercation during work hours or on a worksite;
- (o) Carrying and/or using firearms or any other weapon while on duty or on District property;
- (p) Failure to maintain required licenses and/or certifications; and/or

- (q) Conviction of a felony, or of a misdemeanor involving moral turpitude, or accepting a plea of *nolo contendere* to any felony or misdemeanor involving moral turpitude; or which is in conflict with the position held.

#### 702.4 Written Notice of Intended Disciplinary Action (NOI)

702.4.1 The District General Manager may take disciplinary action against an employee for one or more of the causes specified in this Chapter. Normally, progressive discipline involve one or more, written or oral reprimand, suspension without pay, reduction in salary, demotion and, /or termination. Circumstances may warrant that one or more steps in the process be omitted.

**Commented [BB3]:** This was already addressed in 702.2.1

Prior to disciplinary action suspension without pay, reduction in base rate of pay, demotion, or termination being taken, a Written Notice of Intended Disciplinary Action (NOI) will be served on the employee and shall include:

**Commented [BB4]:** DUE PROCESS IS REQUIRED WHEN THERE IS "SIGNIFICANT" DISCIPLINARY ACTION. COURT CASE HAVE TRANSLATED THAT AS WHEN SOMETHING IS TAKEN AWAY, SUCH AS PAY. AN ORAL COUNSELING/REPRIMAND OR WRITTEN REPRIMAND ARE NOT SIGNIFICANT AND DO NOT REQUIRE DUE PROCESS.

- (a) State the purpose of the Notice of Intent. A ~~statement of the nature of the disciplinary action;~~
- (b) State the proposed discipline. A statement of the causes thereof;
- (c) The the date that the proposed action will be effective. effective date of penalty;
- (d) State the rules, regulations, collective bargains agreement provisions and statutes that have been violated. A ~~statement in ordinary and concise language of the acts or omissions upon which the causes are based;~~
- (e) State the factual bases for findings of violations of rules, regulations, collective bargaining agreement provisions and statutes. A ~~statement advising the employee that files and records bearing on the matter are available for the employee's inspection; and~~
- (f) Include copies of all materials alleged to support the action.
- (g f) A statement advising the employee of his/her right to respond in writing or verbally to the proposed action. ~~the District Manager.~~
- (h) Advise the employee that if he/she does not provide a written response and/or request a pre-discipline (Skelly) conference by a certain date, then his/her failure will constitute a waiver of the right to respond to the proposed discipline.

- (i) Advise the employee that he/she has a right to be represented by a representative of his/her choice at the Skelly conference.

702.4.2 The ~~NOI~~ Written Notice of Intended Disciplinary Action will be provided to the employee either in person or by mail.

(a) The NOI may be personally served by the District General Manager or his/her designee. If the Notice NOI is personally served, the employee will sign and date the Written Notice of Intended Disciplinary Action NOI to acknowledge receipt. If the employee refuses to sign the Notice NOI, the individual serving the Notice NOI will document the time and date of service, and will document that the employee refused to sign the Notice.

The NOI may be mailed to the employee at his/her last known address by Certified Mail, postage prepaid, U.S.P.S. Priority Mail be personally served by the District Manager or his/her designee. If the Notice is personally served, the employee will sign and date the Written Notice of Intended Disciplinary Action to acknowledge receipt. If the employee refuses to sign the Notice, the individual serving the Notice will document the time and date of service, and will document that the employee refused to sign the Notice. The tracking notice reflecting the date and time of delivery to the last know address, will be attached to NOI and serve as acknowledgment of receipt.

The NOI will be placed in the employee's personnel file.

## 702.5 Employee Response

Employees shall have the right to respond in to the General Manager and have the response considered prior to the discipline being imposed. Such a response must be submitted in writing to the General Manager within five (5) business days after receipt of the NOI. Failure to submit a response within such period constitutes a waiver of the right to respond; however, a failure to respond shall not affect the employee's right to appeal the disciplinary action.

### 702.5.1 Written Response

Employees shall have the right to respond in writing to the District General Manager and have the response considered prior to the discipline being imposed. An e-mail may serve as a written response. Such a response must be submitted in writing to the District Manager within five (5) business days after receipt of the written notice of the proposed disciplinary action. Failure to submit a response within such period constitutes a waiver of the right to respond; however, a failure to respond shall not affect the employee's right to appeal the disciplinary action.

#### 702.5.1 Pre-Discipline Skelly Conference

An employee requesting a pre-discipline Skelly conference must provide a written request within five business days. An email may serve as a written request.

If the employee timely requests a Skelly conference, the Skelly officer will conduct an informal meeting with the employee. Generally, the General Manager or designee will serve as the Skelly officer. During the informal meeting, the employee shall have the opportunity to rebut the charges against him or her and present any mitigating circumstances. Any meeting pursuant to this policy is not an evidentiary hearing. The Skelly officer and the employee each have the right to audio-record the Skelly conference. The Skelly officer shall consider the response, if any, of the employee in determining the propriety and nature of disciplinary action.

The employee's failure to attend the conference, or to deliver a written response by the date specified in the NOI, is a waiver of the right to respond, and the intended disciplinary action will be imposed on the date specified in the NOI.

#### 702.6. Written Notice of Decision (NOD)

After the Skelly conference and/or timely receipt of the employee's written response, the Skelly officer will either:

1. Take no disciplinary action;
2. Modify the intended discipline; or
3. Impose the intended disciplinary action.

In any case, the Skelly officer will provide the employee with a Notice of Decision (NOD) that contains the following:

1. The level of discipline, if any, to be imposed and the effective date of the discipline;
2. The specific charges upon which the discipline is based;
3. A summary of the facts that show that the elements of each charge at issue in the intended discipline;
4. A copy of all materials upon which the discipline is based; and
5. A reference to the employees appeal right and deadline to appeal.

Employees who do not wish to appeal but who wish to make a statement regarding the NOD may have a written response entered into their personnel file.

An employee's decision to appeal a NOD will not stay the implementation of the action described in the NOD.

#### 702.7 Delivery of Notice of Decision (NOD)

The NOD will be sent by U.S.P.S. Priority mail or will be delivered to the employee in

**Commented [BB5]:** THIS IS A MUST TO OFFER AS PART OF THE DUE PROCESS.

person. If the notice is not deliverable because the employee has moved without notifying the District or the employee refuses to accept delivery, the effective date of discipline will be the date the post office or delivery service attempted delivery.

The NOD will be placed in the employee's personnel file even if the employee refuses to sign the NOD.

~~702.5.2 Upon receipt of a timely response filed by the employee, and after giving consideration to the response, or upon expiration of the response period if the employee has not filed a response, the District Manager may dismiss the pending disciplinary action or proceed to impose or modify the original disciplinary action by serving the employee with an amended, written Notice of Disciplinary Action.~~

~~702.5.3 The Written Notice of Disciplinary Action will either (a) be mailed to the employee at his/her last known address by Certified Mail, postage prepaid, or (b) be personally served by the District Manager or his/her designee. If the Notice is personally served, the employee will sign and date the Written Notice Disciplinary Action to acknowledge receipt. If the employee refuses to sign the Notice, the individual serving the Notice will document the time and date of service, and will document that the employee refused to sign the Notice.~~

#### 702.86 Right of Appeal

~~702.6.1 If, after the final dispensation of the Employee Response procedure (Section 702.5, above), the employee is unsatisfied, the employee shall have the right to request a hearing before the Board President or his/her designee to determine the appropriateness of the proposed disciplinary action. A written request must be submitted to the District Manager by the employee or his/her representative within three (3) business days of receipt of the Written Notice of Disciplinary Action (Section 702.5.2, above). The Board President or his/her designee will hear the appeal within ten (10) business days of receipt of the employee's written request, unless both parties agree to a delay. The Board President shall evaluate both sides and will make a decision whether to uphold the disciplinary action as proposed, to reduce the recommended disciplinary action, or to revoke the proposed disciplinary action.~~

702.8.16.2 An employee who has been suspended without pay for more than three (3) working days, terminated, demoted, or has had a disciplinary reduction in salary base rate of pay has the right to appeal the disciplinary action to the District Board of Trustees, rather than to the Board President as provided in Section 702.6.1, above.

A request for such an appeal must be filed in writing with the District General Manager within ten (10) business days from the date of receipt of NOD the Written Notice of Disciplinary Action under Sections 702.5.2 and 702.5.3, above. The employee will be provided a copy of the signed and dated "Right of Appeal" form. Failure to file an appeal within the specified time period constitutes a waiver of the right of appeal. An email may serve as a written request.

#### 702.8.2 Costs of Hearing

The cost of the court reporter shall be borne equally by the parties. The costs of the hearing transcript, if jointly requested, shall also be borne equally by the parties. If only one party requests hearing transcripts, the full cost will be borne by the requesting party. All other expenses incurred by either party in the preparation or presentation of its case are to be borne solely by the party incurring the expense. For purposes of this section, the parties shall be considered as the District and the representative, or if an employee is representing himself/herself, the District and the employee.

#### 702.8.3 The procedure for the Board of Trustees appeal hearing may be found in Appendix 700-1.

#### ~~702.7 Hearing~~

~~702.7.1 The Board shall appoint a three-member committee of Trustees to hear the appeal within thirty (30) business days after receipt thereof. The Committee shall set a date for hearing the appeal within ten (10) business days of receipt of the appeal. The Committee may continue the hearing either for the convenience of the Committee or upon written application from the appellant for good cause. Written notice of the time and place of the hearing, and any continuance thereof, shall be given to the appellant and his/her representative, if applicable. The parties may submit all proper and pertinent evidence against or in support of the causes in advance of the hearing. The hearing shall be closed except to necessary parties, unless the employee requests in writing that the hearing be open to the general public. The Board may elect to contract with an independent hearing officer to conduct the hearing. The opinion rendered by the Committee or hearing officer shall be advisory only and not binding on the Board. Upon receipt of an advisory opinion, the Board shall render a final decision to adopt, reduce, or reject the disciplinary action. The decision of the Board shall be final and binding. The President of the Board of Trustees or his/her designee will provide a written report to the employee and the employee's representative, if applicable, of their findings and final decision.~~

- ~~702.7.2 The Board shall issue subpoenas for the appearance of witnesses for the appellant upon his/her written request and at the appellant's cost. The Board may require such costs to be prepaid.~~
- ~~702.7.3 Failure of the appellant to appear at the hearing shall be deemed a withdrawal of his/her appeal, and the action of the Board shall be final.~~
- ~~702.7.4 The Board may affirm, reduce, reduce with conclusions or revoke the Disciplinary Action. The decision of the Board shall be final for all purposes.~~
- ~~702.7.5 In the event that an employee is unavailable for personal service of the hearing notice, such notice may be served upon the employee by Certified Mail, postage prepaid. Such notice shall be effective upon proof of delivery.~~

## CHAPTER 800. MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS

### Section 800. Records Management

The purpose of this policy is to provide guidance and direction to staff regarding the maintenance, release, and disposal of District records, including: identifying, maintaining, safeguarding, and releasing official records pursuant to the Public Records Act; ensuring proper retention and disposal of official records in the normal course of business; and ensuring compliance with legal and regulatory requirements.

Commented [PH1]: From Original Policy

800.1 Vital and important records, regardless of recording media, are those having legal, financial, operational, or historical value to the District.

Commented [PH2]: 800.1-800.3 From Original Policy

800.2 The General Manager is authorized by the Board of Trustees to interpret and implement this policy, and to cause to be destroyed or retained any or all such records, papers and documents that meet the policies governing the retention and disposal of records, specified below.

800.3 Pursuant to the provisions of California Government Code sections 34090 and 60200 through 60203, California Health and Safety Code section 2043, and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following policies will govern the retention, release, and destruction of records of the District.

800.4 This policy supersedes any prior records retention policy. For purposes of this policy, "record" means any "writing" as defined under the Public Records Act at Government Code section 6252(g) that is a "public record" as defined at section 6252(e). According to Government Code section 6254, nothing in the Public Records Act shall be construed to require the District to disclose exempt records including: personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

### Section 801: Retention and Destruction

801.0 Except as otherwise provided by this policy and federal and state law, the District shall maintain records for at least the applicable retention period in accordance with the attached Records Retention Schedule (Appendix A), as the same may be amended by the Board. The District may destroy or dispose of any record after the expiration of the applicable retention period in the Records Retention Schedule.

Commented [PH3]: I've removed any mention of retention timelines from this section and added reference to the Records Retention Schedule in Appendix A where all timelines are listed.

For records not listed in Appendix A, the District shall follow the retention schedule in the California Secretary of State Local Government Records Management Guidelines (Feb. 2006).

801.1 Preservation in Electronic Format. The District, at any time, may destroy or dispose of any paper record that is not expressly required by law to be preserved in original paper format if the following conditions relating to electronic storage of records are complied with:

- (a) the record is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, or reproduced on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document;
- (b) the device used to reproduce the record on film, optical disk, or any other medium is one that accurately reproduces the original record in all details and that does not permit additions, deletions, or changes to the original document images; and,
- (c) the photographs, microphotographs, or other reproductions on film, optical disk, or any other medium are placed in conveniently accessible files and provision is made for preserving, examining, and using the files.

801.2 The District may destroy or dispose of any duplicate record at any time if the original is maintained on file. The District may destroy or dispose of the following records at any time without maintaining the original or a copy: preliminary and rough drafts, notes and working papers prepared or received by an employee or accumulated in the preparation or review of a report, analysis, study or other record; interdepartmental and intra-agency messages, notes and memoranda; and, any record that does not contain information relating to the conduct of the District's business or that otherwise is not a public record.

801.3 All documents beyond the current fiscal year are recorded in the Archive Database, filed, and boxed up. The database consists of the following information:

- (a) Box Number;
- (b) Contents;
- (c) Proper Date of Contents;
- (d) Department; and
- (e) Date of Destruction, if any.

801.4 A master listing of all archive box contents is kept up to date and located in a binder in the Administrative Assistant's office. The boxes are placed in the Archive Storage area and are kept numerically by department.

801.5 Process of Destruction and Disposal. Records not containing information of a confidential or proprietary nature may be disposed of or destroyed by means of recycling, waste removal service, shredding or other reasonable method of

Commented [PH4]: 801.3-801.4 original

disposal or destruction. Records containing confidential or proprietary information must be shredded or otherwise permanently destroyed. Records recorded on electronic or magnetic media may be erased and the media reused or discarded. For records to be destroyed or disposed of pursuant to the Records Retention Schedule, the District will prepare or have prepared a certificate or log describing the proposed documents to be destroyed/disposed and submit that certificate or log to the District legal counsel and the Board. The District may proceed to destroy or dispose of the records upon receiving the consent in writing of the District legal counsel, and approval by the Board.

801.6 Once a file is to be destroyed, the date of destruction is recorded. The documents are then shredded and removed for disposal. The archive master listing is then updated and reprinted with the updated information.

**Commented [PH5]:** From Original

801.07 Pending Public Records Act Request. For any record that is subject to destruction or disposal and is the subject of a pending request made pursuant to the Public Records Act, and whether the District maintains that the record is exempt from disclosure, the District shall not destroy or dispose of the record until the request has been granted or two years have elapsed since the District provided written notice to the requester that the request has been denied.

## **Section 802. Public Record Requests**

**Commented [PH6]:** Entire section is from original policy

802.1 "Public records" include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any State or local agency, regardless of physical form or characteristics.

802.1.1 "Writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (GC 6252(g))

**Commented [PH7]:** Definition updated to match GC 6252 amended effective 1/1/17

802.2 Any person who wishes to receive or inspect a public record of the District must present his/her request to the General Manager's Office on the District's designated Public Information Request Form. This form is available in electronic format on the District's website and in paper form in the District Documents file. The request may be submitted in person, or by mail, fax, or email. The requestor must identify the requested records by providing a detailed description and the approximate date of the records. In order to respond to the request, the District must have contact information for the requestor.

802.3 A determination will be made by the General Manager whether the requested record is a public document within ten (10) days after receipt of a request for a public record. The General Manager will then notify the person making the request of that determination and the reasons therefore. In unusual circumstances, the time limit for a determination may be extended by written notice of the General Manager setting forth the reasons for the extension and the estimated date and time when the records will be made available. This extension will not exceed an additional fourteen (14) days.

802.4 Public records authorized for release by the General Manager will be made promptly available upon payment of a fee covering the direct cost of duplication, or a statutory fee, if applicable. An exact copy will be provided unless it is impracticable to do so. Computer data will be provided in a form determined by the District.

802.5 Any reasonably segregable portion of a record will be made available for inspection after deletion of the portions that are exempted by law. On-site review of records may only be undertaken in a designated area, one file at a time.

- (a) No purses, briefcases, bags, binders, or other items will be allowed in the record review area that would allow concealment of removed records. No record may be removed from the office.
- (b) The requestor will be allowed to have one paper pad and writing utensil with him/her when reviewing records.
- (c) Records shall not be marked, highlighted, creased, folded, or otherwise defaced in any way.
- (d) Records shall remain in their original order and grouping, whether loose, stapled, or bound.
- (e) The requester may obtain a copy of a specific identifiable public record, which is subject to disclosure.
- (f) A reproduction charge will be assessed prior to production of the requested records based upon the amount of material requested and the District's current fee schedule.

802.6 To avoid the risk that any information could be sent to an individual or entity other than is authorized by the release, the requested the information will not be distributed or returned via facsimile.

### **Section 803. ~~Health Insurance Portability and Accountability Act (HIPAA) Compliance~~**

Protected health information (PHI) of District customers or employees that is gathered in conjunction with service requests and/or pre-employment physical examinations, required drug testing, medical leaves of absence, fitness for duty examinations, workers' compensation claims, or any other job-related purposes will be maintained in confidential files, separate and apart from customer service or employee personnel files. Such information will be released on a strict need-to-know basis, in conformance with requirements of the Health Insurance Portability and Accountability Act (HIPAA).

### **Section 800. ~~Records Management~~**

**Commented [BB8]:** ALL OF DELETED SECTIONS ARE ADDRESSED IN PRIOR SECTIONS OR IN APPENDIX 800-1

~~The purpose of this policy is to provide guidance and direction to staff regarding the maintenance, release, and disposal of Alameda County Mosquito Abatement District records, including: identification, maintenance, safeguarding, and releasing official records pursuant to the Public Records Act; ensuring proper retention and disposal of official records in the normal course of business; and ensuring compliance with legal and regulatory requirements. See Appendix 800-1 for all definitions for the following referenced sections. The Public Records Request Form is available in electronic format on the District's website, and in paper form in the District Documents file.~~

~~800.1 Vital and important records, regardless of recording media, are those having legal, financial, operational, or historical value to the District.~~

~~800.2 The District Manager is authorized by the Board of Trustees to interpret and implement this policy, and to cause to be destroyed or retained any or all such records, papers and documents that meet the policies governing the retention and disposal of records, specified below.~~

~~800.3 Pursuant to the provisions of California Government Code sections 60200 through 60203, California Health and Safety Code section 2043, and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following policies will govern the retention, release and destruction of records of the Alameda County Mosquito Abatement District.~~

### **Section 801. ~~Retention and Destruction~~**

~~801.1 Duplicate records, papers and documents may be destroyed at any time without the necessity of Board authorization or copying to photographic or electronic media.~~

~~801.2 Originals of records, papers and documents more than three (3) years old that were prepared or received in any manner other than pursuant to State or~~

~~Federal statute may be destroyed without the necessity of copying to photographic or electronic media.~~

~~801.3 In no instances are records, papers or documents to be destroyed where there is a continuing need for such records for such matters as pending litigation, special projects, etc.~~

~~801.4 Records, papers or documents that are not expressly required by law to be filed and preserved may be destroyed, if all of the following conditions are met:~~

~~801.4.1 The record, paper, or other document is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, reproduced on film or other medium that is a trusted system; and~~

~~801.4.2 The device used to reproduce such record, paper or document on film, or to retrieve and print the document from the electronic media, is one which accurately reproduces the original thereof in all details and that does not permit additions, deletions, or changes to the original document; and~~

~~801.4.3 The photographs, microphotographs, or other reproductions on film are placed in conveniently accessible files, and provisions is made for preserving, examining, and using the same, together with documents stored via electronic media.~~

~~[801.5](#) Any accounting record, except the journals and ledgers which are more than seven years old and which were prepared or received in any manner other than pursuant to State statute, may be authorized for destruction provided that:~~

~~801.5.1 There is no continuing need for said record, i.e., long term transactions, special projects, pending litigations, etc., and;~~

~~801.5.2 There exists in a permanent file, an audit report or reports covering the inclusive period of said record, and;~~

~~801.5.3 The audit report or reports were prepared pursuant to procedures outlined in Government Code section 26909 and other State or Federal audit requirements.~~

~~801.6 Any accounting record created for a specific event or action may be destroyed upon authorization five years after the event has in all respects terminated. Any source document detailed in a register, journal, ledger or statement may be authorized for destruction seven years from the end of the fiscal period to which it applies.~~

- ~~801.7 The following may be destroyed at any time: Duplicated originals (subject to aforementioned requirements); rough drafts, notes or working papers (except audit); cards, listings, nonpermanent indices; and other papers used for controlling work or transitory files.~~
- ~~801.8 All payroll and personnel records shall be retained seven years from the date of separation. Originals may, upon authorization, be destroyed after seven years of retention, provided records have been copied pursuant to Sections 801.4.1 and 801.4.2, above, and qualify for destruction. Payroll and personnel records include the following:~~
- ~~(a) Accident reports, injury claims and settlements;~~
  - ~~(b) Medical histories;~~
  - ~~(c) Injury frequency charts;~~
  - ~~(d) Applications, changes and terminations of employees;~~
  - ~~(e) Insurance records of employees;~~
  - ~~(f) Time sheets;~~
  - ~~(g) Classification specifications (job description);~~
  - ~~(h) Performance evaluations forms;~~
  - ~~(i) Earnings records and summaries; and/or~~
  - ~~(j) Retirement records.~~
- ~~801.9 All assessing records may upon authorization be destroyed after seven years of retention from lien date; however, these records may be destroyed three years after the lien date when records are copied pursuant to Sections 801.4.1 and 801.4.2, above.~~
- ~~801.10 Records of proceedings for the authorization of long-term debt, bonds, warrants, loans, etc., after issuance or execution may be destroyed if copied pursuant to sections 801.4.1 and 801.4.2, above. Terms and conditions of bonds, warrants, and other long-term agreements should be retained until final payment, and thereafter may be destroyed in less than ten years if copied pursuant to sections 801.4.1 and 801.4.2, above. Paid bonds, warrant certificates and interest coupons may be destroyed after six months if detailed payment records are kept for ten years.~~
- ~~801.11 Minutes of the meetings of the Board of Trustees are usually retained indefinitely in their original form. However, they may upon authorization be destroyed if said minutes are copied pursuant to sections 801.4.1 and 801.4.2, above. Recording tapes (or other media) of Board meetings will be kept until approved by Board of Trustees at a regular scheduled meeting, after which they will be destroyed.~~
- ~~801.12 Construction records, such as bids, correspondence, change orders, etc., need not be kept in excess of seven years unless they pertain to a project which includes a guarantee or grant and, in that event, they shall be kept for the life of the guarantee or grant plus seven years. As-built plans for any public facility or works shall be retained as long as said facility is in existence.~~

- ~~801.13 A contract should be retained for its life plus seven years. Any unaccepted bid or proposal for the construction or installation of any building, structure or other public work, which is more than two (2) years old, may be destroyed.~~
- ~~801.14 Property records, such as documents of title, shall be kept until the property is transferred or otherwise no longer owned by the District.~~
- ~~801.15 All documents beyond the current fiscal year are recorded in the Archive Database, filed and boxed up. The database consists of the following information:~~
- ~~(a) Box Number;~~
  - ~~(b) Contents;~~
  - ~~(c) Proper Date of Contents;~~
  - ~~(d) Department; and~~
  - ~~(e) Date of Destruction, if any.~~
- ~~801.16 A master listing of all archive box contents is kept up to date and located in a binder in the Administrative Assistant's office. The boxes are placed in the Archive Storage area and are kept numerically by department.~~
- ~~801.16.1 Once a file is to be destroyed, the date of destruction is recorded. The documents are then shredded and removed for disposal. The archive master listing is then updated and reprinted with the updated information.~~

#### ~~Section 802. Public Record Requests~~

- ~~802.1 "Public records" include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any State or local agency, regardless of physical form or characteristics.~~
- ~~802.1.1 "Writing" means any recording upon any form of communication or representation including tapes, photos, films, magnetic mediums, discs, drums or other documents. According to Government Code section 6254, nothing in the Public Records Act shall be construed to require the District to disclose exempt records including: personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.~~
- ~~802.2 Any person who wishes to receive or inspect a public record of the District must present his/her request to the District Manager's Office on the District's designated Public Information Request Form. The request may be submitted in person, or by mail, fax, or email. The requestor must identify the requested records by providing a detailed description and the approximate date of the records. In order to respond to the request, the District must have contact information for the requestor.~~
- ~~802.3 A determination will be made by the District Manager whether the requested record is a public document within 10 days after receipt of a request for a public record. The District Manager will then notify the person making the request of that determination and the reasons therefore. In unusual circumstances, the time limit for a determination may be extended by written notice of the District Manager setting forth the reasons for the extension and the estimated date and time when the records will be made available. This extension will not exceed an additional 14 days.~~

- ~~802.4 Public records authorized for release by the District Manager will be made promptly available upon payment of a fee covering the direct cost of duplication, or a statutory fee, if applicable. An exact copy will be provided unless it is impracticable to do so. Computer data will be provided in a form determined by the District.~~
- ~~802.5 Any reasonably segregable portion of a record will be made available for inspection after deletion of the portions that are exempted by law. On-site review of records may only be undertaken in a designated area, one file at a time.~~
- ~~(a) No purses, briefcases, bags, binders, or other items will be allowed in the record review area that would allow concealment of removed records. No record may be removed from the office.~~
  - ~~(b) The requestor will be allowed to have one paper pad and writing utensil with him/her when reviewing records.~~
  - ~~(c) Records shall not be marked, highlighted, creased, folded, or otherwise defaced in any way.~~
  - ~~(d) Records shall remain in their original order and grouping, whether loose, stapled, or bound.~~
  - ~~(e) The requestor may obtain a copy of a specific identifiable public record, which is subject to disclosure.~~
  - ~~(f) A reproduction charge will be assessed prior to production of the requested records based upon the amount of material requested and the District's current fee schedule.~~
- ~~802.6 To avoid the risk that any information could be sent to an individual or entity other than is authorized by the release, the requested the information will not be distributed or returned via facsimile.~~

APPENDICES

**APPENDIX 300-1**  
**FAMILY CARE LEAVE**

**A. Statement of Policy**

The District shall allow eligible employees up to twelve (12) weeks of unpaid leave in any twelve (12) month period for specified family and medical reasons.

1. Eligibility: Eligible employees are those employees employed at least twelve (12) months with the District or have worked at least 1,250 hours in the preceding twelve (12) months at the District.
2. Serious health condition: A serious health condition means an illness, injury, impairment, or physical or mental condition that involves one of the following:
  - a. Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care;
  - b. A period of incapacity of more than three (3) consecutive calendar days that involves (a) treatment two or more times by a health care provider or (b) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;
  - c. A period of incapacity due to pregnancy or for prenatal care;
  - d. A chronic condition which (a) requires periodic visits for treatment by a health care provider, (b) continues over an extended period of time, and (c) may cause episodic rather than a continuing period of incapacity (e. g. asthma, diabetes, epilepsy, etc.);
  - e. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective and the employee or family member is under the continuing supervision of a health care provider (e.g. Alzheimer's, a severe stroke, or the terminal stages of a disease);
  - f. Any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in the period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment.

Qualified health care providers include: doctors of medicine or osteopathy, podiatrists, dentist, clinical psychologists, optometrists, chiropractors, alternative health care providers, nurse practitioners, and nurse-midwives authorized to practice under State law and performing within the scope of their practice under state law.

**B. Leave Required**

Employees shall be entitled to twelve (12) weeks of unpaid leave during a twelve (12) - month period for one or more of the following reasons:

1. For birth of a child; and to care for the newborn child;
2. For placement of a child with employee for adoption or foster care;
3. To care for an employee's spouse, domestic partner, son, daughter, or parent who has a serious health condition or who is receiving treatment for substance abuse;
4. For employee's own serious health condition that makes the employee unable to perform the functions of his/her job.

Employees desiring to take unpaid leave should inform his/her Department Director and the General Manager at least thirty (30) days prior to initiating the leave if need for the leave is foreseeable and if not, notice must be given as soon as possible. Employee will provide the General Manager with a medical certification signed by a health care provider. The District shall notify the employee within two (2) working days after receiving notice from employee if the employee is qualified for leave.

When seeking certification of a serious medical condition, an employee should ensure that the certification contains the following:

1. Contact information for the health care provider, including name, address, telephone number, fax number, and type of medical practice/specialty.
2. Date when the condition began, expected duration, and appropriate facts about the condition.
3. If employee is seeking medical leave for his/her own medical condition, certification should also include a statement that the employee is unable to perform the essential functions of the employee's position.
4. For a seriously ill family member, the certification should include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.
5. If taking intermittent leave or working a reduced schedule, certification should include dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

If deemed necessary, the District may ask for a second opinion. The District will pay for the certification from a second doctor, which the District will select. If there is a conflict between the original certification and the second opinion, the District may require the opinion of a third doctor. The District and the employee will jointly select the third doctor, and the District will pay for the opinion. The third opinion will be considered final.

### **C. Military Care Giver Leave**

Medical certification for a Military Caregiver Leave shall be from a United States Department of Defense, Department of Veteran's Affairs, or other authorized medical provider. It shall indicate:

1. Whether the service member has incurred a serious injury or illness.

2. Whether the injury or illness renders the service member medically unable to perform the duties of the member's position;.
3. Whether the injury or illness was incurred in the line of duty while on active duty.
4. Whether the service member is undergoing medical treatment, recuperation, or therapy, or is otherwise on outpatient status, or is otherwise on the temporary disability retired list.
5. The probable duration of the injury or illness.
6. The frequency and duration of leave the family member requesting leave will require.
7. The family relationship of the eligible employee to the covered service member.

#### **D. Maintenance of Benefits**

An employee on family care leave shall be entitled to maintain group health insurance coverage on the same basis as if he/she had continued to work at the District. The District shall continue paying the employee's benefits during the leave; however, upon employee's return to employment, the employee will reimburse the District the cost of maintaining his/her health premiums and other premiums (life, short term disability, long term disability, etc.).

If the employee informs the District that he/she does not intend to return to work at the end of the leave period, the District's obligation to provide health benefits ends effective from the date of notice by the employee.

Certain types of earned benefits such as PTO and holidays may not be accrued during the leave period. However, the use of family care leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

#### **E. Job Restoration**

The employee is entitled to the same or equivalent position at the same or similar geographic location with equivalent benefits and pay unless the District determines that:

- The employee was hired for a specific time period.
- The employee is determined to be a "key employee".
- The employee is not fit for duty, or
- The employee would not have been employed at time of request for reinstatement.

The District may choose to exempt certain management employees, being "key employees" from this job restoration requirement and not return them to the same or similar position at the completion of medical leave. Employees who may be exempted will be informed of this status when they request leave. If the District deems it necessary to deny job restoration for a key employee on medical leave, the District will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

#### **F. Use of Paid and Unpaid Leave**

If an employee has accrued paid leave of less than twelve (12) weeks, the employee will use paid leave first and take the remainder of the twelve weeks as unpaid leave. If an employee uses leave because of his/her own serious medical condition or the serious health condition of an immediate family member, the employee will first use all accrued leave and then will be eligible for unpaid leave.

#### **G. Intermittent Leave and Reduced Work Schedules**

In certain cases, intermittent use of the twelve (12) weeks of family care leave or a part of a reduced work week may be allowed by the District. Employees wishing to use leave intermittently or to utilize a reduced work week for birth or adoption purposes will need to discuss and gain approval for such use from the employee's direct supervisor and the General Manager. Employees may also use family care leave intermittently or as part of a reduced work week whenever it is medically necessary. If the need to use leave is foreseeable and based on pre-planned and pre-scheduled medical treatment, then the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the District's operations. This provision is subject to the approval of the health care provider.

In some cases, the District may temporarily transfer an employee using intermittent or a reduced work week to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

**APPENDIX 700-1**  
**Board of Trustees Appeal Hearing Procedures**

**A. Ground for Requesting an Appeal Hearing**

The following appeal procedures only apply to the District's civil service employees who are subject to the following disciplinary actions:

1. Suspensions without pay;
2. Demotions;
3. Reductions in pay; or
4. Termination of employment.

**B. Appeal Committee**

The Board shall appoint a three-member committee of Trustees to hear the appeal. One of the Appeal Committee members will serve as a Hearing Coordinator. The hearing will be held within sixty (60) business days after receipt thereof, unless extended by mutual agreement of the parties. The Hearing Coordinator will create and maintain the official record of the appeal process and hearing. The Appeal Committee may elect to contract with an independent hearing officer to conduct the hearing or to serve as a hearing coordinator.

**C. Case Management Conference**

Prior to the conduct of the appeal hearing, a confidential case management conference shall be held. No witness or potential witness may participate in the case management conference call.

If the appellant is representing his/herself, failure of the appellant to appear/participate in the case management conference shall be deemed a withdrawal of his/her appeal. If the appellant is represented, failure of representative and the employee to appear/participate in the case management conference shall be deemed a withdrawal of the employee's appeal.

The case management conference shall be scheduled at the earliest reasonable opportunity, and no later than ten (10) days after the filing of an appeal. The case management conference may be scheduled beyond ten (10) days by mutual agreement of the parties. All or part of the case management conference may be conducted by telephone or other electronic means if each participant in the conference has an opportunity to participate in and to hear the entire proceeding while it is taking place. The following persons shall participate in the conference:

1. Appellant
2. Representative of the appellant
3. Hearing Coordinator
4. District's counsel, if applicable
5. Hearing Officer, if applicable

All parties must be prepared to discuss the following matters:

1. The nature of the appeal.
2. The estimated number of witnesses.
3. The estimated length and schedule of the hearing.
4. The facts and issues that are in dispute.
5. The facts and issues that are uncontested and may be subject to stipulation.
6. Any anticipated problems or unusual concerns regarding the hearing, including any existing or anticipated evidentiary disputes.
7. Development of joint exhibit binders.
8. Dates for the hearing.

The participants may also discuss any other matters as shall promote the orderly and prompt conduct of the hearing. Following the case management conference, the Hearing Coordinator will memorialize and send to all parties a memorandum confirming the outcome of the conference, including any agreements made concerning the conduct of the upcoming hearing. The Hearing Coordinator will then promptly assign a hearing date for the appeal.

#### **D. Pre-Hearing Preparation**

##### 1. Witnesses

Both parties shall provide to the Hearing Coordinator by the date required their lists of witnesses, contact information, appearance order, and anticipated time needed to exam each witness.

A draft of the witnesses' appear date and time to appear will be provided to both parties prior to the Notices to Appear being issued.

##### 2. Proof of Service and Notice to Appear

A Proof of Service and Notice to Appear will be issued to each witness either in person, by U.S.P.S., or e-mail.

The Notice to Appear will inform the witness of the date, time, and location to appear.

#### **E. The Appeal Hearing**

The Appeal Committee or Hearing Officer, hereafter, the Appeal Committee shall conduct an evidentiary hearing.

##### 1. Burden of Proof

The burden of proof shall be on the District. The Appeal Committee shall use the "preponderance of evidence" standard. The District shall first present its evidence. Each party shall then have the right to present evidence in rebuttal.

##### 2. Evidence

Hearings shall not be conducted according to the technical rules of evidence for formal court proceedings, except as hereinafter provided.

Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to relying in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objections in civil actions.

Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a material finding unless it would be admissible over objection(s) in civil actions.

Oral evidence shall be taken only on oath or affirmation.

The rule of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing. The Appeal Committee has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.

### 3. Confidential Hearing

The appeal hearing is a confidential personnel matter and is a closed meeting to the public. The hearing is closed to witnesses during the time they are not testifying. However, the appellant shall have the right to have one representative, even if the representative is also a witness. The employee may request in writing that the hearing be open to the general public or may make such a request during the case management conference.

### 4. Professionalism

Persons appearing before the Appeal Committee shall conduct themselves in a professional and respectful manner. In instances of inappropriate behavior or misconduct, the Appeal Committee may issue warnings and, finally, an opportunity for a last chance. If the offending person violates the Appeal Board's last chance order, the Appeal Committee may vote to impose sanctions, including without limitation exclusion of certain evidence, and/or dismissal of the appeal (if the offending party is the appellant) or sustaining the appeal (if the offending party is a District representative).

### 5. Report of Hearing

Hearings shall be recorded by a certified court reporter or recorder of legal and sufficient means to produce an official record (minutes) of the hearing. These minutes shall include, but are not limited to:

1. Start and end dates of the hearing, including any caucuses.
2. The identity and time witnesses are called.
3. The logging of all exhibits.

### 6. Findings and Decisions

The Appeal Committee, being governed by a preponderance of evidence, may recommend to the Board of Trustees to affirm, revoke or modify the existing disciplinary action. The opinion rendered by the Appeal Committee shall be

advisory only and not binding on the Board. Upon receipt of an advisory opinion, the Board shall render a final decision. The decision of the Board shall be final and binding. The President of the Board of Trustees or his/her designee will provide, under a Proof of Service, a written report to the employee and the employee's representative, if applicable, of their findings and final decision.

The Board of Trustees' final decision will be filed in the official appeal hearing file.

#### 702.7 Hearing

702.7.1 The Board shall appoint a three-member committee of Trustees to hear the appeal within thirty (30) business days after receipt thereof. The Committee shall set a date for hearing the appeal within ten (10) business days of receipt of the appeal. The Committee may continue the hearing either for the convenience of the Committee or upon written application from the appellant for good cause. Written notice of the time and place of the hearing, and any continuance thereof, shall be given to the appellant and his/her representative, if applicable. The parties may submit all proper and pertinent evidence against or in support of the causes in advance of the hearing. The hearing shall be closed except to necessary parties, unless the employee requests in writing that the hearing be open to the general public. The Board may elect to contract with an independent hearing officer to conduct the hearing. The opinion rendered by the Committee or hearing officer shall be advisory only and not binding on the Board. Upon receipt of an advisory opinion, the Board shall render a final decision to adopt, reduce, or reject the disciplinary action. The decision of the Board shall be final and binding. The President of the Board of Trustees or his/her designee will provide a written report to the employee and the employee's representative, if applicable, of their findings and final decision.

702.7.2 The Board shall issue subpoenas for the appearance of witnesses for the appellant upon his/her written request and at the appellant's cost. The Board may require such costs to be prepaid.

702.7.3 Failure of the appellant to appear at the hearing shall be deemed a withdrawal of his/her appeal, and the action of the Board shall be final.

702.7.4 The Board may affirm, reduce, reduce with conclusions or revoke the Disciplinary Action. The decision of the Board shall be final for all purposes.

702.7.5 In the event that an employee is unavailable for personal service of the hearing notice, such notice may be served upon the employee by Certified Mail, postage prepaid. Such notice shall be effective upon proof of delivery.



**APPENDIX 800-1**

<b>RECORD SERIES TITLE AND CONTENTS</b>	<b>Retention Timeline (yrs)</b>	<b>COMMENTS</b>
<b>Board of Trustees/Committee</b>		
Agendas	CU+2	Regular and special meeting agendas, including certificates of posting, original summaries, original communications and action agendas for Board and committees
Agenda Packets (Master, Subject Files)	CU+2	Documentation received, created, and/or submitted to Board
Minutes	P	Official minutes and hearing proceedings of board or committees
Board of Trustee Member Record	T+2	Meetings, appointments, certificates
Correspondence	CU+2	
Legal Advertising	CU+4	Includes public notices, legal publications
Notices, Meetings	CU+2	Cancellation of meetings
Resolutions	P	Board actions, including Final Engineers' Reports, Benefit Assessment, and Tax reports
Oaths of Office	T+6	Board members
Statement of Economic Interest FPPC Form 700 Board member	T+7	Fair Political Practices Commission (FPPC) filings
Tapes, Audio/Video	CU+.25	When used for minute preparation and may have historical value.
<b>Administration</b>		
Audit - Annual Financial Report	CL+2	Independent auditor anal is
Audit - Reports	A+4	Internal and/or external
Audit - Reviews, Internal/External Periodic	CU	Daily, weekly, Monthly, Quarterly or other summary, review, evaluation, log list, statistics, exception report
Employee Investigations, Background, Disciplinary	CL+2	Documents not in personnel file
HR – Benefit Plan Claims	P	May include dental, disability, education, health, life and vision including dependent care and Employee Assistance
HR - Employee Handbook	S+2	General employee information including benefit plans, policy/personnel manual
HR – Employee Programs	CL+2	Includes WAP and Recognition
HR – Employee Records, Hiring, Promotion, Demotion, Benefits Records, Selection for Training, Transfer, Lay-Off, Termination, EDD Claims	T+5	Includes current and terminated/former employees' records: application, personnel, membership, or employment referral records. These records are confidential subject to certain conditions for disclosure. Consult the District General Counsel. Includes records pertaining to "attendance". If subject to pending complaint, retain until litigation resolved including time for any possible appeal.

HR – Motor Vehicle Pulls (DMV)	CL+7	
<b>RECORD SERIES TITLE AND CONTENTS</b>	<b>Retention Timeline (yrs)</b>	<b>COMMENTS</b>
HR – Negotiation	P	Contracts, Memoranda of Understanding (MOUs), Agreements
HR – PERS, Social Security, SSI	P	
HR – Recruitment, Job Announcements/Ads, Applications, Job Descriptions, Test Papers	CL+2	These records are confidential subject to certain conditions for disclosure. Please consult the District General Counsel's office. *If pending subject to pending complaint, retain until litigation resolved including time for a possible appeal
HR - Statement of Economic Interest FPPC Form 700 non-Board member	T+5	Fair Political Practices Commission (FPPC) Filings
Insurance/Coverage	P	Additional Covered Party Endorsements, Certificates of Coverage, Claims Audits, Coverage Opinions, Endorsements, Excess and Reinsurance Contracts, Insurance Bonds/Fidelity Bonds, Insurance Policies, Memoranda of Coverage, Underwriting Files
Policies and Procedures	S+5	Policies, directives rendered by Board not assigned a resolution or ordinance number
Public Information - Brochures, Publications, Newsletters Bulletins	S+2	
Public Information - Media relations	CU+2	Includes cable, newspaper, radio, message boards, presentations, publications, newsletters, press releases
<b>Finance</b>		
Accounts Payable, Accounts Receivable	CU+7	Invoices, check copies, revenue documents, supporting documents
Accounting - Vendor files	CL+2	Applications: Utility connections, disconnects, registers, service
Bank Reconciliation	A+5	Statements, summaries for receipts, disbursements & reconciliation
Budget: Adopted	P	
Proposed	CU+2	Presented to Board
Budget, Budget Adjustments, Journal Entries	A+2	Including account transfers
General Ledger	P	
Payroll - Adjustments	A+4	Auditing purposes
Payroll-Earning Records, PERS Employee Deduction Reports, Wage Rate Tables, Additions to & Deductions from Wages Paid	CL+4	
Payroll – Employee Time Sheets	A+6	
Accounts Payable, Accounts Receivable	CU+7	Invoices, check copies, revenue documents, supporting documents
Accounting - Vendor files	CL+2	Applications: Utility connections, disconnects, registers, service
Bank Reconciliation	A+5	Statements, summaries for receipts, disbursements & reconciliation

<b>RECORD SERIES TITLE AND CONTENTS</b>	<b>Retention Timeline (yrs)</b>	<b>COMMENTS</b>
Budget: Adopted Proposed	P CU+2	Presented to Board Including account transfers
Budget, Budget Adjustments, Journal Entries	A+2	
General Ledger	P	
Payroll - Adjustments	A+4	Auditing purposes
Payroll-Earning Records, PERS Employee Deduction Reports, Wage Rate Tables, Additions to & Deductions from Wages Paid	CL+4	
Payroll – Employee Time Sheets	A+6	
Payroll - PERS Employee Deduction Report	T+4	
Payroll - Register	P	
Purchasing-Bids/RFQ/RFP-Successful Unsuccessful	A+5 CU+2	Requests for Qualifications; Requests for Proposals regarding goods and services
Purchasing- Purchase Agreements	T+2	
Financial Reports – Actuarial Studies	P	
Financial Reports - Audits	P	
Financial Reports – Deferred Compensation	T+5	Records of employee contributions and payments
Financial Reports – Federal and State Tax	A+4	Forms 1096, 1099, W-4, and W-2
Financial Reports – State Controller	P	
Financial Reports – Travel Expense	CU+2	
<b>General Files</b>		
Accreditation Reports	P	
All Other Governing Documents	P	Including Roster of Public Agency Filing
Associations	CL+2	Active while membership is current
General Correspondence (non-legal issues)	CU+2	Working documentation; If not attached to agreement or project file
Correspondence / Agencies	CU+2	If not attached to agreement or project file
Survey Response Files	CU+2	Surveys, responses, with other agencies requesting statistical data
<b>General Operations</b>		
Maintenance and Operations	CU+2	Service requests, invoices, supporting documentation; buildings, equipment, field engineering, public facilities including work orders and graffiti removal

Technicians/Lab Staff Field Records	CL+2	<a href="#">Daily/weekly reports, photographs, and serial images</a>
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<b>RECORD SERIES TITLE AND CONTENTS</b>	<b>Retention Timeline (yrs)</b>	<b>COMMENTS</b>
<b>Legal</b>		
Attorney Correspondence	P	
General Correspondence	3	
Legal Opinions	P	
Litigations Files	CL+7	
<b>Risk Management</b>		
Accident Reports	CL+2	Unless litigated
Accident Reports - District Assets	CL+7	Reports and related records
Bonds, Insurance Policies (including Worker's Compensation)	P	Property, liability, indemnity, certificates
Claims, Damage	CL+5	
Claims Involving Medicare Set Asides	10	10 ears from date of final resolution
Claims for Which Provisions for Future Medical Have Been Agreed Upon (Related to Medicare)	6	Have 6 years from date of final resolution
Incident Reports	CL+7	Theft, arson, vandalism, property damage or similar occurrence excluding fire/law enforcement
Risk Management Reports and Audits (including Annual Summaries of Occupational Injuries and Illness)	CL+5	Federal OSHA Forms; Loss Analysis Report; Safety Reports; Actuarial Studies
Workers' Compensation Claim Files, Log, Reports and incident Reports	CL+7	
<b>Safety Records/Hazardous Material/Training</b>		
Material Data Safety Sheet	*	Material safety data sheets must be kept for those chemicals currently in use that are affected by the Hazard Communication Standard in accordance with 29 CFR
Disposal and Treatment of Hazardous Substances Hazardous Waste Manifests	P	
Training Records - Non-Safety	CU+2	
Training Records - Safety	CU+5	
<b>Professional Services</b>		
Contracts and Agreements Excluding Capital Improvement	T+5	Includes leases, equipment, services or supplies
Engineering Capital Improvement Projects	CL+10	Supporting documents including bidders list, specifications, reports, plans, work orders, schedules, etc.
MUNICIPAL FACILITY/Capital Improvements Construction	P	Building and as-built plans and drawings; building permits, certificates of occupancy/final inspection
Record of real property title (e.g. Deeds, Easements, Liens, Leases, Purchase, and Sale Agreements)	P	

RECORD SERIES TITLE AND CONTENTS	Retention Timeline (yrs)	COMMENTS
Related Correspondence, Parcel/Subdivision Maps any Records Affecting Lot Line Adjustments Licenses	P	
<b>Inventory (Fixed Asset, Capital Asset, including Vehicles)</b>		
Related Correspondence, Manuals, Service Maintenance Information, Warranties, Invoices/Receipts, Purchase Agreements	T+2	
Inventory	A+4	Reflects purchase date, cost
Surplus Property: - Auction - Disposal	A+2 A+4	
Vehicle Ownership and Title	Life	Title transfers when vehicle sold
<b>Records Management</b>		
Records Management Disposition Certification Log	P	Documentation of final disposition or records
Records Retention Schedules	S+4	

RETENTION CODES: AR = Annual Review A = Audit CL = Closed/Completed E = Expiration  
P = Permanent S = Superseded T = Termination CU = Current Year \* See Comments for Descriptors

**Definitions for Records Retention and Disposal Policy**

**1. AUTHORIZATION:** Approval from the Manager, as authorized by the District's Board of Trustees.

**2. ACCOUNTING RECORDS:** Include but are not limited to the following:

**a. SOURCE DOCUMENTS**

- 1) Invoices
- 2) Warrants
- 3) Requisitions/Purchase Orders (attached to invoices)
- 4) Cash Receipts
- 5) Claims (attached to warrants in place of invoices)
- 6) Bank Statements
- 7) Bank Deposits
- 8) Checks
- 9) Bills
- 10) Various accounting authorizations taken from Board minutes, resolutions, or contracts

**b. JOURNALS**

- \_\_\_\_\_ 1) Cash Receipts
- \_\_\_\_\_ 2) Accounts Receivable or Payable Register
- \_\_\_\_\_ 3) Check or Warrant (payables)
- \_\_\_\_\_ 4) General Journal
- \_\_\_\_\_ 5) Payroll Journal

\_\_\_\_\_ **c. LEDGERS**

- \_\_\_\_\_ 1) Expenditure
- \_\_\_\_\_ 2) Revenue
- \_\_\_\_\_ 3) Accounts Payable or Receivable Ledger
- \_\_\_\_\_ 4) Construction
- \_\_\_\_\_ 5) General Ledger
- \_\_\_\_\_ 6) Assets/Depreciation

\_\_\_\_\_ **d. TRIAL BALANCE**

\_\_\_\_\_ **e. STATEMENTS (Interim or Certified – Individual or All Fund)**

- \_\_\_\_\_ 1) Balance Sheet
- \_\_\_\_\_ 2) Analysis of Changes in Available Fund Balance
- \_\_\_\_\_ 3) Cash Receipts and Disbursements
- \_\_\_\_\_ 4) Inventory of Fixed Assets (Purchasing)

\_\_\_\_\_ **f. JOURNAL ENTRIES**

\_\_\_\_\_ **g. PAYROLL AND PERSONNEL RECORDS**

- 1) Accident reports, injury claims and settlements
- 2) Applications, changes or terminations of employees
- 3) Earnings records and summaries
- 4) Fidelity Bonds
- 5) Garnishments
- 6) Insurance records of employees
- 7) Job Descriptions
- 8) Medical Histories
- 9) Retirements
- 10) Time Cards

\_\_\_\_\_ **h. OTHER**

- 11) Inventory Records (Purchasing)
- 12) Capital Asset Records (Purchasing)
- 13) Depreciation Schedule
- 14) Cost Accounting Records

**3. LIFE.** The inclusive or operational or valid dates of a document.

~~4. **RECORD.**—Any paper, bound book or booklet, card, photograph, drawing, chart, blueprint, tape, microfilm, or other document, issued by or received in a department, and maintained and used as information in the conduct of its operations.~~

~~5. **RECORD COPY.**—The official District copy of a document or file.~~

~~6. **RECORD SERIES.**—A group of records, generally filed together, and having the same reference and retention value.~~

~~7. **RECORDS CENTER.**—The site selected for storage of inactive records.~~

~~8. **RECORDS DISPOSAL.**—The planning for and/or the physical operation involved in the transfer of records to the Records Center, or the authorized destruction of records pursuant to the approved Records Retention Schedule.~~

~~9. **RECORDS RETENTION SCHEDULE.**—The consolidated, approved schedule list of all District records, which timetables the life and disposal of all records.~~

~~10. **RETENTION CODE.**—Abbreviation of retention action which appears on the retention schedule.~~

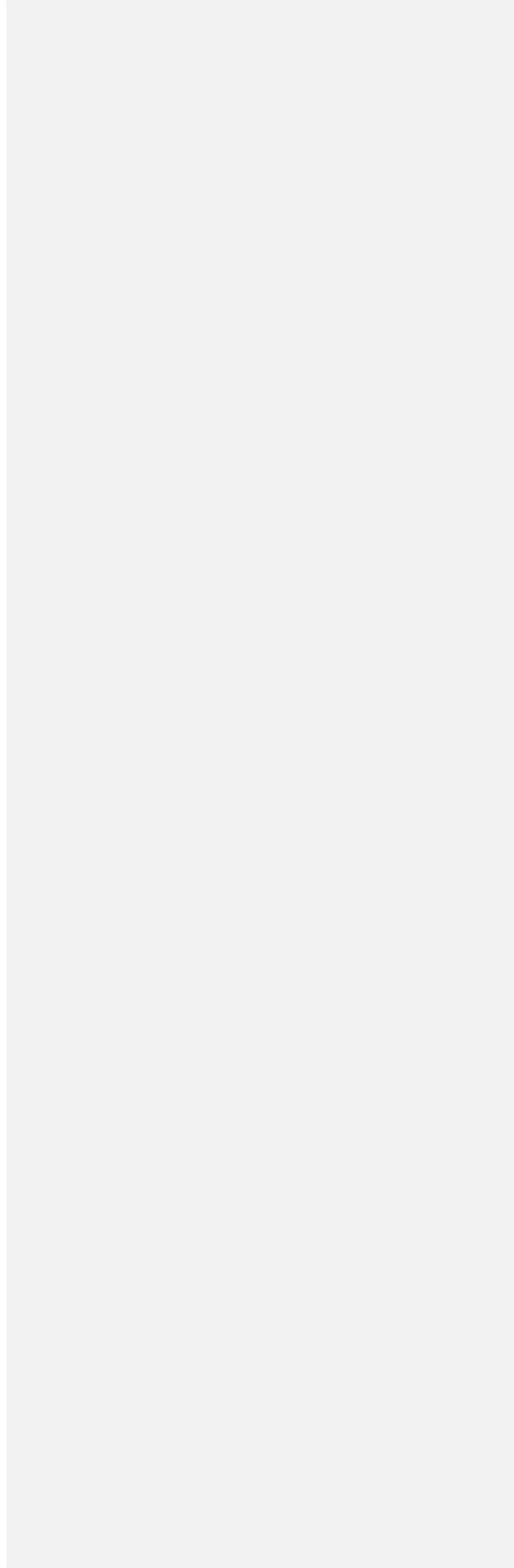
~~11. **VITAL RECORDS.**—Records that, because of the information they contain, are essential to one or all of the following:~~

- ~~a) The resumption and/or continuation of operations;~~
- ~~b) The recreation of legal and financial status of the District, in case of a disaster; and/or~~
- ~~c) The fulfillment of obligations to bondholders, customers, and employees.~~

~~———— **Vital records include but are not limited to the following:**~~

- |  |   |
|--|---|
| <del>1) Agreements</del>                       | <del>21) Individual water rights</del>          |
| <del>2) Annexations and detachments</del>      | <del>22) Individual claims</del>                |
| <del>3) As-built drawings</del>                | <del>23) Inventory</del>                        |
| <del>4) Audits</del>                           | <del>24) Ledgers</del>                          |
| <del>5) Contract drawings</del>                | <del>25) Journal vouchers</del>                 |
| <del>6) Customer statements</del>              | <del>26) Licenses and permits</del>             |
| <del>7) Deeds</del>                            | <del>27) Loans and grants</del>                 |
| <del>8) Depreciation schedule</del>            | <del>28) Maps</del>                             |
| <del>9) Disposal of surplus property</del>     | <del>29) Minutes of Board meetings</del>        |
| <del>10) Disposal of scrap materials</del>     | <del>30) Payroll register</del>                 |
| <del>11) District insurance records</del>      | <del>31) Policies and Procedures</del>          |
| <del>12) District water rights</del>           | <del>32) Purchase orders and requisitions</del> |
| <del>13) Employee accident reports, etc.</del> | <del>33) Restricted materials permits</del>     |
| <del>14) Employee earning records</del>        | <del>34) Rights of ways and easements</del>     |
| <del>15) Employee fidelity bonds</del>         | <del>35) Spray permits</del>                    |
| <del>16) Employee insurance records</del>      | <del>36) Statements of Economic Interest</del>  |
| <del>17) Encroachment permits</del>            | <del>37) State surplus acquisitions</del>       |

- 18) Facility improvement plans
- 19) Improvement districts
- 20) Mosquito control history
- 38) Warehouse requisitions
- 39) Warrant/Voucher register



## **CHAPTER 800. MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS**

### **Section 800. Records Management**

The purpose of this policy is to provide guidance and direction to staff regarding the maintenance, release, and disposal of District records, including: identifying, maintaining, safeguarding, and releasing official records pursuant to the Public Records Act; ensuring proper retention and disposal of official records in the normal course of business; and ensuring compliance with legal and regulatory requirements.

- 800.1 Vital and important records, regardless of recording media, are those having legal, financial, operational, or historical value to the District.
- 800.2 The General Manager is authorized by the Board of Trustees to interpret and implement this policy, and to cause to be destroyed or retained any or all such records, papers and documents that meet the policies governing the retention and disposal of records, specified below.
- 800.3 Pursuant to the provisions of California Government Code sections 34090 and 60200 through 60203, California Health and Safety Code section 2043, and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following policies will govern the retention, release, and destruction of records of the District.
- 800.4 This policy supersedes any prior records retention policy. For purposes of this policy, "record" means any "writing" as defined under the Public Records Act at Government Code section 6252(g) that is a "public record" as defined at section 6252(e). According to Government Code section 6254, nothing in the Public Records Act shall be construed to require the District to disclose exempt records including: personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

### **Section 801: Retention and Destruction**

- 801.0 Except as otherwise provided by this policy and federal and state law, the District shall maintain records for at least the applicable retention period in accordance with the attached Records Retention Schedule (Appendix A), as the same may be amended by the Board. The District may destroy or dispose of any record after the expiration of the applicable retention period in the Records Retention Schedule.

For records not listed in Appendix A, the District shall follow the retention schedule in the California Secretary of State Local Government Records Management Guidelines (Feb. 2006).

- 801.1 Preservation in Electronic Format. The District, at any time, may destroy or dispose of any paper record that is not expressly required by law to be preserved in original paper format if the following conditions relating to electronic storage of records are complied with:
- (a) the record is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, or reproduced on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document;
  - (b) the device used to reproduce the record on film, optical disk, or any other medium is one that accurately reproduces the original record in all details and that does not permit additions, deletions, or changes to the original document images; and,
  - (c) the photographs, microphotographs, or other reproductions on film, optical disk, or any other medium are placed in conveniently accessible files and provision is made for preserving, examining, and using the files.
- 801.2 The District may destroy or dispose of any duplicate record at any time if the original is maintained on file. The District may destroy or dispose of the following records at any time without maintaining the original or a copy: preliminary and rough drafts, notes and working papers prepared or received by an employee or accumulated in the preparation or review of a report, analysis, study or other record; interdepartmental and intra-agency messages, notes and memoranda; and, any record that does not contain information relating to the conduct of the District's business or that otherwise is not a public record.
- 801.3 All documents beyond the current fiscal year are recorded in the Archive Database, filed, and boxed up. The database consists of the following information:
- (a) Box Number;
  - (b) Contents;
  - (c) Proper Date of Contents;
  - (d) Department; and
  - (e) Date of Destruction, if any.
- 801.4 A master listing of all archive box contents is kept up to date and located in a binder in the Administrative Assistant's office. The boxes are placed in the Archive Storage area and are kept numerically by department.

- 801.5 Process of Destruction and Disposal. Records not containing information of a confidential or proprietary nature may be disposed of or destroyed by means of recycling, waste removal service, shredding or other reasonable method of disposal or destruction. Records containing confidential or proprietary information must be shredded or otherwise permanently destroyed. Records recorded on electronic or magnetic media may be erased and the media reused or discarded. For records to be destroyed or disposed of pursuant to the Records Retention Schedule, the District will prepare or have prepared a certificate or log describing the proposed documents to be destroyed/disposed and submit that certificate or log to the District legal counsel and the Board. The District may proceed to destroy or dispose of the records upon receiving the consent in writing of the District legal counsel, and approval by the Board.
- 801.6 Once a file is to be destroyed, the date of destruction is recorded. The documents are then shredded and removed for disposal. The archive master listing is then updated and reprinted with the updated information.
- 801.07 Pending Public Records Act Request. For any record that is subject to destruction or disposal and is the subject of a pending request made pursuant to the Public Records Act, and whether the District maintains that the record is exempt from disclosure, the District shall not destroy or dispose of the record until the request has been granted or two years have elapsed since the District provided written notice to the requester that the request has been denied.

## **Section 802. Public Record Requests**

- 802.1 "Public records" include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any State or local agency, regardless of physical form or characteristics.
- 802.1.1 "Writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (GC 6252{g})
- 802.2 Any person who wishes to receive or inspect a public record of the District must present his/her request to the General Manager's Office on the District's designated Public Information Request Form. This form is available in electronic format on the District's website and in paper form in the District Documents file. The request may be submitted in person, or by mail, fax, or email. The requestor must identify the requested records by providing a detailed description and the approximate date of the records. In order to

respond to the request, the District must have contact information for the requestor.

- 802.3 A determination will be made by the General Manager whether the requested record is a public document within ten (10) days after receipt of a request for a public record. The General Manager will then notify the person making the request of that determination and the reasons therefore. In unusual circumstances, the time limit for a determination may be extended by written notice of the General Manager setting forth the reasons for the extension and the estimated date and time when the records will be made available. This extension will not exceed an additional fourteen (14) days.
- 802.4 Public records authorized for release by the General Manager will be made promptly available upon payment of a fee covering the direct cost of duplication, or a statutory fee, if applicable. An exact copy will be provided unless it is impracticable to do so. Computer data will be provided in a form determined by the District.
- 802.5 Any reasonably segregable portion of a record will be made available for inspection after deletion of the portions that are exempted by law. On-site review of records may only be undertaken in a designated area, one file at a time.
- (a) No purses, briefcases, bags, binders, or other items will be allowed in the record review area that would allow concealment of removed records. No record may be removed from the office.
  - (b) The requestor will be allowed to have one paper pad and writing utensil with him/her when reviewing records.
  - (c) Records shall not be marked, highlighted, creased, folded, or otherwise defaced in any way.
  - (d) Records shall remain in their original order and grouping, whether loose, stapled, or bound.
  - (e) The requester may obtain a copy of a specific identifiable public record, which is subject to disclosure.
  - (f) A reproduction charge will be assessed prior to production of the requested records based upon the amount of material requested and the District's current fee schedule.
- 802.6 To avoid the risk that any information could be sent to an individual or entity other than is authorized by the release, the requested the information will not be distributed or returned via facsimile.

### **Section 803. Health Insurance Portability and Accountability Act (HIPAA)**

Protected health information (PHI) of District customers or employees that is gathered in conjunction with service requests and/or pre-employment physical examinations, required drug testing, medical leaves of absence, fitness for duty examinations, workers' compensation claims, or any other job-related purposes will be maintained in confidential files, separate and apart from customer service or employee personnel files. Such information will be released on a strict need-to-know basis, in conformance with requirements of the Health Insurance Portability and Accountability Act (HIPAA).

# APPENDICES

## **APPENDIX 300-1 FAMILY CARE LEAVE**

### **A. Statement of Policy**

The District shall allow eligible employees up to twelve (12) weeks of unpaid leave in any twelve (12) month period for specified family and medical reasons.

1. Eligibility: Eligible employees are those employees employed at least twelve (12) months with the District or have worked at least 1,250 hours in the preceding twelve (12) months at the District.
2. Serious health condition: A serious health condition means an illness, injury, impairment, or physical or mental condition that involves one of the following:
  - a. Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care;
  - b. A period of incapacity of more than three (3) consecutive calendar days that involves (a) treatment two or more times by a health care provider or (b) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;
  - c. A period of incapacity due to pregnancy or for prenatal care;
  - d. A chronic condition which (a) requires periodic visits for treatment by a health care provider, (b) continues over an extended period of time, and (c) may cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.);
  - e. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective and the employee or family member is under the continuing supervision of a health care provider (e.g. Alzheimer's, a severe stroke, or the terminal stages of a disease);
  - f. Any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in the period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment.

Qualified health care providers include: doctors of medicine or osteopathy, podiatrists, dentist, clinical psychologists, optometrists, chiropractors, alternative health care providers, nurse practitioners, and nurse-midwives authorized to practice under State law and performing within the scope of their practice under state law.

### **B. Leave Required**

Employees shall be entitled to twelve (12) weeks of unpaid leave during a twelve (12) - month period for one or more of the following reasons:

1. For birth of a child; and to care for the newborn child;
2. For placement of a child with employee for adoption or foster care;
3. To care for an employee's spouse, domestic partner, son, daughter, or parent who has a serious health condition or who is receiving treatment for substance abuse;
4. For employee's own serious health condition that makes the employee unable to perform the functions of his/her job.

Employees desiring to take unpaid leave should inform his/her Department Director and the General Manager at least thirty (30) days prior to initiating the leave if need for the leave is foreseeable and if not, notice must be given as soon as possible. Employee will provide the General Manager with a medical certification signed by a health care provider. The District shall notify the employee within two (2) working days after receiving notice from employee if the employee is qualified for leave.

When seeking certification of a serious medical condition, an employee should ensure that the certification contains the following:

1. Contact information for the health care provider, including name, address, telephone number, fax number, and type of medical practice/specialty.
2. Date when the condition began, expected duration, and appropriate facts about the condition.
3. If employee is seeking medical leave for his/her own medical condition, certification should also include a statement that the employee is unable to perform the essential functions of the employee's position.
4. For a seriously ill family member, the certification should include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.
5. If taking intermittent leave or working a reduced schedule, certification should include dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

If deemed necessary, the District may ask for a second opinion. The District will pay for the certification from a second doctor, which the District will select. If there is a conflict between the original certification and the second opinion, the District may require the opinion of a third doctor. The District and the employee will jointly select the third doctor, and the District will pay for the opinion. The third opinion will be considered final.

### **C. Military Care Giver Leave**

Medical certification for a Military Caregiver Leave shall be from a United States Department of Defense, Department of Veteran's Affairs, or other authorized medical provider. It shall indicate:

1. Whether the service member has incurred a serious injury or illness.

2. Whether the injury or illness renders the service member medically unable to perform the duties of the member's position;.
3. Whether the injury or illness was incurred in the line of duty while on active duty.
4. Whether the service member is undergoing medical treatment, recuperation, or therapy, or is otherwise on outpatient status, or is otherwise on the temporary disability retired list.
5. The probable duration of the injury or illness.
6. The frequency and duration of leave the family member requesting leave will require.
7. The family relationship of the eligible employee to the covered service member.

#### **D. Maintenance of Benefits**

An employee on family care leave shall be entitled to maintain group health insurance coverage on the same basis as if he/she had continued to work at the District. The District shall continue paying the employee's benefits during the leave; however, upon employee's return to employment, the employee will reimburse the District the cost of maintaining his/her health premiums and other premiums (life, short term disability, long term disability, etc.).

If the employee informs the District that he/she does not intend to return to work at the end of the leave period, the District's obligation to provide health benefits ends effective from the date of notice by the employee.

Certain types of earned benefits such as PTO and holidays may not be accrued during the leave period. However, the use of family care leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

#### **E. Job Restoration**

The employee is entitled to the same or equivalent position at the same or similar geographic location with equivalent benefits and pay unless the District determines that:

- The employee was hired for a specific time period,
- The employee is determined to be a "key employee",
- The employee is not fit for duty, or
- The employee would not have been employed at time of request for reinstatement.

The District may choose to exempt certain management employees, being "key employees" from this job restoration requirement and not return them to the same or similar position at the completion of medical leave. Employees who may be exempted will be informed of this status when they request leave. If the District deems it necessary to deny job restoration for a key employee on medical leave, the District will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

#### **F. Use of Paid and Unpaid Leave**

If an employee has accrued paid leave of less than twelve (12) weeks, the employee will use paid leave first and take the remainder of the twelve weeks as unpaid leave. If an employee uses leave because of his/her own serious medical condition or the serious health condition of an immediate family member, the employee will first use all accrued leave and then will be eligible for unpaid leave.

#### **G. Intermittent Leave and Reduced Work Schedules**

In certain cases, intermittent use of the twelve (12) weeks of family care leave or a part of a reduced work week may be allowed by the District. Employees wishing to use leave intermittently or to utilize a reduced work week for birth or adoption purposes will need to discuss and gain approval for such use from the employee's direct supervisor and the General Manager. Employees may also use family care leave intermittently or as part of a reduced work week whenever it is medically necessary. If the need to use leave is foreseeable and based on pre-planned and pre-scheduled medical treatment, then the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the District's operations. This provision is subject to the approval of the health care provider.

In some cases, the District may temporarily transfer an employee using intermittent or a reduced work week to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

**APPENDIX 700-1**  
**Board of Trustees Appeal Hearing Procedures**

**A. Ground for Requesting an Appeal Hearing**

The following appeal procedures only apply to the District's civil service employees who are subject to the following disciplinary actions:

1. Suspensions without pay;
2. Demotions;
3. Reductions in pay; or
4. Termination of employment.

**B. Appeal Committee**

The Board shall appoint a three-member committee of Trustees to hear the appeal. One of the Appeal Committee members will serve as a Hearing Coordinator. The hearing will be held within sixty (60) business days after receipt thereof, unless extended by mutual agreement of the parties. The Hearing Coordinator will create and maintain the official record of the appeal process and hearing. The Appeal Committee may elect to contract with an independent hearing officer to conduct the hearing or to serve as a hearing coordinator.

**C. Case Management Conference**

Prior to the conduct of the appeal hearing, a confidential case management conference shall be held. No witness or potential witness may participate in the case management conference call.

If the appellant is representing his/herself, failure of the appellant to appear/participate in the case management conference shall be deemed a withdrawal of his/her appeal. If the appellant is represented, failure of representative and the employee to appear/participate in the case management conference shall be deemed a withdrawal of the employee's appeal.

The case management conference shall be scheduled at the earliest reasonable opportunity, and no later than ten (10) days after the filing of an appeal. The case management conference may be scheduled beyond ten (10) days by mutual agreement of the parties. All or part of the case management conference may be conducted by telephone or other electronic means if each participant in the conference has an opportunity to participate in and to hear the entire proceeding while it is taking place. The following persons shall participate in the conference:

1. Appellant
2. Representative of the appellant
3. Hearing Coordinator
4. District's counsel, if applicable
5. Hearing Officer, if applicable

All parties must be prepared to discuss the following matters:

1. The nature of the appeal.
2. The estimated number of witnesses.
3. The estimated length and schedule of the hearing.
4. The facts and issues that are in dispute.
5. The facts and issues that are uncontested and may be subject to stipulation.
6. Any anticipated problems or unusual concerns regarding the hearing, including any existing or anticipated evidentiary disputes.
7. Development of joint exhibit binders.
8. Dates for the hearing.

The participants may also discuss any other matters as shall promote the orderly and prompt conduct of the hearing. Following the case management conference, the Hearing Coordinator will memorialize and send to all parties a memorandum confirming the outcome of the conference, including any agreements made concerning the conduct of the upcoming hearing. The Hearing Coordinator will then promptly assign a hearing date for the appeal.

#### **D. Pre-Hearing Preparation**

##### **1. Witnesses**

Both parties shall provide to the Hearing Coordinator by the date required their lists of witnesses, contact information, appearance order, and anticipated time needed to exam each witness.

A draft of the witnesses' appear date and time to appear will be provided to both parties prior to the Notices to Appear being issued.

##### **2. Proof of Service and Notice to Appear**

A Proof of Service and Notice to Appear will be issued to each witness either in person, by U.S.P.S., or e-mail.

The Notice to Appear will inform the witness of the date, time, and location to appear.

#### **E. The Appeal Hearing**

The Appeal Committee or Hearing Officer, hereafter, the Appeal Committee shall conduct an evidentiary hearing.

##### **1. Burden of Proof**

The burden of proof shall be on the District. The Appeal Committee shall use the "preponderance of evidence" standard. The District shall first present its evidence. Each party shall then have the right to present evidence in rebuttal.

##### **2. Evidence**

Hearings shall not be conducted according to the technical rules of evidence for formal court proceedings, except as hereinafter provided.

Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to relying in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objections in civil actions.

Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a material finding unless it would be admissible over objection(s) in civil actions.

Oral evidence shall be taken only on oath or affirmation.

The rule of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing. The Appeal Committee has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.

### 3. Confidential Hearing

The appeal hearing is a confidential personnel matter and is a closed meeting to the public. The hearing is closed to witnesses during the time they are not testifying. However, the appellant shall have the right to have one representative, even if the representative is also a witness. The employee may request in writing that the hearing be open to the general public or may make such a request during the case management conference.

### 4. Professionalism

Persons appearing before the Appeal Committee shall conduct themselves in a professional and respectful manner. In instances of inappropriate behavior or misconduct, the Appeal Committee may issue warnings and, finally, an opportunity for a last chance. If the offending person violates the Appeal Board's last chance order, the Appeal Committee may vote to impose sanctions, including without limitation exclusion of certain evidence, and/or dismissal of the appeal (if the offending party is the appellant) or sustaining the appeal (if the offending party is a District representative).

### 5. Report of Hearing

Hearings shall be recorded by a certified court reporter or recorder of legal and sufficient means to produce an official record (minutes) of the hearing. These minutes shall include, but are not limited to:

1. Start and end dates of the hearing, including any caucuses.
2. The identity and time witnesses are called.
3. The logging of all exhibits.

### 6. Findings and Decisions

The Appeal Committee, being governed by a preponderance of evidence, may recommend to the Board of Trustees to affirm, revoke or modify the existing

disciplinary action. The opinion rendered by the Appeal Committee shall be advisory only and not binding on the Board. Upon receipt of an advisory opinion, the Board shall render a final decision. The decision of the Board shall be final and binding. The President of the Board of Trustees or his/her designee will provide, under a Proof of Service, a written report to the employee and the employee's representative, if applicable, of their findings and final decision.

The Board of Trustees' final decision will be filed in the official appeal hearing file.

## APPENDIX 800-1

RECORD SERIES TITLE AND CONTENTS	Retention Timeline (yrs)	COMMENTS
<b>Board of Trustees/Committee</b>		
Agendas	CU+2	Regular and special meeting agendas, including certificates of posting, original summaries, original communications and action agendas for Board and committees
Agenda Packets (Master, Subject Files)	CU+2	Documentation received, created, and/or submitted to Board
Minutes	P	Official minutes and hearing proceedings of board or committees
Board of Trustee Member Record	T+2	Meetings, appointments, certificates
Correspondence	CU+2	
Legal Advertising	CU+4	Includes public notices, legal publications
Notices, Meetings	CU+2	Cancellation of meetings
Resolutions	P	Board actions, including Final Engineers' Reports, Benefit Assessment, and Tax reports
Oaths of Office	T+6	Board members
Statement of Economic Interest FPPC Form 700 Board member	T+7	Fair Political Practices Commission (FPPC) filings
Tapes, Audio/Video	CU+.25	When used for minute preparation and may have historical value.
<b>Administration</b>		
Audit - Annual Financial Report	CL+2	Independent auditor anal is
Audit - Reports	A+4	Internal and/or external
Audit - Reviews, Internal/External Periodic	CU	Daily, weekly, Monthly, Quarterly or other summary, review, evaluation, log list, statistics, exception report
Employee Investigations, Background, Disciplinary	CL+2	Documents not in personnel file
HR – Benefit Plan Claims	P	May include dental, disability, education, health, life and vision including dependent care and Employee Assistance
HR - Employee Handbook	S+2	General employee information including benefit plans, policy/personnel manual
HR – Employee Programs	CL+2	Includes WAP and Recognition
HR – Employee Records, Hiring, Promotion, Demotion, Benefits Records, Selection for Training, Transfer, Lay-Off, Termination, EDD Claims	T+5	Includes current and terminated/former employees' records: application, personnel, membership, or employment referral records. These records are confidential subject to certain conditions for disclosure. Consult the District General Counsel. Includes records pertaining to "attendance". If subject to pending complaint, retain until litigation resolved including time for any possible appeal.
HR – Motor Vehicle Pulls (DMV)	CL+7	

<b>RECORD SERIES TITLE AND CONTENTS</b>	<b>Retention Timeline (yrs)</b>	<b>COMMENTS</b>
HR – Negotiation	P	Contracts, Memoranda of Understanding (MOUs), Agreements
HR – PERS, Social Security, SSI	P	
HR – Recruitment, Job Announcements/Ads, Applications, Job Descriptions, Test Papers	CL+2	These records are confidential subject to certain conditions for disclosure. Please consult the District General Counsel's office. *If pending subject to pending complaint, retain until litigation resolved including time for a possible appeal
HR - Statement of Economic Interest FPPC Form 700 non-Board member	T+5	Fair Political Practices Commission (FPPC) Filings
Insurance/Coverage	P	Additional Covered Party Endorsements, Certificates of Coverage, Claims Audits, Coverage Opinions, Endorsements, Excess and Reinsurance Contracts, Insurance Bonds/Fidelity Bonds, Insurance Policies, Memoranda of Coverage, Underwriting Files
Policies and Procedures	S+5	Policies, directives rendered by Board not assigned a resolution or ordinance number
Public Information - Brochures, Publications, Newsletters Bulletins	S+2	
Public Information - Media relations	CU+2	Includes cable, newspaper, radio, message boards, presentations, publications, newsletters, press releases
<b>Finance</b>		
Accounts Payable, Accounts Receivable	CU+7	Invoices, check copies, revenue documents, supporting documents
Accounting - Vendor files	CL+2	Applications: Utility connections, disconnects, registers, service
Bank Reconciliation	A+5	Statements, summaries for receipts, disbursements & reconciliation
Budget: Adopted Proposed	P CU+2	Presented to Board
Budget, Budget Adjustments, Journal Entries	A+2	Including account transfers
General Ledger	P	
Payroll - Adjustments	A+4	Auditing purposes
Payroll-Earning Records, PERS Employee Deduction Reports, Wage Rate Tables, Additions to & Deductions from Wages Paid	CL+4	
Payroll – Employee Time Sheets	A+6	
Accounts Payable, Accounts Receivable	CU+7	Invoices, check copies, revenue documents, supporting documents
Accounting - Vendor files	CL+2	Applications: Utility connections, disconnects, registers, service
Bank Reconciliation	A+5	Statements, summaries for receipts, disbursements & reconciliation

<b>RECORD SERIES TITLE AND CONTENTS</b>	<b>Retention Timeline (yrs)</b>	<b>COMMENTS</b>
Budget: Adopted Proposed	P CU+2	Presented to Board
Budget, Budget Adjustments, Journal Entries	A+2	Including account transfers
General Ledger	P	
Payroll - Adjustments	A+4	Auditing purposes
Payroll-Earning Records, PERS Employee Deduction Reports, Wage Rate Tables, Additions to & Deductions from Wages Paid	CL+4	
Payroll – Employee Time Sheets	A+6	
Payroll - PERS Employee Deduction Report	T+4	
Payroll - Register	P	
Purchasing-Bids/RFQ/RFP-Successful Unsuccessful	A+5 CU+2	Requests for Qualifications; Requests for Proposals regarding goods and services
Purchasing- Purchase Agreements	T+2	
Financial Reports – Actuarial Studies	P	
Financial Reports - Audits	P	
Financial Reports – Deferred Compensation	T+5	Records of employee contributions and payments
Financial Reports – Federal and State Tax	A+4	Forms 1096, 1099, W-4, and W-2
Financial Reports – State Controller	P	
Financial Reports – Travel Expense	CU+2	
<b>General Files</b>		
Accreditation Reports	P	
All Other Governing Documents	P	Including Roster of Public Agency Filing
Associations	CL+2	Active while membership is current
General Correspondence (non-legal issues)	CU+2	Working documentation; If not attached to agreement or project file
Correspondence / Agencies	CU+2	If not attached to agreement or project file
Survey Response Files	CU+2	Surveys, responses, with other agencies requesting statistical data
<b>General Operations</b>		
Maintenance and Operations	CU+2	Service requests, invoices, supporting documentation; buildings, equipment, field engineering, public facilities including work orders and graffiti removal
Technicians/Lab Staff Field Records	CL+2	Daily/weekly reports, photographs, and serial images

RECORD SERIES TITLE AND CONTENTS	Retention Timeline (yrs)	COMMENTS
<b>Legal</b>		
Attorney Correspondence	P	
General Correspondence	3	
Legal Opinions	P	
Litigations Files	CL+7	
<b>Risk Management</b>		
Accident Reports	CL+2	Unless litigated
Accident Reports - District Assets	CL+7	Reports and related records
Bonds, Insurance Policies (including Worker's Compensation	P	Property, liability, indemnity, certificates
Claims, Damage	CL+5	
Claims Involving Medicare Set Asides	10	10 ears from date of final resolution
Claims for Which Provisions for Future Medical Have Been Agreed Upon (Related to Medicare)	6	Have 6 years from date of final resolution
Incident Reports	CL+7	Theft, arson, vandalism, property damage or similar occurrence excluding fire/law enforcement
Risk Management Reports and Audits (including Annual Summaries of Occupational Injuries and Illness	CL+5	Federal OSHA Forms; Loss Analysis Report; Safety Reports; Actuarial Studies
Workers' Compensation Claim Files, Log, Reports and incident Reports	CL+7	
<b>Safety Records/Hazardous Material/Training</b>		
Material Data Safety Sheet	*	Material safety data sheets must be kept for those chemicals currently in use that are affected by the Hazard Communication Standard in accordance with 29 CFR
Disposal and Treatment of Hazardous Substances Hazardous Waste Manifests	P	
Training Records - Non-Safety	CU+2	
Training Records - Safety	CU+5	
<b>Professional Services</b>		
Contracts and Agreements Excluding Capital Improvement	T+5	Includes leases, equipment, services or supplies
Engineering Capital Improvement Projects	CL+10	Supporting documents including bidders list, specifications, reports, plans, work orders, schedules, etc.
MUNICIPAL FACILITY/Capital Improvements Construction	P	Building and as-built plans and drawings; building permits, certificates of occupancy/final inspection
Record of real property title (e.g. Deeds, Easements, Liens, Leases, Purchase, and Sale Agreements	P	

RECORD SERIES TITLE AND CONTENTS	Retention Timeline (yrs)	COMMENTS
Related Correspondence, Parcel/Subdivision Maps any Records Affecting Lot Line Adjustments Licenses	P	
<b>Inventory (Fixed Asset, Capital Asset, including Vehicles)</b>		
Related Correspondence, Manuals, Service Maintenance Information, Warranties, Invoices/Receipts, Purchase Agreements	T+2	
Inventory	A+4	Reflects purchase date, cost
Surplus Property:                   - Auction - Disposal	A+2 A+4	
Vehicle Ownership and Title	Life	Title transfers when vehicle sold
<b>Records Management</b>		
Records Management Disposition Certification Log	P	Documentation of final disposition or records
Records Retention Schedules	S+4	

RETENTION CODES: AR = Annual Review A = Audit CL = Closed/Completed E = Expiration  
P = Permanent S = Superseded T = Termination CU = Current Year \* See Comments for Descriptors

ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT  
LIST OF WARRANTS DATED FEBRUARY 15, 2018.

WAR NO	PAYEE		ACCT NO	AMT OF CHARGE	AMT OF WARRANT
040818	Biological Specialist	Total salary less deductions for payroll period	600001	2,801.83	
040818	Mosq Control Tech		600001	2,530.64	
040818	Lab Seasonal	"	600001	365.66	
040818	Lab Seasonal	"	600001	1,326.72	
040818	Vector Biologist	"	600001	3,047.57	
040818	Vector Biologist	"	600001	2,984.87	
040818	Mosq Control Tech	"	600001	2,400.27	
040818	Regulatory & Public Affairs Director	"	600001	3,035.03	
040818	District Manager	"	600001	4,096.40	
040818	Asst Mosq Control Tech	"	600001	2,418.63	
040818	IT Director	"	600001	3,201.50	
040818	Lab Director	"	600001	3,403.27	
040818	Outreach seasonal	"	600001	1,179.00	
040818	Field Operations Supervisor	"	600001	3,792.38	
040818	Lab Seasonal	"	600001	716.99	
040818	Accounting Associate	"	600001	1,929.80	
040818	Vector Biologist	"	600001	3,694.30	
040818	Lab Seasonal	"	600001	1,186.70	
040818	Mosq Control Tech	"	600001	2,871.85	
040818	Mosq Control Tech	"	600001	2,491.31	
040818	Mechanical Specialist	"	600001	3,415.69	
040818	IRS	Federal tax withheld (payroll)	600001	7,055.58	
040818		Medicare Tax Withheld (payroll)	600001	967.22	
040818		District Contribution to Medicare (payroll)	600401	967.22	
040818	State of California	State Tax withheld (payroll)	600001	2,608.69	
040818	EDD	Ca Disability	600001	613.17	
040818	ACMAD	Bank of America - Transfer to Bank of America 3/15/18	600001	290.91	64,811.38
040918	Public Employees' Retirement System	Employee Contributions	600001	17.00	
		Employee Paid Member Contributions, 7% & 6.5%	600001	4,709.93	
		Employer Contribution 9.599% & 6.908%	600201	5,907.71	10,634.64
041018	Aetna Life & Annuity	Employee Contributions	600001		150.00
041118	CALPERS 457 Plan	Employee Contributions - PERS 457	600001		2,570.00
041218	Delta Dental Plan	Monthly Premium	600601		4,411.85
041318	Vision Service Plan	Health premium	600601		651.36
041418	The Hartford	Life Insurance	600601		78.71
041518	All-Ways Green Services	Janitorial Service	620021.1		410.00
041618	Airgas	Dry ice	620141.1		56.89
041718	Adapco	Vectobac	610461.1		2,603.43
041818	Bay Area Distributing	Shop supplies	610141		658.45
041918	Cintas	Laundry service	610011	465.06	
		Personal supplies	610001	0.00	465.06
042018	Corporate Park Landscaping	Landscape maintenance	610122.1		215.00
042118	Employment Development Department	Letter L1422832288	600001		1,065.00
042118A	Engravit	Board Plaque	610461.54		132.19
042218	Grainger	Shop supplies	610141	161.97	
		Shop supplies	620261	574.01	735.98
042318	Hayward Water System	Hayward Water	610021.3		84.00
042418	Kimball Midwest	Shop supplies	610141		243.80
042518	Leading Edge Association, Inc.	MapVision	620042		6,435.00
042618	Naylor Steel	Lab supplies	620141.1		7.64
042718	PFM Asset Management	Investment advisory services	610261.11		1,815.85
042818	PG & E	Utilities	610021.2		442.50
042918	PC Professional	Remote Support	620042		750.00
043018	SCI Consulting Group	Administration of Mosquito and Disease Control Assessment	610261.7		16,317.27
043118	Techniclean	Towels	620021.2		154.86
043218	Waste Management	Garbage Service	610021.1		218.22

WAR NO	PAYEE	ACCT NO	AMT OF CHARGE	AMT OF WARRANT
043318	U.S Bank	MVCAC - Registration D.A	610191.3	290.00
		Amazon - Film canister w/lids	620141.1	20.58
		The Home Depot - Pest strip, led bulb	620141.1	105.20
		The Home Depot - Utility blades, insect strip	620141.1	22.81
		The Home Depot - (3) Led bulbs	620141.1	19.66
		The Home Depot - (11) Led bulbs	620141.1	71.58
		The Home Depot - (9) Led bulbs	620141.1	58.70
		The Home Depot - Extension cord	620141.1	13.67
		Graphpad - Software	620141.5	200.00
		MVCAC - Registration for E.H	610191.3	290.00
		MVCAC - Registration for M.B, D.A, J.R, R.L	610191.3	1,160.00
		Amazon - Storage containers	620141.1	30.94
		Stericycle - Waste pick up	620141.2	197.47
		Lifetech - Taqman kit	620141.2	715.19
		Lifetech - Taqman	620141.2	327.00
		Fisher Scientific - Lab supplies	620141.3	91.29
		Proquestebs - Resistance	620141.7	38.00
		Qiagen - DNeasy Blood & Tissue	620141.7	814.97
		Fisher Scientific - Proteinase	620141.7	333.16
		Lifetech - Lab supplies	620141.7	290.84
		Lampire - Chicken blood	620141.7	226.00
		Fisher Scientific - Autoclave	650031.1	7,493.18
		Flight for conference E.H	610191.3	86.98
		AMCA - Conference for S.E	610191.3	790.00
		AMCA - Conference for S.E	610191.3	395.00
		Delta - Flight for S.E	610191.3	434.60
		Alaska - Flight for conference E.H	610191.3	168.20
		SurveyMonkey - "Advantage Annual Plan"	610451	408.00
		Peralta College - Peralta College Foundation	610451	50.00
		Constant Contract - Contract	610451	20.00
		City of Dublin - Booth for show	610451	25.00
		Lifetech - Pool testing	620141.2	212.31
		Lifetech - Pool testing	620141.2	16.74
		Lifetech - Pool testing	620141.2	501.88
		PayPal - Training for M.C	610191.7	850.00
		PayPal - Training for B.R	610191.7	850.00
		Acco Brands - Redbook	620041	56.73
		The Home Depot - Shop supplies	610122.2	17.93
		The Home Depot - Primer	610122.2	6.54
		Co Alameda - Battery Disposal	610122.2	48.00
		Amazon - Vacuum suction cup	610141	22.98
		PayPal - Spare tire	610141	185.00
		Lorman - Training for M.W	610191.7	149.50
		Amazon - Fish food	610461.4	51.49
		The Home Depot - Shop supplies	620021.2	75.61
		Amazon - Step Ladder	620261	42.99
		Amazon - Step Ladder	620261	48.99
		TPX - Phones	610022.1	1,156.44
		Merritt House - Hotel for MVCAC R.F	610191.3	199.44
		Upwork - Services	620042	287.70
		JAMF - Subscription	620042	32.00
		Amazon - Hard Drive	620042	218.32
		Upwork - Services	620042	219.20
		Upwork - Services	620042	256.88
		Comcast - Internet	620042	50.48
		Upwork - Services	620042	(256.88)
		Upwork - Service credit	620042	137.00
		Upwork - Services	620042	256.88
		Best Buy - Refund	620042	(199.99)
		Amazon - Telephone cord	620042	18.55
		Nob Hill - Board supplies	610191.4	51.49
		Amazon - Books for school R.C	610191.7	22.81
		Amazon - Books for school R.C	610191.7	51.99
		Amazon - Books for school R.C	610191.7	9.99
		Amazon - Books for school R.C	610191.7	85.36
		Amazon - Books for school R.C	610191.7	39.91
		Experience Burma - Awards	610461.54	25.00
		Amazon - Prime	620041	53.78
		Amazon - Prime refund	620041	(53.78)

Total CC: 20,987.28

**Total Warrants February 15th**

**137,106.36**

ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT  
LIST OF WARRANTS DATED FEBRUARY 28, 2018

WAR NO	PAYEE	FOR	ACCT NO	AMT OF CHARGE	AMT OF WARRANT
043418	Biological Specialist	Total salary less deductions for payroll period	600001	2,900.09	
043418	Mosq Control Tech	"	600001	2,530.63	
043418	Lab Seasonal	"	600001	1,108.64	
043418	Vector Biologist	"	600001	3,131.11	
043418	Vector Biologist	"	600001	3,071.05	
043418	Mosq Control Tech	"	600001	2,400.28	
043418	Regulatory & Public Affairs Director	"	600001	3,115.83	
043418	District Manager	"	600001	4,425.21	
043418	Asst Mosq Control Tech	"	600001	2,418.63	
043418	IT Director	"	600001	3,355.78	
043418	Lab Director	"	600001	3,482.56	
043418	Outreach/ Office Seasonal	"	600001	993.80	
043418	Field Operations Supervisor	"	600001	3,844.44	
043418	Lab Seasonal	"	600001	595.52	
043418	Accounting Associate	"	600001	1,929.81	
043418	Vector Biologist	"	600001	3,694.30	
043418	Mosq Control Tech	"	600001	2,871.86	
043418	Mosq Control Tech	"	600001	2,491.30	
043418	Mechanical Specialist	"	600001	3,514.21	
043418	IRS	Federal Tax Withheld	600001	7,186.49	
043418		Medicare Tax Withheld	600001	955.72	
043418		District Contribution to Medicare	600401	955.72	
043418	State of California	State Tax Withheld	600001	2,694.76	
043418	EDD	Ca Disability	600001	628.50	64,296.24
043618	Aetna Life & Annuity	Employee contributions	600001		150.00
043518	CalPERS	Employee/ Employer contributions	600001	17.00	
		Employee paid member contributions, 7%, 6.5%	600001	4,691.37	
		District contribution 9.559%, 6.908%	600201	5,887.98	10,596.35
043718	CalPERS 457 Plan	Employees contributions - PERS 457	600001		2,570.00
043818	CalPERS	Health insurance	600601		31,792.85
043918	P. Robert Beatty	Trustee in lieu expenses - 1053rd meeting	610191.5		100.00
044018	Subru Bhat	Trustee in lieu expenses - 1053rd meeting	610191.5		100.00
044118	Alan Brown	Trustee in lieu expenses - 1053rd meeting	610191.5		100.00
044218	Elizabeth Cooley	Trustee in lieu expenses - 1053rd meeting	610191.5		100.00
044318	James Doggett	Trustee in lieu expenses - 1053rd meeting	610191.5		100.00
	Robert Dickinson	Trustee in lieu expenses - 1053rd meeting	610191.5		
044418	Eric Hentschke	Trustee in lieu expenses - 1053rd meeting	610191.5		100.00
044518	Ed Hernandez	Trustee in lieu expenses - 1053rd meeting	610191.5		100.00
	Humberto Izquierdo	Trustee in lieu expenses - 1053rd meeting	610191.5		
044618	Elisa Marquez	Trustee in lieu expenses - 1053rd meeting	610191.5		100.00
044718	Katherine Narum	Trustee in lieu expenses - 1053rd meeting	610191.5		100.00
044818	Wendi Poulson	Trustee in lieu expenses - 1053rd meeting	610191.5		100.00
044918	Jan Washburn	Trustee in lieu expenses - 1053rd meeting	610191.5		100.00
045018	George Young	Trustee in lieu expenses - 1053rd meeting	610191.5		100.00
045118	Airgas	Dry ice pellets	620141.1		147.03
045118A	Alameda County Chapter of California Special Dist.	Annual dinner meeting	610191.3		343.00
045218	Cintas	Laundry Service	610011		166.42
045618	PC Professional	Remote support	620042		206.71
045718	Regional Government Services	Contract services for month	610261.10		541.25
045818	Sonitrol	Monitoring charges and CCTV Fees	620021.3		750.00
045918	Shine Painting Co.	Paint work	610122.2		1,340.00
046018	Treds	Tire Disposal	610141		90.00
046118	Wright Express	Fuel expenses, statement ended 02-15-18	610191.1		2,942.63
		<b>Total Warrants February 28th</b>			<b>118,932.42</b>
		<b>Total Warrants February 15th</b>			<b>137,106.36</b>
		<b>Total February Warrants</b>			<b>256,038.78</b>

**Alameda County Mosquito Abatement District Budget Summary**  
As of February 28, 2018. (8 of 12 mth, 67%)

Account #		EXPENDED IN (February)	EXPENDED TO DATE	BUDGETED	BALANCE	% EXPENDED
<b>SALARY &amp; BENEFITS</b>						
600001	Salary and Wages	\$ 133,689.68	\$ 1,175,579.21	\$ 1,761,305.00	\$ 585,725.79	67%
600201	Contribution to Retirement <sup>1</sup>	\$ -	\$ 244,342.48	\$ 253,662.20	\$ 9,319.72	96%
600401	Contribution to Medicare	\$ 1,922.94	\$ 14,794.53	\$ 25,881.00	\$ 11,086.47	57%
600601	Contribution to Health Care <sup>1</sup>	\$ 5,246.32	\$ 430,961.09	\$ 506,368.08	\$ 75,406.99	85%
<b>SERVICE AND SUPPLIES</b>						
610001	<b>Clothing and personal supplies</b>	\$ -	\$ 2,447.04	\$ 8,500.00	\$ 6,052.96	29%
610011	<b>Laundry services and supplies</b>	\$ 631.48	\$ 5,302.27	\$ 9,000.00	\$ 3,697.73	59%
610021	<b>Utilities</b>					
610021.1	Garbage	\$ 218.22	\$ 1,767.39	\$ 3,000.00	\$ 1,232.61	59%
610021.2	PG & E	\$ 2,063.04	\$ 14,793.51	\$ 24,000.00	\$ 9,206.49	62%
610021.3	Hayward Water & Sewage	\$ 84.00	\$ 1,918.15	\$ 7,000.00	\$ 5,081.85	27%
610021.4	Biohazard and Chemical Waste Disposal	\$ -	\$ -	\$ 4,000.00	\$ 4,000.00	0%
<b>Communications</b>						
610022.1	Telephone Service & Internet	\$ 1,156.44	\$ 8,114.00	\$ 14,000.00	\$ 5,886.00	58%
610022.3	Website and email hosting	\$ -	\$ 205.37	\$ 1,200.00	\$ 994.63	17%
610022.4	Cell phone service (Verizon)	\$ -	\$ 8,926.20	\$ 17,000.00	\$ 8,073.80	53%
610022.5	Microsoft Office 365	\$ -	\$ -	\$ 4,000.00	\$ 4,000.00	53%
610141	<b>Maintenance of equipment</b>	\$ 1,362.20	\$ 15,458.29	\$ 45,000.00	\$ 29,541.71	34%
610122	<b>Maintenance of structure and improvements</b>					
610122.1	Landscaping service	\$ 215.00	\$ 1,975.00	\$ 3,600.00	\$ 1,625.00	55%
610122.2	Facility Maintenance	\$ 1,412.47	\$ 10,608.12	\$ 25,000.00	\$ 14,391.88	42%
<b>Transportation, travel, &amp; training</b>						
610191.1	Fuel and GPS (WexMart)	\$ 2,942.63	\$ 26,302.09	\$ 45,000.00	\$ 18,697.91	58%
610191.3	Meetings, conferences, & travel	\$ 4,157.22	\$ 17,981.32	\$ 35,000.00	\$ 17,018.68	51%
610191.4	Board meeting expenses	\$ 51.49	\$ 383.76	\$ 800.00	\$ 416.24	48%
610191.5	Board payments in lieu	\$ 1,200.00	\$ 9,400.00	\$ 16,800.00	\$ 7,400.00	56%
610461.53	Continuing Education fees	\$ -	\$ -	\$ 4,210.00	\$ 4,210.00	0%
610191.7	Staff Training (automotive, IT, staff development)	\$ 2,059.56	\$ 32,136.15	\$ 55,000.00	\$ 22,863.85	58%
<b>Professional services</b>						
610261.1	Audit	\$ -	\$ 7,840.00	\$ 13,000.00	\$ 5,160.00	60%
610261.2	Actuarial reports	\$ -	\$ 700.00	\$ 5,500.00	\$ 4,800.00	13%
610261.3	Helicopter service	\$ -	\$ -	\$ 35,000.00	\$ 35,000.00	0%
610261.4	Legal services	\$ -	\$ 714.49	\$ 13,000.00	\$ 12,285.51	5%
610261.5	MVCAC Research Foundation	\$ -	\$ -	\$ 5,000.00	\$ 5,000.00	0%
610261.7	Tax collection service - SCI	\$ 16,317.27	\$ 32,366.04	\$ 35,000.00	\$ 2,633.96	92%
610261.8	Payroll service	\$ -	\$ -	\$ 10,000.00	\$ 10,000.00	0%
610261.9	Environmental consultant services for regulatory issues	\$ -	\$ -	\$ 15,000.00	\$ 15,000.00	0%
610261.1	HR Services (Municipal Resource Group)	\$ 541.25	\$ 8,520.08	\$ 15,000.00	\$ 6,479.92	57%
610261.11	OPEB service (PFM)	\$ 1,815.85	\$ 12,422.85	\$ 22,000.00	\$ 9,577.15	56%
610261.12	Financial advising	\$ -	\$ 4,537.71	\$ 16,270.00	\$ 11,732.29	28%
610351	<b>Annual memberships and dues total</b>	\$ -	\$ 15,606.00	\$ 22,130.00	\$ 6,524.00	71%
610378	<b>Insurance total</b>	\$ -	\$ 128,758.93	\$ 133,810.00	\$ 5,051.07	96%
610451	<b>Community education total</b>	\$ 578.00	\$ 19,510.17	\$ 53,000.00	\$ 33,489.83	37%
<b>Special expenses</b>						
610461.1	Pesticides	\$ 2,603.43	\$ 43,719.27	\$ 200,000.00	\$ 156,280.73	22%
610461.2	Field supplies (dippers etc)	\$ -	\$ -	\$ 2,200.00	\$ 2,200.00	0%
610461.4	Fish and Fish Maint.	\$ 51.49	\$ 1,234.09	\$ 6,000.00	\$ 4,765.91	21%
610461.51	Aerial Pool Survey	\$ -	\$ -	\$ 20,000.00	\$ 20,000.00	0%
610461.52	Permits <sup>2</sup>	\$ -	\$ 6,893.38	\$ 100.00	\$ (6,793.38)	6893%
610461.54	Board plaques and nameplates	\$ 157.19	\$ 157.19	\$ 500.00	\$ 342.81	31%
610461.6	Spray equipment	\$ -	\$ 3,128.38	\$ 30,000.00	\$ 26,871.62	10%
610461.7	Safety <sup>3</sup>	\$ -	\$ 5,522.97	\$ 2,000.00	\$ (3,522.97)	276%
620021.1	Janitorial service	\$ 410.00	\$ 3,580.00	\$ 6,500.00	\$ 2,920.00	55%
620021.2	Supplies	\$ 230.47	\$ 1,007.59	\$ 2,000.00	\$ 992.41	50%
620021.3	Alarm Service- Sonitrol	\$ 750.00	\$ 6,016.00	\$ 11,000.00	\$ 4,984.00	55%
620021.4	Drinking Water system & filter	\$ -	\$ 117.98	\$ 510.00	\$ 392.02	23%
620041	<b>Office supplies</b>	\$ 56.73	\$ 7,458.08	\$ 13,050.00	\$ 5,591.92	57%
620042	<b>Information technology</b>	\$ 8,411.85	\$ 27,715.25	\$ 73,400.00	\$ 45,684.75	38%
620141	<b>Laboratory total</b>	\$ 4,519.55	\$ 51,768.89	\$ 105,000.00	\$ 53,231.11	49%
620261	<b>Small tools and instruments</b>	\$ 665.99	\$ 1,766.20	\$ 8,500.00	\$ 6,733.80	21%
650031.1	<b>Capital expenditures</b>	\$ 7,493.18	\$ 97,656.34	\$ 240,000.00	\$ 142,343.66	41%
<b>TOTAL EXPENDITURES</b>		\$ 203,014.94	\$ 2,512,113.85	\$ 4,013,802.28	\$ 1,501,688.43	63%
<b>TOTAL WARRANTS</b>		<b>256,038.78</b>				
<b>TOTAL RESERVES EXPENDITURES</b>		\$ 53,023.84				
<b>AMOUNT DEPRECIATED</b>		\$ 18,241.75				
Discrepancy from Expenditures and Warrant list		\$ -				

**Notes**

- 1 - A/C 600201 Lump sum of funds have already been transferred out of County to Bank of the West and debited to Retirement account
- 2 - Overage to be taken from contingency budget
- 3 - Overage to be taken from contingency budget

**Investments, Reserves, and Cash Balance**

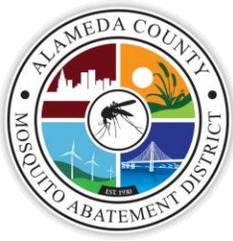
Account #		Activity in February	Activity to Date	Beginning Balance 7/1/17	Current Balance
<b><u>Budget Reserves</u></b>					
800001	Working Capital (Dry Period Cash)	\$ -	\$ -	\$ 2,391,220.00	\$ 2,391,220.00
800002	Capital Replacement	\$ -	\$ 183,553.12	\$ 500,000.00	\$ 316,446.88
800003	Public Health	\$ -	\$ -	\$ 500,000.00	\$ -
800004	Contingency	\$ -	\$ 15,600.00	\$ 25,000.00	\$ 9,400.00

	January Balance	Activity in February	February Balance
<b><u>Investment Accounts</u></b>			
800005 LAIF	\$ 4,068.67		\$ 7,024.00
OPEB Fund	\$ 4,393,685.71		\$ 4,273,619.75
800006 VCJPA Contingency	\$ 338,161.00		\$ 338,161.00
800007 CAMP: Repair and Replace	\$ 500,792.90		\$ 501,370.06
800007 CAMP: Public Health Emergency	\$ 500,792.90		\$ 501,370.06
800007 CAMP: Operating Reserve	\$ 1,000,867.44		\$ 1,002,020.93
800007 CAMP: Capital Reserve Fund	\$ -		\$ -
800008 PARS: Pension Stabilization	\$ -	\$ 500,000.00	\$ 500,000.00

	January Balance	February Expenditures	Deposits <sup>1</sup>	February Balance
<b><u>Cash Balances</u></b>				
Bank of America (Payroll Account)				\$ 126,374.80
Bank of The West (Transfer account)				\$ 130,468.49
County Account	\$ 3,354,360.74	\$ 256,038.78	\$ (126,074.07)	\$ 3,277,419.87

	Activity
<b><u>Interfund transfers</u></b>	
ACH Transfers to CalPERS (Retirement)	\$ 21,230.99
ACH Transfers to CalPERS (Health)	\$ 31,792.85
ACH Transfer to PARS	\$ 500,000.00
Total ACH Transactions	\$ 553,023.84

1 - Amount Deposited in the County



23187 Connecticut Street  
Hayward, CA 94545

T: (510) 783-7744  
F: (510) 783-3903

[acmad@mosquitoes.org](mailto:acmad@mosquitoes.org)

MONTHLY STAFF REPORT – March 2018

## Board of Trustees

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### San Leandro

Subru Bhat

### Union City

### Ryan Clausnitzer

General Manager

## 1. OPERATIONS REPORT

The month of February came very close to being the driest February on record in the last 150 years. Alameda County received almost no measurable rainfall from early January until the very last days of February. Uncharacteristically spring-like weather/temperatures in the beginning of the month tapered off into very cold temperatures and ultimately rain at the end of the month. This led to the second month in a row of interesting and dynamic sets of circumstances for field operations staff. Work on winter species continued, but with lower amounts of water in most sources, there were few treatments needed for *Aedes squamiger* and *Aedes washinoi*. Almost all the sources that produce either of these two species had been treated in prior months or never held enough water to hatch out previously deposited eggs. The lack of rain also resulted in no new hatches of eggs of either species.

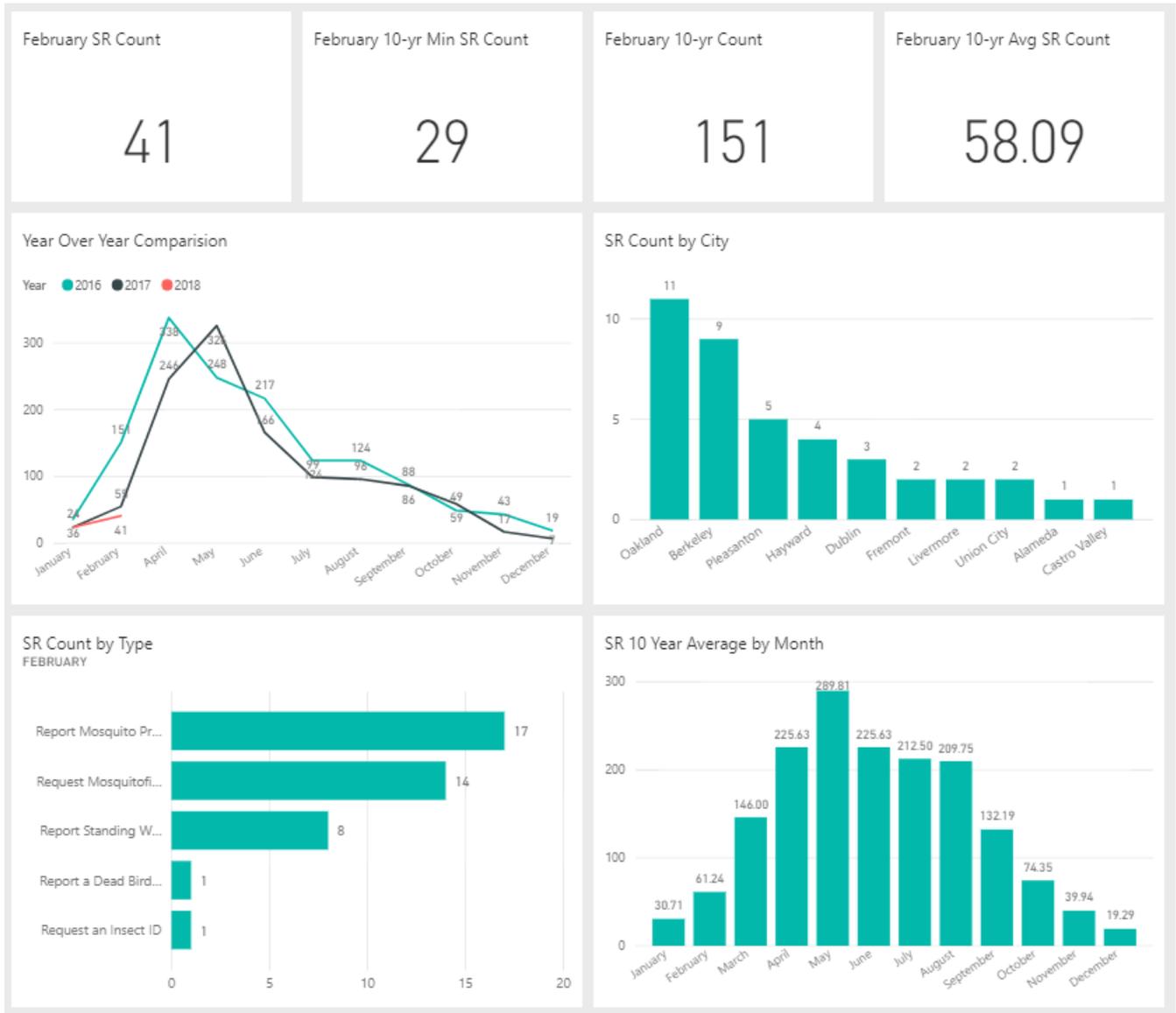
As expected, warmer weather brought out overwintering female *Culex tarsalis*. This was demonstrated in both CO<sub>2</sub> and light trap data from around the county. Field staff also collected and treated early instar larvae of *Cx. tarsalis* in several sources. This is, and will continue to be, an important aspect of keeping this species' populations low, which is a key aspect to keeping West Nile virus in check during 2018. The weather patterns in February also prompted *Culex pipiens* females to come out of their winter sheltering spots and to start seeking egg laying sources. In a normal year, catch basins (prime breeding sources for *Cx. pipiens*) receive regular flushing via rain fall through March and potentially later into the year. This February, catch basin breeding was documented in several zones and catch basin treatments were therefore conducted. As soon as enough time elapses between rain events or when rain events for a given season cease, catch basin breeding commences in earnest. Treating *Cx. pipiens* in catch basins is also an integral component of ACMAD's larval control-based disease prevention program. Fortunately, the rain events at the tail end of February were significant enough to flush out the catch basins on a county-wide basis and reset the clock on *Cx. pipiens* breeding in those sources. Field operations staff included monitoring of *Cx. tarsalis* and *Cx. pipiens* sources into their regular routines of monitoring winter sources to be sure that all groups of mosquitoes were kept in check. This process will continue in the next month until the full transition from winter species to spring/summer species occurs.

In the interest of educating agencies and entities involved in marsh restoration/creation projects on existing and/or potential mosquito habitats, members of the field operations staff attended two events during the month of February. The Field Operations Supervisor attended and spoke at an East Bay Regional Parks District board meeting regarding a large project being implemented at Coyote Hills Regional park. The Field Operations Supervisor also staffed an ACMAD informational booth at the National Living Shorelines Technology Transfer Workshop for two days, accompanied on day one by vector biologist Miguel Cardenas and on the second by Biological Specialist Dereje Alemayehu. Both were productive events with good exchanges of information and ideas on how to move projects forward to benefit the environment without creating mosquito issues.

Joseph Huston  
Field Operations Supervisor

## A. Operational Data

### 1. Service Requests



### 2. Other

Number of all injuries during 2018 = 0

### 3. Activity Report

Vacation Hours Used	76
Sick Hours Used	63
Workers Comp.	0
ETO Used	17
<b>Total Leave</b>	<b>156</b>
ETO Hours Accrued	43

## 2. LAB

### Arbovirus Monitoring

- No detection of West Nile virus (WNV), Saint Louis encephalitis virus (SLEV) or Western equine encephalitis virus (WEEV) in birds or mosquitoes during 2018.

### Native Mosquito Abundance

- Because weather in Alameda County remained cool for the month of February, limited EVS CO<sub>2</sub> traps were placed that month (average temperature of 53 °F, 119 growing degree days, 0.32 inches of precipitation in Hayward, CA). For the week that weather permitted abundance monitoring using EVS CO<sub>2</sub> traps, an average of 7.2 female mosquitoes per trap night were collected.
- Mosquito abundance, as measured using NJLT, was low for the month of January (total of 842 mosquitoes over 952 trap nights; 0.89 mosquitoes / trap night)

### Invasive *Aedes* Monitoring

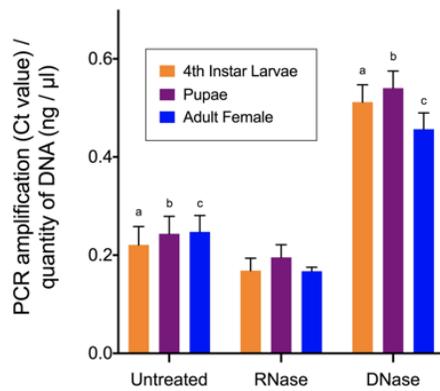
- Invasive *Aedes* mosquitoes have not been detected in any mosquito trap placed in Alameda County during 2018.

### Insecticide resistance monitoring

- **Testing the *kdr* loci for pyrethroid resistance in *Culex pipiens*.** When *kdr* loci of the mosquito voltage-gated sodium channel 1 gene (*VGSC-1*) is mutated, they are highly resistant to pyrethroid insecticides. The *kdr* loci is typically evaluated in adult mosquitoes. However, because the abundance of adult *Culex pipiens* can be low in Alameda County, we sought to determine whether the *kdr* loci can be evaluated in larvae. The rationale for evaluating larvae is to understand pyrethroid resistance in *Cx. pipiens* across Alameda County, and use that data for selecting appropriate adulticide products, should the need to use them arise for interrupting arbovirus transmission. Studies during January 2018 provided preliminary evidence that the *kdr* loci could be evaluated in unstaged larvae (not shown herein). We subsequently evaluated the *kdr* loci of *VGSC-1* for larvae (first and fourth instar), pupae and female adult *Cx. pipiens* from the lab colony using the standard TaqMan single nucleotide polymorphism assay (SNP) for *kdr* (n = 10 specimens per age group). We also sought to determine whether exposing the nucleic acid to RNase or DNase (enzymes that hydrolyze RNA or DNA, respectively) would affect the TaqMan SNP assay. Briefly, nucleic acid was isolated from individuals, and treated with RNAase, DNase, or no enzyme, and the DNA concentration of the samples quantified using a NanoDrop spectrophotometer. Subsequently, 10 µl of the nucleic acid samples were used as template in the TaqMan SNP assay, and the resulting data normalized to the Ct value (a measure of DNA amplification in the TaqMan assay) divided by the quantity of DNA in each sample (ng of DNA / µl). The *kdr* loci could not be reliably amplified using nucleic acid that was isolated from first instar larvae (not shown). Regardless of whether the nucleic acid was or was not treated with nuclease, there was no significant difference in amplification of the *kdr* loci when nucleic acid was extracted from 4<sup>th</sup> instar larvae, pupae, or adult female *Cx. pipiens* (Figure 1; multiple unpaired t tests, P > 0.05). When the nucleic acid was treated with RNase, there was no significant difference in the amplification of the *kdr* loci relative to nucleic acid that was not treated with nuclease, demonstrating that inclusion of RNA in the specimens did not interfere with the TaqMan SNP assay (Figure 1; multiple paired t tests, P > 0.30). In contrast, when the nucleic acid was treated with DNase, there was a significant increase in the Ct value / ng of DNA, indicating that the DNase degraded the mosquito DNA that is needed for the TaqMan SNP assay (Figure 1; multiple t tests, P < 0.002). In sum, the results demonstrate that nucleic acid isolated from fourth instar larvae, pupae and adult female *Cx. pipiens* can be used to evaluate the *kdr* loci, and that there may be an insufficient quantity of nucleic acid in first instar larvae for use in the *kdr* assay. Because the RNA that is present in the isolated nucleic acid does not interfere with the TaqMan SNP assay, funds do not need to

be expended to purchase RNase for eliminating the RNA from nucleic acid that is isolated from mosquitoes.

## FIGURE



**Figure 1. Amplification of the *kdr* loci from nucleic acid isolated from larvae, pupae or adult female *Cx. pipiens*.** Nucleic acid was treated with RNase, DNase or nuclease buffer to determine if RNA or DNA in the extracted nucleic acid affected the TaqMan *kdr* SNP assay. Letters above bars indicate significant differences between samples (multiple paired t tests,  $P < 0.002$ ).

Submitted respectfully by Eric Haas-Stapleton, PhD on March 7, 2018.

### 3. PUBLIC EDUCATION

#### A. Events

##### i. Upcoming

- **Dublin St. Patrick’s Day Celebration** – Saturday, March 17<sup>th</sup> and Sunday, March 18<sup>th</sup> (Dublin Civic Center)
- **2nd Annual CPR Lunch & Learn and Preparedness Symposium** – Thursday, April 12<sup>th</sup> (Mills College)
- **Berkeley Bay Festival** – Saturday, April 14<sup>th</sup> (Shorebird Park, 160 University Ave.)
- **19<sup>th</sup> Annual City of Alameda Earth Day Festival** – Saturday, April 21<sup>st</sup> (Washington Park, 740 Central Ave.)

#### B. Google Analytics

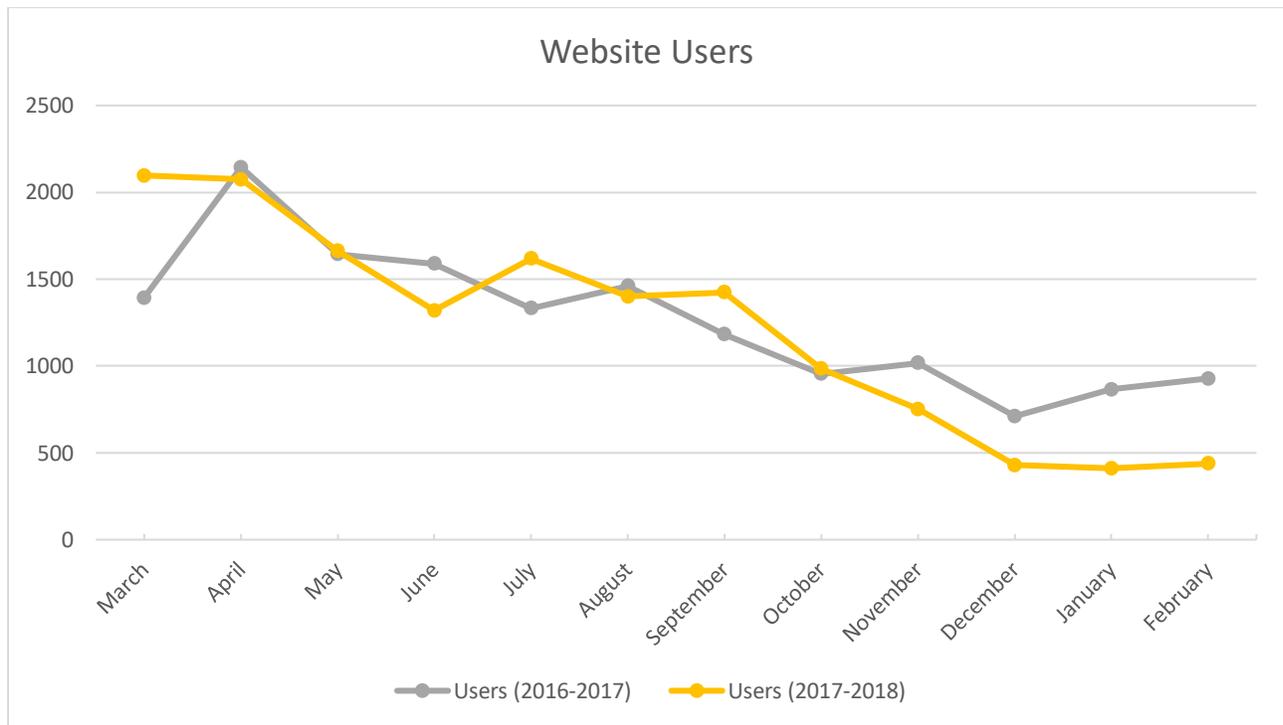
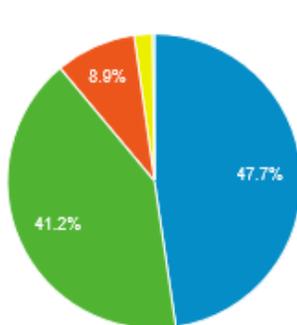


Figure 1. Comparison of website users over the past two years

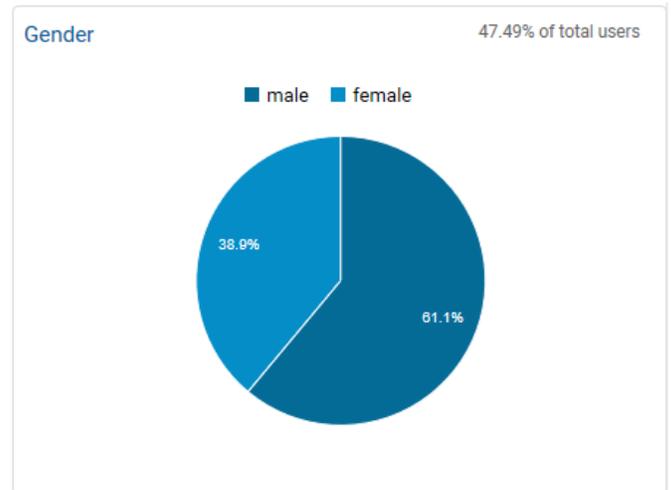
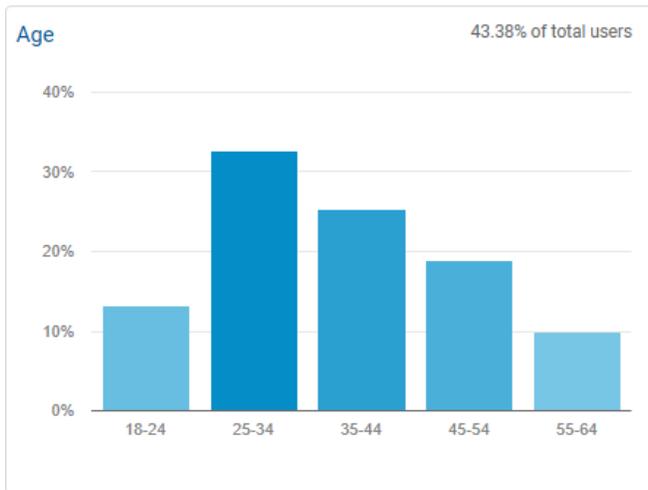
#### Top Channels



- Organic Search
- Direct
- Referral
- Social
- Email

- **Organic Search** - The website was found through a search engine, such as Google.
- **Direct** - The website URL was typed directly into the search bar.
- **Referral** - The website was accessed through another website.
- **Social** - The website is accessed through links on our social media accounts.
- **Email** – The website is accessed through a link sent in an email.

Figure 2. Top channels to our website in February



Figures 3 and 4. Breakdown of users in the month of February by age and gender

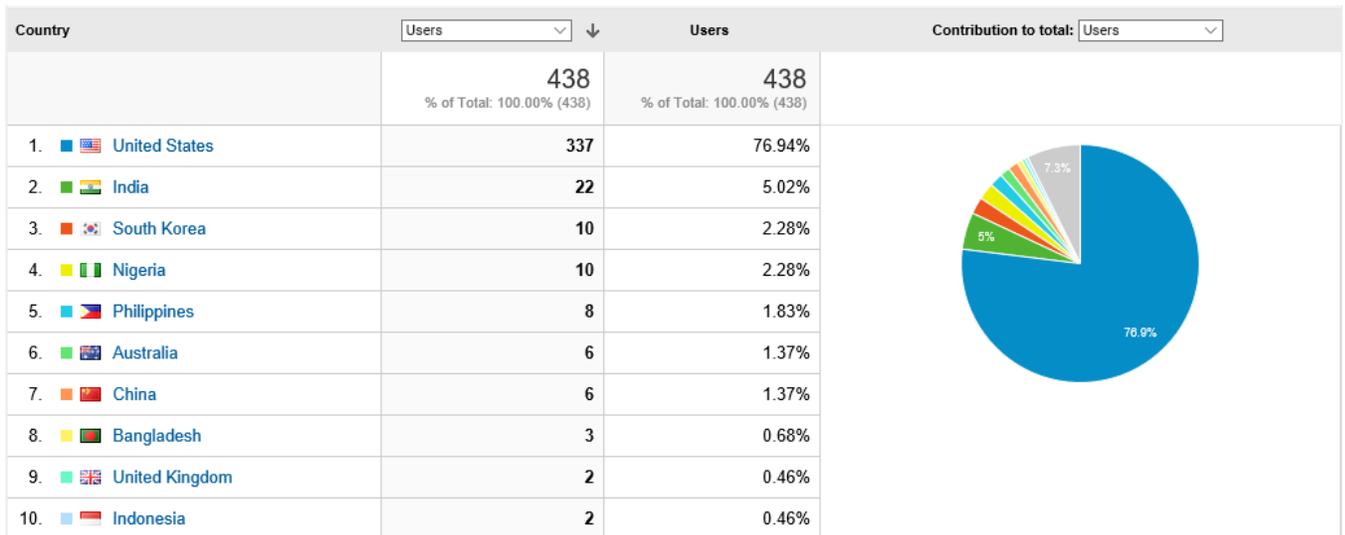


Figure 5. February visits to the website by country

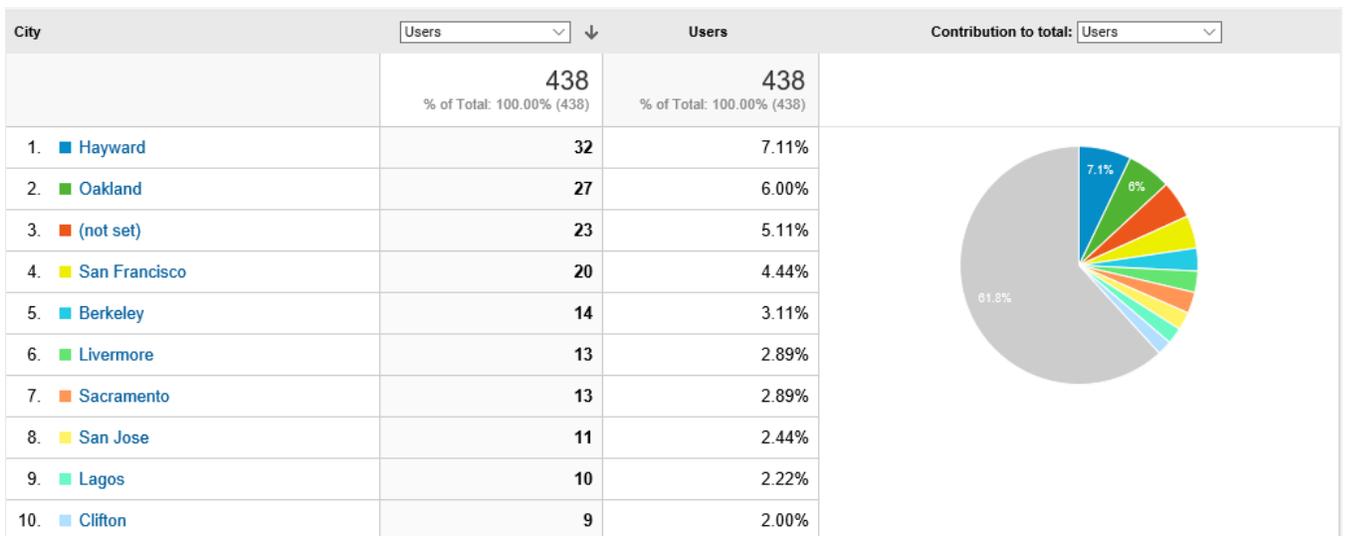


Figure 6. February visits to the website by city

Sessions

640

% of Total: 100.00% (640)

Pageviews

1,900

% of Total: 100.00% (1,900)

Page Depth ?	Sessions ?	Pageviews ?
1	324	324
2	115	230
3	63	189
4	35	140
5	30	150
6	14	84
7	9	63
8	12	96
9	7	63
10	9	90
11	4	44
12	2	24
13	2	26
14	1	14
15	1	15
16	3	48
18	1	18
20+	8	282

Figure 7. February breakdown of how many pages were viewed during each session

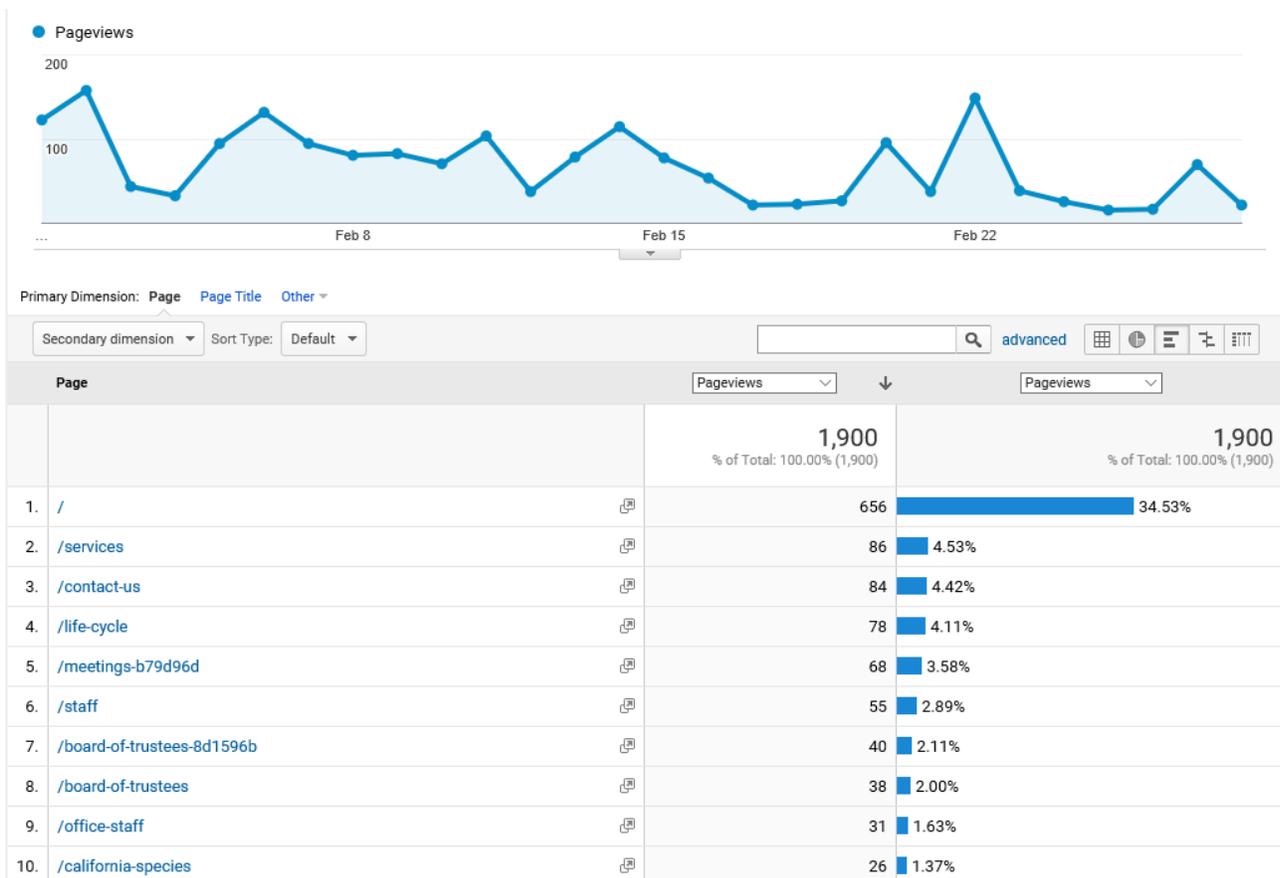
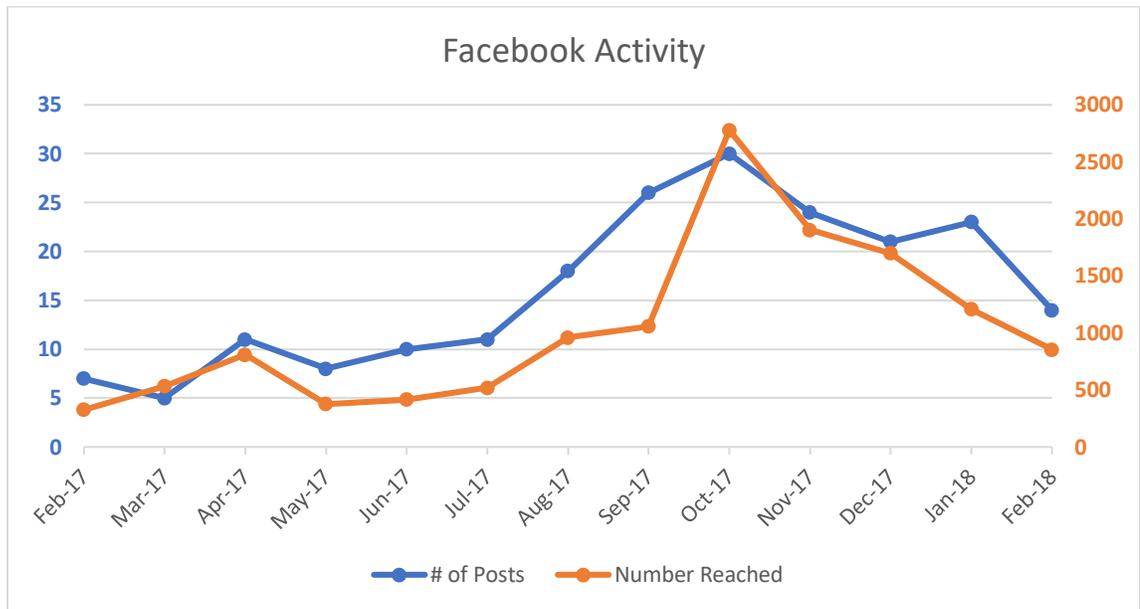


Figure 8. February breakdown of the top pages visited

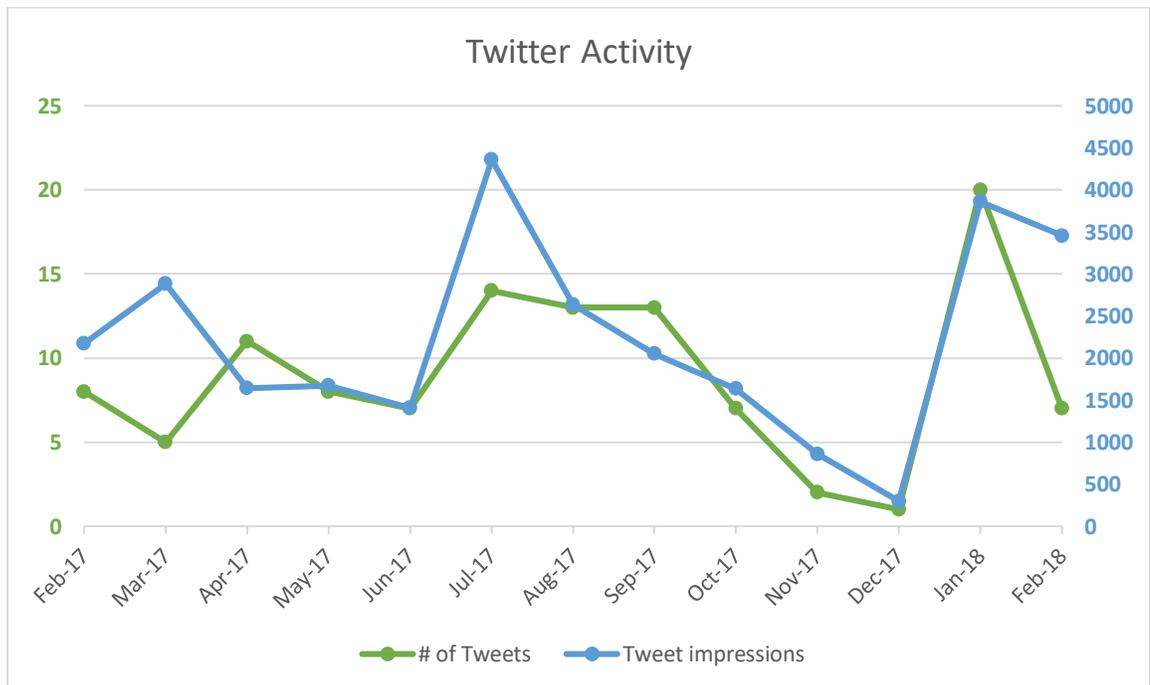
**C. Facebook**



**Total Number of Followers:** 154 (up from 152 in January)

**February's Most Popular Post:** Come and join us this Presidents Day weekend at the 32nd annual Spring Home and Garden Show at the Alameda County Fairgrounds in Pleasanton! Make sure to take advantage of these 2 complimentary admission tickets and visit our booth while you're there! [Picture]

**D. Twitter**

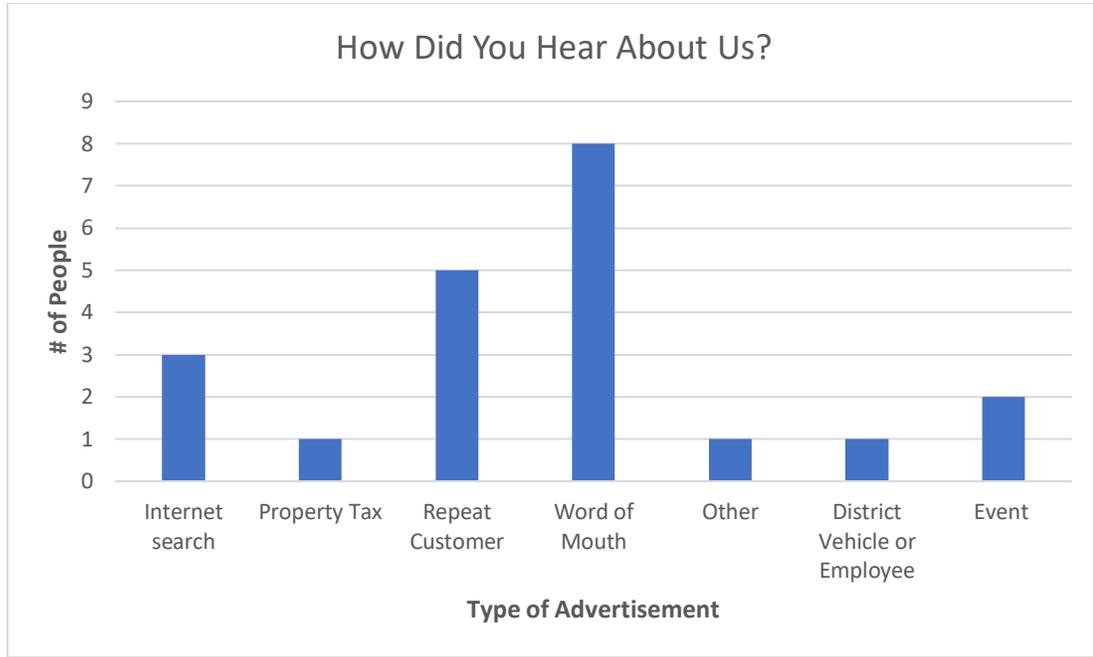


**Number of Profile Visits in February:** 166

**Total Number of Followers (New This Month):** 567 (6)

**Top February Tweet:** There's no doubt we need rain this week, but we don't need the mosquitoes that could come with it! Use this checklist as a guide to make sure your yard is mosquito free. [Picture]

**E. Service Request Referral Summary**



**Note:** Billboard Ad, Movie Theater Ad, Internet Ad, News Story, Social Media, and Phone Book are also options for this question, but were not included on this chart, because they were not selected in the month of February.

**4. LEGISLATIVE UPDATE: 2018**

	Bill Name	Status	ACMAD Position	ACMAD Action
<b>MVCAC</b>				
	AB 2892: The Mosquito Surveillance and Communicable Disease Prevention Act of 2018	Introduced	Support	Legislative visits on 3/7/18
<b>CSDA</b>				
	None			
<b>AMCA</b>				
	<b>S.340</b> Sensible Environmental Protection Act of 2017	Introduced	Support	None*
	<b>H.R.953</b> Reducing Regulatory Burdens Act of 2017	Passed House	Support	Support Letter

\* Bill is not accepting position letters at this point.