

**ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT  
POLICY MANUAL  
EFFECTIVE 11/10/21**

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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 providing 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 are 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 are 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.
- (d) Issues related to safety and 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 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 will 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) To review, approve, and oversee the budget and financial reports;
  - (c) Hire the General Manager and evaluate their performance; and
  - (d) 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 they 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 and/or the President. 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 are unable to attend 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, or if a vacancy occurs, 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.
- 105.7 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 regarding the prior month shall be presented at the Board meeting.
- 105.9 The District's Biennial Report shall be made on a calendar 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, they is encouraged to consult with the Attorney for the District, a City Attorney for City Council representatives on the Board, 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 him 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.
- 107.2 Presentation of awards to employees or Trustees will occur at a regular staff or Trustee meeting.
- 107.3 Trustees will be awarded a gavel/plaque following their Presidency.

### **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 Committees**

- 109.1 The Board may, by resolution, create such standing or ad hoc committees as it determines are necessary or useful for the conduct of District business. The Board President shall, at the start of their term, appoint the following standing committee:
- 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 annually select a Chair from among its members that will report out to the full Board at a posted meeting.
- 109.3 Personnel Committee. There shall be an ad hoc Board Committee on Personnel. The Personnel Committee members shall include the Board President as Chair who will appoint members to serve through the duration of the specific duties defined below. 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 MOU Negotiating Committee as needed.
- 109.4 Policy Committee. There shall be an ad hoc Board Committee on Policy. The Policy Committee members shall be appointed as needed at a posted meeting to

serve through the duration of the policy review process. 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

To select a Chair from among its members that will report out to the full Board at a posted meeting.109.5 General Manager Evaluation Committee. There shall be an ad hoc Board Committee to review the performance of the General Manager as needed. The Committee members shall be the past President, current President (chair), and current Vice-President to be appointed at a posted meeting to serve through the duration of the specific duties defined below. The duties of the General Manager Evaluation Committee, with the assistance of a human resource professional if requested, 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 an ad hoc Board Committee to address current public health threats as needed. The Public Health Committee members shall be appointed at a posted meeting to serve through the duration of the specific duties defined below. 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

To select a Chair from among its members that will report out to the full Board at a posted meeting.109.7 Nominating Committee – There shall be an ad hoc Board committee to nominate Board officers as needed. The Nominating Committee, with a designated Chair, shall be appointed at a posted meeting annually, or when a vacancy occurs, to nominate new officers based on seniority.

Nominations will also be taken from the floor. A candidate may decline the officer position.

- 109.8 Strategic Planning Committee. There shall be an ad hoc Board Committee to update the District's strategic plan as needed. The Strategic Planning Committee members shall be appointed to serve through the duration of the specific duties defined below. The duties of the Strategic Planning Committee are:
- (a) To meet with the General Manager and/or staff to review the mission, vision, values, and goals of the District and make recommendations to the full Board at a special meeting prior to the December posted meeting.
  - (b) To select a Chair from among its members that will report out to the full Board at a posted meeting.

### **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 of 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 liable 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.

## **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 their 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 \$5,000. Bidding is not required when the item or service to be purchased is less than \$4,999 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 attending District events;
- (e) Expenses associated with meetings, such as those listed above for which a meeting stipend is expressly authorized under this policy, or
- (f) 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. 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 their delegate, trustees, and limited staff may be permitted to attend.
- 209.2 Mosquito and Vector Control Association of California (MVCAC) Conference - Outside of the Bay Area. The General Manager may require certain staff to attend.. Any additional staff may request approval, and this approval will be based on workload and conference involvement.
- 209.3 MVCAC - 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 their opinion, the employees and the District would derive the most benefit.
- 209.4 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 Repair and Replace Fund.

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

The District shall maintain a petty cash fund of \$500 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 Designated positions as defined in appendix 100-1 are 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 their injury. Those defined as a designated position will be familiar with the types of improprieties that might occur within their 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 213.6, below.) 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), a part of the VCJPA self-insurance group coverage. Call 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), 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 their 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 Accounting Associate 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 and 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 may be 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 is determined by the District's capital asset replacement program and 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 with the additions, deletions, or replacements of capital assets. A more thorough review shall be completed every 5 years to update the escalation rates, the discount rate, net present value, and overall cash flow required to extend the replacement plan another 5 years. This fund shall be funded in order of preference in 3 or 4-year installments, a lump sum payment, or pay as you go.

## 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. If underfunded, 25% of excess revenues will be deposited into the Operation Reserve Fund. 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% of 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. Projects may include future capital assets that are ineligible for repair and replace funding such as flooring and painting, or adding new capital assets that are not listed in the capital asset replacement program.

#### **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 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 capital projects that have been identified in the strategic plan
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. If under-funded, 25% of excess revenues will be deposited into the Capital Reserve Fund.

## 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:

1. This fund shall be known as the "Pension Stabilization Fund."
2. The Pension Stabilization Fund shall be designated as a Restricted Fund.
3. These funds will be used to offset increases in pension costs from unfunded liabilities.
4. The Pension Stabilization Fund will be invested in financial institutions that restrict the funds for only pension-related expenses.
5. 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. This target balance will consider funds in CalPERS combined with the amount in PARS to not exceed 100% of liabilities. If under-funded, 25% of excess revenues will be deposited into the PARS 115 Trust.

#### **Withdrawal:**

Withdrawals may be considered in the event of:

- Pension costs affecting operational costs;
- If the growth of pension contribution rates (in dollars) is greater than the growth in property tax revenue;
- Paying off specific pension liabilities that will result in interest savings greater than interest earnings on the Trust Fund;
- Economic conditions or fiscal demands arise, e.g. non-discretionary expenditures exceeding revenues.

## 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:

1. This fund shall be known as the "Other Post-Employee Benefits (OPEB) Fund."
2. The Other Post-Employee Benefits (OPEB) Fund shall be designated as a Restricted Fund.
3. 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.
4. The Other Post-Employee Benefits (OPEB) Fund will be invested in financial institutions that restrict the funds for only OPEB-related expenses.
5. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

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

It is the intent of the District to fully fund the OPEB. The funded status of the OPEB will be assessed based upon the most recent actuarial valuation. Should the plan drop below 90% funded, the District shall consider making an annual contribution equal to at least 50% of the annual determined contribution (ADC) as defined by the most recent actuarial valuation (or whatever percentage the District deems appropriate) from excess revenues. Additionally, the District will review this policy at a minimum biennially, coincident with preparation of the actuarial valuation, to determine if changes to this policy are necessary to ensure adequate resources are being accumulated to fund OPEB benefits.

#### **Withdrawal:**

Annual withdrawals are calculated after the close of the fiscal year by adding the prior year's retiree health care, dental, and vision costs along with retiree reimbursements and US Bank and PFM administrative fees.



## 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 compensation 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 or Assistant Vector Scientist for a minimum of six months and until certification as a Vector Control Technician is received, at which time they shall advance to the position of Mosquito Control Technician or Associate Vector Scientist. The salary for the position of Assistant Mosquito Control Technician and Assistant Vector Scientist is approximately 5% below step 1 of Mosquito Control Technician and Associate Vector Scientist respectively.

301.2.2 The positions of Mosquito Control Technician, Associate Vector Scientist, Accounting Associate, Public Outreach Coordinator, Lab Director, and Field Operations Supervisor consist 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 The positions of IT Director, Regulatory & Public Affairs Director, and Mechanical Specialist consist of a series of salary ranges, each containing five steps. Each step is approximately 2.5% above the preceding step in that range.
- 301.2.4 For each salary range, the first step is considered the entrance rate and the top step the maximum. Possible exceptions, for example, are that 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 start 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, except the Mosquito Control Technician and Associate Vector Scientist Positions step 5 which may qualify to apply for the Vector Biologist and Vector Scientist positions after six months.
- 301.2.5 The position of Vector Biologist consists of two steps and Vector Scientist consists of three steps. Each step is approximately 5% above the salary range of the previous step and can be achieved after one year of satisfactory service or if, for example, that 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.
- 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 beginning 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 15<sup>th</sup> and last working day of the month. Wages earned between the 1<sup>st</sup> and 15<sup>th</sup> days, inclusive of any calendar month, must be paid no later than the 26<sup>th</sup> day of the month during which the labor was performed, and wages earned between the 16<sup>th</sup> and the last day of the month must be paid by the 10<sup>th</sup> day of the following 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 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 workweek and eight (8) hours the remaining day of one workweek. The employee will be off work on the remaining day in the other 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 other 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 work schedule will begin and end four hours into the day of the week the employee is normally scheduled to have a day off. 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 an alternate work schedule, subject to the recommendation of their supervisor and the approval of the General Manager.
- 301.4.5 The employee will continue accruing vacation and sick leave hours at the same rate as before being assigned to an alternate work schedule. An employee who is using vacation or sick leave will be charged the number of hours used.

301.4.6 Compensation for holidays will not change when an employee is assigned to an alternate work schedule. Employees normally receive eight hours of holiday pay when assigned to a standard 40 hour per week work schedule. Under the alternate work schedule option, an employee will continue to receive eight hours of holiday pay. If the holiday falls on a day when the employee is scheduled to work more than eight hours, the employee may use their accrued compensatory time off time or vacation time to make up the difference. If the holiday falls on a day when the employee is not scheduled to work, the eight hours will be added to the employee's accrued time off.

### 301.5 Working Hours

301.5.1 Established hours of District operation are between 7 a.m. and 5:30 p.m., Monday through Friday. 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 modifies 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 six 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 hours worked over 40 hours in any one workweek. For the purpose of calculating overtime, holidays are considered work hours. Vacation and sick hours taken during the workweek will not be credited towards overtime hours.

Overtime must be for definite work performance that was 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 240. Any employee who has reached this maximum will 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 the uniforms clean and in good condition. The District will also provide for 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 will be worn during working hours unless specifically exempted by the General Manager. Uniforms will 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 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, public education events, 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 submission of 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 As defined in plan documents, health insurance is available to full-time employees of the District as well as eligible members of the employee's family. Dental 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 and 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. 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 minor, 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 their job, or incurred within the course and scope of their employment, the employee may be entitled to medical care and leave (i.e., time away from the job based on health care provider's orders). These benefits are administered by the District's workers' compensation carrier.

302.7.3 Following the required three-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 their 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 Americans 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 health care 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 their representative(s), if any. The purpose of the discussion is to work in good faith to consider fully all feasible, potential, and reasonable accommodations.
- (f) Following the conclusion of the interactive discussion, the 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 their 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 “Indigenous Peoples’ 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 On July 1<sup>st</sup> of each calendar year, the District will provide full-time employees one annual floating holiday with no rollover.
- 303.1.4 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 The General Manager may determine that the best interest of the District will be served by delaying all or part of the vacation leave.

303.2.3 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.

303.2.4 Vacation credit shall begin on the first day of employment.

303.2.5 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 and 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 will 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 and/or Compensation Agreements. Sick leave credits will 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, three days (24 hours) of paid sick leave will accrue to part-time, seasonal, and temporary employees. The accrual will be capped at three 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 their health, safety, or welfare or that of his or her children.
- (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 Employees are permitted to take up to half of their accrued sick leave to care for a family member (also known as, "Kin Care"). Family member for purposes of Kin Care includes an employee's child, parent or guardian, spouse or registered domestic partner, grandchild, grandparent, and sibling. Employees have the right to designate what type of sick leave they are taking.

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, will 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 health care 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 health care provider's certificate. The health care provider's certificate will be requested at the earliest possible time and prior to the employee's return to work, whenever possible. The request for a health care 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 health care 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 health care 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 that 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 payout 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 will be restored to the employee. If the employee returns after one (1) year of the previous separation, the sick leave hours will 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 their 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. In accordance with the California Family Rights Act (CFRA), an eligible employee may be granted a leave of absence up to a period of twelve weeks of family and medical leave during a twelve month period for a qualifying event, or 25 workweeks for a covered military service member.

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 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 health care provider, 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 health care provider.
  - (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 will 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 their 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 change if rate changes by the provider 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.

303.7.12 When possible, employees are to provide at least thirty (30) days' advance notice of the need for Pregnancy Disability Leave, 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 practical.

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 will 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; and 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 childcare provider or school emergency, the use of School Activities Leave is limited to eight 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 will 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 their 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 use accrued leave benefits responsibly.
- 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 will 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.

### 303.16 Administrative Leave

303.16.1 Exempt employees will be given 40 hours of administrative leave annually on July 1 with no rollover.

## **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 perform satisfactorily 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 lengths of the initial and promotional probationary periods will 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 evaluate fully 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 will 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 will 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 will 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 their former classification shall be reinstated to their 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 will 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 their previous job because 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 will be prepared in written form and 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 will be a performance evaluation review meeting between the employee and the employee's supervisor, during which the written evaluation will be presented and discussed.
  - (a) Upon completion of the performance evaluation review meeting, the employee will sign the evaluation to show that the interview was completed.
  - (b) The employee will have the opportunity to provide written comments regarding the evaluation within seven calendar days of the interview.
  - (c) The General Manager will review the performance evaluation and employee comments. The General Manager will sign the performance evaluation to indicate that the process was completed. Copies of the completed performance evaluation and

the employee's comments will 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 to be completed 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**

- 305.1 Attendance and punctuality that is observant of scheduled hours on a regular basis are essential functions 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 their 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 that 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; and/or
  - (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, will 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, will meet with each employee at the end of their employment at the District.

### **Section 309. Remote Working (Telework)**

- 309.1 It is the policy of ACMAD to provide a telecommuting program as an alternative to the traditional work location. The program is designed to achieve increased productivity and to use of staff work time effectively, to promote efficient use of resources, and to allow for flexibility during family and local/state/national emergencies.
- 309.1.1 Telework refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

309.1.2 There are three types of telework.

- a) Routine telework in which telework occurs one day a week as part of an ongoing, regular schedule.
- b) Situational telework that is approved by the General Manager, or their designee, on a case-by-case basis, where the hours worked were not part of a previously approved, ongoing, and regular telework schedule. Situational telework should only be used infrequently for cases such as doctors' appointments, road hazards, inclement weather, sick family members, or emergencies. Situational telework may also be occasionally used to promote staff and resource efficiency, particularly for offsite meetings or for appointments where telework would increase staff efficiency. Situational telework is allowed at a maximum of five (5) days a month unless an emergency arises.
- c) Management telework in which the General Manager, or their designee, notifies staff that they are working off site for the day(s) or portion thereof.

309.1.3 Telecommuting is not an employee right but may be offered by the District based upon business needs. If at any time the General Manager, or their designee, determines the work schedules and/or workweek periods offered must be changed, affected employees will be notified of the change at least one week in advance.

## 309.2 Telecommuting Eligibility

309.2.1 Eligibility to participate in the telecommuting program is subject at all times to the needs of the District and may be modified as those needs dictate.

309.2.2 This policy will be applicable to employees who meet specific work standards and who have current projects and job duties that are appropriate for telecommuting. Meeting one or more of the eligibility requirement does not guarantee approval of telecommuting. The General Manager, or their designee, holds the final determination of whether an employee's position is appropriate for telecommuting and if the employee meets the specific work standards. Minimum work standard eligibility requirements include, but are not limited to:

- a) prior annual job performance evaluation and/or job performance that demonstrates employee ability to work independently;
- b) employee is self-motivated and demonstrates high dependability;
- c) job duties and requirements allow the employee to be away from the District's worksite for a period of time during the work week;

- d) telecommuting does not impede other employees from performing their job duties or diminish the operations of the District.
- e) telecommuting does not reduce service to internal or external customers; and/or
- f) supervisor is able to manage the employee remotely.

### 309.3 Participation Guidelines

309.3.1 The duties, obligations, responsibilities, and conditions of a District employee are not changed by telecommuting. Employee's wage, retirement, benefits, and insurance coverage remain unchanged.

309.3.2 The telecommuting employee remains obligated to comply with all District policies, practices, and instructions. Violations may result in preclusion from telecommuting and/or disciplinary action, up to and including termination of employment. The District's worker's compensation liability for job-related accidents will continue to apply during the employee's telecommuting work hours.

309.3.3 Work hours, overtime compensation, and vacation schedules will conform to District policies and practices, Fair Labor Standards Act (FLSA), and to any other terms agreed upon by employee supervisor, except that, those terms may not violate the laws/provisions stated above. Hours of work can be arranged with the supervisor.

### 3.9.4 Job Performance

309.4.1 Employee will work at a designated location during hours agreed upon. Arrangements for flexible work schedules are subject to supervisor's approval.

309.4.2 Expectations must be pre-established between telecommuters and supervisors regarding work assignment(s), productivity level, and productivity measurements to be used when employee is telecommuting. Timeliness, quality, and quantity of work must be maintained.

309.4.3 Attendance and punctuality that is observant of scheduled hours on a regular basis is an essential function of each classification and must be maintained during telecommuting, unless otherwise approved in advance.

309.4.4 Employee agrees not to engage in employment activities other than District assignments during telecommuting hours.

### 3.9.5 Office Equipment

- 309.5.1 The District will provide equipment similar to that used by employee(s) on a regular basis to accomplish their daily duties, as determined by the General Manager. Office supplies needed by the telecommuter will be provided by the District. All supply requests must be pre-approved by the General Manager, or their designee. The District retains ownership of all equipment and/or licenses provided.
- 309.5.2 Use of District equipment and supplies is limited to authorized persons for purposes relating to District business. The employee is responsible for ensuring that equipment is used properly. The District will provide for maintenance and repairs to District equipment.
- 309.5.3 When an employee uses their own equipment for telecommuting, the employee is responsible for maintenance and repair of their equipment. The District is not liable for damage to the employee's real property.
- 309.5.4 The District is not responsible for the payment of utilities (heat, electricity, etc.) or home maintenance costs.
- 309.5.5 In the event of delay in repair or replacement of equipment or any other circumstance under which it would be ineffective for the employee to telecommute, the employee will return to the District workplace.

### 309.6 Taking District Vehicles Home

- 309.6.1 If an employee is approved by the General Manager, or their designee, to take a District vehicle home as an effective use of staff work time, to promote efficient use of resources, or to allow for flexibility during family and local/state/national emergencies, the vehicle must be driven directly home and parked off-street. (see section 404).
- 309.6.2 If crossing any toll roads while driving home, those costs must be incurred by the employee by registering the District vehicle with the appropriate agency.

### 309.7 Remote Work Location

- 309.7.1 Employee must designate a workspace at home or another location that is maintained in a safe condition and free from hazards. Telecommuter will be responsible for completing a workspace safety review with approval from the General Manager, or their designee, that will include a photo of the workspace. Any accident occurring while telecommuting must be brought to the immediate attention of the supervisor.



- 309.7.2 As part of telecommuting responsibilities, the telecommuter must ensure that safety and ergonomic standards are met in their workspace. Although the workspace does not have to be a separate room, it must have adequate lighting, ventilation, and furniture that is ergonomically comfortable and safe to use.
- 309.7.3 Telecommuters must have a method for expediently receiving and responding to communications (phone calls, messages, mail, etc.) from other staff, supervisors, and when applicable, clients and/or the public.
- 309.7.4 Telecommuter remains solely liable for injuries to third persons and/or members of employee's family on employee's premises.
- 309.7.5 Telecommuter will take all reasonable precautions necessary to secure District information and equipment in their workspace in order to prevent unauthorized access to any District system or information. Data and information used by telecommuters must be treated with the same caution that confidential material is given in the District office.

#### 309.8 Request for a Telecommuting Schedule

- 309.8.1 Employees who would like routine and/or situational telework must submit an email request to their supervisor and General Manager, or their designee, for approval, if not already assigned telework due to a local/state/national emergency.
- 309.8.2 All telework (whether routine, situational, or management) must be added to the District calendar before the workday has begun. The employee's supervisor and/or the Accounting Associate will provide access to the District calendar.

## **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.
- (d) The mosquito control program treatment zones will be evaluated and adjusted every decade following the results of the census.

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.

#### 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.
- 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 will be 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.

402.10.2 As a District we shall provide information about hazardous chemicals and the control of hazards via our comprehensive Hazard Communication Program, which includes container labeling, Safety Data Sheets (SDS), and training.

402.10.3 It is the policy of the District that no container of hazardous substances will be released for use until the following label information is verified:

(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 responsibility for labeling containers is assigned to the IIPP Administrator. All secondary hazardous material containers will be labeled.

402.10.5 Employees are responsible for ensuring that all secondary hazardous material containers are labeled with either an extra copy of the original manufacturer's label or with a generic label blocking the original while clearly identifying the contents, including safety hazard information.

#### 402.11 Safety Data Sheets (SDS)

402.11.1 Copies of the Safety Data Sheets (SDS) for all hazardous substances to which employees of this District may be exposed will be kept in the Technician Room, and the IIPP Administrator will be responsible for obtaining and maintaining the SDS information for the District.

402.11.2 The IIPP Administrator shall review incoming SDS for new and significant health/safety information. Any new information shall be provided to the affected employees.

402.11.3 SDS will be reviewed for completeness by the IIPP Administrator. If an SDS is missing or obviously incomplete, a new SDS shall be requested from the manufacturer. Cal/OSHA shall be notified if a complete SDS is not received.

402.11.4 SDS shall be available to all employees in their work area for review. If SDS are not available or new hazardous substance(s) in use do not have SDS, contact the IIPP Administrator.

402.11.5 Employees are to attend a health and safety orientation set up by the IIPP Administrator prior to starting work to receive information and training on the following:

(a) An overview of the requirements contained in the Hazard Communication Program, including their rights under the regulation;

(b) Operations in their work area where hazardous substances are present;

(c) Location and availability of the written Hazard Communication Program;

(d) Physical and health effects of the hazardous substances;



- (e) Methods and observation techniques used to determine the presence or release of hazardous substances in the work area;
- (f) How to lessen or prevent exposure to these hazardous substances;
- (g) Steps the District has taken to lessen or prevent exposure to these substances;
- (h) Emergency and first aid procedures to follow if employees are exposed to these substances; and
- (i) How to read labels and review SDS to obtain appropriate hazard information.

402.11.6 When new hazardous substances are introduced, the IIPP Administrator will review the above items as they are related to the new material in a safety meeting.

#### 402.12 Hazardous Non-Routine Tasks

402.12.1 Periodically, employees are required to perform hazardous non-routine tasks. Prior to starting work on such projects, each affected employee will be given information by the IIPP Administrator or person in charge of the project about hazards to which they may be exposed during such an activity. This information will include:

- (a) Specific hazards;
- (b) Protective/safety measures which must be utilized; and
- (c) Measures the District has taken to lessen the hazards.

402.13 Outside Contractors. To ensure that outside contractors work safely at our District, it is the responsibility of the IIPP Administrator to provide contractors the following information:

- (a) Hazardous substances to which they may be exposed while on the job site; and
- (b) Precautions the contractor's employees may take to lessen the possibility of exposure by usage of appropriate protective measures.

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.

The standing charges for the Safety Committee include:

- (a) Review all unsafe conditions reports to insure appropriate action has been taken. File reports with the IIPP Administrator.
- (b) Review all accident reports to make sure that such accidents are avoided in the future. Make recommendations for corrective action.
- (c) Review current safety record to determine trends.
- (d) Review new equipment to develop procedures for safe operation.
- (e) Review any new working procedures to modify as necessary to be safe.

### **Section 403. Computer, E-Mail, and Voice Mail Policy**

403.1 The District's computer, network, electronic data, e-mail, internet access, voice mail, facsimile, and telephone systems ("information systems") are business tools made available to District employees in order to enhance efficiency in job performance, and are provided for the transmission of District business and information. These systems are to be used for District business only and not for personal purposes.

403.2 Personal telephone calls and/or e-mail during business hours, both incoming and outgoing, shall be confined to those which are absolutely necessary, and should be kept to a minimum.

403.3 The District owns the rights to all data and files in any computer, network, or other information system used in the District and to all data and files sent or received using any District system or using the District's access to any computer network, to the extent that such rights are not superseded by applicable laws relating to intellectual property. The District also reserves the right to monitor electronic mail messages and their content, as well as any and all use by employees of the internet and of computer equipment used to create, view, or access e-mail and internet content. Employees must be aware that the electronic mail messages sent and received using District equipment or District-provided internet access,

including web-based messaging systems used with such systems or access, are not private and are subject to viewing, downloading, inspection, release, and archiving by District officials at all times. The District has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with District policies and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or the General Manager or Board President.

403.4 The District's information systems may not be used in any way that may be disruptive, offensive to others, or harmful to morale.

#### 403.5 Use of Social Media

403.5.1 Social media sites may be used by the District as an additional means of conveying District information to its residents, constituents, and community members and maximizing the promotion of District programs and services.

403.5.2 The intended purpose of establishing social media pages for the District's use is to establish an interactive communication platform with local residents and to disseminate information from the District and about the District. This policy is also intended to mitigate associated risks from use of social media technology where possible.

403.5.3 The District has an overriding interest and expectation in protecting the integrity of information posted on its social media pages and deciding what is "said" on behalf of the District. This policy applies wholly to the District and all District Trustees, employees, or officials who use social media sites and/or technology on behalf of the District. Further, the District's social media presence is intended to serve only as a limited public forum.

403.5.4 All official District presences on social media sites are considered an extension of the District's information networks and are governed by District policies, including e-mail, internet usage, and use of electronic media policies. In addition, the District's presence on social media sites is also subject to the District's policies on harassment, discrimination, political activity, and customer relations.

403.5.5 Employees representing the District via social media sites must conduct themselves at all times as representatives of the District. Employees who fail to conduct themselves in an appropriate manner shall be subject to appropriate disciplinary actions.

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 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 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 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)**

##### UAS Purpose and Scope

- 405.1 The purpose of an UAS for the District is to augment the existing mosquito monitoring and control program. Images collected using the UAS that contain personally identifiable information (PII) will not be retained. At no time shall District UAS be used for any purpose other than District business.
- 405.2 Each UAS mission must comply with federal, state, and local UAS regulations and adhere to restrictions made by air traffic control services that monitor the airspace of the operation.

405.3 UAS missions may be conducted only after the landowner or property manager has provided prior and verifiable permission for the operation or when legal authority for the operation is provided.

#### UAS Operations

405.4 Only District employees that hold a valid remote pilot license, which is issued by the US Federal Aviation Administration (FAA), and a properly trained pilot is permitted to operate a UAS.

405.5 Appropriate personal protective equipment must be used during all operations that involve UAS including safety glasses during UAS takeoff and landing.

405.6 The pilot in command (PIC) may fly the UAS only if satisfied that the flight can be made safely. The PIC should conduct a preflight inspection to include specific UAS and control station systems checks and to ensure that the UAS is in a condition for safe operation. The PIC should conduct a pre-mission survey of the flight area to evaluate local geography and identify hazards. The PIC will always seek to minimize the risk of injury, property damage, and intrusion of privacy when planning and conducting operations with UAS.

405.7 The elevation above ground level (AGL) that the UAS is flown should be minimized preferably less than 100 feet AGL.

405.8 All incidents of UAS loss of control and 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.

405.9 The PIC shall report to FAA as required any operation that results in serious injury or property damage.

#### UAS Data Management

405.12 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 (per ACMAD policy §800).

405.13 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 PII. PII includes, but is not limited to, images of non-District staff or non-District vehicle license plate.

405.14 The PIC is responsible to make sure that no photograph or video (originals and copies) that are made using the UAS are 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.

## **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 are 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 (including all aspects of religious belief, such as grooming practices and religious dress), color, gender, gender identity (including transgender), gender expression, pregnancy, and breastfeeding, sexual orientation (including heterosexuality, homosexuality, bisexuality, or sex stereotype), national origin, ancestry, marital status, age (40 or over), medical condition, genetic characteristics or information, 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 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 classes 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, 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 class; (2) the perception that an individual is a member of a protected class; or (3) the individual associates with a person who has or is perceived to be a member of a protected class.
- 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 a member of a protected class 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 or 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 class. This might include inappropriate comments on appearance including dress or physical features, 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 in favor of or against an applicant or employee based on membership in a protected class. 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 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 keep the interview confidential 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 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 District policies or 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 they have been adversely affected by an alleged violation of District policies or 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 they have 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 their 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 their decision to the grievant within ten (10) business days of their 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 they 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 their 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 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 their right to respond in writing or verbally to the proposed action.
- (h) Advise the employee that if they do not provide a written response and/or request a pre-discipline (Skelly) conference by a certain date, then their failure will constitute a waiver of the right to respond to the proposed discipline.
- (i) Advise the employee that they have a right to be represented by a representative of their 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 their 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 their 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 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 of 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 their 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).

**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 themselves, failure of the appellant to appear/participate in the case management conference shall be deemed a withdrawal of their 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 their 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 analysis
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