# GOLDEN GATE BRIDGE

## Highway & Transportation District

# HUMAN RESOURCES GUIDE

DRAFT

*The Golden Gate Bridge, Highway & Transportation District recognizes that our employees and customers come from many diverse backgrounds. We respect these backgrounds. We are committed to achieving a workforce that reflects the rich diversity of our region and ensuring that our employees and customers are treated fairly and free from intolerance and discrimination.*

**Golden Gate Administration/Transit**
1011 Andersen Drive
San Rafael, CA
94901

**Golden Gate Bridge**
P.O. Box 9000
Presidio Station
San Francisco, CA
94129-0601

**Golden Gate Ferry**
101 E. Sir Francis Drake Blvd.
Larkspur, CA
94939

*www.goldengate.org*

***Public Transit since 1969***

# *Welcome Aboard!*

Thank you for choosing the Golden Gate Bridge, Highway & Transportation District as your employer. You are now a valued member of the District.

You have joined an exceptional group of individuals who believe and support our mission, vision, values and goals. We expect your contribution to be creative, productive, positive and genuine. We hope you will feel that the District is a wonderful place to call your work "Home."

As General Manager, I look forward to your opinions and ideas. I encourage you to make suggestions at any time.

We hope that you find the *Human Resources Guide* a useful tool during your employment. Thank you for choosing the Golden Gate Bridge, Highway & Transportation District.

Sincerely,

Denis J. Mulligan
General Manager

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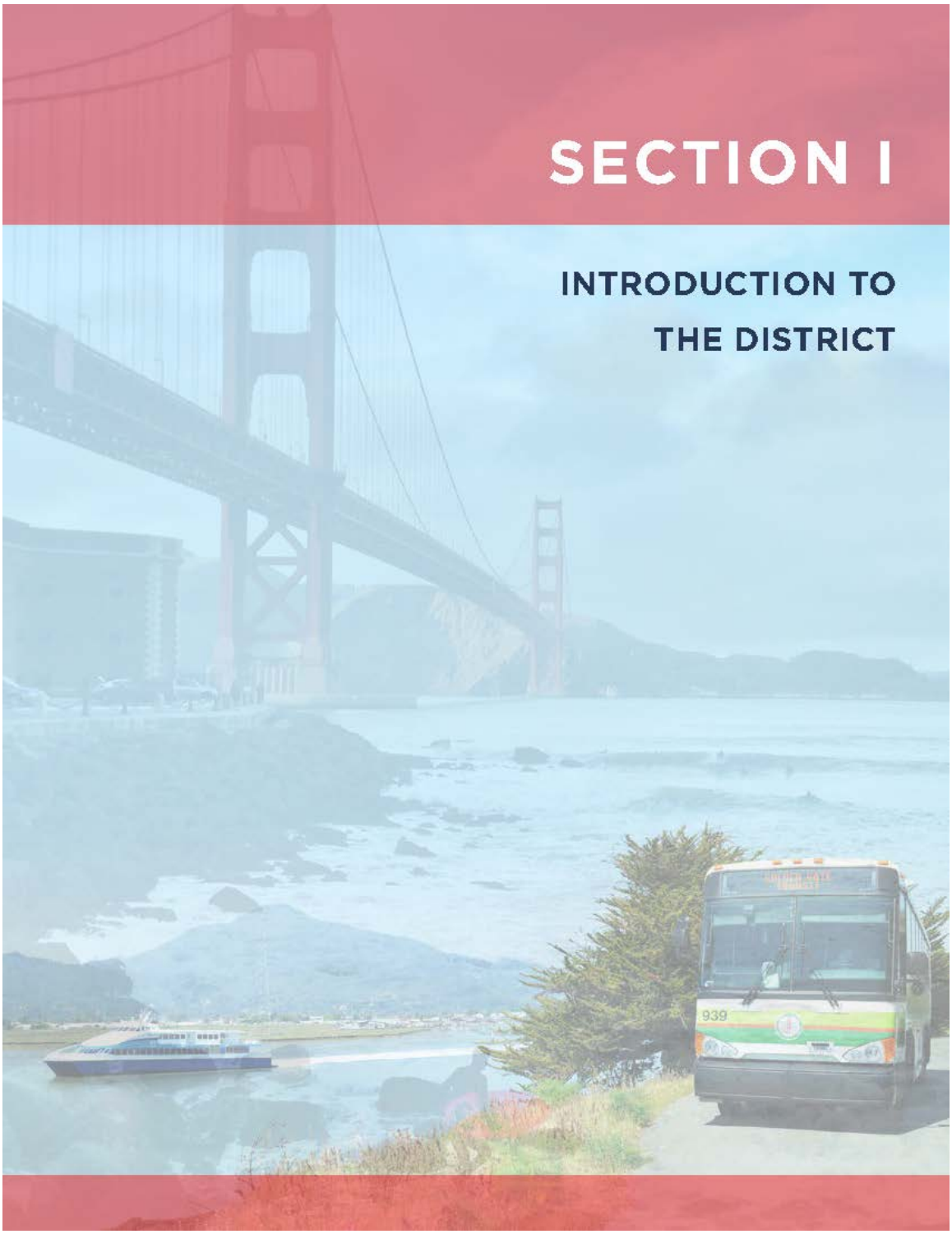
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# Human Resources Guide Introduction

This *Human Resources Guide* contains guidance on general personnel policies, procedures, and rules, and is published by *The Golden Gate Bridge, Highway & Transportation District* for use by supervisors, managers and employees. This *Human Resources Guide* will acquaint you with the District's policies, work rules and benefits and is intended to be a reference for answering job-related questions for non-represented employees. The *Human Resources Guide* is not intended to be a contract (express or implied), nor is it intended to create any legally enforceable obligations on the part of the District or its employees.

The *Human Resources Guide* does not outline specific provisions of the Memoranda of Understanding, which apply to the various represented employee groups at the District. When issues concerning represented employees arise, employees should review the applicable Memorandum of Understanding and speak with the appropriate union representative.

Employees must abide by these policies. The consequence of violating District policy may result in discipline, up to and including termination of District Employment. Therefore, it is essential that you read and understand this *Human Resources Guide*. If you have questions, contact your supervisor or the Human Resources Department for clarification.

District policies are subject to change from time-to-time. The District may revise, rescind or add to any policy, practice or benefit described in the *Human Resources Guide*. Employees should always check the employee intranet for the most current version of this Guide. The policy information is presented by subject matter and can be searched electronically online. There may be occasions for which the Guide will not effectively address a personnel situation. If so, you should consult with your supervisor or the Human Resources Department.

# Employee Acknowledgement

It is the individual responsibility of each District employee to read and understand the policies contained in the ***Human Resources Guide***. Employees must abide by District policies, practices, and regulations currently in effect or that may be put into effect during the employment relationship. The District may change, rescind or add to any policies, benefits or practices described in the *Human Resources Guide*. The *Human Resources Guide* is not intended to cover every situation that may arise during employment.

The *Human Resources Guide*, and any updates or forms mentioned herein, may be accessed by navigating to the employee intranet or employees may obtain a copy by contacting the Human Resources Department. Nothing in the *Human Resources Guide* creates or is intended to create, a promise of continued employment. Employees should consult the Human Resources Department with any questions not answered in the *Human Resources Guide* and for clarification of the policies.

# History of the District

The concept of bridging the vast Golden Gate Strait, which is located at the entrance to the San Francisco Bay, was proposed as early as 1872 by railroad entrepreneur Charles Crocker. It was not until 1916, however, that the idea of a bridge was revived by James Wilkins, newspaper editor of the *San Francisco Call Bulletin*. Wilkins began an editorial campaign for a bridge which caught the attention of San Francisco City Engineer Michael M. O'Shaughnessy. O'Shaughnessy initiated a national inquiry among engineers regarding the feasibility and cost of such a project. The majority of engineers said a bridge could not be built at this location. Some speculated it would cost over $100 million. However, Joseph Baermann Strauss, a designer of nearly 400 spans, said a bridge was not only feasible, but could be built for only $25 to $30 million.

On June 28, 1921, Strauss submitted his preliminary sketches of a symmetrical cantilever-suspension hybrid bridge to O'Shaughnessy with an initial cost estimate of $17 million (by 1925, his cost estimate was up to $21 million). Strauss then dedicated himself to working to convince civic leaders throughout northern California that the span was feasible and could pay for itself with tolls alone. He became the visionary, the believer who organized the political, financial and promotional efforts to build the Golden Gate Bridge. One of the primary obstacles to overcome was lack of funding to build the Bridge because the San Francisco-Oakland Bay Bridge had already received the limited funds available.

## Formation of a Special District

In 1922, the idea of forming a Special District to construct the Bridge was proposed by O'Shaughnessy, Strauss and Secretary to the Mayor of San Francisco Edward Rainey. A Special District was proposed to oversee the financing, design and construction of the Bridge so that all counties affected would have a voice in the proceedings.

On January 13, 1923, an historic meeting was called by Franklin Doyle, a local banker in Sonoma County. At this mass meeting of representatives from 21 counties, the "Association of Bridging the Gate" was formed. Working with State Assemblyman Frank L. Coombs of Napa and Marin County attorney George H. Harlan, the Association drafted legislation creating the Bridge District. The "Golden Gate Bridge and Highway District Act" was enacted by the California State Legislature on May 25, 1923. The enabling legislation provided counties the right to organize as a bridge district and borrow money, issue bonds, construct a bridge and collect tolls.

In the spring of 1924, San Francisco and Marin counties made a joint application to the War Department for a permit to build the Bridge. The War Department had jurisdiction over all harbor construction that might affect shipping traffic or military logistics, and they owned the land on either side of the Golden Gate Strait. The War Department held a hearing on May 16, 1924, to discuss two issues: would the Bridge hinder navigation and was adequate financing available?

There was overwhelming testimony in favor of the Bridge; however, strong opposition to the Bridge emerged from well-financed special interests. An aggressive campaign was launched to stop construction of the Bridge and the formation of a Special District.

However, proponents of the Bridge prevailed. On December 4, 1928, the Golden Gate Bridge and Highway District was incorporated to include, within its boundaries, the City and County of San Francisco; the counties of Marin, Sonoma, and Del Norte; most of Napa, and part of Mendocino counties. This Special District was the entity that would now construct and finance the Golden Gate Bridge. The Boards of Supervisors of the District's six counties appointed directors to the Bridge District's Board of Directors. The first Board meeting was held on January 23, 1929. On August 15, 1929, Joseph B. Strauss was selected by the Board of Directors as the Chief Engineer. Leon S. Moisseiff, O.H. Amman and Charles Derleth, Jr. were named Consulting Engineers. On August 11, 1930, the War Department issued its final permit for the construction of a suspension bridge with a 4,200-foot main span with a vertical clearance of 220 feet at mid-span. On August 27, 1930, Strauss submitted final plans to the Bridge District Board.

## Voters Back Construction Bonds

On November 4, 1930, voters within the District went to the polls and put his or her homes, farms and business properties up as collateral for a $35 million bond issue to finance the building of the Bridge. The timing of the bond election was considered economically reckless by some as it would create bonded indebtedness during the Great Depression. Others said Bridge construction represented the economic relief needed from the Great Depression. The Bridge prevailed with a vote of 145,697 in favor of the bond issue; 47,005 opposed it.

## Bridge Construction

Construction bids were received on October 14, 1932, and in November eight contracts totaling $23,843,905 were awarded for the construction of the Bridge. Construction began on January 5, 1933. The authorized bond issue was for $35 million and the total construction cost came in at $35 million which included $27,125,000 for the construction of the structure, $2,050,000 for Engineering and Inspection, $423,000 for Administrative and Preliminary Expenses, $4,068,000 for Financing, and $1,334,000 in surplus. The $27 million for final construction of the Bridge was higher than the $23 million for the initial construction bids as other items were included in the final cost such as the toll plaza ($450,000), toll collection equipment ($72,000), tower elevators ($60,000), miscellaneous equipment ($45,000), and military replacements and improvements ($575,000).

During construction, Strauss insisted on the use of the most rigorous safety precautions in the history of bridge building. Edward W. Bullard, a Sausalito based manufacturer of safety equipment, designed protective headgear that Strauss insisted be worn on the job. This was a prototype of the hard hat, worn for the first time ever along with glare-free goggles. Special hand and face cream protected against the wind, while special diets helped fight dizziness. The most conspicuous precaution was the safety net, suspended under the floor of the Bridge from end to end. During construction, the net saved the lives of 19 men

who became known as the "Half-Way-to-Hell Club." Until February 17, 1937, there had been only one fatality, setting a new all-time record in a field where one man killed for every million dollars spent had been the norm. Then on February 17, 1937, 10 men lost his or her lives when a section of scaffold carrying 12 men fell through the safety net. The Bridge was completed and opened to pedestrian traffic on May 27, 1937.

The following day it was opened to vehicular traffic. The last of the construction bonds were retired in 1971, with $35 million in principal and nearly $39 million in interest being financed entirely from Bridge tolls. On May 27, 2012, the Golden Gate Bridge celebrated its 75th Anniversary.

# Mission and Vision

*The Golden Gate Bridge, Highway & Transportation District* (District) is a special district of the State of California that provides certain public transportation services between and within Marin, Sonoma, Contra Costa, and San Francisco counties. The District headquarters is located in San Francisco. The General Manager coordinates the operations of all divisions according to the policy and direction of the Board of Directors. The Board of Directors consists of 19 members representing the six member counties: San Francisco, Marin, Sonoma, Del Norte and parts of Mendocino and Napa counties. The District consists of three operating divisions (Bridge, Bus and Ferry), and an Administrative District Division.

## The Mission

**The mission of the Golden Gate Bridge, Highway & Transportation District is to provide safe and reliable operation, maintenance and enhancement of the Golden Gate Bridge and to provide transportation services, as resources allow, for customers within the U. S. Highway 101 Golden Gate Corridor.**

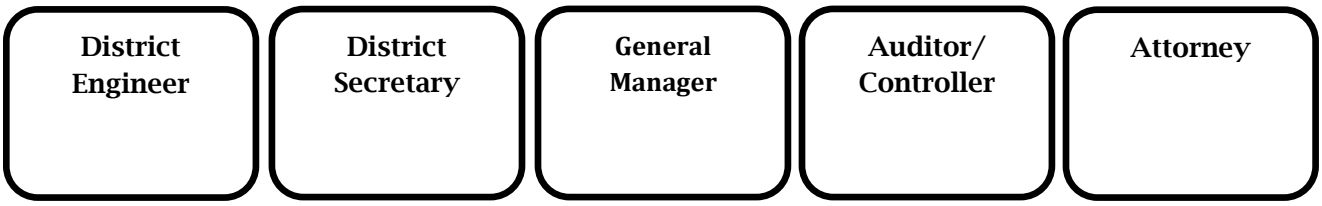
In carrying out this mission, the District operates and maintains the Golden Gate Bridge in a structurally sound condition, provides public transit services including bus and ferry systems, and carries out its activities in a cost-effective, fiscally-responsible manner. Further, the District recognizes its responsibilities to work as a partner with federal, state, regional and local governments and agencies to best meet the transportation needs of the people, communities and businesses of the region. The District has a strong commitment to achieving a workforce that reflects the rich diversity of the region that it serves.

# District Values

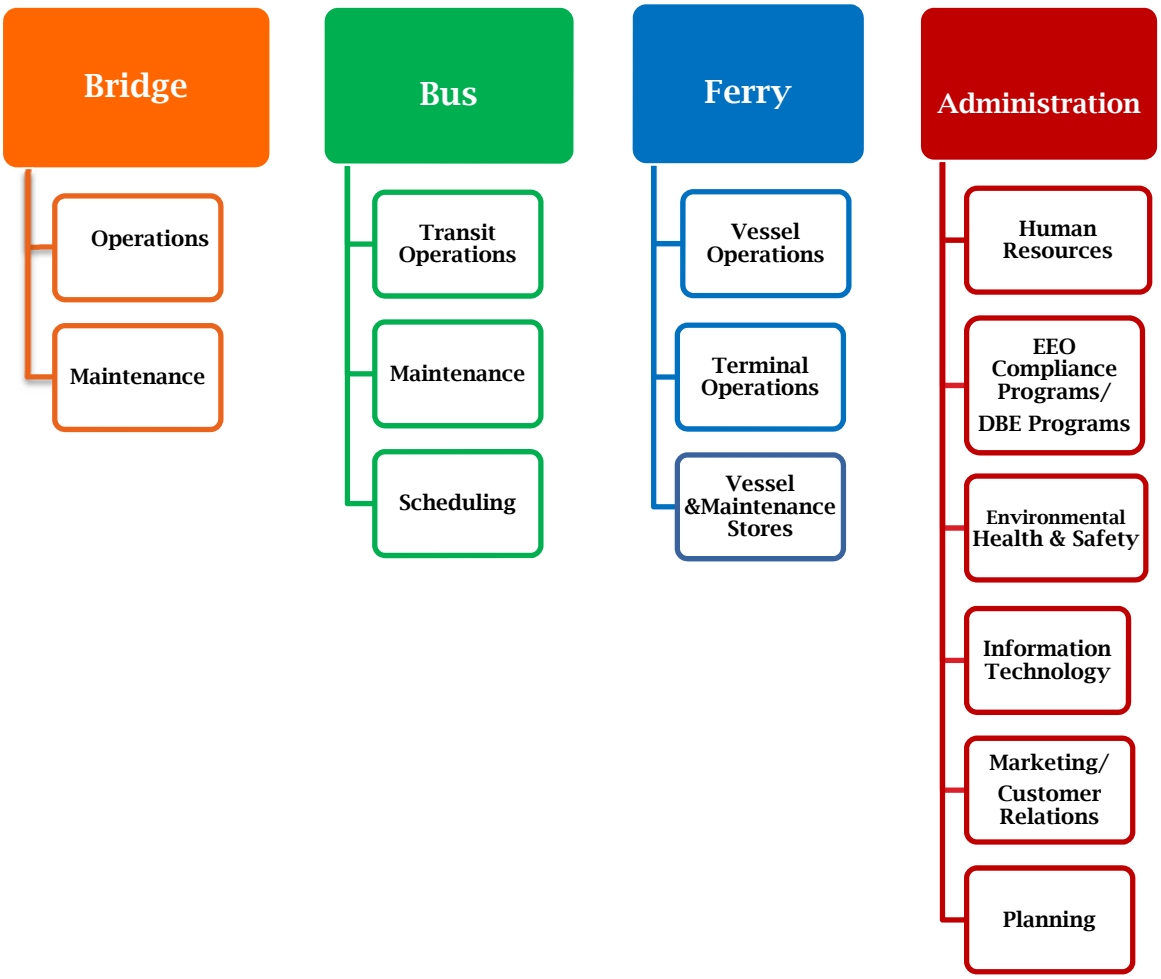
| | |
|---|---|
| **Integrity** | We keep the commitments we make to our co-workers and customers. We are honest in what we say and do. |
| **Competence** | We apply the skills and knowledge we have learned in training and from our experiences. We ask for help or retraining when we are not successful. |
| **Flexibility** | We recognize that being able to adapt as our environment changes helps us grow personally and professionally. We recognize the need to be flexible as an organization and develop new ways of doing business in order to respond to new challenges and new technologies. |
| **Accountability** | When mistakes are made (and they will be), we take personal responsibility for fixing the problems. We learn from our mistakes. We accept praise and feedback for the work we do. We understand our roles and the level of authority we have. We are responsible for our own actions, feelings and behaviors. We have the power to change only ourselves, not others. |
| **Recognition** | We thank others for his or her help. We let others know they have done a good job. We privately and politely advise others in a constructive way if they have done something wrong. |
| **Diversity** | We recognize that our co-workers and customers come from many different backgrounds. We respect these backgrounds that make our organization richer and more vibrant. |
| **Respect** | We recognize all jobs are important to the organization and treat everyone respectfully, no matter what job he/she holds. We hear others out completely without interrupting. We do not judge others' views (at least not verbally or in writing). We treat others politely and in a way that does not embarrass them. We agree to disagree. |
| **Collaboration** | We seek employees' participation in problem solving and do not let old habits and practices get in the way of working together. We recognize that a team effort in decision-making and problem-solving will achieve better solutions. |
| **Pride** | We do the very best job we can to achieve self-satisfaction and a sense of accomplishment. We consider ourselves to be professionals in our jobs and strive to be professional in our behaviors. |
| **Responsiveness** | We answer people's questions as promptly and honestly as we can. We strive to meet our co-workers' and customers' needs and requests. |

# Organizational Structure

**The General Manager** coordinates the operations of three operating divisions and one administrative division according to the policy and direction of the **Board of Directors**. The Board of Directors consists of 19 members representing six member counties. To assist the Board in implementing policy, there are five Officers of the District.




In addition, Division Managers and Department Heads assist in implementing the policies of the District.



# Board Appointment Authority

*The Golden Gate Bridge, Highway & Transportation District* consists of three operating divisions, Bridge, Bus and Ferry, and an administrative District Division. The General Manager manages the operations of all divisions according to the policy and direction of the District Board of Directors.

On December 4, 1928, the Golden Gate Bridge and Highway District was formed by the legislature of the State of California as a special District to design, construct and finance the Golden Gate Bridge. There are 19 members comprising the Board of Directors. They represent the six counties which make up the District: City and County of San Francisco, and Marin, Sonoma, Napa, Mendocino, and Del Norte Counties.

**The Board of Directors is Appointed as Follows:**
Nine members represent the City and County of San Francisco. One is appointed by the mayor, four are members of the San Francisco Board of Supervisors, and four are public members selected and appointed by the Board of Supervisors. Four members represent Marin County. One is a member of the Marin County Board of Supervisors; one is a public member appointed by the Board of Supervisors; one, a member and nominee of the Council of Mayors and Council members is appointed by the Board of Supervisors; and one member may be a second supervisor or public member. Sonoma County has three representatives: one may be a member of the Sonoma County Board of Supervisors; one, a member and nominee of the Council of Mayors and Council members and appointed by the Board of Supervisors; and the third, a public member appointed by the Board of Supervisors. Napa, Mendocino and Del Norte each have one representative selected by the respective Board of Supervisors.

**The Directors Serve on Five Standing Committees as Follows:**
- Transportation;
- Building and Operating;
- Rules, Policy and Industrial Relations;
- Governmental Affairs - Public Information;
- Finance-Auditing.

Full Board of Directors meetings begin at 10 a.m. and usually on the second and fourth Fridays of each month. The Board of Directors generally acts only on recommendations emanating from Board Committees. The Board and Committees look to District staff for information, background, and recommendations on matters under consideration.

The names of the members of the Board and his or her Committee assignments are available at the Office of the Secretary of the District.

**Appointment Authority of Officers of the District**
General administrative responsibility for all District activities resides with the General Manager, who is appointed by the Board of Directors. Similarly, the Auditor-Controller, Secretary of the District, Engineer, and Attorney are appointed directly by the Board and serve at its pleasure. The duties of these officers are set forth in the District's enabling legislation and the Rules of the Board. All other employees of the District are hired by the General Manager.

As prescribed in Section 27151 of California Streets and Highways Code, which statute is contained in the District's enabling legislation, the employment authority of the General Manager is as follows: "He (she) shall employ and discharge at pleasure all subordinate officers, employees and assistants, prescribe his or her duties, and subject to the approval of the Board, he (she) shall fix his or her compensation."

Last Revision 01.2015

# Employee Organizations

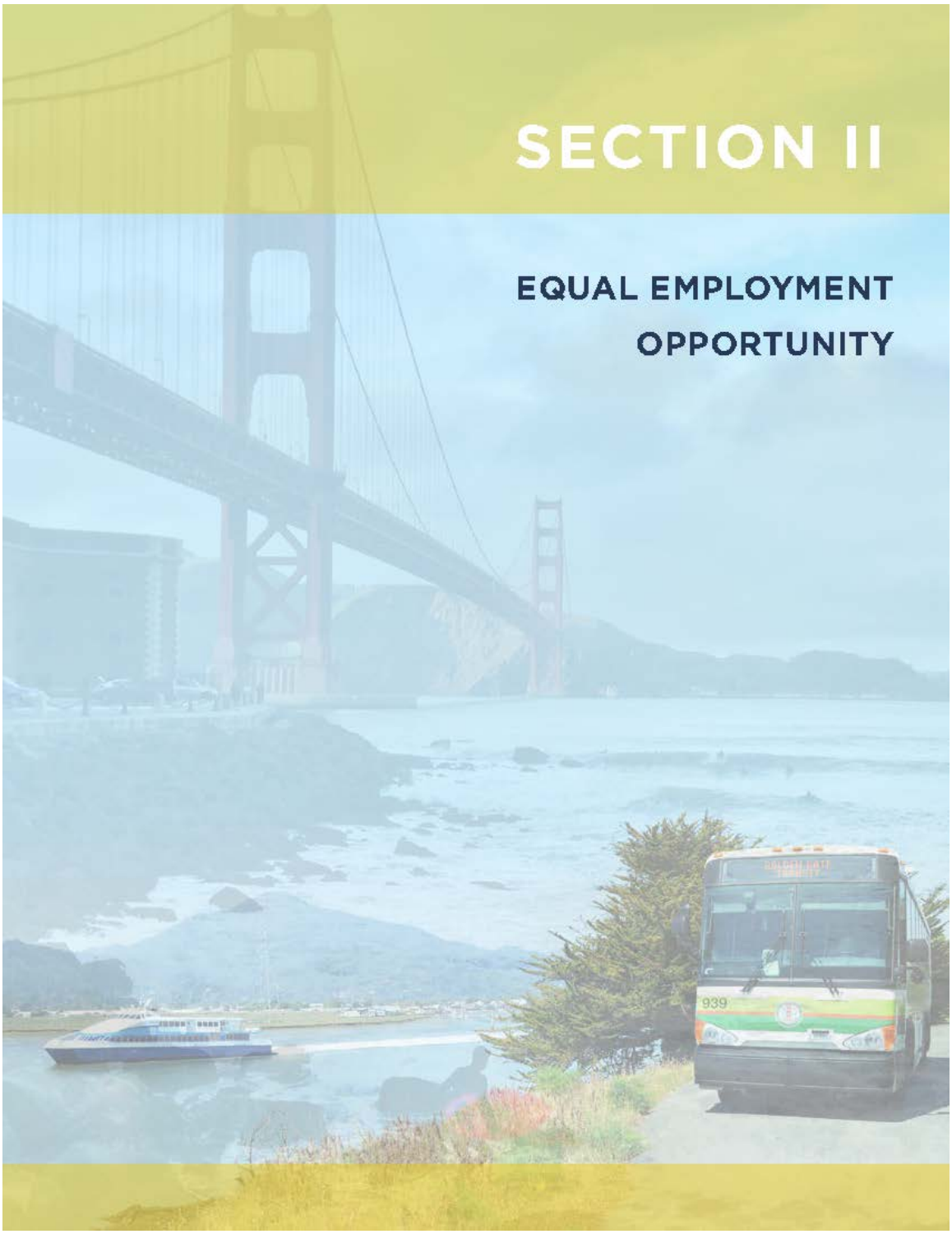
Under the Meyers-Milias-Brown Act and the District's Employer-Employee Resolution No. 7293, the District recognizes bona fide organizations representing specific groups of employees. The Board of Directors has designated the General Manager, or an authorized representative, to act as the District's representative in all matters of employer-employee relations, with authority to meet and confer and to consult in good faith with recognized employee organizations on all matters within the scope of representation, including wages, hours, and other terms and conditions of employment. Copies of the Meyers-Milias-Brown Act and the Employer- Employee Resolution are available for review upon request in the Human Resources Department.

Memoranda of Understanding govern the working conditions of employees in various bargaining units, and employees are directed to those documents.

Last Revision 01.2015

# Bargaining Units

| BARGINING UNIT | UNION |
|---|---|
| **Allied Administrative Employees, Engineers** | International Federation of Professional and Technical Engineers, Local 21, AFL-CIO |
| **Bridge Service Operators, Bridge Patrol Officers, Operating Engineers** | Operating Engineers, Local 3 |
| **Bus Dispatchers, Customer Relations Assistants, Ferry Supervisors, Transportation Supervisors** | International Brotherhood of Teamsters, Local 856 |
| **Bus Operators** | Amalgamated Transit Union, Local 1575 |
| **Bus Servicers, Lane Workers** | Teamsters, Local 665 |
| **Carpenters** | United Brotherhood of Carpenters and Joiners of America, Local Union No. 22 and Northern California Carpenters Regional Council |
| **Cement Masons** | Cement Masons Union, Local 580 |
| **Deckhands, Terminal Assistants** | Inlandboatmen's Union of the Pacific |
| **Electricians** | International Brotherhood of Electrical Workers, Local 6 |
| **Ironworkers** | International Association of Bridge, Structural, Ornamental, Reinforced Iron Workers, Riggers and Machinery Movers, Local 377 |
| **Laborers** | Laborers' International Union of North America, Local 261, AFL-CIO |
| **Mechanics** | International Association of Machinists & Aerospace Workers, AFL-CIO, Machinists Automotive Trades District Lodge 190, Peninsula Auto Mechanics Local Lodge 1414 |
| **Painters** | Public Employees Union, Local 1 |
| **Plumbers** | United Association of Journeyman and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 |
| **Vessel Masters** | District No. 1-PCD, Marine Engineers' Beneficial Association, AFL-CIO |


SECTION II
EQUAL EMPLOYMENT
OPPORTUNITY
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# Anti-Discrimination in Employment

The District provides equal employment opportunity for all qualified persons in accordance with state and federal laws prohibiting discrimination based on race, religious creed, color, national origin, ancestry, disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, military status or any other basis protected by federal, state or local law. Employment decisions involving recruiting, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits and other terms and conditions of employment are made in a nondiscriminatory manner.

Employment decisions are based on individual qualifications and other non-discriminatory business reasons. Retaliation against any employee or applicant for bringing a complaint of discrimination is prohibited. This policy also prohibits retaliation against a person who participates in any manner in an investigation or resolution of a complaint of discrimination. The District also prohibits retaliation against employees who report violations under Title I of the Affordable Care Act. Retaliation includes threats, intimidation, reprisals and other adverse employment-related actions.

The District is an affirmative action/equal employment opportunity employer. This means the District takes affirmative steps to ensure equal employment opportunity for minorities, women and persons with disabilities. The District also complies with the American's with Disabilities Act (ADA) requiring reasonable accommodation for applicants and employees, as needed. The District also ensures that its newly constructed facilities comply with the ADA. Responsibility for the implementation of the Equal Employment Opportunity policies and Affirmative Action plan (EEO Programs) rests with the District's EEO Compliance Programs Office. However, all Deputy General Managers (DGMs), directors, department managers, administrators and supervisors are responsible for carrying out the EEO Programs within his or her respective department(s). The Board of Directors expects the General Manager and each DGM, director, manager, supervisor, administrator and employee to ensure compliance with the EEO Programs.

**Discrimination Complaints**
All employees, represented and non-represented, may consult with District management or the EEO Compliance Programs Office concerning any issue or incident which the employee believes may involve discrimination on the basis of any protected category. District representatives will endeavor to respect a complaining employee's desire for confidentiality but must be free to act when facts suggest a violation of policy has occurred. When an employee believes this policy has been violated, the employee should submit a formal written complaint and consult directly with the EEO Compliance Programs Office at 415-257-4537 or the Human Resources Department at 415-257-4521 as soon as practicable after the incident. Employees must cooperate in investigations and answer all questions truthfully and to the best of his or her knowledge.

**Resolution Procedures**
The resolution of discrimination complaints will be conducted in accordance with either of the following procedures:

Informal Procedure for Resolution
The EEO Compliance Programs Office or Human Resources Department, or his or her designee, may explore informal resolution of a discrimination complaint at the lowest level and, when necessary, conduct a fact-finding investigation concerning any complaint which the employee believes may involve issues of discrimination.

Formal Procedure for Resolution
Employees are encouraged to submit formal complaints in writing to the EEO Compliance Programs Office. The written complaint should include the complainant's name, division, department, position, basis of the discriminatory complaint and the names and positions of individuals involved in the complaint, including witnesses (see *Complaint Reporting Form*).

Following receipt of a complaint, a District representative will meet with the employee to review the discrimination allegation(s) to ensure that the information is accurately stated and understood. During this interview, the basis of the complaint and supporting evidence should be fully communicated. Such an investigation may include interviews with all parties named by the complainant as wholly or partially responsible for the alleged discriminatory acts as well as any witnesses. Investigations may also include the review and analysis of relevant personnel records and employee statistics. If appropriate, courses of action for an expedient resolution of the complaint will be developed by the District representative.

If the District representative determines that there are no issues of discrimination involving one or more of the protected categories, he or she will inform the employee, the manager and the department Deputy General Manager. If the District representative determines that there has been a violation of this policy, he or she will present a written determination supporting the validity of the complaint to the General Manager with a recommendation for corrective action. The General Manager shall review the record and issue a final determination which may include discipline up to termination.

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# Disability and Reasonable Accommodation

The District provides equal employment access to all qualified applicants and employees. The District complies with the Americans with Disabilities Act (ADA), the Rehabilitation Act of 1973 and the California Fair Employment and Housing Act (FEHA). Reasonable accommodation is provided to qualified individuals who are disabled or become disabled and need assistance to be considered for a job or to perform the essential functions of his or her job, unless to do so would impose an undue hardship. The District's Disability Management Committee (DMC) is responsible for ensuring compliance with these laws.

**Applicants Requesting an Accommodation**
The District will include a statement on all applications indicating the availability of reasonable accommodation in the recruitment process with instructions to applicants on the method for requesting reasonable accommodation. When a qualified disabled applicant requests an accommodation, the Human Resources Department will confer with the

applicant on the accommodation request. If additional medical clarification is needed, the applicant must provide appropriate documentation.

**Employees Requesting an Accommodation or Managers Recognizing a Potential Need for an Accommodation**
An employee may request an accommodation. A manager may also inquire as to the recognized need for an accommodation when an employee with a known disability experiences job performance issues or appears to pose a direct threat to the health or safety of the individual, other workers or the public. A request for an accommodation is a statement that an employee needs a work-related modification due to a disability. A request may be made orally or in writing by the employee to a manager, Equal Employment Opportunity Compliance Programs Office (EEO), Human Resources Department (HR) or the Environmental, Health and Safety Department (EHS). Once EEO, HR or EHS becomes aware of the need for an accommodation, a representative will notify the DMC. The DMC will coordinate the interactive process with EEO (for non-work-related disabilities) and/or EHS (for work-related disabilities). Participants in the interactive process should include the employee, the employee's manager and appropriate District representatives as well as documentation regarding work restrictions from an appropriate medical provider.

Generally, unless the need for accommodation is obvious, documentation from an appropriate medical provider is required to identify: (1) the physical or mental limitations imposed by the disability or medical condition; and (2) for each limitation, the expected duration and whether it is permanent or temporary. If the need for accommodation is due to a work-related injury and is temporary, the District will consider whether light duty is appropriate. If the need for accommodation is permanent, a permanent accommodation will be discussed and considered.

## The Interactive Process

The interactive process is an ongoing dialogue between the employee and appropriate District representatives used to determine possible options for reasonably accommodating an employee's disability. Two-way communication between the DMC and the employee is essential. During the interactive process the DMC considers information related to the essential functions of the job, functional limitations, possible accommodations, the reasonableness of possible accommodations, and the implementation of a reasonable accommodation. The employee has an affirmative obligation to engage in the interactive process in a meaningful manner.

<u>The interactive process may include the following steps</u>:

- The DMC will review the request for accommodation and conduct an analysis of the job requirements and identify essential and non-essential job functions;
- The DMC will coordinate and facilitate the interactive process;
- The employee and his or her medical provider must provide documented work restrictions. A current job description will be provided to the medical provider for his or her use to determine the functional capabilities and as a basis for recommending potential accommodations. If the report of the medical provider is inadequate, incomplete or conflicts with other information obtained, the DMC may ask the

employee to obtain further information from the medical provider or may refer the employee to a physician of the District's choice, at the District's expense;
- In consultation with the employee, the DMC shall explore whether there are potential accommodations that would effectively enable the employee to perform the essential functions of the job;
- The District will determine and implement the most appropriate accommodation, if any. The District is not required to provide the accommodation preferred by the employee or his or her medical provider. The District has the ultimate discretion to choose the accommodation. Once the accommodation is implemented, the employee and manager should become familiar with any modifications or changes in the employee's roles and responsibilities so that the accommodation plan may be fully realized;
- The DMC will work with the manager to review the effectiveness of the accommodation as necessary. Changes in circumstances, whether in the employee's condition or workplace factors, may warrant an accommodation re-evaluation;
- The interactive process is an ongoing obligation. If a provided accommodation is no longer effective, the District and the employee may engage further in the interactive process to identify possible alternatives.

Last Revision 01.2015

# Harassment-Free Workplace

The District is committed to creating and maintaining a workplace free from all types of inappropriate conduct and discriminatory harassment. Every employee has a right to be treated with dignity and respect and further has a responsibility to treat others the same way. Certain behavior is prohibited by District policy and by law. This policy defines discriminatory harassment and sets forth procedural guidelines for the resolution of complaints. The District will take whatever action is necessary to prevent, correct, and if appropriate, discipline behavior that violates this policy.

Every department has an obligation to assure that the work environment is free from offensive and potentially harassing behavior. Prompt, appropriate action may help to avoid or minimize the occurrence of inappropriate behavior. Managers who observe or otherwise become aware of potential harassment have a duty to assist and counsel employees in an effort to remedy such behavior and prevent its recurrence; and, to report potential unlawful harassment to the EEO Compliance Programs Office.

Employees are expected to be knowledgeable about District policies. Ignorance of policy is not a defense. Individuals may be held personally liable for conduct rising to the level of unlawful harassment which can include monetary damages resulting from legal proceedings.

The District will not routinely inquire about relationships between employees that appear voluntary in nature. If such voluntary relationships result in behavior that is reasonably found to be offensive by others, such behavior may violate this policy.

**Employee Action**
Some individuals are not aware that his or her behavior may be offensive or potentially harassing. Oftentimes simply advising someone of the offensive nature of his or her behavior can resolve the problem. Whenever possible, employees should inform the other person that his or her behavior is unwelcome, offensive, in poor taste or highly inappropriate. If this does not resolve the concern or if an employee is uncomfortable, threatened, or has difficulty expressing his or her concern, he or she should seek informal assistance from any supervisor, manager, the Human Resources Department or the EEO Compliance Programs Manager.

Any complaint which cannot be satisfactorily resolved through a discussion between the parties should be referred to the EEO Compliance Programs Manager. The EEO Compliance Programs Manager shall investigate complaints. When an employee is aware of the potential harassment of others, that employee is not only encouraged but obligated to immediately report the incident to any supervisor, manager, the Human Resources Department, a Deputy General Manager or the EEO Compliance Programs Manager, depending on which individual the employee is most comfortable contacting. Employees are required to cooperate in investigations. This means coming forward with evidence both favorable and unfavorable to a person accused of inappropriate or harassing conduct; and, fully and truthfully making a written statement and/or verbally answering questions when required to do so during the course of an investigation. Refusal to cooperate, failure to be truthful and/or knowingly providing false or misleading information may result in disciplinary action.

**Resolution Procedures**
Informal Procedure for Resolution: The supervisor, manager, Human Resources Director or the EEO Compliance Programs Manager or a designee may explore informal resolution of complaints of inappropriate conduct or discriminatory harassment at the lowest level and, when necessary, assist and counsel employees and/or conduct a fact-finding investigation concerning any complaint which the employee believes may involve issues of inappropriate behavior.

Formal Procedure for Resolution: If the informal resolution procedure does not successfully resolve the issue, the employee may submit a formal complaint to the EEO Compliance Programs Manager. In addition, if in the opinion of the General Manager, a Deputy General Manager or the EEO Compliance Programs Manager, a formal investigation is warranted, one will be initiated. Employees are encouraged to submit a written complaint that includes the complainant's name, division, department, position, basis of the complaint, and the names and positions of individuals involved in the complaint, including witnesses (**See *EEO Complaint Form***).

As appropriate, a formal investigation may include meeting with the employee to review the allegation(s) to ensure that the information is accurately stated and understood. During this interview, the basis of the complaint and supporting evidence should be fully communicated. Such an investigation may include interviews with all parties named by the complainant as wholly or partially responsible for the conduct as well as any witnesses. Investigations may also include the review and analysis of relevant personnel records and other information. If appropriate, courses of action for an expedient resolution

of the complaint will be jointly developed by the EEO Compliance Programs Manager and the complainant.

If the EEO Compliance Programs Manager determines that there are no issues of inappropriate behavior or discriminatory harassment, he or she will notify the complainant of such. The appropriate manager will determine final corrective action. All records and information relating to investigations and any resulting disciplinary action shall be confidential, except to the extent disclosure is required by law, as part of the investigatory or disciplinary process or as otherwise reasonably necessary.

**Additional Enforcement Information**
The Federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) also investigate complaints of unlawful harassment in employment. For more information, contact the nearest office of the EEOC at 415-356-5100 (www.EEOC.gov); or, the DFEH at 800-884-1684 (www.DFEH.ca.gov).

**Retaliation is Prohibited**
The District prohibits any form of retaliation against an employee who makes a complaint, raises a concern, provides information or otherwise assists in an investigation or proceeding regarding any conduct that he or she believes to be in violation of the District's policies or applicable laws, rules or regulations. Retaliation may include threats, intimidation, reprisals or adverse employment actions.

**Discriminatory Harassment**
Discriminatory Harassment is inappropriate behavior based on the following protected categories as defined by law: race, religious creed, color, national origin, ancestry, disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation or military status, or any other basis protected by federal, state or local law.

Examples of discriminatory harassment include:

- *Verbal Harassment*: Epithets, derogatory comments, name-calling, slurs, propositioning, or otherwise offensive words or comments based on an individual's protected category. This includes but is not limited to inappropriate sexually-oriented comments on appearance, including dress or physical features and sexual rumors;
- *Physical Harassment*: Assault, impeding or blocking movement, leering or the physical interference with normal work privacy or movement when directed at an individual based on his or her protected category. This includes touching, pinching, patting, grabbing, brushing up against, stalking or making explicit threats;
- *Visual Harassment*: Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, gestures, jokes, notes, bulletins, drawings or pictures on the basis of an individual's protected category. This applies to both posted material, or material maintained in or on District equipment or personal property in the workplace;

- *Sexual Harassment*: Any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an

individual's work performance or creates an intimidating, hostile or offensive work environment.

Employees should contact the EEO Compliance Programs Office (Ext. 4537), the Director of Human Resources (Ext. 4521), or the Deputy General Manager of Administration and Development (Ext. 4580), with questions about inappropriate workplace behavior in violation of this policy. Employees may also refer to the employee intranet for questions on these policies or to file an EEO Complaint Form with the EEO Compliance Programs Department.

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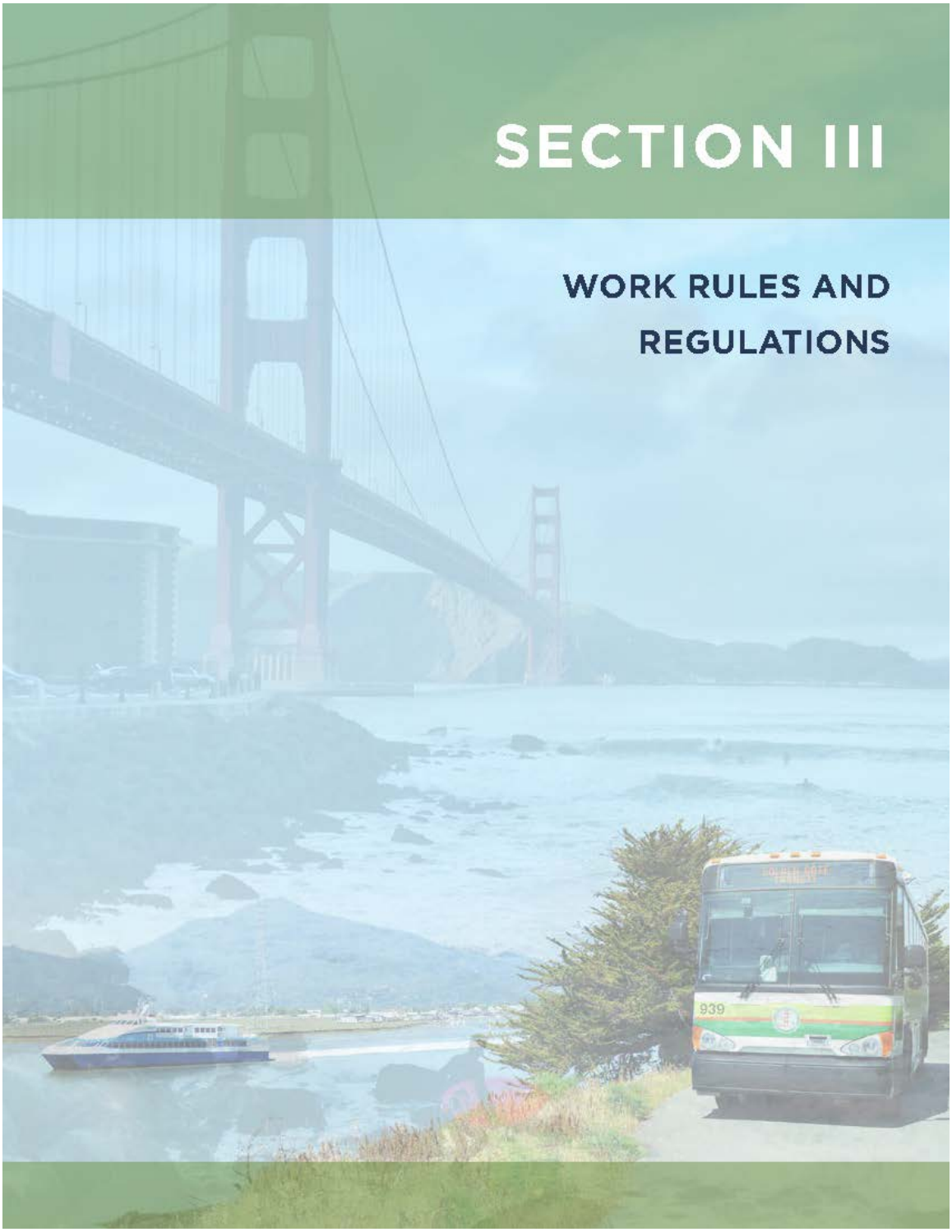
SECTION III
WORK RULES AND
REGULATIONS
939

# Cell Phone Program

The purpose of the Cell Phone Program is to establish guidelines for the use of electronic communication devices required of employees by management of *The Golden Gate Bridge, Highway & Transportation District* (District) and to provide employees with efficient, cost-effective equipment for use in conducting District business outside the District. For purposes of this policy, electronic communication devices include cellular phones and data cards (collectively called cell phones). The acquisition of these devices shall be limited to those instances in which there is a management-approved, demonstrated need for such equipment to allow the employee to perform essential District business or to improve safety, increase productivity, increase service to customers, fulfill contractual obligations or address situations in which necessary communications need to take place.

The District's intent is to make appropriate use of funds while taking advantage of improvements in communication technologies to promote operational efficiency, improve service levels, and respond to emergencies. The acquisition and use of cell phones shall be approved by the oversight Deputy General Manager/Officer; for certain level phones, the General Manager will also approve. Equipment provided by the District shall be used primarily for business purposes.

**Employee Responsibility**
An employee's personal use of the phone will be treated as a non-taxable de minimis fringe benefit. Nevertheless, personal calls on District-provided cell phones should have a minimal financial impact on the District. The oversight Deputy General Manager/Officer is responsible to ensure that the employee complies with policy.

**Restrictions on usage**
Participants in the District's cell phone program must comply with all District policies and procedures that are applicable toward computer use. Personal foreign calls are not allowable.

**Responsibilities for individual phone holders**
Individual employees who are required by District management to possess a cell phone will have an option to select a payment program that will represent the personal use portion of calls (this includes foreign and associated costs, additional text messaging outside of the standard plan, options, etc).
The deduction amount may be updated every January and July and is processed within the payroll environment. The amount of deduction is subject to a minimum amount for processing efficiencies (see employee intranet for current information).

**Responsibilities for data card holders**
Employees who are issued a data card by the District or use his or her own data card for business usage are not required to participate in a payroll-based payment plan nor are they reimbursed for his or her business use.

**Additional reimbursements to smart and non-smart phone users under this program**
Individuals who participate in the program will not receive any additional reimbursements in regards to phone usage. Smart phone users with personal hotspots will not be reimbursed for outside providers' internet access charges while on travel unless there is failed connectivity on his or her smart phone device. Temporary changes to an employee's phone service plan (e.g., out of country service) will not be processed unless written authorization is initiated/approved in advance by the oversight Deputy General Manager/Officer.

**Employee Responsibility (Other)**
District-acquired cell phones will be upgraded based upon the technical review/assessment of the Information Systems Department. An employee who is issued a cell phone device is responsible for its safekeeping.

**Lost District-issued cell phone**
The employee must immediately contact the Procurement Department when this occurs. The Procurement Department will assist in the following actions: (1) halt service; and, (2) replace the cellular telephone. The employee must document a replacement phone by resubmitting the Assignment of Cell Phone Request Form. The employee is not responsible to reimburse the District for phone replacement if lost/stolen, however; reasonable precautions should be made to prevent equipment theft and vandalism of this and any District property.

**Safe driving habits**
Employees shall not use his or her cell phones while driving unless they are utilizing "hands-free" equipment. The District is not responsible for traffic fines related to using a cell phone while driving.

**Security**
Cellular transmissions are not secure. Therefore, employees should use discretion in relaying confidential District-related information when using his or her cell phones. This policy shall override any previously issued policies that affect phone reimbursement.

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# Conflict of Interest

The District requires employees to maintain high standards of ethical conduct in carrying out the duties of his or her jobs, including certain financial interests and political contributions. This policy summarizes conflict of interest laws and rules to assist employees in determining whether a conflict of interest exists that could damage the District's reputation or result in serious adverse consequences to the District and to the employee involved. The District's goal is to preserve the public trust by preventing favoritism, bias or the appearance of impropriety in its decision making.

In addition, many District employees have direct contact with members of the public. The impressions employees create can influence public opinion of the District. As representatives of the District, employees must be careful to conduct themselves before the public in a manner which creates the best

possible impression and contributes to and promotes a good reputation for the District. This means that employees must adhere to an exceptionally high code of personal ethics.

District employees may not engage in outside activities that are inconsistent, incompatible, in conflict with or inimical to his or her job duties. A conflict of interest may exist when an employee owes a professional obligation to the District that is or might be compromised by the pursuit of outside interests. Outside interests, such as professional activities, personal financial interests, or the acceptance of gifts from third parties, can create conflicts between the interests of the District and an employee's private interests and may prevent the employee from making decisions that are in the best interest of the District. Even though outside interests may not actually impair an employee from acting in the best interest of the District, it may appear to the public that independence of judgment is compromised and a conflict exists. Further examples of such prohibited activities can be found in government code section 1126.

Therefore, District employees may not participate in or influence any decision in which he or she has a financial interest. If a conflict exists, the District may be able to isolate the employee from the matter. However, if a conflict is ignored or even invited, then disciplinary proceedings may be undertaken. In addition, California law provides for a variety of actions, including voiding contracts, penalties, fines and imprisonment, in the case of intentional violations.

**Conflicts of Interest May Arise When:**

- The District employee (spouse or dependent child) is an employee, agent, director, trustee, partner, owner, investor, supplier or contractor of a company (for profit or nonprofit) doing business or trying to do business with the District;
- The District employee (spouse or dependent child) owns property which might be affected by a District decision;
- The personal finances of the District employee (spouse or dependent child) will be directly affected by a District decision (excluding the employee's salary);
- A decision made by the District will affect a person or business from which the District employee (spouse or dependent child) has received or been promised income of $500 or more in the past 12 months;
- A decision made by the District will affect a person or business for which the District employee (spouse or dependent child) is an employee, agent, director, trustee, partner, owner, investor supplier or contractor.

Employees who may have one of the above situations apply should discuss it further with his or her managers who can assist in evaluating the situation. Certain Employees are required to attend Ethics training and sign a Statement of Economic Interest (Form 700) in accordance with the District's *Conflict of Interest Code* and *Receipt of Gifts* policies.

**Because the District is a Public Agency, Certain Activities Are Prohibited.** These examples of prohibited activities are provided as a general guide and do not represent an exhaustive list or cover every situation which may arise:

**An Employee Shall Not:**

- Accept anything of value totaling more than $440 in a calendar year from any single source that provides services, supplies, materials, machinery or equipment of the type utilized by the District (see the District's *Receipt of Gifts* policy);
- Make or participate in any District decision if a conflict of interest exists;
- Engage in any activity, whether for pay or not, which reflects unfavorably on the District;
- Permit improper outside pressure to influence District policies, plans or operations;
- Use District property, equipment, services, or work time for unauthorized personal purposes and/or personal financial gain;
- Divulge confidential records or information.

The District considers an employee's actions under this policy to be an indication of the individual's judgment and competence. Accordingly, those actions constitute an important element in the evaluation of the employee for position assignments and promotion. Insensitivity to or disregard of the principles of this policy will be grounds for appropriate disciplinary action.

Last Revision 01.2015

# Driver's License Employee Pull Notice Program

The District participates in the California Department of Motor Vehicles (DMV) Employee Pull Notice (EPN) Program in compliance with the California Commercial Motor Vehicle Safety Act of 1988. A DMV driving record will indicate whether a license or special driver certificate is currently valid, revoked or suspended as well as show points against a driver and other disqualifying actions. All employees including represented and non-represented employees and those with limited appointments are enrolled in the EPN Program. The District uses this information when making hiring and/or employment decisions.

The Human Resources Department will review DMV pull notices and notify managers and employees when a disqualifying action is taken against an employee's driver's license or special driver certificate. Any of the following actions/activities will result in a pull notice to the District and may result in further action:
Convictions;

- Failures to Appear;
- Accidents;
- Driver's License Suspensions or Revocations;
- Any other actions taken against the driving privilege.

A disqualifying action may include, but is not limited to, a poor driving record or a conviction, suspension or revocation of a driver's license or special driver certificate. Employees must maintain a current, valid driver's license and any special certificate(s) required for the performance of his or her job duties; and, employees must immediately notify his or her manager of a disqualifying action against his or her driver's license or special driver certificate, including, but not limited to, license and/or certificate expirations, suspensions and convictions.

Managers must immediately notify the Human Resources Department if an employee reports a disqualifying action against his or her driving record. It is the responsibility of the manager to ensure that an employee with a suspended or revoked driver's license does not drive a District vehicle.

Last Revision 01.2015

# Drug and Alcohol-Free Workplace

The District is committed to providing a workplace free from the adverse effects of illegal drug and alcohol use and prescription drug abuse or misuse. A drug and alcohol-free workplace protects the District's employees and ensures the safety and security of the public.

Under the guidelines of the Drug-Free Workplace Act of 1988 and the California Drug-Free Workplace Act of 1990, all employees are prohibited from unlawfully manufacturing, distributing, dispensing, possessing, storing, or using any controlled substance or alcohol while on the job or on District property. Employees shall have no expectation of privacy. The District may, from time-to-time, and without notice, inspect any and all personal property on District premises. Use of alcohol during work hours, including rest breaks and meal periods where an individual is scheduled to return to duty, is against policy.

**Medical Marijuana**
The District's Drug and Alcohol-Free Workplace Policy prohibits the use of marijuana, including medical marijuana. A physician recommendation or prescription for medical marijuana does not constitute an exception from or waiver of this policy. A positive drug test result as a result of consuming medical marijuana is a violation of this policy.

**Guidelines for Use of Prescription and Over-The-Counter Medications**
Each employee must report to work fully capable of safely performing his or her job duties, which includes assuming responsibility for his or her own use of prescription drugs and over-the-counter medicines. This policy prohibits the use of medications prescribed by physicians or purchased over the-counter containing drugs or alcohol that may adversely affect an employee's work performance.

The following guidelines will assist employees in ensuring the safe use of medications:

- All prescription and over-the-counter medications have the potential to be dangerous. Use medications cautiously and always in accordance with your physician's directions. This caution does not require any employee to delay or deny any necessary medical treatment;
- Inform your prescribing pharmacist, physician, dentist or other medical professional of your position and explain your job duties; be sure to ask if you will be able to perform your duties safely while on the medications;
- Solicit information from your pharmacist about the medication ingredients, side effects, precautions, drug interactions and effects when combined with other drugs. Even if you have already obtained information from your prescribing physician, your pharmacist may be more knowledgeable and be able to provide additional information and insight;

- Read warning labels and side effects on information summaries provided with prescriptions and over-the-counter medications.

Employees should not report to work while using prescription or over-the-counter medications that adversely affect the employee's work performance.

**Drug and Alcohol Testing**
Any employee who is reasonably suspected of being intoxicated, impaired or under the influence of alcohol or a prohibited substance or not fit-for-duty, shall be removed from job duties and subjected to reasonable suspicion testing.

An employee violating this policy shall be subject to discipline, up to and including termination, and may be required to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitation program.
Employees are required to notify his or her supervisor and/or the Human Resources Department of any criminal drug conviction no later than five days after such conviction. The District shall report the conviction as may be required by law. Failure to notify the District will result in disciplinary action up to and including termination. Counseling, rehabilitation and employee assistance for employees who have personal problems involving the abuse of drugs and/or alcohol is available through the District's Medical Benefit Plans and the Employee Assistance Program. The District is not responsible for the costs of participation in programs under this policy. Employees are encouraged to use substance abuse benefits as provided under his or her medical coverage. Additionally, awareness programs are presented to inform employees about the dangers of drug and alcohol abuse in the workplace. Supervisors also receive training in identifying and addressing drug and/or alcohol use.

All employees shall abide by this Drug and Alcohol-Free Workplace Policy as a condition of continued employment. Violations of this policy are cause for discipline up to and including termination.

**Public Safety-Sensitive Positions**
Public safety positions are positions in which the employee's inability or impaired ability to perform the essential functions will result in a direct threat to others. A direct threat will occur when the essential functions of the position include operating a motorized vehicle, operating dangerous heavy equipment, and/or working on the Bridge roadway, sidewalks or any other area of the Bridge, whether accessible to the public or not, where a mistake by the employee would pose a serious danger to public safety.

A list of public safety positions is provided in the applicable *Substance Abuse Policy Booklet*. Supervisors who might be called on to perform a public safety function are included. The *Substance Abuse Policy Booklet* for public safety employees describes the obligations for employees in those positions and they should become familiar with that booklet.

**Department of Transportation Safety-Sensitive Positions**
Each year *The Golden Gate Bridge, Highway & Transportation District* receives over $1.5 million in federal grants which assist the District in funding both its Bus and Ferry Division operations and Bridge design and engineering work. The Department of Transportation, Federal Transit Administration (FTA), regulates these federal grants. In 1993, the FTA established federal regulations whereby the District, along with all other transportation agencies who receive

federal funds, must maintain a drug and alcohol testing program for safety-sensitive positions. The District's Drug and Alcohol Testing Program went into effect January 1, 1995, and is in accordance with FTA regulations.

Employees in DOT and (U.S. Coast Guard) Safety-Sensitive Positions should refer to the applicable *Substance Abuse Policy Booklet* for Safety-Sensitive employees.

Last Revision 01.2015

# Gambling-Free Workplace

The District is committed to promoting a productive and healthy work environment for all employees. Employees may not participate in any gambling activity while working or using District-provided equipment. This includes, but is not limited to, card and dice games, sports pools, lotteries or any Internet gambling. Gambling is the wagering of money or something of material value, on an event with an uncertain outcome with the primary intent of winning additional money and/or material goods.

Employees should report any suspected gambling activities promptly to his or her supervisor or the Human Resources Department at 415-257-4521. Employees who violate this policy are subject to disciplinary action up to and including termination. The District's Employee Assistance Program is available for employees seeking help for gambling problems.

Last Revision 01.2015

# Grievance Procedures

The District provides a grievance procedure under which non-represented employees may seek impartial and prompt review of a matter of personal workplace concern or dissatisfaction. This procedure permits an employee to retain, restore or improve his or her ability to be a productive District employee. It is not intended to address matters involving workplace discrimination, harassment or discipline.

Nothing in this grievance procedure may be construed to alter the nature of employment at the District as being at the pleasure of the General Manager, as established by Streets and Highways Code Section 27151.
Employees involved in the grievance process must cooperate in investigations and answer all questions truthfully and to the best of his or her knowledge.

Any non-represented employee who has successfully passed his or her initial introductory period may invoke the grievance procedure. An employee serving an introductory period as a result of being promoted or transferred to a new position may not use the grievance procedure to challenge a decision to return that employee to the classification from which the employee was promoted or transferred.

The resolution of grievances will be conducted in accordance with either of the following procedures:

**Informal Grievance Procedure**
An employee may present questions and concerns informally to his or her supervisor or other appropriate manager at any time. The supervisor will act promptly in responding to questions and concerns. If necessary, the supervisor will seek advice and assistance from appropriate District staff. Supervisors have a responsibility to identify and take corrective action on matters which could lead to employee concern and dissatisfaction. Taking prompt action to resolve workplace concerns at an informal level will help to resolve issues before they become formal grievances.

If the supervisor or other appropriate manager selected by the employee is unable to settle a grievance informally, the employee may present a formal grievance as set forth below.

**Formal Grievance Procedure**
An employee may invoke the formal grievance procedure by filing his or her written grievance within 30 calendar days following the event giving rise to the grievance or after the supervisor has attempted to resolve the matter informally. Otherwise the grievance is waived.

Employees submitting grievances are free from restraint, interference, coercion, discrimination or reprisal. Employees will be excused from work with pay to participate in grievance meetings (interviews, hearings, etc.). However, employees will not be allowed time off work for the purpose of preparing for such meetings or for consulting with persons other than his or her supervisor, the Human Resources Department or his or her Deputy General Manager.

An employee may present documents and witnesses at meetings to assist in establishing his or her factual position. At least three working days prior to any scheduled grievance hearing, the employee shall submit to the Grievance Reviewer/Committee, if one is appointed during the second level review, a list of the witnesses that he or she desires to appear with an explanation of the evidence that each witness plans to offer. The number of witnesses may be limited by the Grievance Reviewer/Committee on the basis that they will be providing substantially the same or irrelevant information.

A Formal Grievance can be grieved to three successive levels:

1. During the **first level** the employee shall outline his or her grievance in writing and present the grievance to his or her supervisor. The supervisor shall investigate the matter and provide a written response to the employee within ten working days.
2. If the employee is dissatisfied with the supervisor's response, he or she may submit the written grievance to the applicable Deputy General Manager with a copy to the Human Resources Department within ten working days of receipt of the supervisor's response. During this **second level** review, the Deputy General Manager may designate a Grievance Reviewer or appoint a Grievance Committee comprised of three persons to review and investigate the matter. Alternatively, the Deputy General Manager may decide to personally review and investigate the matter. The Reviewer/Committee/DGM is responsible for conducting an inquiry of a nature and scope which will address adequately the issues involved in the grievance. The inquiry may consist of obtaining documentary evidence and a combination of any of the following: interviews, a group meeting, and/or a hearing. After the Reviewer/Committee/DGM has considered the

facts and circumstances surrounding the grievance, the Reviewer/Committee/DGM shall render a decision within 30 working days of receipt by the Deputy General Manager of the written grievance. A copy of such decision shall be sent to the employee, the employee's supervisor, the appropriate Deputy General Manager and the Human Resources Director.

3. If the employee decides to appeal the decision of the Reviewer/Committee/DGM to the **third level**, the employee must submit a written request for appeal to the General Manager. A copy is sent to the applicable Deputy General Manager and the Human Resources Director, within ten working days of receipt of the decision of the Reviewer/Committee. The Human Resources Director and the applicable Deputy General Manager shall review the facts and submit a recommendation within 15 working days of receipt of the request for appeal to the General Manager. Within 15 working days of receipt of such recommendation, the General Manager shall issue a final and binding determination.

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# Pets in the Workplace

The District prohibits bringing a pet (a domestic animal kept for pleasure or companionship) to work or having a pet in District-controlled buildings and premises, with the exception of animals providing reasonable accommodations for a person with disabilities (Assistive Animals). Employees requesting accommodation for a disability that includes an Assistive Animal must contact the EEO Compliance Programs Office.

Last Revision 01.2015

# Privacy, Computer Usage and Social Media

## Privacy

The District respects the individual privacy of its employees and maintains reasonable security procedures and practices to protect personal information from unauthorized access, destruction, use, modification or disclosure. Personal information refers to an individual's name in combination with Social Security number; driver's license number or California ID card number; account number, credit or debit card number, in combination with access codes or passwords that would permit access to an individual's financial or medical information.

However, an employee cannot expect privacy rights to extend to work-related conduct or the use of District-owned equipment including desks, cabinets, lockers or supplies. Although employees have individual access codes to voicemail, e-mail, and computer network systems, these systems are accessible at all times to the District, and may be subject to periodic unannounced inspections or access by the District for business purposes at the approval of the Deputy General Manager of Administration & Development or the General Manager. All employee system pass codes must be available to the District through the employee's supervisor or manager. Employees are expected to use

e-mail, voicemail and computer network systems for District business only and not for personal purposes. Personal purposes include, but are not limited to, commercial ventures, religious or political causes. Employees are prohibited from unauthorized access of email or voicemail messages. Employees handling confidential information must take steps to ensure confidentiality, for example: sealing envelopes, locking computers, cell phones, and securing offices and desks.

## Computer Usage

Computer equipment, computer programs and data stored on computers or removable media are the property of the District. This property shall not be tampered with, edited, copied, moved, published to outside media or storage or destroyed without proper authorization. Unauthorized use of computer programs is prohibited, including illegal copying of software for business or personal use. Employees may not use personal software on a District computer without the express approval of his or her Department Head and the Information Systems Department or designee. Brief and occasional personal use of the electronic mail system or the internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time (meal or other breaks), and does not result in expense or harm to the District or otherwise violate this policy. Use is defined as "excessive" if it interferes with an employee's work performance as determined by that employee's supervisor or manager. Electronic communication should not be used for personal business or to solicit or sell products or services that are unrelated to the District's business. District policy prohibits any conduct which has the purpose or affect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile or offensive work environment. Unacceptable use of the District's network resources may result in disciplinary action including termination of network access up to the termination of employment.

**Internal Network**
A User Identification (ID) is issued by the Information Systems Department to regulate access to, and use of, the District's computer network resources including its internet connection. Every communication made over the District's computer network includes the User ID and machine location of the user. The District monitors computer activity, and intranet use including internal and external email transmissions and website connections.

Users should not have an expectation of privacy in the use of these resources. Electronic records created or stored on District equipment may constitute a record subject to disclosure under open records acts or may be discoverable as the result of litigation. The internet is to be used for communications and information exchanges related to the user's job responsibilities. External e-mail correspondence must be considered business correspondence from the District, and should be treated accordingly.

## Social Media

The District understands that Social Media can be a fun and rewarding way to share life activities and opinions with family, friends and co-workers around the world. However, the use of Social Media also presents certain risks and carries

with it certain responsibilities. Employees should make responsible decisions when using Social Media, including the following guidelines.

**Post Appropriate Content**

- Employees must maintain the confidentiality of the District's private or confidential information. Private information may include information regarding the development of systems, processes, products, know-how and technology. Internal reports, policies, procedures or other internal business-related confidential communications cannot be posted;
- Photographs of District property closed to the public are the property of the District. Employees are prohibited from posting such photos to Social Media sites;
- Employees may express only personal opinions, and should never represent themselves as a spokesperson for the District. If the District is a subject of the posted content, the employee must be clear and open about the fact that as an employee, personal views do not represent those of the District's customers, vendors or employees. Employees should include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the District."

**Using Social Media at Work**

Refrain from using Social Media while on work time or on equipment provided by the District unless it is work-related and authorized by your manager or consistent with the District's computer policies. Do not use the District's email addresses to register on social networks, blogs or other online tools utilized for personal use.

Last Revision 01.2015

# Receipt of Gifts

This "Gift Policy" sets forth the District's rules regarding the receipt of gifts of any kind from individuals, businesses and organizations. This policy applies to District Directors, Officers and employees. The District strives to provide impartial and exceptional service to its users and to the general public. Gifts can be perceived as attempts to influence District operations and can erode public confidence and the impartiality of decisions made by public officers, officials and employees. It is important to avoid even the appearance of impropriety in all aspects of the District's programs and operations.

This Gift Policy is based on regulations adopted by California's Fair Political Practices Commission (FPPC) as they apply to the District. In cases where the District's Gift Policy imposes more stringent requirements than California law, the District's more stringent standards must be followed. If there are omissions in the District's Gift Policy that are covered by the FPPC regulations, the FPPC regulations shall control. Questions regarding the implementation of the District's Gift Policy should be directed to the General Manager or the Attorney for the District.

**Definitions**

- "Financial interest" is defined and accepted as set forth in the Political Reform Act (codified in section 81000, et seq. of the California

Government Code) and the FPPC Regulations, as they may be amended from time-to-time;

- "FPPC Regulations" means the regulations adopted by the Fair Political Practices Commission in its role as the implementing and enforcement agency of the State's Political Reform Act. These implementations are set forth in Title 2, Division 6, and Sections 18109-18997 of the California Code of Regulations;
- "Gifts" are defined and accepted as set forth in the Political Reform Act and FPPC Regulations, as they may be amended from time-to-time;
- "Pending procurement" refers to a procurement that is underway during the following time periods:
  i. Beginning 60 days prior to the District's issuance of any request for information, quotes, bids or proposals; through the solicitation and evaluation of quotes, bids or proposals; up until award of a contract or abandonment of the procurement process by the District;
  ii. Within the 60 days prior to the expiration of the term of an existing contract and during negotiations of a contract renewal or exercise of any contract option.

**Gift Limit for Directors, Officers and Employees**
District Directors, Officers and designated employees of the District identified in the District's Conflict of Interest Code or covered by Government Code section 87200 (including county supervisors, members of city councils and other public officials who manage public investments) are subject to state laws regarding the receipt of gifts as set forth in the Political Reform Act (at Government Code Section 89503) and the FPPC Regulations.
These minimum requirements are not altered by this Gift Policy. Individuals in positions designated in the Conflict of Interest Code's Disclosure Category 1 or who are covered by Government Code section 87200 are prohibited from receiving gifts totaling more than $460 from any single source in a calendar year and must disclose gifts over $50 on his or her Form 700. All other District Officers and employees, whether or not his or her positions are included in the District's Conflict of Interest Code, are prohibited from receiving gifts totaling more than $440 in a calendar year from any single source that provides services, supplies, materials, machinery or equipment of the type utilized by the District.

These annual limits shall automatically increase or decrease consistent with modification to the gift limit established by the FPPC every two years.

**Prohibition on Gifts During Pending Procurements**
No Director, Officer or employee of the District, whether or not such employee's position is included in the District's Conflict of Interest Code, shall accept a gift of any value from a person the Director, Officer or employee knows, or has reason to know, has a financial interest in a pending procurement with the District.

Last Revision 01.2015

# Smoke-Free Workplace

The District is committed to providing and maintaining a safe and healthy work environment for all employees. Smoking (including, but not limited to cigarettes,

e-cigarettes, pipes, cigars, hookahs and water pipes) and chewing tobacco is prohibited in all enclosed work areas in District buildings, structures and vehicles. This includes the smoking of electronic cigarettes. Smoking and chewing tobacco are also prohibited in any location that is less than 20 feet away from any building entrance, exit, window or ventilation system. Unless otherwise arranged with the employee's manager, employees may not take smoking breaks in addition to his or her approved rest and/or meal periods. Reports of smoking or chewing in the workplace should be brought to the attention of the employee's manager and/or the Human Resources Department.

**Employee Assistance Stop Smoking Programs**
To facilitate the transition to a smoke-free healthier lifestyle, the District encourages employees to contact his or her medical insurance provider and/or the Employee Assistance Program about the availability of smoking cessation programs.

Last Revision 01.2015

# Solicitations in the Workplace

The District strives to have a workplace free of distractions and disruptions. For that reason, the District prohibits, during District work time and on District premises, employee direct or indirect solicitation of charitable contributions from employees for any purpose other than the District annual United Way Drive. Employees who wish to solicit contributions to a fund for a gravely ill District employee or family member, shall be permitted to use designated official bulletin boards for purposes of posting this information subject to the prior written approval of the applicable Deputy General Manager or District Officer. Deputy General Managers and District Officers should consult with the General Manager prior to approving such activities.

Last Revision 01.2015

# Standards of Conduct and Discipline

The District requires its employees to maintain the highest standards of ethical conduct. As such, the District maintains certain policies and Values to guide its employees with respect to standards of conduct expected in areas where improper conduct could harm employees and/or the District's reputation and otherwise result in serious adverse consequences to the District and to employees involved. It is not possible to anticipate and specify rules for every circumstance which might require a definition of inappropriate conduct.
The District has found that in some instances that corrective counseling and discipline can be an effective way of addressing certain misconduct and/or policy violations. However, there are also cases where termination may be warranted, depending on the severity of the conduct violation and other factors. Some employees may benefit from corrective counseling while other employees warrant different or accelerated handling. Disciplinary procedures will be applied on a case-by-case basis at the discretion of the District.

The following steps may be followed as part of corrective counseling and/or discipline, depending on the conduct, but there is no intent that these steps will be followed in each instance:

- Verbal counseling/warning;
- Written counseling/warning;
- Suspension.

If corrective actions fail to remedy misconduct, the employee will be terminated from District employment.

The General Manager also posts a list of prohibited conduct on the District's Bulletin Boards. The following actions are prohibited:

- Harassment, discrimination or other unwelcome conduct by any employee or customer in violation of the District's harassment policies as defined in the *Human Resources Guide*, in postings or in the informational brochures regarding harassment policies; including engaging in workplace bullying that is intentionally hostile, offensive and unrelated to the District's business interests. This includes behavior that creates a reasonable fear of harm in another person (such as verbally, visually or physically intimidating or provoking another person);
- Possessing, brandishing or using a weapon while on District property or engaging in District business (other than by employees with District-issued or authorized weapons who are acting within the scope of his or her employment);
- Intentional falsification of District information or records;
- Dishonesty, including theft of District property (including lost and found items or other property entrusted to the District) and misuse of public funds;
- Manufacture, distribution, dispensation, possession with intent to use or use of any controlled substance or alcohol while on the job or on District property. "Use" is defined to include evidence of the presence of controlled substances or alcohol in an employee's system while on the job or on District property, irrespective of when it may have been consumed;
- Misuse of the Use of Computers, Internet, Email and Social Media Policy. Violations may include use of the District computer system in any way that is disruptive to the workplace or in violation of District policies such as the transmission or possession of data files or e-mail messages that are defamatory, obscene, of a sexual nature or construed as harassment of others;
- Failure to notify the District of a criminal drug conviction within five days of conviction;
- Instigating or participating in a physical altercation with any employee, customer, visitor or vendor;
- Threats of violence, including injuring or attempting to injure another person physically;
- Threats of or actual abuse, misuse or intentional destruction of District, employee, customer, visitor or vendor property;
- Insubordination, including failure to participate fully and honestly in an internal investigation and, a refusal to obey a supervisor's order or a lack of respect directed toward that supervisor;
- Unauthorized removal of District property;
- Intentional or repeated disregard of safety rules or practice;

- Gambling, including allowing or participating in betting/wagers, games of chance, controlled games and/or gambling pools;
- Divulgence of confidential records or information;
- Intentional filing of fraudulent workers' compensation claim and;
- Abuse of leave, including fraudulent use of family or medical leave.

The District considers an employee's actions to be an indication of the individual's judgment and competence. Accordingly, those actions constitute an important element in the evaluation of the employee for position assignments and promotion. If an employee violates District policies, he or she may be subject to serious disciplinary action, including suspension and termination, depending upon the facts and circumstances of the violation.

Last Revision 01.2015

# Preventing Workplace Violence

The District is committed to providing a safe and secure work environment that protects employees and the public from threats or acts of violence. The District will not tolerate workplace violence. Any workplace behavior that raises concerns for the safety of another person’s life, health, well-being, family or property, whether direct or indirect, constitutes unacceptable conduct and will not be tolerated. This policy establishes guidelines to assist managers and employees in identifying and reporting threats or acts of workplace violence. The District will investigate complaints and any threats or acts of workplace violence of which the District is made aware. Employees must cooperate in any investigation, assessment or any other activity under this policy, as appropriate. Employees found to have engaged in workplace violence, even one time, will be disciplined, up to and including termination. Employees should bring his or her disputes or differences with co-workers to the attention of his or her manager, the Human Resources Department, or the EEO Compliance Programs Manager, before the situation escalates into workplace violence.

The District may assist in the resolution of employee disputes. The District shall protect, as much as is practicable, the identity of the employee making the report. In order to maintain workplace safety and the integrity of an investigation, suspected employees may be placed on either paid or unpaid administrative leave, pending completion of the investigation.

Retaliation against anyone who makes a good-faith complaint regarding threats or acts of violence is strictly prohibited. Retaliation can include threats, intimidation, reprisals and/or adverse employment actions. Employees who report false or misleading incidents and/or provide false or misleading information in connection with a report of an alleged incident of workplace violence will be subject to disciplinary action.

**Workplace Violence includes, but is not limited to the following:**

- Intentionally injuring or attempting to injure another person physically;
- Engaging in behavior that creates a reasonable fear of injury in another person (such as direct threats, physical or verbal intimidation, provocation or stalking);
- Harassing behavior that communicates a direct or indirect threat of physical or emotional harm;

- Dangerous or threatening horseplay;
- Using tools, equipment or other devices against an individual in an inappropriate or unauthorized manner;
- Harming, attempting to harm or threatening to harm the property of an individual or the District. This includes, but is not limited to arson, sabotage and vandalism;
- Possessing, brandishing or using a weapon, while on District property or engaging in District business (other than by employees with District-issued or authorized weapons who are acting within the scope of his or her employment);
- Making a statement to a third party that evidences a credible or meaningful possibility that the maker of the statement will commit workplace violence;
- Any other act that a reasonable person would perceive as constituting a threat of violence.

**Reporting Suspicious Activities:**
Employees should report all suspicious individuals or activities to a manager or his or her designee as soon as possible. Employees should not place themselves in danger. If employees see or hear a violent commotion, they must immediately call 911 or Bridge Security at 415-923-4594. Bus Operators should contact Dispatch, await instructions and take appropriate protective measures, if necessary. Employees should not attempt to see what is happening or to otherwise engage in the commotion.

Employees contacted directly by the media should refer the media to the General Manager or to the Director of Marketing or the Public Information and Marketing Communications Manager.

**Responding to Emergencies:**
For emergency matters employees should contact local police officials by dialing 911, and may take whatever emergency steps are available and appropriate to ensure protection from immediate harm, such as leaving the area. Employees should then notify his or her manager and/or the Bridge Captain at 415-923-2205. Employees should cooperate fully with law enforcement, security and medical personnel who may respond to emergencies.

**Responding to Non-Emergencies:**
For non-emergency matters employees must report all incidents of alleged workplace violence, both direct and indirect, as soon as possible to a manager. This includes threats by employees as well as threats by members of the public. In making this report, employees should be as specific and as detailed as possible. Managers who receive a report of non-emergency allegations of workplace violence shall ensure the safety of employees involved and obtain written statements, as appropriate.

**Restraining Orders:**
An employee who has received a restraining order against an individual due to a potential act of violence, for which the individual would be in violation of the order by coming near the employee at work, shall immediately provide his or her manager with a copy of the signed restraining order. Managers who receive a restraining order from an employee against an individual, who would be in violation of the order by coming near him or her at work, shall immediately

provide copies of the order to the Bridge Captain, the applicable Deputy General Manager and the Human Resources Director. The District will determine whether a particular restraining order can be accommodated. District obtained restraining orders will be posted, as appropriate.

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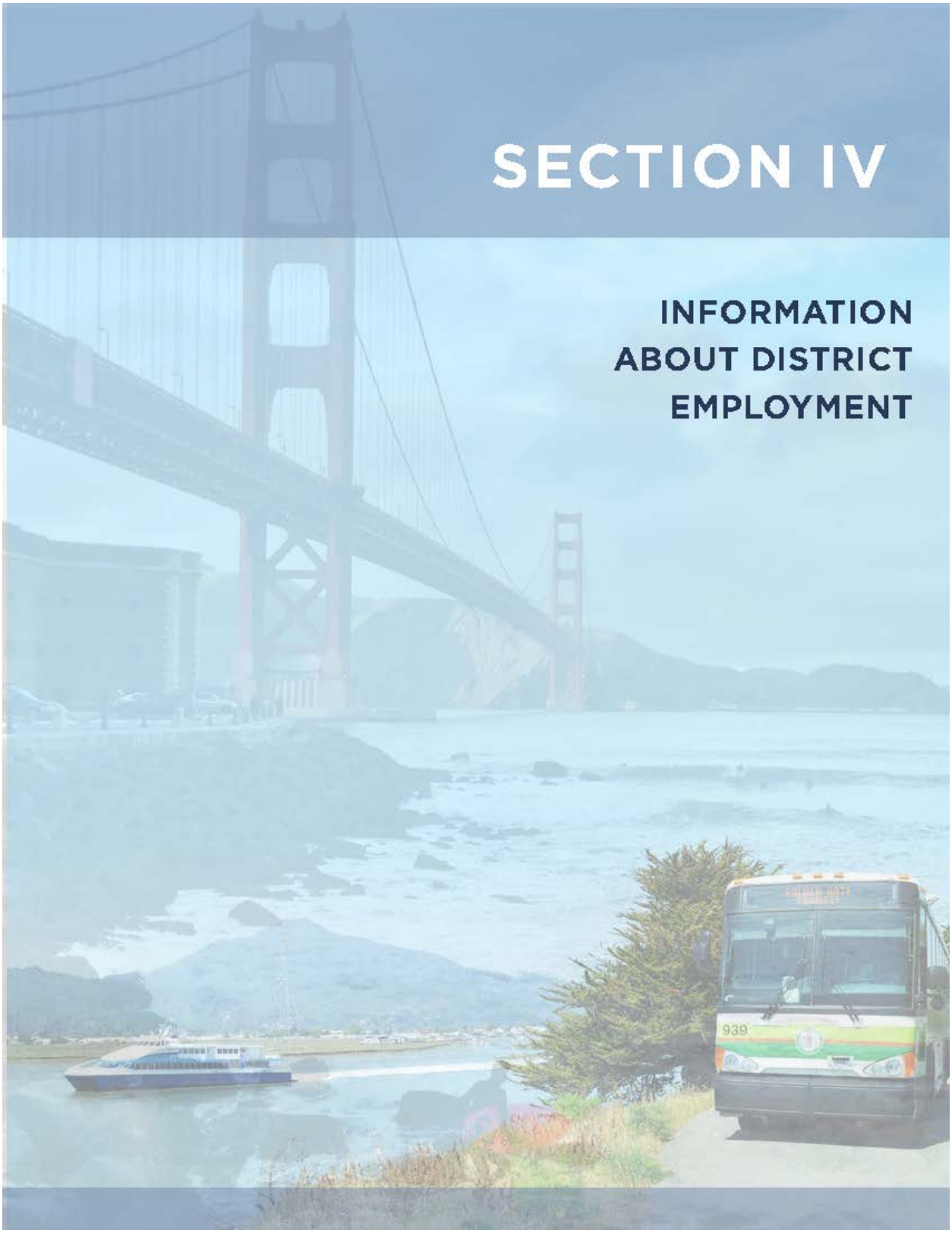



# SECTION IV

## INFORMATION ABOUT DISTRICT EMPLOYMENT

# Attendance and Punctuality

The District values efficient and responsive customer service and teamwork. Accordingly, all District employees are expected to report to work and be ready to start work at the beginning of his or her assigned time. If an employee is unable to report for work at the start of his or her assigned time, the employee must notify his or her manager before the start of the work schedule. If appropriate, the employee may request approval from his or her manager to either use accrued time off or make up the missed time. All missed time must be accurately reported on an employee's timesheet. Any changes to a work schedule must be approved by an applicable supervisor, Department Head, Deputy General Manager, or District Officer.

Except in emergencies, employees must provide adequate notice when taking excused time, compensatory time or unscheduled vacation. If an employee is away from work due to an emergency, that employee must notify his or her manager as soon as possible. If any employee does not report an absence within three working days, he or she is subject to possible termination.

Regular and reliable attendance is an essential requirement for all District positions. Excessive absenteeism, repeated tardiness and/or patterns of lateness and/or absences will be reviewed on a case-by-case basis and could lead to discipline up to and including termination.

Last Revision 01.2015

# Employment of Family Members

The District seeks to hire the best qualified candidates for positions and to further the careers of current employees. The basic criteria for appointment and retention are appropriate qualifications, relevant experience and skills and professional development. The intent of this policy is to help avoid misunderstandings, acts of favoritism, or the perception of favoritism that could arise if an employee were in a position to influence the hiring, work or advancement of a relative.

In order to help maintain equal opportunity of employment for the general public and equal opportunity of promotion for current employees, the hiring of relatives will be reviewed in accordance with federal and state laws. Accordingly, the District will not appoint an employee to a position in the same department, division or facility, under the direct supervision of another employee when his/her relationship with that employee has the potential for creating favoritism or the perception of favoritism.

A "relative" is defined as an individual who is related by blood, marriage or adoption including the following relationships: spouse or domestic partner, child, stepchild, parent, stepparent, grandparent, grandchild, brother, sister, half-brother, half-sister, stepbrother, stepsister, aunt, uncle, niece, nephew, cousin, parent-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law. The relatives of a domestic partner would be considered the same as those cited above.

Examples of circumstances where the District may refuse to employ relatives of current employees are:

- Where one of the parties would have authority (or practical power) to supervise, appoint, remove or discipline the other;
- Where one party would be responsible for auditing the work of the other;
- Where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the District; or
- Where one party has access to confidential information affecting the division or department of the family member.

**Change in Circumstances**
If two employees marry or become registered domestic partners, they must notify the District, in writing, within 30 days of such change in circumstances. If two employees begin sharing living quarters with one another *and* one or the other employees has or assumes supervisory responsibility over the other, the relationship must be reported immediately. If, in the District's judgment, the potential problems noted above exist or reasonably could exist, efforts will be made to assign job duties to minimize problems. The District reserves the right to terminate either employee in the event a solution is not feasible. If a change in circumstances as defined above is not reported, either or both of the employees may be subject to disciplinary action up to and including termination.

If a management employee begins a romantic relationship with a subordinate, the Human Resources Director should be notified.

**Statement of Understanding**
The General Manager may, following review by the Human Resources Department, may approve a formal request for a temporary exemption from the provisions of this policy on a case-by-case basis. Such exemption is always temporary and may be subject to cancellation by the General Manager without notice, explanation or justification. When a temporary exemption is made, the General Manager will require affected employees to sign a statement of understanding.

Last Revision 01.2015

# Employment Verification

Employment verification requests regarding current or former employees must be submitted to the Human Resources Department for official response. The Human Resources Department will release dates of employment, job title, and in certain circumstances, salary information upon receiving written authorization from a current or former employee. The District may also release employment information as required by law. Employees not authorized as persons permitted to release employee information, may not provide official employment verifications on behalf of the District.

Employees should submit requests in person, by mail, email, or facsimile:

**Employment Verifications**
*Human Resources Department*
Golden Gate Bridge, Highway & Transportation District
1011 Andersen Drive
San Rafael, CA 94901
Fax: 415-459-6075
hradministrationandgoldengate.org

**Salary Verifications**
*Payroll Department*
Golden Gate Bridge, Highway & Transportation District
1011 Andersen Drive
San Rafael, CA 94901
Fax: 415-451-4636
payrollandgoldengate.org

Last Revision 01.2015

# Lactation Accommodation

The District supports the transition of women back into the workplace following the birth of a child. Accordingly, the District provides lactation rooms at each Division to accommodate the need for privacy with respect to nursing mothers. Employees requesting lactation accommodation should work with *her* manager to determine the best way to accommodate *her* needs during the work day. Generally, nursing mothers may use the designated areas for lactation during rest breaks. Alternative arrangements may be considered to allow additional unpaid time on an as-needed and reasonable basis.

Last Revision 01.2015

# Medical Examinations

Candidates for certain District positions must pass a position-related pre-employment, post–offer standard medical examination, including a physical abilities test, and/or drug screening, after accepting a conditional offer of employment. A position-related standard medical examination is used to determine whether the individual can perform the essential functions of the position with or without restrictions.

In addition, when an employee is promoted or in some other manner assumes a position requiring a Class “A” or “B” driver's license or assumes a position that requires a position-related standard medical examination due to the level of physical activity or exposure to certain workplace hazards, the employee will be required to pass the standard medical examination for that category of position prior to being placed into that position.

The District may offer voluntary medical examinations such as blood pressure checks or cholesterol screenings during health promotion activities. The District does not receive medical information in connection with these voluntary activities.

**Fitness-for-Duty Examinations**
At times the District may be required to obtain a fitness-for-duty or functional capacity examination/evaluation that is job-related and consistent with business necessity to determine if a District employee can safely perform the essential job duties of his or her position. The District may require fitness-for-duty examinations when:

- An employee is returning to work after an injury or illness;
- An employee states that she or he is unable to perform certain job duties;
- A manager or other District employee has observed that an employee is having difficulty safely performing his or her job duties;
- A District medial provider or public health official has notified the District that an employee may pose a risk of spreading a highly contagious, serious disease to co-workers;
- The Occupational Safety and Health Administration and/or Cal-OSHA require the District to conduct an examination.

When the District requires a medical examination as a result of this policy, the District will select the health care provider and pay for the cost of the medical examination.

**Employees Holding Safety-Sensitive Positions**
Pre-employment medical examinations, drug testing and periodic medical recertifications are required for employees holding certain safety-sensitive positions. The Federal Transit Administration (FTA) regulations govern these examinations. Employees may choose *their* own doctor for recertifications.

Last Revision 01.2015

# Performance Appraisals

Performance reviews provide an opportunity for an employee to learn how his or her job performance has been and for the supervisor and employee to engage in a two-way conversation about an employee's areas of excellence, goals for improvement and development needs. They also offer an opportunity to strengthen the relationship between the employee and the supervisor. While immediate and specific performance feedback is expected and essential throughout the year, **the Employee Performance Appraisal Process for administrative employees is due annually every October 1st**.

Performance Appraisals also support decision-making regarding employment status, job assignments, promotions, salary step increases and employee performance improvement plans.

**Schedule for Performance Appraisals**
**Introductory Employees:** Supervisors may conduct one or more performance evaluations during the initial six month period. The first performance evaluation may be conducted at three months; the second evaluation may be conducted at the end of the introductory period. The performance review will indicate whether: a) the employee satisfactorily completed the introductory period and will be granted regular status; b) the introductory period will be extended; or, c) some other appropriate action will be taken. The *Introductory Period Performance Evaluation Form* is used for these reviews.

Upon successful completion of the introductory period, if an employee entered the classification at Step 1, he or she will be given a pay increase to Step 2. In the case of an employee entering the classification above Step 1, the next step increase will be given on the anniversary date of entering the classification. A six-month performance appraisal will be given in either situation. Introductory employees whose performance does not meet position standards may be terminated at any time during the initial or extended introductory period upon written notice to the employee.

In the case of **regular employees who have been promoted or transferred** and who are serving a six-month introductory period in a different job classification, two performance reviews will be conducted during this period in the same manner as set forth for newly hired introductory employees. The *Introductory Period Performance Evaluation Form* is used for these reviews.

**Regular Employees**
Regular employees who have received an overall *"Satisfactory"* rating or above on an *Employee Performance Appraisal Form (Long Form)*, may be given subsequent annual performance reviews using the *Employee Performance Appraisal Update Form (Short Form)*. However, if at any time, a regular employee receives a rating of *"Needs Improvement"* or *"Unacceptable,"* he or she will be given a subsequent annual performance review using the *Employee Performance Appraisal Form (Long Form)* until such time as an overall rating of *"Satisfactory"* or above is achieved.

**Performance Appraisal Process**
Supervisors should refer to the District's *Helpful Tips for Conducting Performance Reviews* and the *Performance Indicator Guide* for a detailed description of the process and examples of performance measures that can be used in conjunction with the Performance Appraisal Forms. These resources are available on the employee intranet. Performance feedback should be focused on an employee's work performance, especially in terms of meeting objectives, achieving results and developing future goals.

At the end of the performance review process, the supervisor and the employee sign and date a completed Performance Appraisal form, and the applicable Department Head/Deputy General Manager/District Officer also signs and dates the performance appraisal form. The supervisor provides a copy of the fully-signed form to the employee and sends the original copy of the completed performance appraisal form to the Human Resources Department for inclusion in the employee's personnel file.

**Performance Improvement Plans**
When an employee's performance appraisal reveals that the employee's work is substandard, the supervisor may choose to provide the employee with a period of time in which to improve performance. Typically, this involves placing the employee on a Performance Improvement Plan (PIP). This period should be at least two weeks and no longer than 60 days, depending on the circumstances. A written Performance Improvement Plan will be prepared by the supervisor, who will also personally meet with the employee to discuss the performance standards and answer any questions during the Performance Improvement Plan period. At the completion of this period, the supervisor will determine whether the employee has achieved the required level of performance and consider

removing the employee from the Performance Improvement Plan, extending the period of the plan or taking further action.

The supervisor should prepare written documentation and provide a copy to the employee and the Human Resources Department for inclusion in the employee's personnel file. The documentation should include, at a minimum:

- A specific description of the performance problem(s) and the action steps that were to be taken by the employee to achieve performance improvement, such as increased work product, meeting work deadlines, improved communications, etc.;
- The date by which the employee was to achieve work performance improvement along with a statement that disciplinary action, including termination, may result if the employee is unable or unwilling to achieve sustained work performance improvement;
- The date on which the supervisor issued the Performance Improvement Plan and a brief description of the meetings held during the Performance Improvement Plan period.

Last Revision 01.2015

# Rest Breaks and Meal Periods

District non-exempt employees are entitled to take a 30 minute unpaid meal period once a day, normally around the middle of their work shift, and two paid 15 minute rest breaks. Typically, employees working between the hours of 8:30 a.m. and 5:00 p.m. take one 15 minute rest break mid-morning and one 15 minute rest break mid-afternoon. Rest breaks are meant to be a brief time away from work duties. They refresh the employee so that he or she can return to work in a productive and effective manner.

If operationally appropriate, and with the supervisor's approval, an employee may combine his or her two fifteen-minute paid rest breaks with the thirty-minute unpaid meal period. In this case, no additional rest breaks will be granted. If a non-exempt employee is required to work during his or her meal period, the employee will be paid for such time. If appropriate, that employee may also be entitled to overtime.

Because employees are paid during his or her rest breaks, employees are not entitled to additional compensation for unused rest breaks.

Last Revision 01.2015

# Telecommuting Arrangements

Employees with approved telecommuting agreements may arrange to telework from home or other remote location instead of working at his or her “traditional” workplace. Permission to telework is provided by District management and supported by a written Telework Agreement between the District and the employee. Telecommuting is a privilege and not an entitlement. Telecommuting arrangements can be revoked at any time for any reason. An employee’s ability or willingness to telework is not a condition of employment. Telework is voluntary.

**Eligibility**
While some job duties may be suitable for telework including analytical, advisory and evaluative functions, many job duties are tied to the District's work facilities and internal/external customers. Therefore, not all employees are eligible for telecommuting arrangements. For example, employees in jobs that are required by his or her nature to be performed on District premises are not eligible to telework except on an approved project-specific basis with written permission provided by District management.

Eligibility for telecommuting is based upon the following:

- Job duties must be suitable for telework as determined by management on a case-by-case basis;
- Employees must maintain satisfactory work performance;
- An employee must have successfully completed the introductory period.

Telework will not be offered on a full-time basis. The employee is expected to work on District property at least a portion of the workweek unless special circumstances dictate otherwise.

**Guidelines**
The teleworking employee must comply with all District rules, policies and practices. The conditions of employment are not changed by teleworking. Telework is not designed to accommodate routine child or dependent care needs, and will not be approved in order to accommodate such care needs. Violation of this policy and/or the Telework Agreement may result in disciplinary action including but not limited to withdrawal of teleworking privileges or termination of employment.

Participation requirements are as follows:

- Employees must submit a completed Telework Application on a form provided by the District (See Telework Application available on the employee intranet);
- The supervisor must complete a Supervisor Telework Checklist (See Supervisor Telework Checklist available on the employee intranet);
- A written Telework Agreement must be signed by the employee and the supervisor prior to the employee commencing teleworking (See Telework Agreement available on the employee intranet);
- Teleworkers are not to engage in activities other than District assignments during telework hours. Arrangements for flexible work schedules are subject to the supervisor's approval;
- Teleworkers must meet the same work performance standards that are expected of employees working on the District's premises;
- Teleworkers should have regularly scheduled work hours at a designated location and must remain as accessible as his or her on-site counterparts via email or telephone; any change to such schedule requires the preauthorization of the employee's supervisor;
- Work hours, overtime, sick leave, vacation or other leave must be approved by the employee's manager in the same manner as when working on District premises. The employee's salary, benefits, and status under the Fair Labor Standards Act remain unchanged;
- Teleworkers must complete and certify that his or her workspace meets the requirements stated on the Checklist for Home Telework Safety before receiving authorization to telework (See Checklist for Home

Telework Safety available on the employee intranet). This document will be reviewed by the Environmental, Health, and Safety Department;
- Teleworking without a written agreement or teleworking beyond the scope of the written agreement is not authorized and will not be permitted.

**Equipment and Expenses**
If it is in the District's interest, departments may provide equipment for employees who telework, but are not obligated to do so. When an employee uses his or her own equipment for teleworking, the employee is responsible for the maintenance and repair of the equipment. If District equipment is used, the employee is responsible to ensure its use is limited to authorized persons for purposes related to District business. Approved office supplies required by the teleworker will be provided by the District.

The District is not obligated to compensate for loss of personal equipment due to property damage or theft. The teleworker's homeowner's or renter's policy is the primary source of recovery against this type of loss.

Telephone charges made conducting the District's business will be reimbursed in accordance with District expense reimbursement practices. Calls to the District workplace that are necessitated because the employee is working off-site will not be reimbursed. This includes calling any of the District worksites, and is not limited to the employee's normal work location.

The District will not be responsible for costs incurred due to utilities usage (including internet access) or home maintenance expenditures created by teleworking.

In the event of a delay in repair or replacement of either personal or District equipment, the employee will be assigned other work or will return to District premises to perform the work.

In the event the employee must use *their* personal car for District business while on a telework schedule, the employee will be reimbursed for mileage in excess of the distance traveled beyond the employee's normal round-trip work commute. Employees shall not use personal vehicles for District business if they are not insured or do not possess a valid driver's license. The District will not reimburse employees for damage to personal vehicles. The employee's own insurance is primary to that of the District's.

**Computer Use and Security**
Computers and related equipment for home offices must be installed and paid for by the teleworker. In some cases, the District may provide equipment to accommodate an employee's needs for purposes of meeting legal obligations, e.g., provisions of the Americans with Disabilities Act. It is the responsibility of the teleworker to employ appropriate security measures to protect the District's equipment and information. The employee must use anti-virus software compatible with District requirements.

Irreplaceable documents such as originals, source documents or historical items may not be taken from District premises. Materials to be taken from District premises will be preapproved by the supervisor and included as part of the Telework Agreement.

In order to protect the security of District equipment, materials and documents, the following standards will apply:

- Confidential papers and equipment must be kept in a secure location with limited or controlled access. Computer equipment must be password-protected or other access control methods employed;
- Files must be backed up when offline and updated on the network when the teleworker is back online.

**Ergonomics and Work Space**
In order to maintain a businesslike atmosphere and minimize the chance of accidents, the teleworker must have an ergonomically sound work space available that is appropriate to the requirements of the telework assignment and where there is minimal traffic and distraction. Teleworkers are required to keep his or her workspace free of dangerous obstructions, loose wires and other hazards. They should have furniture, seating, and lighting that is conducive to a good work environment.

Teleworkers will be provided a checklist of home safety rules and workspace ergonomic requirements. Each teleworker will be required to certify that his or her home office meets or exceeds requirements for the telework assignment and that he or she will maintain a safe work environment. The District may inspect the teleworker's home office facility to ensure that safety and ergonomic requirements are met.

**Illness or Injury**
If a teleworker has a work-related accident, he or she is expected to report it promptly to his or her supervisor. The District's Environmental, Health, and Safety staff and/or third party administrator may investigate workplace accidents occurring in the home or other remote location. Teleworkers will be liable for injuries to third parties and/or members of the employee's family on the employee's premises. Third parties would include any individuals who meet with the employee in his or her home for purposes of District-related business. The District will not be held liable for damage to the employee's real or personal property.

The Following Documents are available on the employee intranet:

- Telework application;
- Supervisor telework checklist;
- Telework agreement;
- Checklist for home telework safety.

Last Revision 01.2015

# Work Attire and Fragrance Guidelines

All employees shall maintain appropriate work attire and hygiene. Appropriate work attire helps to maintain the District's professional public agency image, promotes a productive work environment, fosters respect for co-workers and the work environment and assists the District in complying with health and safety standards.

## Work Attire

Employees are expected to maintain a certain amount of personal judgment in his or her choice of clothing to wear to work. No work attire policy can cover all contingencies, but clothing must always be job appropriate. Employees assigned to shop, warehouse and maintenance areas should dress appropriately for weather and safety considerations.

The following examples of inappropriate work attire are provided for guidance only:

Jeans with holes, sweatpants, exercise pants, form-fitting or revealing clothing; clothing with potentially offensive words, pictures, or slogans; flip flops and slippers.

The District may request employees to cover up tattoos and body piercings.

## Fragrances

Fragrances, such as colognes and perfumes, are discouraged and, if worn, should be worn lightly in keeping with a professional business environment and in consideration for others who may have allergies. Employees may be asked to stop wearing fragrances, if necessary.

Employees should direct any questions about these guidelines to his or her supervisors.

Last Revision 01.2015

# Work Schedules and Work Hours

The District's administrative offices are open from 8:30 a.m. to 4:30 p.m., Monday through Friday of each workweek. The offices are closed on Saturdays, Sundays, legal holidays, and other occasions the Board of Directors authorize. For most employees, the District's workweek starts at 12:00 a.m. Monday and ends on Sunday at 11:59 p.m. Regular work hours for District employees may differ within divisions/departments as necessary to accommodate the operating needs of each division or department. Deputy General Managers/District Officers/Department Heads may authorize work schedules for employees.

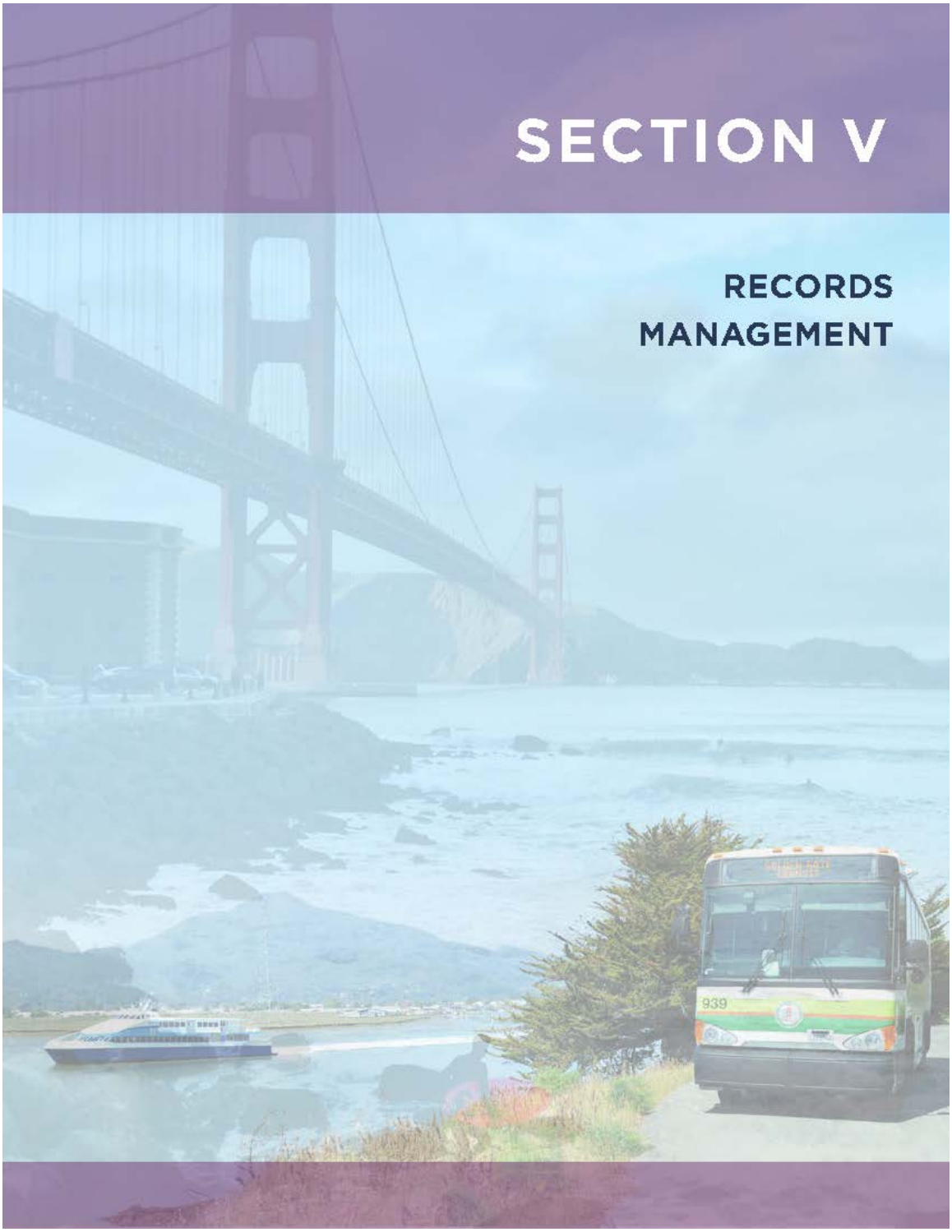
**Flexible Scheduling**
Non-represented employees may use flexible scheduling for work assignments if authorized in writing by the applicable Deputy General Manager/District Officer/Department Head and if it satisfactorily serves operational requirements. Employees may have flexible schedules within the normal workweek by working hours not to exceed a workday of ten hours to equal 37.5 or 40 hours in a workweek, except for employees authorized to work a 9/80 schedule. Most administrative staff should begin work between the hours of 7:00 - 9:00 a.m., and end work between the hours of 3:00 - 6:00 p.m. However, other hours may be approved when operationally beneficial. It is the supervisor's responsibility to ensure that sufficient staff is present in each department during the District's regular work hours of 8:30 a.m. to 4:30 p.m. The privilege of using flexible scheduling may be revoked at any time at the

discretion of the applicable supervisor or Deputy General Manager/ District Officer/Department Head.

Pay periods that have a holiday may require an employee to adjust his or her work schedule. Eligible employees receive either 7.5 or 8.0 hours' pay as designated holiday pay. When a holiday falls on a day that the employee normally works more than the 7.5 or 8.0 hours, the employee may supplement holiday pay by using vacation or compensatory time off accrual to equal the hours he or she would normally work on that day. If the holiday falls on the employee's "flex" day off, the employee must adjust his or her schedule so that the total number of paid hours does not exceed 37.5 or 40 hours in a week. All changes to the flexible schedule must have prior approval from the employee's supervisor or applicable District Officer/Deputy General Manager/Department Head.

For purposes of computing overtime pay and compensatory time accrual for employees who work a voluntary flexible schedule, non-worked time such as sick leave, compensatory time off, jury duty, holiday and vacation pay are not included in the calculation of hours for determining earned compensatory time or overtime pay.

Last Revision 01.2015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# Personal Information

Certain information concerning an employee's current residence, mailing address, telephone number, family status, and emergency contacts must be on record with the District at all times. In most cases, updates to personal information must be entered by the employee by navigating to employee online. Personal information is necessary in the case of an emergency and for business purposes related to social security, withholding tax, pension plan and life insurance programs.

Employees must update the following information changes directly in Employee Online: hr.goldengate.org.

- Change of address or telephone number;
- Emergency contacts;
- Change in citizenship status;
- Beneficiary change;
- Direct deposit;
- Change in exemptions (withholding tax W-4)

Employees must notify the Human Resources Department in writing (see **Personal Information Change Form** available on the employee intranet) when any of the following information changes as well as provide proof of the change:

- Marriage, divorce or legal separation;
- Birth or death in the immediate family;
- Legal name change (must submit a new W-4 and social security card).

Last Revision 01.2015

# Personnel Files

The District Human Resources Department maintains employee personnel files. Personnel files are confidential. Managers and supervisors may only have access to personnel file information on a need-to-know basis. The personnel file may contain the application for employment, offer letter, notices of commendation, discipline, payroll actions, training records and performance appraisals, among other items.

Certain information is not part of the personnel file and unavailable to employees such as manager’s notes, requests for verification of employment, letters of reference and medical records, among other items. The District also maintains other confidential files that are unavailable to employees such as worker’s compensation records, disability claims, leave of absence information and internal investigation records.

Employees may review his or her personnel file at reasonable intervals and at reasonable times, by submitting a written request to the Human Resources Department to arrange for a time to review his or her file during regular office hours and at a mutually agreeable time. Every current and former employee, or his or her representative, has the right to inspect and receive a copy of the personnel records that the District maintains relating to the employee's performance or to any grievance concerning the employee.

The following documents are not subject to inspection and copying:

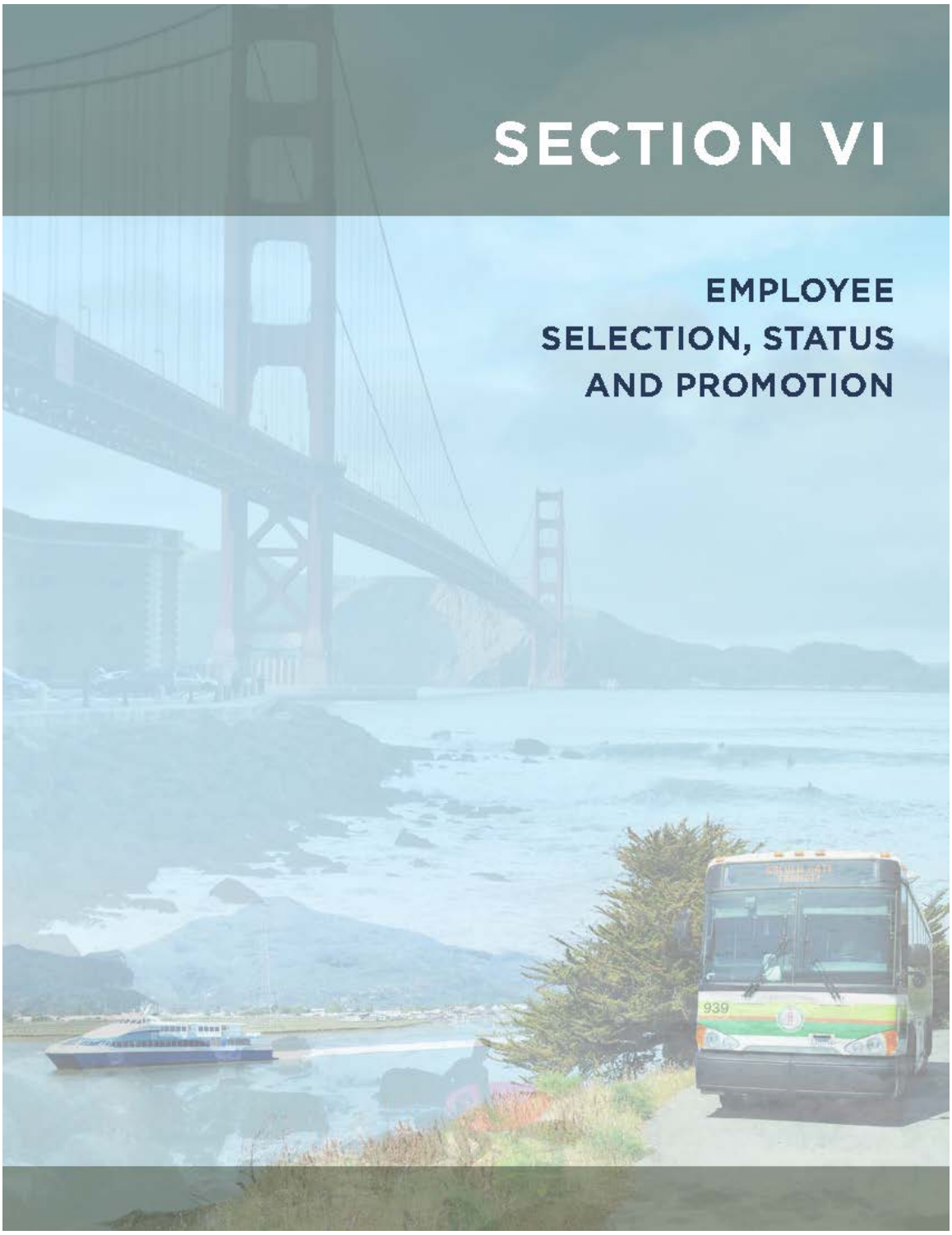
- Records relating to the investigation of a possible criminal offense;
- Letters of reference;
- Ratings, reports, or records that were:
    - Obtained prior to the employee's employment;
    - Prepared by identifiable examination committee members;
    - Obtained in connection with a promotional examination.

Although personnel files are private and remain confidential, there are certain circumstances that require information to be released to individuals or agencies outside of the District.

These include, but are not limited to:

- In response to a subpoena, court order or administrative agency order;
- In response to a governmental agency as part of an investigation of the District's compliance with applicable law;
- In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the District are parties;
- In a workers' compensation proceeding;
- In order to administer employee benefit plans;
- In response to requests from first aid or safety personnel, when necessary;
- In response to a prospective employer or other person requesting verification of employment when accompanied by a written authorization from the employee.

Last Revision 01.2015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EMPLOYEE
SELECTION, STATUS
AND PROMOTION
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# Employee Selection

**Job Descriptions**
The District requires job descriptions for each position classification in the Table of Organization. Job descriptions outline job duties, essential functions and responsibilities, and the education, experience, licenses and other minimum requirements for each position. Minimum job requirements ensure reasonable standards for classifying jobs and screening qualified candidates.

Job descriptions may be revised by the Human Resources Department from time-to-time. Job descriptions may be updated prior to posting for an open position. Job descriptions are revised based on information provided by the applicable hiring manager. Changes to a job description that warrant wage adjustments, as recommended by the Human Resources Director, will be reviewed by the General Manager and if deemed appropriate, will be brought to the Board of Directors by the General Manager for approval.

**Selection Process**
In anticipation of a vacancy of an authorized position, or when the Board approves new positions and funding in the Table of Organization, the following steps will be taken to fill a vacancy:

The Department Head shall complete a Human Resources Requisition request. A decision will then be made to engage in a recruitment process through an internal recruitment or an external recruitment, or both. Employees who leave District employment for any reason other than layoff will have his or her names removed from eligibility lists created as a result of an internal only recruitment. Unless terminated for cause, former employees will retain his or her eligibility on lists created through an external recruitment.

Job announcements may not be posted if there is an existing eligibility list comprised of a sufficient number of candidates from which to select, at the discretion of the Human Resources Director. Eligibility lists contain candidates' names and rankings of those who have passed the selection process. Such lists will be the first recruitment source. Eligibility lists are maintained for a minimum period of six months, but may be extended up to an additional eighteen (18) months based upon the recommendation of the Human Resources Director and the applicable Deputy General Manager or District Officer and approval of the General Manager. The District may cancel recruitments at any time and for any reason.

**Internal Recruitments**
Regular full-time employees, regular part-time employees, temporary, provisional, agency contract, seasonal and casual employees authorized under applicable Memoranda of Understanding may apply for District positions under the internal recruitment process. Job announcements shall be posted on District bulletin boards for a period of five working days.

**Review of Internal Applicants**
If only one qualified applicant applies during the internal recruitment process and the hiring manager recommends the applicant, the General Manager may appoint the sole candidate to the vacant position. If more than three qualified internal applicants apply, then all qualified applicants will be invited to

participate in the formal selection process. If two or three internal qualified applicants apply, the selection process may be modified with the approval of the General Manager. The modified selection process may include an informal interview involving one or more of following: the hiring manager, the Human Resources Department, a qualified outside expert, and/or testing methods such as written tests, work simulations, or presentations.

**Determination to Engage in External Recruitment**
If no qualified internal applicants apply or there are insufficient applicants to fill vacancies or the hiring manager chooses to consider external applicants, the Human Resources Director may advise to conduct an external recruitment. In the event that a determination cannot be reached on the advisability to conduct an external recruitment, the Human Resources Director will present the matter to the Deputy General Manager of Administration and Development for resolution.

**Employees Impacted by a Reduction-in-Force**
From time-to-time the District is required to engage in a reduction-in-force (RIF). Employees impacted by the RIF who are seeking continued employment or reemployment at the District may be entitled to a preference in the hiring process so that RIF employees have opportunities to remain or become reemployed with the District. Preferences will vary depending upon the position and the circumstances surrounding the RIF. Preferences may include, but are not limited to, any one of the following:

- A vacancy may be posted exclusively to RIF employees for a brief period of time;
- A vacancy may be posted internally, but RIF employees who meet the minimum qualifications may be considered first without competition from non-RIF employees; or,
- If more than one RIF employee meets minimum job requirements, a competitive process may be used to select the most qualified RIF candidate.

If it is determined that no RIF candidates meet the minimum requirements for a particular job posting, the vacancy may be posted according to regular District recruitment procedures.

**Application Review, Screening and Selection**
Every applicant for a position must submit an electronic employment application by completing an online application (Applicant Online). The application must be received no later than the specified deadline in order to be considered. The Human Resources Department will not accept employment applications that are not submitted through Applicant Online. After the posting period ends, all internal and external applications will be screened by the hiring manager, his or her designee, and the Human Resources Department to determine the best qualified candidates. The District will invite only the most qualified candidates to participate in the selection process. An applicant must meet all the minimum requirements outlined in the job announcement in order to continue in the selection process. All internal applicants who meet the minimum requirements will continue to the next step in the selection process. As noted in the application for employment, any applicant who misrepresents or omits any material information in the application will be disqualified from continuing in the selection process.

On rare occasions, it may be appropriate to fill a position with an applicant who does not fully meet the experience and education qualifications, but is close to doing so and can demonstrate adequate knowledge, skill and ability to perform the essential job functions. In such cases a position may be filled on a Trainee basis upon the recommendation of the Department Head/Deputy General Manager/District Officer and with the approval of the General Manager. Trainee positions shall follow the same recruitment and selection process for an internal applicant.

The District may choose to limit the number of applications considered for certain positions. Limitations will be noted on the job posting. On occasion, the District may receive a large number of applications. In these circumstances, in addition to using best-qualified criteria, the District may randomly select from the group of qualified applicants a smaller number to be interviewed or otherwise continue in the selection process.

The District may also choose to fill a vacant position with a qualified temporary, provisional or contract agency employee when a need is identified (such as short term workload assistance or long term coverage for an employee on a leave of absence). The District will use an existing eligibility list as the first recruitment source when filling a regular full-time position when that position had been temporarily filled by a provisional employee.

Selection materials and methods for any recruitment are developed in coordination with the hiring Deputy General Manager/District Officer/Department Head and the Human Resources Department for the purpose of structuring job-related selection processes for all applicants. It is the desire of the District to fill all positions with a top candidate in the recruitment.

The goal is to fill new and vacant positions with a candidate who, through skills testing, background, education, interviews and/or other assessment tools (including any test or procedure designed to evaluate job-related competencies, interests or fitness for employment), is best suited to fill the District's needs in the position at that particular time.

If a formal panel interview is incorporated into the selection process, the interview will be conducted by a member of the Human Resources Department. The interview panel will be determined by the Human Resources Department. Most often the panel consists of one representative from the hiring department/division and one or two from unaffected departments/divisions for clerical, maintenance, and other positions that are not professional or managerial in nature. For highly technical positions or those requiring expertise only found in limited departments or divisions within the District, the panel may consist of representatives from the hiring department/division only. For professional and management positions, the panel may consist of one representative from the hiring department/division, one from an unaffected department/division, and one non-District representative. In addition to the interview panelists, a representative of the Human Resources Department shall facilitate the interview process.

Positions covered by union contracts may include union representatives as provided for in the applicable Memorandum of Understanding. The Human Resources Department will determine whether additional observers may attend.

After the selection process has been completed, the Human Resources Department will evaluate the results and establish an eligibility list.

**Establishing Eligibility Lists and Appointment**
After an eligibility list is certified by the Human Resources Director, it is sent to the applicable Deputy General Manager/District Officer/Department Head for an appointment recommendation. The hiring manager may recommend any one of the eligible candidates. After an appointment recommendation is made, the eligibility list is sent to the Equal Employment Opportunity Compliance Programs Manager for evaluation of the effect of the recommendation on the District's Equal Employment Opportunity Program.

The EEO Compliance Programs Manager will conduct a Workforce Impact Analysis and consult with the Human Resources Department prior to approval of the recommended appointment. The appointment recommendation and Workforce Impact Analysis is then sent to the General Manager. The General Manager will make final appointment decisions.

**Filling Positions Vacancies on a Temporary and/or Provisional Basis**
When the hiring manager demonstrates a need to fill an open, regular position with a temporary worker or when business needs justify hiring a temporary worker for extra help, those positions will be filled with the General Manager's approval, provided funds are budgeted. Filling a regular position on a provisional basis requires the concurrence of the Deputy General Manager of Administration and Development. Approval for filling a temporary or provisional position is initiated by completing a Human Resources Requisition request.

If an applicant is hired into temporary or provisional status from an active eligibility list, and during such time of temporary or provisional employment, the eligibility list from which the applicant was hired expires, the applicable hiring manager may request approval from the General Manager to convert that employee's status from temporary or provisional to regular when a regular position becomes available.

**Immigration Reform and Control Act of 1986**
Every newly hired employee must show documentation to the District which establishes his or her true identity as well as employment eligibility. A driver's license or ID card issued by a state or outlying possession of the United States with picture is sufficient proof of identity. Eligibility to be employed can be established by a social security card or a U.S. birth certificate. Both identity and employment eligibility can also be established by a U.S. passport, a certificate of U.S. citizenship or naturalization, an unexpired foreign passport I-551 stamp or attached INS form I-94 indicating unexpired employment authorization, or an alien registration receipt card with a photograph (INS form I-151 or I-551).

A complete list of documents that establish identity and employment eligibility may be obtained from the Human Resources Department. Both the employee and the District must sign statements that attest to the examination and accuracy of the documents (Form I-9). If employees do not provide sufficient documentation on the first day of employment, they will be given three days to present the necessary documents to the Human Resources Department. The Human Resources Department must maintain the required documents for a minimum of three years.

**Additional Requirements**
Prior to employment, post-offer employment background verifications, drug testing, criminal background checks and medical examinations may be completed as determined by the Human Resources Department. If employment is denied based on the above information, the applicant must be provided with a copy of any public record obtained during this background verification.
As noted in the application for employment, any employee who misrepresents or omits any material information in the employment application may be subject to termination of employment at any time.

Last Revision 01.2015

# Employment Statuses

District employment is at the pleasure and will of the General Manager in accordance with Section 27151 of the Streets and Highways Code. This means that either the employee or the District may, at any time, terminate the employment relationship for any reason that is not unlawful. Non-represented District employees generally fall into one of five employment statuses:

- Acting;
- Temporary;
- Seasonal;
- Provisional;
- Limited Term;
- Regular Full-Time or Part-Time Employees;
- Introductory Period;
- Temporary Assignment.

From time-to-time the District may employ contract employees, and in these instances a written contract will specify the purpose, term and conditions of employment. District employees are classified as full-time or part-time depending on his or her regularly scheduled work hours. These statuses and classifications, as well as others, are further described below.

**Acting**
When a vacancy occurs, the General Manager may appoint a qualified employee to serve in the position in an "acting" capacity on an interim basis. When an employee assumes accountability and the decision-making authority for a temporarily vacant position as well as all or the great majority of the duties of the position, the employee may be eligible for acting pay. A single assignment performed by a higher classification does not qualify for acting pay consideration. Further, when the work associated with a vacant position is redistributed to several employees, rather than given to one individual on an interim basis, no single individual will be deemed to be working in a higher class and eligible for acting pay.

Temporary vacancies may also be filled with acting status. Examples of temporary vacancies include when the incumbent employee is absent from work for an extended period of time due to vacation, sick leave or other types of leaves.

The General Manager is authorized to grant an acting employee a pay increase for the entire appointment period if the appointment is expected to or does last

20 or more working days for administrative positions, and five or more working days for positions that fall under the purview of the Bridge Captain's Office. When appropriate, the employee will be appointed to the entry level of the higher classification or to that step in the salary range of the higher classification which represents an adjustment closest to a ten percent increase over the employee's previous pay level (regularly assigned job classification). The employee in the acting position will be subject to the terms and conditions of the position for which he or she is being compensated, including but not limited to the hours of the workweek, the benefits accruals, and compensatory and overtime policy provisions.

In some instances, a Memorandum of Understanding states that the Deputy General Manager may authorize an "acting" assignment for an employee. In these cases, "acting pay" may be granted for any single incident, single day increase, or for up to five consecutive days, and may be shown on the timecard. The Human Resources Department must be notified for assignments which exceed five or more consecutive days so that proper documentation in the District's Human Resource/Payroll system can be done.

When a pay increase is warranted, the appropriate Deputy General Manager/District Officer/Department Head should forward the request outlining the circumstances through the Human Resources Department to the General Manager for approval. If the acting status extends beyond three months, a performance appraisal shall be conducted.

**Temporary Workers**
Temporary positions are filled with the General Manager's approval, provided monies are budgeted in the affected Department and the Deputy General Manager or District Officer demonstrates a strong need to fill the position on a temporary basis. Generally, temporary workers will fill-in for a short-term absence or to assist with a temporary period of excessive workload. Approval for filling a temporary position is sought by submitting a Human Resources Department Requisition form.

Temporary workers may be hired through a contract, temporary agency or directly by the District. Contractor or temporary agency workers are not on District payroll. They are employees of another company or agency and do not receive rights and privileges of regular District employees. Temporary workers hired directly are placed on District payroll. Temporary worker status is reviewed by the *Human Resources Department* upon reaching six months of work. Temporary workers receive an Identification Card for access to work areas. No District benefits are provided. Certain temporary workers are considered "casual" employees and are subject to "on call" temporary work, as needed. Casuals are primarily used in the Ferry Division and are referenced in applicable MOU's such as Deckhands, Vessel Masters and Terminal Assistants. Interns are also considered temporary workers. Individuals working in any temporary status are required to sign an acknowledgement of conditions of employment upon hire.

**Seasonal Workers**
Summer hires are considered seasonal workers and may or may not be directly on the District's payroll. Typically these youths are screened by employment counselors at the participating schools from Sonoma, Marin, and San Francisco

counties and then selected for participation by District staff. The District may also participate in summer youth programs coordinated by other agencies. The youths have temporary status, but are seasonal only. They do not receive benefits or rights of a regular employee.

**Provisional Employees**
Provisional employee status is reserved to fill a long-term leave of absence for a regular employee. Generally, long-term is six months or more, but employees may be provisional for less than six months. There may be occasions when a provisional employee will fill in for consecutive employee absences and more than one employee's leave; these occurrences may be co-joined by one provisional employee for continued provisional status. The decision to hire a provisional employee is determined on a case-by-case basis. Provisional status is typically used for positions which require extensive training and/or a difficult recruitment and for positions where it is impractical to place an existing employee in acting pay status or on a temporary assignment. The decision to hire a provisional employee will be granted upon review by the Deputy General of Administration and Development, with final approval by the General Manager.

An individual hired as a provisional employee shall be subject to a six month introductory period. The employee shall be required to sign a provisional employee acknowledgement letter as a condition of employment. A provisional employee shall not become a regular employee, either full-time or part-time, unless selected through the screening and interviewing process. A provisional employee is considered an internal candidate and is eligible to apply for internal recruitments.

If a provisional employee is hired as a regular employee in the same position held during provisional status, the employee shall not be subject to a new introductory period. However, if the provisional employee has been away from the job held as a provisional employee for six months or more, the employee may be subject to another introductory period when hired as a regular employee for that same position. If the employee is hired for a different position from the one held as a provisional employee, a new introductory period will be required.

Provisional employees are eligible for health benefits, sick leave and vacation accruals, and holiday pay in accordance with District policies regarding benefits levels applicable to the regular full-time or part-time position which the provisional employee is filling. A provisional employee is not subject to District leave policies other than those required by law, such as the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). In the event that the period of provisional employment extends beyond six months in a single fiscal year period, the provisional employee will be eligible for and shall be enrolled in the California Public Employees' Retirement System (CalPERS), as prescribed by applicable law and the rules and regulations governing the District's contract with CalPERS. Once an employee is enrolled in CalPERS, the employee remains in CalPERS regardless of the number of hours worked in any subsequent fiscal year. If it is expected, based on the specific position for which the provisional employee is being hired, that this provisional employee will work more than six months, the individual will be enrolled in CalPERS upon hire. The determination to enroll an employee in CalPERS will be made by the Human Resources Department with concurrence of the Auditor-Controller.

Provisional employees covered under a pension program other than CalPERS are not enrolled in CalPERS.

Provisional status will be terminated under the following circumstances:

- Unsuccessful completion of the introductory period;
- Return of the regular employee whose position was being filled;
- Successful hire as a regular employee;
- Another candidate is selected for the regular position;
- The provisional employee is unavailable for work;
- The General Manager, District Officer, or Deputy General Manager of the respective Division determines not to continue to fill the position.

**Limited Term**

Some positions may be authorized by the Board of Directors as "limited-term." These positions will be authorized for a specified time period, or in some cases, for completion of a specific project. The employee receives full benefits and privileges of a regular employee, including the opportunity to apply for open positions as an internal candidate. The employee shall be required to sign a limited-term employee acknowledgement letter as a condition of employment. Limited-term employees are not entitled to layoff off and/or reinstatement benefits.

**Regular Full-Time or Part-Time Employees**

Employees are categorized as full-time if his or her regular work schedule is 37.5 hours or more each workweek. Employees are categorized as part-time if his or her regular work schedule is less than 37.5 hours each workweek. Regular full-time or part-time employees subject to promotion, transfer, or demotion must serve a six month introductory period in the new position. Employees who have passed the initial introductory period are entitled to all benefits and privileges granted by the District for the applicable position, except as noted below.

Part-time, non-represented employees who are scheduled to work at least 30 hours each workweek are entitled to full medical benefits and prorated vacation and sick leave accruals. Part-time, non-represented employees do not receive fixed or floating holiday pay. Part-time, non-represented employees who are scheduled to work less than 30 hours each workweek do not receive vacation or sick leave accruals and are not eligible for District insurance benefits or fixed or floating holidays, regardless of the number of hours worked.

**Introductory Period**

During the first six months of employment, employees hired into a regular position serve an introductory period. The introductory period is viewed as the final step in the recruitment and selection process. The initial six months of employment are used to monitor carefully and assess the newly hired employee's demonstrated technical skills and abilities, ability to work well with others, work habits, attendance and overall contribution.

Employment may be terminated at any time during the introductory period upon written notice to the employee. Supervisors may conduct one or more performance evaluations during the initial six month period. The first performance evaluation may be conducted at three months; the second evaluation may be conducted at the end of the introductory period. The performance evaluation should state whether the employee will be granted

regular (full-time or part-time) status; or, the introductory period will be extended; or, the employee will be discharged; or, some other appropriate action will be taken. Regular employees who obtain a promotion shall serve a six month introductory period in the new position.

While new employees are expected to need time to learn particular duties and responsibilities, the supervisor should see a pattern of increased ability and efficiency begin to develop early on during the introductory period. Supervisors are to contact the Human Resources Department as soon as performance concerns arise. Introductory employees should not expect to use vacation accruals during the first six months. However, time off may be granted on a case-by-case basis with written approval of the applicable manager.

Employment may be terminated at any time during the introductory period upon written notice to the employee. Supervisors may conduct one or more performance evaluations during the initial six month period. The first performance evaluation may be conducted at three months; the second evaluation may be conducted at the end of the introductory period. The performance evaluation should state whether the employee will be granted regular (full-time or part-time) status; or, the introductory period will be extended; or, the employee will be discharged; or, some other appropriate action will be taken. Regular employees who obtain a promotion shall serve a six month introductory period in the new position.

**Temporary Assignment**
The General Manager may appoint an employee to perform a temporary assignment for a period of up to six months and may grant up to one additional six month extension for such assignment. A temporary pay increase may be granted, when warranted. The temporary assignment may be used for special projects, special assignments, or for positions under review in anticipation of potential staffing reorganization. Assignments may also be made to address emergency situations such as the need for heightened security requirements.

When a pay increase is warranted, the applicable Deputy General Manager or District Officer will forward the request outlining the circumstances through the Human Resources Department which shall review the work assigned and establish an appropriate wage and recommendation for approval to the General Manager. If the temporary assignment extends beyond three months, a performance evaluation may be conducted.

The General Manager is authorized to grant a pay increase for the entire temporary assignment if the assignment is expected to or does last 20 or more working days for administrative positions, and five or more working days for positions that fall under the purview of the Bridge Captain's Office. The work performed during the temporary assignment must be at a higher level of job classification than the work normally performed by the employee. Additionally, in the event an MOU provides for increased temporary pay or a premium pay, the General Manager will approve such increase, unless specifically delegated otherwise. In order to assign an employee temporary work, the employee must be capable of performing key functions of the assignment, but not necessarily all of the work associated with a specific position.

**Terms Used to Describe Other Employment Statuses**

- **Acting Status**: Appointed by the General Manager on an interim basis; employee assumes all or the great majority of the duties of the position for an extended period of time;
- **Exempt Position:** Federal law under the Fair Labor Standards Act sets forth criteria defining whether a position is entitled to receive overtime pay or compensatory time at time and one-half. Those positions which do not meet the criteria to receive overtime pay are considered "exempt positions";
- **Independent Contractors:** Individuals hired for specific expertise either through a competitive procurement process or, in rare instances, through sole source procurement. The contractor selected shall perform services under a written professional services employment agreement. Procurement of independent contractors must fully comply with the District's *Procurement Policy Manual*; these contractors must meet the IRS "test" for such persons on an annual basis. They will be subject to review by the hiring department and Human Resources Department.
- **Job-Share Position**: A position shared by two people. Benefits, vacation, and sick leave accruals are determined on a case-by-case basis depending on the total hours worked;
- **Non-Exempt Position:** Federal law under the Fair Labor Standards Act sets forth criteria defining whether a position is entitled to receive overtime pay or compensatory time at time and one-half. Those positions which meet the criteria to receive overtime are called "non-exempt positions";
- **Reclassified**: When a position changes sufficiently to warrant a higher level of skills, abilities, educational and/or experience, the position may be reviewed for a job title and wage adjustment. These situations are reviewed on a case-by-case basis as determined by the Human Resources Department and are subject to Board approval;
- **Retired**: An employee separates from active District employment and meets the criteria as specified in Resolution No. 2004-101 and in the section "Retirement Benefits" of this Guide. A retiree may be rehired on a regular or temporary basis, but cannot exceed the number of hours worked allowed by the respective pension plan. The pension plan must be notified of the retiree's rehire at the onset of the employment relationship;
- **Trainee Status**: On occasion, it may be deemed appropriate for business reasons to fill a position with an employee who, while not fully meeting the minimum qualifications for a position in terms of experience and education, is close to doing so, and where in the opinion of the Department Head and Deputy General Manager or District Officer, the employee under consideration can adequately perform the essential job functions. The Human Resources Department will review the justification for a trainee, as well as the candidate's qualifications.

District employees may not be classified in two jobs at the same time.

# Promotions and Reclassification

When job vacancies occur at the District, qualified employees meeting performance standards in his or her current positions are welcome to apply for such opportunities. In instances where job responsibilities are upgraded on an extended or regular basis or job duties are substantially changed, employees may request a review of his or her position and consideration for reclassification. Employees must make a written request to Human Resources for such review.

When an employee is promoted or reclassified, the employee will be appointed to the entry level step of the salary range for the new position or to that step in the salary range which represents an adjustment closest to a ten percent increase in salary over the employee's salary level in the previously held classification.

In the event that ten percent is midway between two steps in the range for the new classification, the higher step will be granted. After six months in the new classification the employee will be eligible for an increase to step two of the salary range if the employee entered the new pay range at step one. If the employee entered the new pay range at step two or greater, the employee will be eligible for an increase to the next step on the anniversary date of the promotion or reclassification. Reclassified employees do not serve a six month introductory period.

When an employee is promoted to a position in which that employee had been performing in either an acting, temporary or provisional capacity immediately preceding the appointment, that employee will be given time credit for the time served. Credit for time served in the position on an acting, temporary or provisional basis shall be determined based on the effective date of the appointment to the regular position. The employee will serve a six month introductory period in the new position, including any time credited for the acting, temporary or provisional assignment.

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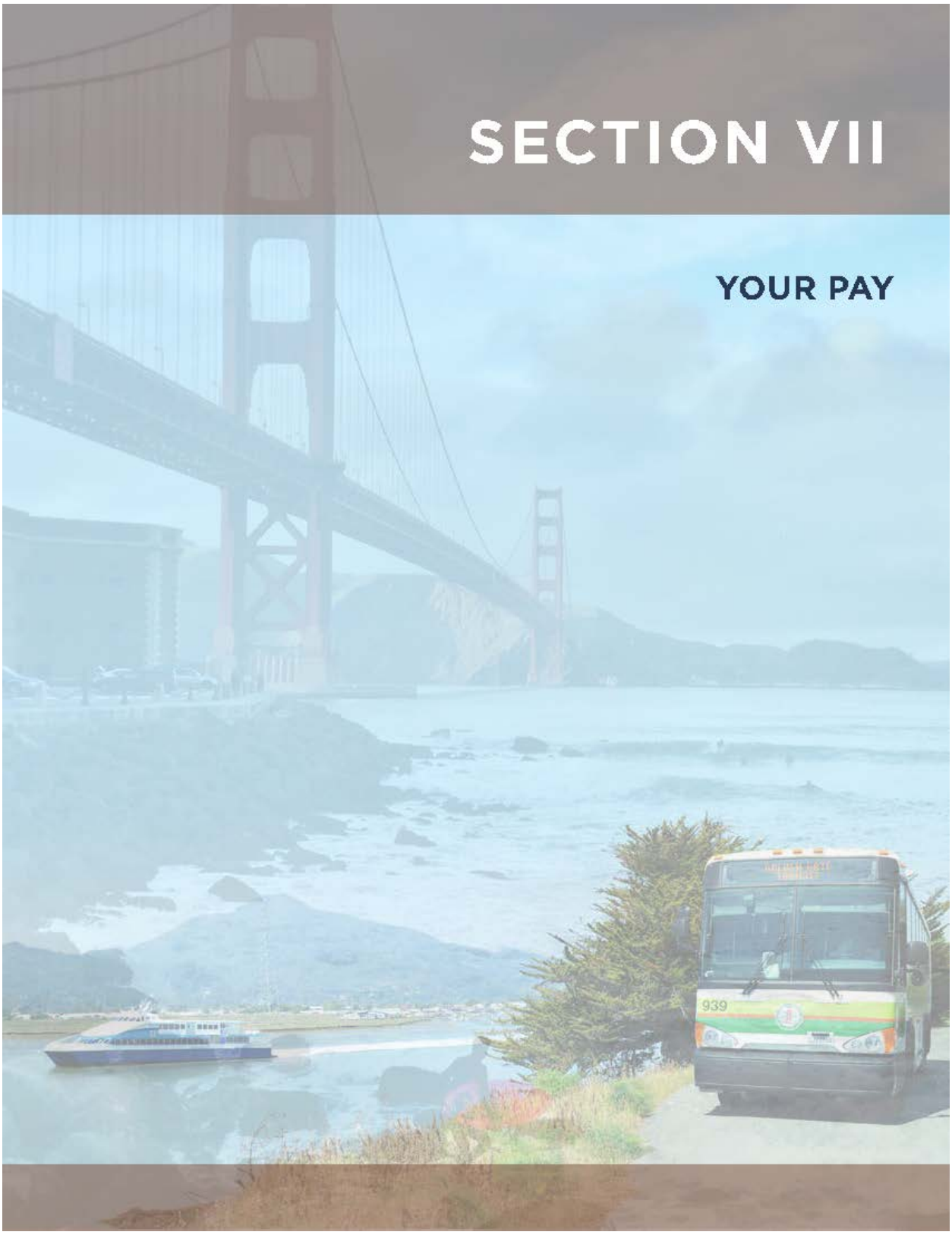
# SECTION VII

## YOUR PAY



# Compensation and Salary

The District's success is largely dependent upon the work productivity of its employees. Therefore, one of the District's objectives is to attract, retain, and motivate qualified and productive employees within the constraints imposed by its financial resources. The following is intended to provide a foundation for meeting this objective and for paying equitable wages and benefits:

- Each position shall have a written job description outlining essential job duties and responsibilities, education, experience, skills, physical and mental abilities. Pay shall be established through such methods as recognition of differentials between levels of job skills and duties; and, comparisons with external labor market wage data;
- The District shall endeavor, consistent with its resources, to pay wages and benefits that are at or near the middle of the relevant labor market for comparable non-represented positions in similar employment settings. The relevant labor market is defined as the geographical area from which employees are frequently hired and/or to which they are lost. Labor market wages shall be determined through a salary and benefits survey. Benchmark classifications shall be based on his or her similarity with classifications at other relevant agencies and organizations;
- Decisions about compensation shall be made in a nondiscriminatory manner.

**Non-Represented Administrative Pay Schedule**
Most non-represented administrative classifications in the District's Table of Organization have a wage range which includes five steps in a pay schedule.

**Initial Pay for New Employees**
New non-represented employees will generally enter his or her positions at the first step in the pay range for the job classification. In the event it is operationally justified to place new employees at a higher step in the pay range, the Human Resources Department will recommend the higher step and obtain written approval by the General Manager.

**Pay Step Increases for Regular Non-Represented Employees**
When the initial six-month introductory period is successfully completed, the employee's status converts from introductory to regular. Employees hired at Step One pay will receive an increase to Step Two. All subsequent step pay increases will be made on the annual anniversary date of the employee's increase to Step Two, provided performance remains satisfactory, until the employee reaches Step Five. An employee initially hired with pay at Step two, three or four of the pay range will serve a six-month introductory period. Employees are eligible for the next Step increase after serving one full year at the pay level to which the employee was initially appointed. Subsequent increases will be made on an annual basis, provided performance remains satisfactory, until Step Five is reached.

**Merit Step Increase**
The five step range is designed to compensate new employees as they learn and become more productive and efficient in his or her work. From time-to-time new employees progressing through the five steps demonstrate exceptional work performance.

In these instances, the manager, through the applicable Department Head/Deputy General Manager/District Officer, may request an accelerated step increase.

To request the accelerated step increase, a written recommendation with specific performance based information must be submitted to the Human Resources Department. If the Human Resources Director concurs with the recommendation, it will be submitted to the General Manager for approval.

**Wage Survey for Non-Represented Positions**
As authorized by the Board of Directors, District staff will conduct and present the results of wage surveys for the purpose of determining the mid-market level of wages for comparable positions in public and private organizations.

As classifications become vacant or as deemed necessary, the Human Resources Department will review labor market data to ensure classifications are compensated appropriately. If a vacant single position classification is over the labor market wage, the classification will be adjusted to the appropriate wage prior to posting. When a filled position or a classification with multiple positions is compensated above labor market wages, among the options to be considered will include the following:

- Classifications that are *Red Circled* may not receive increases or may receive *reduced* increases until brought into line with the labor market; or,
- Two tier wages may be established to recruit and compensate new employees at the market rate and employees with service maintain his or her existing pay rates.

**Transfers**
Lateral transfers do not affect pay. Step increases follow the same pattern based on the existing pay schedule. However, employees who transfer laterally will serve a six month introductory period in the new position and performance will be evaluated.

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# Holidays

The District provides employees with holiday pay up to a maximum of eight hours. Employees working a 37.5 hour workweek receive seven and one-half (7.5) hours of holiday pay. Holiday pay is provided at straight time unless otherwise noted.

**Fixed Holidays**
The following are fixed holidays for full-time, non-represented employees:

- New Year's Day (January 1);
- Martin Luther King, Jr. Birthday (third Monday in January);
- Presidents' Day (third Monday in February);
- Cesar Chavez Birthday (March 31);
- Memorial Day (last Monday in May);
- Independence Day (July 4);
- Labor Day (first Monday in September);
- Veterans' Day (November 11);

- Thanksgiving Day (last Thursday in November);
- Day after Thanksgiving;
- Christmas Day (December 25).

Whenever a fixed holiday falls on a Sunday, time off with pay is provided on the following Monday. Whenever a fixed holiday falls on a Saturday, time off with pay is provided on the preceding Friday.

All full-time **non-exempt**/non-represented employees who work on a fixed holiday must have prior supervisory approval and shall be paid overtime pay at the rate of time and one-half for all hours worked on a holiday, in addition to receiving one day of holiday pay (up to eight hours). All Tier One and Tier Two full-time **exempt** employees who are required to work on a fixed holiday shall be provided straight compensatory time for all hours worked on the holiday, in addition to receiving one day of holiday pay (up to eight hours). A list of Tier One and Tier Two employees is available on the employee intranet.

Any employee who is off on the holiday, whether it is the employee's regular day off or regular work day, shall receive holiday pay for that day. The employee may not substitute another day off in lieu of holiday pay. An employee must be in a paid status the day before and after a fixed holiday to be paid for that holiday. All non-represented employees scheduled to work on a fixed holiday who become ill on that day or employees who are away from work on a scheduled vacation or on a fixed holiday, will be provided holiday pay (up to eight hours) rather than sick leave or vacation pay. The employee's sick leave or vacation credits will not be charged for that holiday. However, sick leave, vacation, or compensatory time and holiday pay may be provided for the same day for those employees whose regular work schedule exceeds an eight hour work day. In these instances, employees may choose to use an accrued leave bank to make up the difference. Sick leave may be used to make the employee whole for the day only for bona-fide documented illnesses. In no instance will an employee receive more pay than what would equal that employee's regularly scheduled daily hours.

An employee who is not in a 24/7 position and who works a voluntary flexible schedule will receive holiday pay (up to eight hours), depending on whether the employee is regularly scheduled to work 37.5 or 40 hours weekly. An employee working a voluntary flexible schedule may choose to use vacation or compensatory time to make up the difference between holiday pay hours and the number of hours they would normally work on that day. If the workload permits and/or is required, the employee may modify the work schedule for the holiday week so that no leave accruals are used. However, any schedule modification must be preapproved by the supervisor. In no event shall hours worked exceed 37.5 or 40 hours in a week.

**Employees Working in 24/7 Positions**
Some employees who work in job classifications which are 24/7 (24 hours a day/7 days a week) are subject to certain provisions:

Bridge Lieutenants and Sergeants who:

- Are required to work on a fixed holiday shall be paid overtime at the rate of time and one-half and will accrue eight (8) hours of holiday time for future use;

- Are scheduled to work on a designated holiday, but do not work the holiday, will use 12 hours of previously accrued holiday time (or whatever will make them equal to his or her regular shift), and will accrue eight hours of holiday time for future use;
- Are not scheduled to work on a designated holiday (e.g. the holiday falls on his or her regularly scheduled day off) will accrue eight hours of holiday time for future use. Accrued holiday time is to be taken when staffing level permits and with prior approval.

**Floating Holidays for Full-Time Non-Represented Employees**
In addition to the 11 fixed holidays, the District grants two floating holidays to regular full-time, non-represented employees who have successfully completed his or her introductory period. Thereafter, regular full-time non-represented employees are entitled to two floating holidays at the beginning of each calendar year. The floating holidays may be taken at a time mutually agreed between the employee and the supervisor and must be taken as a full day (no increments) by December 31 of each calendar year. Any unused floating holidays will be assigned by the employee's supervisor to be taken in January of the following year. An employee who works a voluntary flexible schedule will receive floating holiday pay (up to eight hours), depending on whether the employee is regularly scheduled to work 37.5 or 40 hours weekly.

An employee working a voluntary flexible schedule may choose to use vacation or compensatory time to make up the difference. If the workload permits and/or is required, the employee may modify his or her work schedule for the floating holiday week so that no leave accruals are used. However, any schedule modification must be preapproved by the supervisor. In no instance shall hours worked exceed 37.5 or 40 hours in a week. Regular part-time, temporary, intern or casual employees do not receive holiday pay.

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# Overtime

All non-represented positions in the District's Table of Organization are classified as either "exempt" or "non-exempt" in accordance with the federal Fair Labor Standards Act (FLSA). Generally, employees who are occupying positions that are classified as "non-exempt" are eligible to receive overtime pay at a rate of time and one half for all hours worked over 40 hours in a workweek. However, the District grants overtime pay *or* compensatory time off at time and one-half to employees for hours worked in excess of a non-exempt employee's regularly scheduled workweek of either 37.5 or 40 hours. Positions that are classified as "exempt" are not eligible to receive overtime pay. However, the District will grant certain exempt positions as described below straight compensatory time off for hours worked in excess of an exempt employee's regularly scheduled workweek of either 37.5 or 40 hours. As new positions are created, the Human Resources Director shall classify positions as exempt or non-exempt in accordance with FLSA. Overtime costs are to be kept to a minimum.

**When overtime is necessary, the following provisions apply:**
**Non-Exempt Employees**
The District will compensate non-exempt employees at the rate of time and one half for hours worked during any workweek which exceeds the employee's normal work schedule of either 37.5 or 40 hours.

Any paid time off, such as, but not limited to vacation, sick leave, and holiday pay, do not count as hours worked for the purpose of calculating overtime. The District workweek begins Monday at 12:00 a.m. through the following Sunday at 11:59 p.m. and is documented on Time Reports.

Non-exempt employees shall not perform work that exceeds his or her normal workweek unless required and authorized in advance by his or her supervisor, except in emergency situations. Overtime authorization shall be in writing and indicate whether the non-exempt employee requested and was granted compensatory time off in lieu of overtime pay for overtime hours. This requirement can be met by completing the Authorization to Work Overtime form available on the Intranet.

Non-exempt employees may accumulate a maximum of 80 hours of compensatory time off. Once the employee has accrued the maximum number of compensatory time off hours, the employee shall mark any additional overtime time worked during his or her normal workweek as overtime and receive overtime pay for hours worked above the maximum accrual. Current non-exempt employees who have accrued over 80 hours must use his or her accrued time and reduce his or her balance to below 80 hours before they may again accrue compensatory time off. Non-exempt employees may take compensatory time off upon request and supervisory approval, provided the time off will not unduly disrupt operations. Upon separation from employment, non-exempt employees shall be compensated for any accumulated compensatory time.

**Exempt Employees**
Certain exempt employees may accumulate a maximum of 80 hours of compensatory time off. Once the maximum number of compensatory time off hours has been accrued, time worked in excess of the employee's regularly scheduled workweek will not be compensated or credited toward any accrual. Specific accumulation rules apply to each employee category as described below. Employees may contact his or her supervisor or the Human Resources Department to inquire about the classification of his or her position. Exempt classifications are categorized as either Tier One or Tier Two.

**Tier One Exempt Employees**
Tier One classifications are leadership and management positions, such as Officers, Deputy General Managers and Department Heads. Tier One employees are expected to perform his or her duties until the work is done. No compensatory time is earned for extra work required to complete tasks.

Circumstances in which Tier One employees may accumulate compensatory time off include only when employees must provide vital services during unusual circumstances such as emergencies, work stoppage, and natural disasters and must be approved by the General Manager or applicable Deputy General Manager or District Officer. Under these circumstances, these employees accumulate straight compensatory time off for hours worked

exceeding the employee's standard workweek to a maximum of 80 hours. Compensatory time off is not intended for purposes of day-to-day completion of work.

**Tier Two Exempt Employees**
Tier Two classifications are positions that meet the exempt employee test under the Fair Labor Standards Act, but are permitted under District policy to earn compensatory time at straight time up to an 80 hour maximum accrual. Tier Two positions include lower level managers, program administrators and some supervisory positions.

Tier Two employees may accumulate compensatory time off only for hours worked exceeding the employee's regularly scheduled workweek of 37.5 or 40 hours, to a maximum of 80 hours. Compensatory time off is accrued at straight time. For the employee to earn compensatory time off, all work performed in excess of the employee's standard hours must be approved in writing by the supervisor before being worked, with the exception of emergency situations.

Any paid time off, such as, but not limited to vacation, sick leave, and holiday pay, does not count as hours worked for the purpose of accruing compensatory time.

**General Overtime Rules**

- The Human Resources Department and the Deputy General Manager of Administration and Development, with the concurrence of the General Manager, will determine exempt or non-exempt status and eligibility for compensatory time, for all new classifications/positions in conformance with applicable law;
- To receive compensatory time off, the employee must report extra time worked on the Time Report for the pay period in which it occurred. When used, compensatory time off must be reported on the Time Report for the pay period in which it is taken. Employees are to give adequate notice when requesting compensatory time off;
- At the time of resignation, termination, or retirement, **non-exempt** employees will receive compensation for all compensatory or overtime on the books. Payment will be calculated at one and one-half of the employee's current basic hourly pay rate;
- At the time of resignation, termination, or retirement, **exempt** employees will receive payment for compensatory time accrued calculated at his or her current hourly wage;
- If the General Manager appoints an employee to an acting position, the employee will be subject to the overtime policy provisions of the acting position;
- On rare occasions it may be necessary for an exempt employee to work a 37. 5 hour workweek to assume additional work or be assigned a project requiring additional work hours. If the additional work requires the incumbent to work ongoing and regular 40 hour workweeks on a case-by-case basis and upon the General Manager’s written approval, time worked between 75 and 80 hours in a pay period may be paid at straight time. Approval is contingent upon funds available within the applicable operating budget.

# Paychecks

The District issues paychecks (checks and direct deposits) on a biweekly basis every other Friday (ATU represented employees receive paychecks on every other Wednesday). If a scheduled payday falls on a holiday, paychecks are issued on the preceding workday. Direct deposit of pay begins once a direct deposit authorization is completed by the employee and submitted to the Payroll Department before the end of a pay period. An employee may “opt out” of direct deposit at any time by submitting a written request to the Payroll Department.

**Pay Computations**
Pay is computed based on hours reflected on the employee's Time Report. Hourly rates for employees in non-represented job classifications are based on the position and pay step in the pay range. Compensation for employees in positions covered by a Memorandum of Understanding is calculated as specified in the MOU.

**Paycheck Deductions**
An employee's paycheck will show deductions for mandatory federal and state taxes, California Public Employees Retirement System (CalPERS), healthcare premium contributions and applicable wage garnishments, tax liens and child support orders. Other voluntary deductions may be made with the employee's written authorization for items such as union dues, United Way of the Bay Area, deferred compensation, additional life insurance or District approved loan payments. Supplemental payments (other than wages) are subject to supplemental federal and state taxes.

**Issuance of Paychecks**
Employees may view and print their pay stubs by navigating to employee online on the District’s employee intranet. New employees who report to work in the middle of a pay period will be paid on the first payday following that payroll period.

**Payroll Overpayments**
If the District has overpaid an employee, that overpayment is a legal debt and must be repaid in full. The District will initiate recovery efforts on payroll overpayments as soon as the discrepancy is detected.

**Final Paychecks**
Supervisors of employees who are separating from District employment must submit the employee's final Time Report to the Human Resources Department prior to the separation date. Final paychecks will include all amounts due in accordance with District policies and/or the applicable MOU. All paid time off (vacation, compensatory time and sick accrual payout upon retirement) payouts are considered supplemental wages and subject to supplemental Federal and State taxes.

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# Sick Leave

The District provides sick leave for an employee's absence from work due to illness or injury; medical or dental appointments that must be scheduled during work hours; care or attendance of a member of the immediate family or domestic partner who is seriously ill or injured and who requires the employee's presence; or, the death of a member of the immediate family or the domestic partner of the employee (bereavement leave).

A Family and Medical Leave Certification form must be completed and sent to the Leaves Analyst in the EEO Compliance Programs Department for absences of more than five days to determine if the absence qualifies for the benefits available under the Family and Medical Leave Act. Sick leave is provided to employees for the reasons specified above and is not for time off from work for any other purpose. Sick leave may not be used to extend approved vacation or extend the District service date prior to termination or retirement. Employees are encouraged to maintain a sick leave accrual for unanticipated emergencies. Excessive use of sick leave will be monitored to ascertain possible abuses, and if abuse is determined, employees may be terminated.

The District is required by the California Occupational Safety and Health Administration (CalOSHA) to provide a safe and healthy workplace for its employees. This means that the District has the right to manage its workforce by excluding sick employees, even if they are ready, willing and able to work. Therefore, a supervisor may require an employee to go home because of a known or observed illness. If an employee qualifies for protection under the Family and Medical Leave Act or the illness causes a disability covered by the Americans with Disabilities Act, then the District will follow the law with respect to qualified leaves and accommodations. Although the District can send employees home, it does not necessarily mean that it will. There may be valid reasons for not sending an employee home.

**Full-Time Non-Represented Employees**
Regular and introductory full-time non-represented employees will be allowed 3.462 hours (7.5 hour employee) or 3.693 hours (8-hour employee) of accrual for sick leave with pay for each two-week period of service (equal to 12 days per year), credited on the first day of the following two-week period. New employees or employees on authorized leave without pay must be in full pay status at least five days during a given two-week period to be eligible for the sick leave accrual for that two-week period. Employees accrue sick leave credits at the rate established while on sick leave or vacation with pay unless they are in unpaid status for less than five full days during that pay period. Employees must exhaust sick leave and accrued vacation in excess of 20 days before taking absence without pay for medical reasons.

**Part-Time Non-Represented Employees**
Regular part-time non-represented employees who work 30 hours or more per week on a regular and continuous basis shall accrue prorated sick leave based on the number of hours of their regularly scheduled workweek.

**Represented Employees**
District employees represented by an employee organization shall be allowed sick leave in accordance with the provisions of the applicable Memorandum of Understanding.

**Rules Governing Use of Sick Leave**
**Reporting and Verification**
An employee must contact his or her supervisor or department head if the supervisor is unavailable, no later than 15 minutes after the start of the workday for which the employee is requesting sick leave. Employees on continuing sick leave must maintain adequate communication with supervisors, which generally will require personally calling in at the beginning of each workday, or week, for extended absences for which sick leave is requested unless other arrangements have been approved by the supervisor. Employees who are absent more than five consecutive days for medical reasons will be provided with a "Family and Medical Leave Certification" form. When sick leave credits are exhausted or when sick leave use suggests abuse, employees may be asked to provide physician verification of illness and/or continued medical need for sick leave. Employees who have exhausted sick leave credits or who require an extended period of time off may apply for a leave of absence. Employees who are on sick leave for an extended period must submit to their supervisor a physician's verification of treatment and continued disability every 30 days unless otherwise arranged. In such cases, the employee must submit a medical release from his or her treating physician prior to returning to work. If the return-to-work release stipulates work restrictions, the employee must give the District adequate advance notice to consider whether the restrictions can be accommodated. The District may, at its expense, require a second or third medical opinion regarding the employee's fitness-for-duty.

**Family Medical Care (Kin Care)**
No more than half of a particular employee's annual paid sick leave during any one calendar year may be used for the purpose of caring for a child, parent, spouse or domestic partner who is ill or injured. The maximum sick leave accrual for any employee is 12 days, so generally most employees will be permitted to use six paid sick days to care for a family member. Any time taken beyond six days should be charged to accrued vacation, compensatory time, or floating holidays Employees requiring additional time off to care for a family member may apply for a Family and Medical Leave of Absence. Employees requiring additional time off for reasons not covered under Medical Leave of Absence may apply for a Personal Leave of Absence. Paid absences covered under Family Care are not counted under attendance programs. Employees continue to earn vacation credits while absent as long as they remain in a District paid status. The District does not count third party payments, such as SDI/PFL, Workers' Compensation or temporary disability, as a District paid status when determining whether an employee is eligible to accrue sick or vacation credits.

**Bereavement**
Employees are allowed to use up to five days of paid sick leave for each absence from work due to a death in the immediate family. A member of the immediate family for the purpose of bereavement leave is a mother, father, stepmother, stepfather, husband, wife, domestic partner, son, daughter, stepchildren, brother, sister, mother-in-law or father-in-law, son-in-law, daughter-in-law, grandparents or grandchildren of the employee.

**Accumulation**
Any unused sick leave may be carried over from year to year.

**Report of Sick Leave**
The employee shall accurately report sick leave on his or her Time Report, signed by the employee, and certified by the supervisor, Department Head, Deputy General Manager or District Officer.

**Medical and Dental Appointments**
Employees are encouraged to schedule medical and dental appointments during non-working hours when possible or to minimize the time away from work by scheduling appointments early or late in the day or to coincide with lunch breaks. Up to three hours of sick leave may be used in one day for a routine medical or dental appointment unless the employee can justify the need for additional time.

**Holiday and Vacation Pay**
All non-represented employees regularly scheduled to work on a fixed holiday who become ill on that day, or employees who are away from work on a scheduled vacation during which time a fixed holiday falls, will receive holiday pay rather than sick leave or vacation pay. The employee's sick leave or vacation credits will not be charged for that holiday. In no instance will both sick leave or vacation and holiday pay be received for the same day. Medical documentation may be required if an employee calls in sick before or after a holiday.

**Payment for Unused Sick Leave Credits Upon Retirement or Death**
An employee, or the employee's estate in the event of an active employee's death, will be paid for unused sick leave credits only upon separation from employment as the result of the employee's death or retirement. The employee or employee's estate will receive 50 percent of sick leave accrued paid at the employee's hourly pay rate in effect at retirement or death. A non-represented employee who leaves District employment as a result of resignation or termination will not receive any payment for unused sick leave credits. Sick leave credits shall not be used to extend the effective date of separation from employment.

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# Vacation

The District provides paid vacation time to all regular full-time employees scheduled to work 37.5 to 40 hours per workweek; and, to all regular part-time employees scheduled to work 30 or more hours per workweek as follows:

**Full-Time Regular Employees**
**Employees hired prior to January 1, 1983,** shall accrue paid vacation at a rate of 30 days per year.

**Employees hired on or after January 1, 1983**, shall accrue paid vacation up to a maximum of 30 days at the following accrual rates:

- First through fourth year of service 10 days;
- Fifth through tenth year 15 days;

- Eleventh through twentieth year 20 days;
- Twenty-first through twenty-ninth years 25 days;
- Twenty-nine years thereafter 30 days.

**Regular Part-Time Employees**
Regular part-time employees who are classified in positions scheduled to work **30 hours or more** per week on a regular basis shall accrue prorated paid vacation based on the hours specified in their job classification. Part-time regular employees who work **fewer than 30 hours** per week on a regular basis do not receive vacation benefits. Part-time represented employees should refer to their applicable Memorandum of Understanding for additional guidelines.

**General Rules Governing the Use of Vacation**
Maximum vacation accrual is 40 days or 300 hours for 37.5-hour employees and 320 hours for 40-hour employees. It is the employee's responsibility to plan vacation in order to stay below the maximum accrual. Employees can refer to their paycheck stub for vacation balances. Once the maximum accrual is reached, the employee will not continue to accrue vacation until the accrual falls below the maximum. Written approval to accrue over 40 days must be obtained from the appropriate Department Head, Deputy General Manager, or District Officer, as well as the General Manager. The General Manager may authorize additional vacation accrual. The request must detail a bona-fide business reason for the need for the excess accrual and the time in which the employee will use the vacation. Alternatively, the General Manager may elect to pay the employee up to 80 hours of accrued vacation. Employees continue to earn vacation credits while absent as long as they remain in a paid status for more than half of their regularly scheduled hours in a pay period. The District does not count third party payments, such as SDI/PFL, Workers' Compensation or temporary disability, when determining whether an employee is in District paid status for the purpose of accruing sick or vacation credits.

**Vacation Banks**
Use of paid vacation time after July 23, 1987, shall first be deducted from the employee's vacation bank as accrued after July 23, 1987 (Bank 2). If Bank 2 is exhausted, vacation time shall then be deducted from the employee's vacation bank accumulated prior to July 23, 1987 (Bank 1).

**Introductory Period**
A new employee who is serving the initial introductory period should not expect to take vacation during this period. However, time off may be granted on a case-by-case basis with written approval of the applicable manager.

**Scheduling Vacations**
Vacations must be scheduled so as not to interfere with work. Vacation time generally should be taken during the year in which it accrues. Whenever possible, the employee's preference will be considered. All vacation schedules shall be approved by the employee's supervisor. Supervisors may deny vacation requests for reasons such as not enough accrual available and/or concerns about abuse or attendance issues.

**Vacation Recall**
In an emergency, the supervisor may recall an employee from vacation to report to work. Compensation to a non-exempt employee for a day worked on a vacation recall is paid at the overtime rate of time and one half.

**Vacation Transfer**
Employees transferring to a position which has different vacation benefits may carry over up to three weeks of existing vacation accruals. Vacation credits in excess of three weeks may be transferred only upon the approval of the new manager. If such a carry-over is not approved, the employee must either use the existing vacation credits in excess of three weeks prior to transferring to the new position; or, accept payment for the excess vacation credits at the compensation rate associated with the former position at the time of transfer.

If an employee is transferring to a position where vacation accrual is different or procedures for bidding vacation are followed, the employee may be required to use or accept payment for all accrued vacation credits as outlined above prior to transferring to the new position.

**Separation from Employment**
When an employee separates from employment for any reason, accrued but unused vacation shall be paid at the rate of compensation for the position in which the employee is classified at the time of separation. Premium pay will not be used to calculate these amounts. Vacation may not be used to extend the effective date of separation from employment.

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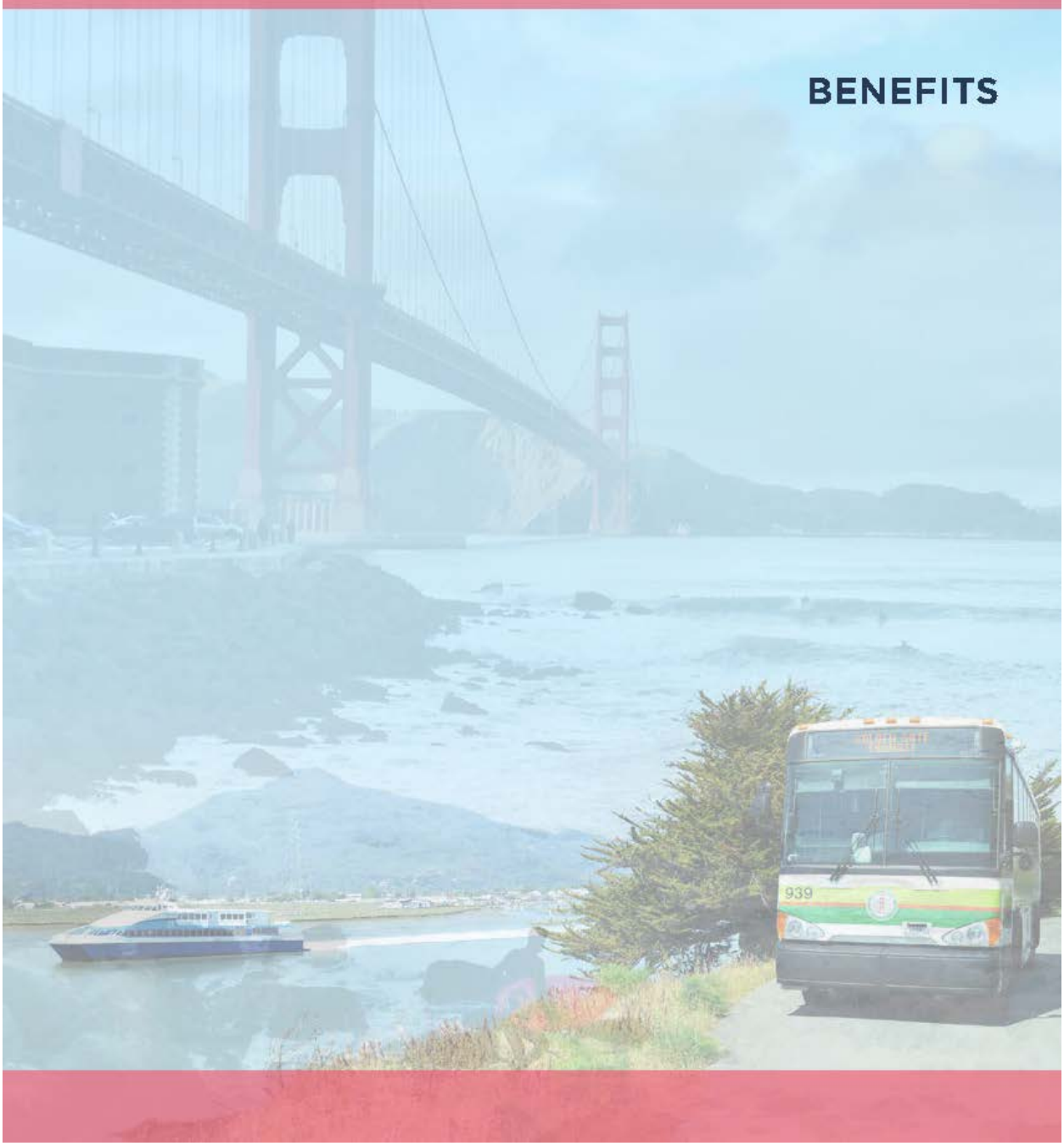
# SECTION VIII

## BENEFITS



# COBRA

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), employees and qualified dependents covered under the District's medical, prescription, vision, dental and employee assistance plans may be entitled to continue group healthcare coverage when they experience certain specified events that result in a loss of coverage (called a "COBRA Qualifying Event"). Upon the occurrence of a COBRA Qualifying Event, each person who loses coverage is considered a "qualified beneficiary" who has independent COBRA election rights. Qualified beneficiaries must pay for COBRA continuation coverage at their own expense. This policy is intended to generally inform employees about COBRA continuation coverage. It does not fully describe any individual's continuation coverage rights or duties.

**COBRA Qualifying Events**

- The death of a covered employee;
- The resignation or termination of a covered employee other than by reason of the employee's gross misconduct;
- A reduction in a covered employee's hours of employment;
- A covered employee's divorce, legal separation or domestic partnership dissolution;
- Dependent child ceases to be eligible under the terms of the plan.

**Duration of Continuation Coverage and Electing COBRA**

COBRA continuation coverage is a temporary continuation of coverage for qualified beneficiaries. COBRA continuation coverage generally lasts for a total of 18 months. Depending upon the COBRA Qualifying Event, however, the coverage may be extended up to a maximum of 36 months.

The District has partnered with a Third Party Administrator (TPA) to administer COBRA. COBRA Continuation Election Notices will be mailed to qualified beneficiaries after the Human Resources Department is notified of a COBRA Qualifying Event. To elect COBRA coverage, a qualified beneficiary must complete a COBRA Election Form and submit it to the third party administrator according to the instructions on the COBRA Election Form, by the date specified on the COBRA Election Form.

Employees must immediately notify the Human Resources Department in writing of any changes affecting dependent eligibility. Employees who fail to give the District proper written notice shall be liable for all additional expenses incurred by the District on behalf of the dependent beyond the date they were eligible for benefits. If the employee fails to notify the District, the employee may lose future dependent coverage.

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# Deferred Compensation Plan

All current regular employees, casual vessel masters and Board of Directors are eligible to participate in the voluntary Deferred Compensation Plan (Plan). This Plan provides employees with an opportunity to build retirement investments and reduce taxes through Section 457 deferred compensation. ICMA-RC LLC

(ICMA) is the Plan administrator. Employees may defer a percentage of earned income up to a statutory limit as defined by the IRS.

The deferred income, as well as the interest it earns, is not taxable until withdrawn. To begin participation in the Plan, employees must submit a Joinder Agreement electing to contribute a portion of his or her District compensation to the Plan. Existing employees' participation will begin on the first of the month following submission of the Joinder Agreement. New employees' participation will begin on the date of hire if a Joinder Agreement is submitted on or before his or her hire date. A Joinder Agreement may be found on the employee intranet. Employees may increase, reduce or cease contributions to the Plan at any time either electronically by accessing Employee Online, or, by submitting a Deferred Compensation Amount of Deferral Change Form.

Employees should refer to the Summary Plan Description for the following:

- Limitations on Contributions to the Plan (Basic Limit and Catch-Up Provisions);
- Rollovers From or To Another Plan;
- Investments;
- Distributions From the Plan;
- Emergency Withdrawals.

Upon separation of District employment, the District will notify ICMA of the separation date. All separating employees should contact ICMA to review his or her Plan options.

Last Revision 01.2015

# Domestic Partnership

The District extends certain health benefits to the domestic partners of employees who are eligible for benefits. Medical, prescription, dental, and vision care are among these benefits. In addition, other benefits may be extended for domestic partners such as: bereavement leave, catastrophic leave, Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), personal leave, sick leave and kin-care leave. The District shall comply with Internal Revenue Service (IRS) regulations regarding domestic partners and taxable benefits to the employee. It is the District's intent to extend benefits where possible to domestic partners to equalize benefits between married couples and couples who are not married.

**Definitions**
The District recognizes certain individuals who are of the same or opposite sex as spousal equivalents for purposes of healthcare coverage. Domestic partners are typically defined as individuals who have lived together in the same residence for a specified period of time, are responsible for each other's financial welfare, are not blood relatives, are at least 18 years of age, are mentally competent, are life partners, are registered as domestic partners, if there is a local domestic partner registry, and are not legally married to anyone else.

The following criteria establish a domestic partnership for purposes of qualifying for District domestic partner benefits:

- The individuals must share a joint address as a common residence;
- One of the partners must be a benefit-eligible District employee;
- The individuals must agree to be jointly responsible for each other's basic living expenses during the domestic partnership;
- Neither person may be married or a member of another domestic partnership;
- The individuals must not be related in a way that would prevent them from being married to each other otherwise;
- Both individuals must be at least 18 years old;
- Both partners must be mentally competent to consent to contract and cannot be acting under fraud or duress.

**Establishing a Domestic Partnership**

Documents verifying a domestic partnership must be submitted to the Human Resources Department to enroll a domestic partner in District benefit plans or qualify for other domestic partner provisions. A current list of acceptable documents may be obtained from the Human Resources Department.

Some of these documents include:

- Declaration of Domestic Partnership filed with State of California;
- A joint mortgage, lease, or rental agreement;
- Designation of partner as primary beneficiary in the employee's will;
- Joint ownership of a motor vehicle, joint checking account, or joint credit account.

**Dependent Children of a Domestic Partner**

To enroll an economically dependent child in District benefit plans or qualify for other domestic partner provisions, an Affidavit of Eligibility for an Economically Dependent Child must be submitted to the District at the time of enrollment. This same document is used to enroll any economically dependent child (other than the employee's natural or adoptive child), whether it be the employee's or the domestic partner's child.

For the child to qualify, the following requirements must be met:

- There must be a parent-child relationship between the child and the employee, such as:
- The employee has legal custody or joint legal custody of the child;
- The child resides with the employee and is economically dependent on the employee;
- The child qualifies for dependent status under IRS guidelines;
- The child is the natural, adoptive, step, or economically dependent child of the employee or domestic partner;
- The child must never have been married;
- The child is an eligible dependent as defined in the applicable group contract or insurance policy.

**Termination of Domestic Partnership and District Benefits**

A domestic partnership shall end when one or a combination of the following situations occurs:

- One partner sends the other a written notice that he or she has ended the partnership;

- One of the partners dies;
- One of the partners marries;
- The partners no longer share a common residence.

The health benefits coverage of the domestic partner shall be subject to cancellation when the domestic partnership terminates. Upon termination of the domestic partner's coverage, coverage for children of the domestic partner enrolled as economically dependent children under the domestic partnership will also be terminated. An employee who fails to report such termination is subject to disciplinary action up to and including termination of employment.

It is the responsibility of the District employee to notify the District that the partnership has been terminated. Failure to give the District proper notice of the termination of the domestic partnership shall make the employee liable for any and all additional expenses incurred by the District on behalf of the domestic partner and/or his or her dependents beyond the date they were eligible for benefits.

**Time Limitation**
For purposes of eligibility for District domestic partner benefits, an employee may not become a member of a new domestic partnership until at least six months after any other domestic partnership of which he or she was a member ended. This provision does not apply if the reason the earlier domestic partnership ended was because one of the members died.

**Tax Implications of Domestic Partnership**
Federal law does not provide favorable pre-tax treatment for domestic partnership health benefits. Therefore, the fair market value of the District-paid health coverage that the District provides to a domestic partner, or to the domestic partner's child (who is not also the employee's child), will be taxable unless the enrolled individual qualifies as the employee's federal tax dependent for health coverage purposes under Internal Revenue Code Sections 105(b) and 152. If the domestic partner, or the domestic partner's eligible child, is not the employee's tax dependent as described above, the District will treat the value of their benefits as part of the employee's taxable income, and will withhold applicable taxes on the value of those benefits from the employee's paychecks.

To avoid taxation of domestic partnership health coverage as explained above, the employee must complete and return an Affidavit of Domestic Partnership, certifying that an enrolled domestic partner or child qualifies as the employee's tax dependent. Employees must submit the Affidavit of Domestic Partnership each year at open enrollment. For any year in which the District does not receive an Affidavit of Domestic Partnership, the District will assume that the enrolled individual does not qualify as the employee's tax dependent for that year.
A domestic partner's health insurance coverage may nevertheless be exempt from state income tax even if a domestic partner does not qualify as the employee's federal tax dependent for health coverage purposes. To qualify for this exemption, the employee's domestic partnership must be a registered domestic partnership under the State of California. Employees must submit a copy of the Secretary of State's Certificate of Domestic Partnership to the District to qualify for this state income tax exemption.

# Educational Assistance

The District supports employees who wish to continue their education to secure increased responsibility and growth within their careers. The District has established a reimbursement program for expenses incurred through approved institutions of learning. Regular full-time and part-time employees who have completed their probationary period are eligible for Educational Assistance as long as the courses are job-related. The District will reimburse up to a maximum of $2,000 per calendar year for continuing education through a program that either offers growth in an area related to an employee's current position or might lead to promotional opportunities. This includes costs for tuition and books for programs such as college credit courses, continuing education courses, seminars and certification studies and/or tests. Employees must secure a passing grade of "C" or higher to receive reimbursement. Taxes will be calculated on the amount of reimbursement at the time of payment. Expenses must be validated by receipts, and a copy of the final grade or certification must be presented to show completion of a course.

**Procedures**
To receive Educational Assistance employees must fill out the Tuition/Educational Reimbursement Application available on Employee Online and give it to their supervisor for signature. The form is then submitted to the Human Resources Department. The request shall include the course(s) name, location, schedule, justification for the course(s), cost(s), and the supervisor's concurrence. The Human Resources Department will notify the employee in writing whether the request is approved. Employees are responsible for all payments to the educational institution. The District shall reimburse approved expenses only to the employee. Upon completion of the course(s), the employee shall submit a copy of the approved request, an expense report with original receipts approved expenses, and proof of successful completion of the course(s) to the Human Resources Department.

The Human Resources Department will coordinate the reimbursement with the Payroll Department. Employees must be in an active payroll status at the time of course completion. Reimbursement will be made in the employee's paycheck. A copy of the proof of successful completion of the course(s) will be placed in the employee's Personnel File.

Any questions should be directed to the Human Resources Department.

Last Revised 2014

# Employee Assistance Program

The District provides employees and their qualifying dependents with an Employee Assistance Program (EAP). EAP services may be used to assist employees with issues that may be affecting their personal or professional lives. EAP is designed to provide confidential support. Services available include, but are not limited to, counseling services, financial and legal advice, family support and help with relationships.

Accessing the EAP is easy and available 24 hours a day by calling 800-788-5614. There is no charge for up to three counseling sessions. Employees who have

Blue Shield medical benefits may request referral to a counselor in the Blue Shield network. This enables a smooth transition to medical benefits coverage if the employee wishes to continue with an EAP counselor. Employees who have Kaiser Permanente medical benefits may choose to use EAP services or Kaiser counseling services. For legal or financial advice there is no cost for the initial consultation. Subsequent assistance is available at a 25 percent discount.

As part of the EAP services, liveandworkwell.com is an interactive website that provides access to benefits and tools to help enhance work, health and life. Access to www.liveandworkwell.com is always free.

Brochures are posted in locations throughout the District and may be obtained from the Human Resources Department. Employees can also find EAP information on the employee intranet.

Last Revision 01.2015

# Identification Card and Toll Tag

**Identification Card**
The Human Resource Department will issue Identification Cards to employees at the time of hire. These cards provide security access to District property based on an employee's work assignment. Access to the District's property is limited to ensure safety and security. Identification cards should be displayed when an employee is on District property and used to access buildings and other restricted areas. However, unauthorized access to restricted areas is forbidden.

Regular and provisional employees enjoy the privilege of free, regularly scheduled transportation service on the District's Bus and Ferry systems using their Identification Card. Employees must pay for transit fares for special services such as the Baseball Ferry.

**Toll Tag**
The Human Resource Department will issue regular and provisional employees a Toll Tag (FasTrak) Transponder unique to the District upon hire. The Toll Tag allows employees to cross the Golden Gate Bridge for free when traveling in an automobile as a driver or passenger. Employees must sign an acknowledgement and terms of use agreement in order to receive this benefit. Toll Tags are not valid for toll payments at other facilities, including other bridges, toll lanes, parking lots, etc.

**Temporary Employees**
The Human Resources Department will issue Identification Cards to temporary employees when terms and conditions of employment warrant access to areas related to the job assignment. The Identification Card is good only for the duration of the temporary assignment. If a temporary employee is retained beyond the expiration date on the Identification Card, the applicable manager must request a new card. When a temporary employee is terminated, the applicable manager is responsible for retrieving this card from the employee and returning it to the Human Resources Department.

**Care of Identification Cards and Toll Tags**
Identification Cards and Toll Tags are non-transferable and will be confiscated for misuse. Employees may not loan the Identification Card or Toll Tag to anyone, including family members. Lost Identification Cards or Toll Tags must be reported to the Human Resources Department. If an Identification Card or Toll Tag is not reported as lost, stolen or damaged, the employee may lose transportation privileges for a designated period. A reported lost, stolen or damaged Identification Card may be replaced for a $5 fee. A second replacement will be issued only upon the General Manager's approval. A reported lost, stolen or damaged Toll Tag may be replaced upon payment of a $20 cash-only fee.

**Security Access**
Security access will be based upon work groups and job responsibilities. Card access will be deactivated during any disciplinary suspension and keys will be collected. Transportation and toll privileges will be retained during this period. Suspended or terminated employees are not permitted on any District property that is not open to the public except for pre-arranged meetings. If a suspended or terminated employee is required to report to any facility, he or she will be escorted by the supervisor or other authorized person.

Employees who obtain a new position or are reclassified may schedule an appointment with the Human Resources Department to obtain a new Identification Card.

Employees must return their Identification Card and Toll Tag upon separation of employment or any time as directed by District management.

**Bay Area Commuter Benefits Program**
Under the Bay Area Commuter Benefits Program the District provides access to free transportation through Bus and Ferry as well as a free toll program for its employees to cross the Golden Gate Bridge. In addition, vanpools may be available where there is sufficient employee interest.

Last Revision 01.2015

# Life Insurance

**Basic Life and Accidental Death and Dismemberment (AD&D) Insurance**
The District provides basic life and AD&D insurance to benefit eligible employees who work 30 or more hours per week. Eligible, active, non-represented and coalition employees are insured under a group life insurance policy by Minnesota Life Insurance Company for $25,000. Eligible, active employees covered by the ATU bargaining unit are insured under a group life insurance policy for $20,000.

**Supplemental Term Life Insurance (voluntary)**
Eligible employees may purchase supplemental term life Insurance offered through the group plan carrier. Employees are responsible for the cost of voluntary life insurance. A bi-weekly payroll deduction will be established to cover the monthly cost of this benefit.

Newly hired eligible employees have 31 days from the date of initial employment to elect coverage (Initial Enrollment Period) for themselves and eligible dependents. If an employee does not enroll, or declines coverage during the Initial Enrollment Period and has no other qualifying event, the employee must wait until the annual Open Enrollment Period to purchase supplemental life insurance for him or her and any eligible dependents.

Employees will have the option to convert supplemental term life insurance to an individual plan within 31 days of separation from District employment.

Employees who are represented should consult their Memorandum of Understanding to determine if they are eligible to purchase supplemental term life insurance.

Last Revision 01.2015

# Medical and Health Benefits

This section is intended to provide an overview of the District's medical/health plan eligibility and coverage. The District offers medical, prescription, dental and vision benefits to employees and dependents in Regular, Limited Term and Provisional positions classified at 30 or more hours per week. Represented employees should consult their applicable Memorandum of Understanding (MOU) to determine benefit eligibility.

Employees should refer to the Summary Plan Descriptions (SPD) for detailed information about coverage options. SPDs are available on the Employee intranet or can be obtained from the Human Resources Department. Newly hired eligible employees have 31 days from the date of initial employment to elect coverage (Initial Enrollment Period) for themselves and eligible dependents. If an employee does not enroll or declines coverage during the Initial Enrollment Period (and has no other qualifying event) the employee must wait until the annual Open Enrollment Period to enroll him or her and any eligible dependents. Initial medical coverage for newly hired eligible employees begins the first of the month following the date of initial employment. Dental coverage begins the first of the month following one full month of employment.

Newly hired eligible employees are eligible for one of the Bronze Plan Health Maintenance Organizations (HMO's) (Kaiser or Blue Shield) for health coverage. The employee must remain in a Bronze Plan HMO for two Open Enrollment cycles following the date of initial employment. After those requirements are met, employees may elect one of the Traditional HMO plans (Kaiser or Blue Shield) or the Traditional or Bronze Blue Shield Preferred Provider Organization (PPO).

**Eligible Dependents**
Family members eligible to participate in the District's health plans include the following:

- An employee's legal spouse;
- An employee's registered domestic partner;
- An employee's unmarried child or dependent child of a registered domestic partner (including stepchild or legally adopted child) who is:

- Younger than 26 years old and who does not have access to coverage elsewhere;
- Primarily dependent upon the employee for support and maintenance;
- Not on active duty with the armed forces.

Where both spouses and/or domestic partners are employed by the District and eligible dependent children are to be covered, the employee who is senior in terms of length of District service shall cover eligible dependent children under his or her plan. The spouse or registered domestic partner with the lesser length of service shall be covered as an employee only.

This policy is subject to change subject to Federal and State laws.

To certify dependent eligibility, the employee must provide appropriate documentation to the Human Resources Department at the time of enrollment, such as a certified marriage certificate, affidavit of domestic partnership, certified birth certificate, or legal documents giving the employee legal custody.

Employees must immediately notify the Human Resources Department in writing of any changes affecting dependent eligibility. Employees who fail to give the District proper notice shall be liable for all additional expenses incurred by the District on behalf of dependents who were covered beyond the date they were eligible for benefits. If an employee failed to notify the District, the employee may lose future dependent coverage.

Last Revision 01.2015

# Retirement Benefits

**Retiree Health Benefits**
The District provides eligible retirees and their eligible dependents health benefits during retirement based on eligibility as outlined below. Eligibility is based on age, hire date and years of regular service. The District currently has three levels of eligibility for eligible regular full-time and part-time administrative employees and for represented employees (excluding Bus Operators). Represented employees working in part-time positions should consult their Memorandum of Understanding to determine retirement benefit eligibility. If the Retiree moves from the geographic area that is served by the health plan, a retiree has 30 days from the date of the move to change to another health plan. Retirees may also participate in annual Open Enrollment. No dependents, including new spouses or domestic partners, can be added to a retiree's medical benefits after the date of retirement.

**Premium and Payment Information**
Retirees and their spouses covered by the District's health plans and who are under 65 are required to make a monthly contribution to the District until they become Medicare eligible (age 65). The contribution rate is equivalent to the Medicare Part B Premium rate established by the Social Security Administration and may be subject to change annually. Once the retiree or the spouse/domestic partner/dependent becomes Medicare-eligible, the current monthly payment will be made directly to Medicare for that individual.

In the event a retiree enrolls in a Bronze Plan health coverage option the District monthly contribution is waived for that enrollment. The contribution will be reinstated when the retiree or dependent becomes Medical-eligible and makes such payment directly to Medicare.

**Medicare**
The District's retiree medical benefits policy mandates that retirees 65 and over and any eligible spouse 65 and over must be enrolled in Medicare Plan Parts A and B. It is the employee or dependent's responsibility to enroll in Medicare once he or she becomes eligible.

In addition, any retiree or spouse covered by the District's health plans who is under 65, but who is eligible for Medicare Part B coverage due to a disability or medical condition, must be enrolled in Medicare Plan Parts A and B. It is the employee's responsibility to enroll in Medicare once they become eligible.

Upon enrolling in Medicare Parts A and B as required by federal law the retiree and any eligible spouse over the age of 65 will have two medical and prescription drug options. The options for medical and prescription drug coverage will be limited to the HRA Program or Kaiser Permanente's Senior Advantage Plan.

**Retiree Health Benefit Eligibility**
**Level I:** Non-represented employees hired into a regular position before January 1, 1983, and represented employees hired into a regular position before July 1, 1983.

Level I employees and their qualified dependents are eligible to continue medical, dental, vision and prescription drug coverage for the life of the retiree or until the retiree obtains other employment provided the employee is at least 50 years of age and has completed at least five years of continuous, regular District employment at the time of retirement.

Level I employees' qualified dependents are eligible to continue medical, dental, vision and prescription drug coverage upon the death of the retiree if upon retirement the employee was either at least: (1) 50 years of age with at least 20 years of continuous, regular District service, or (2) 55 years of age with at least 15 years of continuous, regular District service

The surviving spouse and qualified dependents shall be entitled to a continuation of coverage to the normal age limitations for children and provided further that such coverage shall cease upon the remarriage or employment of the surviving spouse provided that they are eligible for coverage with their new employer or spouse.

**Level II**. Non-represented employees hired on or after January 1, 1983 and on or before August 8, 1991; and, represented employees hired on or after July 1, 1983 and on or before August 8, 1991.

Level II employees are eligible to continue medical, dental, vision and prescription drug coverage for the retired employee only, provided that the employee is at least 55 years of age and has completed at least ten years of continuous, regular District service at the time of retirement.

Level II employees are eligible to continue medical, dental, vision and prescription drug coverage for eligible dependents as well, provided the employee is at least 55 years of age and has completed at least 15 years of continuous regular District service at the time of retirement. The surviving spouse and qualified dependents shall be entitled to a continuation of coverage to the normal age limitations for children and provided further that such coverage shall cease upon the remarriage or employment of the surviving spouse provided that they are eligible for coverage with their new employer or spouse.

**Level III**. Employees hired on or after August 9, 1991.

Level III employees are eligible for retirement medical, dental, vision and prescription drug coverage for the retired employee and eligible dependents, provided that the employee is 55 years of age, has completed at least 15 years of continuous regular District service at the time of retirement and has a minimum of 70 points (age plus years of service). The surviving spouse and qualified dependents shall be entitled to a continuation of coverage to the normal age limitations for children and provided further that such coverage shall cease upon the remarriage or employment of the surviving spouse provided that he or she is eligible for coverage with the new employer or spouse. A surviving spouse is responsible for the cost of coverage based on the point system below.
Provided a Level III employee has met the age and years of continuous, regular District service requirements, the employee's health benefits coverage is then based on a point system.
If the total number of points (age plus years of service) equal:

- 80 points or higher, the employee pays no percentage of the cost of coverage;
- 75-79 points, the employee pays 20 percent of the cost of coverage;
- 70-74 points, the employee pays 30 percent of the cost of coverage;
- Less than 70 points, the survivor is not entitled to any survivor health benefits.

**CalPERS**
Applicable eligible employees of the District participate in the California Public Employees' Retirement System (CalPERS). Under this defined benefit plan, the percentage of final compensation is determined by age and years of service by CalPERS. The District currently has three pension tiers. The pension tier an employee falls under is determined by the hire or pension eligibility date, and, whether or not the employee had reciprocity at the time of hire. The CalPERS' Local Miscellaneous Member Benefit Booklet contains the details of the three pension tiers currently offered which are outlined below:

Tier 1: All applicable eligible employees of the District hired on or before December 10, 2012, participate in the California Public Employees' Retirement System (CalPERS). The percentage of final compensation is determined by age and years of service by CalPERS. The CalPERS' Local Miscellaneous Member Benefit Booklet contains the details of the 2.5 percent at 55 formula adopted by the District. The employee's contribution under this tier is 8 percent of his or her salary.

Tier 2: All applicable eligible employees of the District hired on or after December 11, 2012, participate in the California Public Employees' Retirement

System (CalPERS). The percentage of final compensation is determined by age and years of service by CalPERS. The CalPERS' Local Miscellaneous Member Benefit Booklet contains the details of the 2 percent at 60 formula adopted by the District. The employee's contribution under this tier is 7 percent of his or her salary.

Tier 3: All applicable eligible employees of the District hired on or after January 1, 2013, participate in the California Public Employees' Retirement System (CalPERS). The percentage of final compensation is determined by age and years of service by CalPERS. The CalPERS' Local Miscellaneous Member Benefit Booklet contains the details of the 2 percent at 62 formula adopted by the District. The employee's contribution under this tier is 6.5 percent of his or her salary.

The rules and regulations that govern the CalPERS program are set forth in state law as well as in contracts that the District has executed with CalPERS. Under the plans, both the District and the employee are required to make contributions to CalPERS. CalPERS issues an annual employee contribution statement to each participating CalPERS member which shows the member's account balance, including interest earned.

An employee terminating all CalPERS-covered employment may leave his or her contribution on deposit or elect a refund, including interest, or rollover the untaxed portion of his or her contributions to a qualifying IRA. The District will notify CalPERS of the separation and CalPERS will send the employee a refund election form and, if the employee is eligible, a retirement election form.

Information about the CalPERS programs, as well as the *Local Miscellaneous Member Benefit Booklets*, may be obtained at its website, www.calpers.ca.gov, or by contacting the CalPERS Member Services Division at 888-225-7377.

**Life Insurance**
The District provides post-employment life insurance coverage to eligible retirees. Retirees retired on or after July 1, 1976, with at least ten years of regular service will receive the amount of insurance in force at the time of retirement reduced by 10 percent and further reduced by $1,000 each retirement date anniversary, subject to a minimum coverage level of $3,000.

Employees retiring with a disability, who are under age 60, may be eligible to continue life insurance at the $20,000 level if proof of disability is provided to the insurance company within one year of retirement and as often thereafter as required.

Retirees may elect to convert the reduced insurance amounts, up to the original amounts of the policy, to an individual policy by paying the portion of this premium within 31 days from the date of retirement. Employees who want to exercise the conversion privilege should notify the Human Resources Department.

Employees should plan their retirement carefully and provide a minimum of 45 days notice to the District before the effective retirement date. The District encourages employees to begin planning retirement up to six months before the anticipated date to allow sufficient time to process the appropriate Social Security and CalPERS paperwork. When an employee determines a retirement

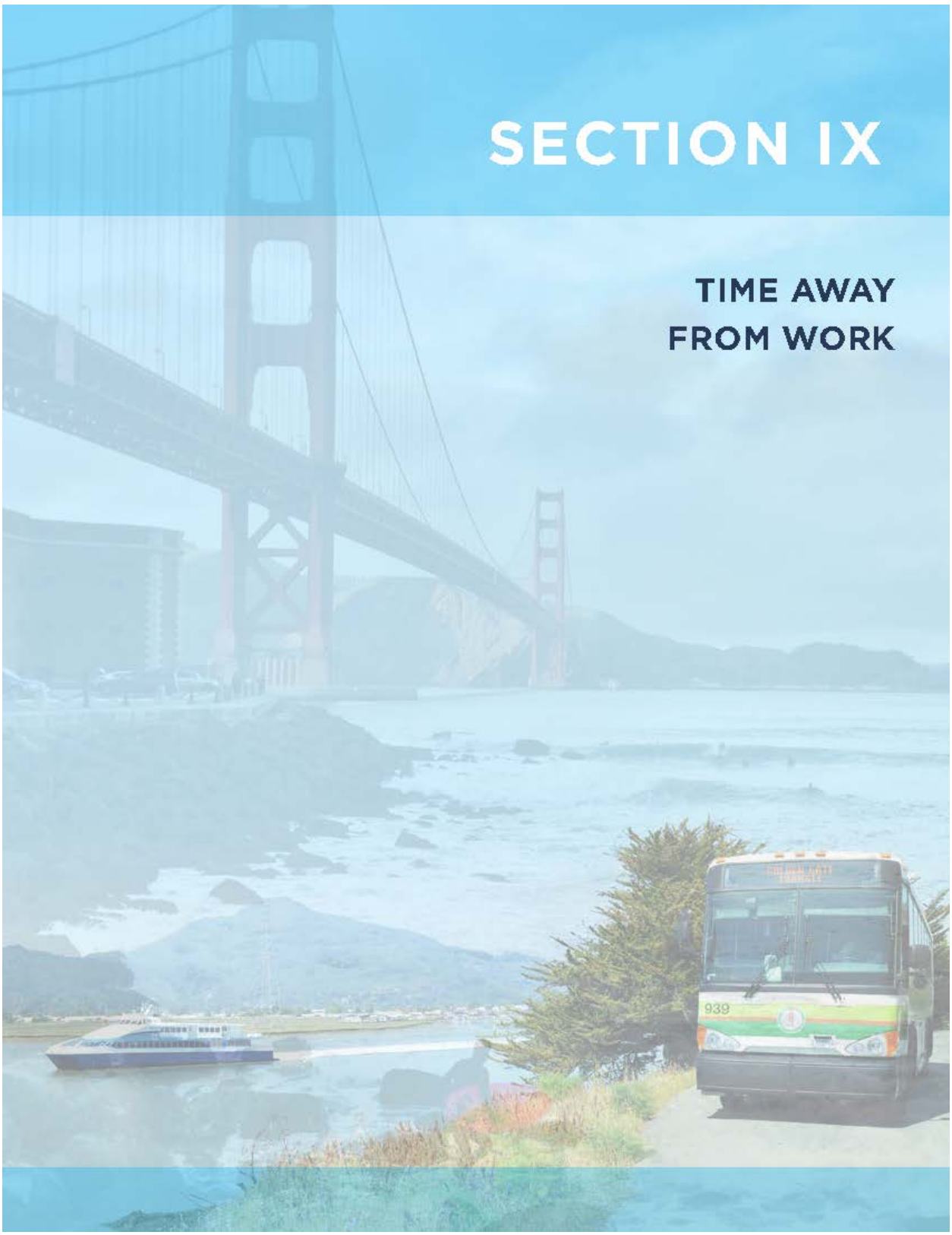
date, he or she should contact the Human Resources Department to complete the necessary forms.

Upon retirement, the employee must return all District property, including the District Identification Card. A Retiree Identification Card can be obtained through the Human Resources Department located at 1011 Andersen Drive, San Rafael. The Retiree Identification Card is used to obtain the employee gift center discount and transit privileges. In addition, the retiree would keep the District issued Toll Tag FasTrak to obtain the toll privilege.

Last Revision 01.2015

# SECTION IX

## TIME AWAY FROM WORK



# Catastrophic Leave Sharing Program

The District's Catastrophic Leave Sharing Program allows employees to voluntarily donate accrued time to another regular full-time or part-time employee who has completed 12 months of service and experiences a catastrophic leave event; or, who has a family member experiencing a catastrophic leave event. A catastrophic leave event is defined as a life threatening, verifiable, illness or injury such as, but not limited to, cancer, heart attack or stroke or other medical condition which disables the employee, immediate family member, or domestic partner for a prolonged period of time. Generally, a catastrophic leave event would preclude the affected employee from returning to work for an extended period of time.

Fellow employees may donate from their accrued sick leave, vacation, floating holidays, and compensatory time. Donors must maintain a sick leave balance of 50 percent of his or her current sick leave balance, or 75/80 hours of sick leave credit, whichever is greater. Donors must maintain a minimum vacation balance of 37.5/40 hours. A recipient may receive up to a maximum of 450 hours of donated time.

Employees must apply and be approved for the Catastrophic Leave Sharing Program. All compensatory time and benefit accruals i.e., vacation, sick, and floating holidays must be exhausted within the next two pay periods in order to qualify for the program. If the recipient of catastrophic leave returns to work before the donated time is exhausted, the remaining hours will be placed in the general Catastrophic Leave Fund to be used for future recipients.

Donated accrued benefits will be coordinated with income replacement benefits, such as State Disability Insurance, Paid Family Leave and Workers' Compensation pay. The combined total of disability payments and donated accrued benefits will not exceed the employee's regular wages. Donated accrued benefits will be converted at its cash value at the donor's base rate of pay and then credited to the recipient in hours of leave at the recipient's base rate of pay.

If an employee receives donations for an absence resulting from an accident, and the employee later receives an award including lost time in a civil suit, the employee will be required to reimburse the Catastrophic Leave Fund for the amount of benefits received under the program. Employees must notify the District upon receipt of any such award.

Catastrophic Leave may run concurrently with the Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA). Once an employee exhausts all compensatory time and benefit accruals i.e., vacation, sick, and floating holidays and enters unpaid status (meaning a recipient of donated leave is no longer receiving his or her own pay), then Catastrophic Leave will run concurrently to the Medical Leave of Absence policy for the employee's own health condition.

Healthcare benefits continue until the employee is no longer receiving donated leave. A recipient of donated leave will accrue vacation and sick leave credits while receiving donated leave. Once the donated leave is exhausted and the employee is in unpaid status, the employee may be responsible for payment of

healthcare benefits under a COBRA option unless any remaining Medical Leave of Absence is available.

The Catastrophic Leave Sharing Program is administered by the EEO Compliance Programs Department. Requests must be submitted to the Leaves Analyst using the Catastrophic Leave Sharing Program Request form available on the Employee intranet. After review, the EEO Compliance Programs Department will submit a recommendation to the General Manager or his or her designee for final approval. Once approved, the Leaves Analyst will issue an electronic request to all employees for donations.

Last Revision: 2014

# Excused Time Off

The District provides regular, provisional, and limited-term full-time and part-time employees with excused time off for the following purposes:

**Court Appearances and Crime Victims**
An employee who is a victim of a crime such as a serious or violent felony as defined by section 230.2 of the Labor Code, or who is an immediate family member or domestic partner of a victim, will be provided time off work to attend judicial proceedings related to the crime. Immediate family members are defined as spouse, domestic partner, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather. The employee is required to provide his or her supervisor with a copy of each scheduled proceeding in as far in advance as possible. If advance notice is not possible or an unscheduled absence occurs, the employee must provide documentation supporting the absence. Employees may elect to use accrued vacation, compensatory time, or unpaid leave, unless otherwise provided for by an MOU. The District will maintain the confidentiality of records regarding the nature of the time off.

**Grand Jury Service**
Every county in California has a Grand Jury. The Grand Jury is a voluntary body which makes recommendations to increase the efficiency and effectiveness of government services. Employees who desire to volunteer to serve on a Grand Jury may apply to the General Manager for a leave of absence without pay. Employees who are required to serve on a mandatory Grand Jury will be subject to the Jury Duty procedures below and will be paid.

**Jury Duty**
In accordance with state law, the District supports and encourages employees to fulfill their civic obligations when called to mandatory civil or criminal jury or mandatory Grand Jury duty, or when subpoenaed as a witness for the District. The District will pay the difference between the amount received for jury duty or witness fees and the employee's regular salary.

Employees must provide a copy of the summons to his or her supervisor immediately upon receipt. Absences due to jury or witness duty must be recorded accurately on the timesheet. The employee must provide his or her supervisor with a verification of attendance. If an employee is not required to attend court or serves fewer than four hours, that employee is expected to

report to work. If the employee serves four or more hours, that employee is not required to Return-to-Work and will be paid for the entire day. Employees are required to notify their supervisor daily as to their status while on jury or witness duty unless other arrangements have been made. An employee called for jury duty will be provided an excused absence and will receive time off with regular pay for the length of the service. However, the employee must reimburse the District for any jury or witness fees received. The employee must provide his or her supervisor a copy of the jury statement or subpoena and a check made out to the District. Employees may keep mileage and transportation expenses reimbursed by the court.

Employees who are scheduled to work shifts which exceed eight hours will record the eight hours of jury duty on the timesheet and the remaining hours will be coded under "other paid absence." Jury duty hours may not be included in overtime calculations; overtime is based on hours worked. If the employee's active jury duty encompasses more than four hours of his or her normally scheduled day(s) off, he or she shall receive another day off during the pay period. All benefits shall remain in effect and the employee will continue to accrue vacation and sick leave.

Employees who are scheduled to work evening or graveyard shifts for 24/7 District operations are not expected to perform jury duty and work their regular schedule unless they are released from jury duty not less than ten hours prior to the start time of their regular shift. An employee who works a swing shift and is required to call the night before to determine if he or she must report to jury duty the next day, must report to work at the regular start time and will be excused at least ten hours before the jury reporting time.

The pay provisions of this policy are not applicable where attendance as a witness is related to either prior employment or when an employee is required to appear in court or at a deposition in any matter in which he or she is the plaintiff.

**Subpoena and Witness Duty**
If an employee serves as a witness on behalf of the District in the course of employment with the District, leave with pay is allowed. Any witness fees must be turned over to the District.

The employee is also allowed time off when subpoenaed to testify as a witness in any other situation, but such leave must be charged to vacation, compensatory time or unpaid leave. The employee may, in this case, retain any witness fees received.

**School Visitations**
The Family School Partnership Act entitles employees up to 40 hours each school year to participate in their children's school activities. Parents, guardians, and custodial grandparents are covered by the Act. To be eligible for leave, the employee must provide reasonable written notice to his or her supervisor. Leave may not exceed eight hours in any calendar month. Employees must exhaust existing vacation leave, compensatory time or a floating holiday (if an entire day is used) before an unpaid absence will be approved. Represented employees should check their MOU to determine if incremental use of paid time off is permitted for these circumstances.

**Time off to Vote**
The State Election Code entitles employees up to two hours off to vote in state and national elections when that employee does not have sufficient time outside of working hours to vote. Such time off should be taken at the beginning or end of the assigned work shift, whichever allows the most free time for voting and the least time off from work, unless otherwise mutually agreed upon by the employee and the supervisor. No more than two hours taken off for voting will be paid time.

If the employee knows or has reason to believe that time off will be necessary to enable the employee to vote on election day, the employee shall give his or her supervisor at least two (2) working days notice that time off for voting is desired.

**Law Enforcement and Emergency Personnel Leave**
Employees who are also emergency personnel will be provided a minimum of up to 14 unpaid days off each calendar year to attend fire or law enforcement training as defined by law. Employees must provide advance notice of the need for time off for training and provide documentation to support attendance at law enforcement and/or emergency training.

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# Family Medical Leave Act and the California Family Rights Act

The laws covered by this policy are the Family Medical Leave Act (FMLA) of 1993, which is Federal law, and the California Family Rights Act (CFRA) which is State law. In order to be eligible for FMLA/CFRA leave, an eligible employee must have worked for the District at least 12 months (which need not be consecutive) and worked at least 1,250 hours during the 12 month period immediately preceding the commencement of the leave request. The District uses the rolling calendar year method to determine FMLA/CFRA leave eligibility.

**Type and Duration of Leave and Reasons for Taking Leave**

- For bonding leave for the birth or adoption of an employee's child or the placement of a foster child with the employee. Bonding leave must conclude within one year of the birth, adoption or foster care placement of the child (Note: If both parents are employees and the leave is taken for the birth, adoption or foster care placement, the combined leave may be limited to 12 workweeks);
- To care for the employee’s spouse, domestic partner, child, or parent with a serious health condition. The District recognizes registered domestic partners through its Domestic Partnership Policy;
- For an employee’s own serious health condition that makes the employee unable to perform the essential functions of the employee’s job either non-industrially or industrially;
- Any qualifying exigency arising out of the fact that an employee’s spouse, son, daughter or parent is a covered family member on active duty or called to active duty status in the Armed Forces outside the United States;
- An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member who is undergoing medical treatment,

recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or a covered veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness is entitled to up to 26 weeks of FMLA/CFRA leave during a single 12-month period to care for a covered service member.

**Serious Health Condition** means an illness, injury, impairment, or physical or mental condition of the employee or a child, parent or spouse of the employee which involves one of the following:

- Inpatient care (an overnight stay) in a hospital, hospice, or residential health care facility; including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care;
- Continuing treatment by a health care provider of more than three consecutive calendar days that also involves continuing supervision by a healthcare provider of more than three calendar days;
- Continuing treatment or continuing supervision by a healthcare provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in an incapacity for more than three calendar days;
- Treatment two or more times by a healthcare provider, by a nurse or physician's assistant under direct supervision of a healthcare provider, or by a provider of healthcare services (e.g. physical therapist) under orders of, or on referral by, a healthcare provider. Treatment includes examination to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations;
- Treatment by a healthcare provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider. A regimen of continuing treatment includes, for example, a course of prescription medications (e.g. antibiotic) or the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a healthcare provider;
- Any period of incapacity due to pregnancy or for prenatal care;
- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease;
- Any period of absence to receive multiple treatments (including any period of recovery) by a healthcare provider or by a provider of healthcare services under orders of, or on referral by, a healthcare provider, either for restorative surgery after an accident or injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

Provided all the conditions of this policy are met, an employee may take a maximum of 12 weeks of FMLA/CFRA leave in a rolling 12-month period measured backwards from the date the employee's leave commences. Employees who are unable to work due to pregnancy disability will be granted

the greater of 12 weeks leave or the amount of leave to which the employee may be entitled under California state law for a pregnancy-related disability or in connection with childbirth.

Provided all the conditions of this policy are met, an employee may take a maximum of 26 weeks of military caregiver leave in a single 12-month period, inclusive of the time the employee takes for a family care, medical, or military exigency leave during that period. This 12-month period will be measured forward from the first day leave is taken.

**Intermittent Leave and Reduced Leave Schedules**
FMLA/CFRA leave will usually be taken for a period of consecutive days, weeks, or months. However, an employee is also entitled to take these leaves intermittently or on a reduced work schedule when medically necessary due to a serious health condition of the employee or the covered family member, or the serious injury of the covered service member. Intermittent leave may also be taken for any qualifying exigency (see Military Leave policy). Where the intermittent or reduced schedule leave is for planned medical treatment, the employee must make an attempt to schedule the treatment so as not to disrupt unduly the District's operations. Where the family care leave is to be taken in connection with the birth, adoption, or foster placement of a child, the minimum duration for each period of leave is two weeks, except that the employee may request leave of less than two weeks duration on any two occasions.

**Military FMLA Leave Entitlement**
**Qualifying Exigency Leave**
Qualifying Exigency Leave is for families of members of the National Guard or Reserves when the covered family member is on active duty or called to active duty in support of a contingency operation. An employee whose spouse, son, daughter, or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for the related family member’s call-up for service.

**Military Caregiver Leave**
An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to take up to 26 workweeks of FMLA leave during a single 12- month period to care for the covered service member with a serious injury or illness.

**Notice Requirements**
Employees must notify the District of their request for FMLA leave as soon as they are aware of the need for such leave. For foreseeable FMLA leave, the employee must provide 30 calendar days' advance notice to the District of the need for leave. For events that are unforeseeable 30 days in advance, the employee must notify the District as soon as is practicable and generally must comply with normal call-in or notice procedures. If the leave is requested in connection with a planned, non-emergency medical treatment, the employee must make an attempt to schedule such treatment so as to avoid unduly disrupting District operations, and may be requested to reschedule the treatment so as to minimize disruption of the District's operations.

If an employee fails to provide the requisite 30-day advance notice for foreseeable events without any reasonable excuse for the delay, the District

reserves the right to delay the taking of the leave until at least 30 days after the date the employee provides notice of the need for FMLA/CFRA leave.

All requests for FMLA/CFRA leave should include enough information to make the District aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave, if known. Sufficient information may include that the employee is unable to perform certain job functions the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a healthcare provider, or circumstances supporting the need for military family leave. Employees also must inform the District if the requested leave is for a reason for which FMLA/CFRA leave was previously taken or certified.

Any requests for extensions of leave under this policy must be received as soon as is practicable and must include the revised anticipated date(s) and duration of the leave. To the extent permitted by law, the District reserves the right to deny requests for extensions or deny reinstatement to an employee who exceeds the leave amounts provided by this policy or fails to provide requested medical certification. In addition, if an employee has a disability, the employee may be eligible for leave under the Americans with Disabilities Act (ADA) or state law (See Disability and Reasonable Accommodation policy).

**Certification Requirements**
Any request for medical leave for an employee's own serious health condition, for family care leave to care for a child, spouse, domestic partner or parent with a serious health condition or for a serious injury, or for military caregiver leave must be supported by medical certification from the healthcare provider. If the need for leave is foreseeable, certification shall be provided to the Leaves Analyst in the EEO Compliance Programs Department or the employee's supervisor or designee prior to the commencement of leave. When it is not possible to provide certification before the leave begins, the District will allow the employee 15 calendar days to provide the required certification, unless it is not practicable to do so, despite the employee's good faith efforts.

Failure to timely provide the required certification may result in the denial of foreseeable leave until such certification is provided. In the case of unforeseeable leaves, failure to timely provide the required certification may result in a denial of the employee's continued leave.

The District may require the employee to provide subsequent medical certification every 30 days. Additional certification is required if the employee requests an extension; if the circumstances of the leave have changed (nature/duration of illness); if the District has reasonable cause to doubt the validity of the original certification; or if the employee fails to return to work because of a serious health condition.

**Inadequate Medical Certification**
If the District determines the medical certification inadequate, the employee will be provided a reasonable opportunity to provide appropriate documentation. When the validity of a medical certification for the employee's own serious health condition is doubted, the District may require the employee to obtain, at District expense, the opinion of a second employer-approved healthcare provider regarding any of the information in the original certification. This second healthcare provider will be selected by the District.

If the opinion of the second healthcare provider differs from the first, the District may require the employee to obtain, at District expense, the opinion of a third healthcare provider. The opinion of the third healthcare provider will be final and binding on the District and the employee.

The third healthcare provider must be designated or approved jointly by the District and the employee. The District and the employee must each act in good faith to attempt to reach agreement on whom to select for the third opinion provider. If the District does not attempt in good faith to reach agreement, the District will be bound by the first medical certification provided by the employee. If the employee does not attempt in good faith to reach agreement, the employee will be bound by the second medical certification provided by the District.

**Employees who wish to use FMLA/CFRA while on paid status may receive pay as designated:**

- For an employee's own serious health condition or for an industrial injury condition, the employee is required to use sick leave, then will use accrued vacation in excess of 20 days, floating holidays, and compensatory time prior to taking unpaid leave. The Payroll Department will automatically coordinate sick leave at the 8th calendar day of leave with the Employment Development Department (EDD) State Disability Insurance (SDI) program. The employee must advise their supervisor at the commencement of their leave request if they wish to use any vacation in excess of 20 days which will also be coordinated with SDI;
- For the serious health condition of an eligible family member, the employee may use six days of sick leave (or one-half of the employee's annual accrual) if not used previously to care for a family member during calendar year preceding 12 months. Employees on leave for a family member are not required to use their accrued vacation, floating holidays or compensatory time prior to taking unpaid leave. If an employee is on a continuous leave of absence for a family member, the employee may elect to apply for the Paid Family Leave (PFL) program through the EDD. If an employee elects and is approved for this income replacement benefit, after the 8th calendar day of leave, the employee may choose to have accrued vacation, floating holidays, and compensatory time coordinated. It is the employee's responsibility to advise his or her supervisor at the commencement of the leave request how they wish to be paid;
- For the birth, adoption, or placement of a child, accrued vacation, floating holidays, and compensatory time may be used prior to taking unpaid leave. If the employee is giving birth, the employee will be required to use accrued sick leave during the disability period (see Pregnancy Disability Leave);
- Employees continue to accrue sick and vacation credits while absent as long as they remain in a District paid status as specified in District sick and vacation policies. The District does not count third party payments, such as SDI/PFL, Workers' Compensation or temporary disability, when determining whether an employee is in District paid status for the purpose of accruing sick or vacation time.

**Status of Employee on Family and Medical Leave**
An employee on FMLA/CFRA retains employee status, and the leave does not constitute a break in service for purposes of service date or any employee benefit plan. For purposes of layoff, recall, promotion, job assignment, and seniority-related benefits, an employee who returns from leave will have no less seniority than the employee had when the leave commenced.

**Health Insurance**
Except as otherwise noted, during FMLA/CFRA the District will continue to pay its share of the premium for health, accidental death and dismemberment, dental, vision and life insurance for up to 12 weeks at the same level and under the same terms and conditions as the coverage provided while the employee was actually at work.

If an employee fails to return from leave for reasons other than the continuation, recurrence, or onset of a serious health condition for which leave under this policy is allowed, or other circumstances beyond the employee's control, the District may recover the premiums paid by the District on behalf of the employee.

**Other Benefits**
During unpaid FMLA/CFRA leave an employee will continue to be entitled to participate in employee benefit plans for the duration of the FMLA/CFRA leave of absence. An employee must be in a paid status the day before and the day after a fixed holiday to be paid for that holiday. Paid accruals cannot be used to assure holiday pay when the employee is otherwise in an unpaid leave status.

**Return from Family and Medical Leave**
Employees timely returning from a leave covered under this policy are entitled to reinstatement to the same or equivalent position consistent with applicable law. An employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. The District may refuse to reinstate an employee from FMLA/CFRA to the same or equivalent positions if any of the following is true:

- The employee is among the highest 10 percent of the District's salaried employees and whose reinstatement would cause the District serious and grievous economic harm;
- The employee elects not to return at the end of the leave, despite the notice of the termination of leave under this policy.

As a condition of the employee's return from FMLA/CFRA leave due to the employee's own serious health condition, the District will require the employee to submit a Release to Return-to-Work Certification from the employee's healthcare provider or from the District's treating physician stating that the employee is able to Return-to-Work. If there is a legitimate medical question regarding the certification, the employee may be required to see a District physician to obtain a release to work.

If the position of an employee on FMLA/CFRA is eliminated during such leave, then the employee will have the rights accorded under layoff procedures. Questions regarding this policy may be presented to the Leaves Analyst in the EEO Compliance Programs Department at 415-257-4520.

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# Income Replacement Benefits

While an employee is on an authorized leave of absence, income replacement benefits may be available to employees through the State of California. State Disability Insurance payments may be available when an employee is unable to work due to an employee's temporary disability. Paid Family Leave Insurance payments may be available when an employee is unable to work due to the temporary disability of a family member or to bond with a new child. Neither of these benefits entitles an employee to a leave of absence; they are a form of income replacement while an employee is on an authorized leave of absence.

Employees continue to earn vacation credits while absent as long as they remain in a District paid status. The District does not count third party payments, such as SDI/PFL, Workers' Compensation or temporary disability, when determining whether an employee is in District paid status for the purpose of accruing sick or vacation time.

## State Disability Insurance (SDI)

SDI coverage may be available when an employee is absent on a District approved leave because the employee is medically disabled and unable to work. Employees wishing to use this benefit must submit an application for benefits with the Employment Development Department (EDD) online. SDI benefits are coordinated with accrued paid time off (PTO) sick, vacation, compensatory time, floating/banked holiday leave. There is a seven day waiting period before SDI benefits begin. When added together, paid leave and SDI benefits cannot equal more than the employee's weekly wage (less overtime), earned by the employee immediately prior to the disability. SDI benefits are not District "paid" leave for the purposes of maintaining benefit accruals for sick and vacation. Nor do these payments count toward CalPERS income. If an employee accesses this income replacement benefit and fails to notify the District of such so that coordination of benefits may be determined, the employee may be subject to termination under the District's Abuse of Leave Policy.

Once EDD has accepted the application, the employee keeps the SDI benefit payments. If the employee has received sick leave payments from the District, the employee must notify the Payroll Department. Subsequent District paychecks will be reduced by the amount of the SDI benefit payments. Once sick leave is exhausted, the employee's vacation, compensatory time, floating holidays and banked holidays will be coordinated. Employees may choose to keep 20 days of vacation time on the books by notifying the Leave Analyst in advance. Once all paid time off is exhausted, the employee will receive only the SDI payment. If an employee fails to forward the statement of benefits, the employee's paycheck will be reduced by the amount of the maximum SDI basic benefit. Questions regarding calculation of SDI benefits should be directed to the Payroll Department. An informational brochure is available on the Employee intranet and may be downloaded from the EDD's website at www.edd.ca.gov.

## Paid Family Leave Insurance (PFL)

PFL insurance coverage may be available for employees who require time off work under a District approved leave to care for a seriously ill child, spouse, parent, or domestic partner, or to bond with a new child. PFL is also

administered by Employment Development Department (EDD). Employees wishing to use this benefit must submit an application for benefits with the EDD online. Employees who qualify for PFL will be eligible to supplement up to 55 percent of their weekly wages. An employee is entitled to up to six weeks of income replacement benefits through PFL in a 12-month period. There is a seven-day waiting period before benefits may begin. Employees' vacation time may be coordinated with PFL. Six sick days per calendar year may be used for a family member. An informational brochure is available on the Employee intranet and may be downloaded from the EDD's website at www.edd.ca.gov.

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# Medical Leave of Absence

Medical leave of up to six months is available to regular full-time and regular part-time employees who have completed 12 months of continuous service and are eligible for sick leave and vacation accruals. A Medical leave of absence may be granted when an employee is unable to perform work due to a serious health condition (work related or non-work related). A serious health condition must be verified by the employee's treating physician. Medical leave is available every two years determined on a rolling 24-month basis. Before being placed on medical leave, employees must first exhaust accrued sick leave and any vacation credits exceeding twenty days.

Medical leaves are unpaid and do not exceed six months. A medical leave may run concurrent with Family Medical Leave Act (FMLA)/California Family Rights Act (CFRA), if those leaves have not been exhausted during the employee's paid portion of the leave. District paid healthcare benefits will continue for the duration of a Medical leave. However, the employee is responsible for his or her premium sharing during the unpaid portion of the leave and will be billed accordingly. Employees must also provide medical documentation every 30 days supporting the continued need for medical leave. Supervisors should report requests for medical leave to the Leaves Analyst in the EEO Compliance Programs Department. In the event the employee is unable to return to work after a medical leave, an extension may be considered. Extensions are considered on a case-by-case basis by the District's Disability Management Committee. If appropriate, a formal interactive process meeting will be conducted.

The employee may elect COBRA coverage to continue healthcare benefits during the medical leave extensions. The District does not pay for healthcare benefits during such extensions. If an employee does not return to work within the six-month medical leave, the District may choose to fill that employee's position. Medical leave is not a protected leave other than any portion where FMLA/CFRA run concurrently with the unpaid leave.

**Return to Work Requirements**
**Non-Safety Sensitive Employees**

- Employees returning to work from a non-work related medical leave must provide a written release to return to work to the Leaves Analyst within seven calendar days of their anticipated return to work date;

- Employees returning to work from a work-related leave must provide a written release to return to work to the Workers' Compensation Administrator prior to their return to work.

**Safety-Sensitive Employees**

- Employees off work for more than 90 consecutive calendar days must submit to a Department of Transportation (DOT) pre-employment drug test prior to returning to work and allow time for the results to be reviewed before returning.
- Safety-sensitive employees returning to work from a non-work related medical leave must contact the Leaves Analyst at least seven calendar days in advance to schedule a drug test.
- Safety-sensitive employees returning to work from a work-related medical leave must contact the Workers' Compensation Administrator at least seven calendar days in advance to schedule a drug test.

Employees may not return to work without notification from either the Leaves Analyst or the Workers' Compensation Administrator.

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# Military Leave of Absence

The District provides part-time and full-time employees with military leave of absence in accordance with the California Military and Veterans' Code and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). All employees are covered regardless of length of employment or the nature of the employee's job responsibilities. Temporary employees may be exempted who have been hired on a limited or seasonal basis and who do not have an expectation of continued employment. Employees must provide advance verbal or written notice of the need for leave except when such notice is precluded by military necessity, impossibility, or unreasonableness. The District requires written verification of an employee's military orders.

Military leave applies to active and reserve duty (active duty training) in the Uniformed Services including the Armed Forces, the Army National Guard, the Air National Guard, the commissioned corps of the Public Health Service, and any other category of service designated by the President in a time of war or national emergency. Employees are eligible whether they volunteer for active duty or are called up involuntarily.

**Types of Military Leave**

**Temporary Military Leave**
When ordered to full-time active military duty for training, encampments, naval cruises, special exercises, or like activity for a period not to exceed 180 calendar days, including time spent traveling to and from such duty.

**Extended Military Leave**
When an employee enlists or is ordered into active duty service of any length or active duty training in excess of 180 days or when an employee is ordered into active federal military duty as a member of the National Guard or Naval Militia. Such leave shall be granted for a period not to exceed five years.

**Emergency National Guard Leave**
When an employee who, as a member of the National Guard, is called to active duty by proclamation of the Governor during a state of emergency. An employee who, as a member of the National Guard, is called to active military duty at the request of the President of the United States is not eligible for emergency National Guard leave, but shall be granted extended military leave.

**Weekend Military Training/Inactive Duty Training (Drills)**
Time off is provided for weekend military training and regularly scheduled inactive unit training periods. These training periods are unpaid unless the employee wishes to use accrued time off such as vacation, compensatory time, and floating holidays. Employees who have military training sessions on weekends (Saturday and Sunday), and whose assigned workweek includes Saturday or Sunday, or both, may request adjustment of their scheduled days off. However, work must be available for which they are qualified to perform in order to accommodate this request. Further, the work assignment must comply with any applicable MOU. Employees must request such arrangements in writing as far in advance as possible and provide verification of attendance upon return to work. No additional compensation, shift premiums, or other extra costs to the District shall result from such adjustments.

**Compensation During Leave**
Under the California Military and Veterans' Code, an employee granted temporary military leave for the purposes of active-duty military training, encampments, naval cruises, special exercises, or similar activity is entitled to receive the employee's regular District pay for the first 30 working calendar days in which the employee would normally work in any one fiscal year, provided that the employee has completed 12 months of continuous District service immediately prior to the granting of the leave. An employee granted military leave for emergency National Guard duty is entitled to receive the employee's regular District pay for a period not to exceed the first 30 working calendar days in which the employee would normally work in any one fiscal year. An employee who is not eligible for leave with pay may choose to have such absence charged to accrued vacation, compensatory time off, or any applicable holidays. Otherwise, the employee will be granted the leave, but the employee will be in unpaid status.

**Benefits During Leave**
An employee granted military leave with pay shall receive all benefits related to employment that are granted when an employee is in paid status. District employees' are responsible for the employee portion of their medical benefits while on approved leave. If an employee is in a District paid status, this contribution will be deducted from the second paycheck each month. Once the employee enters unpaid status, the employee shall receive benefits under the provisions of COBRA and USERRA.

An employee granted military leave and who is in unpaid status:

- Shall receive retirement benefits and service credit in accordance with the provisions of the applicable retirement system;
- Does not accrue vacation and sick-leave during any unpaid period of military leave;

- Shall access health plan coverage under the provisions of COBRA and USERRA. In accordance with the Veterans' Benefits Improvement Act of 2004, COBRA may be accessed up to 24 months instead of the normal 18 months.

Following release from military service, the employee shall report promptly to work or obtain another authorized leave from the District. Upon return to work, an employee shall have all of the rights and privileges that he or she would have enjoyed if he or she had remained at work.

**Reinstatement**
Upon return from an excused military leave, the employee will be reinstated to his or her former position, or another position, to the extent required by applicable law. In order to be eligible for reinstatement, the employee must report to the District or submit an application for employment within the period required by federal and state laws; and provide a certificate of satisfactory completion of service, as well as appropriate documentation to establish that the employee is eligible for reinstatement.

**Military Spouse Leave**
Qualified California employees will be given up to ten days leave during the time in which the employee's spouse or domestic partner is on leave from deployment in a combat zone with the active duty or reserve Military or National Guard during a period of military conflict. Employees may use accrued vacation, compensatory time or floating holidays to cover this absence. If the employee has no accrued vacation, the employee must request time off without pay.

Qualifying employees are employees who work an average of 20 hours per week and have a spouse or domestic partner who is serving as a member of the U. S. Armed Forces and who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States; or, a member of the Armed Forces Reserve Components or the National Guard and has been deployed during a period of military conflict.

Qualifying employees who wish to request this leave must provide the District with a written request for such leave within two business days of receiving official notice that the military spouse or domestic partner will be on leave from deployment. The employee must also provide written documentation to the District certifying that the military member will be on military leave from deployment.

**Military Family Leave (FMLA)**
The National Defense Authorization Act (NDAA) amended the FMLA to allow qualified employees with family members in the military to take leave under two circumstances:

- Leave due to a qualifying exigency; or
- Service member caregiver leave.

Furthermore, the NDAA extends the 26 weeks of leave to employees who are family members of service members and veterans for up to five years after a veteran leaves service if he or she develops a service-related injury or illness that was incurred or aggravated while on active duty. This law also expands the caregiver leave provision to include veterans who are undergoing medical

treatment, recuperation, or therapy for serious injury or illness that occurred any time during the five years preceding the date of treatment. The requirements for each are described in detail below.

To be eligible for military family leave, an employee must:

- Have worked for the District for at least 12 months prior to the date on which the leave is to commence;
- Have worked at least 1,250 hours in the 12 months preceding the leave;
- Work at location with 50 employees or more within a 75-mile radius of the District's next closest facility.

**Military Family Leave**

There are two types of Military Family Leave available:

**Qualifying Exigency Leave**
Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their basic FMLA Leave entitlement to address certain qualifying exigencies. Leave may be used because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the armed forces. Covered active duty means duty during deployment with the armed forces to a foreign country (for a member of a regular component of the armed forces); or duty during deployment with the armed forces to a foreign country under a call or order to active duty (for a member of a reserve component of the armed forces).

**Qualifying exigencies may include:**

- Short-notice deployment (up to seven days of leave);
- Attending certain military events;
- Arranging for alternative childcare and school activities;
- Addressing certain financial and legal arrangements;
- Periods of Rest and Recuperation (R & R) for the service member (up to 15 days of leave);
- Attending certain counseling sessions;
- Attending post-deployment activities (available for a period of up to 90 days after the termination of the covered service member’s covered active duty status);
- Parental leave where the employee may take qualifying leave to care for the parent of a military member, or someone who stood in loco parentis to that military member, when the parent is incapable of self-care and the need for the leave must arise out of the military member's call to active duty;
- Other activities arising out of the service member’s covered active duty or call to active duty and agreed upon by the District and the employee.

**Leave to care for a covered service member**
There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 weeks of leave during any single 12-month period if the employee is the spouse, son, daughter, parent, or next of kin (nearest blood relative) caring for a covered military service member or veteran recovering from an injury or illness.
A covered service member is:

- A member of the armed forces (including a member of the National Guard or reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness;
- A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the armed forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

A "serious injury or illness" means:

- For a member of the armed forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in the line of duty on active duty in the armed forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the armed forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating;
- For a veteran who was a covered service member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in line of duty on active duty in the armed forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the armed forces) and that manifested itself before or after the member became a veteran.

When both husband and wife work for the same employer, the spouses may take a maximum combined total of 26 weeks in the 12-month period for the care of the service member and the birth, adoption, or foster care of their child or to care for an ill parent, provided that no more than 12 weeks of this combined 26-week period may be taken for reasons other than to care for the service member.

**Calculating leave to care for a covered service member**

The 12-month period used to calculate this type of leave is calculated differently than the 12-month period used for other types of FMLA leave. The "single 12-month period" begins on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date, regardless of the method used by the District to determine the employee's 12 workweeks of leave entitlement for other FMLA-qualifying reasons.

**Employee Notice**

If the need for leave is foreseeable, the FMLA requires that the employee provide notice to the District as soon as reasonably practical. The FMLA does not require that military leave be paid. However, for leave taken for a qualifying exigency or service member caregiver leave, an eligible employee may elect to use their allotted family sick days, vacation, compensatory hours, floating holidays or banked holidays while on leave.

Employees and supervisors should contact the Leaves Analyst in the EEO Compliance Programs Department at 415-257-4520, for consideration of leave.

# Organ and Bone Marrow Donation Leave of Absence

The District provides employees who have worked for the District for more than 90 days and who wish to donate an organ or bone marrow with paid leave as required by law. Leave is calculated from the date the employee's leave begins. The employee must provide a written verification of the need for leave. The verification must state that the employee is an organ or bone marrow donor and that the donation is medically necessary. The written verification must be submitted to the Leaves Analyst in the EEO Compliance Programs Department at least 30 days prior to establish the need for leave.

- Organ donors may receive up to 30 business days of paid leave in any one year period. Employees taking organ donor leave must take up to two weeks of accrued paid time off, if available. If the employee does not have the accrued time off available, the District will keep that employee in paid status during the approved leave and continue to provide healthcare benefits;
- Bone marrow donors may receive up to five business days of paid leave in any one-year period. Employees taking bone marrow leave must take up to five days of accrued paid time off, if available. If the employee does not have the accrued time off available, the District will keep that employee in paid status during the approved leave and continue to provide healthcare benefits.

Leave does not need to be all at once. An employee may take organ or bone marrow donation leave in one or more periods of time. The total allotment must not exceed five days for bone marrow donation or 30 days for organ donation. This leave is separate from Family medical Leave or California Family Rights Act leave.

Last Revision 01.2015

# Personal Leave of Absence

The District may provide a personal leave of absence not to exceed six months for non-medical reasons such as special training or sabbatical, or other circumstances not related to the employee's own health condition. If an employee's Family Medical Leave Act (FMLA)/California Family Rights Act (CFRA) leave is exhausted, a personal leave may be granted for the birth, adoption or foster care placement of a child, or the serious health condition of a family member or registered domestic partner. Accrued vacation and compensatory time must be exhausted prior to the commencement of a personal leave. During a personal leave of absence, the employee does not accrue vacation or sick leave, does not receive holiday pay and neither gains nor loses seniority/District service credit. The employee may continue healthcare coverage as allowed by COBRA. The position the employee holds may be filled on a regular basis if operational necessity requires.

Approval is at the discretion of the General Manager or his or her designee after consultation with the employee's supervisor, EEO Compliance Programs Manager, District Officer, or Deputy General Manager of the applicable Division.

**Victims of Domestic Violence or Assault**
Employees may request unpaid personal leave to address domestic violence, dating violence, sexual assault or stalking. Under this section, personal leave is permitted in order to seek medical or psychological attention, obtain emergency housing, or seek legal or law enforcement assistance.

**Approval Procedure**
Requests must be made on the Personal Leave of Absence Program Request form located on the Employee intranet. All requests for personal leave must be submitted to the EEO Compliance Programs Department at least thirty calendar days in advance for consideration. Upon referral by the EEO Compliance Programs Department, the General Manager or his or her designee will have final approval for all cases requiring special or immediate consideration.

Last Revision 01.2015

# Pregnancy Disability Leave of Absence

Employees medically disabled due to pregnancy, childbirth, or related conditions shall be granted a Pregnancy Disability Leave (PDL) for a period of up to four months (or 88 working days, or 17 weeks plus three days). The treating physician determines the length of PDL. The Family Medical Leave Act (FMLA) runs concurrently with PDL up to the 12-week maximum allowed under the FMLA. The District maintains an employee's medical benefits for a period of up to four months while the employee is disabled due to pregnancy regardless of whether the employee meets the eligibility requirements for FMLA leave.

At the end of an employee's PDL, an eligible employee may request a California Family Rights Act leave (CFRA) of up to 12 workweeks in a rolling 12-month period for the purpose of baby bonding. CFRA runs concurrently with any remaining FMLA leave not used while on PDL. There is no requirement that either the employee or child have a serious health condition nor is there a requirement that the employee be disabled by her pregnancy, childbirth, or related medical condition before taking baby bonding leave. Bonding leave under CFRA must conclude within one year from the date of birth of the baby. All bonding leave requests must be in increments of two or more weeks; however, on two occasions an employee may request leave in less than two week increments.

**Approval Procedure**
Requests for PDL must be submitted in writing to the Leaves Analyst in the EEO Compliance Programs Department, at least thirty calendar days in advance for operational necessity. The notice must state the date the leave will begin and the anticipated duration of the leave as well as a physician verification of the dates of disability. Forms and additional information for PDL are located on the employee intranet.

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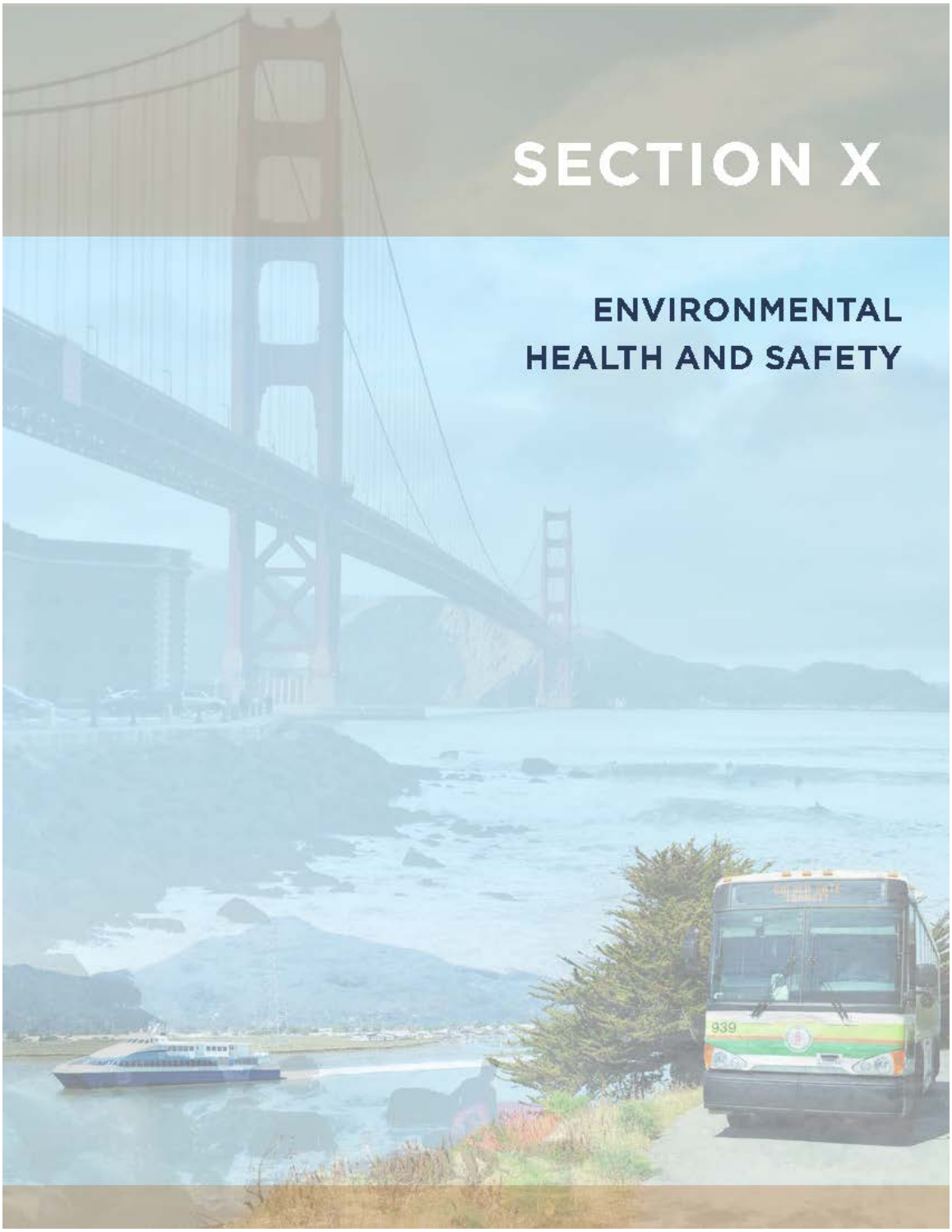
SECTION X
ENVIRONMENTAL
HEALTH AND SAFETY

# Safety Program

The District recognizes the protection of the health and safety of its employees, contractors, customers, visitors and the environment as a fundamental responsibility in carrying out its operations. It is the District's policy to comply with state and federal Environmental, Health and Safety regulations and to exceed minimum requirements as deemed appropriate. Because each operating unit has its own unique hazards and operational considerations, specific programs have been implemented to address the specific hazards of these operations.

**Responsibilities**
District employees and contractors will accept individual and collective responsibility to maintain a healthy, accident-free workplace, and a clean environment. This objective will be achieved through proper training, attention to the use of proper equipment and procedures, and emphasis on effective environmental, health and safety programs.

Violation of safety policies or deviation from safe work practices could cause injury to personnel or damage to property and will not be tolerated. Violators will be subject to appropriate discipline, up to and including suspension or dismissal. This could include cancellation of a vendor contract.
The management and employees of the District share responsibility for the safety of operations under his or her control. The General Manager has ultimate control over, and responsibility for all activities of the District. This includes responsibility for establishing policies which ensure a safe and healthy workplace and directing that appropriate activities are undertaken to implement those policies. Each Deputy General Manager is responsible for ensuring that appropriate policies, procedures and programs are effectively implemented; that adequate resources and priorities are assigned to correcting hazardous conditions; and, that applicable safety program activities are carried out in each division.

Each Department Manager or Superintendent is responsible for ensuring that those safety program activities applicable to his or her department are carried out effectively and within any prescribed time limits.
Each employee has the responsibility to understand and follow the District's environmental, health and safety policies, to attend and participate in safety meetings and training sessions, to use proper equipment and follow proper procedures in performing his or her work; and, to immediately report all accidents, near-miss incidents, and unsafe work conditions to his or her supervisor.

**Environmental Health and Safety**
The Environmental, Health and Safety Department (EH&S) is the designated administrator of the District's "Injury and Illness Prevention Program."
The EH&S Department is responsible for continually assessing the District's health and safety needs and, in concert with management at all levels, developing programs, policies or procedures to meet those needs. His or her role is to advise and assist Division Managers, Department Managers and Superintendents in implementing required programs in his or her areas of responsibility and then to provide ongoing administrative support and technical expertise once the programs are in place. The Environmental, Health and Safety

Specialist or the Director of Risk Management and Safety are the key contacts for employees, managers and outside persons or agencies with questions or concerns related to health or safety.

**Contact Information**
The District's EH&S Department may be contacted as follows: the Director of Risk Management 415-257-4553; the Environmental Health and Safety Specialist 415-257-4519; and, the Worker's Compensation and Liability Claims Administrator 415-257-4418. Employees should navigate to the employee intranet for information on the Injury and Illness Prevention Program (IIPP) which represents the framework of the District's employee safety program.

Last Revision 01.2015

# Structured Return-to-Work Program for Temporary Injuries or Illnesses

The District's goal is to return injured or temporarily disabled employees back to the workplace as soon as is medically appropriate. To assist with that goal, the District has implemented a Structured Return-to-Work Program for occupational and non-occupational injuries and illnesses. The intent of this program is to bridge an employee's return to their regular job with a Temporary Work Assignment (TWA). TWAs may be available to accommodate an employee's disability during the medical recovery process. Use of TWAs is normally limited to a maximum of 30 days. One extension may be granted for up to 60 calendar days, if appropriate.

The District's Return-to-Work (RTW) Coordinator, either the Claims Administrator (for occupational injuries) or Leaves Analyst (for non-occupational injuries), will work closely with the employee, the employee's supervisor and the employee's physician for a speedy return to regular work. If it is determined that the employee has a permanent work restriction, the Disability Management Committee will assess the District's ability to reasonably accommodate the employee's disability according to the Disability and Reasonable Accommodation Policy.

**Contact Information**
For more information contact the District's EH&S Department as follows: the Director of Risk Management at 415-257-4553; and, the Worker's Compensation and Liability Claims Administrator at 415-257-4418.

Last Revision 01.2015

# Workers' Compensation

The District provides Workers' Compensation benefits to eligible employees. Workers' Compensation is a state-mandated, no-fault insurance plan designed to provide benefits and assistance to all workers who are injured as a result of their employment or who develop job-related illnesses. Benefits may include medical costs, temporary disability, permanent disability, job displacement vouchers or death benefits.

**Third Party Administrator (TPA)** is an insurance company under contract with the District to review and adjust Workers' Compensation claims, pay medical costs and pay benefits to eligible employees.

**Primary Treating Physician (PTP)** is the doctor with the overall responsibility for treatment of an employee's work-related injury or illness. The District will select the PTP unless the employee has pre-designated a personal physician to treat the employee's work-related injury or illness. The PTP decides what type of medical care the employee needs; whether there are temporary or permanent medical limitations or restrictions on the employee's ability to perform work; and when the employee is able to return to work. A Pre-Designated Physician (PDP) is an employee's personal Medical Doctor (M.D.) or Doctor of Osteopathic Medicine (D.O.) that the employee has designated to be the employee's PTP for the treatment of a work-related injury or illness. The employee must designate this physician, with the physician's consent, in writing before the injury occurs.

**Medical Provider Network (MPN)** is a selected network of healthcare providers to provide treatment to workers injured on the job. The District uses an MPN for all Workers' Compensation claims.

**Temporary Disability Payments (TTD)** are paid to injured workers with accepted claims who are temporarily totally disabled and off work for more than three calendar days. The first three calendar days are not paid unless the employee is disabled for more than 14 days, or is hospitalized overnight. TTD pays two-thirds of the employee's average weekly wage, subject to minimum and maximum amounts set by state law. The payments are tax-free and paid based on a seven-day week. TTD payments may change or stop when the PTP determines the injured worker is able to return to work. The District does not count third party payments, such as TTD, as wages when determining whether an employee is in District paid status for the purpose of accruing sick or vacation time.

**Permanent and Stationary (P&S)** is the point at which the injured worker is determined by the PTP to have reached maximum medical improvement with the injury or illness. If the doctor gives the injured worker permanent work restrictions, the injured worker may need to engage in the Interactive Process as outlined in the District's Disability and Reasonable Accommodation Policy.

**Permanent Disability Payments (PD)** may be paid if a doctor says the employee's illness or injury results in a permanent disability. The amount of PD will depend on the type of injury, the employee's age, occupation and date of injury.

**Supplemental Job Displacement Benefit (SJDB)** is paid in the form of a non-transferable voucher payable to a school for retraining and/or skill enhancement, if the work-related injury occurred after January 1, 2004, if permanent disability prevents the employee from returning to work within 60 days after temporary disability benefits end, and if the employer does not offer modified or alternative work. Death Benefits are paid to relatives or household members of the injured worker who were financially dependent on the deceased worker, if the injury or illness causes death.

**Jones Act** is a federal law covering maritime injuries by District employees who are ferry crewmembers, who spend more than 30% of their workdays in the service of the vessel. These employees are exempt from California Workers' Compensation.

**Compensation**
Employees who are able to work, but must return to the District's PTP, will not have such time charged against their accumulated sick leave credits. Such time should be charged as "163 Industrial Injury" on the time report, so long as the visits are substantiated by medical verification and the amount of time away from the job is reasonable in relation to the intended purpose. Absences for treatment by a physical therapist, chiropractor or acupuncturist other than the District's PTP, shall be charged against the employee's sick leave credits. (If therapy is recommended, the employee may request a referral close to work to minimize time away from the job. Employees are encouraged to schedule all non-PTP appointments outside of regular work hours, if possible.)

If an employee receiving Workers' Compensation Temporary Disability Payments is granted a leave as a result of a job-related injury or illness, the District shall coordinate Workers' Compensation and sick leave benefits so that Workers' Compensation disability payments are supplemented by accrued sick leave, with the employee's pay equal to his or her regularly earned wage. In this manner, pay for sick leave will be charged proportionately against the employee's accrued sick leave. Temporary Disability Payments and employer-paid sick leave cannot, added together, equal more than the weekly wage (less overtime) earned by the employee immediately prior to the disability. An employee who takes industrial leave must exhaust available accrued vacation credits which exceed 20 days. The employee is allowed to retain 20 days of accrued vacation credits.

The employee has a right to disagree with any decision affecting his or her Workers' Compensation claim. Employees should call the District's Claims Administrator and/or the TPA's Claims Examiner to attempt to resolve any disagreement. If further assistance is needed, the employee can contact an Information and Assistance (I&A) Officer at the State of California, Division of Workers' Compensation (DWC). The number is 800-736-7401 for recorded information and a list of local offices, or the employee may go to the DWC website at www.dwc.ca.gov. The employee can also file with the Workers' Compensation Appeals Board (WCAB). There are deadlines for filing the necessary WCAB paperwork, so the employee should not delay the process. If the employee is not receiving Workers' Compensation benefits because the claim has been delayed or denied, the employee may be able to apply for State Disability Insurance (SDI) benefits. This information is available at the State of California, Employment Development Department (EDD) at (800) 480-3287, or on the EDD web site at http://www.edd.ca.gov/disability/SDI_Online.htm.

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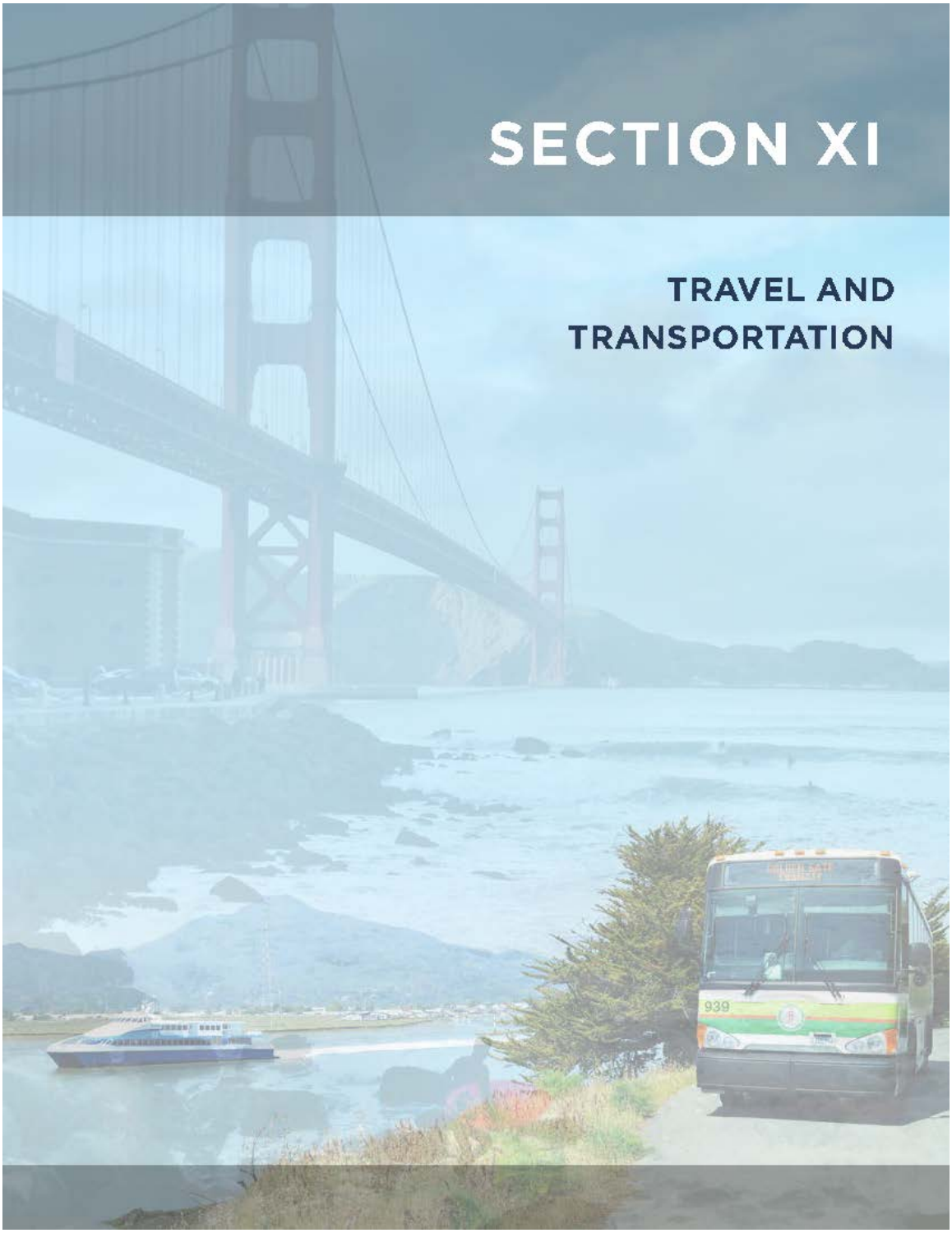
SECTION XI
TRAVEL AND
TRANSPORTATION
939

# Parking Personal Vehicles

The District provides employee parking lots at its facilities (except the San Francisco lot). Vehicles parked in the employee parking lots must have a visible Golden Gate Bridge, Highway and Transportation District parking sticker clearly displayed in the front window of the vehicle. Bus Transit and District Division employees in San Rafael should contact the Transportation Office at extension 4439 or 4410 for parking stickers. Employees located at the Golden Gate Bridge may contact the Administrative Receptionist at extension 2354. Ferry employees may contact the service department at extension 5572. The District is not responsible for damage to employees' personal vehicles or theft of personal items while parked on District property.

The Bridge employee parking lot may not be used as commuter parking. It is intended for employees' use while working at the Bridge facility. Employees may not park their personal vehicles in the parking area adjacent to the Bridge Administration Building or in any of the District's visitor parking areas except for short periods to load and unload vehicles. The General Manager may approve exceptions to this policy.

The Ferry employee parking lot may not be used as commuter parking. It is intended for employee’s use while working at the Ferry facility.

Unattended vehicles left in the parking lots for more than 72 hours are subject to towing at the owner’s expense. Employees expecting to leave their vehicle unattended must first notify the Transportation Office or Security Office. Employees may not use their vehicles for overnight lodging in the District parking lots at any time.

Last Revision 01.2015

# Travel Expense Program

The Travel Expense Program establishes expense guidelines for District business travel conducted by employees (including regular, limited-term, provisional, temporary or casual), Board appointed Officers and members of the Board of Directors (traveler or travelers). Travelers will at all times exercise sound judgment when incurring such expenses for District business in keeping with the District's values and standards. The traveler is responsible for ensuring compliance with the Travel Expense Policy and related procedures and should review the Travel Expense Policy available in full on the employee intranet prior to traveling on District business.

The oversight Deputy General Manager/Officer authorizing travel for an employee is responsible for enforcing compliance and establishing and maintaining budgets that are impacted by travel. In the event of a conflict between the provisions of the Travel Expense Policy, a Memorandum of Understanding (MOU) or the Fair Labor Standards Act (FLSA), the MOU or FLSA will control.

The General Manager, with the advice of the District Attorney and/or the Auditor-Controller, will be the final authority on the implementation of the Travel Expense Policy.

Last Revision 01.2015

# Vehicle Use

Use of District vehicles for District business is encouraged. Departments and Divisions have pool cars available for sign-out by authorized employees. When a District vehicle is not available, employees may use their personal vehicle for District business. Employees are responsible to drive in a safe and legal manner. If an employee receives a moving or parking violation in a District vehicle, the employee is responsible for all fees.

**Conditions for Use of Personal Vehicles**
Employees may use personal vehicles for business when a District vehicle is not available. The following conditions apply:

- Employees must maintain insurance on personal vehicles. The District is not responsible for damage related to personal vehicle use while on District business. The employees' own insurance is primary to that of the District's;
- The mileage allowance for personal vehicle use is set at the IRS-approved rate;
- When an employee is required to report to work at a location other than a District facility, mileage will be paid for the difference in miles between the employee's regularly assigned office and the reporting location;
- Mileage to work is not paid if an employee works on his or her regularly scheduled day off or holiday;
- Mileage reimbursement requests should be submitted to the Auditor-Controller within five working days of the month end.

Travel time to and from work does not constitute hours worked. This is true whether District employees work at a fixed location or at different job sites.

**Maintenance of District Vehicles**
District vehicles are serviced routinely. Each individual using a District vehicle is responsible to notify the maintenance department at the Bridge or Bus Division (as applicable) of any mechanical problems so they may be addressed.

Employees are responsible for ensuring that there is adequate gasoline when District cars are returned. Fuel pumps are available at the Bridge and Bus Divisions. Personal belongings or trash should not be left in a District vehicle. If the District vehicle must be fueled away from the District, the driver must have a receipt to be reimbursed. A copy of the receipt should also be sent to the appropriate Division that fuels the vehicle annotated with the date, the amount of fuel if not printed on the receipt, and the District car number fueled. This information is used to assist the District to maintain accurate fuel usage.

**24-Hour Commute Vehicle Privileges**
The General Manager is responsible for the annual review and assignment of 24-hour commute vehicle privileges. Employees who are granted 24-hour commute vehicle privileges must sign an annual acknowledgement of use.

These employees may use the assigned vehicle to commute to and from work and for personal errands while traveling between the District and the employee's home or for meal breaks during the workday. The vehicle use is for commute purposes only and does not extend to personal use during non-commute periods.

Criteria considered when determining the assignment of a 24-hour vehicle includes:

- Has the position been granted 24-hour car privileges historically?
- Is there an employment contractual obligation to grant 24-hour car privileges?
- Is there a specific operational need for the position to be granted 24-hour commute vehicle privileges that significantly aids the individual in carrying out his or her job duties?
- Is there an operational cost savings associated with assigning such a vehicle?
- Does the position play a significant role in commonly anticipated emergency response activities of the District?

The list of positions assigned 24-hour commute vehicle privileges is subject to change as business needs warrant. Employees assigned 24-hour commute vehicle privileges will be taxed according to IRS regulations.

**Driver's License Pull Notice Program**

The District receives copies of Department of Motor Vehicle reports on District employees through the Driver's License Pull Notice Program. Employees with unsatisfactory driving records as determined by the District will not have authorization to drive District vehicles.

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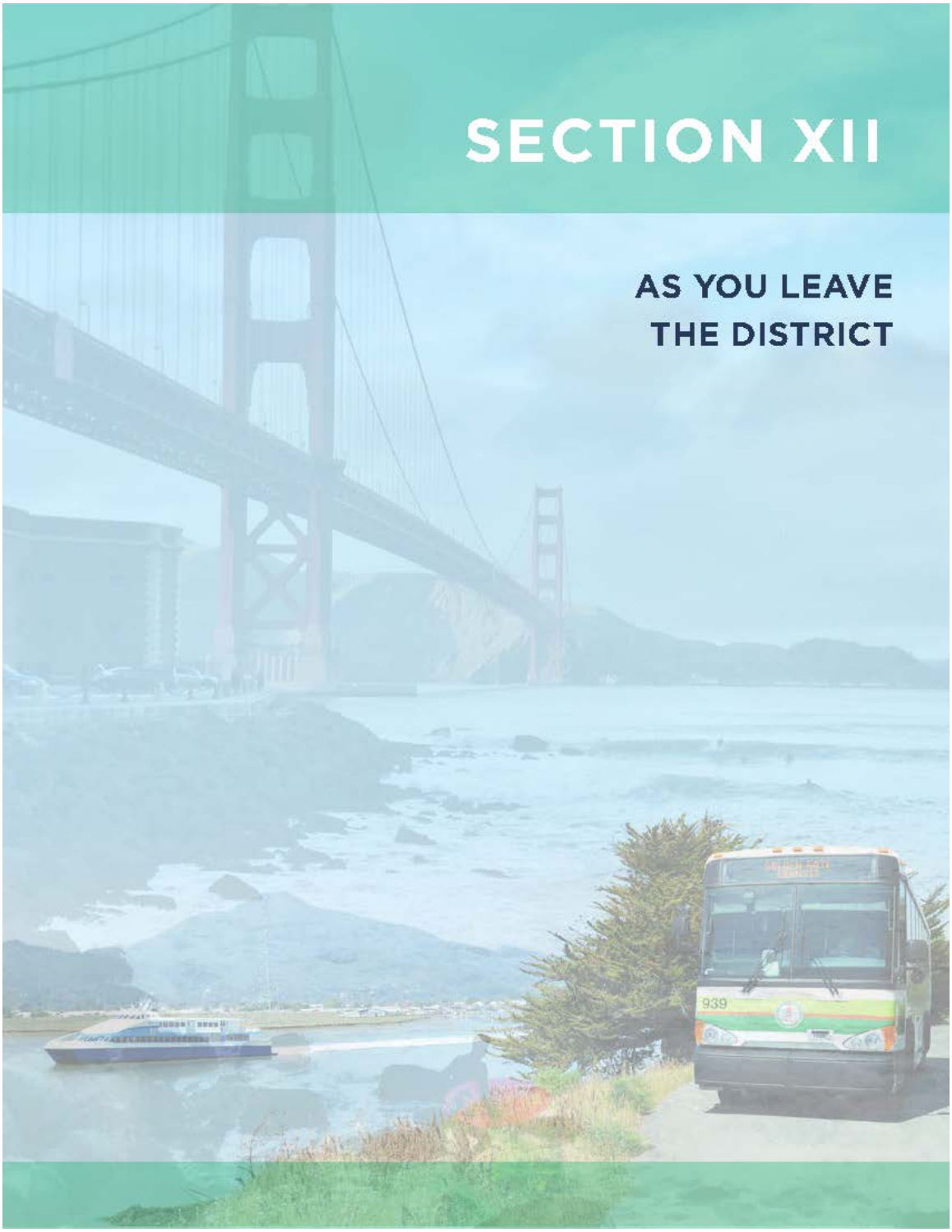
SECTION XII
AS YOU LEAVE
THE DISTRICT
939

# Job Abandonment

The District expects employees to report for work on time and for every scheduled shift. An employee who is unable to report to work at the designated time is required to notify his or her supervisor in accordance with the applicable Attendance Policy. Employees who fail to report to work for three consecutive work days without notifying their supervisor will be considered as having voluntarily resigned as a result of job abandonment. If an employee is unable to contact the District for any absence, he or she should ask a representative (such as a family member or friend) to do so on the employee's behalf.

Job abandonment may also occur when an employee fails to return to work after having been on an approved leave of absence where that employee has been released to return to work; or, after failing to return to work from any approved time off or disciplinary suspension.

Employees must keep current emergency contact information on file with the Human Resources Department. Supervisors may attempt to call the employee using the employee contact information on file. Supervisors should notify the Human Resources Department when an employee either fails to report to work or has not contacted his or her manager by the close of business on the second consecutive work day.

The Human Resources Director will attempt to contact the employee using the emergency contact information on file. If the Human Resources Director is unable to determine the employee's employment status, that employee will be considered to have voluntarily resigned as a result of job abandonment.

Last Revision 01.2015

# Layoff and Reinstatement

## Layoff

The District has established layoff and reinstatement procedures for reductions-in-force impacting non-represented, administrative employees. An administrative employee is any employee who is not represented by a union. These procedures may also apply to represented employees in the event a bargaining unit's Memorandum of Understanding (MOU) is silent on an issue. This is particularly applicable to employees being returned to work for temporary assignments who served in represented positions at the time of layoff.

**Notice of Prospective Layoff**
When the District's Board of Directors decides to lay off a position or group of positions, the Human Resources Director and Deputy General Manager/Administration and Development, under the direction of the General Manager, shall compile a list of the designated positions. A written notice shall be sent to each potentially affected employee who is in either regular or introductory status (due to a recent promotion or recent lateral transfer) of the decision to eliminate the position(s); or of the decision for a temporary layoff. The notice will include the effective date of action and will be issued at least 30 days prior to the effective date. Newly hired introductory, provisional,

temporary, seasonal and casual employees may be terminated at any time without 30 days notice. In the event the employee is subject to an MOU and these matters are specifically addressed by the agreement, the MOU shall prevail, and this policy does not apply.

**Methods of Implementing Mandated Reductions-in-Workforce**

**Attrition**
When possible, the District will endeavor to implement a mandatory reduction in workforce by attrition, such that positions affected by a layoff that become vacant through resignation, termination, retirement, or death shall not be refilled.

**Categorical Order of Layoffs by Employment Status**
When reduction of positions through attrition does not accomplish the number of reductions required or when specific positions are designated for layoff, the order in which layoffs within a job classification in a Division will be implemented by employment status is as follows:

- The first category of employees to be laid off will be those who volunteer by sending written notice thereof to the Human Resources Director within five working days of receipt of notice of prospective layoff;
- The second category of employees to be laid off will be those who are classified as temporary, provisional, seasonal, and/or casual;
- The last category of employees to be laid off will be those who are classified as introductory and regular.

**Procedure for Layoffs within Job Classifications**
When a layoff of one or more positions within a job classification is required, the District will consider employees' past work performance and ability to contribute operationally as factor in determining the individual selected for layoff. The District may, for example, determine to retain an employee who is otherwise slated for layoff when that individual possesses the knowledge, skills, and abilities to be most successful in the classification and has demonstrated overall contribution to supporting the District's goals and operational requirements. In some circumstances, employees may be laid off in classifications not specified, so that such employee may be retained. When employee performance distinctions within a classification are not discernible, seniority will prevail.

**Employment Analysis**
The Human Resources Director shall forward the recommendation for layoff to the Manager of Compliance Programs who shall analyze the effects of such decisions on the District's Equal Employment Opportunity Program. Once the analysis is complete, the Human Resources Director, in coordination with the Deputy General Manager of Administration and Development, will prepare a written recommendation for approval by the General Manager documenting which employees should be reassigned, displaced, and/or laid off.

**Final Notice on Layoffs**
The Human Resources Director shall give notice to all affected employees five working days prior to the date that the actual reassignments and layoff are to take effect. The effective date shall be the date designated by the Board of Directors for the official layoff action.
**Employee Rights Upon Layoff**

**Vacation, Severance Pay, and Other Benefits**
Each regular status employee who is laid off shall receive two weeks of severance pay along with pay for accrued and unused vacation, compensatory and floating holiday time in accordance with District policy. An introductory employee who has been employed with the District in at least one other job classification, but who is serving an introductory period due to job promotion or lateral transfer, shall be considered a regular employee for purposes of this section. A provisional employee will receive all accrued and unused vacation, compensatory and floating holiday time in accordance with District policy. The District may offer the employee an enhanced severance package on a case-by-case basis. Employees who accept the enhanced severance package are not eligible for rehire.

Each laid off employee must return his or her employee identification card, toll tag, keys, and all other District property.

Additional years of service credit will not be accrued during layoff. Accrued sick leave will remain on the books and will be restored upon recall or reinstatement.

A regular employee with one or more years of service will receive three entire months of paid COBRA coverage for health, dental, and vision insurance coverage. The employee must be enrolled in the insurance plans as an active employee at the time of layoff.

Each non-represented employee who is laid off is entitled to tuition reimbursement as listed below:

| Service in Years | Tuition Benefit |
|---|---|
| 0-7 years | $1,500.00 |
| 8-10 years | $2,000.00 |
| over 10 years | $3,000.00 |

Tuition reimbursement is made according to the Educational Assistance policy.

Employees who are laid off are eligible for unemployment insurance benefits in accordance with applicable state laws or regulations.

Employees who are laid off also may have available to them several alternatives with respect to benefits they may be entitled to under the California Public Employees' Retirement System (CalPERS). Employees may consult with the Human Resources Department and the State of California.

**Layoff List**
The names of laid off employees shall be placed on a layoff list which shall document for each employee the position held, the corresponding employment status, and the date of layoff. This list shall be kept in the Human Resources Department.

**Recall Status**
Employees on the layoff list who had introductory and regular status shall be in a "recall status" for 24 months following layoff. In the event that, during this period, the position(s) eliminated by a layoff action is reestablished or a vacancy occurs in the same position/job classification within the same Division, the Human Resources Director shall notify persons in the recall status of the

opportunity to be reinstated to the position. Recall shall be in the opposite order of layoff. While on recall status, employees may respond to any District recruitment to fill vacant positions at the District as "internal" applicants. While on recall status, employees may elect to continue medical benefit coverage in accordance with COBRA provisions and at their own expense.

## Reinstatement

The right to reinstatement shall prevail for a period of 24 months from the date the layoff took effect. Employees on the layoff list who are notified of the reestablishment of their prior position, or of a vacancy in the same position/job classification within the same Division, and who resume employment with the District in that position, will accrue vacation credits based upon actual years of service with the District. This does not include time laid off. For all other employment purposes, including but not limited to opportunities for promotion and transfer, the reinstated employee shall maintain his or her original District service/seniority date, and the employee shall credited with any unused sick leave credits that had accumulated at the time of layoff.

If the employee held the original position in an introductory status, the employee shall resume such status upon reinstatement.

Employees may be reinstated to District employment in positions other than the one from which they were laid off. In the event an employee accepts another position, the employee will be reinstated with vacation accrual levels equivalent to that when laid off. No credit will be given for the time period of actual layoff. Accumulated sick leave accruals at the time of layoff will be credited to the employee. If reinstated to a full-time regular position, the employee may still apply for open positions including any opening in the job classification to which the employee was assigned at the time of layoff. Seniority will prevail for assignment to a position only as provided by any applicable MOU.

Employees also may be eligible for temporary assignments during their layoff period. In the event an employee laid off while in regular or introductory status (other than new hires) is returned to work for a temporary assignment, the employee will be eligible for medical benefits (health, dental, and vision only) provided the employee works the first scheduled work day of the month. This is the normal criterion for eligibility of benefits, unless provided otherwise in an MOU. The employee will receive sick, vacation, and holiday accruals at the rate earned at the time of layoff. No service credit will be given for the actual layoff period or for the time spent in a temporary assignment. These employees will not be eligible for District leave other than as required by state or federal laws, such as the California Family Rights Act and the Family and Medical Leave Act.

**Services of Human Resources Department**
During the layoff process and period of recall, the Human Resources Department shall provide outplacement services to affected employees, upon request; and will be available to assist and advise affected employees as to their rights under these procedures, career counseling, assistance in résumé preparation, identify job opportunities within the District that might be available, and other pertinent information such as medical and CalPERS benefits.

# Separation from Employment
# Voluntary Separation/Involuntary Separation

## Voluntary Separation

**Resignation with Notice**
Employees who resign their employment should give a minimum two-week notice whenever possible. Medical benefits will continue until the end of the month in which the employee resigns provided the employee contribution was paid.

**Retirement**
Employees should plan their retirement carefully and provide a minimum of 45 days notice to the District before the effective retirement date. The District encourages employees to begin planning retirement up to six months before the anticipated date to allow sufficient time to process the appropriate Social Security and CalPERS paperwork. When an employee determines a retirement date, he or she should review the Retirement Benefits policy and contact the Human Resources Department to complete the necessary forms.

## Involuntary Separation

**Non-represented** employees serve at the pleasure of the General Manager and may be separated for no reason or any reason not prohibited by law. The District shall grant a hearing to regular non-represented employees who have completed their introductory period in the event that a recommendation to separate employment is made to the General Manager.

**Represented** employees must be separated for cause (for example, poor performance, misconduct, absenteeism, fraud, medical disability, etc.). In the event that a recommendation to separate employment is made to the General Manager, represented employees may appeal such decision according to the applicable Memorandum of Understanding.

**Reasons for Separation**
Employees may be separated for the following reasons:

- Due to a violation of District rules, policies, and procedures;
- For unacceptable conduct;
- For unsatisfactory work performance;
- Due to layoff but in accordance with policy;
- For medical reasons in accordance with policy and applicable laws.

**Medical Separation**
If the Disability Management Committee (DMC) determines that an employee cannot perform one or more essential functions of his or her position due to an injury or illness; and, a reasonable accommodation cannot be made in accordance with the Disability and Reasonable Accommodation Policy, the DMC will submit a recommendation for a medical separation to the General Manager. Proof of the employee's disability or medical condition is required and is subject to verification by a District appointed healthcare provider.

**Separation of Disabled Employees**

An employee who has submitted an application for CalPERS disability retirement or other applicable pension program disability retirement shall not be separated under this policy until an eligibility determination has been made by the applicable agency. Employees requesting a determination as to disability retirement must submit a timely application with the appropriate agency. However, the District may, if appropriate and at its discretion, submit an application for disability retirement on behalf of an employee as required by law.

**Hearing Procedures for Involuntary Separation of Regular Non-Represented Employees**

Non-represented employees who involuntarily separate from employment may request a hearing according to the following procedures:

1. **Notice of Termination**
   The employee will receive five days of advance written notice of the charges and/or facts upon which a termination recommendation is based and of the time and place of the hearing. For other than misconduct, the employee may be placed on a paid administrative leave for a period commencing with the first day following the date of the notice and ending on the hearing date.

2. **Hearing Date and Pay Status**
   The Human Resources Director will make every effort to schedule the hearing within the first ten working days following the intent to terminate notice date. If the hearing cannot be scheduled during that time due to the unavailability of the supervisor, the Department Head or the Hearing Officer; or, for some other business reason; or because the employee requested additional time, the hearing will be scheduled for the earliest possible date. In cases when the employee requests a postponement or seeks to delay the hearing more than ten working days from the date of the initial notice, paid leave status will cease on the 10th working day from the date of notice. After that time, the employee will be placed on unpaid leave.

3. **Hearing Officer**
   The General Manager shall either serve as Hearing Officer or designate a Hearing Officer. The Hearing Officer will provide the employee with an opportunity to respond to the charges and/or facts upon which the termination recommendation is based. A designated Hearing Officer shall be a District manager working in a Division or a Department other than the Division or Department in which the employee works. The Hearing Officer's name shall be provided to the employee with the written notice of intent to terminate employment.

4. **Employee's Evidence**
   If the employee disputes the charges and/or facts upon which the termination recommendation is based, the employee may have witnesses appear at the hearing to assist him or her in establishing the employee's factual position. If the employee plans to have witnesses, the employee shall submit a list of witnesses to the Hearing Officer with an explanation of the evidence that each witness plans to offer. The list must be submitted to the Hearing Officer no later than 10 a.m. on the working day prior to the hearing. The number of witnesses providing substantially the same information may be limited by the Hearing Officer. Character witnesses are not allowed.

5. **District Representatives**

The employee's immediate supervisor, the Department Head, the Deputy General Manager, or District Officer (or any combination thereof) shall appear at the hearing to respond to the employee's factual presentation. The Hearing Officer shall facilitate the hearing and direct questioning to obtain factual information as necessary to make a final recommendation to the General Manager.

6. **Role of Human Resources Department Representative**
   The Human Resources Director or a designated representative shall be responsible for compiling all pertinent information and documents for review by the Hearing Officer prior to the hearing and shall be present at the hearing to ensure that proper procedures are followed and to advise the parties accordingly.

7. **Waiver of Hearing Procedure**
   If the employee notifies the Human Resources Director prior to the hearing date that he or she will not attend or if the employee fails to appear at the hearing, the employee will be deemed to have waived the right to a hearing. At the time of the notification of non-attendance, or if the employee fails to appear, the termination recommendation shall become the final determination of the General Manager and paid leave status shall end. The General Manager will send a final termination letter by U. S. Mail to the most recent address on record with the District.

8. **Final Determination**
   In a case where the General Manager designates a Hearing Officer, such representative shall submit to the General Manager a written recommendation for the action to be taken based on the evidence presented at the hearing within ten working days after the hearing. Within fifteen working days following the hearing, the General Manager shall issue a final determination to the employee outlining the action to be taken and the reasons. The determination of the General Manager shall be final and may prescribe any of the following actions:
   - Termination as originally proposed;
   - Suspension for a specified period of time;
   - Demotion or transfer;
   - The employee's restoration to the position held;
   - Such other action as may be necessary.

   In the event that there are circumstances which prevent a final determination within fifteen working days following the hearing, an additional period of five working days will be provided and a notice of such delay will be given to the employee. The District will determine whether administrative pay will end during any extensions or delays in the process.

9. **Restoration of Employment Status**
   If the General Manager determines that the employee should be restored to his or her position with no adverse action taken, or that the employee should be demoted or transferred to another position, the employee will receive back wages for the period of time he or she was placed on unpaid leave commensurate with the wage earned in the position in which the employee is placed.

10. **Suspension from Employment**

If the General Manager determines that the employee should be suspended for a specified period of time, the employee shall remain on unpaid leave for the duration of the suspension period.

## 11. Termination

If the General Manager's final determination upholds the termination recommendation, the official termination date shall be the date that the final termination letter is issued to the employee.

### Procedures for Separation of Introductory Regular Non-Represented Employees

- When a manager has determined that training, coaching and/or other remedial actions have not resulted in acceptable job performance and/or behavior or when the employee has violated District policy, the manager should discuss the matter with the applicable Deputy General Manager/District Officer/Department Head to seek approval to recommend termination of employment to the General Manager;
- If the Deputy General Manager/District Officer/Department Head approves the termination recommendation, the manager should submit a written recommendation for termination to the EEO Compliance Programs Manager for information and review and then to the General Manager for approval. The recommendation should be accompanied with an employee performance appraisal and a written memorandum explaining the basis for the termination recommendation;
- If the General Manager approves a separation of employment due to misconduct, the employee will be notified of the decision outlining the reason(s) for the termination and, in very limited circumstances, may be given an informal opportunity to respond to charges of misconduct to the General Manager or his or her designee prior to termination.

### Vacation Accruals Paid at Separation

When an employee separates from employment, unused vacation and compensatory time accrued are paid at the rate of compensation in effect at the time of separation. Unused accrued time may not be used to extend the effective date of separation.

### District Property

Employees must return all District property upon separation of employment, including, but not limited to, the employee's identification card, toll tag, and keys.

### Unemployment Benefits

The District will provide the State of California Employment Development Department with the reason(s) for employment separation. This information may be used by the State to determine eligibility for Unemployment Insurance benefits.

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