

WCCTAC
PERSONNEL
POLICIES
MANUAL

JUNE 2016

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POLICIES MANUAL RECEIPT ACKNOWLEDGMENT FORM

Each WCCTAC staff member is given a copy of the WCCTAC Personnel Policies Manual and signs the receipt acknowledgment form shown below. The signed receipt is retained in the employee's personnel file.

This is to acknowledge that I have received a copy of the 2016 WCCTAC Personnel Policies Manual and understand that it contains important information on the Agency's general personnel policies and procedures, including the Electronic Mail Usage Administrative Policy and the Internet Usage Administrative Policy, and on my privileges and obligations as an employee. I acknowledge that I am expected to read, understand, and adhere to Agency policies and procedures and will familiarize myself with the manual material. I understand that I am governed by the contents of the policies and procedures and that the Agency may change, rescind or add to any policies, procedures, benefits, or practices described from time to time.

Employee Signature

Date Signed

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100. INTRODUCTION & GENERAL PROVISIONS

INTRODUCTION

This Personnel Policies Manual has been developed to facilitate consistent and equitable employment and personnel practices for all employees of the West Contra Costa Transportation Advisory Committee (WCCTAC). This Manual applies to all employees, except where otherwise indicated in these rules. Each employee is responsible for reading and following all policies and procedures. This Manual supplants and supersedes earlier personnel policies. Questions or concerns about these policies may be addressed to the employee's supervisor or the Executive Director.

The WCCTAC Board shall have the authority to amend, revise, or repeal these Personnel Policies by resolution. The Executive Director, as the Personnel Officer, may, as deemed necessary, present to the Board for its consideration amendments or revisions to all or part of these Policies.

POWERS OF THE EXECUTIVE DIRECTOR

The Executive Director, or his or her designee, has general control and supervision over the affairs of the Agency; the authority to recommend new policies to the Board; the authority to establish, when not in conflict with these Policies, other procedures, rules and regulations as deemed necessary for the control and supervision of WCCTAC activities; the power to appoint and remove all employees, other than those directly appointed by the WCCTAC Board, subject to these Policies and those rules reserved to the WCCTAC Board or its officers by the WCCTAC Joint Exercise of Powers.

The Executive Director shall be the Personnel Officer. The Executive Director may delegate to an employee of the Agency, permanently or on a case-by-case basis, any or all of the powers and duties conferred upon the Personnel Officer, or may recommend that such powers and duties be performed under contract.

RESPONSIBILITIES OF THE PERSONNEL OFFICER

The Personnel Officer, or such person as has been delegated the responsibilities thereof, shall be responsible for the following:

- Administration of the Policies contained herein and any WCCTAC policy pertaining to the personnel function.
- Prepare and recommend to the WCCTAC Board amendments and revisions to these Policies.
- Maintain all required personnel forms, records, folders, documents, and operating procedures as may be necessary for the accomplishment of these Policies and any WCCTAC policy pertaining to the personnel function.
- Prepare a classification plan, including job descriptions and revisions of the plan.
- Prepare and submit an estimate for the annual budget for personnel operations.

101. DEFINITIONS

PURPOSE

The following list of terms is provided so that WCCTAC policies and procedures may be interpreted correctly and consistently.

DEFINITIONS

Administrative Leave provides for limited compensated time-off in recognition of time spent in work related activities beyond the regular business week. Administrative Leave time is granted only to employees exempt from the Fair Labor Standards Act requiring payment of overtime.

Advancement or Step Advancement is a salary increase of one or more steps in accordance with the duties performed and the authority and responsibilities exercised.

Agency shall mean the West Contra Costa Transportation Advisory Committee (WCCTAC), a public and separate entity created by a joint powers agreement among the signatories.

Anniversary Date is the employment date of an employee which may be used to compute certain benefits. For salary advancement purposes, see Fiscal Anniversary Date.

At-Will Employment means service to WCCTAC at the pleasure of the Executive Director, subject to termination at any time without advance notice, with or without cause and without redress to administrative procedures.

Benefits mean fringe benefits, such as vacation, health plans, or retirement programs, which are provided by the Agency to WCCTAC staff.

Board is the WCCTAC Board of Directors.

Break-in-Service shall occur when an employee is separated from the Agency by resignation, discharge, or other type of separation.

Causes of Disciplinary Action are actions for which the Agency may take formal disciplinary action. The list of such actions shall include, but not be limited to, those specified in the WCCTAC Employee Conduct Policy.

City means the City of San Pablo which administers certain WCCTAC personnel and financial functions. A service agreement defines in detail WCCTAC's relationship with the City.

Class or Classification refers to positions sufficiently similar in duties, authority, responsibility, and working conditions to permit grouping under a common title and subject to the same salary range.

Disability Separation is the non-disciplinary separation from further employment with the Agency because of a physical or mental condition which renders an employee inefficient or incapable in the performance of the essential functions of the position.

Dismissal is the forced separation of an employee from Agency service for disciplinable actions.

Electronic Mail Usage Policy establishes the proper methods and guidelines in the use of electronic mail (e-mail).

Employee Reporting Line establishes the chain of command to report workplace wrongdoing.

Exempt/Non-exempt refers to an employee's status under the federal Fair Labor Standards Act (FLSA) which defines eligibility for overtime pay. An *exempt* employee is exempt from the law, i.e., not covered by overtime pay requirements. Exempt status is defined by the type of work performed. Exempt employees must occupy full-time managerial, administrative or professional positions. Any position which does not meet the criteria for exemption is non-exempt and receives overtime pay for hours worked in excess of thirty seven and one-half (37.5) hours in a week. All WCCTAC employees except the Administrative Assistant are exempt employees.

Fiscal Anniversary is the first day of the WCCTAC fiscal year (July 1). Salary advances, and benefit changes when applicable, are normally effective on this date, unless the Board authorizes a different effective date for a specific action.

Grievance is any dispute or misunderstanding, real or imagined, between the Agency and an employee concerning the effect, interpretation, application, claim, breach, or violation of any provisions of the WCCTAC Personnel Policies Manual, administrative policies or matters, supervisory actions, or other terms and conditions of employment.

Internet Usage Policy establishes clear guidelines for use of the Internet.

Lay-off is the non-disciplinary separation of an employee because of material change in duties or organization, shortage of work funds or cancellation of any segment of the program, or for other reasons which serve the public interest.

Leave of Absence is an authorized absence from work of one day or more for reasons other than paid vacation, administrative leave, or sick leave of short duration.

Medical Leave is an authorized absence from work for six or more consecutive work days due to a medical condition. Normally requires clearance from a physician prior to returning to work.

Part-time Employee is an employee continuously or primarily assigned to work less than thirty seven and one-half (37.5) hours designated for full-time WCCTAC staff.

Pay Plan is the Agency pay plan which assigns each position to a particular pay range with corresponding minimum and maximum pay rates and intervening steps.

Pay Range is the series of salary steps assigned to each position.

Position is the grouping of duties and responsibilities requiring the full or part-time employment of one person.

Promotion is the movement from one position to another with a higher pay range. Promotion normally results in a salary increase.

Reclassification is a change in allocation of a position from an existing class to another with a higher or lower salary range. Reclassification does not usually involve a salary change unless the employee is below the minimum for the new range, in which case he/she is increased to that minimum.

Reprimand is a written or oral notification to an employee that there is cause for dissatisfaction with the employee's service or actions.

Service Agreement is a written agreement between the Agency and a provider, such as the City of San Pablo, specifying the terms and conditions under which the provider will perform services for the Agency.

Step is one of several salary levels assigned to each pay range.

Suspension is a temporary absence without pay levied as discipline.

TAC-Chair is the WCCTAC Executive Director.

Time Sheet is the time record maintained by all employees and submitted to the City's Finance Department for payroll purposes. Vacation, holidays, administrative leave, sick leave, jury duty, and other types of leave are recorded on the time sheet.

USAGE

For the purpose of these policies, the present tense includes the past and future; the future tense includes the present. *Shall* and *will* are mandatory and *may* is permissive. Words usually considered to be of masculine gender (such as actor and waiter) may include feminine. The singular number includes the plural; the plural includes singular.

102. CONDITIONS OF EMPLOYMENT AND WORK RULES

EMPLOYMENT STATUS

The status of all individuals appointed to employment with WCCTAC shall be “at-will,” subject to termination at any time with or without cause.

Non-Exempt Employees: Non-exempt employees include all employees who are covered by the overtime provisions of the Federal Fair Labor Standards Act (FLSA). Employees in this category are entitled to premium pay for work in excess of 37.5 hours in a workweek. These employees are paid on an hourly basis. The Administrative Assistant position is non-exempt.

Exempt Employees: Exempt employees include all employees who are classified as exempt from overtime provisions according to the FLSA. These employees are paid on a salary basis. All WCCTAC employees, except the Administrative Assistant, are exempt employees.

Regular Full-time Employees: An employee who regularly works 37.5 hours a week on a continuing basis.

Regular Part-Time Employees: An employee who regularly works less than 37.5 but more than 20 hours a week.

Temporary Employees: An employee who is hired for a limited duration (of less than 12 months) because of special projects, abnormal workloads or emergencies is considered a temporary employee. An employee will not change from temporary status to another status unless specifically informed of such a change, in writing, by the Executive Director. Benefits for temporary employees are limited to those required by law unless otherwise specified in an appropriate writing approved by the Executive Director. The duration of the temporary employment status may be extended by the Executive Director for up to six months, but no more than 975 hours within a fiscal year, when reasonably necessary in the discretion of the Executive Director.

WORKING HOURS DAY AND SCHEDULE

Work Days: Full-time WCCTAC staff normally work between six (6) and seven and one half (7.5) hours per day from Monday through Friday. The nature of the assignments is such that professional staff may be asked to perform duties outside the normal work day. Exempt employees are provided with paid administrative leave in recognition of this situation.

Work Start/End Times and Breaks: Work start/end times are flexible. Work must start by 10:00 a.m. and un-paid lunch breaks are provided (either thirty minutes or one hour). Employees are also entitled to two fifteen minute breaks, one in the morning and one in the

afternoon. The Executive Director will work with each employee to determine start/end times.

Upon discussion with and approval of the Executive Director, the employee's work days/times may be adjusted to allow for an alternative work schedule. Additionally, as work projects allow, as determined by the Executive Director, the employee may be allowed to telecommute. If telecommuting is allowed, all expenses for bringing the home office to appropriate standards in order to perform Agency work at home shall be borne by the employee.

Punctuality and Attendance: Regular attendance and promptness are considered part of each employee's essential job functions. Employees are expected to report to work on a reliable and punctual basis. Absenteeism, early departures from work, and late arrivals will not be tolerated. Employees must contact their supervisor as soon as possible in the event of absence or tardiness.

Employees must provide a reasonable explanation for absence or tardiness to their supervisor, including the expected duration of any absence. The Agency will comply with applicable laws relating to time off from work.

Excessive absenteeism may lead to disciplinary action, up to and including dismissal. Continuing patterns of absences, early departures, or tardiness, regardless of the exact number of days, may warrant disciplinary action.

Employees who are absent for three consecutive days and have not contacted their supervisor or the Executive Director will be assumed to have voluntarily terminated their employment as of the end of the third day missed.

PAYROLL

Paydays: WCCTAC employees are paid through the City of San Pablo payroll system. They receive one-half of their monthly salary on the twentieth of every month and the remaining one-half on the fifth day of the following month. They are paid on the preceding Friday if the fifth or the twentieth falls on a Saturday, Sunday or holiday. In order to be paid, each WCCTAC employee must complete a City of San Pablo time sheet and submit it to the City Finance Department in accordance with the time schedule and procedures established by the Finance Department. WCCTAC time sheets may include a breakdown by project, or funding source.

Pay Week: The WCCTAC pay week begins on 12:00 a.m. Sunday morning and ends seven consecutive days later at 11:59 p.m. Saturday night. Full-time salaries are based on a thirty seven and one-half (37.5) hour work week (1,950 hours for a 52 week year), or less if the employee is full time but working less than 37.5 hours per week.

Automatic Deposit: Employees may request automatic deposit of their paycheck, in which case the employee will receive a pay stub on payday.

Overtime Pay: Employees who qualify as “exempt” according to federal wage and hour laws are exempt from overtime pay and are not subject to this policy. All non-exempt employees qualify for overtime pay.

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled and required to work overtime. Before working any hours outside their regularly scheduled working hours or during unpaid meal periods, non-exempt employees shall obtain authorization from the Executive Director to work overtime. Working overtime without prior authorization may result in disciplinary action.

Non-exempt employees will be paid time and one-half compensation for all hours worked in excess of 37.5 in one workweek.

USE OF WCCTAC EQUIPMENT

WCCTAC provides office furniture, equipment, and supplies for the use and convenience of its employees. While these items are made available to employees, they remain the sole property of WCCTAC.

Prohibited material, including weapons, explosives, alcohol, and non-prescribed drugs or medications may not be retained within the facility.

WCCTAC management retains the right to open and inspect desks and files, as well as any contents, effects, or articles contained therein.

WCCTAC is not responsible for employees’ personal items placed on or left in desks or files.

The telephone system permits employees to receive, send, or transfer voice mail. It is intended solely for business use. Employees are able to use passwords to restrict casual access to voice mail messages. WCCTAC management reserves the right to access messages, and maintains a record of passwords for each telephone station.

Computers are available for staff use. While terminals are generally allocated to specific employees, they are not the possession of an individual. As needs dictate, other employees may use a computer normally assigned to someone else. The Administrative Assistant works with staff and IT support personnel to ensure that files are properly backed-up at all times.

ELECTRONIC MAIL USAGE ADMINISTRATIVE POLICY

Purpose

The purpose of this policy is to establish the proper methods and usage of electronic mail (e-mail). E-mail shall be used for business matters directly related to the business activities of WCCTAC and as a means to accomplish its mission and program goals by providing services that are efficient, complete, accurate and timely. This policy applies to all full-time and part-time regular and temporary employees and individuals who are provided access and have an e-mail address using WCCTAC's system. E-mail is maintained by WCCTAC in order to facilitate WCCTAC business. Therefore, all messages sent, composed and/or stored on the system (either internally at WCCTAC or remotely) are the properties of WCCTAC. The e-mail system is subject to monitoring at WCCTAC's discretion. WCCTAC reserves the right to access an employee's e-mail messages.

Guidelines

E-mail transmissions shall be courteous and professional at all times. WCCTAC strives to maintain a workplace free of harassment and is sensitive to the diversity of its employees. Therefore, WCCTAC prohibits the use of e-mail in ways that are disruptive, offensive to others, or harmful to morale. E-mail is not intended to transmit sensitive materials which may be more appropriately communicated by written memorandum or personal conversation, such as personnel decisions. Display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.

E-mail may not be used to discriminate on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability, sexual preference; to promote sexual harassment; or to promote personal, political or religious business or beliefs.

E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, chain letters or other non-business matters.

E-mail users shall not give the impression that they are representing, giving opinions, or otherwise making statements on behalf of WCCTAC, or any WCCTAC department, unless appropriately authorized (explicitly or implicitly) to do so.

Security/Retention

Employees should not use someone else's password, access a file, or retrieve any stored communication without authorization. Users authorized to use passwords should not share passwords except when WCCTAC business requires such dissemination. Password users should be aware that this does not suggest or imply that the system is for personal, confidential communication, nor does it suggest or imply that e-mail is the property of the employee.

WCCTAC, through its managers and supervisors, reserves the right to review electronic files and messages to ensure that these media are being used in compliance with the law and WCCTAC policy. The Executive Director may serve as the network system administrator. Employees may not, however, intentionally intercept, eavesdrop, record, read, alter, or receive other person's e-mail messages without proper authorization.

Be aware that back-ups to e-mail messages are made automatically and frequently. Employees should be aware that when they have deleted a message from their mailbox it may not have been deleted from the e-mail system. The message may also be residing in the recipient's mailbox or forwarded to other recipients.

Privacy

Employees waive the right to privacy in anything they create, store, send or receive on WCCTAC's computer. The Executive Director or designee, reserves the right, without limitation, to review e-mail sent and received by employees.

No employee shall read e-mail received by another employee when there is not a business purpose for doing so. No employee shall send e-mail under another employee's name without authorization. No employee shall change any portion of a previously sent e-mail message without authorization.

Employees should be aware that even when a message has been deleted, it still may be possible to retrieve it from a back-up system. Therefore, employees should not rely on the deletion of messages to assume a message has remained private.

Access

Access to WCCTAC e-mail services is a privilege that may be restricted or removed by WCCTAC prior to notice and without consent of the employee. Supervisors or management may access an employee's e-mail, when necessary for the WCCTAC's business purposes, or as otherwise authorized by the Executive Director or designee. The agency reserves the right to disclose any electronic mail messages to law enforcement officials without prior notice to any employee who may have sent or received such messages.

Separation From Employment

Employees separated from WCCTAC employment have no right to the contents of their e-mail messages and are not allowed access to the e-mail system.

Violation

Employees should notify their immediate supervisor, or any member of management upon learning of a violation of this policy. Employees who violate this policy may be subject to disciplinary action, up to and including dismissal.

INTERNET USAGE ADMINISTRATIVE POLICY

Purpose

The purpose of this policy is to provide guidance on employee Internet access to global electronic information resources on the World Wide Web.

Administrative Access and Use of the Internet

All Internet data that are composed, transmitted, or received via WCCTAC's computer communications systems is considered to be part of the official records of WCCTAC, and as such, is subject to disclosure to law enforcement or other third parties to comply with legal requirements. Consequently, employees should always ensure that the business information contained in transmissions is accurate, appropriate, ethical and lawful.

Data that is composed, transmitted, accessed, or received via the Internet must not contain information that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.

Abuse of the Internet access provided by WCCTAC in violation of law or WCCTAC policies may result in disciplinary action, up to and including dismissal. Employees may also be held personally liable for any violations of this policy.

Prohibited Activities

Prohibited activities include, but are not limited to the following:

- A. Discriminatory, harassing, or threatening messages or images.
- B. Using WCCTAC's time for personal gain.
- C. Stealing, using, or disclosing a code or password without authorization.
- D. Copying, pirating, or downloading software and electronic files without permission.
- E. Sending or posting confidential items or proprietary information outside of the organization.
- F. Violation of copyright law.
- G. Failure to observe licensing agreements.
- H. Engagement in unauthorized transactions that incur a cost to the Agency.
- I. Initiation of unwanted Internet services and transmissions.
- J. Sending or posting material that could damage WCCTAC's image and/or reputation.
- K. Participating in the viewing or exchange of pornography or obscene materials.
- L. Sending or posting messages that defame or slander other individuals.
- M. Refusing to cooperate with a security investigation.

- N. Attempting to break into the computer system of another organization or person.
- O. Sending or posting chain letters, solicitations, or advertisements not related to business.
- P. Using the Internet for political, religious or gambling activities.
- Q. Jeopardizing the security of WCCTAC's electronic communication systems.
- R. Disparage another organization's electronic communications systems.
- S. Passing off personal views as representing those of the organization.
- T. Sending anonymous e-mail messages.
- U. Engaging in any other illegal activities.

Browsing

Authorized employees may use the Internet to stay current on career related topics, to improve their knowledge and skills, and to communicate with experts, peers or other resources. WCCTAC encourages authorized users to access the Internet during normal business hours, when direct work-related benefits can accrue. WCCTAC computer systems are for WCCTAC use and not for personal use. During non-working hours, however, the requirement that Internet access be work related is somewhat relaxed. Because Internet access service is paid for on a fixed cost basis and is therefore not usage sensitive, users are permitted to use this capability for non-work related activities in order to build their network search and retrieval skills.

WCCTAC promotes the utilization of services available through the Internet in order to acquire information which will enable employees to achieve WCCTAC goals. WCCTAC encourages employees to develop strong Internet user skills and knowledge. Employees are encouraged to use the Internet to improve their job knowledge, access information on topics which have relevance to WCCTAC, and to communicate with their peers in other governmental agencies, academia and industry.

In order to achieve these results, WCCTAC users are permitted to engage in the following activities:

- Access to job-related information during regular work hours to meet job requirements.
- Access non-job-related text and graphics information during personal time, in WCCTAC facilities, using WCCTAC equipment to develop or enhance Internet-related skills. It is expected that these skills will be used to improve work.

Authorized Internet users are not permitted to engage in the following activities either during working or non-working hours, using WCCTAC equipment or facilities, or when using a WCCTAC address:

- Access, retrieve, or print text and graphic information which exceeds the bounds of generally accepted standard, good taste and ethics.

- In any way bring discredit to WCCTAC.
- Compromise the security of any government host computer.
- Disclose or share Host login passwords with others.

No person may use WCCTAC computer resources for any illegal or unauthorized act. In particular, individuals may not use WCCTAC computing resources to violate any state or federal laws or any regulation of WCCTAC including, but not limited, to any laws or regulations governing the creation, dissemination or possession of pornography or other illegal documents or images, the possession or use of programs, files or instructions for violating system security; and the violation of copyright law.

Separation from Employment

Employees separated from WCCTAC employment have no right to WCCTAC computer network or usage of the Internet via a WCCTAC-paid account.

Violations

Violations of this policy may result in restriction on access to such technology. In addition, employees found to have violated any provision of this policy shall be subject to appropriate disciplinary action, up to and including dismissal.

CONFLICT OF INTEREST AND USE OF FUNDS

Employees are expected to use good judgment, to adhere to high ethical standards, and to avoid situations that create an actual or potential conflict between the employee's personal interests and the interests of the Agency. A conflict of interest exists when the employee's loyalties or actions are divided between the WCCTAC's interests and those of another. Both the fact and the appearance of a conflict of interest should be avoided. Employees unsure as to whether a certain transaction, activity, or relationship constitutes a conflict of interest should discuss it with their supervisor or the Executive Director for clarification.

While it is not feasible to describe all possible conflicts of interest that could develop, some of the more common conflicts that employees should avoid include the following:

- A. Using proprietary or confidential WCCTAC information for personal gain or to WCCTAC's detriment;
- B. Having a direct or indirect financial interest in or relationship with a supplier;
- C. Using WCCTAC property or labor for personal use;
- D. Acquiring an interest in property or assets of any kind for the purpose of selling or leasing it to WCCTAC; or
- E. Committing WCCTAC to give its financial or other support to any outside activity or organization.

If an employee or someone with whom an employee has a close relationship (e.g. a family member or close companion) has a financial or employment relationship with any of the WCCTAC member agencies, contractor, supplier, or potential contractor or supplier, the employee must disclose this fact in writing to the Executive Director. Employees should be aware that if they enter into a personal relationship with a subordinate employee or with an employee of a WCCTAC member agency, contractor, or supplier, a conflict of interest may exist, which requires full disclosure to the Executive Director. Employees shall not:

1. Acquire any direct or indirect interest in any Agency project and/or program or in any property included or planned to be included in any project and/or program; or
2. Have any direct or indirect interest in any contract or proposed contract for materials or services to be furnished or used in connection with a WCCTAC project and/or program.

No officer, employee, or consultant employed by the Agency shall be involved in any manner in the making of decisions that shall result in:

1. Material benefits to his/her personal financial position; or
2. Preferential treatment of his/her friends or relatives, or be involved in the process leading to the placement or maintenance of family or friends on any WCCTAC program.

WCCTAC staff may be required to submit Form 700 disclosures each year, if applicable. More detailed information about agency-wide Form 700 requirements is included in the Rules and Procedures document.

NEPOTISM

Given the small size of the staff, it is the Agency's policy not to employ persons related by blood, adoption, current marriage, or joint living arrangement, to each other or to any member of the Board or the TAC.

In the event that such a relationship develops after employment, one of the related individuals must be separated from the Agency within three months. The choice of which individual shall terminate may be made by the relatives involved, or in the event they are unable or unwilling to choose, by the Executive Director.

For the purposes of this policy, relative shall mean spouse, domestic partner, son, daughter, brother, sister, mother, father, aunt, uncle, niece, nephew, grandchild, grandparent. Also included within the scope of this policy are foster, step and half-relationships and roommates.

GIFTS AND GRATUITIES

No employee of the Agency shall solicit any gift or gratuity; nor shall any employee accept an unsolicited gift of more than a nominal value of \$50, or gifts that total \$150 in a given year in his/her capacity as an Agency employee.

VIOLENCE IN THE WORKPLACE

Acts of violence, whether threatened, gestured or carried out will not be tolerated at the WCCTAC workplace. Anyone witnessing or becoming the subject or victim of such behavior shall immediately report it to the proper authorities for investigation. Minimizing the threat of violence is a duty of all employees to ensure a safe workplace.

It is the responsibility of all employees to notify a supervisor or the Executive Director immediately of any violent act or a threat, or if a violent act or threat against themselves or any other WCCTAC employee occurs in the workplace or is directly associated with their employment with the Agency. Notification may be made to any of these persons as appropriate and shall be as soon as practicable. Employees may also call the Police directly if the situation warrants such action. Retaliation or the threat of retaliation against a person who reports such an incident will not be tolerated. The Agency will take appropriate action, up to and including dismissal, against employees who violate this policy.

DRUG-FREE WORKPLACE

The Agency has an ongoing commitment to a safe and healthy workplace and maintains a drug-free workplace policy. All employees and contractors of the Agency are required to understand and comply with WCCTAC's drug-free workplace policy. Any failure to comply with this policy may result in disciplinary action up to and including dismissal. Employees either on WCCTAC premises or while conducting WCCTAC business, regardless of location, are prohibited from:

- A. Unauthorized use, possession, purchase, sale, manufacture, distribution, transportation or dispensation of any controlled substance.
- B. Reporting to work while under the influence of alcohol or a controlled substance.
- C. Use, possession, purchase, sale, manufacture, distribution, transportation or dispensation of any legal prescription drug in an illegal manner.
- D. Reporting to work while impaired by the use of a legal drug whenever such impairment might substantially interfere with job performance or pose a threat to the employee's safety or the safety of others, or risk significant damage to WCCTAC property.

Employees must, as a condition of employment, report any arrest or conviction under a criminal drug statute for violations occurring on WCCTAC premises or while conducting WCCTAC business. A written report of a conviction must be made to the Executive Director within five days of the conviction.

Employees who violate this policy may be subject to discipline up to and including dismissal. Any employee who is not terminated may be required to satisfactorily participate in and complete a drug abuse assistance or rehabilitation program as a condition of employment.

The Agency may require an employee to take a drug and/or alcohol test upon reasonable suspicion that the employee is under the influence in violation of this policy. Test results are confidential for Agency use only on a “need to know” basis, unless the employee otherwise consents.

DRESS CODE

Employees are expected to report to work well-groomed, clean, and dressed appropriately for the job they are performing. Dress and appearance must be appropriate to the work setting, particularly if the employee deals with the public and during Board and TAC meetings.

103. BENEFITS

Following is a summary of benefits for the following job classifications:

- Executive Director (ED), unless otherwise determined directly by the Board;
- Project Manager (PM);
- Transportation Demand Management Program Manager (TDM PM); and
- Administrative Assistant

The benefits apply to all of the above employment classifications unless otherwise noted. Prorated benefits for part-time staff are indicated with a *.

HEALTH BENEFITS

Medical	WCCTAC participates in the PERS Health Benefits Program. For all employees hired before January 28, 2009, WCCTAC pays 100% of premiums of the PERS medical plan chosen by the employee at the appropriate level of coverage. For employees hired on or after January 28, 2009, WCCTAC pays up to a maximum amount equivalent to the Kaiser plan rate for the San Francisco Bay Area for the appropriate level of coverage.
Dental	WCCTAC participates in the Delta Dental Plan of California. WCCTAC pays 100% of premiums for the employee and eligible dependent family members, which include a 50/50 orthodontia plan for children only with \$3,000 maximum.
Vision/Co-Pay Rebate Program	WCCTAC contributes \$425 per year to the Flexible Benefits Plan for receipted physician, hospital, prescription co-payments, deductibles, vision and dental expenses.
Employee Assistance Program	WCCTAC participates in an Employee Assistance Program. The program is limited to a maximum of eight (8) counseling sessions per incident for employee and eligible family members.
Disability Insurance	WCCTAC pays 100% of the premium for a long-term disability insurance policy for employees who work at least thirty (30) hours per week. After an elimination period of

thirty (30) days, the benefit is 66 2/3% of the employee's pre-disability earnings. Employees may integrate vacation with the long-term disability benefit.

LEAVE BENEFITS & HOLIDAYS

Vacation*	<p>Ten (10) days per year for the first three (3) years of service, fifteen (15) days per year for the next seven (7) years of service, twenty (20) days per year for the next five (5) years of service, and one (1) additional day per year of service thereafter, up to a maximum of thirty (30) days per year. One day is equivalent to 7.5 hours.</p> <p>Employee must complete six (6) month of service to be eligible.</p> <p>Employee may carry a vacation balance of up to a maximum of two years worth of accruals. Thereafter, vacation shall no longer accrue until the balance is below the maximum.</p>
Administrative Leave*	<p>67.5 hours per fiscal year for Exempt Employees</p> <p>Credited on July 1 of each year. For new employees, the number of days will prorated based on the date of hire for the first year of employment. Any unused balance as of midnight on June 30 the following year is forfeited.</p>
Sick Leave*	<p>One (1) day per month. One day is equivalent to 7.5 hours. Sick leave may be used for illnesses, medical or dental appointments, family care, and mental health purposes.</p>
Family Care Leave/ Pregnancy Leave	<p>Provided in compliance and in accordance with the Federal Family and Medical Leave Act of 1993 (FMLA) and the California Family Rights Act of 1993 (CFRA), the California Pregnancy Disability Leave Law (PDL) and any relevant successor legislation. Information is available at: https://las-elc.org/sites/default/files/media/LPWF-Know-Your-Rights.pdf</p>
Bereavement Leave	<p>Up to four (4) days, or five (5) days if travel out of state or in excess of four hundred (400 miles) is required, upon death of an immediate family member, including spouse or domestic partner, children/stepchildren, parents, siblings,</p>

grandparents, parents-in-law, siblings-in-law, and grandchildren.

Holidays

Thirteen (13) days per year as follows:

- New Year's Day – Jan. 1
- Martin Luther King, Jr. Birthday – 3rd Mon. in Jan.
- President's Day – 3rd Mon. in Feb.
- Memorial Day – Last Mon. in May
- Independence Day – July 4
- Labor Day – 1st Mon. in Sept.
- Columbus Day – 2nd Mon. in Oct.
- Veterans' Day – Nov. 11
- Thanksgiving Day – 4th Thu. in Nov.
- Day after Thanksgiving Day
- Day before Christmas Day – Dec. 24
- Christmas Day – Dec. 25
- New Year's Eve Day – Dec. 31

Floating Holiday*

One (1) floating holiday of 7.5 hours shall be credited to accumulated vacation time on each July 1.

RETIREMENT AND SURVIVOR BENEFITS

Pension

WCCTAC provides retirement and survivor benefits through their contract with the California Public Employees' Retirement System (PERS). The City is a member of PERS Risk Pool 3 for the Local Miscellaneous group with the 2.5% at 55 benefit formula.

Classic PERS member employees are required to pay 3.3% of employee cost; the rest is paid for by WCCTAC on behalf of the employee. Employees who are not defined as classic members under the California Public Employees' Pension Reform Act (PEPRA), are required to contribute at least 50 percent of the total normal cost rate for their defined benefit plan.

Several additional benefits accrue as a result of WCCTAC's participation in the CalPERS retirement system. These include:

- [Cancellation of payments for service credit purchase](#)

- upon industrial disability retirement
- Credit for unused sick leave
- Local system service credit included in basic death benefit
- Military service credit as public service
- Military service credit for retired persons
- Pre-retirement optional settlement 2 death benefit
- Public service credit for Peace Corps or America Corps: VISTA Service
- Public service credit for periods of layoff
- Public service credit for service rendered to a nonprofit corporation

Monthly Supplemental Allowance for Retirees Full-time Project Manager and TDM Project Manager only – WCCTAC agrees to provide \$135 monthly supplemental allowance to employees who retire under service retirement as regulated by PERS, and who have served WCCTAC for at least 15 consecutive years immediately prior to retirement. WCCTAC agrees to pay the allowance to the retiree until any of the following conditions occur:

- Retiree receives medical coverage from another source; or
- Retiree is eligible for participation in the Medicare Program; or
- Retiree reaches the age of sixty-five; or
- Retiree dies.

Deferred Compensation Program WCCTAC participates in the 457 Deferred Compensation Program, through their contract with PERS. The program allows employees to save for retirement by electing to make pre-tax payroll contributions.

ADDITIONAL BENEFITS

Flexible Benefits Plan WCCTAC participates in a Flexible Benefits Plan.. Employees may elect pre-tax payroll deductions for the reimbursement of eligible healthcare, transportation, and dependent care costs.

Life and other Insurance WCCTAC pays 100% of the premiums for a sixty thousand dollar (\$60,000) life insurance policy for the employee.

WCCTAC also pays premiums for short term disability, long-term disability, and accidental death and dismemberment coverage. At the employee's expense, additional life, dependent life, and supplemental life insurance coverage for the employee and eligible dependents is also available through the same carrier.

Education Incentive* WCCTAC will pay up to \$3,000 per year as an incentive for employees to further their education in order to improve their job performance. Subject to the Executive Director's approval, eligible educational expenses include tuition, special fees, books, and supplies.

Employee must complete six (6) months of service to be eligible.

This benefit does not accrue on a cumulative basis and has no cash value upon separation from employment.

Alternative Work Hour Program Upon discussion with and approval of the Executive Director, the employee's work days/times may be adjusted to allow for an alternative work schedule. Additionally, as work projects allow, as determined by the Executive Director, the employee may be allowed to telecommute.

Severance Pay Any employee subject to lay-off pursuant to Section 109 of this Personnel Manual will receive severance pay in one lump sum in an amount equal to three (3) months gross salary. Other circumstances in which employment is terminated may, at the Executive Director's discretion, warrant the payment of severance pay in an amount not to exceed three (3) months gross salary.

104. EEO, ACCOMMODATION, HARASSMENT, & WHISTLEBLOWER POLICIES

EQUAL EMPLOYMENT OPPORTUNITY

WCCTAC is committed to providing equal employment opportunity. This policy applies to all applicants for employment and to employees without regard to race, religion, color, creed, national origin, ancestry, gender, sexual orientation, age, disability, medical condition including AIDS/HIV, marital status, domestic partnership, height, weight, veteran status or any other classification protected by applicable local, state or federal employment discrimination laws. This policy applies to all aspects of employment, including, but not limited to, hiring, job assignment, compensation, promotion, benefits, training and termination.

DISABILITY ACCOMMODATION

In accordance with applicable federal and state law protecting qualified individuals with known disabilities, WCCTAC will attempt to accommodate applicants or employees with disabilities.

HARASSMENT AND NONDISCRIMINATION

WCCTAC is committed to providing a work environment free of unlawful discrimination and harassment of every type. In keeping with this commitment, the Agency maintains a policy prohibiting unlawful discrimination and harassment, including harassment and discrimination based on sex, gender, gender identity, pregnancy, childbirth or related medical condition, race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, domestic partnership, age, sexual orientation, or any other basis protected by federal, state or local law or ordinance or regulation, whether verbal, non-verbal, visual or physical. This anti-harassment non-discrimination policy applies to all agents and employees of the Agency and extends to vendors, independent contractors, and others doing business with the Agency. This policy also prohibits retaliation of any kind against individuals who file valid complaints or who assist in an Agency investigation.

Sexual harassment includes, but is not limited to, making unwanted sexual advances and requests for sexual favors where either (1) submission to such conduct is made an explicit or implicit term or condition of employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Prohibited Acts: Prohibited unlawful discrimination and harassment may take many forms including:

- A. VERBAL CONDUCT such as sexual, racial or ethnic innuendos, suggestive comments, invitations, comments, insults, humor, slurs, derogatory "jokes," and threats.

- B. NON-VERBAL HARASSMENT such as suggestive or insulting sounds, leering, whistling, or similar conduct.
- C. VISUAL CONDUCT such as derogatory posters, photography, cartoons, drawings, graffiti, slogans, obscene gestures or other visually observable material.
- D. PHYSICAL CONDUCT such as assault, unwanted touching, pinching, blocking normal movement, brushing the body, or destroying the property of any person because of sex, race or other protected basis.
- E. UNWELCOME SEXUAL ADVANCES, requests for sexual favors, and the threatening, either explicitly or implicitly, of any adverse action because of an employee's refusal to submit to sexual advances.
- F. RETALIATION for having reported or threatened to report harassment.

The Agency specifically prohibits any of the behaviors outlined in this policy and any similar conduct. The fact that the person who engaged in the improper behavior did not intend the behavior to be sexual, racial or some other form of prohibited harassment or discrimination may not be considered a defense.

Discrimination and Harassment Complaint Procedures: Any employee who believes he or she has been unlawfully harassed or discriminated against or who has witnessed such conduct directed toward another employee should promptly report it orally or in writing to his/her supervisor or the Executive Director. Complaints involving the immediate supervisor may be reported directly to the Executive Director. Complaints involving the Executive Director may be reported to the WCCTAC Board. The complaining employee should provide details of the incident or incidents, names of individuals involved and names of any witnesses. Supervisors should immediately report any complaints of harassment or discrimination to the Executive Director.

The Agency will promptly undertake an effective, thorough and objective investigation of the alleged discrimination or harassment. If the Agency determines that unlawful harassment or discrimination has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by the Agency to be responsible for unlawful harassment or discrimination will be subject to appropriate action, up to and including dismissal. The investigation will be completed and a determination regarding the reported conduct will be made. The outcome will be communicated to the employee who complained and to the accused harasser(s).

The Agency will not retaliate against employees for filing a complaint and/or participating in an investigation and will not tolerate or permit retaliation by management, employees or co-workers. The Agency encourages all employees to report any incidents of possible harassment or discrimination immediately so that complaints can be quickly and fairly resolved.

Employees should also be aware that the federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment and discrimination in employment. Employees who think they have been harassed, discriminated against or

retaliated against for resisting or complaining, may file a complaint with the Agency as set forth above and/or with the appropriate agency.

Liability for Harassment: Any employee of WCCTAC, whether a coworker or supervisor, who is found to have engaged in prohibited harassment or discrimination is subject to appropriate action, up to and including dismissal. Any WCCTAC employee who engages in prohibited harassment may be held personally liable for monetary damages.

NO RETALIATION AGAINST WHISTLEBLOWERS

No employee of WCCTAC shall be subject to retaliation for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of noncompliance with a state or federal rule or regulation, except as otherwise permitted by law.

105. PAY PLAN

The Agency maintains a pay plan which includes the pay plan policies, job descriptions, and pay ranges with salary steps covering all non-management employees. Each authorized position is assigned to a salary range consisting of a number of salary steps and specifying the minimum and maximum rates applicable. The salary schedule is approved by resolution on an annual basis prior to July 1.

PAY PLAN ADMINISTRATION

Job Descriptions: To develop and maintain the pay plan, the Agency will maintain current job descriptions.

Job descriptions follow a standardized format to include reporting relationships, the substantive duties and accountabilities of the position, general educational and experience level required for satisfactory performance, personal qualifications and knowledge which would be beneficial to an incumbent, and other pertinent data about the position.

In the event a new staff position is requested, the Executive Director will prepare a written job description, research and attach a proposed salary range, and submit the material to the Board for review. The Board must formally approve any new position before recruiting may commence.

Pay Range Review: The Board shall review the existing pay plan rate ranges periodically, and continue or amend them by resolution.

In reviewing pay rates, the Board may have staff undertake pay studies or contract with outside consultants to perform such services. In arriving at salary ranges, consideration shall be given to prevailing rates of pay for comparable work in similar agencies in the Bay Area..

The Board follows the same procedure to establish a pay rate when a new position is created or a significant change occurs in an existing position.

Pay Range Limits: No position shall be assigned, nor granted an advancement, to a salary higher than the maximum of the range. Nor shall anyone be employed at a rate lower than the minimum salary provided for that class or position.

Time Frame: For ease of budgeting and administration, the Agency pay plan is administered on a Fiscal Anniversary Year. The Fiscal Anniversary Year is the Agency's fiscal year, how does

Full-Time Schedule: Full-time salaries are based on a thirty seven and one-half (37.5) hour work week (1,950 hours for a fifty-two week work year). No authorization for a shorter work week may be made without a directly proportionate decrease in compensation.

Records: The Executive Director shall maintain ongoing permanent records of the job descriptions, performance evaluations, and salary actions affecting each Agency employee.

STEP ADVANCEMENT

A Step Advancement is a salary increase of one or more steps.

Advancement is not automatic, but shall depend on increased service value of an employee to the Agency as exemplified by performance evaluations, length of service, employment record, special training undertaken, and other pertinent evidence.

Advancement shall not be denied arbitrarily or capriciously. Denial of advancement, presuming the employee is not at the top of the salary range, shall be subject to the Grievance Policy.

Step Advancements are normally effective on the first day of the Fiscal Anniversary Year (July 1). However, step increases may be delayed if:

- The employee has been absent on unpaid leave of absence for thirty (30) calendar days or
- The employee received a performance appraisal that was not consistent with immediate advancement.

New employees hired between July 1 and January 31, who perform satisfactorily, are eligible to advance to a higher salary step on the next Fiscal Anniversary Date. New employees hired after February 1 will normally be expected to remain at the same rate until the next following Fiscal Anniversary Date (thirteen to seventeen months). The hiring rate may accommodate for the delayed step advance.

The normal step advancement is one step. However, to correct gross inequities or reward outstanding achievement or performance, the Board may authorize a step advancement of more than one step.

PERFORMANCE EVALUATION

It is Agency policy that regular reports be made on all employees regarding efficiency, competency, conduct, and merit. A documented performance evaluation shall be rendered at least annually for all regular employees and may be conducted more frequently at the request of the supervisor or the Executive Director. A documented evaluation is required prior to any step advancement.

The documented performance evaluation includes an employee self-assessment, the supervisor's evaluation, an agreed-upon work plan, and a performance improvement work plan, if necessary. The employee is asked to sign the evaluation to acknowledge having reviewed it; the signature does not imply agreement with the evaluation.

PAY RATES

Hiring Rate: The first step of the range is the minimum rate and shall normally be the hiring rate for the class. In cases where it is difficult to secure qualified personnel or a person of unusual qualification is engaged, the Board may choose to employ at a higher step.

Promotion is the movement from one job to another with a higher salary range: The employee being promoted shall start at the step which has a pay rate at least five percent (5%) above the pay received prior to promotion. Promotions can occur at any time in the year.

For the purpose of determining the next step advancement date, the Agency will follow the timing procedure established for new hires (see above).

Reclassification is a change in an existing position resulting in its being allocated to a higher or lower salary range.

Reclassification does not usually involve a salary change unless the employee is below the minimum for the new range, in which case he/she is increased to that minimum.

If, after the reclassification, an employee's salary is at or above the new range maximum, his/her salary is frozen until such time as there is room in the range for normal step advancement. (See Pay Range Change below.)

Temporary Promotion: If an employee is asked to temporarily perform the duties of a higher level position for one month or longer, the employee will receive a salary adjustment of at least five percent (5%) or the minimum of the higher class for the total time of the higher level service. No salary change will apply for service of less than one month.

Pay Range Change: In the normal course of maintaining the Pay Plan, the Agency periodically studies existing pay ranges and adopts changes necessary to meet current conditions.

If the pay range for a position is revised downward the employee may retain his/her present rate with time credit for normal step advancement. However, if the employee's salary on the revised salary schedule is at or above the new range maximum, the employee's salary is frozen until such time as there is room in the range for normal step advancement.

If pay ranges are revised upward, an affected employee will have his/her pay adjusted to the pay rate of the same relative step in the revised salary range.

Range changes do not affect employees' accumulated time credit for step advancement.

106. EMPLOYMENT

EMPLOYMENT ELIGIBILITY POLICY

Employment shall be open to all persons who meet the minimum qualifications for a particular position and who are legally entitled to work permanently in the United States.

POSITION AUTHORIZATION

All newly created or substantially altered positions must be authorized by the WCCTAC Board.

VACANCIES

In the event of an actual or anticipated vacancy in an authorized position, the Executive Director determines whether the vacancy is to be filled and if any substantial changes in the position or the assigned salary range are required. (If such changes are needed the position must be re-authorized by the Board.)

RECRUITMENT AND SELECTION

In general, the following process is followed:

1. Notice of the vacancy with the job description, salary range, application procedure and deadline, are distributed to Board and TAC members for circulation in their respective agencies. Advertisements of the vacancy may also be placed online or in local publications.
2. Resumes received by the deadline are reviewed by the Executive Director and at least the top two candidates are invited to appear for a personal interview.
3. The Executive Director or designee assembles an oral interview panel of three to five members. The panel must include the Executive Director and the supervisor for the position to be filled, if different from the Executive Director, at least one TAC member, and other interviewers as appropriate.
4. The supervisor for the position to be filled develops a standardized questionnaire for all interviewees. The questions are designed to allow the interviewers an opportunity to explore in detail the candidate's qualifications for the position. And the questions are standardized so as to allow a fair evaluation across all candidates.
5. Following the interview process, the Executive Director works with the interview panel to reach a consensus on the relative ranking of the candidates. Based on this review, the Executive Director selects the candidate who seems most qualified; and requests and

checks the candidate's references; and requests the candidate provide all data necessary for WCCTAC to conduct a background check, and submit to a physical exam.

6. The Executive Director makes to the top candidate a job offer that is contingent on verification that the candidate selected is eligible for employment and has a satisfactory work history for the position. The Executive Director will negotiate with the top candidate as necessary and appropriate.
7. Upon the candidate's acceptance and verification of satisfactory background check and physical exam, the Executive Director informs all other the candidates who were eliminated that another applicant has been selected.
8. If the process fails to yield a suitable candidate, additional applicants may be interviewed or the Executive Director may elect to reopen the recruitment process to develop a new pool of candidates.

If required, the Executive Director is free to use a temporary agency to fill a vacancy until a regular appointment can be made.

A temporary employee providing outstanding service in the position for two months or longer may be considered the single candidate for the position, if references are positive, and if the temporary employee desires regular employment.

Clerical positions may be filled by interviewing with WCCTAC staff, and not by an oral interview panel.

EMPLOYMENT

New employees of WCCTAC provide information to the the City of San Pablo for, payroll and certain other purposes;. While the City of San Pablo may advise WCCTAC on personnel issues, WCCTAC personnel policies prevail in all other areas outside of the administration of specific City procedures.

Federal immigration laws require an employer to verify the identity of all new employees and their eligibility to work in the United States. At the time of employment, the candidate must provide satisfactory documentation of identity, and attest to his/her eligibility to work, on a federal I-9 Form. The federal form must be completed (along with other required employment forms) within three days of employment.

Written notice of the job appointment will be given to the appointee, and copies will be filed with the employee's personnel file and the City of San Pablo's Finance Department. The term and conditions of the appointment will be listed in the appointment letter.

New WCCTAC employees are provided with a copy of the WCCTAC Personnel Policies Manual and asked to sign the Acknowledgment Form. In the event a personnel policy is revised, all employees will be provided a copy of the revised policy for inclusion in their manual.

107. LEAVE OF ABSENCE

POLICY

An employee shall be entitled to a *paid* leave of absence presuming he/she meets the criteria for such leave. With the exception of maternity, military, and workers' compensation leave, an employee is not *entitled* to an unpaid leave of absence as a matter of right, but, upon written request, may be granted such leave without pay for good and sufficient reason where such absence will not be contrary to the best interest of the Agency.

Definition: A leave of absence is a temporary absence from work of one day or more for reasons other than paid vacation, paid short-term illness, or paid administrative time off. An individual on authorized leave of absence does not forfeit employee status or benefits.

Leaves of absence are to be coordinated with sick leave, short- and long-term disability, vacation and other benefits in an effort to minimize the impact of the leave for both the employee and the Agency. Depending on the type of leave requested, the Agency may require that accrued vacation, administrative leave, or sick time be used prior to the authorization of unpaid leave.

Leaves of absence may be either paid or unpaid depending on the specific type of leave involved and the amount of paid leave time accumulated.

Authorized leaves of absence shall not be construed as breaks-in-service. Rights accrued at the time a leave is granted shall be retained by the employee. However, vacation credits, sick leave credits, holidays, health and retirement benefits, normal salary advancement and similar benefits do not accrue during the period of unpaid absence.

No unpaid leave of absence, or combination of unpaid leaves, may be approved which will result in a cumulative absence in excess of six (6) consecutive months, unless allowed by law.

UNAUTHORIZED LEAVE

Unauthorized leaves are absences on regular work days, or portions thereof, which are not approved and which may cause the deduction from the employee's pay of an amount equivalent to the time absent.

Any employee absent from his/her position for more than five (5) work days without supervisory permission is considered to have automatically terminated his/her employment with the Agency.

Such termination shall be final unless, within seven (7) days, the employee furnishes satisfactory proof of an emergency which precluded obtaining prior permission for the absence. Extraordinary circumstances will be considered on a case by case basis.

TYPES OF LEAVES

For purpose of this policy, leaves of absence are divided into two categories:

General Leave: Leaves unrelated to a health condition of the employee or the employee's family. Includes Bereavement, Military, Educational, Jury Duty, and Personal. Paid sick time or medical leave and disability benefits are not applicable to absences in the General Leave category.

Medical Leave: A leave directly related to health and family care needs. Includes all medical and family care leave without pay; an employee's paid sick time off work where the health condition requires a continuous absence of six (6) or more work days; absences qualifying for workers' compensation benefits.

GENERAL LEAVES OF ABSENCE

An authorized temporary absence from work for non-health related reasons. Employees are entitled to leaves designated as Paid under this policy:

Bereavement Leave (Paid): Up to four (4) (or five (5) depending upon certain circumstances) continuous days off with pay will be granted to a regular employee to attend the funeral or to settle affairs related to the death of an immediate family member.

For purposes of this policy, immediate family shall mean spouse, son, daughter, sister, brother, grandchild, parent, grandparent, foster or adopted relative, in-law, step or half-relatives, or other person living in the employee's household.

Additional time off, without pay, if needed may be requested under the Personal Leave section of this policy.

Temporary employees are not eligible for paid bereavement benefits; however, in the event of a death of a close family member, such employees may be granted appropriate unpaid time off whenever possible.

Jury Duty (Paid): Regular employees required to report for jury duty shall be granted leave for such purpose upon presentation of official jury notice to his/her supervisor. Regular employees shall receive full pay for the time served on a jury. Compensation for mileage or subsistence allowances shall not be considered as fees and shall be retained by the employee.

The employee is required to report for work on those days, or parts of days, when excused from jury duty or when the hours of jury duty do not conflict with his/her scheduled work assignments.

A regular employee required by law to appear in court as a witness in a non-work related matter may treat the time as jury duty under this policy. Appearance in court as a witness in a work-related matter is regular work time.

Temporary employees are not eligible for paid jury duty benefits. However, upon request, every effort will be made to rearrange work schedules so that a temporary employee can be excused from work to serve on a jury. Appearance in court as a witness in a work-related matter is regular work time.

Military Duty: Authorized leaves of absence for military duty shall be granted in accordance with the provisions of State law. An employee entitled to military leave shall give his/her supervisor an opportunity within the limits of the military regulations to determine when such leave shall be taken. Extensions beyond State law are to be determined by the Board. Notwithstanding other provisions of these policies, State law shall apply in determining benefits for those employees returning from an authorized leave of absence for military duty.

Personal Leave of Absence: An employee who has exhausted vacation and administrative leave benefits may request time off without pay.

The Executive Director may authorize unpaid leaves of absence of up to three (3) months during any twelve (12) month period. Any leave of absence in excess of three (3) months must be approved by the Board.

MEDICAL LEAVES OF ABSENCE

Leaves of absence under this section address leaves related to an employee's personal health and leaves required by needs of the employee's family.

Medical Leave-Employee: A Medical Leave is a leave for the employee's personal health reasons in excess of ten (10) work days. The determining factor on whether an absence is treated as short-term sick time or Medical Leave is not whether the absence is paid or not. Any absence due to an employee's ill health is paid if the employee has sick time benefits accrued, and unpaid if he/she does not.

An exception to this relates to absences covered by workers' compensation. An employee need not exhaust sick leave before workers' compensation payments apply..

The primary issue is the length of the leave. Health-related absences in excess of ten (10) consecutive days for one condition are considered by the Agency to be more serious conditions. If possible, such absences should be approved in advance. Under special

circumstances, the employee may be asked to provide a fitness for work certificate from his/her personal physician before being permitted to return to work.

Maternity Leave: A maternity leave is essentially a Medical Leave with a few special provisions. It is the Agency's policy to approve maternity leaves in conformance with Federal and State law. WCCTAC requires that accrued sick leave be exhausted before maternity leave without pay is approved.

Workers' Compensation: Whenever an employee of the Agency is disabled, temporarily or permanently, by injury or illness arising out of and in the course of employment, he/she shall be entitled to a Medical Leave while so disabled, up to the maximum leave authorized. An employee need not exhaust other types of leave to be eligible for Workers' Compensation leave and related Workers' Compensation payments. (Part-time employees receive Long-Term Disability and Workers' Compensation).

Family Care Leave: The Agency recognizes that an employee may need time off from work to meet pressing family care needs and will make every effort to accommodate such needs. However, the Agency staff is small, and no guarantees can be made as to the availability of specific amounts of leave time.

LEAVE ADMINISTRATION

An employee using *paid* leave time records it on his/her time sheet. *Unpaid leave* is authorized and approved on appropriate forms used by the Agency and retained as part of the employee's permanent personnel record.

SICK LEAVE SHARING FOR CATASTROPHIC ILLNESS OR INJURY

An employee may receive a catastrophic leave of absence of up to a total of 30 working days of donated sick leave in increments of 7 ½ or 8 hours (whichever is applicable) and to use donated sick leave days in the event of his/her own catastrophic illness or injury or that of a member of his/her immediate family. The purpose of catastrophic leave for an employee's own illness or injury is to bridge the gap between exhaustion of paid leave and the waiting period for short-term disability/long-term disability benefits. In the event catastrophic leave is used for a family member, it can be implemented only when an employee has exhausted all his/her own paid leave.

Donor/Recipient Qualifications: A catastrophic illness or injury is the inability of the employee or the employee's immediate family member, as established by WCCTAC policy (i.e. spouse, children, parents), to work, attend school, or perform other regular daily activities due to a life threatening illness or a severely incapacitating injury or illness, which will require the employee's absence for more than a one month period, either in a single increment of time, or in an aggregate one month over the course of several months.

Medical certification from a physician is required. If leave is for a family member, the medical certification must indicate that the employee's attendance is required to care or provide care to the ill or injured family member.

Only full-time employees who have completed at least six (6) months of service shall be eligible to participate in the program.

Requests for donations shall be made in writing, using the Application for Catastrophic Leave Form. The completed form must be submitted to the Office Manager who, upon verification of the illness or injury, shall submit the request to the Executive Director for approval.

The recipient must exhaust all available paid leave balances, prior to using catastrophic leave. When the physician's statement and leave balances indicate the probable exhaustion of balances within two (2) pay periods, the Executive Director may approve the solicitation and acceptance of leave donations prior to all balances being exhausted, so that time donated may be utilized immediately upon exhaustion of the employee's leave balance, but not before.

Catastrophic leave use shall not count toward completed pay periods for the annual step increase eligibility.

Donations: All donations of sick leave shall be in increments of 7 ½ or 8 hours (whichever is applicable) and shall be considered a gift.

Donations shall be limited to 5 days per donor.

Employees wishing to donate sick leave account accruals to the recipient employee must maintain at least ten (10) days of sick leave account accruals. Employees with less than ten (10) days of sick leave balance shall not be allowed to donate sick leave accruals.

Nothing in this policy shall be construed to modify the employment relationship between WCCTAC and the receiving employee, or to restrict WCCTAC's management rights. This section shall not modify existing WCCTAC rules, policies or agreements regarding unpaid leave of absence or family leave.

Donation of sick leave to a recipient employee shall not be viewed as sick leave usage in any evaluation or disciplinary action.

Procedure: Employee participation in this program as a donor or recipient is voluntary. Under no circumstances shall any employee be pressured into participating by donating time from their sick leave bank. Employees may not solicit donations on their own behalf.

The employee shall submit an Application for Catastrophic Leave Form to WCCTAC Office Manager, for verification, who then forwards it to the Executive Director for review and

approval. The Application shall include sufficient reasons why said leave qualifies as catastrophic. It should also include medical certification from a physician that: confirms need for employee's own use; or medical certification that employee's attendance with the family member is required; and estimated date of return to work.

Upon approval of a request for donations, WCCTAC's Administrative Assistant will, at the employee's request, post a notice of the eligible employee's need for donations via email.

Donors shall submit a signed and approved Catastrophic Leave Donation Form.

Donated days when used by the recipient will be paid at the recipient's current rate of pay and therefore will be considered taxable income.

WCCTAC may require periodic medical certification updates regarding the catastrophic illness and may require a fitness for duty certification prior to the employee returning to work.

This procedure will in no way limit WCCTAC's management rights to require modified duty.

Cancellation of Catastrophic Leave: Catastrophic leave, if granted, shall be terminated under the following conditions:

Employee has exhausted 30 working days of Catastrophic Leave of Absence.

Employee returns to full-time employment before exhausting the 30 working days of catastrophic leave and in this case any remaining balance will be returned on a prorated basis to employees who donated.

Employee takes leave to care for a family member, but the family member dies before exhausting the 30 working days of Catastrophic Leave. In such a circumstance,, any remaining balance will be returned on a prorated basis to employees who donated and the employee may thereafter use bereavement leave.

108. GRIEVANCE

GRIEVANCE POLICY AND PURPOSE

The grievance policy is established to provide WCCTAC employees with an orderly process for airing views related to an alleged unfair or improper aspect of employment, and for assuring prompt and fair discussion of the issues.

It shall be the Agency's policy to give careful consideration to any grievance submitted, regardless of apparent merit.

Use of the grievance procedure shall not reflect unfavorably upon the employee, the supervisor, or the Agency. Retaliatory or disciplinary action against a complainant shall be a violation of Agency policy.

GRIEVANCE DEFINITION

A grievance is any dispute or misunderstanding between the Agency and an employee concerning the effect, interpretation, application, claim, breach, or violation of any provisions of the WCCTAC Personnel Policies, administrative policies or matters, supervisory actions, and other terms and conditions of employment. Disciplinary actions and performance evaluation ratings are not subject to grievance.

GRIEVANCE PROCEDURE

The grievance must be initiated within three months of the act(s) giving rise to the grievance, and must be submitted to the Executive Director.

Grievances must be in writing, signed by the affected employee(s) and contain the specific facts upon which they are based. Grievances that fail to include these elements may be rejected on that basis.

The Executive Director, or the Executive Director's designee, will review the grievance and shall serve a written response to the grievant. The Executive Director's decision shall be final.

No other grievance procedure may be used for matters within the scope of this grievance procedure.

Exhaustion of this grievance procedure is intended to provide an avenue for redress of complaints relating to these rules and personnel issues, and to give the Agency an opportunity to investigate the complaint and correct any problems before they become more serious.

GRIEVANCE ADMINISTRATION

Notice: The Executive Director shall insure that the complainant receives copies of all notices relevant to the grievance, including written notice of the Executive Director's final decision.

Records: The Executive Director shall maintain files in the WCCTAC office of all grievance correspondence and records.

EMPLOYEE REPORTING

Each employee of WCCTAC is considered a valuable member of the team. As such, it is the desire of WCCTAC to provide a safe and productive work environment. Certain acts of wrongdoing in the workplace should be reported as they may have an effect on all employees. These acts include harassment, discrimination, drug/alcohol abuse, theft, violence, misrepresentation of injury or workers' compensation claims, and other unsafe or unlawful acts.

All employees have an obligation to report workplace wrongdoing. Primarily, it is the employee's responsibility to report wrongdoing to the immediate supervisor. If this is not possible, or is undesirable, it is appropriate to follow the chain of command to the next level, and ultimately contact the Board Chair or Vice Chair, if necessary.

All complaints and reports of workplace wrongdoing should be brought to the attention of the individual who is responsible for taking corrective action. Complaints and reports of workplace wrongdoing involving the Executive Director can be reported to the Chair, Vice-Chair, or General Counsel.

109. TERMINATION/SEPARATION

TERMINATION

Termination of employment can occur for various reasons. Eligibility for rehire depends on the availability of an open position and reason for original separation.

Full-time employees leaving the Agency shall be provided the opportunity for continuing benefits under COBRA..

The Executive Director shall ensure that proper termination procedures are followed, including:

- Notification of eligibility and sign-up procedures for COBRA.
- Processing of any required termination or roll-over documents for retirement or other benefit plans.
- Payment of accrued, but unused, vacation.
- Return of all Agency property and keys at the time, or before, the final paycheck is distributed.
- Conduct and record an exit interview to confirm the reason for the separation and gain knowledge useful to the Agency.

LAY-OFF

Lay-off is the non-disciplinary separation of an employee because of material change in duties or organization, shortage of work funds, or cancellation of any segment of the program, or for other reasons which serve the public interest. Lay-offs are not made for disciplinary reasons. The Executive Director may implement a pay reduction for an employee in lieu of lay-off with the consent of the employee.

The WCCTAC Board shall approve any intended lay-off at least thirty (30) days prior to the effective date of the action.

The Executive Director shall notify affected employee(s) in writing of the intended action, the reason, and the effective date.

The Agency will help any employee being laid-off in locating other employment by permitting time off for interviews and by offering other administrative or clerical assistance where appropriate.

The Agency will give first consideration to a former employee who meets the requirements for any other opening which occurs within one year of the lay-off date.

Severance pay shall be paid in the event of lay-off.

RESIGNATION

An employee wishing to leave the Agency in good standing shall file a written resignation with their supervisor at least thirty (30) days in advance of the effective date of the employee's resignation, and shall include the reason(s) for leaving. A resignation becomes effective upon the supervisor's receipt of the written notice of resignation. Once a resignation becomes effective, it is irrevocable except that the Executive Director may permit a resignation to be rescinded. Severance payments do not apply to resignations.

RETIREMENT - NORMAL

Any employee in Agency service who is planning to retire shall notify the supervising official and the Executive Director in writing of such intent and include his/her prospective retirement date. Such notice shall be filed no less than thirty (30) days prior to the intended effective date of retirement.

Normal retirement of employees of the Agency shall be in accordance with the provisions of the contract between WCCCTAC and the Public Employee's Retirement System (PERS) in effect on the effective date of the resignation.

DISABILITY RETIREMENT AND SEPARATION

Definition and Determination: Following a report from a competent Medical Practitioner indicating a permanent disability of an employee, the Executive Director may make a determination of permanent disability of such employee. The Executive Director shall inform the Executive Director of any determination of permanent disability.

Permanent disability is here defined as the inability of an employee to perform the essential functions and duties of his/her job, with or without reasonable accommodation, because of an illness or injury which is expected to be permanent or last for an indefinite period of time.

Application for Disability Retirement: If an employee is permanently disabled and eligible for disability retirement, such employee shall make application for disability retirement - or the Executive Director, in place of such employee, shall make application for disability retirement.

Contract for Disability Retirement: Disability retirement of employees in the Agency service shall be in accordance with the contract provisions between WCCTAC and the Public Employees' Retirement System (PERS).

Disability Separation: If an employee in the Agency service is permanently disabled or suffers from a chronic or frequently recurring mental or physical condition which renders him/her inefficient or incapable of performing the essential duties of his/her position, with or without reasonable accommodation, and such employee is not eligible for disability retirement or waives the right to retire for disability, the Executive Director may separate such employee for disability, provided that the Agency provisions on sick leave are followed. An employee who has been separated for a disability because of injury or illness, shall be eligible for reinstatement if the medical problem is corrected.

REFERENCES

Letters of reference for former employees may be provided, at WCCTAC's sole discretion, following receipt of a signed disclosure authorization and release from the former employee. References can be prepared only by the employee's direct supervisor. A copy of any letter provided must be kept in the former employee's personnel file.

110. OUTSIDE ACTIVITIES

INCOMPATIBLE ACTIVITY OF EMPLOYEES

An employee shall not engage in any activity or enterprise which is inconsistent or incompatible with his/her duties as an Agency employee. The determination shall be made by the Executive Director and shall take into consideration the following:

- Whether the activity involves the use for private gain or advantage of Agency time, facilities, equipment and supplies, or the prestige or influence of the Agency's office or employment.
- Whether the enterprise involves the soliciting or the acceptance of money, gift, gratuity, or other consideration from anyone other than the Agency for the performance of an act which the employee would be required to render in the normal course of his/her employment.
- Whether the activity might reflect negatively on the Agency, its mission, or its constituent public agencies.

The employee must abide by the determination of the Executive Director or risk disciplinary action.

POLITICAL ACTIVITY

The political activities of WCCTAC employees shall conform to pertinent provisions of State law. Employees may engage in the following activities:

- Fund non-argumentative, factually balanced information regarding a given measure; and
- Participate in campaign activities related to a candidate or ballot measure including: attending events, fundraising, drafting op-eds, meeting with elected officials regarding the measure.

However, employees must exercise caution to ensure that WCCTAC funds and resources are not used when engaging in any of these activities.

TIME OFF FOR LOCAL AGENCY COMMUNITY SERVICE/ VOLUNTEER WORK

The purpose of this policy is to allow employees and the Agency to give back to the community in a small, but potentially significant way.

Any regular employee in good standing (without an "unsatisfactory" performance evaluation) is eligible for one hour per week of paid time off for community service/volunteer work.

Requests must be submitted in writing to the Executive Director for approval. Requests should include the name of the volunteer agency, contact name, address, and telephone number, type of work, and days/hours to be worked.

111. EMPLOYEE CONDUCT

CONDUCT

Each employee is charged with the responsibility of performing the duties set forth in his or her job description in good faith and in a manner that will serve the best interests of WCCTAC. To ensure orderly operations and provide the best possible work environment, WCCTAC expects employees to follow general rules of conduct that will protect the interests and safety of all employees and the organization. It is not possible to list all forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules and conduct that may result in termination of employment, or at the discretion of the Executive Director, some lesser form of disciplinary action.

- Fraud of any kind, or misstatements, untruths or omissions of any material fact in the application process or in securing appointment or promotion; or falsification or untruths concerning records, fellow employees or work performed.
- Incompetence, neglect, or inefficiency in the performance of duties.
- Insubordination, misconduct, willful disobedience, or failure to obey a proper direction given by an Agency superior, authorized supervisor of the facility, or public safety officer.
- Conduct unbecoming an Agency employee. Acts or omissions, on or off duty, which are incompatible with or unfavorable to public service or which tend to bring reproach or discredit to the Agency.
- Discourteous or non-cooperative treatment of the public, Board or TAC members, or other Agency employees.
- Offensive or obscene language or gestures in public or toward the public, Agency officials, or staff.
- Dishonesty or immorality on the job.
- Endangering self or others; failure to follow established safety practices or to properly use protective gear and equipment. Failure to operate a vehicle safely and in conformance with traffic laws when driving on duty.
- Reporting or being on duty under the influence of any intoxicant or controlled substance; absenting oneself from duty or rendering oneself unfit to perform fully for reasons attributable to or produced by indulgence in intoxicants or controlled substances.
- Violation of any administrative policy concerning controlled substances in the workplace, or failure to notify a supervisor, in writing, when the employee is taking prescription medication that can impair judgment or performance.
- Conviction of a crime which has a direct bearing on continued employment.
- Unauthorized absence without leave. Excessive absenteeism or tardiness. For the purpose of this policy, absenteeism in excess of ten percent (10%) of the work time is considered excessive, particularly when such absenteeism occurs on a sporadic, day here and day there, basis.
- Misuse, misappropriation, carelessness, or negligence with Agency property or funds, or property; appropriating to one's own use, loaning, selling, or giving away such property without legal authorization.

- Use, actual or attempted, of political influence, to secure employment, promotion, leave, or to effect other change in the character of work or pay. Improper political activity as defined in the pertinent sections of State and Federal law.
- Inducing or attempting to induce a member of the Agency to commit an unlawful act.
- Taking for personal use a fee, gift, or other item of value in connection with official work when such fee, gift, or other item is given in the expectation of receiving, either directly or indirectly, favored treatment.
- Abuse of leave or sick time; unauthorized work while on leave..
- Retaliating against a subordinate for using the grievance policy or otherwise communicating legitimate concerns to higher authority.
- Unwanted sexual advances; verbal, visual, or physical conduct of a sexual nature; offering employment or other benefits in return for sexual favors; threatening reprisals for rejecting sexual advances and related activity as defined by the State Fair Housing and Employment Department guidelines.
- Violation of, or failure to abide by, any condition of employment as stipulated in the WCCTAC Personnel Policies, administrative memorandum or lawful official regulation, or order of the Agency.
- Two consecutive ratings of less than satisfactory on employee performance evaluations.
- Unsatisfactory performance as noted in employee performance evaluations, annual or otherwise.
- Failure or refusal to cooperate in an official inquiry or investigation into an alleged violation of WCCTAC rules when ordered to do so.

DISCIPLINARY PROCESS

Although employment with WCCTAC is on an at-will basis, and WCCTAC retains the right to terminate employees at any time with or without cause, the Executive Director may, at his or her discretion, use less severe action to address unacceptable conduct or behavior. Such actions may include, but are not limited to oral and written reprimands, demotions, and suspension. The use of such disciplinary tools will not alter or modify an employee's status as an at-will employee.

112. PERSONNEL RECORDS

PERSONNEL RECORDS POLICY

All necessary forms, records, documents, and procedures, unless otherwise indicated, shall be maintained by the Executive Director in order to:

- Meet legal, regulatory, and procedural requirements.
- Ensure adherence to policies and to provide a basis for decision-making in personnel actions.
- Provide data for reporting.
- Promote individual employee understanding, training, and development.

PERSONNEL RECORDS

Personnel records are legal documents and are retained permanently.

Personnel File: Shall contain the employee's application, I-9 form, all performance appraisals, grievance actions, warning notices and related reports, special commendations, change of status forms, vacation and sick leave requests, and other information which may be considered pertinent.

No entries shall be made in an employee's personnel file without the employee's knowledge.

An employee may examine his/her personnel file upon request.

Roster Information: Shall be maintained on each employee, either by hand or electronically, and shall be a running record of an employee's current name, address, phone number, job and pay status.

Payroll Records: Shall include time sheets and records of usage of vacation, sick leave, and are retained by the City of San Pablo Finance Department.

Privacy: No one in Agency or City of San Pablo service shall be allowed to make known the address or phone number shown in the personnel records of any employee without the prior written approval of the employee.

PERSONNEL RECORDS RESPONSIBILITY

Employee: Each employee is responsible for informing the Executive Director, in writing, of any change in name, address, phone number, marital status, fringe benefit status, number of dependents, or other pertinent information.

Supervisor: The Executive Director is responsible for informing the City of San Pablo Human Resources Department regarding such changes.

113. SAFETY

SAFETY

Every employee is responsible for safety. To achieve the Agency's goal of providing a completely safe work environment, staff must be safety conscious and personally fit for duty.

Every employee is expected to arrive for work fit to perform applicable duties and responsibilities. Employees who report for work unfit, or subsequently become unfit to perform their jobs fully and satisfactorily may create a safety hazard for themselves or others.

It is each employee's responsibility to report any unsafe or hazardous condition to his/her supervisor immediately.

Any work-related accident or injury, regardless of severity, must be reported to the employee's supervisor immediately.

WCCTAC employees may use their personal automobiles for business. The Agency requires that the employee maintain a good driving record and automobile liability insurance coverage of at least \$300,000 per incident during employment. Any situation which results in suspension of driving privileges or limitation or cancellation of vehicle insurance must be reported to his/her supervisor in writing within twenty-four (24) hours.

The Agency and its staff shall conform to and comply with all health, safety, and sanitation requirements of State and Federal law as well as safety policies.

WORKERS' COMPENSATION COVERAGE

Agency employees are covered for workers' compensation insurance.. Workers' compensation coverage is required by law to protect employees who are injured on the job.

Workers' compensation insurance provides for medical treatment and rehabilitation services as well as payment for loss of earnings that result from work-related injuries.

Compensation for work injury related absences begins on the first day of hospitalization or on the third day following an injury if the employee is not hospitalized.

An Agency employee, disabled temporarily or permanently by injury or illness arising out of and in the course of work, shall be entitled to leave while so disabled up to the maximum time provided in the Leave of Absence Policy.