

CMSA'S PERSONNEL POLICIES AND PROCEDURE MANUAL

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POLICY

Central Marin Sanitation Agency (referred to throughout this Manual as “CMSA” or the “Agency”) is an equal opportunity employer and makes employment decisions based on merit, qualifications, and experience. CMSA prohibits unlawful discrimination on the basis of race, creed, color, sex, religion, marital status, age, national origin or ancestry, physical or mental disability, medical condition, sexual orientation, veteran status, or any other consideration made unlawful by federal, state or local laws.

CMSA will comply with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the operations of the Agency and prohibits unlawful discrimination by any employee of the Agency, including supervisors and co-workers.

In order to comply with applicable laws ensuring equal employment opportunities to qualified individuals with protected disabilities, the Agency will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a protected disability who is an applicant or an employee.

POLICY

CMSA prohibits harassment of or discrimination against an individual because of sex, race, religion, creed, color, age, national origin, ancestry, marital status, medical condition, sexual orientation, physical or mental disability, veteran status, or any other characteristic protected by law, or based on a perception that an individual has any of these characteristics, or based on a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics.

The Agency's anti-harassment/discrimination policy applies to all persons involved in the operation of the Agency and prohibits unlawful harassment or discrimination in the workplace or in a work-related situation by any employee of the Agency, including supervisors and co-workers, as well as by any person with whom the Agency contracts to do business. Any agent or non-employee who has been found to have unlawfully harassed or discriminated against an Agency employee or service provider at the workplace or in a work-related situation will be subject to appropriate sanctions.

CMSA does not tolerate any harassment of its employees or contract personnel, and will take affirmative steps to stop it. Towards that end, CMSA ensures that its supervisory staff receives training in recognizing and preventing workplace harassment at least once every two years, in accordance with state law.

DEFINITION

Examples of conduct prohibited under this policy include, but are not limited to, the following:

- A. Verbal conduct such as derogatory jokes or comments; epithets; slurs or unwanted sexual advances, invitations or comments;
- B. Visual conduct such as derogatory, demeaning and/or offensive posters, photography, cartoons, drawings or gestures;
- C. Physical conduct such as assault, unwanted touching such as, pinching, feeling or purposely rubbing up against another employee's body, blocking normal movement or interfering with work because of sex, race, religion, disability, national origin or ancestry, sexual orientation, or any other protected basis;
- D. Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, or offers of employment benefits in return for sexual favors;
- E. Conduct which has the potential to affect an employee's work performance negatively and/or create an intimidating, hostile or otherwise offensive work environment;

SECTION: Legal**SUBJECT: *UNLAWFUL HARASSMENT/DISCRIMINATION***

- F. Sending or forwarding Internet and/or E-mail communications that could be construed as offensive, harassing or discriminatory; and/or
- G. Retaliation for having reported or threatened to report harassment and/or discrimination.

PROCEDURE**1. Responsibility**

If possible, the individual who believes he/she has been subjected to conduct in violation of this policy should confront the accused and tell him/her to stop. If the behavior continues, or if the individual does not wish to confront the accused, the individual should immediately advise his/her supervisor, another Agency supervisor, any department manager, or the General Manager. The individual's complaint should be in writing, if possible, and should include details of the incident or incidents, names of the individuals involved and names of any witnesses. Supervisors will refer all complaints under this policy to a Department Manager. If the General Manager is the subject of the complaint, the complaint should be referred to a Department Manager. Additionally, any individual who, through their own observation, is aware of an incident of harassment and/or discrimination at the workplace or in a work-related situation that may violate this policy must report it immediately. In all cases, the Agency will investigate such allegations promptly and, to the extent possible, discreetly.

If the Agency determines that conduct in violation of this policy has occurred, remedial action will be taken in accordance with the circumstances involved. Any employee determined by the Agency to be responsible for conduct in violation of this policy will be subject to appropriate disciplinary action, up to and including termination. The complaining individual will be advised of the outcome of the investigation (i.e., whether the complaint was found to have merit or not.). The Agency does not retaliate against any individual for filing a complaint under this policy, and will not tolerate or permit retaliation by management, co-workers, or contractors. Disciplinary action may also be taken against any Agency manager or supervisor who condones or ignores conduct in violation of this policy, or who otherwise knowingly fails to take appropriate action to enforce this policy.

The Agency encourages all individuals to report immediately any workplace or work-related incidents of conduct prohibited by this policy 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 or discrimination in

employment. If an individual thinks that he/she has been subjected to unlawful harassment or discrimination, or that he/she has been retaliated against for reporting or complaining, the individual may file a complaint with the appropriate agency. Local offices of these agencies are listed in the telephone book.

2. Complaint Procedure

An individual who believes that he/she has been subjected to conduct violating this policy shall report the incident immediately and according to the following procedure so that the complaint can be resolved quickly and fairly.

- A. If the individual is comfortable doing so, he/she should confront the accused and tell the person to stop, specifically informing the accused that his/her behavior is unwelcome, offensive, in poor taste or highly inappropriate.
- B. The individual must notify his/her own supervisor or any other Agency supervisor, department manager or the General Manager as soon as possible after the incident, giving dates and time of the incident(s). Include details on the incident(s), names of individuals involved and the names of any witnesses.
- C. Supervisors will refer all complaints under this policy to a Department Manager or the General Manager. If the General Manager is the subject of the complaint, the supervisor should refer the complaint to a Department Manager. The Agency will investigate such allegations promptly and, to the extent possible, discreetly.
- D. If the Agency determines that conduct in violation of this policy has occurred, it will take effective remedial action in accordance with the circumstances. Any individual deemed by the Agency to have violated this policy will be subject to appropriate disciplinary action, up to and including termination.
- E. Upon the conclusion of the investigation and determination of appropriate corrective action, the Agency will follow up with the complainant.
- F. The Agency will not retaliate against an employee for filing a complaint under this policy or for participating in an investigation under this policy, and will not tolerate or permit retaliation by management, co-workers, service providers, or anyone else doing business with the Agency.

The Agency's Employee Assistance Program (EAP) is available to counsel any employee who may feel the need for assistance in dealing with the emotional aspects of a potential or actual situation of harassment and/or discrimination. Discussion of a situation with a representative of the EAP does not substitute for following the procedures described above.

If an employee has any questions regarding the Agency's policy against harassment and discrimination, or about the procedure for filing complaints, the employee should contact his/her supervisor or the General Manager/designee.

POLICY

In accordance with The Immigration and Control Act of 1986, CMSA hires only those individuals who are lawfully authorized to work in the United States. No new hire or rehire may begin work until documentation has been provided to establish employment eligibility and identification.

All new and rehired employees must complete the Employment Eligibility Verification Form I-9 within three days of their first day of work.

POLICY

The term “conflict of interest” describes any circumstance that could cast doubt on an employee’s ability to act in the best interests of CMSA. The Agency has developed the following policies in an effort to limit the possibility of such conflicts arising.

No employee shall engage in employment or outside business activity that may constitute a conflict of interest for the employee or the Agency. Employees must advise the General Manager/designee before engaging in any secondary employment or business activity.

Employees who have secondary jobs are expressly prohibited from wearing any CMSA emblem, badge or other Agency identification while performing work for an employer other than the Agency.

Additionally, no employee in any category (regular, probationary or temporary) shall engage in any outside employment whatsoever during the employee’s working hours.

Written approval from the General Manager/designee is required before any employee may conduct business on behalf of CMSA with a member of the employee’s family or with a business or organization in which the employee or a family member has a significant association.

If an employee has questions about whether an activity may constitute a conflict of interest, the employee should discuss the matter with his/her supervisor or the General Manager/designee before becoming involved in any such activity.

POLICY

To the extent provisions in this policy manual conflict with provisions in an MOU, the MOU provisions will govern for all represented employees

SECTION: Legal**SUBJECT: *CONDUCT POLICY***

POLICY

All Agency employees are expected to observe and demonstrate the highest standards of conduct and professionalism.

This policy does not describe all prohibited conduct, however, and employees may be disciplined for inappropriate conduct that is not addressed in this policy.

Courtesy/No Discrimination

The public and other Agency personnel should be treated in a professional manner. Agency employees should be respectful when interacting with others, whether in person, on the telephone, or by electronic mail. Be polite. If an employee has difficulty with anyone from the public, the employee should request assistance from his or her supervisor.

No Agency employee shall discriminate against or harass any other person on the basis of race, color, religion, gender, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, or sexual orientation. Agency employees must refrain from offensive conduct or comments that reflect bias or harassment.

Performance of Duties

All Agency employees shall perform their duties diligently, thoroughly, and properly.

No Agency employee shall alter, falsify, destroy, mutilate, or backdate any records.

Confidentiality

Access to files maintained by the Agency and containing sensitive information (e.g., personnel files, medical files) shall be limited to those with a legitimate (managerial or operational) need for such access. Persons privy to such information shall not disclose it except on a "need-to-know" basis. See also Policy #213 (re: employee access to their own personnel or medical files.)

Misuse and Abuse of Position

No Agency employee shall use or attempt to use his or her position with the Agency to obtain privileges or exemptions, whether for the employee or for another person or organization.

No Agency employee shall solicit or accept any gift, favor, or thing, or thing of value from any member of the public.

POLICY

CMSA employs people in one of four (4) different classifications: Probationary, Regular Full-Time, Temporary, and Regular Part-Time (Management).

1. Probationary Employee

All new, transferred or promoted employees are subject to a probationary period. New employees in their probationary period may be terminated, with or without cause, during the probationary period and such employees have no recourse to the Agency's grievance or appeals process. See *Policy #202* for additional information about the Probationary Period.

Transferred and promoted employees who fail their probationary period may, in the Agency's sole discretion, return to their former position, if it is vacant. They have no recourse to the Agency's grievance or appeals process.

2. Regular Full-Time Employee

Employees in this category are those who have satisfactorily completed their probationary period, and who are regularly scheduled to work a minimum of eighty (80) hours per pay period.

3. Temporary Hire Employee

Employees in this category are those holding jobs of limited or specified duration arising out of special projects or other reasons established by the Agency. Temporary employees are not eligible to receive agency-sponsored benefits, accrue any form of service credit, or seniority, or use the Agency's grievance or appeals process. Temporary employee status is not considered for seniority or benefit longevity purposes if the temporary employee is eventually hired on regular Agency status.

4. Regular Part-Time Employment (Management)

Management employees in this category are those who have satisfactorily completed their probationary period, and who are regularly scheduled to work a minimum of forty (40) hours per pay period. They accrue vacation, sick, holiday, and administrative leave benefits on a pro rata basis. They are entitled to medical, dental, vision, disability and life insurance benefits as described in *Policy #307* of this manual.

Compensation shall be pro-rated based on the ratio of hours worked to full-time equivalency for agency classifications. If a classification doesn't exist, the hourly compensation rate will be agreed to prior to employment.

SECTION: Employment Practices**SUBJECT: *PROBATIONARY PERIOD***

POLICY

All new, transferred, or promoted regular full-time or part-time employees will be subject to a probationary period. The probationary period shall be a period of actual service beginning with the date of original appointment or promotion.

A probationary employee may be terminated with or without cause, with or without notice, and without the right to grieve or appeal this decision. However, employees who fail their probationary period following a transfer or promotion may, at the sole discretion of the General Manager, return to their former position if it is still vacant and available.

The probationary period for new employees is one (1) year, exclusive of any approved leaves of absence. The probationary period following a promotion to a higher position or a transfer to another positions is six (6) months, exclusive of any approved leaves of absence.

Written performance evaluations of probationary employees may, but are not required to, be given. During the probationary period, a supervisor may, but is not required, to engage in coaching sessions with the employee to address areas of concern.

Probationary Period Extension

- A. The General Manager may extend this period for up to sixty (60) days if, in its sole discretion, additional time is needed to evaluate the employee's performance.
- B. The General Manager may grant a probationary employment period extension of up to six (6) months for employees who need extra time to obtain a required certification to perform their job.
- C. The General Manager shall have the right to extend a probationary period of an employee up to a period of 12 months under the following circumstances:
 - 1. Where the employee is represented by the union and the employee and the union concur with the Agency's extension of the probationary period. Such concurrence shall be in writing.
 - 2. Where the employee is unrepresented and the employee concurs with the Agency's extension of the probationary period. Such concurrence shall be in writing.

SECTION: Employment Practices**SUBJECT: *JOB CLASSIFICATION ADMINISTRATION***

POLICY

The goal of the CMSA Classification Plan is to develop a system that encourages employee development, provides opportunities for career advancement and creates an understanding of the roles, responsibilities and relationships of each position within the Agency.

A Classification Plan is comprised of individual job descriptions.

Job descriptions identify the essential duties, responsibilities, level of authority, education, experience, licenses and certifications required to meet the minimum performance standards for each position at the Agency. Additionally, each job description contains relevant CSRMA guidelines for job skills and abilities.

The Board is responsible for adopting the Classification Plan and authorizing the number of Agency positions. The General Manager is responsible for insuring that accurate job descriptions exist for all positions.

PROCEDURE

1. The General Manager will review, from time to time, the Classification Plan to insure that job descriptions are current and that positions continue to be appropriately classified.
2. Positions will be evaluated for reclassification when the General Manager determines that significant changes in the essential duties, responsibilities or work assignments occur.
3. Each position is assigned to a salary range based on the complexity of the position responsibilities relative to external market salary conditions.

POLICY

CMSA and its Board are responsible for establishing and administering a compensation program. The General Manager and the Board regularly review the program.

PROCEDURE**1. Compensation Plan**

The Agency is responsible for administering a Compensation Plan for all classes of positions. The Compensation Plan shall be recommended by the General Manager and approved by the Board. The Plan shall consist of a base salary, salary range or hourly wage rate for each separate position.

2. Salary Ranges and Increases

All Agency positions are assigned to a salary range that has a minimum and maximum rate of pay. An employee must demonstrate satisfactory performance and meet department advancement requirements to move from one step to the next within the range. A new employee, after successfully completing the initial one (1) year probationary period, normally advances to the next step and is thereafter reviewed annually for possible further step advancement. Employees who are promoted, or who transfer to a different position, and who successfully complete their probationary period, will be considered for a possible salary increase after they complete probation and 12 months of service. They will be reviewed thereafter on approximately an annual basis.

Promotion within a position (e.g., from Grade I to Grade II) requires training. Ten (10) hours of in-house training is the minimum requirement unless otherwise required after their promotion/transfer..

An employee may be promoted to the next higher-level position when he/she meets the minimum qualifications of that position and all department guidelines and requirements for advancement are met.

SECTION: Employment Practices**SUBJECT: *COMPENSATION ADMINISTRATION***

3. Hiring Rate

All new employees shall be advised at the time of hire as to their starting rate of pay. Employees are normally hired at the starting pay level. New employees may, however, be hired at a pay rate greater than the minimum in consideration of such factors as advanced or specialized education or training, level of experience, possession of highly developed technical skills, demonstrated achievements, labor market competitiveness, etc. Hiring an applicant above the starting pay rate shall receive advance approval of the General Manager.

4. Promotions

An employee who receives a promotion to a higher classification shall ordinarily receive a pay increase.

5. Pay Period and Pay Day

CMSA pays its employees bi-weekly on Friday. Paychecks cover the two-week period of time beginning on Sunday and ending on the Saturday which precedes the payday. Overtime pay earned after the pay period cut-off date will be paid the following pay period. Each paycheck shall reflect the base hourly rate of pay, overtime, holiday pay or premium pay received during that pay period.

Employees are required to submit a complete, accurate, and signed time sheet to their supervisor no later than 9:00 a.m. on the first workday following the completed pay period. Supervisors will review time sheets for completeness and accuracy, and will sign their approval of the time sheets, before submitting them to payroll. Failure of an employee to submit a time sheet as required may result in a delay in processing the employee's check.

6. Direct Deposit

The Agency provides employees with the convenience of having their paycheck directly deposited to a financial institution of their choice. Furthermore, employees may instruct that their directly deposited paycheck be divided and the portions be deposited into up to three separate accounts at the financial institution (e.g., checking account, savings account, club account, etc.). Direct Deposit authorization forms are available from the Administration or Finance Department. Two pay periods are required to process the Direct Deposit arrangement.

Employees may also have another person pick up their paycheck if the employee is unable to do so, provided a current written authorization is provided.

7. Temporary Employees

Temporary employees may work up to forty (40) hours per week or eighty (80) hours per pay period. Temporary employees may work overtime with prior authorization. Temporary employees do not accrue any benefits or seniority.

POLICY

CMSA establishes working hours consistent with the operating requirements and responsibilities of the Agency. Work shifts, days, hours and break periods can be established and modified by the Agency within the limits prescribed by law, based on operating conditions and requirements of the Agency. The Agency has the right to require employees to work overtime that may occur anytime before or after the standard workweek including weekends, evenings and/or holidays. Employee schedules that show workdays, shifts and hours shall be posted on Agency Bulletin Boards.

All employees shall be assigned work schedules with regular starting and quitting times. Employees may not change their own work schedule without the express approval of the General Manager or his/her designee. In the event the Agency needs to change an employee's schedule, the employee will normally receive two weeks' notice before the new schedule becomes effective, except in cases of emergency as determined by the General Manager/designee.

WORKWEEK DEFINED

For all Agency employees except those working the following positions: Accountant, Utility Worker, and Administrative Assistant, the regular workweek shall begin at 00:00 hours on Sunday and conclude the following Saturday at 24:00 hours. For employees working those positions listed above, the regular workweek shall begin on Friday at 12:01 p.m., and conclude the following Friday at 12:00 p.m. (noon).

PAY PERIOD AND WORK SCHEDULES DEFINED

The Agency pay period is comprised of two (2) workweeks that may be structured in one of the following ways:

- a. An eight (8) hour work period five (5) days per week.
- b. A ten (10) hour work period four (4) days per week.
- c. A nine (9) hour work period four (4) days per week, and a four (4) hour work period one (1) day per week.
- d. A twelve (12) hour work period three (3) days (36 hours) one week and four (4) days (44 hours) the next week, consisting of three (3) 12-hour days and one (1) 8-hour day.

SECTION: Employment Practices**SUBJECT: *HOURS OF WORK***

MEAL PERIOD, BREAKS, AND WASH-UP TIME FOR NON-EXEMPT EMPLOYEES

1. All workdays for non-exempt employees shall include an unpaid thirty-minute lunch break.
2. Employees whose job requires a uniform or special clothing are expected to be in uniform at all time when the shift begins.
3. When necessary, non-exempt employees will be permitted up to fifteen (15) minutes of paid time at the end of a work shift to perform such activities as cleaning up a work area, putting away tools and personal wash-up and changing clothes. Employees whose job requires wearing a uniform must leave worn uniforms at work.
4. Under normal conditions, the work schedule of all non-exempt employees will provide a fifteen (15) minute paid rest period during each four (4) hour work period. Break periods missed due to operational needs may be used at the end of the workday with supervisor approval, as long as doing so does not result in overtime. Break periods cannot be saved for use during a future work shift.

SECTION: Employment Practices**SUBJECT: OVERTIME/COMPENSATORY TIME**

POLICY

All Agency positions shall be classified as either exempt or non-exempt in accordance with the federal Fair Labor Standards Act. Generally speaking, positions may be exempt if, in addition to other criteria, their job duties are primarily administrative, professional and/or executive.

PROCEDURE

With the exception of emergency situations, an employee must obtain supervisory approval prior to working overtime.

1. Overtime for Non-Exempt Positions

- A. Employees in non-exempt management positions may earn overtime or compensatory time off at the rate of one and one-half (1 1/2) times the regular hourly rate of pay for all hours worked in excess of forty (40) hours in the workweek. Overtime for positions in the bargaining unit are contained in MOU.
- B. Overtime shall be compensated to the nearest half (1/2) hour and no employee shall be required to work more than sixteen (16) total hours during a twenty-four (24) hour period. The Agency will attempt to distribute overtime as equally as possible among employees in a work unit.
- C. An employee may elect, by so stating in writing on the appropriate time card, a preference to earn compensatory time off in lieu of overtime pay. An employee may accumulate up to a maximum of eighty (80) hours of compensatory time off. An employee who has reached the maximum balance shall be paid overtime until such time that the compensatory time accrual falls below the maximum.
- D. For purposes of determining which hours constitute overtime, all paid work hours in a given workday or workweek will be counted.
- E. Overtime worked on a shift other than that to which the employee is regularly assigned does not qualify the employee for shift differential or remove the employee's usual shift differential.

SECTION: Employment Practices**SUBJECT: *OVERTIME/COMPENSATORY TIME***

- F. Employees shall receive a meal allowance for the completion of each four (4) continuous hours of unscheduled overtime worked immediately following a regularly scheduled shift or a scheduled overtime shift. Additionally, employees who miss a meal as a result of being called in for emergency work shall receive a meal allowance for each period of four (4) hours worked. Meal allowance is \$7.50.
- G. The procedure for requesting approval to use Compensatory Time is below.
1. For requests of more than five (5) days, the employee shall submit a written request at least ten (10) working days prior to the requested time off.
 2. For requests of five (5) days or less, the employee shall submit a written request at least three (3) working days prior to the requested time off.

Short notice of leave for one work shift or less can be authorized at the supervisor's discretion.
 3. Employees shall obtain supervisory approval by completing the appropriate leave request form and obtaining written authorization of the request prior to taking the time off.
- H. Employees may also request, in writing, payment for accumulated compensatory time.
- I. Compensatory time off may be taken only when it does not result in the Agency paying overtime to other employees.

SECTION: Employment Practices**SUBJECT: OVERTIME/COMPENSATORY TIME**

2. Administrative Leave for Exempt and Non-Exempt Management Positions

All exempt and non-exempt management receive administrative leave. The leave varies according to exempt or non-exempt status, as show below:

A. Non-Exempt Management Positions

1. Employees in non-exempt management positions will receive 40 hours of administrative leave per year. Administrative leave is considered a part of the employee's accrued vacation time and is subject to the maximum accruals as set forth in Policy No. 302.
2. The following positions are non-exempt management positions.

Administrative Assistant
Operations Supervisor
Maintenance Supervisor
Electrical/Instrumentation Supervisor
Associate Engineer

B. Exempt Positions

1. Employees in exempt positions do not earn, nor are they eligible to receive, overtime or compensatory time.
2. The following positions are considered exempt management

:

General Manager
Treatment Plant Manager
Environmental Services Manager
Senior Engineer
Finance Manager

3. Exempt management positions will receive 80 hours of administrative leave that is provided at the beginning of the calendar year and must be used by the end of the calendar year, it cannot be accrued. One week of administrative leave may be cashed-out during the calendar year.

SECTION: Employment Practices**SUBJECT: *OVERTIME/COMPENSATORY TIME***

4. All exempt employees are expected to work beyond their normal schedules as work demands may require. Exempt employees are paid a salary designed to compensate them for all time worked.
5. For work schedule purposes and to properly allocate hours, all exempt employees are required to complete a daily time sheet. The time sheet shall indicate hours worked as well as hours that should be charged to vacation, sick leave, etc.
6. If an exempt employee has no accrued benefits, the employee's compensation may be reduced for complete days of absence.
7. Exempt employees, like all other Agency employees, are expected to remain at the Agency during regular work hours. Employees who need to deviate from the normal business schedule (i.e., leave work early, arrive to work late) must obtain prior authorization from the General Manager.

POLICY

Consistent attendance and punctuality are expected from each employee, regardless of exempt or non-exempt status. Poor, uncertain or irregular attendance, when unrelated to approved leave time, produces disruptive results for Agency operations, lowers overall productivity and continuity of work, and is burdensome to other employees.

Employees are expected to report to their designated work location at the start of their work shift. Depending on the circumstances, an employee who is consistently tardy or absent may be subject to appropriate disciplinary action, up to and including termination of employment.

PROCEDURE

A. REPORTING

1. It is the responsibility of the employee to personally notify his/her immediate supervisor if the employee is unable to report to work as scheduled. For safety and scheduling purposes, notification shall be given prior to the employee's regular start time, or as soon as possible thereafter. If the employee is unable to speak directly to his/her immediate supervisor, the employee shall perform the following:

- a. Operations and Maintenance Staff

- 1) Leave a detailed message stating the circumstances, on their direct supervisor's Agency voice mail; and
- 2) Notify the On-Duty Operator-in-Charge. The Operator-in-Charge will notify the appropriate O&M staff (supervisor, lead) of the impacted employee's situation and, for applicable staff, note an entry on the sign-out board.

If applicable, the probable duration of delay or absence should be provided to both the direct supervisor's voice mail message and the On-Duty Operator-in-Charge.

- b. All Other Agency Staff

- 1) Leave a detailed message stating the circumstances, on the employee's direct supervisor's Agency voice mail; and

SECTION: Employment Practices**SUBJECT: ATTENDANCE**

- 2) Contact the Administrative Assistant via the Agency's main phone number. If unable to speak directly to the Administrative Assistant, leave a voice mail message stating the circumstance. The Administrative Assistant will notify the appropriate coworkers of the impacted employee's situation and, for applicable staff, note an entry on the sign-out board.

If applicable, the probable duration of delay or absence should be provided to the supervisor and Administrative Assistant.

2. In all cases of an employee's absence or tardiness, the employee shall provide his/her direct supervisor with a reason for the absence. CMSA reserves the right to require an employee to bring in a doctor's certification for any absence related to illness or injury.
3. An employee who is off work due to a prolonged illness is required to contact his/her direct supervisor on a regular basis as determined by the supervisor, but generally not more frequently than once per month, providing a status report on his/her current ability to return to work.
4. In the event of an emergency that makes it impossible for the employee to comply with the procedures outlined above, the employee must notify an appropriate Agency representative (supervisor, department manager or General Manager) as soon as possible after the emergency and be prepared to provide evidence of extenuating circumstances.
5. Failure to comply with the above procedures may result in the denial of sick leave pay to non-exempt employees for the day on which notice was not given. In that event, the employee's supervisor shall record the absence as unpaid on the employee's time sheet.
6. Generally, employees absent for three (3) or more consecutive workdays for medical reasons may be required to submit medical certification of the need for the absence. However, the Agency reserves the right to require medical certification of leaves of fewer than three days.
7. An employee who is absent for three (3) consecutive workdays without having contacted an appropriate Agency representative will be considered to have voluntarily terminated his/her employment from the Agency.

B. REVIEW OF ATTENDANCE

CMSA reviews attendance and sick leave in a fair and consistent manner utilizing the following guidelines:

1. An attendance review will be conducted every six (6) months by the employee's supervisor.
2. Depending on the circumstances, a supervisor may counsel an employee who has used the equivalent of four (4) days or more of sick leave or who has a pattern of unscheduled absences connected with scheduled days off.
3. An employee whose attendance record continues to be unacceptable may receive discipline as outlined in *Policy #405*.

POLICY

The Agency observes the following procedures when filling vacant positions.

PROCEDURE

1. Promotional and Open Examinations

A. Internal Recruitment (Promotional Examination)

To enhance opportunities for career development among current employees, all vacant positions that the Agency has decided to fill shall be posted on bulletin boards readily accessible to Agency employees.

The Agency shall also provide notice of the openings to be filled to recognized employee organizations.

The Agency encourages internal promotion of current employees provided they meet the necessary qualifications. However, the Agency reserves the right to recruit externally.

B. External Recruitment (Open Examination)

When the Agency determines to advertise for the recruitment internally and outside the Agency, then the examination process shall be considered Open. Recruitment and advertisement shall commence for a minimum two (2) week duration. Eligible Agency employees may compete in an Open Examination.

2. Job Announcement and Application Package

The job announcement and other advertisement shall identify a Final Filing Date. All application materials shall be post-marked by that date or be submitted to the Agency by the close of business on that date to be considered. All job applicants shall complete an application form. The form must be complete and accurate, regardless of whether or not a resume is attached. Failure to provide a completed and signed application form may automatically disqualify an applicant from further consideration.

SECTION: Employment Practices**SUBJECT: RECRUITMENT AND SELECTION**

3. Application Review

The hiring manager, or designee, shall review all of the application packages and determine those that are the most qualified. The Agency shall notify all applicants of their eligibility to continue in the recruitment process.

4. Examination Process

A candidate must successfully pass each part of the examination process to be placed on the Eligibility List. The examination may be written, oral, a demonstration of physical ability or skills or any combination thereof.

5. Eligibility List

An Eligibility List, effective for one (1) year, shall include all candidates who successfully complete the examination process. The duration of the Eligibility List may be extended. It may be deleted if there are fewer than three (3) candidates remaining on the List, or where, the Agency determines, in its sole discretion, to delete the List and establish a new one.

6. Reference Checking

All external job applicants shall provide information on previous employment and other references as required on the application form. Final offers of employment shall not be made until the Agency has had an opportunity to verify the information.

The hiring manager, or designee, shall be responsible for contacting and verifying all reference sources. Reference information will be maintained in a confidential manner and disclosed only on a need to know basis.

7. Background Checking

All candidates who are selected for an interview shall be subject to a background check which may include review of their credit record (if applicable to the position for which they are applying), personal history, education, professional credentials, military record, and/or criminal convictions. No such background check shall be undertaken without first obtaining the candidate's written authorization.

A candidate who is offered a position that requires a driver's license shall provide a current copy of his/her DMV printout. The Agency will reimburse the candidate for this expense.

SECTION: Employment Practices**SUBJECT: RECRUITMENT AND SELECTION**

8. Selection

The General Manager reserves the right to select any candidate from the eligibility list for subsequent interviews and to extend a contingent offer of employment.

9. Contingent Offer of Employment

For external candidates only, a contingent offer of employment will be made in writing stating that a post-job-offer, pre-employment physical examination is required that includes a drug and alcohol screening that must be passed or the offer of employment will be rescinded.

Candidates who successfully meet the requirements of this contingent offer will receive, and must sign and return to the Agency, a written letter accepting or rejecting the contingent employment offer.

- 10.** Applicants for employment in an operation or maintenance position must also be able to pass a post-offer, pre-employment respiratory test establishing that the candidate is able to use self contained breathing apparatus (SCBA) and/or respirators. Applicants unable to do so due to an ADA protected disability, may be excused from this requirement, depending on the circumstances.

11. Applicant Package Retention

The Agency shall retain all application package documents for two (2) years.

POLICY

The Agency does not discriminate in employment on the basis of marital or familial status. Nonetheless, the Agency may refuse to appoint a person to a position where that person's relationship to another employee or to a member of CMSA's Commission has the potential to be a conflict of interest, or to have an adverse impact on supervision, safety, security, or morale. The Agency has the sole discretion to determine the existence of such a potential for adverse impact or conflict of interest.

For purposes of this policy, marital or familial status includes the following relationships: spouse, domestic partner, parent, grandparent, child, grandchild, sibling, aunt, uncle, niece or nephew. These identified relationships also include step-, half-, and "in-law" relationships.

In the event that two current employees marry or otherwise become subject to the restrictions of this policy after they are hired, and the Agency determines that a potential for adverse impact or conflict of interest as described above exists as a result of that relationship, the Agency will attempt to minimize the potential issues of supervision, safety, security, morale, or conflict of interest through reassignment of duties, relocation, and/or transfer. If these problems cannot be minimized to the satisfaction of the Agency, then the affected individuals will be notified that one of them must separate from employment with the Agency. The choice of who will resign/depart will be the affected individuals'. In the event that these individuals are unable to make this decision within 30 days of such notification by the Agency, then both employees will be terminated.

POLICY

The Agency shall establish special rates of pay for non-exempt employees, which are described below, and, for bargaining unit employees, consistent with the provisions of the Memorandum of Understanding.

1. Out of Class Assignment

In cases of an employee's prolonged absence from duty or other emergencies, a department manager, with the consent of the General Manager, may temporarily promote an employee when such employee is regularly required to perform the full duties of a job with a higher classification for a period of a minimum of twenty (20) consecutive working days (not including regularly scheduled days off). In such cases, the employee shall be paid – from day one, and for the duration of, the temporary promotion – an additional five percent (5%) of the employee's present salary, or the first step of the salary range fixed for the job for which the employee has received a temporary promotion, whichever is higher.

2. Shift Differential Pay

For purposes of this section, an "off shift" means a shift that immediately precedes or follows defined day shift work hours. An employee who works on an assigned "off shift" shall, in addition to the employee's regular pay, be paid an "off shift" differential for each hour actually worked on the assigned "off shift." The differential paid to employees working swing shift is 7%, and the differential paid to employees working graveyard shift is 10%.

An employee who earns shift differential on a holiday will be entitled to receive that differential for the additional eight (8) hours of holiday pay or compensatory time off. Overtime that is worked as an extension of an assigned day shift does not qualify an employee for off shift differential pay.

3. Call Back Pay

If an employee is called back to work, the employee, upon notification, will receive a minimum of two (2) hours' work, or if two (2) hours' work is not furnished, a minimum of two (2) hours' pay at the applicable rate. If the employee is required to work more than two (2) hours, the employee will receive pay for the actual time worked and for an additional one (1) hour at the applicable wage rate. This additional one-hour pay provision does not apply to instances in which the employee is called to report before the employee's regular starting time and has worked from the time the employee reports to the employee's regular starting time.

SECTION: Employment Practices**SUBJECT: SPECIAL RATES OF PAY**

4. Standby Pay

CMSA management, at its discretion, may assign an employee to standby duty for purposes of responding to Agency problems during non-maintenance staffed hours. Standby Duty may be assigned on a daily, weekly, or weekend basis, at the Agency's discretion. An employee who is assigned to standby duty, but who is not called in to perform any work, shall receive four (4) hours' pay for each weekend day and holiday and two (2) hours' pay for other weekdays. If the standby employee has an alternate work schedule that gives him a regular day off during the workweek, that employee will not be on call during the work hours between 5:45 a.m. and 4:15 p.m. for those days.

Standby pay shall not be credited toward the accumulation of hours for the purposes of computing overtime pay. If actually required to report to work while on standby duty, overtime rules and compensation shall apply.

Standby duty shall be assigned to those qualified to respond to problems that could occur at CMSA or any of the CMSA operated and maintained pump/lift stations. Qualifying standards will be at management's discretion. Qualified volunteers shall receive initial consideration for standby duty assignments. Assignments will be rotated on a weekly basis between/among qualified employees. The Agency will provide training for interested Operations and Maintenance employees so that they may become eligible for standby duty. Such training will entail performance testing to establish the employee's competence.

The standby person must have the ability to respond (at the plant) within one (1) hour of being called. The standby person will be allowed to use a designated CMSA vehicle. A cellular phone will be provided to the employee scheduled for standby duty, and must be on and carried on their person continuously during stand-by hours.

While on standby status, an employee must be fit for duty (alcohol and drug free) and is required to respond to all duty calls from the Agency.

SECTION: Employment Practices**SUBJECT: *PERFORMANCE MERIT AND APPRAISALS***

POLICY

The purpose of the CMSA performance appraisal program is to provide a formalized system for the employee and supervisor to discuss and document the employee's work performance over a specified period of time. This program is intended to support and supplement, not substitute for, communication between supervisor and employee. Providing performance feedback to employees should occur regularly, and should include specific information on both positive performance areas and areas in which improvement is needed.

Probationary employees may have their performance evaluated during the probationary period. Regular employees shall have their performance evaluated periodically, generally twice during each 12-month period of employment.

PERFORMANCE APPRAISAL GUIDELINES

1. The Department Manager or Supervisor, as appropriate, shall prepare draft Performance (Work) Plans which may include detailing specific job related assignments, projects, tasks, performance criteria, job standards, and performance goals for each employee within their work group.
2. Work Plans are discussed with the employees for their input on possible changes and/or additions. The employee and supervisor shall identify at least 3-4 goals, objectives, and/or activities to attain in the next 12-month period. This discussion generally takes place on or near the anniversary date of the employee's date of hire or their most recent promotion. Both supervisor and employee shall sign the final Work Plan.
3. At the Supervisor's request, six (6) months after the final Work Plan has been in effect, the employee and supervisor shall informally discuss the employee's performance, concentrating on the most important areas.
4. At the end of the twelve (12)-month review period, the employee is expected to prepare a self-assessment report listing accomplishments he/she completed during the year, as well as areas where the employee feels he/she needs to improve. The employee is required to submit this self-assessment to his/her supervisor approximately one week prior to the annual performance review. If appropriate, the supervisor may also gather input from Agency management staff who have worked with the employee during the year.

SECTION: Employment Practices**SUBJECT: *PERFORMANCE MERIT AND APPRAISALS***

5. The supervisor completes the appraisal form and discusses it with the manager OR General Manager as appropriate. The General Manager and the Department Manager sign the completed form to indicate approval. The Supervisor then sets up a performance evaluation interview with the employee.
6. At the end of the appraisal meeting, both the employee and the supervisor sign the appraisal form. The employee then receives a copy of the appraisal. The original shall be retained in the employee's Personnel File.
7. The employee may respond in writing to any part of the performance appraisal, within five (5) days after the appraisal meeting. The written response, if any, must be written on additional sheets and submitted to the supervisor, who will attach them to the performance appraisal.
8. Assuming satisfactory performance, the supervisor shall recommend advancement to the next salary step, if the employee is eligible. If performance is unsatisfactory, a subsequent review date, not to exceed six (6) months, will be established, at which time the employee will be re-evaluated for performance and possible salary advancement.

MERIT APPRAISAL GUIDELINES

At the time of his/her annual performance appraisal, and in addition to a step increase, employees may be eligible for a lump sum performance bonus payment (merit pay) of up to five (5) percent of their base pay. The amount awarded, if any, shall be based on the employee's base earnings for the previous twelve (12) month period. Any employee who has received formal discipline beyond a written warning during the previous twelve (12) months is not eligible to receive merit pay.

1. Activities above and beyond those required for the job are considered in the determination of whether an employee is eligible to receive this discretionary bonus. The following are the types of factors considered in the review:
 - a. Significant and satisfactory completion of the employees' Work Plan activities and attainment of established goals.
 - b. Extraordinary willingness to perform requested tasks or projects, and superior cooperation and a team approach with co-workers in performing the tasks or projects.
 - c. Helpfulness. Does the employee go beyond the defined responsibilities in aiding others to perform their jobs? Does the employee demonstrate willingness to help others even though it may require of him/her some amount of extra effort or time?
 - d. Increases workplace efficiency by integrating time or labor saving ideas into the work scheme.

SECTION: Employment Practices**SUBJECT: *PERFORMANCE MERIT AND APPRAISALS***

- e. Participates in professional organizations that make a contribution to wastewater treatment; that is, attending professional meetings, giving presentations and papers to professional and community organizations, and participating in professional organization committee work.
 - f. Provides work products of exceptional quality.
 - g. Pursues self-improvement by developing writing, mathematical, computer and other technical skills or supervisory skills that benefit the work place.
 - h. Develops innovative ideas that benefit the workplace, through the use of creative thinking.
 - i. Consistently volunteers for extra work projects and overtime.
 - j. Establishes and maintains an exceptional attendance record.
 - k. Receives recognition from peer groups and professional organizations in the form of awards.
 - l. Provides assistance in developing morale. In an outstanding way, contributes toward teamwork accomplishment of goals and tasks.
2. If a bonus is or is not recommended, the employee's supervisor will inform the employee of this and will explain the reasons underlying the recommendation.
 3. The employee's supervisor shall submit a written recommendation, included with the annual performance appraisal, to the department manager, who will review it prior to submission to the General Manager.
 4. The General Manager has sole discretionary authority for approval of the merit bonus and will communicate his/her decision to the department manager.
 5. If the department manager or General Manager later modifies the recommended bonus, the employee will be informed of this decision.
 6. Any employee who has received formal discipline beyond a written warning during the previous six (6) months is not eligible to receive merit pay.

PROCEDURE

1. Content and Retention

All performance evaluations, as well as other employment-related forms, documents, letters and memoranda that concern, are addressed to, or are signed by, the employee, are generally placed in the personnel file. If an employee refuses to sign a form or letter that requires his/her signature, the supervisor shall sign his/her name to document the fact that the supervisor has given the document to the employee and that the employee has refused to sign it. The document shall then be placed in the employee's personnel file.

Documents containing medical information regarding the employee are maintained in a separate individual confidential medical file.

2. Update

Employees are responsible for notifying the Agency's Administrative Assistant of changes in name, address, telephone number, driver's license (if required, by their position), number of dependents, marital status (if pertinent to tax withholding or benefits), beneficiary, education certificates or any other pertinent information to their employment with or benefits from the Agency.

3. Access/Confidentiality

Employees may review their own personnel or medical files upon request by scheduling an appointment with the General Manager/designee.

4. Reference/Credit Inquiries

In response to requests by outside entities for information about current or former Agency employees, the Agency will verify position title and employment dates only. No other reference information will be released. Any other information, including home address and phone numbers, will not be disclosed absent a written authorization from the employee, or as required by law. All reference inquiries regarding current or former Agency employees shall be referred to the General Manager/designee.

POLICY

The last day worked and/or the last day in paid status is the last day of employment for employees who resign or are terminated from the Agency. All employees shall be paid for accrued and unused vacation (including administrative leave), compensatory and holiday time, at the time of resignation or termination. A regular employee in good standing, who has been employed for at least ten (10) years, may cash out one-half of his/her accumulated sick leave upon resignation or retirement, up to 500 hours.

PROCEDURE

1. Final Pay

If an employee resigns and provides at least seventy-two (72) hours' notice of resignation, the employee shall receive the final paycheck on the last day of work. If less than seventy-two (72) hours of notice is given, the Agency shall release the final check within seventy-two (72) hours of the date that notice was given.

If an employee is terminated, the employee shall receive the final paycheck on the last day of employment.

2. Notification

Managers and supervisors are requested to give at least twenty (20) working days' notice of intent to resign. All other employees are requested to give at least ten (10) working days' notice. Once an employee has given notice of intent to resign, the Agency may elect whether to permit the employee to work for the duration of the notice period, or alternatively, to pay the employee in lieu of notice.

3. Return of Agency Property

All separating employees are required to return all Agency equipment, keys, ID cards, electronic access cards, uniforms and other Agency property prior to leaving the Agency.

4. Continuation of Group Health Benefits - “C.O.B.R.A.”

In accordance with federal law, employees and their families, at their expense, may be eligible to elect a temporary continuation of health coverage under the Agency’s group health insurance plan and at group rates in certain instances where coverage under the plan would otherwise terminate.

The Agency will pay the dental reimbursement benefit to retired employees for the 18-month COBRA health benefit coverage continuation period, contingent on an employee having five years of vested service with the Agency.

Contact the Administrative Assistant for more information about this benefit.

5. Exit Interview

Employees who voluntarily resign their employment with the Agency are requested to participate in an exit interview with the General Manager/designee.

POLICY

The Agency provides a comprehensive retirement benefits package to all Agency employees, except temporary employees, through the Public Employees Retirement System (PERS).

PROCEDURE

1. Retirement Planning Workshop

Employees planning to retire from the Agency have the opportunity to attend a Retirement Planning Workshop offered by PERS. The Agency suggests that retiring employees schedule their attendance at this workshop at least six (6) months in advance of their intended retirement date.

2. Agency Notification

It is requested that employees planning to retire from Agency service give both the Agency and PERS, at least ninety (90) calendar days' written notice prior to the date of intent to retire.

3. Retiree Medical Insurance

Eligible retiring employees shall be provided with the option to elect medical coverage for themselves and family members, if applicable, in accordance with the Agency's contract with PERS. Contact the Administrative Assistant for more information about this benefit.

4. Continuation of Group Health Benefits - "C.O.B.R.A."

In accordance with federal law, employees and their families, at their expense, may be eligible to elect a temporary continuation of health coverage under the Agency's group health insurance plan and at group rates in certain instances where coverage under the plan would otherwise terminate.

The Agency will pay the Agency's dental reimbursement benefit to retired employees for those who enroll in the 18-month COBRA health benefit coverage continuation, contingent on an employee having five years of vested service with the Agency.

Contact the Administrative Assistant for more information about this benefit.

5. Exit Interview

Employees who voluntarily resign their employment with the Agency are requested to participate in an exit interview with the General Manager/designee.

POLICY

Probationary and regular full-time employees shall be eligible for ten (10) paid holidays per calendar year and three (3) paid floating holidays per fiscal year, as shown below:

REGULAR HOLIDAYS

New Year's Day	Labor Day
Martin Luther King's Birthday	Veteran's Day
President's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day

Three (3) Floating Holidays

PROCEDURE

1. When any of the holidays identified above fall on a Sunday, the following Monday shall be deemed to be the Agency-paid holiday in lieu of the day normally observed. When any of the foregoing holidays fall on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day normally observed. Paid holidays are compensated at the rate of eight (8) hours straight time.
2. When any of the holidays identified above fall on a full-time employee's regularly scheduled day off or during approved vacation time, eight (8) hours of holiday time (i.e., 8 straight time hours) will be added to the employee's holiday time bank. Hours within the bank may be taken at a time mutually agreed upon time between the employee and his/her supervisor and will be paid at employee's regular straight time rate. If the holiday time to be added will cause the employee's holiday time bank to exceed forty-eight (48) hours, the Agency will pay hours over 48 at the employee's straight time rate.
3. Employees who are required or authorized to work on a holiday observed by the Agency shall be compensated, either with comp time or overtime pay, at the rate of one and one-half (1 ½) times for each hour worked. In addition, employees will be paid (8) hours of holiday time for the Agency observed holiday; employees will need to supplement the 8 hours of holiday time with an appropriate amount of leave hours (i.e., vacation, holiday or comp time) to comply with the required 80 hour pay period.

4. Full-time employees are permitted to maintain a bank of a maximum of 48 hours' holiday (including floaters) time at any one time.

5. Employees are required to work on their regularly scheduled workday preceding and following the holiday to receive holiday payment, unless the employees are on approved leave or a regularly scheduled day off.

FLOATING HOLIDAYS

1. Probationary and regular full-time employees shall be entitled to three (3) 8-hour floating holidays per year, which is credited to eligible employees on July 1 of each year.
2. Regular full-time employees on the payroll as of July 1, or probationary employees newly appointed between July 1 and December 31, shall be credited with three (3) 8-hour floating holidays for that fiscal year.
3. Full-time probationary employees hired between January 1 and June 30 will be credited with twelve (12) floating holiday hours for the balance of the fiscal year.
4. Scheduling and Approval Process:
 - a. Employees shall schedule with their supervisor the use of a single Floating Holiday at least seven (7) working days in advance of the requested day off, if possible.
 - b. Employees may combine Floating Holidays with vacation time. For requests to take more than five (5) consecutive work days, the employee shall submit a written request at least ten (10) working days prior to the requested time off.
 - c. Employees must complete a leave request form and obtain written supervisory approval prior to taking the time off.
5. If the floating holiday time to be added to the employee's holiday time bank causes it to exceed forty-eight (48) hours, the Agency will pay hours over 48 at the employee's regular straight time rate.
6. Employees who separate from Agency service shall be paid for any unused floating holidays that they have accumulated.

SAFETY HOLIDAYS

Regular full-time employees shall be awarded eight (8) hours of paid time off in recognition of maintaining a superior work safety record. The monitoring 6-month period tracks from the date of the last injury. The following is the basis for awarding safety holidays and the process for scheduling their use:

1. No lost-time claim reports are filed with the Agency's workers compensation insurance carrier during a six (6) month period; and
2. All personnel, excluding the General Manager, during a six (6) month period incur no on-the-job injuries resulting in lost time.
3. Supervisory approval is required prior to use of Safety Holidays.
4. If the safety holiday to be added to the employee's holiday time bank causes it to exceed forty-eight (48) hours, the Agency will pay hours over 48 at the employee's regular straight time rate.

POLICY

Probationary and regular full time employees are eligible to accrue paid vacation from the first day of employment. Vacation accrual is calculated in hourly increments per pay period as shown below.

<u>Years of Service</u>	<u>Maximum Possible Annual Accrual (hours)</u>	<u>Per Pay Period Accrual (hours)</u>
0 through 3 years	80 hrs.	3.077 hours
4 through 7 years	120 hrs.	4.615 hours
8+ years	160 hrs.	6.154 hours

In addition to accruing vacation in accordance with the above chart, management employees also accrue forty (40) hours of paid administrative leave per year, which is added to the total vacation bank. Employees are encouraged to take annual vacation leave as it accrues. However, non-management employees may accumulate up to a maximum of two hundred forty (240) paid vacation hours at any one time. The vacation cap for non-exempt management employees is 280 hours, and the vacation cap for exempt management employees is 320 hours. Once the employee accrues his/her maximum number of hours, the employee will cease accruing any further paid vacation until she/he uses enough vacation time to bring his/her accrual total below the specified above amounts.

Vacation time accrues only while eligible employees receive Agency pay. Vacation time does not accrue during any period of unpaid absence from work.

PROCEDURE

1. Scheduling

- A. Scheduling for vacations shall be made in such a manner as to insure continuous and efficient departmental operations. All vacations are subject to cancellation in cases of emergency conditions.

- B. Employees' requests to use accrued paid vacation are subject to the vacation schedule established by the General Manager. The General Manager shall establish a system for assignment of vacations that affords reasonable recognition of seniority. In the event that more than one employee requests the same day(s) off, the request received and approved first shall have priority.
- C. Vacation requests in excess of fifteen (15) consecutive work days may require special consideration due to scheduling concerns.
- D. Requests for approval of vacation shall be submitted as follows:
 - 1. For requests to take more than five (5) vacation days, employees shall submit a written request at least ten (10) working days prior to the requested time off.
 - 2. For requests to take five (5) vacation days or less, employees must submit a written request, and obtain supervisory approval at least five (5) working days in advance.
 - 3. Employees must complete a leave request form and obtain supervisory approval prior to taking the time off.
- E. Special consideration may be given when unusual circumstances occur or if an emergency occurs and an employee wishes to take vacation without prior notice.
- F. Management must be advised if an employee desires to cancel a request for vacation.
- G. Employees may request an advance payment of their paycheck that is scheduled for distribution during the employee's vacation provided that the employee submits a written request and obtains approval by the General Manager at least five (5) working days prior to the start of the vacation.
- H. If an Agency holiday occurs during a paid vacation leave, the employee's vacation accrual shall not be charged for that day(s). See *Policy # 301*.
- I. If an employee suffers a bona fide illness or injury during a vacation, the employee may request to substitute paid sick leave for vacation leave in accordance with the Agency's Sick Leave Policy. See *Policy #303*.

2. Vacation Pay Out

Employees who separate from the Agency shall receive a lump sum payment for any accrued but unused vacation.

Employees who retire from the Agency may elect either to take accrued time off for vacation prior to their retirement or to be paid for accrued vacation in a lump sum payment upon their retirement. This election must be made in writing and submitted to the employee's supervisor at least four (4) weeks prior to the expected date of retirement. If no written election is made, the employee will receive the lump sum payment upon their retirement.

3. Vacation Cash-Out

Once per calendar year, due to unique or special circumstance, an employee may request to sell up to one (1) week of vacation time.

The General Manager at his/her discretion may review the request and circumstances.

SECTION: Benefits**SUBJECT: *SICK LEAVE***

POLICY

Probationary and regular full time employees accrue sick leave from the first day of employment.

1. Purpose

Sick leave with pay is an Agency-funded benefit designed to provide some compensation in the event of the injury or illness of an employee or the employee's family member. Sick leave is not extra paid time off to be taken at an employee's discretion or must not be confused with vacation or other types of leave. When used judiciously, sick leave benefit accruals can provide a financial cushion in the event of illness or injury.

2. Accrual of Sick Leave

Probationary and regular full-time employees accrue ninety-six (96) hours of sick leave per year at the rate of 3.696 hours per pay period, with no maximum accumulation. Accrual begins on the first day of work. Sick leave accrues only while an employee receives Agency pay. Sick leave does not accrue during any period of unpaid absence from work.

3. Permitted Sick Leave Usage**A. Personal Illness, Injury or Emergency**

Sick leave is intended to be used during the absence from duty of an employee because of illness, or injury that temporarily incapacitates the employee. Up to sixteen (16) hours of sick leave may also be used per calendar year to attend to personal emergencies.

B. Family Member Illness or Injury

In any calendar year, up to one-half of the employee's annual sick leave accrual (i.e., 48 hours) may be used when the employee's presence is needed to attend to the illness of a member of their immediate family. For the purpose of this policy, immediate family member is defined as father/mother, father/mother-in-law, domestic partner, step mother/father, step brother/sister, brother/sister, brother/sister in-law, spouse, child, grandparent, uncle, aunt and member of the household or legal guardian. In addition, parents attending to the birth or placement for adoption or foster care of their child may request to use some or all of this paid "family sick" time.

SECTION: Benefits**SUBJECT: SICK LEAVE**

In addition, employees may be eligible to apply to the State Employment Development Department (EDD) for a paid family leave ("PFL") benefit for any of the following reasons: 1) to care for a seriously ill child, spouse, parent or registered domestic partner; or 2) to bond with a child within one year of the child's birth, or within one year of placement of the child with the employee for foster care or adoption. PFL benefits constitute partial wage replacement for up to six weeks in any twelve (12)-month period. Employees applying for PFL benefits are required to exhaust up to two weeks' paid vacation time before they may be eligible to receive such benefits.

C. Medical Appointments

Eligible employees may request to use accrued sick leave to engage in programs of preventative medicine. Routine physical checkups, examinations and dental visits are included in this category. In order to use accrued paid sick leave for this purpose, the employee must submit a completed leave form and obtain management approval prior to taking time off for any such appointment. Appointments should be scheduled for the first or last hour of the schedule, if possible. If unable to report to work immediately following an appointment, the employee must contact his/her immediate supervisor to advise of their anticipated return to work time/date.

4. Administration

It is the responsibility of Agency supervisors to monitor and review each request to use sick leave and to take action to control excessive use if there is reason to suspect that an employee is abusing use of sick leave. Every six (6) months an attendance review is made of each employee's sick leave usage. Restrictions will not be put on the legitimate use of accrued sick leave. For additional details, see *Attendance Policy #207*.

A. Notice of Illness/Emergency

It is the responsibility of the employee to personally notify his/her immediate supervisor of illness, injury or emergency, unless medical conditions make personal notification impossible. For safety and scheduling purposes, notification shall be given prior to their normal start time, or as soon as possible thereafter. If the employee is unable to speak directly to his/her immediate supervisor, the employee shall perform the following:

1. Operations and Maintenance Staff

- a) Leave a detailed message stating the circumstance, on the employee's direct supervisor's Agency voice mail.
- b) Notify the On-Duty Operator-in-Charge. The Operator-in-Charge will notify the appropriate O&M staff (supervisor, lead) of the impacted employee's situation and for applicable staff, note an entry on the sign-out board.

If applicable, the probable duration of absence should be provided to both the direct supervisor's voice mail message and On-Duty Operator-in-Charge.

2. All Other Agency Staff

- a) Leave a detailed message stating the circumstance, on the employee's direct supervisor's Agency voice mail.
- b) Contact the Administrative Assistant via the Agency's main phone number. If unable to speak directly to the Administrative Assistant, leave a voice mail message stating the circumstance. The Administrative Assistant will notify the appropriate Lab or Administrative staff coworkers of the impacted employee's situation and, for applicable staff, note an entry on the sign-out board.

If applicable, the probable duration of absence should be provided to the supervisor and Administrative Assistant.

3. All Staff

Failure to provide proper notification may result in the denial of sick leave with pay. In cases of prolonged illness, employees are required to contact their direct supervisor on a regular basis (about which the employee will be notified), to provide a status report on their expected return-to-work date.

B. Documentation

The supervisor may request a physician's certification or other appropriate documentation for any sick leave taken (including requests to use paid sick leave made while the employee is on vacation).

SECTION: Benefits**SUBJECT: *SICK LEAVE***

In cases when the Agency determines it necessary, for reasons of health and safety, the Agency may require that a Functional Capabilities Evaluation be completed before the employee is allowed to resume full duties after an illness or injury.

A. Denial of Sick Leave Benefits

Sick leave with pay may be denied if the Agency determines that the employee's absence did not meet the definitions specified in Section 3. Use of sick leave for reasons other than those authorized in Section 3 may subject the employee to discipline up to and including termination.

D. Integration of Paid Leave Accruals and State Disability Insurance

An employee who becomes disabled due to a non work-related illness or injury and who is eligible for State Disability Insurance (SDI) payments should apply for such payments. Informational pamphlets and application forms are available from Administration. The employee shall provide a copy of the SDI check stub to the Payroll Department as soon as possible after receipt, in order to receive appropriate payments of sick leave benefits available from the Agency. SDI payments and the employee's available sick leave shall be integrated so the employee will continue for a period of time to receive the equivalent of a normal bi-weekly paycheck. If an employee has no available sick leave, he/she must substitute paid vacation, holiday or compensatory time benefits, subject to approval by the General Manager. The sole exception to the above is that employees on leave for pregnancy-related reasons have the option to elect to use accrued paid leave under these circumstances. If an employee remains unable to return to work following exhaustion of all paid leave accruals, the employee may be eligible for a leave of absence without pay. See *Policy #304* for details on Leaves of Absence.

5. Work Related Injury or Illness**A. Use of Paid Leave Benefit Accruals**

An employee may elect to use available sick leave, vacation, holiday or compensatory time benefits between the date of injury or illness and the date such injury or illness is determined to be eligible for Workers' Compensation insurance benefits. When an employee begins receiving Workers' Compensation Insurance payments, the employee's sick, vacation, holiday or compensatory time accrual shall be integrated so

that, for a period of time, the employee will continue to receive the equivalent gross amount of a normal bi-weekly paycheck.

If the employee remains unable to return to work due to a work-related injury/illness after the exhaustion of all paid leave accruals, the employee will be placed on a leave of absence without pay. See *Policy #304* for details on Leaves of Absence.

B. Restoration of Paid Leave Benefit Accruals

If the period of workers' compensation leave exceeds twenty-one (21) days, the employee's appropriate benefit account will be fully restored. If the leave is less than twenty-one (21) days, the employee's benefit account will be restored, with the exception of the first four (4) days of disability. Restoration of the employee's accrued benefit account is subject to receipt of payment from the Workers' Compensation Insurance carrier for the initial period of disability.

C. Return to Work

An employee who has returned to work following a work related injury or illness and who is required by his/her physician to leave work for treatment during working hours shall have the option of charging that time against available accrued sick leave, compensatory time or vacation time.

6. Separation of Employment

The Agency will provide all employees retiring from the Agency credit for all unused or non-cashed out sick leave to be used in calculating total years of service, a benefit option offered by PERS. In addition, if a regular employee with at least ten (10) years of service with the Agency resigns from employment in good standing, that employee may request to cash out half of his/her accumulated sick leave up to a maximum of five hundred (500) hours.

Except as provided in this Section, employees will not receive any cash or credit for accrued but unused sick leave at termination, or at any other time.

POLICY

All probationary and regular full-time employees are entitled to the leave provisions outlined below, subject to the approval of the General Manager/designee. Employees in other classifications will be granted such leaves as are required by law. All leave time must be requested in writing and approved by the employee's supervisor and department manager prior to submitting the request to the General Manager/designee for final approval.

PROCEDURES

1. General Provisions

- A. A leave of absence may include both paid and unpaid time off. An employee will continue to receive health insurance benefits as long as the employee is on a paid status. An employee who is granted an unpaid leave of absence that exceeds thirty (30) days and who wishes to continue health insurance coverage may do so at his/her expense at the Agency's group rates, except to the extent that the law requires continuation of health insurance during the leave. The employee should contact the Administrative Assistant for the necessary forms.
- B. Seniority, vacation, sick leave and holiday benefits do not accrue during periods of unpaid leave of absence.
- C. If an employee's leave exceeds thirty (30) days, his/her performance evaluation and regular merit increase shall be delayed for the length of time during which an employee is on the leave of absence.
- D. An employee who is granted a leave of absence which exceeds thirty (30) days, must provide the Agency with two (2) weeks' notice prior to his/her anticipated return to work date.
- E. An employee who requires an extension to a leave of absence should request the extension a minimum of two (2) weeks before the original leave expires, to the extent possible. If two weeks' notice is not possible under the circumstances, the employee should notify the Agency of a needed extension immediately upon learning of such need.
- F. Depending on the type of leave, the employee shall complete the appropriate Leave of Absence Request Form. (Forms are available from Administration.) The Agency may also request additional documentation substantiating the need for a leave.

- G. The probationary period of a probationary employee will be extended for the period of the leave of absence.
- H. Failure to return to work on the next scheduled workday following the expiration of a leave of absence may result in termination.

2. Bereavement Leave

In the event of a death in the immediate family, the employee may request a paid bereavement leave of absence of up to twenty-four (24) hours per incident. If more time is needed, the employee may request that additional days off be charged to his/her accrued paid time off. Sick leave may not be used for bereavement purposes.

For the purpose of this policy, immediate family includes father/mother, father/mother-in-law, step father/mother, step brother/sister, brother/sister, brother/sister in-law, step child, aunt, uncle, spouse, child, grandparent, member of the household, registered domestic partner, or legal guardian.

Leave in the case of death of persons other than “immediate family” may be granted upon approval of the Agency. If granted, such leave may be charged to the employee’s accrued vacation, holiday or compensatory time, at the employee’s option.

The employee must submit a written leave request and have it approved by his/her supervisor prior to taking the leave.

3. Military Leave

An employee who is a member of the uniformed services of the United States shall be allowed leave in accordance with the provisions of law governing such leaves. The provisions shown below describe some of the issues required by law. The Agency shall follow all governing laws in effect at the time of an employee’s request for Military Leave.

- A. An employee who is called to military service is entitled to up to thirty (30) calendar days per fiscal year, with full pay and benefits, provided he/she has been employed with the Agency for at least one (1) year.
- B. An employee requiring military leave must provide advance written notice of the need for a leave, unless prevented from doing so by military necessity or if providing notice would be impossible or unreasonable. A copy of the military orders must be attached to the employee’s completed Leave of Absence Request form.

- C. An employee returning from military leave of less than thirty-one (31) days shall report to work on the first full regularly scheduled workday following completion of service, plus time for safe transportation back to the employee's residence plus an additional eight (8) hours. An employee whose military leave exceeds thirty (30) days must submit an application for re-employment within fourteen (14) days after the completion of service lasting between thirty-one (31) to one hundred eighty-one (181) days. An employee whose military leave exceeds one hundred eighty (180) days must submit an application for re-employment within ninety (90) days after completion of service.
- D. An employee returning from a military leave may be reinstated in the position held previously, or a comparable position, and at the salary he/she would have received had employment with the Agency been continuous, exclusive of step increases/shift assignments.
- E. If an employee becomes disabled as a result of military service and is no longer able to perform the essential functions of the job held previously, with or without reasonable accommodation, the Agency shall provide another position of equivalent seniority, pay and status for which the employee is qualified. If neither of these options is possible due to the disability, the Agency shall place the employee in another position of lesser status and pay but with full seniority.

4. Jury Duty

Employees summoned for jury duty or subpoenaed as a witness at a court trial shall receive compensation at their regular rate of pay only for those hours required to serve which occur during their regularly scheduled workweek. Jury fees, excluding mileage, received by employees shall be remitted to the Agency for any period of jury service for which the employee receives Agency pay. Employees may retain jury duty fees during hours other than regularly scheduled working hours, or for any period of service that is unpaid by the Agency.

Employees in the Operations Department called for jury duty shall have their regular schedule converted to a Monday through Friday day schedule during the jury duty period. No change to their pay will be made as a result of this schedule change.

In advance of the requested time off, employees shall complete the appropriate leave request form indicating the day(s) required for attendance, and must submit it to their immediate supervisor, along with a copy of the subpoena. Upon return, employees shall submit documentation of attendance for those dates.

If a subpoena is received without advance warning, and the employee is unable to submit appropriate leave forms and documentation prior to leaving work, employees shall notify their supervisor as soon as possible and submit the appropriate documentation upon return to work. If an employee is excused from further service for the day and there are still at least two (2) hours remaining in his/her scheduled workday, the employee shall telephone the supervisor to determine if he/she should return to work.

5. School Visits Leave

Employees who are parents or guardians of any child in K-12 or in a licensed child day care facility are allowed up to eight (8) hours unpaid time off per month with a maximum of forty (40) hours per school year, to participate in any child's school activities.

- A. Employees must provide their supervisor with reasonable notice for the planned time off by completing the appropriate leave request form and obtaining supervisory approval.
- B. Employees must use vacation, comp time, or holiday time to cover the time off.
- C. Employees must provide, upon the Agency's request, written verification of parental participation from the school or licensed day care facility that specifies the date and time of the activity.

6. Medical and Pregnancy-Disability Leave of Absence

A. General Provisions

An unpaid Leave of Absence may be granted to an employee who is temporarily unable to perform the job due to medical or pregnancy-disability reasons. In this event, the employee should apply for State Disability Insurance (SDI) benefits and may use his/her accrued sick leave hours in connection with this leave. If an employee has no available sick leave, he/she must substitute paid vacation, holiday or compensatory time benefits, subject to approval by the General Manager. The sole exception to the above is that employees on leave for pregnancy-related reasons have the option to elect to use accrued paid leave under these circumstances. The employee's paid leave hours will be integrated with SDI benefits as described in *Policy #303* of this Manual. Leaves of Absence shall generally not exceed six (6) months, inclusive of the portion paid by the use of available sick leave or other accrued time off.

SECTION: Benefits**SUBJECT: LEAVES OF ABSENCE**

B. Requests for Leave Approval

An employee requesting a Medical or Pregnancy-Disability leave of absence shall complete the Leave of Absence Request Form and attach a statement from his/her physician stating that the employee has a medical condition; the medical necessity for the leave; the anticipated leave date; and the expected return-to-work date.

C. Length of Leave

Medical and Pregnancy-Disability leaves shall be granted only for the period of disability documented by the physician's statement, generally not to exceed six (6) months.

D. Status Reports

The employee shall report to the Agency on approximately a monthly basis regarding his/her medical status, except where a definite return to work date is known in advance, and there has been no significant change in that return to work date.

E. Return to Work

In order to return to work following a leave of absence for medical or pregnancy-related reasons, the employee must submit a written medical release from the physician. The physician statement releasing the employee to return to work must specifically indicate any medically-required work restrictions.

If an employee returning from a leave of absence has a protected disability and requires a reasonable accommodation to perform the essential functions of his/her job, the Agency will engage in the interactive process with the employee to determine if an effective reasonable accommodation can be made.

F. Position Reinstatement

An employee returning from an approved medical or pregnancy-related leave will generally be reinstated to his/her former position, or a comparable position, at the end of the approved leave, unless those jobs have ceased to exist, or the employee has been terminated, for legitimate business reasons unrelated to the leave.

7. Work Related Injury or Illness Leave of Absence

The California Workers' Compensation laws cover all Agency employees. The protections provided by these laws are triggered if employees are injured or become ill as a result of work or working conditions. In addition to temporary disability benefits, workers' compensation insurance coverage also provides to eligible employees permanent disability benefits, rehabilitation and death benefits. The Agency pays the full cost of workers' compensation insurance premiums.

- A. If an employee is injured or becomes ill as a result of Agency-related work, the employee must report it to his/her supervisor immediately. The supervisor will see that the employee gets immediate medical attention, if necessary, and that the required reports of the injury or illness are completed. If an employee does not report promptly, workers' compensation insurance benefits may be delayed or precluded.
- B. An employee on a leave of absence due to a workers' compensation injury or illness shall complete the Workers' Compensation Form. If off work for more than a few days, the employee may be eligible for a medical leave of absence. (See Section 6, above.)
- C. If the employee is deemed eligible to receive workers' compensation benefits, any such benefits received from the Workers' Compensation Insurance Fund shall be integrated with the employee's available sick leave, as described in *Policy #303* in this manual.
- D. A medical leave of absence due to a work-related illness or injury shall continue until the employee either:
 - 1. is determined to be medically able to return to duty; or
 - 2. accepts employment outside the Agency; or
 - 3. accepts employment in another Agency position; or
 - 4. is permanently medically precluded from returning to the former position; or
 - 5. elects retirement.

8. Modified Duty Assignment

The Agency shall attempt to provide modified duty assignments to employees whose work-related injury or illness results in the temporary inability to perform the functions of their job.

The General Manager/designee shall determine whether a feasible modified duty assignment is possible based on a case-by-case evaluation of such factors as the nature of the employee's impairment and work restriction(s), availability and priority of modified duty work, budgetary circumstances, anticipated length of impairment and the mutual welfare of the employee and Agency operations.

A Fitness for Duty Examination may be required prior to assigning any employee to such an assignment.

9. Family & Medical Leave

The Family and Medical Leave Act ("FMLA") allows eligible employees to take up to 12 weeks of unpaid leave within a 12-month period for their own serious illness, the birth or adoption of a child, or the care of a seriously ill child, spouse, registered domestic partner, or parent. A 12-month period is defined for each employee as the 12 months beginning the first day leave is taken.

To be eligible for leave under the FMLA and California Family Rights Act ("CFRA"), the employee must have been employed by the Agency for at least 12 months, and must have worked at least 1,250 hours during the 12-month period immediately preceding the request for leave. In addition, the employee must work at a facility with at least 50 employees in a 75-mile radius. Because the Agency employs fewer than 50 employees, Agency employees are not eligible to take FMLA/CFRA leave. Please see the Appendix A to this Manual, entitled "Family Care and Medical Leave," for a further description of these leaves.

SECTION: Benefits**SUBJECT: LEAVES OF ABSENCE**

10. Personal Leave of Absence

An employee may request an unpaid personal leave of absence, if needed for compelling reasons. The maximum period that may be granted for a personal leave shall not exceed 30 days. The employee must complete the Leave of Absence Request Form in advance of the desired leave date, stating the reason for the leave and the length of time being requested. The employee must use all available vacation, holiday and compensatory time prior to requesting a personal leave, except that employees covered under the MOU may elect whether or not to use accrued paid time off during the first 15 days of the personal leave.

If the reason for taking leave under this section is to care for a seriously ill child, spouse, parent or registered domestic partner, or to bond with a minor child within one year of the birth or placement of the child in connection with foster care or adoption, the employee may be eligible to receive paid family leave benefits (i.e., family temporary disability insurance benefits) by making a claim to the Employment Development Department ("EDD"). If an employee is eligible to receive Paid Family Leave benefits from the EDD, the employee need not first exhaust, nor use during the leave, available vacation, holiday, CTO or sick leave, except that employees not covered by the MOU must use up to two weeks' accrued vacation before being eligible to receive Paid Family Leave benefits.

Upon return to work from an approved personal leave of absence, the Agency will attempt to reinstate the employee in the same or a similar position. There is no guarantee of reinstatement following a personal leave of absence.

11. Child's Suspension

An employee who is the parent or guardian of a child who has been suspended from school may request unpaid time off if required to appear at the school in connection with that suspension. The employee must give reasonable notice to the Agency of the request for such leave

12. Victims of Domestic Violence or Sexual Assault

A victim of domestic violence or sexual assault must give the Agency reasonable advance notice, to the extent possible, of the intention to take unpaid time off in order to obtain, for example:

1. A temporary restraining order;
2. Restraining order;
3. Other court assistance;
4. Medical attention for injuries caused by domestic violence or assault; and/or
5. Services from a shelter, program or counselor related to domestic violence or assault.

An employee taking an approved leave under this section may, at his/her option, use accrued vacation or compensatory time off that is otherwise available to him/her.

SECTION: Benefits**SUBJECT: *EXPENSE REIMBURSEMENT***

POLICY

CMSA has established the following procedure regarding reimbursement for travel and other Agency related business expenses. Administrative Procedure #518 - Travel/Training Expense Reimbursement - supercedes any conflicting provisions in this policy.

PROCEDURE

1. Prior to incurring any Agency reimbursable expenses related to travel or other business functions a "Preauthorization for Employee Travel and Meetings Report" shall be completed and approved by the appropriate Department Manager(s).
2. The decision of the General Manager shall be final in cases where conflict of opinion about the appropriateness of reimbursement exists. The following guidelines shall govern such approval.
 - A. While attending approved functions, the burden of responsibility for sound judgment in spending Agency funds rests on the attending employee.
 - B. Employees may be paid in advance for per diem upon request by filling out a Request for Per Diem form.
 - C. The employee shall fill out an Employee Travel and Meeting Expense Report and submit receipts, whenever possible, with itemizations and explanations in order to receive reimbursement.
 - D. Reimbursement requests with receipts shall be submitted to the supervisor for approval on the expense reimbursement form. Approved reimbursement requests shall be forwarded to the department manager and General Manager for payment.
3. **Vehicle Use/Reimbursement**

Prior approval of the General Manager/designee must be obtained for use of an Agency vehicle. Employees are required to use an Agency vehicle when available while traveling on Agency business. If there is no Agency vehicle available, employees may request to use their own vehicle.

Employees approved to use their personal vehicles shall receive mileage reimbursement at the rate currently established by the Internal Revenue Service.

Whenever possible, employees shall pool rides when traveling on Agency business.

POLICY

It is the policy of CMSA to encourage all employees to expand their knowledge, skills, and level of professionalism relevant to the operations of the Agency and to support the Agency's purpose, goals and objectives. The purpose of this policy is to outline the standards and procedures under which the Agency will provide financial support for employee development.

PROCEDURE**1. Professional Associations/ Technical Groups**

The General Manager may approve payment for employee membership in craft, trade or other professional organizations that align with the above policy statement. The employee shall provide evidence of their active participation in support of continued membership payment. The following types of memberships may be approved for payment:

- A. Memberships in local chapters of such professional/technical organizations for all employees.
- B. Memberships at state level of such organizations for supervisors and above.
- C. Memberships at national level of such organizations for department managers.
- D. Memberships required to attend a conference for which the Agency has approved employee attendance.
- E. Memberships to carry out duties of an office or in other special circumstances.
- F. Membership in State California Water Environment Association for all Technical Certification Program (TCP) certificate holders.

In addition, the employee may request reimbursement for attendance at professional association dinner meetings and workshops, including late afternoon workshops. With prior approval, the Agency may allow the employee to attend the workshop on Agency time.

SECTION: Benefits**SUBJECT: TRAINING AND DEVELOPMENT**

2. Swing Shift Attendance at Professional Meetings

The Agency will allow employees working the swing shift to attend CWEA section meetings while on Agency time as long as the following conditions are met and followed:

- A. Prior approval of supervisor;
- B. Must have at least two (2) operators on duty at the plant;
- C. No overtime is involved;
- D. Employees attending a section meeting must return to work after the meeting or immediately if they are called and asked to return; and
- E. Employees will not consume alcoholic beverages while at the meeting since they will be returning to work and may be called back at any time if they are needed.

3. Seminars/Workshops

The Agency may elect to send employees to approved training programs, seminars, and/or conferences from time to time. While these programs are normally scheduled during regular working hours, there may be evening or weekend classes or activities.

Employees who desire to attend a seminar must submit a Preauthorization for Employee Travel and Meeting form, including estimated expenses, to the General Manager for approval. No advances for reimbursable expenses shall be made for one-day seminars or workshops. Reimbursements shall be processed in accordance with the Agency's Expense Reimbursement Policy #305 and Administrative Procedure #518, Travel/Training Expense Reimbursement.

4. Tuition/Book Reimbursement

The Agency may reimburse an employee desiring to further his/her education for the purpose of improving on-the-job performance. Approval for reimbursement may be given for courses within the scope of the employee's professional field and/or Agency job responsibilities.

Class and study time must be outside of the employee's regular working hours. Travel and related expenses shall not be compensated by the Agency.

An employee who desires to receive college credit for a class which charges an additional fee for those credits shall indicate this when submitting the initial request for approval.

SECTION: Benefits**SUBJECT: TRAINING AND DEVELOPMENT**

To receive reimbursement for approved tuition and/or book expenses, the employee shall submit a receipt and proof of completion of all approved courses with at least a “B” grade or its equivalent (i.e. pass in a pass/fail course), within sixty (60) days of completion of said course(s).

Additionally, in order to receive reimbursement under this section, an employee shall execute an Educational Expense Reimbursement Contract which provides for reimbursement to the Agency should the employee resign or retire within two (2) years of receiving reimbursement for educational expenses.

An employee who resigns or retires within two (2) years of receiving tuition reimbursement from the Agency shall be responsible for paying back the Agency on a pro-rata basis. For each month short of two years after the tuition reimbursement date, the employee shall repay the agency 1/24 of the reimbursed amount. For example, an employee who leaves the Agency twelve (12) months after receiving tuition reimbursement would be responsible for repayment of one half (12/24) of the tuition amount; an employee who leaves within six (6) months would be responsible for three fourths (18/24) of the tuition amount.

5. Certifications and Licenses

Employees may achieve certifications and licenses in operations, maintenance, electrical/instrumentation, laboratory, and environmental compliance:

The California Water Environment Association (CWEA) administers the certification programs for maintenance, laboratory, environmental compliance inspector, and electrical/instrumentation positions;

The State Water Resources Control Board (SWRCB) certifies plant operator positions.

The Agency will pay for the above certifications as well as other approved certifications/registrations that are requirements of the position classification.

Reimbursement will be provided for approved certifications and licenses, based on the following guidelines.

- A. Upon successful completion and passing the examination, CMSA will reimburse employees for fees related to any relevant and prior-approved professional examinations, certificates and licenses.
- B. The Agency will try to accommodate professional programs and exams with work schedule changes. Classes or examinations are to be taken on the employee’s own time and not Agency time.

SECTION: Benefits**SUBJECT: TRAINING AND DEVELOPMENT**

- C. The Agency will reimburse employees for certification renewal fees.
- D. The Agency also pays for certification review classes once per Grade. That is, the Agency will pay for classes to assist the employee in obtaining certification for job advancement one time only while the employee remains in a particular classification level. Once the employee advances to the next Grade, she/he may be eligible to seek reimbursement for further certification review classes.

6. Overtime

Non-Exempt Employees: Employees attending an Agency requested one-day meeting shall be paid for any overtime hours spent traveling to and attending the meeting. Time spent on any non-business portion of a seminar or workshop (e.g., meal breaks) and/or staying overnight if the program is out of town will not be paid.

Employees who voluntarily choose to attend a seminar or conference on their regularly scheduled day(s) off shall not be paid for attendance. With prior approval of an employee's supervisor, the employee may make a one-time change to his/her regularly scheduled day off in order to attend a seminar or conference on Agency time, provided that changing the day off does not create overtime liability.

7. Weekly Training

Employees may request the opportunity to spend up to one hour per week during their normally scheduled work hours for independent study of subject matter relevant to their position in the Agency. This study time must be approved by the supervisor and will be permitted only to the extent that the employee does not neglect required work.

POLICY #: 307**SECTION: Benefits****SUBJECT: *AGENCY HEALTH AND INSURANCE PROTECTION DURING EMPLOYMENT* (amended July 13, 2010)**

POLICY

The Agency provides each eligible employee with a Flexible Benefits Plan that contains a comprehensive selection of health benefit and insurance protection that are available during her/his employment with CMSA. Each employee may enroll his/her qualified family member on to the Agency plan; however eligibility is determined by the plan provider, not by CMSA.

Unless otherwise specified by the benefit and insurance plan, all full-time CMSA employees are eligible for Agency health and insurance benefits. Each unrepresented employee who works part time may be eligible to receive a pro-rata share of the Agency contribution towards certain health and insurance benefits coverage with the employee paying the difference.

All plans are periodically evaluated and may be subject to modification at the Agency's discretion. The health and insurance plans offered by the Agency are listed below.

BENEFITS AND ELIGIBILITY**1. Health Benefits.**

The Agency contracts with CalPERS for the provision of health benefits. Each employee will receive a biweekly benefit allowance towards his/her CalPERS plan premiums based on the Kaiser Bay Area 3+ party rate. The employee will have to pay the difference if he/she selects a plan that costs more than the Kaiser Bay Area 3+ party rate. If applicable, the employee will receive unused amounts as flex plan dollars on his/her biweekly pay, which are included as gross wages.

A newly hired employee will be covered on the first day of the following month after her/ his start date.

An employee can decline medical coverage and receive the full biweekly benefit allowance as flex plan dollars on her/his biweekly pay. Please refer to Policy #308 - Insurance Protection Waiver on applicability and eligibility.

2. Medical-After-Retirement Account (MARA).

All unrepresented employees hired after January 1, 2010 and represented employees hired after June 1, 2010 will be automatically enrolled in a MARA. CMSA will contribute one and one-half percent of the employee's base salary into the MARA account at the end of each payperiod. Money designated for the MARA will be in the employee's name and held in a trust plan that is compliant with the applicable federal statutes. The plan is overseen by a third-party plan trustee who will have fiduciary responsibility for the administration and management of the plan and monies held in the trust. The trustee of the plan is responsible for the administration and record keeping of the employee's MARA. It is the plan trustee, not CMSA, who establishes the guidelines for access to the MARA. CMSA will provide the employee with a detailed plan summary at the time of enrollment into the MARA.

POLICY #: 307

SECTION: Benefits

**SUBJECT: AGENCY HEALTH AND INSURANCE PROTECTION DURING
EMPLOYMENT**

Only CMSA, as the employer, can make contributions to the MARA. Eligible employees cannot make contributions of their own monies into the MARA. The MARA is not a deferred compensation account.

3. Dental Benefits.

The Agency contracts with a dental plan provider for \$1,000 of annual dental benefits. The Agency will pay for the full cost of the plan coverage for the employee and qualified family members. There are no flex plan dollars associated with this benefit should the employee decline coverage.

The Agency provides a dental reimbursement program for the employee and qualified family members when the Agency's dental plan annual coverage limits are exceeded. The Agency's reimbursement amount is \$1,000 per calendar year for the employee and each family member.

4. Vision Care Benefits.

The Agency contracts with a vision plan provider for vision benefits. The Agency will pay for the full cost of the plan coverage for the employee and qualified family members. There are no flex plan dollars associated with this benefit should the employee decline coverage.

An employee who is required to wear safety glasses is eligible for reimbursement for prescription safety glasses. Please refer to Safety Policy & Procedures 04: Personal Protective Equipment.

5. Long Term Disability, Accidental Death & Dismemberment and Life Insurance Plans.

The Agency contracts with plan provider(s) for these three insurances. The Agency will pay the full costs of the plan premiums for the employee. There are no flex plan dollars associated with this benefit should the employee decline coverage.

The Agency will pay for the full cost to provide and cover each CMSA employee with life insurance in the amount of \$100,000.

6. IRS Section 125 Plan - Employee Funded Reimbursement Accounts for Health Care and/or Dependent Care.

CMSA offers each employee the option to enroll in an approved IRS Section 125 Reimbursement Account for Health and Dependent Care. Employee participation is voluntary and each account(s) is funded with employee payroll contributions as a pre-tax deduction. There is an annual open enrollment period where the employee would specify the amount he/she wants to contribute during the next calendar year. Once the pre-tax payroll deduction begins for the plan year, the employee cannot terminate participation or change the contribution amount during that plan year. In accordance with IRS Section 125, any amount that remains in the reimbursement account(s) at the end of the plan year is forfeited to the employer.

PROCEDURE

1. Initial Enrollment

Complete details of the Flexible Benefits Plan are provided to employees at the time of hire. In addition to a choice of medical plans, employees may also select flexible benefit options for dependent care and qualified non-covered health care needs.

2. Changes in Coverage

Open Enrollment for the CalPERS Health Benefit Plans typically takes place annually during a time period established by CalPERS. During this period, an employee may change his/her health plan provider. Changes that take place during the open enrollment period usually become effective at the start of the following calendar year unless otherwise specified by the plan provider.

Changes in coverage for all employee benefits may also be made when the employee's family circumstances change. For instance, dependents may be added or deleted from coverage as a result of marriage, divorce, births, deaths, etc. These types of changes may be made in accordance with the insurance carrier's provisions.

3. Plan Documents Govern

The descriptions of benefits contained in this policy manual are summaries provided to assist Agency employees. For additional information, Agency employees should review the plan documents which can be obtained from the Administrative Assistant. Should there be any inconsistency between these policies and the plan documents, the terms of the plan documents govern.

4. Part-Time Unrepresented Employees

The Agency pays a pro-rata share of the premiums for the employee and his/her dependents; the employee is responsible for paying the remaining share of the premium. The share covered by the Agency is determined by the percentage of a full-time schedule the benefitted part-time employee is scheduled to work.

An employee must work a minimum of 40 hours/pay period to qualify for partial health coverage; a minimum of 60 hours/pay period to qualify for partial dental coverage and long term disability insurance; and a minimum of 64 hours/pay period to qualify for partial vision coverage and life insurance.

POLICY

The Agency provides a Flexible Benefits Plan from which employees may select options appropriate to their needs. These options include Agency sponsored medical insurance coverage and separate employee funded pre-tax reimbursement accounts for dependent care and qualified, non-covered health care benefits. Complete details of the Plan are provided to employees at the time of hire and in the month of October during Open Enrollment.

PROCEDURE

As permitted by the Flexible Benefits Plan, employees may waive the Agency's medical insurance coverage if proof of other comprehensive group medical insurance coverage is provided. Employees wishing to waive coverage shall provide the Administrative Assistant with the name of the carrier and the policy number of the plan under which they are covered.

All employees receive the same Flex Plan dollar amount per pay period. The Flex Plan dollars are included as part of employees' gross wages and are subject to all applicable payroll taxes. However, the portion of the Flex Plan dollars that the employee elects to use for medical insurance premiums is treated as pre-tax wages. Additionally, deductions that the employee elects to have withheld in order to fund their reimbursement accounts are also pre-tax wages. Thus, these deductions and corresponding wages are excluded from gross income and are not subject to payroll taxes.

Employees who waive medical coverage and/or do not elect other Flex Plan options will receive the Residual (unused) Flex Plan dollars as part of their taxable wages.

Employees who elect this waiver option and then desire to be covered by the Agency's medical insurance plan at some future date may do so by filing the appropriate form with the insurance carrier. See the Administrative Assistant to complete and file this form.

SECTION: Benefits**SUBJECT: *POST-EMPLOYMENT HEALTH BENEFITS***

POLICY

This policy pertains to the eligibility and administration of post-employment health, dental and vision benefits for an employee who retires from CMSA. The Agency reserves the right to eliminate, modify, and/or add to the benefits described in this Policy at any time, consistent with its obligations, if any, under its labor agreement.

The Agency contracts with the California Public Employees' Retirement System (CalPERS) for the provision of post-employment health benefits (retiree health benefits or health benefits during retirement). Eligibility for health benefits at retirement is based on eligibility criteria established by CalPERS. All employees are strongly advised to consult with CalPERS on the requirements for receiving retiree health benefits and continuation of coverage for a surviving spouse and/or dependent(s).

In accordance with current federal law, an employee at retirement is also eligible to maintain dental and vision coverage at his/her own expenses under COBRA.

Also refer to Personnel Policy #214: Employment Practices, Retirement.

BENEFITS AND ELIGIBILITY**A. Post-employment Health Benefits for Unrepresented employees hired prior to January 1, 2010 and Represented employees hired prior to June 1, 2010.**

Unrepresented employees hired prior to January 1, 2010 and represented employees hired prior to June 1, 2010 are eligible to receive the Agency allowance towards retiree health benefits provided that they have met the CalPERS eligibility requirements for retirement.

The benefit allowance provided by CMSA is based on the CalPERS established health premium rate for Bay Area Kaiser single party coverage. Should the cost of the retiree's health plan selection (i.e., Medicare Supplement Plan) be less than the Bay Area Kaiser single party rate, that difference

- i. Cannot be received as a cash benefit; and
- ii. Cannot be applied towards Medicare Part B premiums; and
- iii. Cannot be applied towards coverage for the employee's spouse and/or dependent(s).

The Agency will not pay for non-CalPERS sponsored health benefit plans at retirement nor reimburse retirees for non-CalPERS health benefit coverage.

CMSA will coordinate the payment for retiree's health benefit premium with the retiree, CMSA, and CalPERS. Each month, CalPERS will deduct the difference between the minimum employer contribution and the cost of the retiree health benefits selection from his/her monthly retirement pension. CMSA will then issue to the retiree a monthly reimbursement check for the difference between minimum employer contribution and the cost of providing health benefits to the retiree; the total value of the minimum employer contribution and the reimbursement amount received from CMSA cannot exceed the monthly Bay Area Kaiser single party health plan rate.

The Agency complies with all applicable federal and state tax laws. At the time when this policy was adopted by the Agency, any reimbursements issued by CMSA were not subject to federal and state taxes. Each employee/retiree should consult with her/his tax advisor to determine if there will be tax implications for her/his tax filing status. The Agency is not responsible for any federal and/or state tax liabilities.

B. Post-employment Health Benefits for Unrepresented employees hired after January 1, 2010 and Represented employees hired after June 1, 2010.

Unrepresented employees hired after January 1, 2010 and represented employees hired after June 1, 2010 are eligible to receive the Agency allowance towards retiree health benefits provided that they have met the CalPERS eligibility requirements for receiving CalPERS sponsored health benefits at retirement. The benefit allowance provided by CMSA is based on the minimum PEMCHA (Public Employees' Medical and Hospital Care Act) contribution as established by CalPERS.

An employee who has a Medical-After-Retirement-Account (MARA) established on her/his behalf during his/her employment with CMSA can assess the funds in his/her account on a reimbursement basis for qualified health benefits premiums and medical expenses in accordance with the guidelines established by the MARA plan trustee. Neither CalPERS nor CMSA will be involved in the coordination of payment of CalPERS health benefits from the employee's MARA. Refer to Personnel Policy 307 - Agency Health and Insurance Protection During Employment.

C. Continuation of Post-employment Health Benefits for Surviving Spouse or Qualified Dependent(s).

The surviving spouse or qualified dependent(s) may be eligible to remain on a retired employee CalPERS health benefit plan provided that at the time of retirement, the employee has 1) selected a retirement option that provides a continued retirement allowance (pension) to the surviving spouse or qualified dependent(s), and 2) that the spouse or qualified dependent(s) are enrolled in the retired employees health benefit plan. This statement is meant as general guidance to employees; employees are strongly advised to discuss all eligibility criteria for CalPERS retirement options and benefits with CalPERS.

In the event that the retiree's surviving spouse or qualified dependent(s) is eligible to remain on the deceased retiree CalPERS health benefit plan, CMSA will contribute the minimum PEMCHA allowance towards the cost of CalPERS health coverage. The surviving spouse or qualified dependent(s) is not eligible to receive any additional health care reimbursements from the Agency.

POLICY

This policy establishes a uniform practice for administering catastrophic leave for Agency employees. The purpose of such leave is to permit employees to contribute a portion of their accrued vacation, sick leave, floating holiday, and/or administrative leave, when an employee has suffered a catastrophic injury or illness or has a member of their immediate family suffer from a catastrophic illness or injury. This policy is applicable when the employee is on an approved leave of absence due to a verifiable illness or injury of the employee or his/her immediate family.

This policy and the procedures detailed herein apply to all regular Agency employees who have completed one year (2080 hours) in paid status.

DEFINITION

For the purpose of this leave program, “CATASTROPHIC” shall be interpreted to include an illness or event which is monumental, unusual, unexpected, immediate in nature, and which is expected to preclude the employee from returning to work for an extended period of time.

ELIGIBILITY AND GUIDELINES

1. Participation in this plan is voluntary.
2. Eligibility shall be determined as follows:
 1. The incapacitation must be for the employee or the employee’s immediate family member who has a serious illness or injury, and who meets the eligibility requirements as defined in the Agency’s Leave of Absence policy (#304).
 2. The employee must have exhausted all available paid leave balances, including, but not limited to, sick leave, vacation leave, administrative leave, floating holiday leave, and compensatory time off, and, therefore be facing financial hardship.
 3. The employee must be on an approved leave of absence.
3. A maximum of six months’ worth of catastrophic leave, per occurrence, may be available for an individual.
4. The employee shall not accrue any vacation, sick leave, floating holiday, or administrative leave while on catastrophic leave.

5. All transfers shall be in whole hour increments. The donating employee must have a vacation balance of at least 40 hours remaining after the donation of vacation leave. The donating employee may not donate more than one-half of his/her accrued sick leave and must maintain a balance of at least 80 hours of accrued sick leave after the donation. Employees may donate all of their administrative leave or floating holiday(s).
 - A. Donations shall be on an hour-for-hour basis, regardless of the pay rates of the donor and recipient.
 - B. Donations shall be converted between the donating employee and the recipient based on their respective hourly rates.
 - C. Donations are irrevocable.
 - D. The individual names of those who have donated time to an employee are kept confidential. Donations to an employee are anonymous.
 - E. Regardless of which bank of time the donating employee donates from, e.g., vacation or sick leave banks, the time is placed into the sick leave bank of the employee receiving the time.
6. All transfers of donated hours will occur in installments that coincide with payroll dates. Hours will not be deducted from the donor's accrual banks until such time as they are needed.
7. An employee may not receive donations from a subordinate employee where a direct supervisor/subordinate relationship exists. Any exception to this provision must be approved in writing by the General Manager or his/her designee.
8. All donated hours must be used on a continuous and uninterrupted basis and will be paid at the rate of pay and normal work schedule of the recipient until the earliest of the following events occurs:
 - a. All donated leave is exhausted; or
 - b. The employee returns to work at his/her normal work schedule; or
 - c. The six (6) months of catastrophic leave (leave of absence) is exhausted; or
 - d. The employee separates from employment with the Agency.
9. Used donated leave time shall be subject to the recipient's normal payroll deductions.
10. Catastrophic leave may not be used in conjunction with Workers' Compensation.
11. At no time may an employee's salary exceed 100 percent of base pay.

12. Any person who makes or causes to be made any false representation for the purpose of obtaining catastrophic leave benefits may be subject to disciplinary action up to and including termination.
13. Donations of leave time are subject to approval by the General Manager or his/her designee and shall be based upon a determination that the requested transfer is in accordance with this policy. The General Manager's decision is not subject to the grievance procedure.

PROCEDURE FOR DONATION

1. The Department Manager (or designee) or employee should first contact the Finance Manager to ensure that the catastrophic leave requirements are met.
2. The employee receiving donated leave will acknowledge acceptance of the provisions of this policy by completing the Catastrophic Leave Recipient Acknowledgement Form (Attachment 1).
3. The Administrative Assistant will prepare a generalized statement of the employee's need that will be distributed to Agency employees.
4. Donations may be made by the donating employee on the Catastrophic Leave Donation Form (Attachment 2) and forwarded to the Finance Department. Distribution and collection of donation forms must be done in a way to ensure confidentiality for the donor.
5. The Finance Department will do the following: 1) verify that the employee is on an approved leave of absence and meets all other requirements to receive donations under this policy; 2) verify that each donor has enough time to cover the donation as of a designated pay period; 3) determine the number of hours to be credited to the recipient's leave account; 4) determine the appropriate payroll period to forward the donation forms to payroll; and 5) verify that the donor has appropriately completed and signed the donation form.
6. The Finance Department will deduct donated leave hours from the donor's designated leave accrual bank when needed for each pay period and add the appropriate number of hours to the recipient's sick leave. In no event shall the donor have hours deducted before they are required by the recipient and in no event shall the recipient have a surplus in their leave bank.

**CATASTROPHIC LEAVE PROGRAM
RECIPIENT ACKNOWLEDGEMENT FORM**

I understand that I am responsible for reading, understanding and complying with this Policy and the requirements of the catastrophic leave program, and I authorize the Agency to distribute a generalized statement of my need for donated leave to Agency employees. By accepting a Catastrophic Leave donation from coworkers, I acknowledge that I will not accrue vacation, sick leave, administrative leave or floating holiday leave while on catastrophic leave.

Recipient's Name:

(Printed name - Last, First and Middle Initial)

Recipient's Signature:

Date:

Attachment 2

**Central Marin Sanitation Agency
CATASTROPHIC LEAVE POLICY
DONATION FORM**

TO: CMSA Finance Department

FROM: _____
(Print Name - Last, First, Middle Initial)

I voluntarily elect to give the following hours (all donations must be in one-hour increments) of paid time off to which I otherwise would be entitled to the employee named below as part of the Agency's catastrophic leave program. I understand that my leave donation will not be deducted until such time as the employee needs hours to cover a payroll reporting period.

DONATION FOR: _____
(Print Name - Last, First, Middle Initial)

Vacation leave: _____

Floating holiday: _____

Administrative leave: _____

Sick leave: _____

My leave donation is made using the parameters identified in the Agency's Catastrophic Leave Policy.

I understand that this donation is irrevocable once applied to the recipient's catastrophic leave for any given payroll period.

Employee's Signature

Date

POLICY

CMSA is committed to protecting the health, well being and safety of its employees and the public at large from the hazards caused by employee misuse of drugs or alcohol. Because of the importance of this commitment and the addictive and secretive nature of substance abuse, accomplishing this goal requires the full support of managers and supervisors as well as that of each employee. The presence of drugs and alcohol on the job and the influence of these substances on employees during working hours are inconsistent with this goal.

CMSA certifies that it will provide a drug-free (i.e., free of alcohol, drugs or controlled substances such as marijuana, heroin, cocaine, etc.) workplace through development and administration of policies, guidelines and programs designed to ensure a drug-free workplace.

The following policy on substance abuse is adopted as an initial step toward reaching this goal:

PROCEDURE

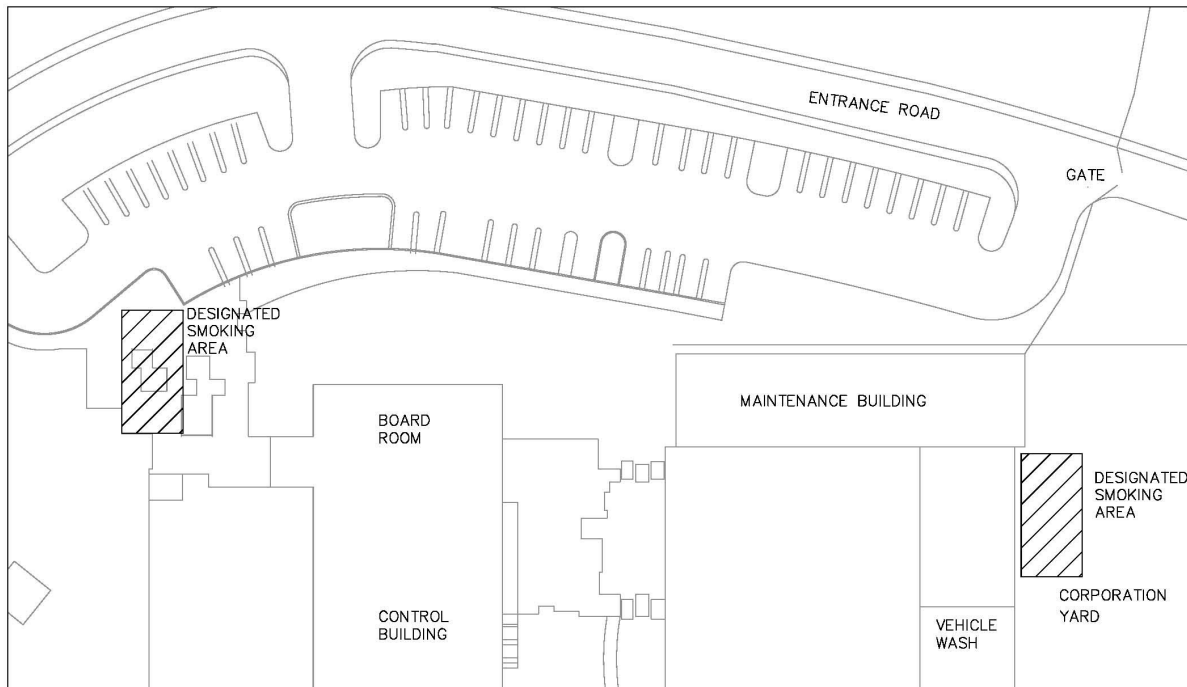
1. Employees are expected and required to report to work on time, free of any mental or physical impairment that may be attributed to the abuse of drugs or alcohol.
2. Employees must not possess, use, furnish, sell or offer alcohol, illegal drugs or other controlled substances while on the job or on Agency premises. An employee who furnishes, sells or offers alcohol, illegal drugs or other controlled substances while on the job or on Agency premises is subject to discipline, up to and including termination of employment. An employee who possesses or uses alcohol, illegal drugs or other controlled substances while on the job or on Agency premises will be subject to disciplinary action, up to and including termination of employment. The sole exception to this item is where, at an Agency-sponsored event, the presence and consumption of alcoholic beverages is permitted by the Agency. In such event, employees are required to use good judgment with respect to use of alcohol (e.g., limited consumption; identification of a “designated driver,” etc.).
3. Use of prescribed medications in accordance with physician’s instructions is not a violation of this policy as long as the medications do not interfere with the safe and effective performance of duties. Employees who are using prescription medication that may affect their ability to work safely are responsible for bringing the matter to their supervisor's attention. Supervisors should be alert to the effects of medication on an employee's capabilities to perform work safely and efficiently. Employees who are deemed by the Agency to be temporarily unable to perform their job safely because of their use of medication may be removed from their job during the period they are required to take the medication.

SECTION: Rules and Regulations**SUBJECT: *DRUG AND ALCOHOL ABUSE***

4. An employee reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and removed from the work site.
5. Upon review and recommendation by two CMSA management personnel, the Agency will transport an employee who is reasonably believed to be under the influence of alcohol or drugs, as defined above, to an Agency-designated medical clinic for the appropriate substance abuse testing procedure.
6. Employees who engage in off-the-job or off-premises alcohol or illegal drug activity that impairs their work performance, causes damage to Agency or public property, or jeopardizes the workplace safety of themselves, their co-workers, or the general public may be subject to disciplinary action up to and including termination of employment.
7. CMSA has established an Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems. Employees who think they may have an alcohol or drug usage problem are urged to seek confidential assistance from the EAP counselor. Employees may contact their supervisors or the EAP counselor for additional information. An employee's participation in an assistance program does not relieve the employee of responsibility to meet work performance requirements. EAP posters with phone numbers are posted on the Agency bulletin boards in the lunch room.
8. Employees must, as a condition of employment, abide by the terms of this policy statement.
9. Employees who observe, or who otherwise have reason to believe that an Agency employee, while on the job or on Agency premises, has possession of, is using, or is involved in furnishing, selling or offering illegal drugs must report that information to the General Manager/designee.
10. As part of a conditional offer of employment with the Agency, a candidate is required to undergo an alcohol and drug-screening test as part of the pre-employment medical examination.

POLICY

CMSA is a non-smoking workplace and as such, due to safety and health reasons smoking is permitted only in designated, posted, smoking areas.



CMSA DESIGNATED SMOKING AREA MAP

POLICY

Employees whose job duties necessitate driving vehicles in the course of their employment must maintain a valid California driver's license.

Employees who fail to adhere to the driving eligibility standards set forth in this policy may be subject to termination if their job duties regularly require driving a motor vehicle.

PROCEDURE

1. Agency Responsibility

- A. All employees whose job responsibilities require them to drive on Agency business shall be informed of this policy's minimum driver eligibility standards (hereafter known as "Driving Standards) and acknowledge the reading of it by signing a "Driving Standards Acknowledgment" form that shall be retained in the employee's personnel file.
- B. Job Descriptions for positions that require driving on Agency business shall state it is a condition of employment that employees holding those positions must maintain a valid driver's license, and must continue to meet the Agency's established Driving Standards.
- C. Department of Motor Vehicles ("DMV") license checks shall be made from time to time on employees who drive a vehicle on Agency business.
- D. The names of employees not meeting the Driving Standards shall be provided to the appropriate supervisor as soon as the Agency receives notice of an employee's failure to comply with the Driving Standards.

2. Employee Responsibility – Driving Standards

Employees whose position requires them to drive on Agency business must adhere to the following minimum Driving Standards, which include:

- A. Employees must possess a valid California driver's license to operate the class of vehicle(s) they are required to operate in their employment. For those positions that require a Class A driver's license, the Agency shall reimburse the cost of the DMV driver's license fee.

SECTION: Rules and Regulations**SUBJECT: *DRIVING ON AGENCY BUSINESS***

Employees are responsible for notifying the Agency immediately if their license is suspended, revoked, or has expired or if they receive notification from the DMV of intent to suspend or revoke their license.

- B. Employees are required to maintain a current medical certificate for classes of licenses requiring such certification.
- C. All occupants of Agency-owned vehicles or motor trucks shall utilize safety belts. Any defective safety belts shall be immediately reported to the supervisor.
- D. Employees accumulating four (4) violation points on their DMV record shall be considered in a disciplinary status and shall be required to attend a Defensive Driving class. Employees will be compensated at their regular rate for the time spent attending this class. Upon completion of the class, the employee shall provide the General Manager/designee with either a copy of the Certificate of Completion or a written description of the duration and contents of the training course attended. DMV checks will be made quarterly on employees in a disciplinary status.
- E. Employees accumulating six (6) violation points on their DMV record are not eligible to be covered under the Agency's group Automobile Liability coverage, and are therefore prohibited from driving Agency vehicles. The Agency may implement further disciplinary action up to and including termination of employment if, because of a poor driving record, an employee is unable to perform the position responsibility of operating a motor vehicle on Agency business and/or cannot be covered under the Agency's group liability insurance.
- F. The provisions of sections D and E shall apply regardless of whether the negligent driving that resulted in acquiring the violation points was or was not in the course of employment.

3. New Employees

Prospective employees who are applying for a job that requires driving on Agency business are required to provide an up-to-date DMV license report. The applicant's driving record must be satisfactory to meet the insurability requirements of the Agency's insurance carrier and to be considered eligible for Agency employment in positions that require driving.

SECTION: Rules and Regulations**SUBJECT: *DRIVING ON AGENCY BUSINESS***

4. Current Employees

Current employees failing to maintain a valid driver's license shall be excluded from Agency auto liability coverage and shall not be permitted to drive a vehicle for Agency business until such time that the employee meets that standard. If a current employee whose job duties require driving on Agency business fails to maintain a valid driver's license, that employee may be terminated from employment.

5. Driving Agency Vehicles on Agency Property

Employees who are required to drive any Agency vehicle (including forklift, cart and any other type of motor vehicles) within the perimeters of the Agency property are also subject to these Driving Standards. In addition, employees driving on Agency property must observe the posted speed limit and drive cautiously. Reckless driving on Agency property is prohibited and may result in discipline.

6. Reporting Of Accidents /Tickets While Driving Agency Vehicles

The employee is required immediately to notify the Agency if: an employee is involved in any Agency vehicle accident; if the employee is ticketed for a moving violation while driving on Agency business; or if the employee is ticketed for any violation involving an Agency vehicle. Failure of the employee to report such an occurrence may result in disciplinary action up to and including termination of employment.

Employees driving an Agency vehicle who are involved in an accident may be subject to disciplinary action, up to and including termination of employment, if it is determined by the Agency that the accident or damage to the Agency property or vehicle was preventable. All damage to Agency property caused by driving on Agency business should be reported orally by employee, as soon as possible, to the General Manager/designee and followed by a written report from the employee to the employee's supervisor. All information, including witness information, damage incurred, etc., should be included.

If the accident involves a second vehicle, the Agency driver must ensure that the appropriate insurance cards in the glove compartment of the Agency vehicle are completed

7. Driving Under The Influence Of Alcohol, Drugs, Medication

Employees shall not operate motor vehicles in the course of employment while under the influence of alcohol, drugs or medication that may cause drowsiness or otherwise impair their ability to drive safely. If an employee receives an emergency call to return to work, but has consumed alcohol, drugs or medication that causes drowsiness or otherwise impairs the ability to drive safely, the employee should advise the Agency of this and not return to work. If an on-call employee is unable to respond to an emergency call to return to work because of the consumption of alcohol, drugs, or medication that impairs the ability to drive safely, the employee may be subject to discipline, up to and including termination of employment.

8. Mileage Reimbursement

The Agency periodically reviews its reimbursement policy and sets an appropriate rate of reimbursement when employees are required to use their own vehicles for Agency-related business. Mileage will not be reimbursed if an Agency vehicle is available and employees choose to use their own vehicles. See *Policy #305, Expense Reimbursement*, for additional details.

9. Use of Agency Vehicles Outside of Regular Working Hours

Employees may be allowed to take an Agency vehicle home during on-call duty. Employees may not use Agency vehicles for personal business.

POLICY #: 403
SECTION: Rules and Regulations
SUBJECT: *DRIVING ON AGENCY BUSINESS*

Page 5 of 5

DMV official listing of violations to be attached here.

POLICY #: 404
SECTION: Rules and Regulations
SUBJECT: LOCKERS

POLICY

Lockers are made available for the convenience of employees while at work. The Agency is not responsible for any articles left in lockers that are lost, damaged, stolen or destroyed.

PROCEDURE

Lockers must be kept in good working order and undamaged by the employee's use. Perishable goods may be stored in the employee's locker only for the duration of the shift in which the goods are brought to the work place.

Lockers are only to be used for the storage of such items as employee clothing, uniforms, personal safety equipment, grooming products or other personal items that are appropriate for the workplace.

Employees shall not permanently modify their lockers. Employees may use personal combination locks to secure the locker and prevent theft. The employee shall provide the Agency with the combination number of said lock, which shall be stored in a secure location.

Lockers are the sole property of the Agency and the Agency reserves the right, in the sole discretion of the General Manager/designee, to open and inspect lockers, as well as any contents, effects or articles that are in the lockers. Such an inspection may occur at any time. An inspection may be conducted before, during or after working hours by management or security personnel designated by the Agency. However, during all inspections, a second person (e.g., shop steward or other employee) shall be present to witness the inspection. Efforts will be made to notify the employee and/or representative of the inspection; however the inspection will not be delayed if either is unavailable.

An employee who, if requested, fails to cooperate with any inspection under this policy, will be subject to disciplinary action, up to and including termination.

POLICY

It is essential that employees always perform to the best of their ability. Employees are expected to understand and demonstrate professional standards of job performance, interpersonal skills and conduct.

Employees who do not meet the expected standards of the Agency may be subject to discipline. Where appropriate, in the sole discretion of the Agency, the Agency may attempt to engage in progressive discipline to address the problem. Progressive discipline may include verbal counseling sessions, written warnings, written reprimands, suspension with or without pay, reduction in pay and/or termination.

Generally, progression from one disciplinary level to another, more severe level occurs when employees do not show improvement to a satisfactory level, despite the prior discipline. Although one or more disciplinary steps may be taken in disciplinary matters, the disciplinary action taken does not necessarily have to follow this stated order, or any order, and shall be commensurate with the offense.

PROCEDURE

1. Grounds for Discipline

The following are types of conduct that are not permitted and that may result in disciplinary action, up to and including immediate termination. Although it is not possible to provide an exhaustive list of all unacceptable conduct, the following are some examples:

- a. Insubordination, including improper conduct toward a supervisor or refusal to perform a direct order.
- b. Violation of the Agency's policy prohibiting drug and alcohol abuse (See *Policy #401*.)
- c. Theft or unauthorized removal of property of the Agency, other employees, or anyone else on Agency property.
- d. Removal of hand- and power-tools from Agency property for personal use.

SECTION: Rules and Regulations**SUBJECT: *PROGRESSIVE DISCIPLINE***

- e. Falsifying or making a material omission on an employment application or on other Agency records or documents.
- f. Misusing, destroying or damaging property of the Agency, another employee or an Agency visitor.
- g. Actual or threatened physical violence; threatening, intimidating, or coercing any member of the Agency community; vulgar or abusive language.
- h. Possession or use of dangerous or unauthorized materials, such as explosives, firearms or other similar items, while on Agency property, while on duty, or while operating a vehicle leased or owned by the Agency.
- I. Unsatisfactory performance, including but not limited to inadequate quantity or quality of work product; failure to complete assigned tasks; lack of cooperation.
- j. Violation of the Agency's policy prohibiting unlawful harassment and discrimination (See *Policy #102*).
- k. Excessive tardiness or absenteeism, including abuse of any of the Agency policies or procedures relating to leaves or breaks.
- l. Dishonesty.
- m. Sleeping while on duty.
- n. Failure to follow instructions or safety guidelines.
- o. Failure to achieve minimum certification within the time frame required for the position held.
- p. Conviction of a felony, based upon the nature of the offense, when it occurred, and its relevance to the position.
- q. Violation of any Agency rules, regulations or codes of conduct, or otherwise conducting oneself contrary to the interests of the Agency.

2. Progressive Discipline

A. Verbal Counseling Session

1. For relatively minor misconduct or performance problems, the supervisor, or manager, shall counsel the employee verbally, specifying the unacceptable behavior and identifying what corrective action or behavior is needed to meet a satisfactory level of performance.
2. Documentation of the verbal counseling shall include a description of the issue, the date and time of incident, and the date of counseling, and shall be maintained in the employee's personnel file.
3. The employee shall be advised that failure to correct the behavior/performance will result in additional disciplinary action, up to and including termination of employment.

B. Written Warning

1. If the employee's behavior/performance does not improve sufficiently after the oral counseling, or if the misconduct/unsatisfactory performance is deemed, in the sole discretion of the Agency, to warrant more severe discipline, the employee may receive a written warning.
2. The written warning shall specify the unacceptable behavior and identify what corrective action or behavior is required to meet a satisfactory level of performance or conduct.
3. The written warning shall be documented and maintained in the employee's personnel file.

SECTION: Rules and Regulations**SUBJECT: *PROGRESSIVE DISCIPLINE***

C. Written Reprimand

If the employee's behavior/performance does not improve after the above step(s), or if the behavior or performance issue is deemed, in the sole discretion of the Agency, to warrant bypassing one or more of the preceding steps, then the supervisor, with consultation and approval from the General Manager, shall issue a written reprimand documenting the matter.

1. A written reprimand should include a statement of the problem to the employee that explains how the supervisor's expectations and standards have not been met. The written reprimand should also specify the acceptable level of behavior/performance, and should reference any prior discussions or written warnings with the employee concerning the performance or behavioral problem.
2. If the issue is performance related, the supervisor may outline an action plan to correct the problem.
3. A copy of the written reprimand will be retained in the employee's personnel file.

D. Suspensions or Reductions in Pay for Five or Fewer Days

If the discipline consists of an unpaid suspension or reduction in pay of five (5) days or less, the Agency shall notify the employee in writing of the disciplinary action. The notice shall include: (a) the action taken, its effective date, and the specific grounds upon which the disciplinary action is being taken; (b) the materials upon which the action is based; and (c) a statement informing the employee of his or her right or to respond to the discipline either verbally or in writing to the authority imposing the discipline.

E. Termination and Suspensions or Reductions in Pay of More Than Five Days

If the proposed discipline is termination, an unpaid suspension for more than five (5) days, or a reduction in pay for more than five (5) days, the employee shall be notified of the Agency's intent and shall be given the opportunity to meet with the General Manager/designee to discuss the proposed discipline, prior to its effective date.

The Agency notice shall:

1. State the intended discipline to be imposed, the reason for it, and the effective date of such action

SECTION: Rules and Regulations**SUBJECT: *PROGRESSIVE DISCIPLINE***

2. Include a copy of the charges and materials upon which the disciplinary action is based;
3. State that the employee has the right to respond verbally or in writing before the effective date of the action;
4. State the employee's right to appeal the disciplinary action if the action is taken.

The Agency, at its option, may place the employee on a paid administrative leave pending the optional appeal hearing.

The General Manager/designee, after considering the employee's response, if any, has the authority to uphold, reduce or modify the proposed disciplinary action. The employee shall receive written notification of the General Manager's decision.

If the General Manager's/designee's decision includes disciplinary action consisting of a termination, or an unpaid suspension of more than five (5) days, or reduction in pay of more than five (5) days, the employee may appeal such determination in writing, within ten (10) calendar days of the date the Agency sent written notice to the employee of its disciplinary decision, by submitting the appeal to the General Manager. If no such appeal is timely filed, the General Manager's determination of disciplinary action shall stand.

In the event that an employee files an appeal in a timely manner, a due process hearing before the Chairperson of the Commission will take place. The hearing will be held within sixty (60) days of the date of the request for appeal. Either party may request that a court reporter transcribe the proceedings. The requesting party shall pay for the court reporter and any transcript that is ordered. If the non-requesting party orders a copy of the transcript, the parties will split equally the cost of the court reporter and transcript. Either party will be permitted to present to the Chairperson evidence that is favorable to its position. Either party may appear personally before the Chairperson and confront and cross-examine adverse witnesses. Either party may be represented by counsel at any stage of the appeal if he/she so chooses. The Chairperson may limit evidence to that which is sufficiently material to affect the outcome of the matter. The employee will have the burden to show that the actions of Agency management were arbitrary or unreasonable. The decision of the Chair person will state or incorporate findings of fact supporting his/her decision, and will be final and binding.

SECTION: Rules and Regulations**SUBJECT: *GRIEVANCE PROCEDURE***

POLICY

The grievance procedure for represented employees is outlined in the MOU. The grievance procedure outlined below may be used by non-represented employees including management.

GRIEVANCE PROCEDURE**1. Grievance Defined**

A grievance is an alleged violation, misinterpretation, or application of a policy contained in this Policies and Procedures Manual, except disciplinary actions, which cannot be grieved. Appeal of disciplinary actions, if available, is governed by *Policy #405*.

2. Informal Grievance

Within ten (10) working days of the event giving rise to the grievance, the grievant must present the grievance informally to his/her Supervisor for discussion and disposition. This period may be extended at the sole discretion of the General Manager. Presentation of an informal grievance shall be a prerequisite to the institution of a formal grievance.

3. Formal GrievanceStep 1:

If the grievant believes that the grievance has not been redressed within ten (10) working days of its presentation to the Supervisor or the General Manager if the Department Manager is the subject of the grievance, he/she may initiate a formal grievance within five (5) working days thereafter. A formal grievance can only be initiated by submitting in writing to the employee's manager the following:

- The employee's/grievant's name;
- The date upon which the event giving rise to the alleged grievance occurred;
- A clear statement of the nature of the grievance (E.g., what policy has allegedly been violated; by whom; when; and how);
- The date of the information discussion with the supervisor;
- A proposed solution to the grievance;

- The date the written grievance is signed;
- The signature of the grievant.

Within fifteen (15) working days after a formal grievance is filed, the General Manager or designee will investigate the grievance, confer with the grievant in an attempt to resolve the grievance, and make a decision in writing. The decision will be given to the grievant.

Step 2:

If the grievance is not resolved at Step 1 to the satisfaction of the grievant, he/she may, within not more than five (5) working days from the date of the General Manager's or designee's decision, request review of the grievance by filing a timely written request with the General Manager.

The General Manager will investigate the grievance, confer with persons affected to the extent deemed necessary, and render a decision in writing. The decision will be given to the grievant. The decision of the General Manager shall be final and binding.

If the General Manager is the subject of the grievance, then the Chairperson of the Commission will substitute for the General Manager at Step 2 of this grievance procedure.

SECTION: Rules and Regulations**SUBJECT: *INVESTIGATION OF FACTS***

The Agency may occasionally find it necessary to investigate issues of suspected workplace misconduct, and/or violation of Agency policies, including potential threats to the safety of co-workers or others.

When an investigation is initiated, employees are expected to cooperate with the Agency's efforts to obtain information that is pertinent to the issue being investigated. An employee's refusal to do so may subject the employee to disciplinary action.

In an investigative interview with a union-represented employee, that the employee reasonably believes could result in discipline, the employee may request the presence of a union representative.

SECTION: Rules and Regulations**SUBJECT: SECURITY AND PRIVACY**

POLICY

Desks, storage areas, work areas, lockers, file cabinets, credenzas, computer hardware and software systems including Internet E-mail communications, office telephones, modems, facsimile machines, copy machines, Agency vehicles, tools and all other Agency equipment, including cell phones, are Agency property and must be maintained according to this policy.

PROCEDURE**1. Neatness**

All work areas and Agency property shall be kept clean and are to be used only for work purposes, except as provided in this policy.

2. Right of Inspection

The Agency, with reasonable cause, reserves the right, at all times and without prior notice, to inspect and search any and all Agency property for the purpose of determining whether this policy or any other Agency policy has been violated, or if deemed necessary, in the sole discretion of the Agency, for purposes of promoting efficiency and/or safety in the workplace or compliance with state and federal laws. Such inspections may be conducted during or after business hours and in the presence or absence of the employee.

3. Agency Computer System, Internet and Other Technical Resources

Employees are prohibited from unauthorized downloading of any software as well as from unauthorized downloading of any other non-business-related information. Employees shall adhere to the Agency's policies prohibiting harassment and discrimination with regard to Internet E-mail communications sent or received. Offensive, harassing or discriminatory content in such messages will not be tolerated. Internet messages sent or retrieved are the property of the Agency and, as such, are subject to inspection described in item 2 above. Misuse of Agency computer systems may result in disciplinary action up to and including termination.

4. Prior Authorization

Prior authorization from the department manager must be obtained before any Agency property may be removed from the premises.

5. Use of Telephones

The Agency recognizes that employees may occasionally find it necessary to use Agency telephones or personal cellular phones to make local calls for family related personal use. Such calls should be kept to a minimum and may be made only during break or lunch periods. Abuse of telephone privileges may result in disciplinary action up to and including termination.

All other personal calls, or any long distance calls, must be made using a personal billing card or personal cellular phone. If the employee must incur telephone cost on the Agency phone bill, the employee is responsible for notifying their supervisor before the monthly statement arrives and reimbursing the Agency immediately upon being informed of the associated costs of the phone call(s).

6. Software Usage

No Agency computer software may be copied for personal use. Copies of computer software shall be in accordance with the software licenses. Only the Electrical/Instrumentation Supervisor or designated representative will be authorized to install software on the network. Employees shall not install any personal non-work related software (i.e., games, screen savers, etc.) on the Agency's computer equipment. No computer hardware or software shall be purchased or installed without the prior approval of the General Manager/designee.

7. Review of Computerized Information

Employees should not expect that passwords or codes mean that information stored on Agency computers is private. For purposes of inspecting, investigating or searching employee's computerized files or transmissions, the Agency may override any applicable passwords or codes in accordance with the best interests of the Agency, its employees or its customers, vendors or visitors. All bills and other documentation related to the use of Agency equipment or property are the property of the Agency.

8. Protection of Agency Records

Employees may access only files or programs, whether computerized or not, that they have permission to enter. Unauthorized review, duplication, dissemination, removal, damage or alteration of files, passwords, computer systems or programs, or other property of the Agency, or improper access or use of Agency information obtained by unauthorized means, may result in disciplinary action, up to and including termination.

9. Personal Computer Use Restrictions

Certain personal uses of Agency computers are allowed. The Agency shall have sole discretion to decide whether a use is personal or business. Any personal use must satisfy the following provisions. Except as these provisions clearly state, all personal use must also comply with the rest of this policy.

- A. Personal use of Agency systems is not permitted unless it can be done at virtually no cost to the Agency.
- B. Personal use of Agency computers is not permitted unless it is incidental (i.e., the extent of use is insignificant compared to use for assigned work).
- C. No publishing is allowed if the content or purpose is personal. This policy bars personal web pages published by way of Agency systems, as well as bars personal postings to Internet groups, chat rooms, web pages or search services using Agency computer systems.
- D. No personal soliciting using Agency computer systems is allowed. Agency systems may not be used to lobby, solicit, recruit, sell or persuade for or against commercial ventures, products, religious or political causes, outside organizations or the like.
- E. An employee may not use for personal, non work-related interests any Agency computer system device that the employee does not employ in his/her assigned work. No privately-owned device may be connected to Agency systems without Agency authorization. Agency system devices taken home remain subject to this policy.
- F. Limited personal use of Agency computer systems is permitted only during meal and rest breaks, not during work time. Such use must be consistent with professional workplace standards and be consistent with the Agency's policies prohibiting harassment and discrimination.
- G. Playing Internet games and personal games at work is not permitted, except during the breaks or meal periods. Games that come with software may be used only with Agency permission and only during normal lunch periods. They shall be used without sound and only where not visible to the public.

10. Policy Improvements

Because the technology encompassed by this policy is rapidly changing, suggestions to improve this policy are always welcome.

SECTION: Rules and Regulations**SUBJECT: *DRESS CODE AND UNIFORMS***

POLICY

Depending upon position responsibility and for health and safety reasons, employees may be provided, at Agency expense, uniforms and related safety equipment (hard hat/safety boots/safety glasses) for use only while on duty.

PROCEDURE

Employees are not permitted to alter the appearance of provided uniforms. The purpose of providing uniforms/hard hat is to present a standardized, neat appearance to the public and assure the safety of our employees. Protective clothing must be worn at all times as directed by each department's manager and shall not be worn for any other purpose than in the service of the Agency.

Employees who are not required to wear an Agency uniform are expected to dress in proper business attire.

POLICY

It is the policy of CMSA to insure that all employees are provided with a safe working environment and to take whatever actions may be necessary to prevent on-the-job accidents or injuries. To achieve this, the following procedures shall be followed:

PROCEDURE**1. Violence in the Workplace**

All employees are strongly encouraged to immediately report to their supervisor or any other manager at the Agency any workplace or work-related incidents of potentially and/or perceived threatening, harmful or criminal behavior. This includes behavior of co-employees, supervisors, vendors or visitors that may negatively affect the safety, security, productivity or interests of the Agency and/or its employees.

2. Use of Personal Items on the Job

CMSA provides the necessary equipment that employees require to accomplish their job and tasks in the most efficient and safe manner. However, employees who want to use their personal items at work, such as calendars, PHAs, etc., may do so with the understanding that they are responsible for the property, that it must be used safely and responsibly, and that the Agency will not replace or pay for personal items that are damaged or destroyed on the job.

Before employees may use their own tools and equipment on the job, they must request written approval from their supervisor. In addition, employees will be required to sign a personal responsibility form for their signature. The personal responsibility form will be retained in the employee's personnel file.

3. CMSA Safety Policies

The following are a list of safety programs the agencies conducts each year:

- Hazard Communication Program
- Confined Space Program
- Bloodborne Pathogens Exposure Control Plan
- Illness and Injury Prevention Program
- Hearing Conservation Program

Additionally, there are 32 polices and procedures included in the CMSA Safety Policy and Procedures Manual.

FAMILY CARE AND MEDICAL LEAVE (CFRA LEAVE) AND PREGNANCY DISABILITY LEAVE

Under the California Family Rights Act of 1993 (CFRA), employees who have more than 12 months of service with a covered employer, and have worked at least 1,250 hours in the preceding 12-month period, may have a right to an unpaid family care or medical leave (CFRA leave). This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse.

In order to be eligible for leave under the CFRA, employees must work at an Agency facility employing at least 50 employees in a 75-mile radius. Because the Agency employs fewer than 50 individuals, Agency employees are not eligible to take a leave under the CFRA.

Even if you are not eligible for CFRA leave, if you are disabled by pregnancy, childbirth or related medical conditions, you are entitled to take a pregnancy disability leave of up to four months, depending on your period(s) of actual disability. If you are CFRA-eligible, you have certain rights to take BOTH a pregnancy disability leave and a CFRA leave for reason of the birth of your child. Both leaves contain a guarantee of reinstatement to the same or to a comparable position at the end of the leave, subject to any defense allowed under the law.

If possible, you must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself or of a family member). For events which are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

We may require certification from your health care provider before allowing you a leave for pregnancy or your own serious health condition or certification from the health care provider of your child, parent or spouse who has a serious health condition before allowing you a leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

If you are taking a leave for the birth, adoption or foster care placement of a child, the basic minimum duration of the leave is two weeks and you must conclude the leave within one year of the birth or placement for adoption or foster care.

Taking a family care or pregnancy disability leave may impact certain of your benefits and your seniority date. If you want more information regarding your eligibility for a leave and/or the impact of the leave on your seniority and benefits, please contact the General Manager.

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