



PERSONNEL POLICIES AND PROCEDURES MANUAL

Adopted by the CMSTA Board of Commissioners on September 13, 2022

- *Policy 101, Equal Employment Opportunity, Revised 08/13/2024*
- *Policy 304, Leaves of Absence, Revised 08/13/2024*

CMSA PERSONNEL POLICIES AND PROCEDURES MANUAL

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POLICY #:	101
SECTION:	LEGAL
SUBJECT:	Equal Employment Opportunity
DATE:	08/13/2024

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, registered domestic partnership status, age, national origin or ancestry, citizenship, physical or mental disability, medical condition, sexual orientation, gender, gender identity or gender expression, military or veteran status, genetic information, or any other characteristic protected by federal, state or local laws. CMSA also prohibits unlawful discrimination based on the perception that anyone has any of these characteristics, or is associated with a person who has or is perceived as having any of these characteristics.

The Agency makes reasonable accommodations for the known physical or mental limitations of an otherwise qualified applicant or employee with a protected disability. In addition, the Agency provides reasonable accommodation to qualified applicants or employees who have known limitations related to pregnancy, childbirth, or a similar medical condition.

POLICY #:	102
SECTION:	LEGAL
SUBJECT:	Unlawful Harassment/Discrimination
DATE:	9/13/2022

POLICY

Harassment and discrimination in employment on the basis of sex (including pregnancy, childbirth, breastfeeding, or related medical condition), gender, race, color, national origin, ancestry, citizenship, religion, creed, age, physical or mental disability, medical condition, sexual orientation, gender identity or gender expression, military or veteran status, marital status, registered domestic partner status, genetic information, or any other protected basis (collectively the “Protected Characteristics”) is unlawful under federal and state law.

Every individual is entitled to work free of discrimination or harassment based on any Protected Characteristic. The law prohibits all employees, including coworkers, supervisors, and managers, as well as third parties with whom the employee comes into contact, from engaging in this impermissible conduct. Accordingly, the Agency does not tolerate discrimination or harassment in the workplace or in a work-related situation. Unlawful discrimination and harassment violate the Agency's rules of conduct.

DEFINITION

Unlawful harassment in employment may take many different forms. Some examples are:

- Verbal conduct such as epithets, derogatory comments, slurs, or unwanted comments and jokes;
- Visual conduct such as derogatory posters, cartoons, drawings, or gestures;
- Physical conduct such as blocking normal movement, restraining, touching, or otherwise physically interfering with work of another individual;
- Threatening or demanding that an individual submit to certain conduct or to perform certain actions in order to keep or get a job, to avoid some other loss, or as a condition of job benefits, security, or promotion; and
- Retaliation by any of the above means for having reported harassment or discrimination, or having assisted another employee to report harassment or discrimination.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

PROCEDURE

1. CMSA Complaint Procedure

Discrimination and harassment in employment are not tolerated. In addition, the Agency prohibits retaliation for having made a report, and/or otherwise participating in the reporting or investigative process, under this policy. Violation of this policy will result in disciplinary action up to, and including, immediate discharge.

Any individual who believes they are the object of harassment or discrimination on any prohibited basis, or who has observed such harassment or discrimination, or who believes they have been subjected to retaliation, should notify their supervisor, or any supervisor or manager. Supervisors who receive a complaint under this policy will report it to the General Manager/designee. The Agency will conduct a fair, timely, and thorough investigation, and will do so in a confidential manner, to the extent possible. The investigation will be performed by impartial and qualified personnel, and will be appropriately documented. Following the investigation, the Agency will take such action as is warranted under the circumstances, and will timely close the matter.

2. State and Federal Agency Complaint Procedure

Both the state and federal governments have agencies whose purpose is to address unlawful discrimination in the workplace. If an individual who provides services to the Agency believes they have been harmed by an unlawful practice, and is not satisfied with the Agency's response to the problem, they may file a written complaint with these agencies. For the State of California, the agency is the Department of Fair Employment and Housing ("DFEH"). The local address for the DFEH is 2218 Kausen Drive, #100, Elk Grove, California 95758, or www.dfeh.ca.gov. For the federal government, the agency is the Equal Employment Opportunity Commission ("EEOC"). The local address for the EEOC is 1301 Clay Street, #1170, Oakland, California 94612, or www.eeoc.gov.

If, after an investigation and hearing, either of these agencies finds that unlawful discrimination has occurred, the injured employee may, depending on the circumstances, be entitled to reinstatement or promotion, with or without back pay.

3. Retaliation

Retaliation against any individual for making a report, or for participating in an investigation, under this policy is strictly prohibited. Individuals are protected by law and by Agency policy from retaliation for opposing unlawful discriminatory practices, for filing an internal complaint under this policy or for filing a complaint with the DFEH or EEOC, or for otherwise participating in any proceedings conducted by the Company under this policy and/or by either of these agencies.

POLICY #:	103
SECTION:	LEGAL
SUBJECT:	Employment Eligibility Requirement
DATE:	9/13/2022

POLICY

In accordance with the law, CMSA hires and retains in employment only those individuals who are lawfully authorized to work in the United States. No new hire or rehire may begin work until required 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 #:	104
SECTION:	LEGAL
SUBJECT:	Conflict of Interest
DATE:	9/13/2022

POLICY

The term “conflict of interest” describes any circumstance that could cast doubt on, or interfere with, 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 impermissible conflicts arising.

1. 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 that may pose a conflict of interest.
2. 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.
3. No employee shall engage in any outside employment during the employee’s Agency working hours.
4. Generally, employees are not permitted to 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. An exception to this may be allowed pursuant to advance written approval from the General Manager/designee.

If employees have questions about a conflict of interest as it relates to a specific activity, they are required to discuss the matter with their supervisor or the General Manager/designee before becoming involved in any such activity.

POLICY #:	105
SECTION:	LEGAL
SUBJECT:	Memorandum of Understanding (MOU)
DATE:	9/13/2022

POLICY

To the extent provisions in this policy manual do or may conflict with provisions in an MOU, the MOU provisions govern for all represented employees.

POLICY #:	106
SECTION:	LEGAL
SUBJECT:	Conduct Policy
DATE:	9/13/2022

POLICY

All Agency employees shall observe and demonstrate the highest standards of conduct and professionalism and shall avoid inappropriate or prohibited conduct, including but not limited to that described below. This policy provides a summary, and is not an exhaustive list of all conduct that may subject an employee to discipline. That is to say, employees may be disciplined for inappropriate conduct not directly addressed in this policy.

Courtesy

Employees are required to treat the public and other Agency personnel in a professional manner. Agency employees shall be respectful at all times when interacting for work, or in a work-related situation, with other employees, vendors, contractors, or members of the public, whether in person, virtually, on the telephone, or by email. Employees shall be polite. If an employee has difficulty with anyone from the public, the employee shall request assistance from the employee's supervisor.

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 Agency records.

Confidentiality

Access to files maintained by the Agency and containing sensitive information (e.g., personnel files, medical files, etc.) shall be limited to those with a legitimate e.g., (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 #212* (re: employee access to personnel or medical files maintained on them by the Agency).

Misuse and Abuse of Position

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

No Agency employee shall solicit any gift, favor, or thing of value from any member of the public. See also *Policy #411* for the Agency's policy regarding gifts and gratuities.

POLICY #:	201
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Employment Categories
DATE:	9/13/2022

POLICY

CMSA employs individuals in one of four (4) different categories: Probationary, Regular Full-Time, Temporary, or Regular Part-Time. Each employee is also identified by one of two classifications: Exempt or Non-Exempt.

Board members are not Agency employees.

EMPLOYMENT CATEGORIES

1. Probationary Employee

All newly hired, transferred, or promoted employees are subject to a probationary period. See *Policy #202* for additional information about the probationary period.

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 two-week pay period (i.e., forty hours per work week).

3. Temporary Employee

Employees in this category are those holding Agency employment in positions of limited or specified duration arising out of special projects or other reasons established by the Agency. Except as required by law, temporary employees are not eligible to receive Agency-sponsored benefits; to accrue paid time off; to receive any form of service credit or seniority; or to use the Agency's grievance or appeals process. Temporary employee status is not considered for seniority or benefit longevity purposes, even if the temporary employee is subsequently hired on regular Agency status.

Temporary employees generally work no more than forty (40) hours per week or eighty (80) hours per pay period. Temporary employees may work overtime only with prior authorization from their supervisor.

4. Regular Part-Time Employment (Unrepresented only)

Unrepresented 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 or 20 hours per week. They are eligible to accrue vacation, sick, holiday, and administrative leave benefits on a pro rata basis. They are eligible for medical, dental, vision, disability, and life insurance benefits in accordance with such policies, and as described in *Policy #307* of this manual.

Compensation for regular part-time employees is generally pro-rated based on the ratio of hours worked to full-time equivalency for Agency classifications. If a full-time equivalent classification doesn't exist, the hourly compensation rate will be determined by the Agency.

EMPLOYMENT CLASSIFICATIONS

1. Exempt Positions

If a position is classified as exempt as defined by applicable law, employees in those positions are not eligible to receive, and do not receive, overtime compensation.

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.

If an exempt employee has no accrued paid benefits, the employee's compensation may be reduced for complete days of absence.

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, or telecommute) must obtain prior authorization from the General Manager.

2. Non-Exempt Positions

Employees designated as non-exempt are paid on an hourly basis and are eligible for overtime compensation.

POLICY #:	202
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Probationary Period
DATE:	9/13/2022

POLICY

All newly hired, transferred, or promoted employees are subject to a probationary period. The probationary period shall begin with the date of hire, transfer, or promotion.

A new hire probationary employee may be terminated with or without cause or reason, without advance notice, and without the right to grieve or appeal this decision.

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 position 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 any areas of concern.

Probationary Period Extension

1. At the General Manager's discretion, a probationary employment period extension of up to six (6) months may be granted for employees who need extra time to obtain a required certification to perform their job.
2. The General Manager shall have the right to extend an employee's probationary period up to a period of twelve (12) months under the following circumstances:
 - A. For an employee represented by the union, the employee and the union must concur in writing.
 - B. For an unrepresented employee, the employee must concur in writing.

POLICY #:	203
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Job Classification Administration
DATE:	9/13/2022

POLICY

CMSA's job classifications and descriptions establish 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.

PROCEDURE

A position classification is comprised of individual job descriptions. Job descriptions identify the essential duties, responsibilities, level of authority, physical demands, education, experience, licenses, and certifications required to meet the minimum performance standards and minimum qualifications for each position at the Agency.

1. Periodically, the General Manager will review job descriptions to ensure they are current and accurate.
2. Each position is assigned a salary range based on the complexity of the position responsibilities relative to external market salary conditions.
3. The Board is responsible for approving job descriptions and authorizing the number of Agency positions.
4. The General Manager is responsible for ensuring that accurate job descriptions exist for all positions.

POLICY #:	204
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Compensation Administration
DATE:	9/13/2022

POLICY

CMSA establishes, administers, and periodically reviews its compensation for each position.

PROCEDURE

1. Compensation

The compensation for each approved Agency classification shall be recommended by the General Manager and approved by the Board. Compensation shall consist of a base salary, salary range, and/or hourly wage rate for each separate position.

2. Salary Ranges and Increases

All positions are assigned a salary range that has a minimum and maximum rate of pay. An employee must demonstrate satisfactory performance and meet department advancement requirements to be eligible for consideration to move from one step to the next within the range. A new employee, after successfully completing the probationary period, with the supervisor's recommendation and approval of the General Manager, may be eligible for advancement to the next step. Employees who are promoted, or who transfer to a different position, and who complete twelve (12) months of service, including successful completion of the probationary period, will be considered for a possible salary increase.

An employee may be promoted to the next higher-level position when the employee meets the minimum qualifications of that position and all department guidelines and requirements for advancement are met, and with the approval of the supervisor and General Manager.

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 rate for their position. New employees may, however, be hired at a higher pay rate 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, or other relevant factors. Advance approval by the General Manager is required before making an employment offer.

4. Promotions

An employee who receives a promotion to a higher position shall receive a pay increase in accordance with its current salary range. Generally, when an employee is promoted the compensation increase is at least 5%. If the increase is less than 5%, the General Manager may adjust the step increases in the approved compensation range to provide a 5% increase.

5. Pay Period and Pay Day

CMSA pays its employees bi-weekly on the Friday after the end of the pay period. 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 on the subsequent pay period. Each paycheck shall reflect the base hourly rate of pay for hourly employees, and any overtime, holiday pay or premium pay received during that pay period.

All 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. This is the pay period cut-off date. Time spent on Agency activities and tasks will be tracked to the nearest fifteen (15) minutes on a timesheet; However, overtime work is tracked to the nearest thirty (30) minutes. Supervisors review time sheets for completeness and accuracy, and must approve them, 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 option to elect the convenience of having their paycheck electronically deposited to a financial institution of their choice (direct deposit). Moreover, 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 Department

Employees may also arrange to have another person pick up their paycheck if the employee is unable to do so. Written authorization must be provided by the employee.

POLICY #:	205
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Hours of Work
DATE:	9/13/2022

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, which may occur any time before or after the standard work week, including weekends, evenings and/or holidays. Employee schedules that show workdays, shifts, and hours shall be distributed to each department and posted on Agency bulletin boards.

All employees shall be assigned work schedules with regular starting and ending times. Employees may not change their own work schedule without the advance approval of the General Manager or designee. In the event the Agency needs to change an employee's schedule, the employee will normally receive ten (10) working days' notice before the new schedule becomes effective, except in cases of emergency as determined by the General Manager/designee.

WORK SCHEDULES DEFINED

Work schedules for non-exempt employees are structured in one of the following ways:

1. 8-hour shift: An eight (8) hour work period, five (5) days per week.
2. 10-hour shift: A ten (10) hour work period, four (4) days per week.
3. 9-80 shift: A nine (9) hour work period, four (4) days per work week, and a four (4) hour work period, one (1) day per work week.

WORK WEEK DEFINED

For Agency employees working an eight (8) hour or ten (10) hour shift, the regular work week shall begin at 00:00 hours on Sunday and conclude the following Saturday at 24:00 hours. For employees working a 9-80 shift, each employee's defined work week will be communicated in a written agreement with the employee, and in compliance with FLSA requirements.

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

1. All workdays for non-exempt employees shall include an unpaid and duty-free thirty-minute lunch break. Lunch breaks missed due to operational needs may be used at the end of the workday with supervisor approval.
2. Employees whose job requires wearing a uniform or special clothing are expected to be in uniform and ready to begin working at the time the shift begins.
3. When necessary, as determined by their supervisor, 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 include a fifteen (15) minute paid rest period during the middle of 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.

TELEWORKING

The General Manager may permit Agency employees to work from home on a temporary basis. If an employee wishes to work from home temporarily, the employee must present a teleworking proposal in writing to their Department Manager. The proposal must include justification for the request and a proposed work plan that details the teleworking duration, teleworking schedule, and the proposed assignments, tasks, and activities to be performed while teleworking. If the department manager and the employee reach agreement on a teleworking plan, the department manager will submit it to the General Manager for consideration. No employee may telework without advance approval in writing from the General Manager.

POLICY #:	206
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Overtime/Compensatory Time
DATE:	9/13/2022

POLICY

All Agency positions are 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 professional, supervisory, or managerial in nature. Exempt positions are not eligible to receive overtime compensation.

PROCEDURE

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

1. Overtime for Non-Exempt Positions

- A. Non-exempt employees are entitled to overtime pay at the rate of one and one-half (1-1/2) times the regular hourly rate of pay for all hours actually worked in excess of forty (40) hours in the workweek. Paid time off does not count as "hours actually worked" for purposes of the overtime calculation.

A description of overtime for represented positions is contained in the MOU.

- B. Overtime shall be compensated to the nearest quarter (1/2) hour or 30 minutes. 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. Employees who work overtime will be paid overtime compensation unless they elect in writing to receive compensatory time in advance of performing the overtime work. An employee may accrue a maximum of forty (40) hours of compensatory time off. An employee who has reached the maximum accrued compensatory time shall be paid overtime in accordance with the law for all hours worked in excess of forty (40) hours in the workweek.
- D. When employees in non-exempt unrepresented positions are required or authorized to work on a holiday observed by the Agency, the employee shall be compensated at the rate of one and one-half times (1-1/2) times regular rate for each hour worked on the holiday.
- E. Standby pay shall not be credited towards the accumulation of hours for the purposes of computing overtime pay.

- F. If an employee is required to report to work while on standby duty, those hours actually worked, including travel time to and from the Agency, count towards the total work hours for computing overtime.
- G. 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.
- H. 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. The meal allowance is the current Agency lunch Per Diem amount.
- I. Employees may request, in writing, a cash pay-out for accumulated compensatory time.
- J. Although the Agency will generally permit employees to use their accrued compensatory time off (CTO) within a reasonable period after the employee requests to use CTO, the Agency will not permit employees to take compensatory time off if the employee's absence will result in the Agency paying overtime to other employees or if it will disrupt Agency operations.
- K. Absent advance written supervisory authority, non-exempt employees are not permitted to monitor work-related email, or engage in any other work activity, during off-duty hours.

POLICY #:	207
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Attendance
DATE:	9/13/2022

POLICY

Consistent attendance and punctuality are expected from all employees, regardless of exempt or non-exempt status.

PROCEDURE

1. Attendance Expectation

- A. Poor, uncertain or irregular attendance, when unrelated to approved leave time or reasonable accommodation, produces disruptive results for Agency operations, lowers overall productivity and continuity of work, and is burdensome to other employees.
- B. Employees are expected to report to their designated work location at the start of their work shift.

2. Reporting Absences

- A. It is the responsibility of each employee personally, if at all possible, to notify the employee's immediate supervisor if 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 the immediate supervisor, the employee shall perform the following:

Operations and Maintenance Staff

- a. Notify the On-Duty Operator-in-Charge. The Operator-in-Charge will notify the appropriate O&M staff (supervisor or lead) of the impacted employee's situation. If applicable, the anticipated duration of delay or absence should be provided by the employee to both the On-Duty Operator-in-Charge and the direct supervisor's voice mail message; and
- b. Leave a detailed message describing the need for the absence and the expected duration on the direct supervisor's Agency voice mail.

All Other Agency Staff

- a. Notify direct supervisor and the Administrative Specialist about the absence via voicemail, email, or text message, and provide a detailed message stating the anticipated duration of delay or absence.

- b. The Administrative Specialist will notify the appropriate supervisor of the impacted employee's situation and, for applicable staff, note an entry on the sign-out board.
- B. In all cases of absence or tardiness, employees shall provide their direct supervisor with a reason for the absence. In the case of an absence for illness, the employee is not required to provide the Agency with the underlying diagnosis of the medical condition. CMSA reserves the right to require an employee to provide a doctor's certification for any absence related to illness or injury.
- C. In the event of an emergency that makes it impossible for the employee to comply with the procedures outlined above, the employee or their designated emergency contact 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.
- D. Failure to comply with the above procedures may result in the denial of sick leave pay, as determined by the General Manager, 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.
- E. 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, as well as a doctor's release of the employee to return to work.
- F. An employee who is absent for three (3) consecutive workdays without having contacted an appropriate Agency representative will ordinarily be considered to have abandoned their job, and will be terminated from their employment from the Agency.

3. Review of Attendance

CMSA reviews attendance and sick leave in a fair and consistent manner. Depending on the circumstances, a supervisor may counsel, or otherwise impose appropriate discipline on, an employee who has problematic attendance.

POLICY #:	208
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Recruitment and Selection
DATE:	9/13/2022

PROCEDURE

The Agency observes the following procedures when filling vacant positions.

1. Promotional and Open Recruitments

A. Internal Recruitment (Promotional)

To enhance opportunities for career development among current employees, all vacant positions that the Agency has decided to fill and for which it may be appropriate to consider internal candidates shall be posted on bulletin boards readily accessible to Agency employees.

The Agency encourages current employees to apply for open promotional positions, provided they meet the qualifications. However, the Agency reserves the right to recruit and hire externally as well.

B. External Recruitment (Open)

When the Agency determines to advertise for the recruitment both internally and outside the Agency, then the recruitment process shall be considered an open recruitment. Recruitment and advertisement shall last for a minimum of two (2) weeks. Eligible Agency employees may compete in an open examination.

2. Job Announcement and Application Package

The job announcement and other advertisements related to the job opening shall indicate a final filing date. All application materials must 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 application 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 disqualify an applicant from further consideration

3. Application Review

The hiring manager, or designee, shall review all application packages and determine which applicants meet minimum qualifications, and which are not eligible to continue with the recruitment process. The Agency shall notify all applicants of whether or not they are eligible to continue in the recruitment process.

4. Examination Process

A candidate must pass each part of the examination process to be placed on the eligibility list. The examination may include interviews, written exercises, and/or a demonstration of physical ability or skills.

5. Eligibility List

An eligibility list for the position, effective for one (1) year, shall include all candidates who successfully complete the examination process. The duration of the eligibility list may be extended by the General Manager. The list may be discarded if there are fewer than three (3) candidates remaining on the list or where the Agency determines, in its sole discretion, to discard the list and establish a new one.

6. Reference Checking

All job applicants shall provide information on previous employment and other references as required on the application form. A final offer of employment shall not be made, if at all, until the Agency has had an opportunity to verify the reference information.

The hiring manager, or designee, shall be responsible for contacting and verifying references. 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 must agree to a background check in order to proceed with the recruitment process. The background check may include a credit record review (if applicable to the position for which they are applying), personal history, education, professional credentials, and/or military record. No such background check shall be undertaken without first obtaining the candidate's written authorization.

Candidates who are offered a position that requires a driver's license shall provide a current copy of their DMV record. CMSA will reimburse the candidate for this expense.

8. Selection

The General Manager reserves the right to select any candidate from the eligibility list for subsequent interviews. Only the General Manager is authorized to provide a conditional employment offer, and then a final written offer of employment to the successful candidate.

9. Conditional Offer of Employment

If an external candidate is deemed best qualified for the job, a conditional written offer of employment will be made. The conditional offer will state that the employment offer is extended contingent on the candidate passing a pre-employment physical examination, functional capacity test, and criminal background check. Candidates who successfully meet the requirements of the conditional offer will receive a written offer of employment.

If needed, the Agency will consult with legal counsel on the results of the criminal background check.

10. Applicant Package Retention

The Agency shall retain all application package documents for a minimum of two (2) years, or otherwise as may be required by law.

POLICY #:	209
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Employment of Relatives
DATE:	9/13/2022

PURPOSE

The purpose of this policy is to set forth the guidelines governing the employment, assignment of work, hiring, promotion, and placement of relatives and employees otherwise involved in personal relationships with Agency employees and/or contractors.

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 Board is, or 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 (but is not limited to) the following relationships: spouse, domestic partner, parent, grandparent, and child, children of domestic partner or spouse, 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 exists as a result of the 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 employees will be notified that one of them must separate from employment with the Agency. The choice of who will separate from employment will be the affected employees' decision. In the event that the employees do not make the decision within thirty (30) days of notification by the Agency, then both employees will be terminated.

POLICY #:	210
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Special Rates of Pay
DATE:	9/13/2022

POLICY

For legitimate business or operational reasons, the Agency may establish special rates of pay for non-exempt employees, and for represented employees (consistent with the provisions of the Memorandum of Understanding).

PROCEDURE

1. Out of Class Assignment

As the need arises, a department manager, with the consent of the General Manager, may temporarily assign an employee to a position that requires performance of 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 the first working day, and for the duration of the temporary assignment) 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 assignment, 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 seven percent (7%), and the differential paid to employees working graveyard shift is ten percent (10%).

An employee who earns shift differential on an Agency-paid holiday will be entitled to receive that differential for any additional hours worked on the holiday. Additional hours 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 outside of their regular work shift, the employee, upon notification of the Call-Back, 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, plus compensation for travel time to and from the worksite at the same wage rate beginning at the time the employee leaves home or their current location. If the employee is required to work more than two (2) hours, the employee will receive pay

for the actual time worked, plus compensation for travel time to and from the worksite at the same wage rate beginning the employee leaves home or their current location.

This additional Call Back pay 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.

The supervisor and the employee will establish the time frame for travel from home or their current location to the Agency and back for the Call Back work.

4. Standby Pay

CMSA management, at its discretion, may assign an employee to standby duty for purposes of responding to Agency problems, issues, or business during non-regularly 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 the employee a regular day off during the work week, that employee will not be on standby duty during their regular daily work hours for those days.

Standby pay is not 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 apply.

Standby duty is assigned only to qualified employees. Qualifying standards will be at management's discretion. Qualified employees who volunteer for standby duty shall receive initial consideration for standby duty assignments. Assignments may be rotated on a weekly basis among qualified employees. The Agency will provide training for interested employees so that they may become eligible for standby duty. Such training will entail performance testing to establish the employee's competence.

The employee assigned to standby must have the ability to respond to the designated work site within one (1) hour of being called. The employee may be allowed to use a designated CMSA vehicle while on standby assignment. 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 (e.g., free from the influence of alcohol and drugs) and is required to respond to all duty calls from the Agency.

Call Back rules and compensation shall apply for approved travel time and time actually worked. Call Back pay is in addition to any Standby Duty pay for the Standby shift. If an employee is contacted during their Standby shift or an off-work employee is contacted that is not assigned to Standby, and the required work can be completed on the phone or remotely, the employee shall be compensated in 30-minute increments at the overtime rate.

POLICY #:	211
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Performance Appraisals
DATE:	9/13/2022

PURPOSE

The purpose of the CMSA performance evaluation program is to promote the achievement of CMSA's Vision, Mission, and Values via strong employee performance, and to provide a formalized system for the employee and supervisor to plan, reinforce, monitor, and document work performance over a specified period of time. This program is intended to support and enhance, but not substitute for, regular ongoing communication between supervisors and employees regarding employee performance and job expectations.

PERFORMANCE EVALUATION GUIDELINES

Each employee, in conjunction with their supervisor, develops an approved work plan that serves as a blueprint for the employee's work duties for the year. The work plan is an important tool used to monitor performance over the year and helps provide a framework for the performance evaluation

1. Work Plan Development

- A. The department manager or supervisor, as appropriate, shall work with individual employees to prepare draft work plans which may include detailing specific job-related assignments, projects, tasks, performance criteria, job standards, and goals for the next twelve (12) month period. Work plans should also include training and development goals for employees.
- B. Preparation of the annual work plan takes place on or near the anniversary date of the employee's date of hire or the employee's most recent promotion, concurrent with the employee's annual performance review. The work plan shall generally be completed no later than three (3) weeks into the new evaluation period. Both supervisor and employee shall sign the final work plan.
- C. Any required additions, deletions, or adjustments to the work plan during the year will be documented in a revised work plan that is approved by the manager and is then provided to the supervisor and employee. Both supervisor and employee shall sign the amended work plan.

2. Evaluation Frequency

Supervisors and/or managers are expected to provide informal performance feedback to all regular employees frequently, and should include specific information on both work achievements as well as areas for improvement.

- A. Probationary employees are not provided a formal performance evaluation during the probationary period. Supervisors should provide regular/routine, direct informal feedback to probationary employees throughout their probationary period.
- B. Regular employees normally have their performance evaluated each year, via one formal evaluation for each approximately twelve (12) month period of employment and by means of an optional mid-year meeting to discuss performance at the approximate half-way point of the performance year. In addition, supervisors are encouraged to provide regular informal feedback to employees. Performance is evaluated using CMSA standards for core job competencies and accomplishments of approved work plan activities. Department managers, in consultation with the General Manager, may add department-specific competencies to the work plan.

3. Evaluation Process

- A. Approximately six (6) months after the approved work plan has been in effect, the employee and supervisor may hold a mid-year performance meeting to discuss the employee's performance to date.
- B. Near the end of the twelve (12) month review period, the supervisor shall provide a performance evaluation form to the employee so that the employee may complete a self-evaluation of their performance, listing accomplishments the employee completed during the year, as well as core competencies and work plan activities where the employee has identified areas of improvement. Employees shall have two weeks to complete their self-evaluation and submit it to their respective supervisor.
- C. The direct supervisor completes the draft performance evaluation form within approximately two (2) weeks of receipt of the employee self-evaluation, and discusses it with the department manager or General Manager, as appropriate. The supervisor may also gather input from other Agency management staff with direct knowledge of the employee's performance during the year. The supervisor then schedules a meeting to formally review performance with the employee.
- D. At the end of the mandatory performance evaluation meeting, both the employee and the supervisor shall sign the performance evaluation form to document that the meeting took place. The employee and supervisor should target completing the annual evaluation meeting no later than two (2) weeks after the end of the evaluation period. The employee shall receive a copy of the final performance evaluation form. The original shall be retained in the employee's personnel file.
- E. Employees may provide written responses to any part of the performance evaluation within five (5) business days after the evaluation meeting. The

response must be submitted on separate sheets of paper to the supervisor, who will attach them unaltered to the final performance evaluation form. The supervisor will not formally respond to the employee's written feedback, unless it is determined that the employee's response demands or necessitates an Agency response.

- F. Upon completion of the formal evaluation, the supervisor may recommend advancement to the next salary step or position in the classification if the employee is eligible.
- G. The annual performance evaluation coincides with goal planning for the next performance period. Employees assigned to prepare a work plan shall submit their final draft work plan for the next year to their supervisor within approximately two weeks after their performance evaluation meeting.

POLICY #:	212
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Personnel Records
DATE:	9/13/2022

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 maintained by CMSA on the employee. If an employee refuses to sign a form or letter that requires a signature, the supervisor shall sign their name to document the fact that the supervisor has provided 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 Specialist of changes in name, address, telephone number, driver's license (if required, by their position description/job duties), number of dependents, marital status (if pertinent to tax withholding or benefits), beneficiary, education certificates or any other pertinent information to their employment or benefits.

3. Access/Confidentiality

Employees may review the personnel or medical files maintained on them by the Agency upon request by scheduling an appointment with the General Manager/designee. Personnel files are typically reviewed in the presence of 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 without 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 to handle.

POLICY #:	213
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Resignation/Separation
DATE:	9/13/2022

POLICY

The last day worked and/or the last day in paid status is generally the last day of employment for employees who resign or are terminated from the Agency. All employees shall be paid for their accrued but unused paid vacation, administrative, compensatory, and holiday time, at the time of resignation or termination. Employees are not paid out for accrued but unused sick time at termination or any other time. The sole exception to this is that regular employees who have been employed with the Agency for at least ten (10) years may cash out one-half of their accumulated sick leave upon retirement only, up to five hundred (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 of resignation is given by the employee, 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 thirty (30) calendar days' notice of intent to resign. All other employees are requested to give at least fourteen (14) calendar 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 working during the notice period.

3. Return of Agency Property

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

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

Terminating employees and their eligible dependents may, at their expense, be eligible to elect a temporary continuation of health coverage under the Agency's group health insurance plan where coverage under the plan would otherwise terminate. Terminating employees, or employees experiencing a COBRA triggering event, will be provided

information about election of continuation coverage. Contact the Administrative Specialist 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 #:	214
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Retirement
DATE:	9/13/2022

POLICY

The Agency provides a comprehensive retirement benefits package to all eligible Agency 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 CalPERS. The Agency suggests that retiring employees schedule their attendance at this workshop at least three (3) months in advance of their intended retirement date. CalPERS contact information can be provided by administrative or finance staff.

2. Agency Notification

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

3. Retiree Medical Insurance

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

4. Exit Interview

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

POLICY #:	215
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Expense Reimbursement
DATE:	9/13/2022

CMSA has established the following procedure regarding reimbursement for travel and other Agency related business expenses.

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 by the employee desiring reimbursement, and approved by the appropriate department manager.
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 reimbursement approval.
 - A. While attending Agency-approved functions, the burden of responsibility for using sound judgment in incurring travel-related expenses rests on the attending employee.
 - B. Employees may be paid in advance for per diem expenses related to Agency travel/business functions upon request by filling out a Preauthorization for Employee Travel/Request for Per Diem Advance Form.
 - C. The employee shall fill out an Employee Travel Expense Report and submit receipts, whenever possible, with itemizations and explanations in order to be considered for 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 consideration, and if approved, for payment.
 - E. See Administrative Procedure #35 - *Travel Expense Reimbursement* for additional information.
3. Vehicle Use/Reimbursement

Prior approval of the General Manager/designee must be obtained for employee use of an Agency vehicle. Employees are required to use an Agency vehicle while traveling on Agency business, if an Agency vehicle is available. If there is no Agency vehicle available, employees may request to use their own vehicle. For more information, see *Policy #403 – Driving on Agency Business*.

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 #:	301
SECTION:	BENEFITS
SUBJECT:	Holidays
DATE:	9/13/2022

POLICY

Probationary, part-time, 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. Temporary employees are not eligible to receive Agency paid holidays or floating holidays.

REGULAR HOLIDAYS

New Year's Day	Labor Day
Martin Luther King's Birthday	Veterans' 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 falls on a Sunday, the following Monday shall be deemed to be the Agency-paid holiday. When any of the foregoing holidays falls on a Saturday, the preceding Friday shall be deemed to be the Agency-paid holiday. Paid holidays are generally compensated at the rate of eight (8) hours straight time for full-time employees and pro rata for part-time employees.
2. When any of the holidays identified above fall on a full-time employee's regularly scheduled day off, eight (8) hours of holiday time (i.e., eight (8) straight time hours) will be added to the employee's holiday time bank. Hours within the paid holiday bank may be taken at a time mutually agreed upon between employees and their supervisor, and will be paid at the employee's normal hourly rate.
3. Non-exempt employees who are required or authorized to work on a holiday observed by the Agency shall be compensated at the rate of one and one-half (1-1/2) times their normal rate of pay for each hour worked. In addition, employees will be paid eight (8) hours of holiday time for the Agency-observed holiday.
4. Eligible employees are permitted to maintain a bank of a maximum of forty-eight (48) hours' paid holiday time (including floating holidays) at any one time. Any additional paid holiday time exceeding 48 hours will be paid out to the employee.

5. Employees are required to work on their regularly scheduled workday preceding and following the holiday to receive holiday pay, unless the employees are on approved time off.

FLOATING HOLIDAYS

1. 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.
2. 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.
3. Part-time employees are credited a pro-rated amount of floating holiday hours.
4. Scheduling and Approval Process:
 - A. Employees shall schedule with their supervisor the use of a 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 off more than five (5) consecutive workdays, 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 the bank to exceed forty-eight (48) paid holiday hours, the Agency will pay out any hours in excess of forty-eight (48) at the employee's normal hourly rate.
6. Employees who separate from Agency service shall be paid for any unused floating holidays that they have accumulated at time of separation.

POLICY #:	302
SECTION:	BENEFITS
SUBJECT:	Vacation Leave
DATE:	9/13/2022

POLICY

Probationary, and regular full time and part-time employees are eligible to accrue paid vacation from the first day of employment. Temporary employees are not eligible either to accrue or to receive paid vacation leave. 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 completion of 3 years:	80 hours	3.077 hours
Start of 4 th year through completion of 7 years:	120 hours	4.615 hours
Start of 8 th year of service and thereafter:	160 hours	6.154 hours
Start of 12 th year of service and thereafter:	180 hours	6.923 hours
Start of 16 th year of service and thereafter:	200 hours	7.692 hours

Employees are encouraged to take vacation leave as it accrues.

Vacation Cap. The vacation cap for all employees is three-hundred-twenty (320) hours. Once employees accrue their maximum number of vacation hours, they will cease accruing any further paid vacation until they use enough vacation time to reduce accrued vacation to below the specified maximum 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 ensure 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 department manager. In the event that more than one employee requests the same day(s) off in a department or work group, the request received and approved first shall generally have priority.

- C. Vacation requests in excess of five (5) consecutive workdays shall require the department manager's approval, in addition to the supervisor's approval.
- 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 to their supervisor at least ten (10) working days prior to the requested time off. Approval of both the supervisor and department manager are required.
 - 2) For requests to take five (5) vacation days or fewer, employees must submit a written request to the supervisor, and obtain supervisory approval at least five (5) working days in advance.
- E. Vacation requests without prior notice will be considered, but such requests may not be granted.
- F. Employees shall advise their supervisor as soon as possible if they desire to cancel a request for vacation.
- G. For employees that receive a paycheck instead of direct deposit, they 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 for early disbursement, 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 date, 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 circumstances, an employee may request a cash-out of up to one (1) week of accrued but unused vacation time. Exempt classifications can request a cash-out of up to two (2) weeks.

The General Manager will review the request and circumstances and, at the General Manager's discretion, approve or deny the cash-out request.

ADMINISTRATIVE LEAVE

Non-exempt, unrepresented employees also receive (rather than accrue) forty (40) hours of paid administrative leave each calendar year, and exempt unrepresented employees receive eighty (80) hours of paid administrative leave each calendar year. Administrative Leave is granted at the first pay period after January 1 each calendar year. For part-time employees hired after January 1, the administrative leave is prorated.

Represented and temporary employees are not eligible for, and do not receive, paid administrative leave.

POLICY #:	303
SECTION:	BENEFITS
SUBJECT:	Paid Sick Time
DATE:	08/30/2023

POLICY

Probationary and regular full-time and part-time employees accrue paid sick time from the first day of employment as described below. All other employees accrue paid sick time in accordance with the law, and as described below.

1. Purpose

Sick time 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, or otherwise as required by law. Sick time is not extra paid time off to be taken at an employee's discretion. Use of accrued paid sick time can provide employees a financial cushion in the event of illness or injury.

2. Accrual of Sick Time

Probationary and regular full-time employees can accrue up to ninety-six (96) hours of paid sick time per year at the rate of 3.696 hours per pay period. Part-time employees accrue paid sick time on a pro-rata basis. Accrual begins on the first day of work. Paid sick time accrues only while an employee is in paid status (i.e., is receiving Agency pay). Sick time does not accrue during any period of absence from work that is unpaid by the Agency.

All other employees accrue paid sick time in accordance with law. Specifically, temporary employees accrue at the rate of one (1) hour of paid sick time per every thirty (30) hours worked.

3. Permitted Sick Time Use

A. Personal Illness, Injury, or In Accordance with Law

Sick time may be used by employees as a result of their own illness or injury that temporarily prevents the employee from working. Up to sixteen (16) hours of sick leave may also be used per calendar year to attend to personal emergencies. Paid sick time may also be used for any other reason permitted by law, including for appointments with health care providers.

B. Family Member Illness or Injury

An employee may also use paid sick time accrual to attend to the illness, injury, or medical appointment of a family member. For the purposes of this policy, family member is defined as parent, sibling, child, grandparent, spouse, aunt, uncle, registered domestic partner, and designated person. A "designated person" means a person identified by the employee at the time the employee

requests to use paid sick time. Employees are limited to one “designated person” per twelve (12) month period.

Employees may apply to the California State Employment Development Department (EDD) for a paid family leave (PFL) benefit during the period of time they are granted unpaid leave from the Agency for any of the following reasons:

- 1) To care for a seriously ill child, spouse, or registered domestic partner, parent or parent-in-law, grandparent, grandchild, sibling;
- 2) To bond with a child within one (1) year of the child's birth, or within one year of placement of the child with the employee for foster care or adoption; or
- 3) To participate in a qualifying event because of a family member’s military deployment.

C. Medical Appointments

Eligible employees may request to use accrued paid sick time for the diagnosis, care, or treatment of an existing health condition, or preventive care for, an employee or family member. This includes, but is not limited to, routine physical checkups, examinations and dental visits. To use accrued paid sick time for this purpose, the employee must submit a completed leave form to their supervisor and obtain approval prior to taking time off for any such appointment.

Appointments should be scheduled for the first or last hour of the employee’s workday, if possible. If unable to report to work immediately following an appointment, employees must contact their 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 sick time request and to actively prevent abuse of the sick time benefit. Periodically, supervisors should perform an attendance review of each employee’s sick time usage. Restrictions are not put on the legitimate use of accrued sick time. For additional details, see *Attendance Policy #207*.

A. Notice of Illness/Emergency

It is the responsibility of employees directly to notify their immediate supervisor of illness, injury, or emergency that prevents the employee from working, unless medical conditions make this direct notification impossible. For additional details, see *Attendance Policy #207*.

B. Documentation

The Agency may request a physician's certification or other appropriate documentation for any sick time taken.

C. Denial of Sick Time Benefits

Paid sick leave may be denied if the Agency determines that the employee's absence did not meet one or more of the definitions specified in Section 3 above, or otherwise as permitted by law.

D. Integration of Paid Leave Accruals and State Disability Insurance

State Disability Insurance (SDI) is a state benefit that is funded by Agency employees through payroll deductions.

An employee who is temporarily unable to work due to a non-work-related illness or injury should apply to the state for such payments. Informational pamphlets and application forms regarding SDI are available from Administration or on-line.

Should employees decide to apply for SDI benefits, they will need to consult with the Administrative Services Manager about coordinating benefits. Employees must notify the Administration Department immediately when their application for SDI benefits has been approved by EDD.

SDI payments and the employee's available accrued paid time off, if any, shall be integrated so, if possible, the employee will continue for a period of time to receive the equivalent of their normal compensation. Once the employee exhausts any available paid sick time, the employee will normally be required to substitute paid vacation, holiday, or compensatory time benefits, subject to approval by the General Manager, and in accordance with applicable law. For example, one exception to the requirement to exhaust accrued paid time off is that employees on leave for pregnancy-related disability have the option to use accrued paid vacation, holiday, or compensatory time off during their leave.

If an employee remains unable to return to work following exhaustion of all paid time off accruals, the employee may be eligible for a leave of absence without pay. Under certain circumstances, the employee may also be eligible to receive donated leave time under the Agency's Catastrophic Leave program. In the event the employee receives donated leave time, that time will also be integrated with the SDI benefit, if any.

Under no circumstances may an employee receive more than 100% of their normal compensation when SDI and Agency-paid accrued time off benefits are integrated. It is the employee's responsibility, when applying for SDI benefits, to authorize the EDD to disclose benefit payment information to the Agency so the Agency does not deduct from the employee's paid time off banks any amount that would result in the employee receiving more than 100% of normal compensation.

SDI Integration and CalPERS

Only salary payments issued by CMSA are reported to CalPERS. Per CalPERS Health Benefit regulations, an employee must be receiving Agency compensation equivalent to at least 50% of regular full-time status to receive CalPERS health benefits coverage.

5. Work Related Injury or Illness

A. Use of Paid Leave Benefit Accruals

An employee must use any available accrued paid time off while taking otherwise unpaid leave for any reason, to the extent permitted by law. If an employee begins receiving Workers' Compensation Insurance payments, the employee's use of accrued paid time off shall be integrated so that, for a period of time, the employee will continue to receive the equivalent their normal compensation.

B. Treatment after Return to Work

Where an employee has returned to work following a work-related injury or illness, and is required by the Agency, or by the workers' compensation medical provider, to attend a medical appointment during the employee's scheduled working hours, the employee will receive normal compensation during the time required to travel to/from and visit the doctor, and will not be required to use available accrued paid sick time.

6. Separation of Employment

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

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

POLICY #:	304
SECTION:	BENEFITS
SUBJECT:	Leaves of Absence
DATE:	08/13/2024

POLICY

All employees may request the leave provisions outlined below, subject to the approval of the General Manager/designee and in accordance with 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/or unpaid time off. An employee will continue to receive Agency-sponsored health insurance benefits as long as the employee is on Agency-paid status, except as otherwise required by law. Except to the extent that the Agency is legally required to continue health insurance coverage during an unpaid leave, employees who are granted an unpaid leave of absence that exceeds thirty (30) days, and who wish to continue health insurance coverage may be eligible to do so at their own expense pursuant to COBRA.
- B. All requests for leave must be submitted in writing to the employee's supervisor, department manager, and then to the General Manager. Employees should contact the Administrative Specialist for the necessary forms. The Agency may also request additional documentation substantiating the need for a leave.
- C. Seniority and paid time off benefits (including vacation, paid sick time and holiday benefits) do not accrue during periods of unpaid leave of absence.
- D. If an employee's leave exceeds thirty (30) days, their performance evaluation, and consideration for any compensation increase in connection therewith, will normally be delayed for the length of time the employee is on leave of absence.
- E. Employees granted a leave of absence which exceeds thirty (30) days are normally expected to provide the Agency with two (2) weeks' notice prior to their anticipated return to work date.
- F. Employees who require an extension to a leave of absence should request the extension a minimum of two (2) weeks before the original leave expires. 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.

- 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.
- I. The Agency will consider providing temporary modified duty assignments, if available, to employees whose injury or illness results in the temporary inability to perform the functions of their job. See *Policy # 310 – Modified Duty/Return to Work*.

2. Bereavement Leave

In the event of a death in the immediate family, eligible employees may request a bereavement leave of absence of up to five (5) workdays. The Agency will provide paid bereavement leave for three days. If more than three (3) days are requested, employees may elect to charge additional approved days off to their accrued paid time off, or may elect to take the additional days off without pay. If the employee has no accrued paid time off, they may request that any additional approved bereavement days be taken without pay. Accrued paid sick time may not be used for bereavement purposes.

For the purpose of this policy, immediate family shall be defined as: parent, stepparent, father/mother in-law, brother, sister, stepbrother/sister, brother/sister in-law, child, stepchild, grandparent, grandchild, spouse, uncle, aunt, member of household or legal guardian, or domestic partner.

An employee may request the use of accrued paid time off in the case of death of persons other than “immediate family.” If granted by the Agency, such approved leave must be charged to the employee’s accrued vacation, administrative, holiday, or compensatory time.

Employees must submit a written leave request and have it approved by their supervisor prior to taking the leave.

3. Reproductive Loss Leave

Employees may request to take up to five days of unpaid leave in the event of a reproductive loss. Reproductive loss includes a failed adoption or surrogacy, a miscarriage or still birth, or an unsuccessful assisted reproduction.

The employee may elect to use any applicable accrued paid time off to receive compensation for this otherwise unpaid leave.

4. 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 military leaves.

5. **Jury/Witness Duty**

Jury Duty: Employees summoned for jury duty will be provided paid time off during the time of their required service. Employees shall receive compensation at their regular rate of pay only for those hours they are required to serve which occur during their regularly scheduled work week.

For purposes of this policy, employees who normally work on a weekend, or on a swing or graveyard shift, and who are called for jury or witness duty shall be considered to be working a Monday through Friday day shift during the duty period only.

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

Witness Duty: Employees who are subpoenaed to serve witness duty must request time off for this purpose from their supervisor. The request must be accompanied by a completed leave request form along with a copy of the subpoena. The Agency will provide paid leave for employees who serve witness duty.

6. **School Visits Leave**

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

- A. Employees must provide their supervisor with reasonable notice of the planned time off by completing the appropriate leave request form and obtaining supervisory approval in advance.
- B. Employees must use vacation, administrative, compensatory, or holiday time to cover the time off. If the employee does not have sufficient paid time off accrued, any time used for school visits that is not covered by the employee's accrued paid leave will be unpaid.
- 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.

7. **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 pregnancy-related disability. An employee on approved pregnancy disability leave ("PDL") must use accrued paid sick time in connection with this leave. Employees may elect to use, but are not required to use, other accrued paid time, including paid vacation, administrative, holiday, or

compensatory time benefits during the PDL. Employees granted a PDL should apply to the state to receive California State Disability Insurance (“SDI”) benefits. The employee’s paid accrued time off will be integrated with any benefits from outside sources (e.g., SDI benefits), as described in *Policy #303*.

Employees on PDL will continue to be provided Agency-sponsored health insurance benefits during their approved leave under the same terms and conditions as if they were actively working during the leave.

B. Requests for Leave Approval

Employees requesting a PDL shall complete the Leave of Absence Request Form and attach a note from their treating health care provider with the following information:

- 1) A verification that the employee is unable to work due to pregnancy-related disability.
- 2) The anticipated beginning date the employee is medically precluded from working.
- 3) The anticipated return-to-work date.

C. Length of Leave

A PDL may be authorized for up to a maximum of four months, in accordance with the medical certification of inability to work due to pregnancy-related disability.

D. Return to Work

To return to work following a PDL, the employee must submit a written medical release. The medical release must state any work restrictions and the anticipated duration of such restrictions.

E. Position Reinstatement

Employees returning from an approved PDL will be reinstated to their former position, or a comparable position, to the extent required by law.

8. Work Related Injury or Illness Leave of Absence

California workers’ compensation laws cover all Agency employees. The protections provided by these laws come into effect 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 may also provide to eligible employees permanent disability benefits, rehabilitation, and death benefits. The Agency pays the full cost of workers' compensation insurance premiums.

- A. If employees become injured or ill as a result of Agency-related work, they must report it to their 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 who needs to request time off work due to a workers' compensation injury or illness may be eligible for a medical leave of absence.
- C. If an employee is deemed eligible to receive workers' compensation benefits, any such benefits received from the Workers' Compensation Insurance Fund shall be integrated with that employee's available paid sick time, as described in *Policy #303* in this manual. If an employee's paid sick time is exhausted during the medical leave, the Agency will integrate other available accrued leaves in accordance with law.
- D. A medical leave of absence due to a work-related illness or injury shall ordinarily continue until the employee either:
 - is determined to be medically able to return to duty; or
 - accepts employment outside the Agency; or
 - accepts employment in another Agency position; or
 - is permanently or indefinitely medically precluded from returning to the former position, with or without reasonable accommodation; or
 - elects retirement.

9. Family Medical Leave Act

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

To be eligible for leave under the FMLA, the employee must have been employed by the Agency for at least twelve (12) months, one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately preceding the request for leave, and the employee must work at a facility with at least fifty (50) employees in a seventy-five (75) mile radius. Because the Agency employs fewer than fifty (50) employees, Agency employees are not eligible to take FMLA leave.

10. California Family Rights Act ("CFRA") Leave

CFRA provides eligible employees the opportunity to take unpaid, job-protected leave for specified reasons. The maximum amount of leave to which employees are entitled under this policy is twelve (12) weeks within a twelve (12) month period, except as otherwise required by law.

To be eligible for CFRA leave under this policy, employees must:

- Have worked at least twelve (12) months for the Agency in the preceding year; and
- Have worked at least one thousand two hundred fifty (1,250) hours for the Agency over the twelve (12) months preceding the date the leave would commence.

CFRA leave may be taken for any of the following reasons:

- 1) To care for or bond with a newborn child, with a newly-adopted child, or with a newly-placed foster child.
- 2) To care for an immediate family member (defined below) with a serious health condition.
- 3) Because of the employee's serious health condition (except not for pregnancy-related disability, which is covered under PDL, above) that makes the employee unable to perform their job.
- 4) A "qualifying exigency" arising out of the fact that the employee's spouse, domestic partner, child, or parent is on, or has been notified of an impending call to, "covered active duty."

For purposes of this policy, "immediate family member" means the employee's spouse, registered domestic partner, child or registered domestic partner's child, parent, grandparent, grandchild, sibling, or "designated person." For purposes of this policy, a "designated person" is any individual related by blood or whose association with the employee is the equivalent of a family relationship. Employees are limited to one designated person per 12-month period.

Once the Agency determines an absence is for a CFRA-qualifying reason, it will designate the absence as CFRA.

Generally, a "serious health condition" is an illness, injury, impairment, or physical or mental condition, that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider, and either prevents the employee from performing the functions of their job or prevents the qualified family member from participating in school or other daily activities.

The Agency measures the period of twelve (12) months in which leave is taken by a rolling calendar period. This means that when an employee requests leave for a qualifying reason, CMSA will look back over the past twelve (12) months to determine whether the employee has any remaining CFRA time.

CFRA leave for the birth of a child, or for the placement of a child for adoption or foster care, must be concluded within twelve (12) months of the child's birth or placement.

Eligible employees may take CFRA leave in a single block of time, intermittently (in separate blocks of time), or by reducing the normal work schedule when medically necessary for the serious health condition of the employee or immediate family member. Intermittent leave for the birth of a child, to care for a newborn child or for the placement of a child for adoption or foster care, generally must be taken in at least two-week increments, with shorter increments allowed on two occasions. Employees who require intermittent or reduced-schedule leave must try to schedule their leave so

that it will not unduly disrupt operations.

Employees are required to use applicable paid time off (such as paid sick time, vacation, paid administrative leave, compensatory time, etc.) concurrently with CFRA leave, to the extent permitted by law. An exception to this requirement is that during any period in which the employee is receiving temporary disability benefits (e.g., for workers' compensation or short-term disability), the employer cannot require the employee to use their accrued paid leave to coordinate pay with those disability benefits. However, the employer and employee may agree to permit use of applicable accrued paid time off.

Once the employee's accrued paid leave time is exhausted, the remainder of the CFRA leave is unpaid time off.

The Agency maintains health care coverage during CFRA leave on the same terms as if employee on leave had continued to work. Use of CFRA leave does not result in the loss of any employment benefit that accrued prior to the start of leave under this policy.

In connection with leave under this policy, employees must provide to the Agency the following:

- 1) Thirty (30) days' advance notice of the need to take CFRA leave if the need for leave is foreseeable, or notice as soon as practicable in the case of unforeseeable leave, and in compliance with the Agency's normal call-in procedures, absent unusual circumstances.
- 2) Medical certification supporting the need for leave due to a serious health condition affecting the requesting employee or an immediate family member.
- 3) Periodic reports as deemed appropriate during the leave regarding the employee's status and intent to return to work.
- 4) Medical certification of release to return to work, with or without restrictions on the ability to work, if the leave was due to the employee's serious health condition.

If the employee requesting leave is eligible for CFRA leave, the Agency will provide them a notice that designates the leave as CFRA, that specifies any additional information required, and that states their rights and responsibilities. If the employee is not eligible for CFRA leave, the Agency will provide a reason for the ineligibility.

Upon returning from CFRA leave, employees will be restored to their original position or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions, to the extent required by law.

11. Medical Leave of Absence

A. General Provisions

An unpaid medical leave of absence may be granted to an employee who is temporarily unable to perform the job due to medical reasons. An employee

taking approved medical leave must use their accrued paid sick time in connection with this leave. If employees requesting medical leave have no available paid sick time, they must substitute other accrued paid time, including vacation, administrative, holiday, or compensatory time benefits during the approved leave. Employees approved to take medical leave should apply to the state for California State Disability Insurance (“SDI”) benefits. The employee’s paid time off hours, if any, will be integrated with any benefits from outside sources (e.g., SDI benefits, workers’ comp benefits, etc.), as described in *Policy #303* of this Manual.

B. Requests for Leave Approval

Employees requesting a medical leave must complete the Leave of Absence Request Form and attach a note from their health care provider with the following information:

- 1) A verification that the employee is temporarily medically precluded from working;
- 2) The anticipated beginning date the employee is medically precluded from working; and
- 3) The anticipated return-to-work date.

C. Length of Leave

Medical leaves are generally approved for up to a maximum of three months, in accordance with the health care provider’s statement of temporary inability to work. However, a longer leave will be considered if needed as a reasonable accommodation, and otherwise as may be required by law.

D. Status Reports

While on medical leave, employees shall generally be requested to report to the Agency on a monthly basis regarding their anticipated return-to-work status, except where a definite return date is known in advance and certified by the treating health care provider, and there has been no significant change in that return-to-work date.

E. Return to Work

To return to work following a medical leave of absence, the employee must submit to the Agency a written release from the health care provider. The release note must state any work restrictions and the anticipated duration of such restrictions.

If employees returning from a leave of absence need an accommodation to perform their 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

Employees returning from an approved medical leave ordinarily will be reinstated to their former position, or a comparable position, and to the extent required by law.

12. Personal Leave of Absence

An employee may request of the General Manager an unpaid personal leave of absence for extenuating circumstances. A personal leave will generally not be granted for longer than thirty (30) calendar 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 requested. The employee must use all available vacation, holiday, administrative, and compensatory time prior to requesting, and/or during, an otherwise unpaid personal leave.

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, however.

13. 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 the parent/guardian is 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.

14. Victims of Domestic Violence or Sexual Assault

A victim of domestic violence or sexual assault may request unpaid time off in accordance with applicable law to obtain, for example:

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

Employees requesting this leave must give the Agency reasonable advance notice. Employees taking approved leave under this section may, at their discretion, use accrued vacation, holiday, or sick leave, or compensatory time off that is otherwise available to them.

POLICY #:	305
SECTION:	BENEFITS
SUBJECT:	Training and Development
DATE:	9/13/2022

POLICY

CMSA encourages all employees to expand their knowledge, skills, and level of professionalism relevant to the operations of the Agency and to support the Agency's mission, vision, and values.

PROCEDURE

The purpose of this procedure is to outline the standards and requirements for receiving Agency-provided financial support for employee development.

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 professional/technical organizations for all employees.
- B. Memberships at local, state, and national levels of organizations as determined to be appropriate by department managers.

In addition, the employee may request reimbursement for the cost of attendance at professional association dinner meetings, including late afternoon training event. With prior approval, the Agency may allow the employee to attend the training event during the employee's work hours.

2. Seminars/Conferences

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.

With prior approval of their supervisor, employees may make a one-time change to their 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.

Employees who desire to attend a seminar must submit a Preauthorization for Employee Travel/Request and Per Diem Advance form, including estimated expenses for approval. No advances for reimbursable expenses shall be made for one-day seminars

or workshops. Expense advances and reimbursements shall be processed in accordance with the Agency's Expense Reimbursement Policy and Administrative Procedure for Travel/Training Expense Reimbursement.

3. Tuition/Book Reimbursement

The Agency may reimburse employees desiring to further their education. Approval for reimbursement may be given for courses within the scope of the employee's professional field and/or Agency job responsibilities. An employee must still be employed by the Agency when the course is completed in order to qualify for reimbursement.

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

To be considered for reimbursement of tuition and book expenses, an employee shall execute an Educational Expense Reimbursement Contract and 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 the course(s).

4. Certifications and Licenses

Employees may attain certifications and licenses in various work-related fields, including engineering, finance, operations, maintenance, electrical/ instrumentation, biosolids management, laboratory, and environmental compliance.

The Agency normally pays for these certifications, as well as other approved certifications/registrations, that are requirements of the position's 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, as needed and as consistent with operational interests. Classes or examinations are to be taken on the employee's own time and not Agency time, to the extent permitted by law.
- C. The Agency will reimburse employees for job-required certification renewal fees.
- D. The Agency will consider paying 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 certification level, the employee may be eligible to seek reimbursement for further certification review classes.

5. Overtime

Non-Exempt Employees: Employees attending an Agency required one-day meeting shall be paid for any overtime hours incurred while 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 non-job-related seminar or conference on their regularly scheduled day(s) off shall not be paid for attendance.

6. Weekly Training

Employees may request the opportunity to use up to one (1) hour per week during their normally scheduled work hours for independent study of a subject matter relevant to their position in the Agency. This compensated 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 #:	306
SECTION:	BENEFITS
SUBJECT:	Summary of Agency-Sponsored Benefits
DATE:	9/13/2022

POLICY

The Agency provides eligible employees with a benefit plan that contains a comprehensive selection of health benefits and insurance protection that are available during their employment with CMSA. Employees may enroll qualified family member(s) on to the Agency plan; however, eligibility is determined by the plan provider, not by CMSA.

Unless otherwise specified by the benefit 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. Some employment categories may not be eligible for benefits, except as provided by law

All plans are periodically evaluated and may be subject to modification at the Agency's discretion. A summary of 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. Newly hired employees will be covered on the first day of the month after their start date. The Agency will provide employees with the option of selecting hospital-medical insurance from the benefit plan.

The Agency shall contribute the equivalent of the current CalPERS Kaiser Bay Area family (3+ party) rate toward hospital medical insurance. Eligible employees receive a biweekly benefit allowance towards their CalPERS plan premiums based on the Kaiser Bay Area 3+ party rate. Employees will have to pay the difference if they select a plan that costs more than the Kaiser Bay 3+ party rate.

2. Medical-After-Retirement Account (MARA)

All unrepresented employees hired on or after January 1, 2010, and represented employees hired on or after June 1, 2010 will be automatically enrolled in a MARA. CMSA will contribute one and one-half percent (1.5%) of the employee's base salary into the MARA account at the end of each pay period. Money designated for the MARA will be in the employee's name and held in a trust plan that complies with applicable law. 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.

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 has a self-insured dental plan and contracts with a dental plan administrator for \$2,500 of annual dental benefits. The Agency will pay for the full cost of the plan coverage for the employee and qualified family members.

4. Vision Care Benefits

The Agency contracts with a vision plan provider for vision benefits. The Agency will pay the full cost of the plan coverage for the employee and qualified family members.

An employee who is required to wear safety glasses on the job is eligible for reimbursement for prescription safety glasses. Please refer to *Safety Policy & Procedures: 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 eligible employee.

The Agency will pay for the full cost to provide and cover each CMSA employee with life insurance in the amount of \$100,000. Although the first \$50,000 of such coverage is not taxable, the additional \$50,000 is taxable.

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 known as flexible spending accounts. 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 employees specify the amount they want to contribute during the following plan year. Once the pre-tax payroll deduction begins for the plan year, employees 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) in excess of \$500 at the end of the plan year is forfeited to the employer. Amounts up to \$500 in the Health Care Plan may be rolled over to the following plan year.

PROCEDURE

1. Initial Enrollment

Complete details of the Agency's benefits plan are provided to employees at the time of hire. In addition to a choice of medical plans, employees may also select flexible spending accounts for dependent care and qualified non-covered health care needs.

2. Changes in Coverage

Open Enrollment for the CalPERS Health Benefit Plans takes place annually during a time period established by CalPERS (usually in the fall). During this period, employees may change their health plan provider. Changes that take place during the open enrollment period become effective at the start of the following calendar year unless otherwise specified by applicable laws and/or the plan provider.

Changes in coverage for all employee benefits may also be made upon a qualifying life event such as marriage, divorce, or legal separation, birth or adoption of a child, death of a spouse or child, or other qualifying events. These types of changes may be made in accordance with applicable law and/or 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 Agency's Administrative Specialist. 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 premiums for eligible part-time unrepresented employees and their dependents; employees are responsible for paying the remaining share of the premium. The share covered by the Agency is determined by the ratio of part-time hours compared with a regular full-time schedule.

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

POLICY #:	307
SECTION:	BENEFITS
SUBJECT:	Waiver of Agency-Sponsored Benefits
DATE:	9/13/2022

POLICY

The Agency provides a benefits plan from which employees may select different benefit options. These options include Agency sponsored medical insurance coverage and separate, employee funded, pre-tax, flexible spending accounts for dependent care and qualified, non-covered health care benefits. Complete details of the benefits plan are provided to employees at the time of hire and in the month of October during open enrollment.

PROCEDURE

The Agency shall contribute the equivalent of the current CalPERS Kaiser Bay Area family (3+ party) rate toward hospital medical insurance as described under the Health Benefits Section of *Personnel Policy #307 – Summary of Agency-Sponsored Benefits*.

As permitted by the benefit plan, employees may waive the Agency's medical insurance coverage if they provide proof of other comprehensive group medical insurance coverage. Employees who wish 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.

An employee who chooses to waive the medical insurance coverage offered by the Agency, and provides written documentation indicating that they receive such benefit under the medical plan of a spouse or domestic partner, may elect, each year during the open enrollment period, to receive a monthly "cash-back" benefit in an amount equal to Five Hundred Dollars (\$500.00) per month. However, the employee can re-enroll in one of the CalPERS medical plans during the annual open enrollment period, or at any time throughout a year in which a qualifying event occurs that generates a loss of coverage.

The cash-back in lieu of medical coverage provision does not apply to dental, vision, or life insurance coverage. The employee is responsible for all taxes on the cash-back amount, as provided by the IRS.

Employees hired prior to July 2014 that are currently receiving medical flex dollars, cannot exceed the amount they were receiving in July 2014, not to exceed \$1,931.07, unless they decide to waive the Agency's provided medical benefit, in which case they will receive the above "cash-back" benefit.

POLICY #:	308
SECTION:	BENEFITS
SUBJECT:	Post-Employment Retiree Health Benefits
DATE:	9/13/2022

POLICY

This policy pertains to the eligibility and administration of post-employment health, dental, and vision benefits for employees who retire 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 agreements, and in accordance with applicable law.

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

BENEFITS AND ELIGIBILITY

The Agency contracts with the California Public Employees' Retirement Systems (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 their own expenses under COBRA.

1. 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 as provided herein towards retiree health benefits if they have met the CalPERS eligibility requirements for retirement.

The Agency only provides these benefits for retirees participating in CalPERS sponsored health benefit plans. The Agency will not pay for non-CalPERS sponsored health benefit plans at retirement nor reimburse retirees for non-CalPERS health benefit coverage.

For each retiree younger than 65, the maximum benefit allowance provided by CMSA is based on the CalPERS established health premium rate for Bay Area Kaiser single party coverage. For each retiree 65 and older, the maximum benefit allowance provided by CMSA is based on the lower-cost Medicare-supplemented CalPERS health plan in which CalPERS enrolls retirees beginning at age 65.

Should the cost of the retiree's health plan selection be less than the maximum reimbursable amount under this Policy, the difference between the cost of such

selection and such maximum reimbursable amount:

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

CMSA will coordinate the payment for a 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 the employee's monthly retirement pension. CMSA will then issue to the retiree a monthly reimbursement, via check or direct deposit, for the difference between the minimum employer contribution and the cost of the retiree health benefits selection, up to the applicable maximum benefit amount.

The Agency complies with all applicable federal and state tax laws. Each employee and retiree should consult with their tax advisor to determine if there will be tax implications for their tax filing status. The Agency is not responsible for any federal and/or state tax liabilities incurred as a result of this policy.

2. Post-Employment Health Benefits for Unrepresented Employees Hired After January 1, 2010, and Represented Employee 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.

Employees who have a Medical-After-Retirement Account (MARA) established on their behalf during their employment with CMSA can access the funds in their 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*.

3. 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's 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 employee's 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's 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.

4. Medicare Coverage and Premiums

Medicare is a federal health insurance program. During the course of employment at CMSA, the Agency makes the mandatory employer contribution to Medicare in the form of payroll taxes for all employees hired after April 1, 1986.

When a retiree turns age sixty-five (65), CalPERS will enroll the retiree into a comparable CalPERS health plan in coordination with Medicare. The Agency does not reimburse retired employees for the costs of Medicare coverage and premiums that they pay to the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

5. Vision Benefits

All employees at the time of retirement will be offered the option of remaining on the Agency's vision plan through COBRA for eighteen (18) months after the last day of employment at CMSA. Employees will pay the full cost for their plan selection and coverage. The Agency at its discretion may charge a two percent (2%) administration fee based on the plan cost. Retired employees who opt to enroll in continued coverage through COBRA must pay the Agency in a timely manner upon receipt of an invoice from CMSA.

6. Miscellaneous

- A. Agency Resolution #287 with CalPERS establishes the Agency contribution for post-employment health benefit for represented employees. Agency Resolution #284 with CalPERS establishes the Agency contribution for post-retirement health benefits under PEMCHA for unrepresented employees. CalPERS will invoice the Agency for the cost of post-retirement health benefits for retirees covered under the CalPERS plan based on the established PEMCHA rates.
- B. Upon receipt of the monthly invoice from CalPERS for retiree health benefit costs, the Administration Department will review the invoice for changes in retiree enrollment and coverage and prepare reimbursement payments for eligible retirees based on benefit eligibility criteria outlined in this policy. In the event that there are changes to retiree enrollment and coverage, Agency staff will contact CalPERS and/or the retiree for an explanation. The Administration Department will issue a reimbursement, via check or direct deposit, by no later than the 7th day of the month.

POLICY #:	309
SECTION:	BENEFITS
SUBJECT:	Catastrophic Leave
DATE:	9/13/2022

POLICY

This policy establishes a uniform practice for administering catastrophic leave for Agency employees. The purpose of this policy is to permit employees to contribute a portion of their accrued paid vacation, sick leave, holiday, and/or administrative leave to another employee when the other employee, or a member of the employee's immediate family, has suffered 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 the employee's immediate family.

This policy and the procedures detailed herein apply to all regular Agency employees who have completed at least one year (2,080 hours) in paid status.

DEFINITION

For the purpose of this leave program, "catastrophic" means an illness or injury which is monumental, immediate in nature, and which is expected to and does cause an employee to exhaust all their accrued leave balances.

ELIGIBILITY AND GUIDELINES

1. Participation in this plan is voluntary for both the donor and the recipient of catastrophic leave benefits.
2. Eligibility to receive catastrophic leave donations shall be determined as follows:
 - A. The incapacitation must be for the employee or the employee's immediate family member who has a serious illness or injury.
 - B. The employee must have exhausted all available accrued paid time off balances before receiving such benefits.
 - C. The employee must be on an approved leave of absence.
3. An individual may be eligible to receive a maximum of six months' worth of catastrophic leave donations, per occurrence.
4. The employee shall not accrue any vacation, paid sick time, floating holiday, or administrative leave while receiving catastrophic leave benefits.

5. All transfers of paid time off shall be in whole hour increments. Donating employees must have a vacation balance of at least forty (40) hours remaining after the donation of vacation leave. Donating employees may not donate more than one-half of their accrued paid sick-leave and must maintain a balance of at least eighty (80) hours of accrued sick leave after the donation. Employees may donate all of their paid 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 are irrevocable.
 - C. The individual names of those who have donated catastrophic leave benefits to an employee are kept confidential, and will not be disclosed to the receiving employee, or any other employee without a specific "need to know."
 - D. Regardless of which bank of time the donating employee donates from (e.g., vacation or sick leave banks), the time is placed into the catastrophic leave bank of the employee receiving the donation.
6. Donated hours will not be deducted from the donor's accrual banks until such time as they are needed and actually used by the receiving employee.
7. An employee in a supervisory position 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 in advance of the donation by the General Manager/designee.
8. Used donated leave time shall be subject to the recipient's normal payroll deductions.
9. At no time may the pay of an employee using catastrophic leave benefits exceed 100 percent (100%) of base pay.
10. Donations of leave time are subject to approval by the General Manager / 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 requesting employee shall contact the Administrative Services Manager to ensure all eligibility requirements are met.
2. The employee requesting donated leave must complete the Catastrophic Leave Program Recipient Acknowledgement Form.

3. The Administrative Assistant will prepare a generalized statement of the employee's need for donations of catastrophic leave benefits 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 Administration Department. The Agency will ensure confidentiality for the donor.
5. The Administration Department will:
 - A. Verify that the requesting/receiving employee is on an approved leave of absence and meets all other requirements to receive donations under this policy
 - B. Verify that each donor has enough time to cover the intended donation
 - C. Determine the number of hours to be credited to the recipient's leave account
 - D. Determine the appropriate payroll period to forward the donation forms to payroll
 - E. Verify that the donor has appropriately completed and signed the donation form.
6. The Administration Department will deduct donated leave hours from the donor's designated leave accrual bank when needed for each pay period and will 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.

The Catastrophic Leave Program Recipient Acknowledgement Form and Catastrophic Leave Donation Form can be obtained from administrative/finance staff.

POLICY #:	310
SECTION:	BENEFITS
SUBJECT:	Temporary Modified Duty/Return to Work
DATE:	9/13/2022

PURPOSE

This policy defines temporary modified duty and establishes guidelines for its use. Modified duty can give employees who have temporary medical work restrictions the opportunity to keep working, or to return to work as soon as practicable, consistent with the temporary limitations. It may also allow employees time to condition themselves for a full set of task responsibilities, while continuing to contribute to Agency productivity. Modified duty may also benefit the Agency by making staff available to complete necessary tasks.

As a separate matter, the Agency also provides reasonable accommodation to enable qualified disabled individuals to perform essential job functions, consistent with other Agency policies and applicable laws.

DEFINITION

Temporary modified duty refers to a temporary assignment of tasks that may be different or “modified” from the work for which an employee is normally responsible. Modified duty generally includes work within the normal scope of the job function but in a modified fashion, e.g.: on a limited schedule, an abbreviated assignment of tasks, and/or other variations of a task assignment that fall within the duties of the classification.

Modified duty assignments may only be made for an employee who has documentation from a medical provider certifying that they can work, but are temporarily unable to perform the full scope of their regular duties. Modified duty may be assigned to those who were injured either on or off the job, according to the guidelines below.

Temporary modified duty assignments are by definition temporary in nature. Modified duty may be assigned based on several factors:

- The ability of the employee to perform the assigned modified duty;
- The operating needs of the Agency;
- The availability of a temporary modified assignment;
- Modified duty assignments are temporary and should not exceed six (6) weeks. Extensions of temporary modified duty are only allowed if expressly approved in writing by the General Manager.

Assignment of Tasks for Modified Duty: Tasks assigned will be within the employee’s classification. They do not have to be core tasks of the position, nor is it required that the tasks be those that the employee would normally perform within their job description. However,

they should be tasks that can reasonably be assigned to an employee in that classification.

Some Acceptable Examples:

- A mechanic who is temporarily unable to lift could be assigned to inventory equipment parts;
- An Administrative Specialist who is temporarily unable to perform keyboard work could be assigned to copying and filing;
- An operator temporarily unable to climb stairs in the treatment plant could prepare standard operating procedures (SOPs).

Unacceptable Examples:

- A mechanic who is temporarily unable to lift CANNOT be assigned to file personnel records;
- An Administrative Assistant with temporary keyboard restrictions CANNOT be assigned as a flagger for the operations crew;
- An operator temporarily unable to climb stairs CANNOT be assigned to data entry work for Administration.

The Safety Officer and Return-to-Work Coordinator are resources for evaluating ergonomic or other physical aspects of tasks.

Medical Evaluation/Documentation: Either the Agency or the employee can initiate the process to determine if modified duty is available.

The Agency may initiate a modified duty determination when it receives information from the employee's medical provider stating that the employee can return to work, but with restrictions that preclude them from performing all essential functions, with or without reasonable accommodation.

The Agency will determine whether it has temporary modified work available for the employee that is consistent with the recommended restrictions. If it determines that it does, the Agency will contact the employee and offer the modified duty on a temporary basis. If the Agency needs additional medical information in order to determine if the employee can perform the available modified duty, the Return-to-Work Coordinator will ask the employee to get clarification from the employee's medical provider and then will provide the needed information to the Agency regarding whether the employee can perform the modified work.

Employees may also request to return to work with modified duty, consistent with workplace restrictions imposed by their medical provider. In this case, employees may be asked to have their medical provider provide the Agency the same information described in the paragraph above.

Agency Operating Needs: Availability of modified duty is subject to the operating needs of the Agency. It is possible that the Agency will not have a modified assignment that meets an

employee's medical restrictions and that otherwise complies with this policy. Before offering any modified duty assignment, the supervisor or manager and Return-to-Work Coordinator will consider the operating needs of the Agency.

Time: Modified duty is typically limited to a maximum of six weeks, unless the General Manager approves an extension.

PROCEDURES

Employees who are released to work by their physician must return to work. Should an employee be released to return to work with work restrictions, appropriate medical documentation from a medical provider shall be provided to CMSA reflecting any such restrictions, and the anticipated duration of same. Upon evaluation of the medical documentation, CMSA may offer temporary modified work duty that is consistent with any medical restrictions and consistent with this policy.

In situations where a claim for worker's compensation is involved, an employee's refusal of the Agency's offer of temporary modified work may risk the employee's eligibility for workers' compensation benefits.

1. **Medical Documentation.** An employee's request to return to work with modified duty must be accompanied by medical documentation explaining all work restrictions and anticipated duration of same. If necessary, the Return-to-Work Coordinator or designee will provide the documents the employee and their medical provider must complete and return to the Return-to-Work Coordinator (e.g., Work Status Report; description of the work restrictions for a modified assignment).
2. **Assessment.** Once the Return-To-Work Coordinator receives any necessary medical information regarding work restrictions, the supervisor or manager and Return-to-Work Coordinator will determine whether temporary modified duty is available consistent with the medical restrictions.
3. **Recommendation.** The Return-to-Work Coordinator will recommend to the General Manager the approval or denial of the employee's request. If the Agency is unable to offer modified duty consistent with the employee's medical restrictions and that is in the best interests of the Agency, the Agency will deny the request.
4. **Approval.** The supervisor or manager and General Manager will review the recommendation. Their approval is required before an employee may return to work with modified duty.
5. **Documentation/Agreement.** The Return-to-Work Coordinator will prepare a form documenting the Agency's approval or denial of the employee's request to return to modified duty, and will ask the employee to sign it. The supervisor or manager must complete a Personnel Action Form noting the approved modified duty duration. The

form will be provided to the Return-to-Work Coordinator, who will monitor the modified assignment and its duration.

6. Changes. To meet the needs of the Agency, an approved temporary modified duty assignment may need to be revised. If this need arises, the supervisor and/or manager will notify the Return-to-Work Coordinator. The Return-to-Work Coordinator may, in turn, ask the employee to submit any medical information related to work restrictions from the employee's medical provider to determine if the employee can perform the changed assignment consistent with the employee's medical restrictions, and will document any change to the temporary modified assignment.
7. Pay and Benefits During Temporary Modified Duty Assignment. A temporary modified assignment may include a reduction in the number of hours the employee normally works (i.e., part-time work). If the employee's modified duty assignment results in an employee working fewer hours than the employee's regular full-time schedule, the employee will be required to use accrued paid time off hours to make up for the otherwise unpaid leave from the regular full-time work schedule. In this way, to the extent possible, the employee will receive a full paycheck for the duration of the reduced-hours assignment. (The sole exception to this is if the employee is working a modified, reduced-hours assignment resulting from pregnancy-related disability. Under these circumstances, employees must use accrued paid sick time, but may elect to use accrued paid vacation, floating holidays, and/or compensatory time off, for the otherwise unpaid hours off.) Should employees exhaust their accrued paid time off during the reduced-hours assignment, they will be paid only for the hours worked on the reduced schedule. Moreover, employees on a reduced schedule who have not yet exhausted their accrued time off will continue to accrue paid time off benefits on a pro rata basis based on the number of Agency-paid hours.
8. Fitness for Duty Evaluation. If the Agency has any concerns regarding whether the modified duty is consistent with the employee's medical restrictions, the Agency may send the employee for evaluation by an independent health care provider at the Agency's expense.

NOTES

- Temporary modified duty assignments are made, if at all, on a case-by-case basis considering the employee's medical restrictions and the Agency's needs.
- Information regarding an employee's modified duty, worker's compensation, or illness or injury status will be kept confidential, and disclosed only to those who have a "need to know."
- This Policy will be utilized in conjunction with other applicable Agency Personnel Policies.

Any questions about this process should be addressed to the Return-to-Work Coordinator. If a supervisor and/or manager becomes aware of a situation where these procedures may be applicable (e.g., an employee with a temporary illness or injury who is unable to perform full duties), the appropriate supervisor(s) and manager(s) should meet as soon as possible

with the Return-to-Work Coordinator to determine eligibility and identify any necessary documents that will need to be completed by the employee and/or their medical provider.

The following forms can be obtained from finance/administration staff:

1. Information for Medical Providers about the CMSA Modified Duty Program
2. Authorization to Release Medical Information
3. CMSA Work Status Report

POLICY #:	401
SECTION:	RULES AND REGULATIONS
SUBJECT:	Drug and Alcohol Policy
DATE:	9/13/2022

POLICY

CMSA is committed to protecting the health, well-being, and safety of its employees and the public at large from the actual and potential hazards caused by an employee working under the influence of drugs or alcohol. Because of the importance of this commitment and the dangerous nature of substance abuse, accomplishing this goal requires the full support of managers and supervisors as well as that of each employee.

CMSA provides a drug-free (i.e., free of alcohol, drugs, or controlled substances such as marijuana, heroin, cocaine, etc.) workplace through development and administration of appropriate policies, guidelines, and programs.

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

PROCEDURE

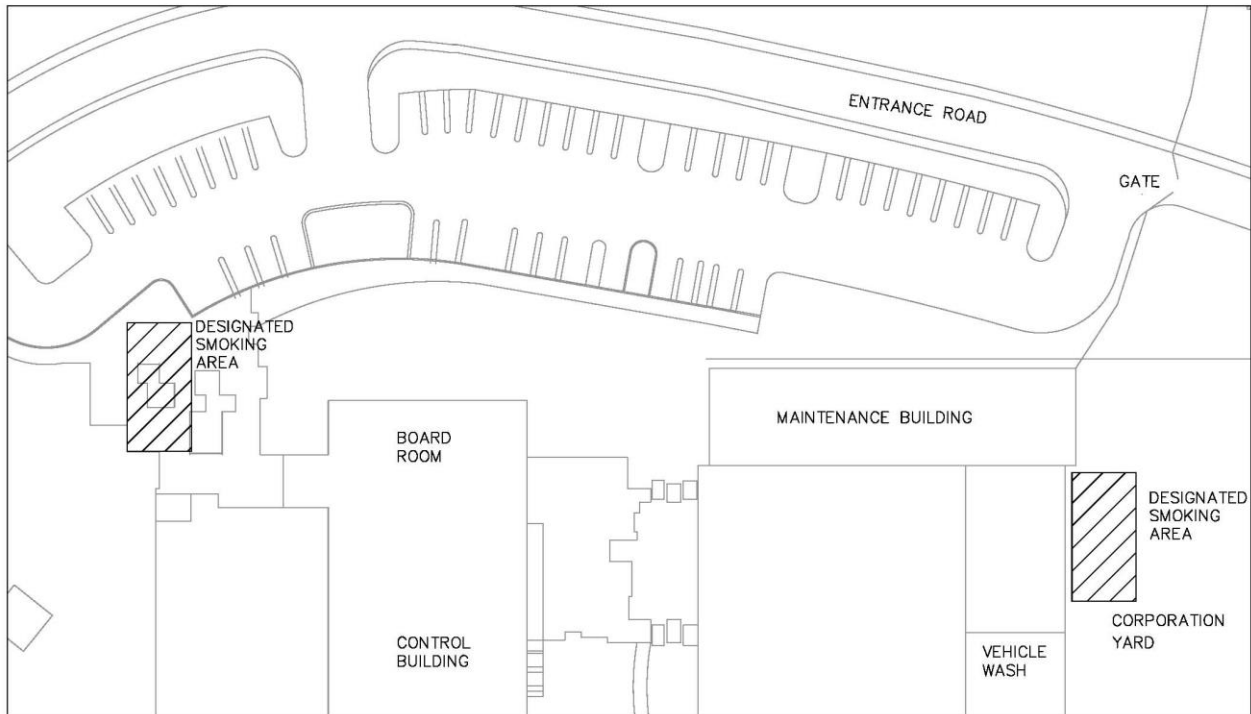
1. Employees are expected and required to report to work on time, free of the influence of drugs or alcohol.
2. Employees must not possess, use, furnish, sell, or offer alcohol, drugs, or other controlled substances while on the job or on Agency premises. An employee who violates this, or any other, Agency policy is subject to discipline, up to and including termination of employment. The only exceptions to this subsection are: 1) it does not apply to over-the-counter drugs, such as aspirin, provided any such drugs do not affect the employee's ability to work safely and provided they are used in accordance with applicable safety guidance; 2) 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.); and 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 notifying their supervisor of that fact. Supervisors should be alert to any 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.

3. An employee reasonably believed by the Agency to be under the influence of alcohol or drugs at work or in a work-related situation shall be prevented from engaging in work and will be removed from the work site.
4. Upon review and recommendation by CMSA management, the Agency will transport an employee who is reasonably believed to be under the influence of alcohol or drugs at work or in a work-related situation to an Agency-designated medical clinic for the appropriate substance abuse testing procedure.
5. It is also a violation of this policy for employees to engage in off-the-job or off-premises alcohol or drug activity that impairs their work performance, or causes damage to Agency or public property, or jeopardizes the workplace safety of themselves, their co-workers, or the general public.
6. 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 break room.
7. Employees who observe, or who otherwise have reason to believe that an Agency employee, while on the job or on Agency premises, is engaged in conduct that violates this policy must report their observation to the General Manager/designee.

POLICY #:	402
SECTION:	RULES AND REGULATIONS
SUBJECT:	Smoking Policy
DATE:	9/13/2022

POLICY

Due to safety and health reasons, smoking and vaping is not permitted except in designated, posted smoking areas.



CMSA DESIGNATED SMOKING AREA MAP

POLICY #:	403
SECTION:	RULES AND REGULATIONS
SUBJECT:	Driving on Agency Business
DATE:	1/05/2023

POLICY

This Policy applies only to employees whose job duties require driving vehicles in the course of their employment. These employees must maintain a valid California driver's license.

This policy applies to the use of Agency vehicles as well as when non-Agency owned vehicles are used for Agency business.

PROCEDURE

1. Agency Responsibility

- A. All employees subjected to this policy shall be informed of the Agency's minimum driver eligibility standards (hereafter known as "driving standards") and must acknowledge the reading of it by signing a "Driving Standards Acknowledgment" form that shall be retained in the employee's personnel file.
- B. Agency job descriptions for positions that require driving on Agency business shall state that as a condition of employment, 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) driving record checks are provided by the DMV annually for employees who drive a vehicle on Agency business. The Agency will provide each employee with an authorization form to allow the DMV periodically to disclose or make available the employee's driving record to the Agency.
- D. Employees not meeting the driving standards shall be reported to the appropriate supervisor as soon as Administrative staff learns of an employee's failure to comply with the driving standards.

2. Employee Responsibility – Driving Standards

Any employee who drives on Agency business must adhere to the following minimum driving standards:

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

- B. Employees must notify the Agency immediately if their license is suspended, revoked, has expired, or if they receive notification from the DMV of an intent to suspend or revoke the license.
- C. Employees must maintain a current medical certificate for classes of their licenses requiring such certification.
- D. Employees must use safety belts as required by law for the driver and all occupants of any vehicle used on Agency business.
- E. Employees must immediately report to the supervisor any safety issues with any Agency-owned vehicle.
- F. Employees must maintain an acceptable driving record; at a minimum, this means an accumulation of no more than three (3) violation points within the prior three years on their DMV record.
- G. Employees must comply with all traffic laws at all times.

3. Candidates for Employment

Candidates for employment who receive a conditional offer of employment for a job that requires driving on Agency business are required to provide an up-to-date DMV driving record report. The applicant's driving record must meet the insurability requirements of the Agency's insurance carrier to be considered eligible for Agency employment in positions that require driving. If the candidate is unable to meet the insurability requirements of the Agency's insurance carrier, the Agency may rescind its conditional offer of employment.

4. Current Employees

Current employees covered by this policy who fail at any point to maintain a valid driver's license shall be excluded from Agency auto liability coverage and shall not be permitted to drive any vehicle for Agency business until such time that the employee meets the minimum driving standards.

5. Unacceptable Driving Record

Employees who are required to drive on Agency business and who have accumulated more than three (3) violation points within the prior three years on their DMV record may, at the Agency's discretion, be placed in disciplinary status and required to attend an Agency-approved defensive driving class. If permitted to attend the class, employees will be compensated at their regular pay 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.

Employees who have accumulated six (6) or more violation points within the prior three years on their DMV record are not eligible to be covered under the Agency's group automobile liability coverage, and are therefore prohibited from driving any Agency vehicle or driving any vehicle on Agency business.

6. Driving Agency Vehicles on Agency Property

Employees who are required to drive any Agency vehicle (including forklift, cart, and any other type of motor vehicle) within the perimeter of the Agency property are also subject to the minimum 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.

7. Reporting of Accidents/Tickets While Driving Agency Vehicles

Employees subject to this policy are required to notify the Agency immediately if they are:

- A. Involved in any Agency vehicle accident;
- B. Ticketed for a moving violation while driving on Agency business; or
- C. Ticketed for any violation involving an Agency vehicle.

Employees shall orally report to the General Manager/designee as soon as possible all damage to Agency property that results from driving on Agency business. Employees must then submit to their supervisor a written report detailing any such damage. All information, including witness information, damage incurred, etc., shall be included in the report.

If an accident involves a second vehicle, the employee driving the Agency vehicle must ensure that the insurance cards in the glove compartment of the Agency vehicle are completed and submitted to the employee's supervisor.

8. Responding to Emergencies While Driving Agency Vehicles

Employees who experience a break-down or flat tire while driving an Agency vehicle shall observe the following rules:

- A. If possible and safe to do so, drive the vehicle off or to the shoulder of the public road or freeway. If oncoming traffic presents a hazard, remain in the vehicle.
 - 1) During business hours, notify the Agency to receive assistance in determining a proper course of action, which may include contacting a towing service.
 - 2) Outside of business hours, call a towing service. Towing and roadside assistance information is maintained in the insurance document folder of each vehicle. Instruct the tow service to return the vehicle to the treatment facility.
- B. Do not attempt to change a tire or execute major repairs while the vehicle is off Agency property.

9. 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, medication, or any other substance that may cause drowsiness or otherwise impair their ability to drive safely. If an employee receives a call

to return to work, but has consumed a substance that has caused or may cause drowsiness, or may otherwise impair the ability to drive or work safely, the employee shall advise the Agency and must not return to work.

10. Mileage Reimbursement

The Agency reimburses employees at the current IRS rate for their authorized use of personal vehicles for Agency business.

11. Use of Agency Vehicles Outside of Regular Working Hours

Employees may be allowed to take an Agency vehicle home when they are on stand-by duty, or if enrolled in the Agency's Carpool/Alternate Commute Incentive Program, provided the supervisor authorizes such use in advance and in writing. Employees may not use Agency vehicles for personal business.

12. Use of Employee's Personal Vehicle for Agency Business

All employees are required to use an available Agency vehicle, as authorized, when traveling for Agency business or otherwise conducting Agency business. Should employees receive authorization to use their own personal vehicle for Agency business, they will first need to provide the Agency with verification that they maintain the minimum automobile liability coverage.

Any employee who receives a vehicle stipend for the use of a personal vehicle for Agency business is required to acknowledge in writing to the General Manager that the employee's personal insurance is the primary insurance if that employee is involved in an accident. Additionally, employees are required to provide verification of minimum automobile liability coverage on upon renewal of their insurance policy.

The Agency's pooled liability insurance policy provides only third-party liability coverage and provides excess coverage over the employee's personal insurance when employees use their personal vehicle for Agency business. The Agency is not responsible for any damages or loss to the non-Agency owned vehicle when the employee uses it for Agency business. The Agency, at its discretion, may choose to reimburse employees for any insurance deductible resulting from damages that they may incur from their personal automobile insurance if the employee is not found to be at fault in an incident.

Situations where employees may be authorized to use their personal vehicle in lieu of an Agency vehicle include:

- A. Attendance at offsite meetings or trainings;
- B. Assignment to stand-by duty;
- C. Other limited activities as approved by the employee's department manager.

Driving on Agency business does not include commuting to and from work.

The Employee Driving Standards Acknowledgement Form and DMV Authorization for Release of Driving Record Information can be obtained from Administration.

POLICY #:	404
SECTION:	RULES AND REGULATIONS
SUBJECT:	Lockers
DATE:	9/13/2022

POLICY

Lockers are Agency property that may be made available for the convenience of employees while at work. The Agency is not responsible for any personal 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 workplace.

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. Electronic equipment owned by the Agency shall not be kept in lockers.

Employees shall not permanently modify their lockers. Employees may use personal combination locks to secure the locker and prevent theft, but must provide the Agency with the combination to open the lock. This information 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 and with or without notice. 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 in advance of the inspection; however, the inspection will not be delayed if either is unavailable.

Employees are required to cooperate with inspections under this policy.

POLICY #:	405
SECTION:	RULES AND REGULATIONS
SUBJECT:	Progressive Discipline
DATE:	9/13/2022

POLICY

It is essential that employees always perform their Agency work to the best of their ability at all times. Employees are expected to understand and demonstrate professional standards of job performance, good interpersonal skills and conduct, and to comply with all Agency policies.

Employees who do not meet the expected standards of the Agency, and/or who fail to comply with any Agency policy, may be subject to disciplinary action, up to and including termination in the first instance. Where appropriate, in the sole discretion of the Agency, the Agency may attempt to engage in progressive discipline to address the problem. When determining whether or not disciplinary action is warranted, supervisors will consider a number of relevant factors, including inadvertent human error versus intentional violations of Agency policies. Progressive discipline may include, but is not limited to the following, in no particular order (see procedure section for details):

- Oral counseling session
- Written warning
- Final written warning
- Suspension with or without pay
- Termination of employment

CMSA is not required to treat any form of discipline as a step in a series to be followed with an employee before termination of employment. At the Agency's discretion, certain violations may result in a more severe disciplinary action, including immediate termination of employment, and may not necessarily be preceded by less severe forms of disciplinary action.

PROCEDURE

1. Examples of Impermissible Conduct

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 any Agency policy, expressly including but not limited to the policy prohibiting unlawful harassment and discrimination, and the drug and alcohol policy.

- C. Theft or unauthorized removal of property of the Agency, of other employees, or of anyone else on Agency property.
- D. Falsifying or making a material omission on an employment application or on other Agency records or documents.
- E. Misusing, destroying, or damaging property of the Agency, of another employee or of an Agency visitor.
- F. Actual or threatened physical violence; threatening, intimidating, or coercing any member of the Agency; vulgar or abusive language.
- G. 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.
- H. Unsatisfactory performance.
- I. Engaging in criminal conduct whether or not related to job performance; engaging in any act deemed unlawful by local, state, or federal laws.

2. Progressive Discipline

A. Oral Counseling Session

- 1) For relatively minor misconduct or performance problems, the supervisor or manager may counsel the employee orally, specifying the unacceptable behavior and identifying what corrective action or behavior is needed to meet a satisfactory level of performance.
- 2) Documentation of the oral 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 and/or performance will result in additional disciplinary action, up to and including termination of employment.

B. Written Warning

- 1) If the employee's behavior and/or performance do not improve sufficiently after the oral counseling, and/or if the misconduct or unsatisfactory performance is deemed, in the sole discretion of the Agency, to warrant this level of discipline as an initial matter, the employee may receive a written warning.
- 2) The written warning shall specify the unacceptable behavior/performance 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.

C. Final Written Warning

If the employee's behavior and/or 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 this level of discipline, then the supervisor, with consultation and approval from the General Manager, may issue a final written warning documenting the matter.

- 1) A final written warning should include a statement of the problem that explains how the employee has failed to meet the supervisor's expectations and standards. The final written warning should also specify the acceptable level of behavior and performance, and should reference any prior discussions or 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 final written warning will be retained in the employee's personnel file.

D. Suspensions for Five or Fewer Days

If the discipline consists of an unpaid suspension of five (5) days or fewer, 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 their right or to respond to the discipline either orally or in writing to the authority imposing the discipline.

For SEIU represented employees, this level of discipline can be appealed pursuant to provisions in the MoU.

E. Termination and Unpaid Suspensions of More Than Five Days

If the proposed discipline is termination, a demotion, or an unpaid suspension of more than five (5) days, the employee shall be notified of the Agency's intent to impose such discipline, and shall be given the opportunity to respond, either in writing to the General Manager or orally by meeting with the General Manager/designee, to 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 proposed effective date of such action;
- 2) Include a copy of the charges and materials upon which the proposed disciplinary action is based;

- 3) State that the employee has the right to respond orally or in writing before the effective date of the action.

The Agency, at its option, may place the employee on a paid administrative leave pending their optional right to be heard prior to the imposition of the discipline.

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

F. Appeals

If the General Manager's/designee's decision following Section E, above, includes imposition of disciplinary action of a termination, or an unpaid suspension of more than five (5) days, the employee may appeal such discipline in writing, within ten (10) calendar days of the date the Agency sent written notice to the employee of its disciplinary decision, by submitting their notice of intent 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 timely files a notice of intent to appeal, then they may submit a written appeal brief to the Chairperson of the Commission within thirty (30) days following the imposition of discipline. The Commission, or its designee, will consider any timely-submitted appeal brief, and will provide a written decision within 60 days of its receipt of the appeal brief. The Commission Chair's written decision on the appeal is final and binding.

For represented employees, see the MoU appeal process.

POLICY #:	406
SECTION:	RULES AND REGULATIONS
SUBJECT:	Grievance Procedure
DATE:	9/13/2022

POLICY

The Agency has established a problem-solving process to provide a prompt and fair review of employee work-related issues. Employees are advised that using this process shall not adversely affect their job status, job security, or employment relationship. Employees can exercise this problem-solving process without fear of retribution or retaliation. The grievance procedure for represented employees is outlined in the MOU. The grievance procedure outlined below may be used by non-represented employees.

PROCEDURE

1. Grievance Defined

A grievance is an alleged violation, or alleged misinterpretation, of a policy contained in this Policies and Procedures Manual (except for an alleged violation of the policy prohibiting unlawful harassment/ discrimination, which is covered by a separate complaint procedure). Disciplinary actions are not subject to the grievance procedure described in this policy. Appeal of disciplinary actions, if applicable, is governed by *Policy #405*.

2. Informal Grievance

Within ten (10) working days of the event giving rise to the grievance, the grieving employee must present the grievance informally to the employee's supervisor, department manager, or General Manager. This period may be extended at the sole discretion of the General Manager. Presentation of an informal grievance is a prerequisite to the institution of a formal grievance. The grieving employee is not required to present the grievance in writing, but the Agency Representative (supervisor, department manager, or General Manager) receiving the grievance must prepare written notes detailing the employee's grievance for Agency records.

3. Formal Grievance

Step 1:

If the grieving employee believes that the grievance has not been satisfactorily remedied within ten (10) working days of its presentation to the Agency Representative, the employee may initiate a formal grievance within five (5) working days thereafter. A formal grievance can only be initiated by submitting a signed document to any Agency Representative with the following information:

- The grieving employee's name and date(s) of informal and formal grievance submittal;
- The date upon which the event giving rise to the grievance allegedly occurred;
- A clear description of the event giving rise to the grievance (e.g., what policy has allegedly been violated; by whom; when; and how);
- The date of the informal discussion with the supervisor;
- A proposed solution to the grievance.

Within fifteen (15) working days after a formal grievance is filed, the Agency Representative will consider the grievance, confer with the grieving employee 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 grieving employee, the employee may, within five (5) working days from the date of receipt of the Agency Representative's decision, request review of the grievance by filing a timely written request with the General Manager.

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

If the General Manager is the subject of the grievance, then the grieving employee may submit their Step 2 grievance to the Administrative Specialist who will forward it to the Chairperson of the Commission.

POLICY #:	407
SECTION:	RULES AND REGULATIONS
SUBJECT:	Investigation of Facts
DATE:	9/13/2022

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

Represented employees taking part in an investigative interview that the employee reasonably believes could result in discipline to them may request the presence of a union representative at the interview.

POLICY #:	408
SECTION:	RULES AND REGULATIONS
SUBJECT:	Rules Regarding Use of Agency Property and Equipment
DATE:	9/13/2022

POLICY

Agency desks, storage areas, work areas, parking areas, buildings, lockers, file cabinets, credenzas, computer hardware and software systems (including but not limited to E-mail communications), office telephones, modems, facsimile machines, copy machines, Agency vehicles, tools, Agency cell phones, and all other Agency equipment are included in the definition of "Agency Property" for purposes of this policy. All Agency Property must be maintained according to this policy.

PROCEDURE

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

1. Right of Inspection

The Agency reserves the right, at all times and with or 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 otherwise deemed necessary, in the sole discretion of the Agency. Such inspections may be conducted before, during, or after business hours and in the presence or absence of the employee.

2. Agency Systems, Internet, and Other Technical Resources

Employees are prohibited from unauthorized downloading of any software (or non-business-related information onto Agency Systems, which are computers, tablets, cell phones, or similar electronic devices. Employees shall adhere to all Agency policies, expressly including but not limited to the Agency's policies prohibiting harassment and discrimination, with regard to any document or material created on, and to E-mail communications sent or received on, Agency computer systems. Offensive, harassing, or discriminatory content in such documents or messages is not tolerated.

Documents and communications created, sent, stored, or retrieved on Agency Systems are Agency Property and, as such, are subject to inspection described in this policy. Accordingly, employees have no expectation of privacy in any material contained, created, received, sent and/or stored on Agency Systems.

3. Prior Authorization

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

4. Use of Agency Property

Personal use of Agency Property (including but not limited to tools, materials, equipment, copiers, faxes, and printers) is prohibited unless specific permission has been granted by the employee's department manager. If such permission is granted, the employee will be responsible for the care and return of the Agency Property being used. Special care should be taken to identify any concerns regarding its condition before the Agency Property is used by the employee for personal use.

5. Use of Telephones

The Agency recognizes that employees may occasionally find it necessary to make personal, non-work-related calls during the work day. Any such calls should be kept to a minimum and may be made only during break or lunch periods.

Employees who use cell phones for work-related purposes must use their Agency-issued cell phones. Employees are not permitted to use their personal cell phones to conduct business. Employees who have not been issued an Agency cell phone, but need to use a cell phone for work purposes, should consult with their supervisor about checking out a Department cell phone or being issued an Agency cell phone.

Employees are permitted to carry personal cell phones with them during the workday, provided they do not allow these devices to interfere with their ability to perform their work tasks, or interfere with any other employee's work.

Agency and personal cell phones are not allowed in designated areas (NFPA 820) in the CMSA facilities.

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. Only the Agency's designated representative is authorized to install software on the Agency network or Agency computers. Employees shall not install any personal non-work-related software (i.e., games, 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 Electronic Information

Employees should not expect that passwords or codes provided to, or used by, them on Agency Systems to mean that information stored, created, sent, or received on Agency Systems is private. For purposes of reviewing, inspecting, investigating, or searching computerized files or transmissions on Agency Systems, the Agency may override any applicable passwords or codes. Employees have no expectation of privacy in materials contained, created, received, and/or stored on Agency Systems.

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 Agency Property, or improper access or use of Agency information obtained by unauthorized means, is not permitted.

9. Personal Computer Use Restrictions

Certain minimal personal use of Agency computers and devices may be allowed. The Agency shall have sole discretion to decide whether a use is personal or business, or whether the use is "minimal." Any personal use of Agency equipment/computer systems must comply with this policy and satisfy the following provisions.

- 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 Systems is not permitted unless it is incidental (i.e., the extent of use is insignificant compared to use for assigned work), and does not interfere with satisfactory performance of the employee's work duties, or any other employee's 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 personal postings to Internet groups, chat rooms, web pages, search services, or social media using Agency Systems.
- D. No personal soliciting using Agency Systems is allowed during work hours.
- E. An employee may not use for personal, non-work-related interests any Agency System device that the employee does not employ in their assigned work. No privately-owned device may be connected to Agency Systems without Agency authorization. All Agency System devices taken home remain subject to this policy.
- F. Limited personal use of Agency Systems is permitted only during meal and rest breaks, not during work time. Any such use must be consistent with professional workplace standards and be consistent with the Agency's policies, including but not limited to its policy prohibiting harassment and discrimination.
- G. Playing computer games at work is not permitted, except during meal and/or rest breaks.

POLICY #:	409
SECTION:	RULES AND REGULATIONS
SUBJECT:	Dress Code and Uniforms
DATE:	9/13/2022

POLICY

Employees are expected to dress appropriately for Agency business and the type of work performed.

PROCEDURE

Due to potential/actual health and safety concerns, the Agency provides uniforms and personal protective equipment, such as coveralls, boots, jackets, and rainwear (hereafter Agency Outerwear), to employees in identified positions for use while on duty. Likewise, the Agency also provides for the regular cleaning of any assigned uniforms and related Outerwear to ensure potentially contaminated clothing is not removed from the workplace and taken into the home.

1. Unless otherwise designated, Agency-provided uniforms, Agency Outerwear and other Agency-provided work-related articles of clothing or personal protective equipment shall remain the property of the Agency.
2. When Agency Outerwear is provided to an employee by the Agency, it is with the expectation that the employee properly wears, maintains, and provides reasonable care for the assigned items. Substitution of provided outerwear with personal items is prohibited due to the potential health and safety concerns such as that identified above.
3. Although employees in identified positions may wear limited personal items not provided by the Agency (e.g., hats, scarfs), if any such personal items are worn in the workplace, they should be cleaned on-site before being taken home.
4. Employees are not permitted to alter the appearance of provided uniforms. Agency-provided personal protective equipment and clothing must be worn at all times as directed by each department manager and shall not be worn for any other purpose than in the service of the Agency.
5. Employees who are not required to wear an Agency uniform are expected to dress in proper business attire, which is professional, neat, and clean. Employees should avoid clothing that creates a safety hazard.

POLICY #:	410
SECTION	RULES AND REGULATIONS
SUBJECT:	Safety in the Workplace
DATE:	9/13/2022

POLICY

To ensure that all employees are provided with a safe working environment and to take reasonable actions as may be necessary to prevent on-the-job accidents or injuries. Employees are expected to work safely, to follow all Agency safety programs, policies, and procedures, and to report to their supervisor and/or safety officer any actual or potential safety hazards at work, or in a work-related situation.

PROCEDURE

1. Prohibition of Bullying and Violence in the Workplace

Employees are prohibited from engaging in bullying, violent, or threatening conduct at work or in a work-related situation. All employees shall immediately report to their supervisor or any other manager at the Agency any workplace or work-related incidents they perceive to be potentially or actually threatening, bullying, 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 or its employees.

2. CMSA Safety Policies

The following are some of the safety program training the Agency provides each year to affected employees:

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

Additionally, employees are expected to review and comply with all policies and procedures included in the CMSA Safety Policy and Procedures Manual, and are required to attend and participate in all safety training sessions.

POLICY #:	411
SECTION	RULES AND REGULATIONS
SUBJECT:	Gratuities
DATE:	9/13/2022

POLICY

Agency employees shall not receive or accept gifts or gratuities that may improperly influence their decision-making or job performance.

PROCEDURE

The job requirements of employees in certain positions may include attendance at conferences or other business gatherings, or may present other circumstances where it is appropriate for business purposes for these employees to accept certain small gifts or gratuities.

Minor unsolicited gifts that may be accepted by employees include:

1. Unsolicited promotional materials or advertising of nominal value such as calendars, notepads, coffee mugs, or pens.
2. Food or refreshments of modest value offered as part of a reception, banquet, or social event, provided on an infrequent basis in the ordinary course of business, where the food or refreshment is also offered to other participants and/or attendees.
3. Gifts of minimal value that are given without any expectations of special service or favorable decision-making.
4. An occasional lunch or dinner provided as part of a meeting where Agency business is discussed.
5. Gifts of informational material provided to assist the employee in the performance of their official duties (e.g., books, pamphlets, reports, calendars, periodicals, or educational seminars).

POLICY #:	412
SECTION:	RULES AND REGULATIONS
SUBJECT:	Use of Social Media
DATE:	9/13/2022

POLICY

All Agency standards of conduct, principles, and guidelines shall apply to all employee social media technology use that involves or affects the Agency.

PROCEDURE

1. Employees are responsible for the content they publish online, whether in a blog, social media site, or any other form of user-generated media.
2. Employees are not authorized to speak in social media websites or other online forums on behalf of the Agency unless specifically authorized by the General Manager. Employees authorized to speak on behalf of the Agency shall identify themselves by full name, title, and shall address issues only within the scope of their specific authorization.
3. Employees shall not use CMSA logos or Agency photos in any communication over social media technology, unless authorized in advance by the General Manager/~~Designee~~.
4. Employees shall at all times respect copyright, fair use, and financial disclosure laws.
5. Employees shall not disclose any Agency confidential, sensitive, personally identifiable, or otherwise proprietary information, without prior authorization by the Agency.
6. When representing the Agency, employees shall at all times observe all applicable federal, state, and local laws, and shall comply with all Agency policies, including but not limited to the unlawful Harassment/Discrimination policy. Specifically, when representing the Agency, employees shall not use ethnic slurs, discriminatory remarks, personal insults, obscenity, or engage in any similar conduct that would not be appropriate or acceptable in the Agency workplace. Employees should be respectful of others and their opinions.



CENTRAL MARIN SANITATION AGENCY

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CMSA PERSONNEL POLICIES AND PROCEDURES ACKNOWLEDGEMENT FORM

I have received a copy of the Central Marin Sanitation Agency Personnel Policy and Procedure Manual. I understand that I am responsible for reading and complying with the policies and procedures contained in the Manual.

I understand this Manual contains the personnel policies that govern my employment, and I agree to comply with these policies.

I understand this policy manual contains a summary of personnel policies, practices, guidelines, and procedures in effect at the time of publication. All previously issued manuals or handbooks, and any inconsistent policy statements or memoranda, are superseded by this policy manual.

I acknowledge that CMSA may revise, modify, delete, or add to any and all policies, procedures, work rules or benefits stated in this manual in accordance with applicable federal and state laws which govern the operation of the Agency. I understand that any such substantive written changes to the Manual will be distributed so that employees are aware of any new policies or procedures.

If, after reading the Manual, I have questions about any of the information contained therein, I agree to discuss them with my supervisor or other Agency manager.

Signature: _____

Date: _____

Print Name: _____