



**PERSONNEL
POLICIES AND PROCEDURES
MANUAL**

*Adopted by the CMSA Board of Commissioners in full on **April 9, 2019***

CMSA PERSONNEL POLICIES AND PROCEDURES MANUAL

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POLICY #:	101
SECTION:	LEGAL
SUBJECT:	Equal Employment Opportunity
DATE:	x/x/2019

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.

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

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

POLICY #:	102
SECTION:	LEGAL
SUBJECT:	Unlawful Harassment/Discrimination
DATE:	x/x/2019

POLICY

CMSA prohibits harassment of or discrimination against an individual because of race, creed, color, sex, religion, marital status, registered domestic partnership status, age, national origin, 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 law (the “Protected Characteristics”), or based on a perception that an individual has any of these characteristics, or based on a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics.

The Agency's unlawful harassment/discrimination policy applies to all persons involved in the operation of the Agency and prohibits unlawful harassment or discrimination in the workplace or in a work-related situation by any employee of the Agency, including supervisors and co-workers, as well as by any person with whom the Agency contracts to do business, or with whom employees come into contact in the course of their work. Anyone, including any agent or non-employee, who has been determined to have violated this Policy will be subject to appropriate discipline.

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

DEFINITION

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

1. Verbal conduct such as derogatory jokes or comments; epithets; slurs or unwanted sexual innuendos, advances, invitations or comments;
2. Visual conduct such as derogatory, demeaning and/or offensive posters, photography, cartoons, drawings or gestures;
3. Physical conduct such as assault, unwanted touching such as pinching, feeling or rubbing up against another employee’s body, blocking normal movement or interfering with work because of any Protected Characteristic;

4. Threats and/or demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, or offers of employment benefits in return for sexual favors;
5. Conduct which has the potential to affect an employee's work performance negatively and/or create an intimidating, hostile or otherwise offensive work environment;
6. Communication via media of any type that could be construed as offensive, harassing or discriminatory; and/or
7. Retaliation for having reported or threatened to report harassment and/or discrimination.

PROCEDURE

1. Responsibility

If possible, individuals who believe they have been subjected to conduct in violation of this policy are encouraged to communicate to the offender that their behavior is unacceptable and should cease immediately. If the behavior continues, or if individuals do not wish to directly confront the offender(s) for any reason, the individuals should immediately advise their supervisor, another Agency supervisor, any department manager, or the General Manager. The individual's complaint should be in writing, if possible, and should include details of the incident(s), names of the individuals involved and names of any witnesses. Supervisors will refer all complaints under this policy to a department manager. If the General Manager is the subject of the complaint, the complaint should be referred to the Agency's general legal counsel.

Additionally, any employee who observes any conduct or incident that may violate this Policy must report it immediately. In all cases, the Agency will investigate such allegations promptly and, to the extent possible, discreetly. The complaining individual will be advised of the outcome of the investigation.

If the Agency determines that conduct in violation of this policy has occurred, corrective action will be taken. Any employee determined by the Agency to have engaged in conduct in violation of this policy, or other misconduct, will be subject to disciplinary action, up to and including termination. The Agency does not retaliate against any individual for filing a complaint under this policy, or participating in an investigation under this policy, and will not permit or tolerate retaliation by management, co-workers, or contractors. Disciplinary action will also be taken against any Agency manager or supervisor who condones or ignores conduct in violation of this policy, or who otherwise fails to take appropriate action to enforce this policy.

The Agency encourages all individuals to report immediately any workplace or work-related incidents of conduct prohibited by this policy so that complaints can be quickly and fairly resolved. Employees should also be aware that the Federal Equal Employment Opportunity Commission ("EEOC") and the California Department of Fair Employment

and Housing (“DFEH”) investigate and prosecute complaints of prohibited harassment or discrimination in employment. If any individuals think that they have been subjected to unlawful workplace harassment or discrimination, or have been retaliated against for reporting or complaining about such conduct, the individual may file a complaint with the EEOC and/or DFEH. The address and contact information for local offices of these agencies can be found on-line.

2. Complaint Procedure

Individuals who believe they have been subjected to conduct violating this policy shall report the incident(s) immediately in the manner prescribed by the following procedure so that the complaint can be investigated and resolved quickly and fairly.

- A. If the individual is comfortable doing so, the individual is encouraged to communicate to the offender that their behavior is unacceptable and should cease immediately. The individual is not required to make this communication, but is invited to do so.
- B. The individual must notify their supervisor or any other Agency supervisor, department manager or the General Manager as soon as possible after the incident, providing dates and time of the incident(s). Details on the incident(s), names of individuals involved, and the names of any witnesses should be included in the notice, **which can be oral or written.**
- C. Supervisors will refer all complaints under this policy to a department manager or the General Manager. If the General Manager is the subject of the complaint, the complaint will be referred to the Agency’s general legal counsel, **whose contact information can be obtained from administration.** The Agency will investigate such allegations promptly and, to the extent possible, discreetly.
- D. If the Agency determines that conduct in violation of this policy has occurred, it will take corrective action. Any individual deemed by the Agency to have violated this policy will be subject to disciplinary action, up to and including termination.
- E. The Agency will inform the complainant of the results of the investigation.
- F. The Agency will not retaliate against an employee for filing a complaint under this policy or for participating in an investigation under this policy, and will not permit or tolerate retaliation by management, co-workers, service providers, or anyone else doing business with the Agency.

If employees have any questions regarding the Agency's policy against harassment and discrimination, or about the procedure for filing complaints, they should contact their supervisor, the Administrative Services Manager, or the General Manager/designee.

POLICY #:	103
SECTION:	LEGAL
SUBJECT:	Employment Eligibility Requirement
DATE:	x/x/2019

POLICY

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

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

DRAFT

POLICY #:	104
SECTION:	LEGAL
SUBJECT:	Conflict of Interest
DATE:	x/x/2019

POLICY

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

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. Additionally, no employee shall engage in any outside employment whatsoever 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:	x/x/2019

POLICY

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

DRAFT

POLICY #:	106
SECTION:	LEGAL
SUBJECT:	Conduct Policy
DATE:	x/x/2019

POLICY

All Agency employees shall observe and demonstrate the highest standards of conduct and professionalism and shall avoid inappropriate or prohibited conduct, such as that described below. This policy provides a summary, and is not an exhaustive list of all conduct that may subject an employee to discipline. Therefore, 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, or with vendors, contractors, or other members of the public, whether in person, on the telephone, or by electronic mail. 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 (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 their own personnel or medical files).

Misuse and Abuse of Position

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

No Agency employee shall solicit 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:	x/x/2019

POLICY

CMSA employs individuals in four (4) different categories: Probationary, Regular Full-Time, Temporary, and Regular Part-Time and two classifications: Exempt and 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 Hire Employee

Employees in this category are those holding 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 with prior authorization.

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. 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 shall be 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 Federal law, employees in those positions are not eligible to 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:	x/x/2019

POLICY

All newly-hired, transferred, or promoted regular full-time or part-time employees are subject to a probationary period. The probationary period shall begin with the date of hire, appointment, or promotion.

A 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. The General Manager may extend this period for up to sixty (60) days if additional time is needed to evaluate the employee's performance.
2. 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.
3. 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. A probationary period may be extended beyond those periods identified in above for an employee represented by the union if the employee and the union concur. Such concurrence shall be in writing.
 - B. A probationary period may be extended beyond those periods identified above for an unrepresented employee if the employee concurs. Such concurrence shall be in writing.

POLICY #:	203
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Job Classification Administration
DATE:	x/x/2019

POLICY

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

PROCEDURE

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

1. Periodically, the General Manager will review the Classification Plan to ensure that job descriptions are current and that positions continue to be appropriately classified.
2. Positions will be evaluated for reclassification when the General Manager determines that significant changes in the essential duties, responsibilities, or work assignments occur.
3. Each position is assigned to a salary range based on the complexity of the position responsibilities relative to external market salary conditions.
4. The Board is responsible for adopting the Classification Plan and authorizing the number of Agency positions.
5. The General Manager is responsible for insuring that accurate job descriptions exist for all positions.

POLICY #:	204
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Compensation Plan Administration
DATE:	x/x/2019

POLICY

CMSA and its Board are responsible for establishing, administering, and periodically reviewing a compensation plan.

PROCEDURE

1. Compensation Plan

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

2. Salary Ranges and Increases

All Agency positions are assigned to a salary range that has a minimum and maximum rate of pay. An employee must demonstrate satisfactory performance and meet department advancement requirements to move from one step to the next within the range. A new employee, after completing the probationary period, with the supervisor's recommendation and approval of the General Manager, advances to the next step and is thereafter reviewed approximately annually for possible further step advancements. Employees who are promoted, or who transfer to a different position, and who complete twelve (12) months of service, including completion of the probationary period, will be considered for a possible salary increase. They will be reviewed thereafter on approximately an annual basis.

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 approval.

3. Hiring Rate

All new employees shall be advised at the time of hire as to their starting rate of pay. Employees are normally hired at the starting pay level. New employees may, however, be hired at a pay rate greater than the minimum in consideration of such factors as advanced or specialized education or training, level of experience, possession of highly developed technical skills, demonstrated achievements, labor market competitiveness, or other relevant factors. Advance approval by the General Manager is required before any employment offers are made involving starting pay rates.

4. Promotions

An employee who receives a promotion to a higher classification shall receive a pay increase in accordance with the current pay schedule.

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 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. Supervisors review time sheets for completeness and accuracy, and must sign their approval of the time sheets, before submitting them to payroll. Failure of an employee to submit a time sheet as required may result in a delay in processing the employee's check.

6. Direct Deposit

The Agency provides employees with the convenience of having their paycheck 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. A minimum of two (2) pay periods are required to establish direct deposit.

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:	x/x/2019

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 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 express advance approval of the General Manager or his/her designee. In the event the Agency needs to change an employee's schedule, the employee will normally receive 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

The Agency work schedules 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 work days 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, 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.

TELECOMMUTING

The General Manager may permit exempt employees to work from home on a temporary basis. If an exempt employee wishes to work from home for a period of time, the employee must present a telecommuting proposal in writing to the General Manager. In deciding to approve or reject the proposal, the General Manager will consider factors including, but not limited to, operational and supervisory needs of the Agency. No employee may telecommute without advance approval in writing from the General Manager.

POLICY #:	206
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Overtime/Compensatory Time
DATE:	x/x/2019

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 administrative, professional and/or executive.

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 work 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 (1/4) hour or 15 minutes, and no employee (represented or unrepresented) 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. Any standby pay provided for hours not worked shall not be credited towards the accumulation of hours for the purposes of computing overtime pay. If a non-exempt unrepresented employee is required to report to work while on standby duty, the determination of which, if any, hours worked constitute overtime will

comport with applicable law.

- F. 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.
- G. 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.
- H. Employees may request, in writing, a cash pay-out for accumulated compensatory time
- I. 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.
- J. Non-exempt employees are not permitted to monitor work-related email during off-duty hours

POLICY #:	207
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Attendance
DATE:	x/x/2019

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:
 - 1. 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.

2. All Other Agency Staff
 - a. Notify direct supervisor and the Administrative Assistant 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 Assistant 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. Employees who are off work due to a prolonged illness/injury are required to contact their direct supervisor on a regular basis or as determined by the supervisor to provide a status report on their anticipated return to work date.
- D. 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.
- E. Failure to comply with the above procedures may result in the denial of sick leave pay to non-exempt employees for the day on which notice was not given. In that event, the employee's supervisor shall record the absence as unpaid on the employee's time sheet.
- F. 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.
- G. An employee who is absent for three (3) consecutive workdays without having contacted an appropriate Agency representative will ordinarily be considered to have voluntarily terminated 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 an employee who has problematic attendance

POLICY #:	208
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Recruitment and Selection
DATE:	x/x/2019

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 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 examination. 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 shall 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 the criminal conviction background check results in information that the Agency determines has a direct and adverse relationship to the specific job duties and may disqualify the candidate from employment with the Agency, staff will seek guidance from legal counsel on the candidate notification, response, and reconsideration process.

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.

DRAFT

POLICY #:	209
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Employment of Relatives
DATE:	x/x/2019

PURPOSE

The purpose of this policy is to set forth the guidelines governing the employment, assignment of work, hiring, promotion, and placement of relatives, domestic partners, 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 Commission 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:	x/x/2019

POLICY

The Agency ~~shall~~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. Overtime that is worked as an extension of an assigned day shift does not qualify an employee for off shift differential pay.

3. Call Back Pay

If an employee is called back to work 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. If the employee is required to work more than two (2) hours, the employee will receive pay for the actual time worked and for an additional one (1) hour at the applicable wage rate

This additional one-hour pay provision does not apply to instances in which the

employee is called to report before the employee's regular starting time and has worked from the time the employee reports to the employee's regular starting time. This additional one-hour pay provision also does not apply to instances where the employee is called back to work at a customer's worksite (as opposed to the Agency worksite). Instead, employees called back to work at a customer's worksite will be compensated for their travel time to and from that worksite.

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

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

Standby duty shall be assigned only to ~~those~~ qualified to respond to problems that could occur at CMSA or any of the CMSA-operated and maintained pump/lift stations 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 ~~will~~ may be rotated on a weekly basis among qualified employees. The Agency will provide training for interested Operations and Maintenance employees so that they may become eligible for standby duty. Such training will entail performance testing to establish the employee's competence.

The employee assigned to standby must have the ability to respond to the designated work site within one (1) hour of being called. The employee ~~will~~ 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-free) and is required to respond to all duty calls from the Agency.

If employees on stand-by duty are unable to respond to a call to return to work because of the consumption of alcohol, drugs, medication, or any other substance that would impair their ability to drive or work safely, they may be subject to discipline, up to and including termination of employment.

POLICY #:	211
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Performance Appraisals
DATE:	x/x/2019

PURPOSE

The purpose of the CMSA performance evaluation program is to promote the achievement of CMSA's mission and core 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. This policy is implemented by Administrative-Human Resources Procedure #59, "Employee Performance Evaluation Process Guidelines."

PERFORMANCE EVALUATION GUIDELINES

Each employee, in conjunction with his/her 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 will 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

Informal performance feedback shall be provided to all regular employees frequently, and should include specific information on both work achievements as well as areas for

improvement.

- A. Probationary employees do not have their performance evaluated formally during the probationary period. Supervisors shall provide regular/routine, direct informal feedback to probationary employees throughout their probationary period.
- B. Regular employees shall 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 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. The supervisor may recommend advancement to the next salary step if the employee is eligible. If performance is unsatisfactory, the supervisor shall schedule a subsequent review date, not to exceed six (6) months after the performance evaluation, at which time the supervisor shall re-evaluate the employee for performance, possible advancement, or other corrective administrative actions.
- 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 work plan for the next year to their supervisor within two weeks after their performance evaluation meeting.

POLICY #:	212
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Personnel Records
DATE:	x/x/2019

PROCEDURE

1. Content and Retention

All performance evaluations, as well as other employment-related forms, documents, letters and memoranda that concern, are addressed to, or are signed by the employee, are generally placed in the personnel file. If an employee refuses to sign a form or letter that requires 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 Assistant 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 from the Agency.

3. Access/Confidentiality

Employees may review their own personnel or medical files upon request by scheduling an appointment with the General Manager/designee. An employee may provide written authorization for other person(s) to review their own personnel and/or medical file. All personnel files will be 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:	x/x/2019

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 (including administrative leave), 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, 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 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, may elect a temporary continuation of health coverage under the Agency's group health insurance plan and at group rates in certain instances where coverage under the plan would otherwise terminate. Contact the Administrative Assistant for more information about

this benefit.

5. Exit Interview

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

DRAFT

POLICY #:	214
SECTION:	EMPLOYMENT PRACTICES
SUBJECT:	Retirement
DATE:	x/x/2019

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.

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

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

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

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

5. 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 #:	301
SECTION:	BENEFITS
SUBJECT:	Holidays
DATE:	x/x/2019

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 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 regular normal time rate.
3. Non-exempt employees who are required or authorized to work on a holiday observed by the Agency shall be compensated, either with comp time or overtime pay (at the employee's election, and pursuant to written agreement between the employee and Agency), at the rate of one and one-half (1-1/2) times 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 leave or a regularly scheduled day off.

FLOATING HOLIDAYS

1. Probationary, and regular full-time and part-time employees shall be entitled to three (3) 8-hour floating holidays per year, which is credited to eligible employees on July 1 of each year.
2. Regular full-time employees on the payroll as of July 1, or probationary employees newly appointed between July 1 and December 31, shall be credited with three (3) 8-hour floating holidays for that fiscal year.
3. Full-time probationary employees hired between January 1 and June 30 will be credited with twelve (12) floating holiday hours for the balance of the fiscal year.
4. Scheduling and Approval Process:
 - A. Employees shall schedule with their supervisor the use of a 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 work days, the employee shall submit a written request at least ten (10) working days prior to the requested time off.
 - C. Employees must complete a leave request form and obtain written supervisory approval prior to taking the time off.
5. If the floating holiday time to be added to the employee's holiday time bank causes 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 regular straight time rate.
6. Employees who separate from Agency service shall be paid for any unused floating holidays that they have accumulated.

POLICY #:	302
SECTION:	BENEFITS
SUBJECT:	Vacation Leave
DATE:	x/x/2019

POLICY

Probationary, regular full time and part-time employees are eligible to accrue paid vacation from the first day of employment. Temporary employees are not eligible 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 hrs.	3.077 hours
Start of 4th year through completion of 7 years:	120 hrs.	4.615 hours
Start of 8th year of service and thereafter:	160 hrs.	6.154 hours

Employees are encouraged to take annual vacation leave as it accrues. However, ~~non-~~management union represented employees may accumulate up to a maximum of two hundred forty (240) paid vacation hours at any one time. The vacation cap for non-exempt ~~management~~unrepresented employees is two hundred eighty (280) hours, and the vacation cap for exempt ~~management~~ employees is three hundred twenty (320) hours. Once employees accrue their maximum number of hours, they will cease accruing any further paid vacation until they use enough vacation time to reduce accrued vacation to below the specified above amounts.

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

PROCEDURE

1. **Scheduling**
 - A. Scheduling for vacations shall be made in such a manner as to 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 General Manager or designee. The General Manager shall establish a system for assignment of vacations that affords reasonable recognition of seniority. In the event that more than one employee requests the same day(s) off in a department or work group, the request received and approved first shall generally have priority.

- C. Vacation requests in excess of ~~fifteen-five (15) (5)~~ consecutive work days shall require the department manager'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 at least ten (10) working days prior to the requested time off.
 - 2. For requests to take five (5) vacation days or less, employees must submit a written request, and obtain supervisory approval at least five (5) working days in advance.
- 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. Employees may request an advance payment of their paycheck that is scheduled for distribution during the employee's vacation provided that the employee submits a written request and obtains approval by the General Manager at least five (5) working days prior to the start of the vacation.
- H. If an Agency holiday occurs during a paid vacation leave, the employee's vacation accrual shall not be charged for that day(s). See *Policy #301*.
- I. If an employee suffers a bona fide illness or injury during a vacation, the employee may request to substitute paid sick leave for vacation leave in accordance with the Agency's Sick Leave Policy. See *Policy #303*.

2. **Vacation Pay-Out**

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

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

3. **Vacation Cash-Out**

Once per calendar year, due to unique or special 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 may review the request and circumstances and, at the General Manager's discretion, approve or deny the cash-out request.

ADMINISTRATIVE LEAVE

In addition to accruing vacation as outlined above, non-exempt, unrepresented employees also accrue forty (40) hours of paid administrative leave per year, which is added to the total vacation bank.

Exempt management employees receive (rather than accrue) eighty (80) hours of paid administrative leave each calendar year.

Temporary employees do not accrue administrative leave.

POLICY #:	303
SECTION:	BENEFITS
SUBJECT:	Sick Leave
DATE:	x/x/2019

POLICY

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

1. Purpose

Sick leave with pay is an Agency-funded benefit designed to provide some compensation in the event of the injury or illness of an employee or the employee's family member. Sick leave is not extra paid time off to be taken at an employee's discretion. Sick leave benefit accruals can provide employees a financial cushion in the event of illness or injury.

2. Accrual of Sick Leave

Probationary and regular full-time employees accrue ninety-six (96) hours of paid sick leave 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 leave accrues only while an employee receives Agency pay, including pro-rata accrual for partial pay periods if applicable. Sick leave does not accrue during any period of unpaid absence from work. All other employees accrue paid sick leave in accordance with law. Specifically, temporary employees accrue at the rate of 1 hour of paid sick time per every 30 hours worked.

Sick leave accruals are capped at one thousand-forty (1,040) hours for all employees.

3. Permitted Sick Leave Use

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

Sick leave may be used by employees as a result of illness or injury that temporarily incapacitates the employee. Up to sixteen (16) hours of sick leave may also be used per calendar year to attend to personal emergencies. Paid sick leave may also be used for any other reason permitted by law.

B. Family Member Illness or Injury

In any calendar year, up to one-half of an employee's annual sick leave accrual (or otherwise as permitted by law) may be used to attend to the illness of a member of their immediate family. For the purpose of this policy, immediate family member is defined as parent, step-parent, father/mother in-law, brother, sister, step-brother/sister, brother/sister in-law, child, step-child, grandparent,

spouse, aunt, uncle and registered domestic partner. In addition, parents attending to the birth or placement for adoption or foster care of their child may request to use some or all of this paid “family sick” time.

In addition, employees may be eligible to 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, parent or registered domestic partner; or 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. PFL benefits, if granted by the State, constitute partial wage replacement for up to six weeks in any twelve (12)-month period. Employees applying for PFL benefits are required to exhaust up to two weeks' paid vacation time before they may be eligible to receive such benefits.

C. Medical Appointments

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

4. Administration

It is the responsibility of Agency supervisors to monitor and review each sick leave request and to take action to prevent abuse of the sick leave benefit. Periodically, supervisors will perform an attendance review of each employee's sick leave usage. Restrictions will not be put on the legitimate use of accrued sick leave. For additional details, see *Attendance Policy #207*.

A. Notice of Illness/Emergency

It is the responsibility of employees to personally notify their immediate supervisor of illness, injury or emergency, unless medical conditions make personal 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 leave taken (including requests to use paid sick leave made while the employee is on vacation).

C. Denial of Sick Leave Benefits

Sick leave with pay 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 (Permitted Sick Leave Use).

D. Integration of Paid Leave Accruals and State Disability Insurance

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

An employee who becomes disabled due to a non-work related illness or injury and who may be eligible for SDI payments should apply to the State for such payments. Informational pamphlets and application forms regarding SDI are available from Administration. Should employees decide to apply for SDI benefits, they will need to complete an SDI Leave Acknowledgment Form and submit it to the Administrative Services Manager. To ensure the Agency receives correct payment information to facilitate the integration process, the employee, when applying for SDI benefits, must authorize the EDD to disclose benefit payment information to the Agency. Employees shall notify the Administration Department immediately when their application for SDI benefits has been approved by EDD.

SDI payments and the employee's available sick leave shall be integrated so the employee will continue for a period of time to receive the equivalent of normal bi-weekly pay at the employee's current base wage until SDI benefits end, or the employee exhausts all available paid leave time, whichever occurs first. Once the employee exhausts any available paid sick leave, the employee will normally be required to substitute paid vacation, holiday or compensatory time benefits, subject to approval by the General Manager. As an exception, employees on leave for pregnancy-related disability have the option to use accrued paid vacation, holiday, or compensatory time off under these circumstances.

If an employee remains unable to return to work following exhaustion of all paid leave accruals, the employee may be eligible for a leave of absence without pay. See *Policy #304* for details on Leaves of Absence. Under certain circumstances, the employee may also be eligible to receive donated leave time under the Agency's Catastrophic Leave program pursuant to *Policy #310* (Catastrophic Leave). 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 his/her base wage when integrating SDI and Agency-paid accrued leave benefits. 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 can deduct from the employee's paid leave banks the appropriate amount of Agency-paid leave. Additionally, the Agency will cease to integrate SDI benefits once the employee has exhausted all available accrued leave.

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 may elect to use available paid sick, administrative, vacation, or holiday leave, or compensatory time benefits between the date of a work-related injury or illness and the date such injury or illness is determined to be eligible for Workers' Compensation insurance benefits. When an employee begins receiving Workers' Compensation Insurance payments, the employee's paid sick, vacation, holiday or compensatory time accrual shall be integrated so that, for a period of time, the employee will continue to receive the equivalent gross amount of a normal bi-weekly paycheck.

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.

6. Separation of Employment

The Agency will provide all employees retiring from the Agency credit for all unused or non-cashed out sick leave to be used in calculating total years of service, a benefit option offered by 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 accumulated sick leave up to a maximum of five hundred (500) hours.

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

POLICY #:	304
SECTION:	BENEFITS
SUBJECT:	Leaves of Absence
DATE:	x/x/2019

POLICY

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

PROCEDURES

1. General Provisions

- A. A leave of absence may include both paid and unpaid time off. An employee will continue to receive Agency-sponsored health insurance benefits as long as the employee is on paid status, except as otherwise required by law. Employees who are granted an unpaid leave of absence that exceeds thirty (30) days, and who have exhausted their paid accrued leave, and who wish to continue health insurance coverage may be eligible to do so at their expense at the Agency's group rates, except to the extent that the law requires the Agency to continue the employee's health insurance during the leave.
- B. All requests for leave must be submitted in writing to the employee's supervisor, department manager, and then to the GM/designee. Employees should contact the Administrative Assistant for the necessary forms. The Agency may also request additional documentation substantiating the need for a leave.
- C. Seniority, vacation, sick leave 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, shall be delayed for the length of time during which the employee is on leave of absence.
- E. Employees granted a leave of absence which exceeds thirty (30) days are 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.

2. Bereavement Leave

In the event of a death in the immediate family, eligible employees may request a paid bereavement leave of absence of up to twenty-four (24) work hours. If more time is needed, employees may request that additional days off be charged to their accrued paid time off or, if the employee has no accrued paid time off, any additional approved days off may be taken without pay. Sick leave may not be used for bereavement purposes.

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

An employee may request the use of accrued paid leave in the case of death of persons other than "immediate family." If granted by the Agency, such 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. 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. The Agency shall follow all governing laws in effect at the time of an employee's request for Military Leave.

~~A. An employee who is called to military service is entitled to up to thirty (30) calendar days of leave to perform military service per fiscal year, with full pay and benefits, provided the employee has been employed with the Agency for at least one (1) year, and to the extent required by law.~~

~~B. Employees requiring military leave must provide advance written notice of the need for a leave, unless prevented from doing so by military necessity or if providing notice would be impossible or unreasonable. A copy of the military orders must be attached to the employee's completed Leave of Absence Request form.~~

~~C. An employee returning from military leave of less than thirty one (31) days shall report to work on the first full regularly scheduled workday following completion of service, plus time for safe transportation back to the employee's residence plus an additional eight (8) hours. An employee whose military leave lasts between thirty one (31) to one hundred eighty (180) days must submit an~~

~~application for re-employment within fourteen (14) days after the completion of service. An employee whose military leave exceeds one hundred eighty (180) days must submit an application for re-employment within ninety (90) days after completion of military service.~~

~~D. An employee returning from a military leave will generally be reinstated in the position held previously, or a comparable position, and at the salary he/she would have received had employment with the Agency been continuous, exclusive of step increases/shift assignments, consistent with applicable law.~~

~~E. If an employee becomes disabled as a result of military service and is no longer able to perform the essential functions of the job held previously, with or without reasonable accommodation, the Agency shall provide the employee with another position of equivalent seniority, pay, and status for which the employee is qualified, to the extent required by law.~~

4. Jury Duty

Employees summoned for jury duty or subpoenaed as a witness at a court trial will be provided paid time off during the time of their service. Employees shall receive compensation at their regular rate of pay only for those hours required to serve which occur during their regularly scheduled work week.

Employees who work on a weekend or on a swing or graveyard shift and are called for jury duty shall have their regular schedule converted to a Monday through Friday day shift during the jury duty period only.

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

If a subpoena is received without advance warning, and the employee is unable to submit appropriate leave forms and documentation prior to leaving work, employees shall notify their supervisor as soon as possible and submit the appropriate documentation upon return to work.

5. School Visits Leave

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

A. Employees must provide their supervisor with reasonable notice ~~for~~of the planned time off by completing the appropriate leave request form and obtaining supervisory approval.

B. Employees must use vacation, compensatory, or holiday time to cover the time off. If the employee does not have sufficient time accrued, any time used for

school visits that is not covered by vacation, compensatory, or holiday time 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.

6. 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 who is authorized to take pregnancy disability leave ("PDL") should apply for California State Disability Insurance (SDI) benefits and must use her accrued sick leave hours in connection with this leave. Employees on PDL may elect to use, but are not required to use, other accrued paid time, including paid vacation, holiday, or compensatory time benefits during the leave. The employee's paid leave hours will be integrated with any benefits from outside sources (e.g., SDI benefits) if any, as described in *Policy #303* of this Manual.

B. Requests for Leave Approval

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

1. A verification from the physician that the employee is unable to work due to pregnancy-related disability
2. The anticipated beginning date for the leave of absence
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 physician's certification of inability to work due to pregnancy-related disability.

D. Return to Work

In order to return to work following a PDL, the employee must submit a written medical release from the physician. The physician note releasing the employee to return to work must specifically indicate any medically-required 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.

7. Medical Leave of Absence

A. General Provisions

An unpaid Leave of Absence may be granted to an employee who is temporarily unable to perform the job due to medical reasons. An employee who is authorized to take a medical leave should apply for California State Disability Insurance (SDI) benefits and must use his/her accrued sick leave hours 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, holiday, or compensatory time benefits during the approved leave. The employee's paid leave hours will be integrated with any benefits from outside sources (e.g., SDI benefits, workers' comp benefits, etc.) if any, as described in *Policy #303* of this Manual.

B. Requests for Leave Approval

Employees requesting a medical leave shall complete the Leave of Absence Request Form and attach a note from their physician with the following information:

1. A verification from the physician that the employee is temporarily precluded from working due to his/her medical condition
2. The anticipated beginning date for the leave of absence
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.

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 to work 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 a written release from the health care provider. The medical note releasing the employee to return to work must specifically indicate any medically-required work restrictions and the anticipated duration of such

restrictions.

If employees returning from a leave of absence have a protected disability and require 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, at the end of the approved leave, and 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 a leave of absence due to a workers' compensation injury or illness shall complete the appropriate workers' compensation forms. If the employee is off work for more than a few days, the employee may be eligible for a medical leave of absence. (See Section 6, above.)
- C. If 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 sick leave, as described in *Policy #303* in this manual. If an employee's sick leave is exhausted during the medical leave, the Agency will integrate other available accrued leaves.
- D. A medical leave of absence due to a work-related illness or injury shall 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 medically precluded from returning to the former position,

with or without reasonable accommodation; or

- elects retirement.

9. Modified Duty Assignment

The Agency shall attempt to provide temporary modified duty assignments to employees whose work-related injury or illness results in the temporary inability to perform the functions of their job. See *Policy # 311 – Modified Duty/Return to Work*.

10. Family & Medical Leave

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

To be eligible for leave under the FMLA and California Family Rights Act (CFRA), the employee must have been employed by the Agency for at least 12 months, and must have worked at least 1,250 hours during the 12-month period immediately preceding the request for leave. In addition, the employee must work at a facility with at least 50 employees in a 75-mile radius. Because the Agency employs fewer than 50 employees, Agency employees are not eligible to take FMLA/CFRA leave.

11. New Parent Leave

Eligible employees may request an unpaid leave of up to 12 weeks in a 12-month period to bond with their new child. The leave must be taken, if at all, within one year of the birth, adoption, or foster care placement of the child.

To be eligible for this leave, the employee must have been employed by the Agency for at least 12 months, and must have worked at least 1,250 hours during the 12-month period immediately preceding the request for leave. In addition, the employee must work at a facility with at least 20 employees in a 75-mile radius.

While the employee is on approved New Parent Leave, CMSA will provide the employee continuing coverage under its group health plan. Employees on New Parent Leave may use any accrued paid time off, such as vacation, holiday, and paid sick leave. Upon return from the approved leave, the employee will be returned to his/her same position, or a comparable position.

Employee taking approved New Parent Leave may be eligible to receive paid family leave benefits (i.e., family temporary disability insurance benefits) by making a claim to the state Employment Development Department (EDD).

12. Personal Leave of Absence

An employee may request an unpaid personal leave of absence for extenuating circumstances. The maximum period that may be granted for a personal leave shall not exceed 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.

If taking leave under this section to care for a seriously ill child, spouse, parent, or registered domestic partner, the employee may be eligible to receive paid family leave benefits (i.e., family temporary disability insurance benefits) by making a claim to the state Employment Development Department (EDD).

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.

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 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:	Expense Reimbursement
DATE:	x/x/2019

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 receive reimbursement.
 - D. Reimbursement requests with receipts shall be submitted to the supervisor for approval on the Expense Reimbursement Form. Approved reimbursement requests shall be forwarded to the department manager and General Manager for approval and 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.

DRAFT

POLICY #:	306
SECTION:	BENEFITS
SUBJECT:	Training and Development
DATE:	x/x/2019

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, values, and goals.

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 and workshops, including late afternoon workshops. With prior approval, the Agency may allow the employee to attend the workshop during Agency operating hours.

2. Seminars/Workshops

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

Employees who desire to attend a seminar must submit a Preauthorization for Employee Travel/Request for 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 #305* 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 shall not be compensated by the Agency.

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

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

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

An employee who resigns or retires within two (2) years of receiving tuition reimbursement from the Agency shall be responsible for paying back the Agency on a pro-rata basis in accordance with the Reimbursement Contract.

4. Certifications and Licenses

Employees may attain certifications and licenses in engineering, finance, operations, maintenance, electrical/ instrumentation, biosolids management, laboratory, and environmental compliance.

The Agency will pay 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 certification renewal fees.

- D. The Agency will pay for classes to assist the employee in obtaining certification for job advancement one time only while the employee remains in a particular classification level. Once the employee advances to the next 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. 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.

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 subject matter relevant to their position in the Agency. This study time must be approved by the supervisor and will be permitted only to the extent that the employee does not neglect required work.

POLICY #:	307
SECTION:	BENEFITS
SUBJECT:	Summary of Agency-Sponsored Benefits
DATE:	x/x/2019

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 following month after their start date. The Agency will provide employees with the option of selecting hospital-medical insurance from the benefit plan.

A. For employees hired prior to July 1, 2014:

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. If applicable, employees will receive unused amounts as "flex plan dollars" on their biweekly pay, which are included as gross wages.

Additionally, the amount of residual flex plan dollars that an employee can receive as cash in the future cannot exceed the amount the employee received on July 1, 2014; even if the employee decides to 1) decrease the number of dependents enrolled in the health plan or 2) opts to no longer enroll in a CalPERS plan. The Agency will set the July 1, 2014 Kaiser family (3+ party) monthly rate of \$1,931.07 as the amount for the sole purpose of determining future residual flex

dollar benefits to be received as cash for eligible employees.

B. For employees hired on or after July 1, 2014:

The Agency shall contribute the equivalent of the current CalPERS Kaiser Bay Area single party, two party or family rate toward medical insurance based on the employee's and eligible dependents' enrollment in a CalPERS health plan. Employees must pay the difference if they select a plan that costs more than the corresponding Kaiser Bay single, two-party or family rate. An employee hired on or after July 1, 2014 will not be eligible to receive residual flex plan dollars even if opting not to enroll in a CalPERS health plan.

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 federal statutes. The plan is overseen by a third-party plan trustee who will have fiduciary responsibility for the administration and management of the plan and monies held in the trust. The trustee of the plan is responsible for the administration and record keeping of the employee's MARA. It is the plan trustee, not CMSA, who establishes the guidelines for access to the MARA. CMSA will provide the employee with a detailed plan summary at the time of enrollment into the MARA.

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 (Will to be updated with Self-Insurance Info)

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

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

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. There are no flex plan dollars associated with this benefit that are paid back to employees should an employee decline coverage.

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

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

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

The Agency will pay for the full cost to provide and cover each CMSA employee with life insurance in the amount of \$100,000. Although the first \$50,000 of such coverage is not taxable, the additional \$50,000 is taxable to each employee per the IRS's regulations under Code section 79.

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 Assistant. Should there be any inconsistency between these policies and the plan documents, the terms of the plan documents govern.

4. Part-Time Unrepresented Employees

The Agency pays a pro rata share of 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 scheduled to work to 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 #:	308
SECTION:	BENEFITS
SUBJECT:	Waiver of Agency-Sponsored Benefits
DATE:	x/x/2019

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.

~~Agency benefit plan contributions are included as part of employees' gross wages and are subject to all applicable payroll taxes. Any portion of the Agency benefit plan contribution that the employee elects to use for medical insurance premiums is treated as pre-tax wages. Deductions that the employee elects to have withheld in order to fund their reimbursement accounts are also pre-tax wages. Thus, these deductions and corresponding wages are excluded from gross income and are not subject to payroll taxes.~~

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. Employees hired prior to July 1, 2014 and waiver medical coverage will receive the residual (unused) amount of the Agency benefit plan contribution, or "flex plan dollars" as part of their taxable wages. An employee who was hired on and after July 1, 2014 and waives medical coverage will not receive any flex plan dollars.

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

POLICY #:	309
SECTION:	BENEFITS
SUBJECT:	Post-Employment Retiree Health Benefits
DATE:	x/x/2019

POLICY

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

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 his/her 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 towards retiree health benefits provided that they have met the CalPERS eligibility requirements for retirement.

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

- 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).

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

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

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

In the event that the retiree's surviving spouse or qualified dependent(s) is eligible to remain on the deceased retiree'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 4/1/1986.

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. Dental Benefits

All employees at the time of retirement will be offered the option of remaining on the Agency's dental plan through COBRA for eighteen (18) months after the last day of employment at CMSA. Employees will pay the full cost of their plan selection and coverage. The Agency at its discretion may charge 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.

Retired employees who have elected to remain on the Agency's dental plan through COBRA and have a minimum of five years vested service with the Agency will be eligible to receive up to \$1,000 in additional dental plan benefit during the eighteen (18) month COBRA coverage period once they have reached the annual coverage limit through the plan provider. This additional benefit is provided on a reimbursement basis and does not extend to family members covered under COBRA. Retired employees also must be current with their COBRA payment to CMSA in order to receive the reimbursement.

The dental reimbursement benefit may be rescinded if 1) it is no longer available to current employees or 2) the Agency has a different dental insurance plan that provides for a higher annual coverage limit.

6. 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.

7. 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.

DRAFT

POLICY #:	310
SECTION:	BENEFITS
SUBJECT:	Catastrophic Leave
DATE:	x/x/2019

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 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 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, and who meets the eligibility requirements as defined in the Agency's Leave of Absence *Policy #304*.
 - B. The employee must have exhausted all available accrued leave balances before receiving such benefits.
 - C. The employee must be on an approved leave of absence.
3. A maximum of six months' worth of catastrophic leave donations, per occurrence, may be available for an individual.
4. The employee shall not accrue any vacation, sick leave, 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. Catastrophic leave may not be used where the employee is receiving any paid leave benefits, including, but not limited to, workers' compensation benefits.
10. At no time may the pay of an employee using catastrophic leave benefits exceed 100 percent (100%) of base pay.
11. 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 (Attachment 1).

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 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 #:	311
SECTION:	BENEFITS
SUBJECT:	Modified Duty/Return to Work
DATE:	x/x/2019

PURPOSE

This policy defines modified duty and establishes guidelines for its use. Modified duty can help employees who have been on medical leave to return to work as soon as practicable. It benefits employees by returning them to work, consistent with temporary medical limitations, and benefits the Agency by making staff available to complete necessary tasks. It also allows employees time to condition themselves for a full set of task responsibilities, while continuing to contribute to Agency productivity.

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. ~~This policy, however, is not intended to serve as a reasonable accommodation/interactive process policy.~~

DEFINITION

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 includes work within the normal scope of the job function but modified, 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 be made for an employee who has documentation from a medical provider certifying that they 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.

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;
- Modified duty assignments are temporary and should not exceed six (6) weeks (extensions 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 must they be tasks 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 Assistant who is temporarily unable to perform keyboard work could be assigned to copying and answering phones;
- 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.

The Agency will determine whether it has 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 available on a temporary basis. If the Agency needs additional medical information in order to determine if the employee can perform the modified duty available, 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. Together with reviewing the duty restrictions as stated by the employee's medical provider, 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 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, 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, supervisors and/or managers 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 leave 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

- The Agency attempts to apply this policy as consistently as possible. 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 and Procedures, such as Leaves of Absence, Sick Leave, Catastrophic Leave, etc.

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) will 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

DRAFT

POLICY #:	401
SECTION:	RULES AND REGULATIONS
SUBJECT:	Drug and Alcohol Policy
DATE:	x/x/2019

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 policies, guidelines and programs designed to ensure a drug-free workplace.

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

PROCEDURE

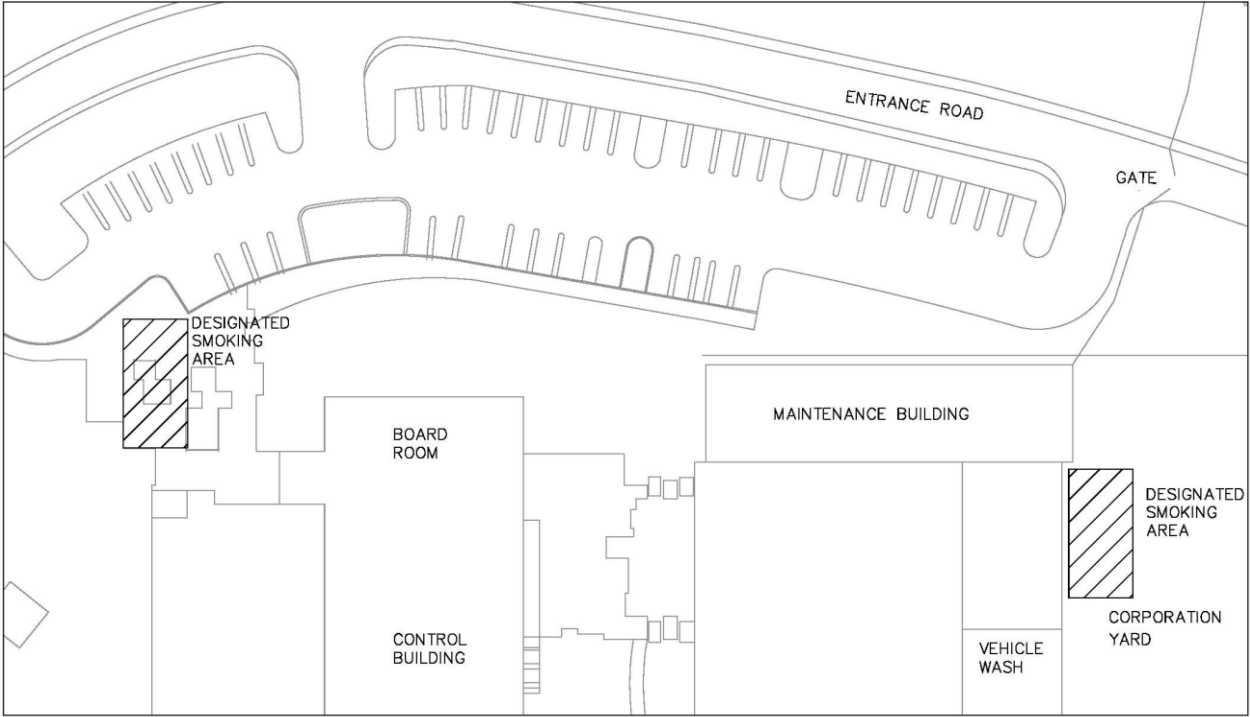
1. Employees are expected and required to report to work on time, free of the influence of drugs or alcohol.
2. Employees must not possess, use, furnish, sell or offer alcohol, drugs or other controlled substances while on the job or on Agency premises. An employee who violates this, or any other, Agency 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; 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 further work and 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 lunch 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.
8. Once provided a conditional offer of employment with the Agency, the prospective employee is required to undergo a drug screening test as part of the pre-employment medical examination.

POLICY #:	402
SECTION:	RULES AND REGULATIONS
SUBJECT:	Smoking Policy
DATE:	x/x/2019

POLICY

Due to safety and health reasons, smoking and vaping are permitted only in designated, posted smoking areas.



CMSA DESIGNATED SMOKING AREA MAP

POLICY #:	403
SECTION:	RULES AND REGULATIONS
SUBJECT:	Driving on Agency Business
DATE:	x/x/2019

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.

Employees who fail to adhere to the driving eligibility standards set forth in this policy may be subject to discipline, up to and including termination, if their job duties regularly require driving a motor vehicle. 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. See Attachment A.
- 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 ~~shall be made from time to time for~~ 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. See Attachment B.
- D. Employees not meeting the driving standards shall be reported to the appropriate supervisor as soon as Agency 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 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 appropriate insurance cards in the glove compartment of the Agency vehicle are completed and submitted to the employee's supervisor.

8. 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.

9. Mileage Reimbursement

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

10. 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 (Administrative Procedure #58), provided the supervisor authorizes such use in advance

and in writing. Employees may not use Agency vehicles for personal business.

11. 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 allowance for the use of a personal vehicle for Agency business is required to acknowledge in writing to the General Manager/designee 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:	x/x/2019

POLICY

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

PROCEDURE

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

Lockers are only to be used for the storage of such items as employee clothing, uniforms, personal safety equipment, grooming products or other personal items that are appropriate for the workplace. 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 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:	x/x/2019

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, 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 sessions
- Written warnings
- ~~Final Written written reprimands warning~~
- Suspension with or without pay
- ~~Reduction in pay [/ demotion?]~~
- 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

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

- A. Insubordination, including improper conduct toward a supervisor or refusal to perform a direct order.

- B. Violation of the Agency's policy prohibiting drug and alcohol abuse. (*Policy #401*)
- 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 community; 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, including but not limited to inadequate quantity or quality of work product; failure to complete assigned tasks; lack of cooperation; failure to achieve required certification.
- I. Violation of the Agency's policy prohibiting unlawful harassment and discrimination (*See Policy #102*).
- J. Violation of any Agency policies, rules, regulations or codes of conduct, or otherwise conducting oneself contrary to the interests of the Agency.
- K. 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 more severe 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 Reprimand 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 bypassing one or more of the preceding steps, then the supervisor, with consultation and approval from the General Manager, may issue a final written ~~reprimand warning~~ documenting the matter.

1. A written reprimand should include a statement of the problem that explains how the supervisor's expectations and standards have not been met. The written reprimand 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 written reprimand will be retained in the employee's personnel file.

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

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

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

If the proposed discipline is termination, an unpaid suspension for more than five (5) days, for 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 meet with the General Manager/designee to discuss the proposed discipline, prior to its effective date.

The Agency notice shall:

1. State the intended discipline to be imposed, the reason for it, and the 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 his/her 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, ~~or reduction in pay of more than five (5) days,~~ the employee may appeal such ~~determination-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 ir 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 s/he 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.

~~In the event that an employee files an appeal in a timely manner, an appeal hearing before the Chairperson of the Commission or designee will take place. The hearing will normally be held within sixty (60) days of the date of the request for appeal. Either the employee or the Agency party may request that a court reporter transcribe the proceedings. The requesting party shall pay for the court reporter. If the non-requesting party orders a copy of the transcript, the parties will split equally the cost of the court reporter and transcript. Either party will be permitted to present evidence to the Chairperson, and may confront and cross-~~

~~examine adverse witnesses. Either party may be represented by counsel at the appeal if desired. The Chairperson may limit evidence to that which is sufficiently material to affect the outcome of the matter.~~

~~Upon reaching a conclusion, the Chairperson will state or incorporate findings of fact supporting the conclusion, and will issue a decision that will be final and binding.~~

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POLICY #:	406
SECTION:	RULES AND REGULATIONS
SUBJECT:	Grievance Procedure
DATE:	x/x/2019

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. Disciplinary actions are not subject to the grievance procedure described in this policy. Appeal of disciplinary actions, if applicable, is governed by *Policy #405*. [Allegations of a violation of the harassment or discrimination policy is governed by Policy #102.]

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 the **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, 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 her/his Step 2 grievance to the Administrartive Assistant who will forward it to the Chairperson of the Commission.

POLICY #:	407
SECTION:	RULES AND REGULATIONS
SUBJECT:	Investigation of Facts
DATE:	x/x/2019

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 her/him may request the presence of a union representative at the interview.

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POLICY #:	408
SECTION:	RULES AND REGULATIONS
SUBJECT:	Rules Regarding Use of Agency Property and Equipment
DATE:	x/x/2019

POLICY

Agency desks, storage areas, work areas, [parking areas](#), [buildings](#), lockers, file cabinets, credenzas, computer hardware and software systems including Internet 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, for purposes of promoting efficiency and/or safety in the workplace or compliance with state and federal laws. Such inspections may be conducted before, during, or after business hours and in the presence or absence of the employee.

2. Agency Computer Systems, Internet, and Other Technical Resources

Employees are prohibited from unauthorized downloading of any software (onto or from Agency systems) as well as from unauthorized downloading of any non-business-related information. Employees shall adhere to the Agency’s policies prohibiting harassment and discrimination with regard to any document or material created on, and to Internet E-mail communications sent or received on, Agency computer systems. Offensive, harassing, or discriminatory content in such documents or messages will not be tolerated.

Documents and Internet messages created, sent, stored, or retrieved on Agency systems are Agency Property and, as such, are subject to inspection described in item 1 above. 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 onsite (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 are not permitted to incur any personal telephone charges on Agency telephones.

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 work day, ~~provided they do not use these devices for personal reasons on work time.~~ provided they do not allow these devices to interfere with their ability to perform their work tasks.

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 personal 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 to mean that information stored, created, sent, or received on Agency computers is private. For purposes of reviewing, inspecting, investigating, or searching employee's computerized files or transmissions, 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 computers.

7. 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.

8. Personal Computer Use Restrictions

Certain minimal personal use of Agency computers systems 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 computer systems is not permitted unless it can be done at virtually no cost to the Agency.
- B. Personal use of Agency computers is not permitted unless it is incidental (i.e., the extent of use is insignificant compared to use for assigned work), and does not interfere with satisfactory performance of the employee's work duties.
- C. No publishing is allowed if the content or purpose is personal. This policy bars personal web pages published by way of Agency computer systems, as well as personal postings to Internet groups, chat rooms, web pages, search services, or social media using Agency computer systems.
- D. No personal soliciting using Agency computer systems is allowed during work hours. Agency computer systems may not be used to lobby, solicit, recruit, sell, or persuade for or against commercial ventures, products, religious or political causes, outside organizations, or the like.
- E. An employee may not use for personal, non-work related interests any Agency computer system device that the employee does not employ in his/her assigned work. No privately-owned device may be connected to Agency computer systems without Agency authorization. Agency computer system devices taken home remain subject to this policy.
- F. Limited personal use of Agency computer systems is permitted only during meal and rest breaks, not during work time. 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.

9. Policy Improvements

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

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POLICY #:	409
SECTION:	RULES AND REGULATIONS
SUBJECT:	Dress Code and Uniforms
DATE:	x/x/2019

POLICY

Employees are expected to wear clothing appropriate 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 (outerwear) such as coveralls, boots, jackets, and rainwear, 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, coveralls, boots, jackets, rain gear and other work-related articles of clothing or personal protective equipment (outerwear), shall remain the property of the Agency.
2. When 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. 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:	07/12/2016

POLICY

It is the policy of CMSA to insure 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 any actual or potential safety hazards at work, or in a work-related situation.

PROCEDURE

1. **Prohibition of Violence in the Workplace**

Employees are prohibited from engaging in bullying or 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, 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. **Use of Personal Items on the Job**~~

~~CMSA provides the necessary equipment that employees require to accomplish their job and tasks in the most efficient and safe manner.~~

3. **CMSA Safety Policies**

The following are some of the safety programs 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:	x/x/2019

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 certain positions may include attendance at conferences or other business gatherings, or may present other circumstances where it is necessary for business purposes for these employees to be able to accept certain small gifts or gratuities.

Minor unsolicited gifts that may be accepted by employees are:

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, and 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 his or her official duties (e.g., books, pamphlets, reports, calendars, periodicals, or educational seminars).

POLICY #:	412
SECTION:	RULES AND REGULATIONS
SUBJECT:	Use of Social Media
DATE:	x/x/2019

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 shall not speak in social media websites or other online forums on behalf of the Agency unless specifically authorized by the General Manager/designee. 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 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, ~~and should be the first to correct their own mistakes when posting to social media.~~
7. ~~The Agency reserves the right to request the withdrawal of certain posts, the removal of inappropriate comments, and the avoidance of certain subjects.~~

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CENTRAL MARIN SANITATION AGENCY

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CMSA PERSONNEL POLICIES AND PROCEDURES ACKNOWLEDGEMENT FORM

I have received my 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 have also read, understand, and agree to comply with, CMSA's Unlawful Harassment/Discrimination Policy

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 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: _____