



Personnel Policies

of the Altadena Library District



BOARD APPROVED JANUARY 22, 2024

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ALTADENA LIBRARY DISTRICT | POLICY AND PROCEDURE MANUAL

SUBJECT: Administration of the Personnel System

SECTION: Personnel

BOARD APPROVED: January 22, 2024

PERSONNEL POLICY I

ADMINISTRATION OF THE PERSONNEL SYSTEM

- 1.1 Pursuant to California Education Code section 19647 the Board of Library Trustees (the Board) establishes the number of employees, sets their duties and power, and fixes their compensation. All officers and employees of the Altadena Library District, herein referred to as "The District" hold their positions at the pleasure of the Board.
- 1.2 The Board delegates administrative authority to the Director.
- 1.3 The Director has authority, subject to Board approval, to revise these policies.

PERSONNEL POLICY II

GENERAL STATEMENT

- 2.1 Mission: Bringing People + Ideas Together
- 2.2 Vision: An Altadena where all are learning, growing and thriving together.
- 2.3 Values: Empathy, Equity, Innovation
- 2.4 Policy.
 - 2.4.1 The District shall seek the best applicants for employment based on qualifications and provide equal opportunity for all persons who compete for employment.
 - 2.4.2 The District will not discriminate in its employment practice in regard to actual or perceived characteristic of race, color, ancestry, national origin, ethnicity, religion, sex, sexual orientation, gender, gender identity or expression, age, physical or mental disability, medical condition, marital status, citizenship status, military or veteran status, or other bases protected by state or federal law.
 - 2.4.3 The District will not discriminate in its employment practices against a qualified individual with a disability who can safely perform the essential functions of the job with reasonable accommodations.
 - 2.4.4 The tenure of an employee covered by the rules is subject to proper behavior, satisfactory work performance, and necessity for the work.
- 2.5 Applicability. Unless a policy indicates otherwise, these policies apply to all exempt and non-exempt employees.
- 2.6 No Contract. The personnel policies do not create any contract of employment, express or implied, or any rights in the nature of a contract.

PERSONNEL POLICY III

GLOSSARY

Unless otherwise required by the context, words used in these policies shall have the following meaning.

- 3.1 Administrative Leave. Temporary separation of an employee from the workplace with pay at the discretion of the Director. During periods of administrative leave the employee shall be available for contact during regular working hours.
- 3.2 Appointing Authority. The Board, the Director or the person to whom their authority has been delegated.
- 3.3 At-Will Employee. Those employees who are employed at the will of the appointing authority may be removed at any time without cause or right of appeal.
- 3.4 Classification. Classification means a group of positions sufficiently similar in duties, authority, responsibilities, and minimum qualifications for employment to permit combining them under a single title and applying common standards of selection and compensation.
- 3.5 Demotion. The voluntary or involuntary reduction of an employee to a classification having a lower salary range. Any employee who receives a demotion is placed on a new introductory period.
- 3.6 Domestic Partner. An employee who meets the requirements of Family Code section 297, et seq.
- 3.7 Exempt Employee. An employee in a job classification that is exempt from overtime under the Fair Labor Standards Act.
- 3.8 Full-Time Hourly Employee. An employee who is normally scheduled to work forty (40) hours per week.
- 3.9 Immediate Family. Spouse, child(ren), parent, step-parent, father-in-law, mother-in-law, grandparent, grandchild, legal dependent, domestic partner, sister, step-sister, brother, step-brother, and adopted child(ren).
- 3.10 Introductory Employee. An employee serving an introductory period of six (6) or twelve (12) months, depending on the position when hired or promoted, may be removed at any time without cause or right of appeal.'
- 3.11 Introductory Period. A trial period of six (6) or twelve (12) months, depending on the employee's job classification when hired or promoted, of actual service during which an employee is required to demonstrate that continued employment is appropriate by satisfactory performance of the duties of the position.
- 3.12 Management Leave. Leave granted to managers at the beginning of the calendar year in compensation for extra hours worked during the year outside of their forty-(40) hour per week schedule.

- 3.13 Non-Exempt Employee. An employee in a job classification that is subject to the minimum wage and overtime under the Fair Labor Standards Act.
- 3.14 Part-Time Hourly Employee. An employee paid at an hourly rate and scheduled to work less than twenty (20) hours per week and does not work more than 999 hours per fiscal year unless excluded from PERS coverage.
- 3.14.1 Exemptions to this policy include those with prior agreements with the District or those who are existing members of PERS.
- 3.15 Position. A combination of duties and responsibilities assigned to a single employee.
- 3.16 Promotion. The advancement of an employee after a competitive process from a position in one class to a position in another class having a higher rate of pay.
- 3.17 Promotional Introductory Period. A trial period of six (6) or twelve (12) months, depending on the position they are promoted into, during which a promoted employee is required to demonstrate that continued employment in the position is appropriate by satisfactory performance of the duties of the position.
- 3.18 Reclassification. A significant change in duties and responsibilities through gradual accretion, which results in a change in classification, title and rate of pay.
- 3.19 Regular Employee. An employee who has successfully completed the introductory period.
- 3.20 Suspension. A temporary separation of an employee from the workplace without pay, as a result of disciplinary action.
- 3.21 Temporary (on-call) Employee. An employee who is hired to work for a limited duration. A temporary employee may work part-time (i.e., working less than 999 hours per fiscal year), or full-time (i.e., working forty (40) hours per week). A temporary employee will only provide temporary services arising out of a special project, abnormal workload, an emergency, or the temporary absence of a District employee.
- 3.22 Termination. The involuntary separation of an employee from employment as a result of disciplinary action.
- 3.23 Transfer. Movement of an employee from one position in a class to another position in the same class.

PERSONNEL POLICY IV

CLASSIFICATION PLAN

- 4.1 Each position is allocated to an appropriate class on the basis of duties and responsibilities of the position.
- 4.2 Positions in a class shall be sufficiently alike to present use of a single description title for the class and the same desirable qualifications and pay range for each position.
- 4.3 Each class shall have a specification which includes a descriptive title, statement of assigned duties/responsibilities and a statement of desirable qualifications.
- 4.4 The District Director may reclassify a position upon a significant change of duties or responsibilities.
- 4.5 New classes may be created and existing classes may be revised or abolished. Please see Administration for the most up-to-date specifications.

PERSONNEL POLICY V

RECRUITMENT AND SELECTION

- 5.1 Goal of Recruitment Process. The District's goal is to hire the most qualified employees for District positions.
- 5.2 Declaring a Vacancy. When a vacancy or new position is created, the manager who wants to fill the position must complete a Vacant Position Request form. This form should be given for review to the Administration Office. Final approval is at the discretion of the District Director.
- 5.3 Advertising and Posting. Administration will be responsible for determining the method of announcing the opening and soliciting applicants. New and vacant positions will be posted on the Administration bulletin board in the staff area and advertised to attract external qualified candidates. The District Director must approve all advertisements for the open position, including the job announcement, employment ads and advertising sources. If the Director chooses to establish a hiring or eligibility list for a vacant position or classification, the District may utilize that list for filling future vacant positions of the same classification in lieu of utilizing the advertising, posting, and interviewing process each time a position becomes vacant. The life of such a list shall not exceed six (6) months.
- 5.4 Application. All applicants must complete an online employment application using the District's online application system. After the application date for the position closes, the applications will be forwarded to the hiring manager who along with the District Director will complete the following procedure in reviewing applications and selecting candidates:
- 5.5 Interview/Examination.
 - 5.5.1 All applicants will be reviewed for minimum qualifications.
 - 5.5.2 All applicants who meet minimum qualifications will be considered for interview.
 - 5.5.3 The most qualified candidates will be scheduled for interview.
 - i. All interviewees for part-time positions (defined as less than forty (40) hours per week) will be interviewed by the hiring manager and a second manager or District Director depending upon availability.
 - ii. All interviewees for full-time positions will be interviewed by a panel of external professionals well-versed in the position being filled.
 - iii. The top three to five candidates from the external panel will proceed to a final interview with the hiring manager and a second manager or District Director depending upon availability.
 - 5.5.4 In addition to the interview an examination may be required. All interviews and/or tests will be job-related. Job-related means that any question and/or test given to the applicants will be designed to determine whether the applicant can perform the duties of the position. The District will determine

the need for, method, type and number of tests and/or interviews for each available position. The District will determine the weight which is given to each test and/or interview question in determining the qualifications of candidates.

- 5.5.5 After the interview and possible examination, the best qualified applicant will be selected and made a conditional offer of employment pending a background check.
- 5.6 Termination of Process. The District may terminate any recruitment, test and/or interview at any time for any reason. The District may select one of the qualified candidates, repost the position, or leave the position unfilled.
- 5.7 Employment. Is contingent upon satisfactory completion of a background check, and verification of U. S. Citizenship or right to work in the United States.
- 5.8 Employment Forms. Once an applicant is selected to be employed the applicant must submit a W-4 form, an I-9 form, and any other form required by law or library procedure.
- 5.9 Employment of Relatives. To maintain morale and professional working relationships among employees and volunteers, relatives of employees will not be eligible for employment with the District when potential problems of supervision, safety, security, morale or actual or potential conflicts of interest exist and the potential challenges cannot be resolved by reasonable accommodation in the best interests of the District. "Relatives" are defined as an employee's parents, child (ren), spouse, domestic partner, brothers, sisters, in-laws, grandparents, grandchildren, and step relationships.
 - 5.9.1 If an employee becomes related to another employee through marriage or domestic partnership, or if an employee related to another employee becomes that employee's manager, the situation is to be immediately brought to the attention of the District Director. The District will do its best to keep its employees through mutually agreed accommodations.
 - 5.9.2 However, if a reasonable solution cannot be implemented and potential or actual problems exist, only one of the employees will be permitted to remain employed by the District. Both employees will be provided thirty (30) calendar days' notice to determine which employee will remain employed by the District. If no decision has been made by the end of the thirty (30) calendar days, the District will select the employee to be terminated.
 - 5.9.3 Relatives of District Trustees will not be considered for employment.
 - 5.9.4 If a Library Trustee and an employee marry, become related, or become domestic partners, the employee will be permitted to remain employed by the District if reasonable accommodation will eliminate the actual or potential problems. If the actual or potential problems cannot be eliminated by reasonable accommodation, or the resignation of the Library Trustee, the employee will be terminated.

- 5.9.5 If accommodations are made for any of the above situations, these accommodations will be documented in writing and a copy kept by Administration.
- 5.10 Temporary Employees. The District may follow any process it deems appropriate to recruit, select and appoint temporary employees.
- 5.11 Physical and Drug Tests. Upon completing the selection process and accepting the District's conditional job offer, potential new employees may be required to take and pass a fitness and medical exam to determine fitness for duty per the physical demands identified in the position's job description. The exam will be scheduled and paid for by the District and may comprise of the following elements:
- Physical exam
 - Tuberculin test
 - Drug screening
- 5.12 Completion of Background Check. Depending on the type of work being performed for the District, the District may determine that the successful candidate(s) may need to undergo a background check at the District's cost. The District may require the use of "LiveScan" technology to capture the individual's fingerprints and compared to others in the Department of Justice's database. If the District receives a "clear" report further steps to engage the candidate may be taken. If the District receives a report that is "not clear" it will communicate with the prospective employee in a timely manner to discuss the report. The District will then decide whether or not to continue with the employment process. The District's action will be communicated to the candidate in a timely manner.

PERSONNEL POLICY VI

INTRODUCTORY PERIOD

- 6.1 Purpose. A period for the employee's manager to determine whether continued employment is appropriate based on an assessment of the employee's performance of the duties of the position.
- 6.2 Duration. Non-exempt employees will be placed on a six-(6) month introductory period. Exempt employees will be placed on a twelve-(12) month introductory period.
- 6.3 Rejection. The District can reject the employee at any time during the introductory period for any reason, without cause and without right of appeal.
- 6.4 Demotions. Employees who are demoted serve a six-(6) month introductory period. If the employee is unsuccessful in the demoted position, the District reserves the right to terminate employment.
- 6.5 Promotions. Employees who are promoted serve a six-(6) month or twelve-(12) month introductory period. If the employee is unsuccessful in the promotional position, they shall be returned to the position previously held, if the position remains vacant.
- 6.6 Extension. The Director may extend an employee's introductory period regardless of classification, for a period not to exceed three (3) months. An extension of an employee's introductory period does not affect the District's right to reject the employee during the extended probationary period without cause or right of appeal.
- 6.7 Performance Evaluation. During the introductory period, a written performance evaluation will be submitted to the District Director three (3) months and six (6) months (for six-month probationary periods), and additionally at the twelve-(12) month mark after the employee is hired. If an employee is given an extension to their introductory period, a written performance evaluation will be submitted at the nine-(9) month mark.
- 6.8 Transfer. Although an employee may be hired for a position in a particular department or location with a specific schedule of work hours, conditions may require a change of location or work hours on a temporary or permanent basis. This may include a transfer within the same classification to a similar position in another department or location, or a demotion and reassignment of duties. The Director may initiate such- transfers or reassignments --for the benefit of the District as a whole in developing an employee's capabilities and, at the same time, achieving the objectives of the District more effectively.
- 6.9 Other Compensation. Employees in their introductory period are not eligible for tuition reimbursement or to apply for external training opportunities. If an employee resigns their position within the first six (6) months, they are not eligible for vacation leave compensation. If an employee leaves their position with the District before

the completion of six (6) months of employment, they will not be compensated for any vacation leave.

PERSONNEL POLICY VII

COMPENSATION

- 7.1 Pay Plan. The pay plan shall assign each class to a salary range in an approved Schedule of Salary Ranges (Salary Schedule). Every year Administration shall recommend to the Board of Library Trustees an appropriate salary range for each class on the basis of salary adjustments for similar classes in competing public agencies and/or significant changes in the assignment of duties and responsibilities to one or more classes and/or recruitment and retention difficulties and other appropriate factors.
- 7.2 Classification. Each classification contains six (6) steps. Classifications for employees will be reviewed as part of the annual budget preparation process and may be adjusted based on economic and market conditions, the District's financial circumstances, and/or to ensure equity with employees.
- 7.2.1 The District Director will review Management and employee salaries annually and will determine what Merit Step increases, if any, will be granted. The budgetary impact of any Merit Step increases will be incorporated into the annual budget process. Merit Step increases are not automatically granted. Merit Step increases may be granted based on:
- the employee's work performance
 - economic and market conditions for that position
 - issues of internal equity
- 7.2.2 Merit Step increases may also be granted at any time based on changes to the responsibilities of the position, as approved by the District Director.
- 7.3 Salary Placement Upon Initial Hire. An employee will be hired at or promoted to Step 1 of the appropriate classification unless the District determines that based on training, experience, and market conditions the employee should be placed above Step 1. Employees who complete the introductory period for their position to a satisfactory standard will be eligible to move to the next higher step in their classification at the discretion of the District Director.
- 7.4 Merit Increases (Step increases).
- 7.4.1 Each employee in a full-time or part-time position shall be considered for a merit increase as part of their annual evaluation until they reach the highest step of their classification. Prior to the employee's merit increase eligibility date, their manager shall review their performance. Employees whose work performance successfully meets all evaluative criteria shall be considered for advancement to the next higher step (not to exceed the maximum) of the salary range.
- 7.4.2 New and promotional employees whose initial compensation in a class is at Step 1 of the class's salary range shall be considered for a merit increase upon successful completion and satisfactory evaluation of their introductory period, including any extensions.

- 7.4.3 New and promotional employees whose initial compensation in a class is at Step 2 or higher in a class's salary range shall be considered for a merit increase one year after their hire or promotional date.
- 7.4.4 An accelerated merit increase may be granted by the District Director in recognition of exceptionally meritorious performance not to exceed two steps on a salary range.
- 7.5 Salary Upon Promotion/Demotion. A full-time Employee who is promoted to a new classification will be placed on the lowest step of the new classification that results in at least a five percent (5%) increase in monthly salary.
- 7.5.1 When an employee is reassigned to a position in the same class or another class with the same salary range, their anniversary date shall not change.
- 7.5.2 An employee demoted to a class with a lower salary range shall have their salary determined as follows:
- (a) An employee who is demoted for non-disciplinary reasons to a lower classification will be placed at the step within the pay range for the new classification that least reduces their pay when compared to their pay rate immediately prior to demotion.
 - (b) An employee demoted for disciplinary reasons shall receive a two-Step reduction in salary or the top Step of the lower class, whichever is lower.
 - (c) An introductory employee reduced to a class they have not previously occupied shall receive the first Step of the salary range of the new class.
 - (d) When an introductory employee is demoted to a class they previously occupied in good standing they shall receive the salary step and anniversary date they would have earned if they remained in the lower class.
- 7.6 Rehired Employees. A former employee who is rehired shall have their salary determined as follows:
- 7.6.1 An employee rehired to their former class within three (3) years after separating may be placed at any step of the salary range equal to or below the step level at time of separation, at the discretion of the District Director.
- 7.6.2 An employee rehired more than three (3) years after separation will be treated as a new hire.
- 7.6.3 Former employees who have retired from the District may be hired on an "as needed" basis and shall be paid the hourly rate of Step 1 of the classification they are to work.

- 7.7 Temporary Employees. Temporary employees will be paid at Step 1 of the appropriate salary range for the position.
- 7.8 Salary Upon Acting Assignment. An employee who is temporarily required to serve in a higher classification shall be compensated at a higher rate of pay as set forth below:
- 7.8.1 To be eligible the employee must first work ten (10) consecutive days in the higher class.
 - 7.8.2 To be eligible the employee must be assuming the full range of duties and responsibilities of the higher-level classification.
 - 7.8.3 The employee shall receive pay at the lowest step of the range for the position assumed, which results in at least a five percent (5%) increase in salary upon the 11th day and until temporary assignment is completed.
- 7.9 Recording Time Worked.
- 7.9.1 Non-exempt employees are required to record their time worked using the timekeeping software of the District. Exempt employees will only record their exceptions (vacation, sick, management leave, etc.).
- 7.10 Pay Period Schedule. Employees are paid on a biweekly schedule with paydays falling on every other Friday. Each pay period begins on a Sunday and ends on the second Saturday following the start of the pay period. There are twenty-six (26) pay periods per year. When payday falls on a holiday or other District closure, payday will fall on the preceding workday.
- 7.11 Mileage & Expense Reimbursement. Employees shall receive mileage reimbursement consistent with that of the IRS for travel on official library business, providing the travel has been pre-approved.
- 7.11.1 Employees are eligible for reimbursement for driving on official library business at the official IRS rate. Driving between library locations in the course of one's work is not eligible for reimbursement.
 - 7.11.2 Employees may be reimbursed for some or all expenses incurred for attendance at professional meetings, workshops, conferences, etc., on library time or on the employee's own time, providing requests for such reimbursements and/or time have been approved in advance by the District Director.
 - 7.11.3 When staff are approved to attend multi-day conferences or trainings, the District will establish a budgeted amount to cover all expenses, including: registration, travel, accommodation and meals or other incidentals. Staff are required to select the most cost-effective method for travel and accommodations.
 - 7.11.4 Request for reimbursement for any or all expenses must be documented with original receipts submitted to the Administration office along with

appropriate expense reimbursement forms. Staff are encouraged to use procurements cards for any District-related expenses.

7.11.5 Every effort will be made to allow staff members to attend appropriate professional conferences, provided that it is financially feasible and adequate staffing of the library can be maintained. Employees in their introductory period are not eligible to apply for external training opportunities.

7.11.6 The District Director must approve attendance of employees at major conferences, such as the California Library Association, the American Library Association, or Public Library Association.

7.12 Overtime. Non-exempt employees will be paid at time and one half their regular hourly rate of pay for hours worked in excess of forty (40) hours in a week and/or over eight (8) hours within one workday. Such hours must be approved in advance by the employee's immediate manager. (CA Department of Finance)

7.12.1 Overtime for full-time positions is work time in excess of the position's regular work time, i.e., forty (40) hours in a seven day week.

7.12.2 Overtime shall be used only in emergencies or when the services required are essential to maintain efficient operations. Employee must get prior approval from their Manager, Administration, or the District Director.

7.12.3 Overtime shall not exceed eight (8) hours for an employee in any calendar month without the written approval of the District Director. Overtime will be paid at one and one-half (1.5) times the employee's regular hourly rate of pay.

7.12.4 Exempt employees shall not be eligible or considered for any compensation for overtime worked.

7.13 Compensatory Time. Employees may not earn or accumulate compensatory time off.

7.14 Payday and Pay Check Distribution. Employees are paid biweekly. For non-exempt employees, time cards must be completed so that paychecks will be issued timely and accurately. If a payday falls on a holiday, paychecks will be distributed on the preceding workday. Checks are distributed by Administration or a designee on the date assigned for payment. If the employee is absent when the paycheck is distributed, the employee may claim the paycheck from Administration or a designee when the employee returns.

7.15 Direct Deposit. The District provides direct deposit of paychecks. With this option, each paycheck will be automatically deposited to an employee's account. All newly hired staff will be paid via automatic direct deposit of paychecks. As of October 26, 2021, only those staff currently paid by paper check may elect to continue that method. Pay stubs are available online via the District's payroll portal. Employees are able to initiate or change their direct deposit at any time in the District's online payroll portal.

- 7.16 Salary Deductions. Certain deductions required by law will be made from each employee's wages. These include but are not limited to: state and federal income taxes, social security and Medicare (collectively, FICA) taxes, and state disability insurance (SDI) withholdings where applicable. Other non-statutory deductions will be made upon employee authorization, such as, but not limited to: additional health and/or life insurance options, elective tax-deferred contributions (e.g. CalPERS 457(b) program).
- 7.17 Garnishments. If the District receives a court order for garnishment of an employee's wages, the District will follow these guidelines:
- i. Advise the employee of the court order and the date the first deduction will be made;
 - ii. *(Federal).* The garnishment may not exceed twenty-five percent (25%) of their weekly disposable earnings or the amount by which their disposable earnings for the week exceed thirty (30) times the federal minimum hourly wage in effect at the time the earnings are payable. Disposable earnings are defined as the portion of the employee's earnings that remains after deducting all amounts required to be withheld by law.
 - iii. *(California).* The garnishment may not exceed the maximum amount of disposable earnings subject to wage garnishment is the lesser of either twenty-five percent (25%) of the employee's disposable earnings for that week or fifty percent (50%) of the amount by which the employee's disposable earnings for that week exceed forty (40) times the state minimum hourly wage.
 - iv. If they are subject to multiple garnishments, the District will pay child support payments first; and
 - v. The District will retain a copy of the court orders in their personnel file as the legal basis for making the payroll deduction.
- 7.18 Compensation Compliance Policy. The District complies with all laws, both state and federal, regarding pay practices. The District does not participate in any unlawful "immigration-related practices," and prohibits retaliation, discrimination, or other adverse employment action against employees who exercise their employee rights, or who make a complaint about employment rights (under the Labor Code), including but not limited to any written, or oral complaints of owed unpaid wages. This includes reports, or threats to report, employees, former employees, prospective employees, or family members to immigration authorities.
- 7.18.1 In the event of an inadvertent or improper pay deduction overpayment or error, affected employees must immediately report their concern to Administration. The District will review the situation thoroughly and make any corrections to an employee's pay deemed necessary. Questions or concerns about the District policy should also be addressed to your Manager or Administration.
- 7.18.2 Compensation Complaint Procedure:
- i. Employees who believe their pay has been improperly calculated or questions on their exemption status should immediately contact

- Administration and formally report their concern pursuant to this complaint procedure.
- ii. The employee will be asked to specify in writing, using the guidance above, the specific circumstances of the pay miscalculation and whether it has occurred on other occasions.
 - iii. The designated representative from Administration will then investigate the claim by reviewing pay records and likely interviewing other employees, managers, as well as the payroll representatives handling the employee's pay, to determine the nature and scope of the employee's issue.
 - iv. If pursuant to this review a compensation calculation is found to have been made in error, Administration will correct the error as expeditiously as possible.
 - v. If a compensation error is found, the designated representative will further determine if this was an isolated incident or a pattern of conduct that requires further action on the part of the District. If warranted, the Administration may make retroactive corrections to assure that compensation calculations are completed in compliance with both state and federal laws.
 - vi. The resolution of the situation will be documented (including confirmation on the part of the employee that the situation has been resolved) and placed with the employee's records.
 - vii. Administration may, from time to time, establish a practice to regularly audit employee pay records.
 - viii. Employees who utilize this complaint procedure shall not be retaliated against for making use of this policy. Employees with questions concerning this policy are encouraged to contact the Administration.

7.18.3 Separation Compensation. The District may provide final paycheck as printed paper check depending on pay cycle.

PERSONNEL POLICY VIII

ATTENDANCE

- 8.1 Policy. This policy is to set forth Altadena Library District's policy and procedures for handling employee absences and tardiness to promote the efficient operation of the company and minimize unscheduled absences.

Punctual and regular attendance is an essential responsibility of each employee at Altadena Library District. Employees are expected to report to work as scheduled, on time and prepared to start working. Employees also are expected to remain at work for their entire work schedule. Unscheduled late arrivals, early departures or other absences from regularly scheduled hours are disruptive and must be avoided.

This policy does not apply to absences covered by the California Family Rights Act (CFRA).

- 8.2 Flexibility of Hours. In order to meet the mission of the Altadena Library District, employees are expected to be willing to be flexible in work assignments and scheduled work hours so that the District can meet its obligation of service to the community.
- 8.3 Scheduled Work Hours. An employee's workweek is defined as a recurring consecutive seven-day period beginning on Sunday at 12:01 a.m. and ending Saturday at midnight. Regularly scheduled workdays and hours for employees are established according to the needs of the District. Employees are required to work their hours as assigned. Any request by staff to modify their schedule must receive prior approval by their manager.
- 8.4 Change of Scheduled Work Hours. Management reserves the right to adjust work schedules at any time based on the operational needs of the District. As much advanced notice as possible will be given prior to any change in work schedule.
- 8.5 Absences. "Absence" is defined as the failure of an employee to report for work when scheduled to work. The two types of absences are defined below:

8.5.1 *Scheduled absence* occurs when all the following conditions are met:

- The employee provides sufficient notice to their manager at least 48 hours in advance of the absence to take either sick leave or vacation leave of no more than eight (8) hours. Leave requested of eight (8) hours or less will only be approved based on staff coverage and availability (see Section 9.2.6 for more information).
- The absence request is approved in advance by the employee's manager.
- The employee has sufficient accrued leave to cover the absence.
- If the employee does not have sufficient accrued leave to cover the absence, prior approval for an unpaid leave of

absence must be given by the employee's manager and administration.

- 8.5.2 *Unscheduled absence* occurs when any of the above conditions are not met. If it is necessary for an employee to be absent because of an illness or an emergency, the employee must notify their manager no later than the employee's scheduled starting time on that same day, although are encouraged to provide as much advance notice to their manager or Person-In-Charge (PIC) as possible. If the employee is unable to notify their manager directly, they must have someone notify their manager on the employee's behalf. An unscheduled absence counts as one occurrence for the purposes of discipline under this policy.
- 8.5.3 Employees with more than three (3) consecutive days of unscheduled absences because of illness or injury must give the District proof of physician's care and in some cases a fitness for duty release prior to returning to work. Employees will submit these medical documents to administration.
- 8.5.4 Employees must take leave for every absence unless otherwise allowed by District policy (e.g., leave of absence, bereavement, jury duty).
- 8.6 Tardiness. Employees are expected to report to work and return from scheduled breaks on time. If the employee is going to be more than ten (10) minutes late for their assigned shift, they must notify their manager no later than their regular starting time. This notification does not excuse the tardiness but simply notifies the supervisor that a schedule change may be necessary. Tardiness is one-half an occurrence for the purpose of discipline under this policy.
- 8.7 Early Departures. Employees who must leave work before the end of their scheduled shift must notify a manager immediately. Early departures are each one-half an occurrence for the purpose of discipline under this policy.
- 8.8 Disciplinary Action. Excessive absenteeism is defined as two or more occurrences of unscheduled absence in a thirty-(30) day period and may result in disciplinary action, including attendance counseling. Eight occurrences of unscheduled absence in a rolling twelve-(12) month period may result in disciplinary action, including attendance counseling, and progressive discipline up to and including termination.
- 8.9 Job Abandonment. Any employee who fails to report to work for a period of three (3) days or more without notifying their manager will be considered to have abandoned the job and voluntarily terminated the employment relationship.
- 8.10 Meal Breaks. Employees classified as non-exempt must take a meal break of at least thirty (30) minutes and up to one hour on a consistently scheduled basis. Employees working more than six (6) hours are required to take a minimum of thirty (30) minutes for a meal break. Employees classified as exempt are also encouraged to adhere to this policy.

8.10.1 Any employee that works between five (5) and six (6) hours in a shift may waive their right to a thirty-(30) minute meal break by signing the Meal Break Waiver Form. This form is kept in the employee's personnel file and can be rescinded if the employee so chooses. Any employee that works between 5 and 6 hours in a shift may waive their right to a thirty-(30) minute meal break by signing the Meal Break Waiver Form. This form is kept in the employee's personnel file and can be rescinded if the employee so chooses.

8.11 Rest Breaks. Employees classified as non-exempt are entitled to a fifteen-(15) minute break during each four-hour work period. If an employee is entitled to two rest breaks per shift the breaks are not to be taken consecutively. The scheduled rest break may not be used for other purposes, i.e., to make up time for tardiness, to extend meal hours, to arrive late, or to leave early. Employees classified as exempt are also encouraged to adhere to this policy.

PERSONNEL POLICY IX

PAID LEAVES OF ABSENCE

9.1 Holidays.

9.1.1 Regular Full-Time Employees. District libraries will be closed according to the holidays and closures calendar as approved by the Board of Trustees. Full-time employees regularly scheduled to work on the day on which a holiday falls shall receive pay as if the day had been worked. If a paid holiday falls on an employee's regularly scheduled day off, the employee receives an in-lieu day as scheduled by their manager to be taken within the same workweek.

9.1.2 Regular Part-Time Employees. Part-time employees who work less than twenty (20) hours per week are responsible for coordinating with their manager to adjust their schedule if their regularly scheduled workday falls on a holiday.

9.2 Vacation. Vacation time may not be used until after the first six (6) months of employment with the District. Exceptions may be made with the Director's approval.

9.2.1 Vacation Accrual:

- (a) Vacation is accrued on a monthly basis. During the first six (6) months of employment, vacation shall be accrued but may not be used. Any exceptions to this policy must be approved by the District Director.
- (b) No vacation accrues during an unpaid leave of absence or while collecting non-District paid wage replacement. Vacation accruals recommence when the employee returns to work.

- 9.2.2 Vacation Accrual Full-Time Employees. Full-time employees shall accrue vacation with pay as follows, unless otherwise specified in their employment agreement, or if placed on a modified work schedule, in which case accrual will be adjusted based on percentage of hours worked:

Length of Service	Vacation Days Per Year
0-5 years of full-time employment	18 days
6-9 years of full-time employment	21 days
10-14 years of full-time employment	23 days
15+ years of full-time employment	28 days

Regular Full-Time Employees:

Years of Complete Service	Annual Accrual Rate	Maximum Accrual
1 through 5	144 hours 12 per month (18 days)	216 hours
6 through 9	168 hours 14 per month (21 days)	252 hours
10 through 14	184 hours 15.33 per month (23 days)	276 hours
15+	224 hours 18.66 per month (28 days)	336 hours

- (a) The maximum number of days of vacation an employee may accrue in any one year is twenty-eight (28) days.

- 9.2.3 Vacation Accrual Part-Time Employees – Regular part-time employees working twenty (20) hours or more hours a week.

Regular Part-Time Employees:

Years of Complete Service	Annual Accrual Rate	Maximum Accrual
1 through 5	60 hours 5 per month (7.5 days)	90 hours
6 through 9	80 hours 6.66 per month (10 days)	120 hours
10+	100 hours 8.33 per month (12.5 days)	150 hours

- 9.2.4 Vacation Accrual Part Time Employees – Regular Part-Time employees less than twenty (20) hours per week.

Years of Complete Service	Annual Accrual Rate	Maximum Accrual
1 through 5	16 hours 1.33 per month (2 days)	24 hours
6 through 9	24 hours 2 per month (3 days)	36 hours
10+	32 hours 2.66 per month (4 days)	48 hours

9.2.5 Employees may request up to eight (8) hours per month time off with a maximum of forty (40) hours per year to participate in activities of their child's school or day care facility. An employee must give the District reasonable notice at least forty-eight (48) hours in advance before taking this time off and be required to provide proof of participation from the school. An employee who takes time off under this policy must utilize their existing leave for the absence (See Section 10.14 Family-School Partnership Act in Policy Section X Unpaid Leaves of Absence for more information).

9.2.6 Vacation Request. Employees are encouraged to give as much advance notice as possible when requesting vacation leave. Except in cases of emergency, employees are required to request vacation at least two (2) weeks in advance, but no more than six (6) months ahead of any leave request date(s). An employee may request vacation of eight (8) or less hours provided the employee requests a scheduled absence with at least forty-eight (48) hours advance notice. Any vacation request is not guaranteed until approved by their manager and based on operational and staffing needs of the District. Amendments and exceptions to vacation requests may be made by the District Director.

(a) The minimum amount of Vacation time that can be requested is 0.25 hours.

9.3 Vacation Cash Out. Employees have the option of cashing out a portion of their accrued vacation balance two (2) times per year to a maximum of eighty (80) hours each time. Employees must leave a minimum of forty (40) hours in their vacation bank at the time of voluntary cash out.

Example 1: An employee's vacation balance is sixty (60) hours. Because the employee must leave a minimum balance of at least forty (40) hours, the employee may elect to cash out up to twenty (20) hours.

Example 2: An employee's vacation balance is thirty-five (35) hours. Because the employee must leave a minimum balance of at least forty (40) hours, the employee may NOT request vacation cash out.

9.4 Vacation Advances. An employee is not permitted to borrow on future accrual of vacation benefits, except with the approval of the District Director. In no case may

vacation time be borrowed or taken before an employee becomes eligible to begin accruing vacation as described above. The District 's timekeeping system does allow for requesting based on future accruals.

9.5 Payment upon Termination. Employees terminating employment with the District will be paid for all unused, accrued vacation.

9.6 Religious Holidays. Employees may use vacation for religious holidays.

9.7 Management Leave. Staff classified as "Manager" or higher on the District salary schedule are eligible for Management Leave according to the matrix below.

Position	Annual Hours of Leave
District Director	100 hours (12.5 days)
Assistant Library Director	80 hours (10 days)
IT Manager	60 hours (7.5 days)
All other Managers	40 hours (5 days)

9.7.1 Accrual. Management Leave hours are granted January 1 of each year. These hours do not roll over and must be used within the same calendar year.

9.7.2 Requests. Management Leave is to be requested in the same manner as Vacation. The minimum amount of Management Leave that can be requested is 0.25 hours.

9.7.3 Cash-out. Management Leave is not eligible for cash-out.

9.8 Sick Leave.

9.8.1 Full time employees shall accrue sick leave with pay at the rate of eight (8) hours per month. No sick leave accrues during an unpaid leave of absence or while collecting non-District paid wage replacement. Sick leave accruals recommence when the employee returns to work.

9.8.2 Regular part-time employees working twenty (20) or more hours per week shall accrue sick leave on a pro-rated basis (number of hours per week).

(a) Sick leave shall accrue with no maximum for full-time employees and part-time employees working more than twenty (20) hours per week.

9.8.3 Regular part-time and temporary employees working less than twenty (20) hours per week are granted forty (40) hours of sick leave on January 1 of each year. These hours do not roll over to the following year.

9.8.4 The minimum amount of sick leave that can be requested is 0.25 hours.

9.8.5 Sick leave usage:

(a) Sick leave may be used for an illness or injury of the employee.

- (b) Up to forty-eight (48) hours per year of sick leave may be used to attend to an illness or injury of the employee's immediate family member, i.e., child(ren), adopted child(ren), stepchild(ren), parent, stepparent, spouse, or domestic partner in accordance with California Government Code section 233.
- (c) Sick leave may be used for medical and dental appointments.

9.8.6 Sick leave reporting:

- (a) Employees are required to notify the Person-In-Charge of an unscheduled absence due to illness or injury before their scheduled start time in accordance with defined procedures.
- (b) Notification Procedure: Staff must email the Person-In-Charge ([PIC](mailto:pic@altadenalibrary.org)) at pic@altadenalibrary.org to notify the District of their absence. Medical information should not be divulged in this communication consistent with the Privacy Rule within the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").
- (c) If the employee is ill more than one day, the employee must email the pic@altadenalibrary.org daily until they return to work. If the employee is unable to email the PIC email, they may designate another party to notify the District of their absence.
- (d) If an employee is ill for more than three (3) consecutively scheduled workdays, a medical release from a physician is required to return to work to prevent spread of symptoms or abuse of sick leave. A note is required if modified work is needed, including the restrictions necessary for the restricted duty.

9.8.7 An employee must provide advanced notification to their manager of an anticipated extended absence due to their own illness or to care for a family member or designated person as defined in the CFRA.

9.8.8 Sick leave may be used for illness occurring while on vacation provided the employee provides a physician's certification of such illness. The District shall be under no obligation to approve the vacation beyond the originally scheduled vacation termination date.

9.8.9 Employees may be required to provide proof of illness when sick leave is requested before or after a scheduled holiday or vacation. If proof of illness is not provided, the employee may be required to take unpaid leave for the sick leave requested.

9.9 Pay in Lieu of Sick Leave. No employee will receive pay in lieu of sick leave under any circumstances, and employees will not receive pay for unused sick leave on termination of employment.

9.10 Enforced Sick Leave. Many common diseases/illnesses such as colds and the flu are communicable and are not otherwise protected medical or physical conditions

under the law. Employees are encouraged to exercise discretion in determining if their condition is likely to affect the health of those around them in the workplace and call in sick when appropriate; accommodations to cover pending work will be made when needed. If a Manager reasonably suspects based on objective criteria that an employee may be suffering from one of these common conditions, a Manager may require an employee to go home if in the Manager's opinion the individual is not only jeopardizing the individual's health, but also greatly increasing the possibility of affecting the health of other employees. Such absence will be charged against accrued sick leave, if available; if not, it may be charged to vacation leave or leave of absence without pay.

9.11 Sick Leave Incentive. On December 1 of each year, employees may elect to convert forty (40) hours of sick leave to vacation leave provided they maintain an accrued sick leave balance of one hundred forty (140) hours or more.

9.12 Bereavement Leave.

9.12.1 The District provides full-time and part-time employees three (3) paid days of bereavement leave in the event of the death of a child, spouse, registered domestic partner, or other immediate family members (including parents, stepparents, brothers, sisters, in-laws, grandparents or grandchildren). If additional leave is needed, employees can make arrangements with their manager.

9.12.2 To be eligible for bereavement leave, an employee must have been employed for at least thirty (30) days before taking the leave. This leave does not have to be taken consecutively but must be used within three (3) months after the death of the person for whom the leave is being taken, as per California Assembly Bill 1949.

9.12.3 Effective January 1, 2023, employees are guaranteed five (5) days of bereavement leave based on California Assembly Bill 1949. If employees choose to take the two (2) additional days of bereavement leave, they will be required to use vacation leave for this additional time off.

9.13 Jury Duty Leave. Employees who are called for jury duty, or any related judicial proceedings, are required to provide immediate notice of any need for such leave to their manager and administration.

9.13.1 For all full-time employees, this leave will be paid for up to ten (10) reporting days. compensation received as witness fees or jury duty pay received from the court should be returned to the court.

9.13.2 Employees that serve four (4) or less reporting hours of jury duty must report to work to complete the remainder of their eight (8) hour work shift or take leave to cover the rest of their work shift. This can include their drive time to the library.

9.13.3 Employees that serve more than a week of jury duty are also required to send their manager a weekly summary of the hours they worked each day in service to the jury.

- 9.13.4 Upon completion of jury duty, the employee is responsible for providing a copy of the "Certification of Jury Service" to administration.
- 9.14 Voting Leave. The District provides all employees up to two (2) hours paid time off to vote in a statewide primary or general election if the election is held on an employee's regularly scheduled workday and/or employee does not have time to vote outside of working hours. Any additional time off shall be without pay.
- 9.14.1 The Manager must be notified two (2) days in advance when an employee intends to take voting time off. Such time should occur at the beginning or end of the employee's regular work shift, unless otherwise approved by the Manager.
- 9.15 Paid Family Leave.
- 9.15.1 Eligibility. Employees are eligible for Paid Family Leave (PFL) immediately upon employment and upon the need for leave to care for a seriously ill family member who is unable to care for themselves or to bond with a new child.
- (a) This benefit runs concurrently with family care but not pregnancy disability leave. (Pregnancy disability is covered under SDI not PFL). PFL does not change either law in any way and is completely separate from them. Instead, PFL provides a paid benefit to employees who suffer a wage loss when they take time off work to care for an eligible family member, or to bond with a new child.
- 9.15.2 Ineligibility. Employees are ineligible to receive Paid Family Leave while receiving State Disability Insurance (SDI), Unemployment Insurance, or Workers' Compensation benefits.
- (a) Employees are not eligible for Paid Family Leave for any day that another family member is able and available for the same period of time to provide care to the individual that created a need for PFL.
- 9.15.3 Permissible Uses of Paid Family Leave. Paid Family Leave may be requested to (1) care for a seriously ill child, spouse or domestic partner, parent, parent-in-law, grandparent, grandchild, sibling; (2) bond with a new child; (3) bond with a minor child in connection with the adoption or foster care placement of that child.
- 9.15.4 Amount of Leave. An employee may receive up to six (6) weeks of paid leave that may be paid over a twelve-(12) month period.
- 9.15.5 Effect on Benefits. During an employee's Paid Family Leave, any continuation of District benefits and insurance shall exist only to the extent the employee is eligible and covered under another applicable law or District policy.

9.15.6 Procedure for Requesting Paid Family Leave:

- (a) Notice Requirements. Employees should notify the District of their request for PFL leave as soon as they are aware of the need for such leave. The employee is required to complete a claim form with California's Employment Development Department (EDD). PFL requires a seven-(7) day waiting period and the District requires employees to take up to two weeks of paid vacation from the employee's available vacation accrued balance before becoming eligible for benefits.
- (b) Medical Certification. The EDD requires medical certification upon notification of the need for PFL. Please see the EDD's claim form for further information.

9.15.7 Effect on Reinstatement. Paid Family Leave does not create reinstatement rights for employees. Employees returning from PFL are not entitled to reinstatement to the same or comparable position unless the right exists under another applicable law or District policy.

9.16 Leave for Organ and Marrow Donation. An employee who serves as an organ donor for the purpose of transplantation shall receive up to thirty (30) business days of paid leave per year for an organ donation in any one-year period, and up to five (5) business days of paid leave per year for a bone marrow donation. Leave may be taken in one or more periods.

9.16.1 An employee seeking leave under this law must provide written verification to the District that he or she is an organ or bone marrow donor and that there is a medical necessity for the organ or bone marrow donation. The leave will not be considered a break in continuous service for purposes of salary adjustments, sick leave or vacation, or seniority. Further, leave taken does not run concurrently with leave under the Family Medical Leave Act or California Family Rights Act.

9.16.2 The District requires that an employee take up to five (5) days of accrued sick or vacation leave for bone marrow donations and up to two (2) weeks of earned and unused sick or vacation leave for organ donations.

9.16.3 An employee returning from organ or bone marrow donation leave will be restored to the same or equivalent position held when leave began.

9.17 Catastrophic Leave. Catastrophic Leave will be considered on a case-by-case basis to assist employees who have exhausted their leave due to a serious or catastrophic illness, injury or condition of the employee or their extended family. With approval of the District Director, other employees will be allowed to make grants of time to that employee so that they can remain in a paid status for a longer period of time, thus partially ameliorating the financial impact of the illness, injury or condition.

PERSONNEL POLICY X

UNPAID LEAVES OF ABSENCE

- 10.1 Policy. The District provides family-care and medical leave in accordance with the federal Family and Medical Leave Act (coordinated with the California Family Rights Act); pregnancy disability leave; disability leave for a workplace injury or as required to reasonably accommodate employees with a qualified disability; Paid Family leave; Family Military leave, and leave for other legally required absences as set forth below. Employees having any questions regarding this policy should contact Administration.
- 10.1.1 The District requires employees to exhaust accrued sick, vacation, management leave, and / or any other earned paid time off leave until forty (40) hours of cumulative leave (or less) remains for their future use.
- The employee must reach out to Administration to obtain the necessary documentation to request a leave of absence. These forms must be submitted to their direct manager, who will then submit to Administration for final approval and processing.
- 10.2 Effect on Benefits. An employee on extended leave and no longer within CFRA protected leave will be allowed to continue participating in the District's group health plans, retirement plans and other benefit programs, (except as set forth herein), in which an employee was enrolled prior to the first day of the leave, up to a maximum of three (3) months, and at the level and under the conditions of coverage as if an employee had continued in employment for the duration of such leave. During an employee's CFRA leave, the District shall continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins.
- 10.3 The employee is responsible for paying the District for the employee's portion of benefit plans and programs. The employee is also responsible prior to the start of any leave for making arrangements for submitting payment to the District when payroll deduction is not possible. If prior arrangement is not possible, the employee should make payment arrangement as soon as it is feasible to do so. Employees should contact Administration for more information.
- 10.4 If the leave extends beyond the covered and eligible CFRA leave (twelve (12) weeks), the employee will be responsible for the full cost of the employee's group health coverage, and will be required to reimburse the District for the full cost of plan premiums each month beyond the twelve (12) weeks.
- 10.5 If, after twelve (12) weeks, the employee fails to reimburse the District for their benefit premiums while on leave, the employee will be offered COBRA continuation coverage.
- 10.6 If the employee fails to return from the leave for a reason other than the recurrence or continuation of the health condition that brought about the leave or other circumstances beyond the employee's control, the District can recover any health

premiums paid by the District on the employee's behalf during any unpaid periods of the leave and outside of the covered CFRA leave.

10.7 California New Parent Leave Act.

10.7.1 Eligibility. To be eligible for new parent leave, an employee must (1) have worked for the District for at least twelve (12) months prior to the date on which the leave is to commence; and (2) have worked at least 1,250 hours in the twelve (12) months preceding the leave; and who work at a worksite that has at least twenty (20) employees within 75 miles.

10.7.2 Use of New Parent Leave. The District will provide twelve (12) weeks, whether paid and unpaid parental leave upon the request of eligible employees to bond with a new child within one year of the child's birth, adoption or foster care placement.

(a) Where both parents entitled to leave under the act are both employed by the District, they are entitled to a combined total of twelve (12) weeks of unpaid parental leave. The District may, but is not required, to grant simultaneous leave to both employees.

(b) Employees may utilize any type of accrued paid time off benefits, during the parental leave.

10.7.3 Effect on Benefits. An employee taking new parent leave will be allowed to continue participating in the District's group health plans, retirement plans and other benefit programs (except as set forth herein), in which an employee was enrolled prior to the first day of the leave, up to a maximum of twelve (12) work weeks, and at the level and under the conditions of coverage as if an employee had continued in employment for the duration of such leave. During an employee's new parent leave, the District shall continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins.

(a) The employee is responsible for paying the District for the employee's portion of benefit plans and programs. The employee is also responsible prior to the start of any leave for making arrangements for submitting payment to the District when payroll deductions are not possible. Employees should contact Administration for more information.

(b) If the employee fails to return from the leave and the failure to return is not due to the continuation, recurrence or onset of a serious health condition, or other circumstances beyond the control of the employee, the District can recover any health premiums paid by the District on the employee's behalf during any unpaid periods of the leave.

- 10.7.4 Vacation. No vacation accrues during an unpaid leave of absence or while collecting non-District paid wage replacement. Vacation accruals recommence when the employee returns to work.
- 10.7.5 Effect on Reinstatement. Employees returning from new parent leave are entitled to reinstatement to the same or comparable position consistent with applicable law.
- 10.7.6 No Retaliation/Discrimination. The District will not retaliate and/or discriminate against an individual for taking parental leave, or interfering with, restraining or denying an employee's right to leave under the act.

10.8 Pregnancy-Related Disability Leave or Transfer.

- 10.8.1 Eligibility and Duration. Any employee who is disabled due to pregnancy, childbirth or related conditions may take up to four (4) months of pregnancy-related disability leave for prenatal care, postnatal care, loss of pregnancy, childbirth, and after pregnancy care; for each pregnancy.
- 10.8.2 Temporary Transfer before Childbirth. Any employee affected by pregnancy is entitled to transfer temporarily to a less strenuous or hazardous position or to less strenuous or hazardous duties if the transfer is medically necessary and the transfer can be reasonably accommodated.
- 10.8.3 Substitution of Paid Leave for Pregnancy-Related Disability Leave. An employee taking pregnancy-related disability leave must substitute any available sick pay for their leave and may, at their option, substitute any available accrued vacation time for their leave. The substitution of paid leave for pregnancy-related disability leave does not extend the total duration of the leave to which an employee is entitled. Employees will not be paid sick leave while collecting non-District-paid wage replacement.
- 10.8.4 Effect on Benefits. Employees on a pregnancy disability leave shall maintain health insurance benefits up to four (4) months, as long as they are medically disabled.
- (a) An employee taking pregnancy disability leave will be allowed to continue participating in the District's group health plans, retirement plans and other benefit programs (except as set forth herein), in which they were enrolled prior to the first day of the leave, up to a maximum of four (4) months and at the level and under the conditions of coverage as if they had continued in employment for the duration of such leave. During an employee's pregnancy disability leave, the District shall continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins.
- (b) The employee is responsible for paying the District for the employee's portion of benefit plans and programs. The employee is also responsible prior to the start of any leave for making

arrangements for submitting payment to the District when payroll deductions are not possible. Employees should contact Administration for more information.

- (c) Once pregnancy disability ends, if the employee requests and is eligible for CFRA leave, benefits will continue for up to twelve (12) additional weeks while the employee is on CFRA leave. If, after the disability period (and applicable CFRA leave) ends, the employee fails to reimburse the District for their benefit premiums while on leave, the employee will then be offered COBRA continuation coverage.
- (d) No vacation or sick leave accrues during an unpaid leave of absence (unless substituted paid leave is used) or while collecting non-District paid wage replacement. Vacation accruals recommence when the employee returns to work.

10.8.5 Wage Replacement while on Pregnancy Disability Leave. California State Disability Insurance (SDI) provides partial wage-replacement for California workers out of work due to a non-industrial injury, illness, or pregnancy related condition. The SDI programs are state-mandated, and funded through employee payroll deductions.

- (a) SDI benefits can be paid only after an employee meets all of the following requirements:
 - Must be unable to do their regular or customary work for at least eight consecutive days.
 - Must be employed at the time you become disabled.
 - Must have lost wages because of your disability.
 - Must have earned at least \$300 from which SDI deductions were withheld during a previous period.
 - Must be under the care and treatment of a licensed doctor or accredited religious practitioner during the first eight (8) days of your disability. (The beginning date of a claim can be adjusted to meet this requirement.) They must remain under care and treatment to continue receiving benefits.
 - Must complete and mail a claim form, directly with the state Employment Development Department (EDD), within forty-nine (49) days of the date they became disabled or they may lose benefits.
 - Their doctor must complete the medical certification of their disability.

10.8.6 Procedure for Requesting Pregnancy Disability Leave.

- (a) Notice Requirements. Employees should notify the District of their request for pregnancy disability leave as soon as they are aware of the need for such leave. For foreseeable events, if possible, the employee must provide thirty (30) calendar days' advance

notice to the District of the need for pregnancy disability leave. For events that are unforeseeable thirty (30) days in advance, but are not emergencies, the employee must notify the District as soon as they learn of the need for the leave, ordinarily no later than one to two (2) working days after the employee learns of the need for the leave. If the leave is requested in connection with a planned, non-emergency medical treatment, the employee may be requested to reschedule the treatment so as to minimize disruption of the District's business.

- i. If an employee fails to provide the requisite thirty-(30) day advance notice for foreseeable events without any reasonable excuse for the delay, the District reserves the right to delay the taking of the leave until at least thirty (30) days after the date the employee provides notice of the need for pregnancy disability leave.
- ii. All requests for pregnancy disability leave should include the anticipated date(s) and duration of the leave. Any requests for extensions of a pregnancy disability leave must be received at least five (5) working days before the date on which the employee was originally scheduled to return to work and must include the revised anticipated date(s) and duration of the pregnancy disability leave.

(b) Medical Certification. Any request for pregnancy disability leave must be supported by medical certification from a health-care provider. For foreseeable leaves, employees must provide the required medical certification before the leave begins. When this is not possible, employees must provide the required certification within fifteen (15) calendar days after the District's request for certification unless it is not practicable under the circumstances to do so. Failure to provide the required medical certification may result in the denial of foreseeable leaves until such certification is provided. In the case of unforeseeable leaves, failure to provide the required medical certification within fifteen (15) days of being requested to do so may result in a denial of the employee's continued leave. Any request for an extension of the leave also must be supported by an updated medical certification.

- i. The medical certification for pregnancy disability leave shall include (a) the date on which the leave will commence; (b) the probable duration of the leave; and (c) in the case of intermittent or reduced-schedule leave, a statement that, due to the serious health condition, the employee is unable to perform the functions of their position, the probable duration of such a schedule.
- ii. Medical certifications for any medically-related leave must either be provided in person to the Manager or faxed to the Manager at (626) 798.0425. If faxed (either by the employee or the Dr.'s office), it is the responsibility

of the employee to verify receipt that the Dr.'s Certification has been received.

10.8.7 Effect on Reinstatement. Employees returning from pregnancy disability leave are entitled to reinstatement to the same or comparable position consistent with applicable law. Employees will be provided written notice of reinstatement prior to or upon commencement of their leave.

- (a) The District retains the right to deny reinstatement to an employee who would not otherwise have been employed in their same position at the time reinstatement is requested for legitimate business reasons unrelated to the employee taking pregnancy disability leave or transfer (such as a layoff due to a plant closure); or whose reinstatement would cause substantial and grievous economic injury to the District's operation. Should an employee's position be eliminated while on leave, the District will provide written notice to the employee of available and comparable positions within sixty (60) days of the employee's scheduled date of reinstatement.
- (b) Before permitting employees to return to work, the District also may require employees to provide medical certification that they are able to return to work.

10.8.8 Other Terms and Conditions of Leave. The provisions of the District's Family-Care and Medical-Leave policy regarding the leave's effect on pay, notice requirements, medical certification requirements and reinstatement also apply to all pregnancy-related disability leaves. However, for pregnancy-related disabilities, there is no process for obtaining more than one medical opinion, and there is no reinstatement exception for key employees. For the purpose of applying those provisions, an employee's pregnancy-related disability is considered to be a serious health condition.

10.8.9 Nursing Mothers at Work. The District will reasonably accommodate employees who wish to express breast milk at work. Employees who need to express breast milk at work should use their provided break time(s). If additional time beyond the normal paid rest break is needed, the time will be provided but will be unpaid/ and will be paid up to an additional five (5) minutes. Employees may choose to use their meal period to express breast milk as well.

- (a) The District provides the use of a private place to express breast milk. Employees should see their Manager to make appropriate arrangements.

10.9 Workers' Compensation Disability Leave.

10.9.1 Eligibility and Duration. An employee is eligible for a workers' compensation disability leave if an employee sustains an injury or illness that results in lost work time and the injury/illness is deemed to be job-related, arising out of employment and occurs in the course of employment.

10.9.2 Notification. To ensure that an employee receives any workers' compensation benefits to which they may be entitled, they are required to do the following if they sustain a work-related injury or illness:

- Immediately report any work-related injury or illness to their Manager.
- Complete a written Employee's Claim Form (DWC Form 1) and return it to the Manager.

10.9.3 Effect on Benefits. An employee on a workers' compensation disability leave will be allowed to continue participating in the District's group health plans, retirement plans and other benefit programs, (except as set forth herein), in which an employee was enrolled prior to the first day of the leave, up to a maximum of four (4) months, and at the level and under the conditions of coverage as if an employee had continued in employment for the duration of such leave. During an employee's workers' compensation disability leave, the District shall continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins.

- (a) The employee is responsible for paying the District for the employee's portion of benefit plans and programs. The employee is also responsible prior to the start of any leave for making arrangements for submitting payment to the District when payroll deduction is not possible. If prior arrangement is not possible, the employee should make payment arrangement as soon as it is feasible to do so. Employees should contact Administration for more information.
- (b) If the leave extends beyond four (4) months, the employee will be responsible for the full cost of the employee's group health coverage, and will be required to reimburse the District for the full cost of plan premiums each month beyond the four (4) months.
- (c) If, after the four-(4) month period, the employee fails to reimburse the District for their benefit premiums while on leave, the employee will be offered COBRA continuation coverage.
- (d) If the employee fails to return from the leave for a reason other than the recurrence or continuation of the health condition that brought about the leave or other circumstances beyond the employee's control, the District can recover any health premiums paid by the District on the employee's behalf during any unpaid periods of the leave.
- (e) No vacation or sick leave accrues during an unpaid leave of absence or while collecting non-District paid wage replacement. Vacation accruals recommence when the employee returns to work. Employees will not be paid sick leave while collecting non-District-paid wage replacement.

10.9.4 **Effect on Reinstatement.** Employees returning from workers' compensation disability leave are entitled to reinstatement to the same or comparable position consistent with applicable law and subject to any applicable defense (including but not limited to, business hardship). Additional rights to reinstatement may exist if the employee is a qualified person with a disability under the Americans with Disabilities Act (ADA) or California's Fair Employment and Housing Act (FEHA) and the employee can perform the "essential functions" of a position with or without "reasonable accommodation," unless that reinstatement would cause "undue hardship" or constitute a "direct threat" to the health and safety of coworkers or the employer.

- (a) Before permitting employees to return to work, the District also may require employees to provide medical certification that they are able to return to work.

10.9.5 **Other Terms and Conditions of Leave.** Employees who are injured in a work-related incident will be referred to the District's medical clinic for medical treatment for up to thirty (30) days, unless prior to a work-related injury, the District has received from the employee a written notice that the employee wishes to be treated by their own physician. In all cases, employees may seek treatment from their own physician after thirty (30) days, should they so desire.

- (a) If the employee has pre-designated a physician for work-related injuries/illnesses, the employee must provide the District with certification from their health care provider regarding the need for workers' compensation disability leave, as well as a return-to-work certification upon the employee's eventual return from the leave.
- (b) The law requires the District to notify the workers' compensation insurance of any concerns of false or fraudulent claims. Any person who makes or causes to be made any knowingly false or fraudulent material statement or material misrepresentation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony. A violation of this law is punishable by imprisonment for one to five years, or by a fine not exceeding \$50,000 or double the value of the fraud, whichever is greater, or both. Additional civil penalties may also apply.

10.10 **Other Disability Leaves.**

10.10.1 In addition to medical, pregnancy-related disability, and workplace injury leaves described above, employees may take a temporary unpaid disability leave of absence if necessary to reasonably accommodate an ADA-qualified disability.

10.10.2 Employees taking disability leave must comply with the family-care and medical-leave provisions regarding substitution of paid leaves, notice and

medical certification. For the purpose of applying these provisions, a disability leave will be considered to be medical leave.

10.10.3 The duration of a leave under this section shall be consistent with applicable law, but in no event shall the leave extend past the date on which an employee becomes capable of performing the essential functions of their position, with or without reasonable accommodation. For a full explanation of leave duration and reinstatement rights, employees should contact Administration.

10.11 Family Military Leave. Qualified employees (those working at least twenty (20) hours a week providing services for hire, but not independent contractors) are allowed up to ten (10) days of unpaid leave if the employee's spouse or domestic partner is a "qualified member" on leave from deployment.

10.11.1 This leave does not bar a qualified employee from taking any other leave that the employee would otherwise be entitled to take, and an employer may not retaliate against a qualified employee for taking this leave.

10.11.2 A "qualified member" is a person who is a member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States, or a member of the National Guard or Reserves who has been deployed during a period of military conflict. The leave must take place during a period in which the qualified member is on leave from deployment. The qualified employee must submit written documentation to the employer certifying that the qualified member will be on leave from deployment during the time the leave provided for is requested.

10.12 Civil Air Patrol Leave. Employees who are voluntary members of the California Wing of the Civil Air Patrol are qualified for up to ten (10) days unpaid leave per year to respond to emergency operational missions. To qualify for this leave, the employee must have been employed at least ninety (90) days immediately preceding the beginning of the leave. The employee is required to give the District advance notice (as possible) of intended leave dates.

10.12.1 Upon expiration of the leave, the employee will be restored to their position or a position of equivalent seniority, benefits, pay and other terms and conditions of employment, unless the employee is not restored due to conditions unrelated to the exercise of the leave rights.

10.13 Crime Victim Leave.

10.13.1 Crime Victim Defined. A crime victim is defined as any person "who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or a delinquent act," and a victim also includes the person's "spouse, parent, child, sibling or guardian."

10.13.2 Eligibility. Employees who are victims of a crime can take time off to deal with the issues arising as a result of the crime, including time off for medical or psychological treatment, including safety planning.

10.13.3 Permissible Uses of Leave.

- Leave for employees who are victims of a violent or serious felony, or a felony involving theft or embezzlement, or to attend judicial proceedings related to the crime. (Also applies if the victim is a member of the employee's immediate family or is the employee's registered domestic partner or partner's child).
- Leave for victims of a hate crime.
- Leave for a domestic violence, sexual assault victim and/or stalking victims.

10.13.4 Notice Requirements. Employees should notify the District of their request for time off for a crime, domestic violence, sexual assault and/or stalking occurrence as soon as they are aware of the need for such leave. The District reserves the right to requests documentation certifying the unscheduled absence by a licensed medical professional, domestic violence counselor or advocate. Employees seeking such accommodation will, at the District's request, be required to submit a written statement signed by the employee or an individual acting on the employee's behalf certifying the accommodation is related to the employee's status as a victim of domestic violence, sexual assault or stalking.

10.14 Family-School Partnership Act. Employees who are parents, step-parent, foster parent, or person who stands *in loco parentis* to a child, guardians, or grandparents in custody of a child enrolled in a California public or private school (kindergarten through twelfth grade) or licensed child day care facility may take off up to forty (40) hours each year (up to eight hours in any calendar month) to participate in activities at child's school or day care facility. Additionally, this leave also provides an employee time off from work to (1) find, enroll, or reenroll their child in a school or with a licensed childcare provider (not only licensed child day-care facilities), and (2) to address a childcare provider or school emergency. Part-time employees are allowed a proportionate number of hours of up to twenty (20) hours a year (up to four (4) hours in any calendar month).

10.14.1 Employees can use vacation, personal leave, or time off without pay (non-exempt) to account for the time needed to participate in a school or childcare activity. Time off without pay is permitted with approval by their Manager.

10.14.2 Employees must inform their Manager at least one (1) week in advance of the intent to take time off work to participate in activities at your child's school or childcare facility. If advance notice is not reasonably possible, notify your Manager as soon as possible. Each employee may be required to provide written proof of having participated at your child's school or childcare facility.

10.15 Legally Required Non-Medical Leaves of Absence. Employees will be granted a leave of absence as required by law for the purpose of fulfilling any required legal, military obligation, or emergency rescue training including:

- Appearance as a witness in a legal proceeding
- School visits for a suspended child
- Performance of emergency duty by a volunteer firefighter, reserve peace officers, and emergency rescue or health care personnel
- Volunteer civil service leave

10.16 Leave of Absence without Pay.

10.16.1 The Director, upon the recommendation of the manager, may grant a leave of absence without pay to regular full-time and regular part-time employees not to exceed twelve (12) weeks.

10.16.2 Written Request. Leave of absence without pay will only be considered upon written request of the employee setting forth the reason for the request.

10.16.3 The District requires employees to exhaust accrued sick, vacation, management leave, and / or any other earned paid time off leave until 40 hours of cumulative leave (or less) remains for their future use.

10.16.4 Effect on Reinstatement. Upon conclusion of a leave of absence without pay, the employee is entitled to return to their former position or a comparable position unless: (1) the position has ceased to exist for a legitimate business reason; (2) the position could not be kept open or filled by a temporary employee without substantially undermining the District's ability to operate safely and efficiently, in which case, the District shall provide notice to the employee of the situation as soon as possible and where appropriate give the employee the option of returning to that position; (3) the employee has directly or indirectly indicated an intention not to return to the position; (4) the leave of absence expires and the employee does not contact their manager concerning a date to return to work, the employee will be considered to have voluntarily terminated employment; (5) the employee is no longer able to perform the essential functions of the job with or without reasonable accommodation; or (6) the employee is no longer qualified for the job.

10.16.5 Paid Leave Not Earned. Vacation, personal holiday and sick leave will not be earned during the leave, and holidays with pay will not be given.

10.16.6 Health Insurance. District contributions to monthly premium cost of health insurance will be suspended after one (1) calendar month. After one (1) month the employee must make arrangements with the Administration to continue to pay their normal monthly premium cost for insurance under COBRA provisions or lose coverage.

PERSONNEL POLICY XI

EMPLOYEE BENEFITS

- 11.1 Notification of Life Changing Events. Administration is responsible for maintaining complete and up-to-date employment records for all current employees. Employees are responsible for notifying Administration within thirty (30) days of the occurrence of any "life changing event," as the event may impact insurance coverage and eligibility. These events consist of:
- Change in your marital status (such as marriage, divorce, annulment or legal separation)
 - Termination of their spouse's or registered domestic partner's full-time employment
 - Loss of their spouse's or registered domestic partner's coverage under another employer's benefits plan (allows an employee to change only the coverage lost, e.g., medical, dental)
 - A change in their family status, such as gaining or losing an eligible dependent
 - Spouse or registered domestic partner gaining benefits through a new employer or first offer of benefits through spouse's or registered domestic partner's current employer (open enrollment periods excluded)
 - Employees should also promptly notify Administration of any changes in their name, home address, telephone number, and insurance or retirement plan beneficiaries.
- 11.2 Retirement. All full-time and eligible employees are covered by the District for retirement benefits under the California Public Employees' Retirement System (CalPERS) on the first day of employment unless appointed to a position that is excluded by contract. Benefits will be provided in accordance with the contract between CalPERS and the District. The District and any eligible employees will pay contributions according to the annual valuations established by CalPERS.
- 11.3 Medical Benefits. The District contracts with CalPERS for medical benefits. The District will share the cost of the employee's medical coverage on a pre-determined basis, subject to annual review and possible adjustment.
- 11.3.1 After termination from employment with the District, employees and their eligible dependents may continue temporary insurance coverage at their own expense under the federal statute commonly called COBRA.
- 11.4 Dental Insurance. All full-time regular and eligible employees with a prior agreement with the District are entitled to enroll in the dental insurance plan offered by the District. The District's contribution to the cost of the employee shall be one hundred percent (100%) for individual employee coverage. Typically the carrier has a thirty-(30) day waiting period from the 1st of the month after date of hire.
- 11.5 Vision Care Insurance. All full-time regular and eligible employees with a prior agreement with the District are entitled to enroll in the vision insurance plan offered by the District. The District's contribution to the employee shall be one hundred

percent (100%) for individual employee coverage. Typically the carrier has a thirty-(30) day waiting period from the 1st of the month after date of hire.

- 11.6 Wellness Stipend. At the beginning of the fiscal year, all full-time and part-time employees will receive a wellness stipend in their first full paycheck of that fiscal year. The amount will be determined during the budget preparation process each year. Only employees employed at the beginning of the fiscal year are eligible for this benefit.
- 11.7 Life Insurance. All full-time regular employees will receive a \$15,000 life insurance benefit. All employees shall be offered the option of subscribing to additional life insurance coverage at their expense.
- 11.8 State Disability Insurance. The District will enroll all employees in the employee-funded State Disability Insurance (SDI) Program. SDI benefits are determined by the State of California Employment Development Department. SDI benefits can be used concurrently with employee's available sick leave while out on disability.
- 11.9 Worker's Compensation. The District provides workers compensation coverage benefits as required by law.
- 11.10 Bilingual Pay. The District provides additional compensation to employees that use additional language(s) in the course of their work. Eligibility will be determined at the beginning of each fiscal year, or when a newly hired employee qualifies for this compensation. The amount will be determined during the budget preparation process each year.
- 11.11 Continuing Education Policy. The District encourages its employees to enhance their knowledge and further their careers by continuing their education.
 - 11.11.1 Purpose. The purpose of this Policy is to ensure that employees wishing to improve their work and career-related knowledge, skills, and abilities have a procedure for requesting educational assistance. In order to uniformly administer this program, guidelines have been developed for determining eligibility of coursework and the amount of reimbursement.
 - 11.11.2 Eligible Employees. All employees with satisfactory work performance will be eligible for tuition reimbursement. All employees who are new hires must have satisfactorily completed their introductory period before submitting an application.
 - 11.11.3 Tuition Reimbursement Application. A Tuition Reimbursement Application must be submitted to an employee's manager ahead of coursework commencing. The manager must sign off on the request and submit to the District Director for approval.
 - 11.11.4 Eligible Coursework. Coursework must be from an accredited two-(2) year or four-(4) year college or university, a technical school, an adult education program, or a university extension program. For coursework to be eligible for reimbursement:

- It must relate specifically to the current employee's job duties or assist employees to prepare for promotional and/or transfer opportunities within the District or a related agency.
- The employee must receive a passing grade of "B" or better.

11.11.5 Reimbursement. The maximum amount that an employee may be reimbursed per calendar year is as follows:

- \$2,000 per year for full-time employees
- \$1,000 per year for part-time employees
- Reimbursement will not be made for expenses for which the employee receives payment from other sources (for example scholarships, grants).
- After the coursework is completed, the employee must submit an Expense Reimbursement Form to their Manager for signature and processing in Administration and attach the following:
 - Approved Tuition Reimbursement Application
 - Coursework documentation
 - Receipts
 - Evidence of a passing grade (B or better)
- Eligible Costs:
 - Tuition
 - Books required for the course
 - Other mandatory course materials and fees
- Ineligible Costs:
 - Tools or supplies
 - Meals, lodging, or transportation
 - Parking fees

11.11.6 Repayment of Reimbursement. If an employee terminates employment with the District within one (1) year after receiving tuition reimbursement, he/she shall be liable for repayment of the reimbursement. Upon termination, the entire amount of repayment will be deducted from the final paycheck. If a balance exists after the final paycheck, the employee shall reimburse the District from personal funds.

11.12 Membership in Employee Organizations. Employees may join employee organizations of their own choice. Employees also have the right to refuse to join or participate in the activities of employee organizations.

11.12.1 Each employee has the right to represent himself/herself individually in his employment relations with the District.

11.12.2 Employees shall not be discriminated against, granted preferential treatment, or have equitable treatment withheld because of either membership or non- membership in an employee organization.

PERSONNEL POLICY XII

STANDARDS OF CONDUCT

Workplace Rules and Procedures

- 12.1 Policy. Employees are expected to observe certain standards of job performance and professional conduct. When performance or conduct does not meet District standards, the District will endeavor when it deems appropriate to provide the employee a reasonable opportunity to correct the deficiency. If, however, the employee fails to make the correction, they may be subject to discipline including termination.
- 12.1.1 The rules set forth below are intended to provide employees with fair notice of what is expected of them. Necessarily, however, such rules cannot identify every type of unacceptable conduct and performance. Therefore, employees should be aware that conduct not specifically listed below but which adversely affects or is otherwise detrimental to the interests of the District, other employees or customers may also result in disciplinary action. Nothing in these rules is intended to modify the at-will nature of employment with the District.
- 12.2 Job Performance. Employees may be disciplined for poor job performance, including but not limited to the following:
- Unsatisfactory work quality or quantity;
 - Poor internal or external customer service;
 - Excessive absenteeism, tardiness, or abuse of Sick Leave or break and lunch privileges;
 - Failure to follow instructions or District procedures; or
 - Failure to follow established safety regulations.
- 12.3 Misconduct. Employees may be disciplined for misconduct, including but not limited to the following:
- Insubordination;
 - Dishonesty;
 - Theft;
 - Discourtesy;
 - Misusing or destroying District property or the property of another on District premises;
 - Violating conflict-of-interest rules;
 - Disclosing or using confidential or proprietary information without authorization;
 - Falsifying or altering District records, including the application for employment;
 - Interfering with the work performance of others;
 - Altercations;
 - Harassing, including sexually harassing, employees or customers;

- Being under the influence of, manufacturing, dispensing, distributing, using, or possessing alcohol or illegal or controlled substances on District property or while conducting District business;
- Gambling on District premises or while conducting District business;
- Sleeping on the job or leaving the job without authorization;
- Possessing a firearm or other dangerous weapon on District property or while conducting District business; or
- Being convicted of a crime that indicates unfitness for the job or raises a threat to the safety or well-being of the District, its employees, customers or property; or
- Failing to report to the District within three (3) days any conviction under any felony drug statute.
- Defrauding the District by making a false claim for compensation, benefits, or reimbursements, including making a false Worker's Compensation Claim against the District;
- Refusing to report on official call in an emergency;
- Working overtime without authorization.

12.4 Business and Ethical Code of Conduct. The District promotes a workforce in which employees conduct themselves and perform their duties with one another, business partners and customers, and others with whom they do business in a positive and professionally knowledgeable manner. The District employees are the face of the organization and, as a result, employee actions directly impact the District's ability to fulfill its mission.

12.4.1 Intent. This policy is intended to focus District staff on their duties and responsibilities, provide guidance to help them recognize and deal with ethical issues, provide mechanisms to report unethical conduct, and to foster a culture of honesty and accountability. Every employee is expected to know and comply with both the letter and the spirit of this policy. Provisions contained herein should be read in conjunction with other District policies including Conflict of Interest, Rules of Conduct, Confidential Information and Non-Disclosure.

12.4.2 Code. The District's Business and Ethical Code of Conduct require employees to maintain the following standards in dealing with staff, business partners, customers and business associates. All District employees agree to:

- Always conduct themselves to the highest levels of ethics, integrity, accountability and responsibility. This includes demonstrating honesty, confidentiality, and professionalism in the workplace and when conducting any District-related business.
- Act in the District's best interest in fulfilling its mission and take care to avoid the potential or appearance of conflict of interest. A conflict of interest is defined as any circumstance that impedes an employee's ability to act with total objectivity with regard to District interest (See Section 12.6).
- Comply with all laws and by-laws of the U.S. and State of California.

- Enhance diversity by supporting an environment that recognizes the value and worth of all individuals, treating others with respect and courtesy, and complying with the District's zero tolerance policy for acts of harassment, discrimination and/or intimidation.

12.5 Reporting. No code or policy can anticipate every situation that might arise. Accordingly, this Code is intended to serve as a source of guiding principle for District staff. Employees are encouraged to bring questions about particular circumstances to their Manager, or to Administration for guidance or clarification and report any suspected wrongdoing, fraudulent, dishonest or improper conduct. Accordingly, any breach or violation of the District's Rules of Conduct or Business and Ethical Code of Conduct should be reported immediately to the above individuals. The District will treat reports seriously, investigate as required and take appropriate action to maintain a workplace based on high standards of conduct.

12.6 Conflicts of Interest. Employees are expected to devote their best efforts and attention to the full-time performance of their jobs. They are expected to use good judgment, to adhere to high ethical standards and to avoid situations that create an actual or potential conflict between the employee's personal interests and the interests of the District. A conflict of interest exists when the employee's loyalties or actions are divided between the District's interests and those of another, such as a competitor, supplier or customer. Both the fact and the appearance of a conflict of interest should be avoided. Employees unsure if a certain transaction, activity or relationship constitutes a conflict of interest should discuss it with their Manager or Administration for clarification. Any exceptions to this policy must be approved in writing by the Director.

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

- Accepting personal gifts or entertainment from competitors, customers, suppliers or potential suppliers in excess of twenty-five dollars (\$25) in value;
- Working for a competitor, supplier or customer;
- Engaging in self-employment in competition with the District;
- Using proprietary or confidential District information for personal gain or to the District's detriment;
- Using District assets or labor for personal use;
- Committing the District to give its financial or other support to any outside activity or organization.

12.6.2 If an employee or someone with whom an employee has a close relationship (a family member or close companion) has a financial or employment relationship with a competitor, customer, supplier or potential supplier, the employee must disclose this fact in writing to the Administration. Employees should be aware that if they enter into a personal relationship with a subordinate employee or with an employee of a competitor, supplier or customer, a conflict of interest may exist, which requires full disclosure to the District.

- 12.6.3 Certain designated staff members will be required to complete and file a Form 700, or Statement of Economic Interest, with the Fair Political Practices Commission on an annual basis.
- 12.7 Security and Confidential Information. The security of employees, employee property, and District property is of vital importance to the District. All employees share responsibility to ensure that proper security is maintained.
- 12.7.1 Proprietary and Confidential Information. Employees must not use or disclose any proprietary or confidential information they obtain during employment with the District except as required by their jobs. This obligation remains even after an employee's employment relationship with the District ends. If an employee is in a position that gives them access to particularly sensitive information, the employee might be required to sign a written nondisclosure agreement. In addition, all employees must observe good security practices. They are expected to keep proprietary and confidential information secure from outside visitors and all other persons who do not have a legitimate reason to see or use such information.
- 12.7.2 District rules regarding document control, restricted access to areas of the facility and other such procedures must be strictly observed by each employee. Failure to adhere to District policies regarding proprietary and confidential information will be considered grounds for discipline including dismissal.
- 12.7.3 Obligations on Termination. On termination of employment, whether voluntary or involuntary, all District documents, whether in hard copy or electronic format, and other tangible District property in the employee's possessions or control must be returned to the District.
- 12.8 Injury and Illness Prevention. The District is committed to providing and maintaining a healthy and safe work environment for all employees. The Facilities Manager will facilitate, in coordination with outside vendors when appropriate, periodic inspections to find and eliminate unsafe working conditions or practices and investigate occupational injuries and illnesses.
- 12.8.1 Each employee must immediately report any observed safety concerns or any accidents involving District-owned equipment or involving personnel on District time to Administration or the Person In Charge so that the District can take corrective action as soon as possible.
- 12.8.2 Any damage to District-owned property or any accident involving District personnel must be documented in an incident report and submitted to Administration.
- 12.8.3 Each employee is expected at all times to plan and carry out work assignments with regard to their own personal safety and the safety of others. Failure to report an accident may be grounds for disciplinary action, up to and including termination.

12.8.4 Heat Illness Prevention. The District follows a Heat Illness Prevention program. The program includes:

- i. Training – For all affected employees and their Managers.
- ii. Water – The District encourages each employee to drink at least one (1) quart of water per hour while working in high heat conditions.
- iii. Recovery Period – The District allows and encourages outdoor employees to take a cool-down rest in the shade for a period of no less than five (5) minutes at a time when they feel the need to do so to protect themselves from overheating. Please do not wait until you feel sick to request this rest period.*
- iv. Written Procedures – The District's IIPP contains written procedures for implementing the Cal/OSHA Heat Illness Prevention Standard.

**A recovery period is paid and not included as a meal or rest period. Employees will receive an additional hour of pay at the employee's regular rate of pay for each day that a recovery period is not provided.*

12.8.5 Seating Provisions. All employees shall be provided with suitable seats when the nature of the work reasonably permits the use of seats. For employees whose work requires standing, an adequate number of suitable seats shall be placed in reasonable proximity to the work area, which employees may use when it does not interfere with the performance of their duties.

12.8.6 Hazardous Chemicals and Your Right to Know. The District utilizes hazardous chemicals as part of the day-to-day operation of the District. It is our intention to disclose to the employee the chemicals that may be associated with the job.

12.9 Anti-Harassment Policy. The District is committed to providing a workplace free of sexual harassment based on race, color, creed, religion, gender (including pregnancy, childbirth, breastfeeding, or related medical conditions), national origin, ancestry, age, physical or mental disability, medical condition including genetic characteristics, or any information based on genetic background, family-care status, military and veteran status, citizenship status, immigration status, primary language, marital status, sexual orientation, gender identity or gender expression where a person's gender-related appearance and behavior may not be stereotypically associated with the person's assigned sex at birth, or any other consideration made unlawful by federal, state, or local laws. This also includes a perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics.

12.9.1 Harassment Defined. Harassment may take many forms. It need not be explicit, nor even specifically directed at the victim. Sexually harassing conduct can occur between people of the same or different gender. Harassment includes:

- Verbal Harassment, such as jokes, epithets, negative stereotyping, derogatory comments, or slurs;
- Physical Harassment, such as physical interference with normal work, impeding or blocking movement, assault or unwelcome physical contact;
- Visual Harassment, such as offensive or obscene photographs, calendars, posters, cards, cartoons, drawings, gestures, display of sexually suggestive or lewd objects, or unwelcome notes or letters; and
- Sexual Harassment, such as unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature, such as name calling, suggestive comments, or lewd talk and jokes.

12.9.2 Such conduct constitutes harassment when (1) submission to the conduct is made either an explicit or implicit condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the harassment is carried out to sabotage, undermine, or interfere with an employee's work performance or creates an intimidating, hostile or offensive work environment. Sexually harassing conduct includes unwelcome conduct such as requests for sexual favors, conversation containing sexual comments and unwelcome sexual advances.

12.9.3 Sexually harassing conduct need not be motivated by sexual desire. Behavior is considered harassing conduct if motivated by:

- (a) Showing sexual intent or desire on the harasser's part towards the victim;
- (b) Showing general hostility by the harasser towards a particular sex of which the victim is a member; or
- (c) Through comparative evidence about how the alleged harassment treated members of both sexes in a mixed-sex workplace.

12.9.4 Training. All District staff must attend a one-hour Sexual Harassment Prevention Training every two years as assigned by Administration. Managers will receive two hours of training every two years as assigned by Administration. Staff may be required to attend additional anti-harassment or other sensitivity trainings in regards to any protected class.

12.9.5 Reporting. Any incident of harassment should be reported promptly to the employee's Manager and Administration, who are responsible for investigating the matter. Managers who receive complaints or who observe harassing conduct must inform the Administration immediately. The District emphasizes that an employee is not required to complain first to their immediate Manager if that Manager is the individual who is harassing the employee.

12.9.6 Investigation. Any and all complaints of harassment will be investigated thoroughly, promptly, without prejudice and in a manner as confidential as possible. Employees or volunteers who are witnesses to or are victims of harassment may be required to provide statements during administrative investigations regarding their observations. After the investigation is completed, the District will take whatever corrective action is deemed appropriate. Disciplinary action for a violation of this policy can range from verbal or written warnings up to and including immediate termination depending upon the circumstances. With regard to acts of harassment by customers or vendors, corrective action will be taken after consultation with the appropriate management personnel.

12.9.7 Retaliation. Retaliation, including engaging in direct reprisals or encouraging others to do so, is strictly forbidden. No actions may be taken against any person who: (1) complies with, or encourages others to comply with, any provision of this policy; (2) files a complaint concerning any violation of this policy; (3) testifies, assists, or participates in any investigation or hearing resulting from a complaint under this policy; or (4) exercises or attempts to exercise any right conferred under this policy.

12.10 Policy Against Retaliation and Whistleblower Protection. In accordance with applicable law, the District prohibits retaliation against any employee, or employed family member, because of the employee's or employee's family member complaint of or opposition to a practice the employee reasonably believes to constitute unlawful business practices of any nature or because of the employee's participation in an employment investigation, proceeding or hearing. Any retaliatory adverse action because of such opposition or participation is unlawful and will not be tolerated. This policy also applies to contractors and agents of the District. Protection against whistleblowers also includes:

- Reporting or alleging a violation of a local/agency/state/federal rule or regulation.
- Prohibition of retaliation against employees who report a violation to their employer.
- An employee who discloses, or may disclose, information regarding alleged violations "to a person with authority over the employee or another employee who has authority to investigate, discover or correct the violation."
- An employee who opposes any of the forbidden employment practices or who has filed a complaint, testified, or assisted in connection with a complaint under that law, including request for reasonable or religious accommodation.
- Any employees who disclose, discuss, or inquire about their own or their co-workers' wages for the purpose of enforcing their rights.
- Prohibition of retaliation against an employee because the employer "believes the employee disclosed or may disclose information."

12.10.1 This policy includes protection for employees, contractors and agents who:

- An employee who opposes any of the forbidden employment practices or who has filed a complaint, testified, or assisted in connection with a complaint under that law, including request for reasonable or religious accommodation.
 - Any employees who disclose, discuss, or inquire about their own or their co-workers' wages for the purpose of enforcing their rights.
- 12.10.2 A complaint about an employment practice constitutes protected opposition only if the employee communicates a reasonable good faith belief that the practice opposed constitutes an unlawful business practice. Opposition in a manner which disrupts the workplace, or which constitutes an unlawful activity, or engaging in badgering or threatening of employees or Managers is not protected.
- 12.10.3 Employees have a right to redress for prohibited retaliation. In order to secure this right, employees must provide a complaint, preferably in writing to their Manager or Administration as soon as possible after any incident they feel is prohibited retaliation. Administration will initiate an investigation of the allegations. This investigation will be completed and a determination regarding the retaliation alleged will be made and communicated to the employee as soon as practical. Because of the seriousness of a complaint of unlawful retaliation, knowingly submitting or participating in a false, deceptive or bad faith complaint will not be tolerated and may lead to disciplinary action up to and including discharge.
- 12.10.4 If Administration determines that prohibited retaliation has occurred, the District will take remedial action commensurate with the severity of the offense. Action will also be taken to deter any future retaliation. Whatever action is taken will be made known to the employee who submitted the complaint.
- 12.10.5 The District encourages all employees to report any incidents of retaliation forbidden by this policy immediately so that complaints can be quickly and fairly resolved.
- 12.11 Drug and Alcohol Policy. To avoid accidents, to promote and maintain safe and efficient working conditions for its employees, and to protect its business, property, equipment and operations, the District has established this policy concerning the use of alcohol, marijuana, and drugs. As a condition of continued employment with the District, each employee must abide by this policy.
- 12.11.1 Intent. It is the intent of the District to maintain a workplace that is free of drugs and alcohol and to discourage drug and alcohol abuse by its employees. The District has a vital interest in maintaining safe and efficient working conditions for its employees. Substance abuse is incompatible with health, safety, efficiency and success at the District. Employees who are under the influence of a drug, marijuana, or alcohol on the job compromise the District's interests, endanger their own health and safety and the health and safety of others, and can cause a number

of other work-related problems, including absenteeism and tardiness, substandard job performance, increased workloads for coworkers, behavior that disrupts other employees, delays in the completion of jobs, inferior quality in products or service, and disruption of customer relations.

12.11.2 Employee Cooperation. Early detection of substance-abuse problems benefits everyone. For example, it benefits the employee with the substance- abuse problem because it gives them the opportunity to correct the problem before it leads to serious harm to the employee or others; it benefits the employee's coworkers who otherwise might have to carry an extra burden by covering for the substance abuser or who otherwise might be exposed to serious injury; and it benefits the District because it gives the District an opportunity to prevent accidents and avoid the performance problems and other losses associated with substance abuse. Accordingly, all employees should understand that coworkers with substance-abuse problems should be encouraged to seek assistance.

12.11.3 Definitions.

- (a) "Illegal drugs or other controlled substances" mean any drug or substance that (a) is not legally obtainable; or (b) is legally obtainable but has not been legally obtained; or (c) has been legally obtained but is being sold or distributed unlawfully.
- (b) "Legal drug" means any drug, including any prescription drug or over-the-counter drug, that has been legally obtained and that is not unlawfully sold or distributed.
- (c) "Abuse of any legal drug" means the use of any legal drug (a) for any purpose other than the purpose for which it was prescribed or manufactured; or (b) in a quantity, frequency or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer
- (d) "Reasonable suspicion" includes a suspicion that is based on specific personal observations such as an employee's manner, disposition, muscular movement, appearance, behavior, speech or breathes odor; information provided to management by an employee, by law enforcement officials by a security service or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.
- (e) "Possession" means that an employee has the substance on their person or otherwise under their control.

12.11.4 Prohibited Conduct. The prohibitions of this section apply whenever the interests of the District may be adversely affected, including any time the employee is:

- On District premises;

- Conducting or performing District business, regardless of location;
- Operating or responsible for the operation, custody or care of District equipment or other property; or
- Responsible for the safety of others.

12.11.5 Prohibited Acts Subject to Discharge. The following acts are prohibited and subject an employee to discharge:

- The unauthorized use, possession, purchase, sale, manufacture, distribution, transportation or dispensation of alcohol
- Being under the influence of alcohol
- The use, possession, purchase, sale, manufacture, distribution, transportation or dispensation of any illegal drug or other controlled substance
- Being under the influence of any illegal drug or other controlled substance
- The abuse of any legal drug
- The purchase, sale, manufacture, distribution, transportation, dispensation or possession of any legal prescription drug in a manner inconsistent with law
- Working while impaired by the use of a legal drug whenever such impairment might:
 - Endanger the safety of the employee or some other person;
 - Pose a risk of significant damage to District property or equipment;
 - Substantially interfere with the employee's job performance;
 - The efficient operation of The District's business or equipment.

12.11.6 Disciplinary Action.

(a) Discharge for Violation of Policy. A first violation of this policy will result in immediate discharge whenever the prohibited conduct:

- Causes injury to the employee or any other person, or in the sole opinion of management endangered the safety of the employee or any other person;
- Results in significant damage to District property or equipment, or in the sole opinion of management posed a risk of significant damage;
- Involves the sale or manufacture of illegal drugs or other controlled substances;
- Involves in the possession, distribution, or dispensation of illegal drugs or other controlled substances or alcohol in a quantity greater than for personal use;

- Involves an employee who had not completed the training period or was a casual, seasonal or temporary employee;
 - Involves the failure of an employee to report a criminal conviction as required by below.
- (b) Discretion Not to Discharge. In circumstances other than those described above, the District, through the discretion of Administration, can choose not to discharge an employee for a first violation of this policy if the employee satisfactorily completes participation in an approved drug- or alcohol-abuse assistance or rehabilitation program.
- (c) Effect of Criminal Conviction. An employee who is convicted under a criminal-drug statute for a violation occurring in the workplace or during any District-related activity or event will be deemed to have violated this policy.
- (d) Written Warning. An employee who is not discharged for a first violation of this policy will receive a final written warning and immediate suspension without pay for a period of three (3) calendar days.
- (e) Effect of Second Violation. A second violation of this policy at any time will result in immediate termination.
- (f) Effect of Termination on Eligibility for Rehire. Employees who are discharged for a violation of this Policy may not be eligible for rehire by the District.

12.11.7 Drug-Free Awareness Program.

- (a) Employee Awareness. The District has established a Drug-Free Awareness Policy, which is designed to inform employees about the dangers of drug abuse in the workplace and to help assure that employees are familiar with this policy and with the disciplinary actions that can result from a violation of this policy.
- (b) Management Awareness. Managers should be attentive to the performance and conduct of those who report to them and should not permit an employee to work in an impaired condition or otherwise in violation of this policy. When management has reasonable suspicion to believe an employee or employees are working in violation of this policy, prompt action will be taken.

12.11.8 Criminal Convictions. Employees are required by this policy to notify the District of any conviction under a criminal drug statute for a violation occurring in the workplace or during any District-related activity or event, no later than three (3) days after any such conviction. When required by

federal law, the District will notify any federal agency with which it has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace.

12.11.9 Use of Legal Drugs. The District recognizes that employees may, from time to time, be prescribed legal drugs that when taken as prescribed or according to the manufacturer's instructions may result in their impairment. Employees may not work while impaired by the use of legal drugs, including marijuana, if the impairment might endanger the employee or someone else, pose a risk of significant damage to District property or substantially interfere with the employee's job performance. If an employee is so impaired by the appropriate use of legal drugs, they may not report to work. To accommodate the absence, the employee may use accrued sick leave or vacation time.

- (a) The employee may also contact Administration to determine whether or not they qualify for an unpaid leave of absence, such as family-care or medical leave. Nothing in this policy is intended to sanction or encourage the use of accrued sick leave or vacation time to accommodate absences due to the abuse of legal drugs. Furthermore, nothing in this policy is intended to diminish the District's commitment to employ and reasonably accommodate qualified disabled individuals. The District will reasonably accommodate qualified disabled employees who must take legal drugs because of their disability and who because of their appropriate use of such drugs cannot perform the essential functions of their positions adequately or safely.

12.11.10 Unregulated or Authorized Conduct.

- (a) Customary Use of Over-the-Counter Drugs. Nothing in this policy is intended to prohibit the customary and ordinary purchase, sale, use, possession or dispensation of over-the-counter drugs so long as that activity does not violate any law or result in an employee being impaired by the use of such drugs in violation of this Policy.
- (b) Off-the-Job Conduct. Unless an employee is in a designated safety-sensitive position, this policy is not intended to regulate off-the-job conduct so long as the employee's off-the-job use of alcohol or drugs does not result in the employee being under the influence of or impaired by the use of alcohol or drugs in violation of this policy. If an employee is in a designated safety-sensitive position, they will be subject to drug testing as described below.
- (c) Authorized Use of Alcohol. The District may provide alcohol for consumption at certain events such as social functions. The consumption of alcohol at these events does not violate this policy.

12.11.11 Confidentiality. Disclosures made by employees to the Administration concerning their use of legal drugs will be treated confidentially and will not be revealed to managers unless there is an important work-related

reason to do so in order to determine whether it is advisable for the employee to continue working. Disclosures made by employees to Administration concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially.

12.11.12 Drug Testing.

- (a) Post-Accident Testing. If an employee is involved in an accident, to the extent permitted by law, regulation and/or rule, the employee will be requested to take a drug and/or alcohol test in accordance with the procedures outlined below.
 - i. If an employee refuses to cooperate with the administration of the drug test and/or alcohol test, the refusal will be handled in the same manner as a positive test result.
- (b) Reasonable Suspicion. Reasonable cause testing may be conducted based on a belief that an employee is using or has used alcohol or drugs in violation of the District's policy drawn from specific objective facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based on, but not limited to, one of the following:
 - i. Direct observations of abnormal conduct or erratic behavior by the employee which may render the employee unable to perform their duties or which may pose a threat to safety or health.
 - ii. A report of observed alcohol or drug use provided by a reliable and credible source.
 - iii. An on-the-job accident or occurrence where there is evidence to indicate the accident or occurrence, in whole or in part, may have been the result of the employee's use of a controlled substance or alcohol.
 - iv. Evidence that an employee is involved in the use, possession, sale, solicitation, or transfer of drugs or alcohol while working or while on the employer's premises or operating the employer's vehicle, machinery, or equipment.
 - v. The employee's conviction of a criminal drug or alcohol statute violation.
- (c) Testing Procedures. Any employee subject to testing under this policy will be required to provide a urine and/or breath test per the Federal Register 49CFR part 40 testing procedures. The purpose of these tests is to determine the presence of drugs or alcohol. Refusal to submit to testing procedures, including refusing to provide a sample, will be considered a positive test. A positive test

will result in the revocation of an applicant's job offer or will subject a current employee to discipline up to and including termination.

- 12.12 Smoke-Free Environment. To protect the health and safety of all employees and customers of the District, smoking is prohibited in District buildings, on job sites that are indoors, and in District-owned vehicles. This includes smoking in any form through the use of tobacco products (pipes, cigars, and cigarettes) or "vaping" with e-cigarettes. Employees who wish to smoke may do so only on their regular breaks and meal periods, and must smoke outside of the building, job site, or District-owned vehicle.
- 12.13 Maintaining a Current Driver's License and Insurance. Employees who are required to drive a District vehicle or drive their own vehicle to perform work for the District must have a current driver's license and be in compliance with existing District insurance requirements. An employee who uses their automobile for District business must maintain the minimum automobile insurance coverage required by the state of California. Written verification confirming such insurance shall be provided to the District.
 - 12.13.1 Employee Pull Notice. Employees that may be required to drive a District vehicle in the course of their work will be required to submit a California DMV INF 1101 EPN Authorization for Non-Mandated and be registered with the District's Employee Pull Notice platform. The District will be notified of traffic or driving violations that may preclude employees from operating a vehicle. The District may take steps of discipline if the inability to drive prevents them from performing essential functions of their position.
- 12.14 District Property and Equipment.
 - 12.14.1 All tools and equipment purchased by the District are the property of the District and it is the responsibility of the employee to whom tools and equipment are assigned to maintain and safeguard these assets. When leaving a work area, it is required that all tools be placed back in designated storage areas or removed from the work area and secured in locked storage where available.
 - 12.14.2 An inventory of tools and equipment will be made periodically. If it is determined by the District that an employee is grossly negligent in the proper storage of tools, materials, or supplies or they are misplaced or stolen due to the employee's dishonesty, willfulness or act of gross negligence, the employee will be asked to replace the same tools, materials, or supplies at fair market value or will be asked to sign a Payroll Deduction Authorization authorizing the District to deduct the fair market value of the missing or damaged tools, materials, or supplies. If the employee unreasonably fails or refuses to replace or pay for the missing or damaged property or authorize a payroll deduction, the employee may be subject to disciplinary action up to and including termination and may be subject to a civil suit for recovery of the District's property.

12.14.3 All District property, including desks, lockers, cabinets, closets, or other storage is subject to search at any time. Any item found in violation of District policy will result in disciplinary action up to and including termination.

12.14.4 Introducing or using software designed to destroy or corrupt the District's telecommunications or computer systems is strictly prohibited. Employees are prohibited from altering/tampering with the major configuration settings on their work-issued computers. Employees are not allowed to interfere with any of the routine maintenance processes, such as anti-virus software virus definition file updates, etc., run by the IT Manager.

(a) Employees are prohibited from installing any software on District-owned devices unless given expressed written consent from the IT Manager. Otherwise, software installation is to be performed by the IT Manager only.

Employees are strictly forbidden to connect their own personal devices to any District-wired network or staff wireless network.

(b) All District policies pertaining to standards of conduct, harassment and discrimination apply to employees' use of District telecommunications and computer systems and equipment.

(c) Fraudulent, harassing, threatening, discriminatory, sexually explicit, foul, offensive or obscene messages and/or materials are not to be transmitted, printed or stored using District telecommunications and computer systems and equipment.

(d) District telecommunications and computer systems and equipment must not be used to solicit for business ventures, personal social events, non-work related meetings, political or religious causes, or other matters not connected with the District's legitimate operations. Chain letters, solicitations, and other forms of mass mailings are prohibited with the exception of the distribution of materials related to legitimate District business.

(e) Employees are prohibited from accessing pornographic, gambling-related, or other inappropriate websites or phone lines.

(f) The District email address may not be used for non-work related internet purchases, promotions, on-line newsletters, listservs, newsgroups, usergroups, etc.

(g) Employees who participate in listservs, newsgroups, usergroups, etc. are prohibited from attributing their opinions or comments to the District.

(h) Use of the District 's telecommunications and computer systems and equipment is not private. Authorized representatives of the

District may monitor the use of, and information stored on, the District computer systems and equipment as required to ensure that their use is consistent with the District's policies and legitimate business interests. All communication using District telecommunications and computer systems and equipment are subject to the California Public Records Act.

- (i) Failure to comply with this policy may lead to discipline up to and including termination of employment.

12.15 Solicitation, Distribution and Bulletin Boards. Employees may engage in solicitation on District premises only during their nonworking time. Nonworking time means time during meals or breaks and before or after work.

12.15.1 Employees may distribute or circulate non-District written materials only during nonworking time and only in non-work areas. If an employee is not certain whether an area is a work or non-work area, they should consult their immediate Manager for clarification.

12.15.2 Solicitation or distribution in any way connected with the sale of any goods or services for profit is strictly prohibited anywhere on District property at any time. Similarly, solicitation or distribution of literature for any purpose by non- employees is strictly prohibited on District property at any time.

12.15.3 District bulletin boards have been placed in several locations to inform employees of special District activities, and changes in administration, personnel or benefit programs. Employees are responsible for reading and understanding any information that is posted or distributed on the bulletin board. Official notices and communications are displayed on these boards and no material may be posted without management approval.

12.15.4 The District follows the Department of Industrial Relations (DIR) requirements to post information related to wages, hours and working conditions where it may be easily read during the workday. Employees can find these postings and applicable wage orders the hallway. The California wage order covers topics related to employee's pay and working conditions, including, administrative, executive and professional exemptions; overtime wages; alternative workweeks; minimum wages; reporting time pay; records retention; cash shortage and breakage; uniforms and equipment; meals and lodging; meal periods; and rest periods.

12.16 Personal Property. The District is not responsible for the loss, damage, or theft of personal belongings, and employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work. For their own convenience, employees may bring personal property to the workplace. However, the District does not assume and specifically disclaims responsibility for any personal property located on its premises, or which accompanies or is carried, worn, or otherwise used by employees during the course of their work for the

District. Employees who choose to bring personal property with them to work do so at their own discretion, and at their own risk.

12.17 Off-Duty Use of Facilities. Employees are prohibited from remaining on District premises or making use of District facilities while not on duty. Employees are expressly prohibited from using District facilities, District property, or District equipment for personal use.

12.18 Staff Workspaces & Common Areas. All employees are expected to keep their work areas clean and organized. Staff work areas should only contain items that are business-related and personal items should be kept to a minimum. In an effort to prevent loss or theft, staff are encouraged to leave items of value at home. The District will provide a secure space for staff belongings to the extent it is able. Employees who choose to bring personal property with them to work do so at their own discretion, and at their own risk. The District is not responsible for loss, theft or damage of personal property.

12.18.1 People using common areas such as lunch rooms and restrooms are expected to keep them sanitary. Please clean up after meals and dispose of trash properly.

12.19 Dress Code.

12.19.1 Policy. It is the policy of the District that each employee's dress, grooming, and personal hygiene be appropriate to the work environment. Employees are expected at all times to present a professional image to customers, prospects, and the public. All employees are expected to wear appropriate business casual, work attire. Employees should not wear shirts with potentially offensive images, ripped and worn looking jeans, athletic clothing, shorts, flip-flops, and similar items of casual attire that do not present a business-like appearance and adequately cover the body and undergarments should not be visible. As a precaution, employees who work with book trucks or heavy furniture are encouraged to wear closed toe shoes. Staff are expected to maintain proper hygiene.

(a) Certain employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms, depending on the nature of their job.

(b) Staff may participate in special dress days as defined by the Library Director. This may include a more casual appearance such as wearing shorts or ball caps on special event days.

(c) The District will make reasonable accommodations for employees who have specific religious dress practices and religious grooming practices, unless it is determined that the accommodation has an undue hardship on the District.

(d) Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Non-exempt employees will not be compensated for any

work time missed because of failure to comply with this policy. Violations of this policy also may result in disciplinary action.

12.20 Workplace Violence Policy. The District strives to maintain a safe and secure workplace for all employees and visitors. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from District property and are subject to disciplinary and/or personnel action up to and including termination, consistent with District policies, and/or referral to law enforcement authorities for criminal prosecution. Complaints of harassment are covered under the District's policy against harassment.

12.20.1 The District, at the request of an employee, or at its own discretion, may prohibit members of the public, including family members, from seeing an employee on District property unless necessary to transact District-related business. This policy particularly applies in cases where the employee suspects that an act of violence will result from an encounter with said individual(s).

12.20.2 All staff, trustees, volunteers, vendors, contractors, consultants, and others, who do business with the District, whether in a District facility or off-site location where District business is conducted, are covered by this policy.

12.20.3 Workplace violence is any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights of movement or expression, or disrupts the workplace, the academic environment, or the District's ability to provide services to the public. Examples of workplace violence include, but are not limited to:

- Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, or waving arms and fists).
- Intentional physical contact for the purpose of causing harm (such as slapping, stabbing, punching, striking, shoving, or other physical attack).
- Menacing or threatening behavior (such as throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making oral or written statements specifically intended to frighten, coerce, or threaten) where a reasonable person would interrupt such behavior as constituting evidence of intent to cause harm to individuals or property.

12.20.4 Possessing firearms, imitation firearms, knives or other dangerous weapons, instruments or materials is strictly prohibited. No one within the District, shall have in their possession a firearm or other dangerous weapon, instrument or material that can be used to inflict bodily harm on an individual or damage to District regardless of whether the individual possesses a valid permit to carry the firearm or weapon. The possession of firearms on District property may be cause for discipline up to and

including immediate termination of employment. In enforcing this policy, the District reserves the right to request inspections of any employee and their personal effects, including personal vehicles while on District premises. Any employee who refuses to allow inspection will be subject to the same disciplinary action as being found in possession of firearms.

12.20.5 Reporting. If any employee observes or becomes aware of any of the above-listed actions or behavior by an employee, customer, consultant, visitor or anyone else, they should notify the Manager immediately. Furthermore, employees should notify the Manager and Administration if any restraining order is in effect or if a potentially violent non-work related situation exists that could result in violence in the workplace.

12.20.6 Investigation. All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, the District will inform the reporting individual of the results of the investigation.

- (a) To the extent possible, the District will maintain the confidentiality of the reporting employee and of the investigation but may need to disclose results in appropriate circumstances, for example, in order to protect individual safety.
- (b) The District will not tolerate retaliation against any employee who reports workplace violence.

12.20.7 Corrective Action and Discipline. If the District determines that workplace violence has occurred, the District will take appropriate corrective action and will impose discipline on offending employees.

- (a) The appropriate discipline will depend on the particular facts, but may include written or oral warnings, probation, and re-assignment of responsibilities, suspension, or termination.
- (b) If the violent behavior is that of a non-employee, the District will take appropriate corrective action in an attempt to ensure that such behavior is not repeated. Under certain circumstances, the District may forego disciplinary action on the condition that the employee takes a medical leave of absence.
- (c) The District may request that the employee participate in counseling, either voluntarily or as a condition of continued employment.

PERSONNEL POLICY XIII

PERFORMANCE REVIEWS

13.1 Performance Reviews.

- 13.1.1 The District's Performance Review system provides a formal periodic review throughout the year of the performance of each employee in relationship to the performance expectations of their manager.
- 13.1.2 If the evaluation manager has not supervised the employee for the entire evaluation period, the evaluation may be written in consultation with other managers who have knowledge of that employee's performance and will be identified as providing input in the evaluation.
- 13.1.3 For new or promoted employees given a six-(6) month introductory period, evaluation will be made on the basis of the merit of their performance at three (3) months and six (6) months. If at three (3) months the employee receives an overall rating of "development opportunity," the evaluating manager will coordinate with Administration to coach their performance and complete the six-(6) month evaluation prior to the end of the introductory period. The employee's immediate manager will prepare the rating and discuss it with the employee. The manager, in conjunction with the District Director, may grant regular status if employee successfully completes the introductory period or release the employee if development opportunities are not met. The employee shall be advised, in writing, of the decision.
- 13.1.4 For new or promoted employees given a twelve-(12) month introductory period, evaluation will be made on the basis of the merit of their performance at three (3), six (6), and twelve (12) months. If at three (3) months the employee receives an overall rating of "development opportunity," the evaluating manager will coordinate with Administration to coach their performance to see improvement by the six-(6) month evaluation. If at six (6) months the employee still receives an overall rating of "development opportunity," their manager and Administration will put them on a three-to-six-month Performance Improvement Plan (PIP) and schedule regular meetings with the employee to ensure they are achieving the goals set forth in the PIP. After the three-to-six-month period, the manager of the employee will assess their performance and in conjunction with the District Director, may grant regular status if employee successfully completes the introductory period at the conclusion of their first twelve (12) months of employment with the District. If the performance has not met the standards of the PIP, the employee will be released due to the identified development opportunities not being met. The employee shall be advised, in writing, of the decision.
- (a) After successful completion of the introductory period, an employee will receive an annual written performance evaluation to be reviewed in person with their manager. Full-time and part-time employees shall be rated annually by their immediate manager no

more than thirty (30) days following the anniversary date of completion of the most recent introductory period.

- (b) The failure to properly conduct the three-(3) and six-(6) month evaluations of an introductory employee shall not otherwise prohibit the District from terminating an introductory employee.

13.1.5 An employee has the right to submit their comments related to the performance evaluation for inclusion in the employee's personnel file. The comments must be received within three (3) business days of the evaluation date.

PERSONNEL POLICY XIV

DISCIPLINARY AND GRIEVANCE PROCEDURES

- 14.1 Grounds for Discipline. Regular employees found in violation of the Standards of Conduct (Section XII) may be disciplined, including reprimand, discharge, demotion, or suspension for cause. This section does not apply to temporary introductory employees. Discipline will be applied for any action or non-action by an employee which impedes or disrupts the performance of the District and its organizational component units, is detrimental to employee or public safety, violates properly established rules and procedures, or adversely affects the reputation of the District, its trustees, or employees.
- 14.2 Types of Disciplinary Actions.
- 14.2.1 The District Director may suspend any employee from duty when such action is in the best interest of the District. A suspension will not exceed thirty (30) days except when an employee is awaiting trial in a court of law. In these cases, the suspension may be extended until the court has rendered a decision. A suspended employee loses all right to pay and employee benefits which might accrue during the period of suspension.
- 14.2.2 Reassignment or demotion in an employee's class and pay may be authorized by the District Director and may be temporary or permanent. The employee must be assigned duties appropriate to the new class.
- 14.2.3 The District Director may discharge employees for serious misconduct. When notice of discharge cannot be served personally upon the employee, the notice will be sent by registered letter mailed to the employee's last known address.
- 14.3 Procedure for Discipline.
- 14.3.1 Notice. The employee must receive preliminary written Notice of Intent from the Director or a designee in case of suspension, demotion or discharge, which provides the following:
- (a) The disciplinary action intended, the specific charges upon which the action is based and a summary of any supporting facts and documentation;
 - (b) Notification of the employee's right to respond to the charges either orally or in writing to the appropriate authority within five (5) business days.
 - (c) Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to the final discipline being imposed.
 - (d) If Notice is sent by Mail: The Notice shall also contain a "statement of delivery or mailing" indicating the date on which the Notice was

personally sent Certified with Return Receipt requested - in the United States Mail to the employee. Such date of delivery or mailing shall be the "date of issuance" of the Notice. As long as the Notice contains a "statement of delivery or mailing," it is conclusively presumed that the employee received the Notice.

14.3.2 Response. The employee has the right to respond either orally or in writing to the Director or the designee within no less than five (5) but no more than ten (10) workdays of the date of issuance of the Notice. Workdays are defined as Monday through Friday except for recognized District holidays. The employee has a right to their own representation at this level. In cases of suspension, demotion or discharge the employee's response will be considered before action is taken.

14.3.3 Final Notice. After the response or the expiration of the employee's time to respond to the notice of intent, the appropriate authority shall: (1) dismiss the notice of intent and take no disciplinary action against the employee or (2) modify the intended disciplinary action or (3) prepare and serve upon the employee a final notice of disciplinary action. The final notice of disciplinary action shall include the following:

- (a) The disciplinary action taken and its effective date;
- (b) Specific charges upon which the action is based and a summary of any supporting facts and documentation;
- (c) The employee's right to appeal.

14.4 Appeal Process.

14.4.1 Right of Appeal. Each employee shall have the right to appeal any personnel action taken under these Policies and Rules which they believe has been unfairly or unjustly administered. Employees shall be assured freedom from reprisal for using the appeal process.

- (a) Initial appeal shall be made, in writing, to the District Director within ten (10) working days from the date the employee receives notice of the action. The District Director and Administration shall investigate the complaint. The District Director shall have the authority to uphold, modify or rescind the appealed action and shall submit their decision to the employee and any other person involved in the action within ten (10) working days from the date the appeal was filed.
- (b) A regular employee who is dissatisfied with the decision from the initial appeal may seek a hearing of the appeal by the Board of Trustees. Such a request must be filed within ten (10) working days after receiving the decision on the initial appeal. The request must state the employee's reasons for objection to the disputed action and the relief desired. An introductory employee shall have this right to appeal only in those instances specified in Section 14.4.2 below.

- (c) The Board of Trustees shall convene a hearing within thirty (30) working days after the filing of the request for hearing. Interested parties shall be advised of the time and place of hearing at least five (5) days in advance.
- (d) If either the appealing employee or the person responsible for the disputed action requests a public hearing, a public hearing must be held. Otherwise, the Board may hear the appeal in closed session.
- (e) Each party has the right to call and examine witnesses, cross-examine opposing witnesses, introduce exhibits, and rebut the evidence against them. Either party may be represented by counsel.
- (f) The following rules of evidence apply: oral evidence will be taken only on oath or affirmation.
- (g) The hearing need not be conducted according to technical rules of evidence. Relevant evidence will be admitted if it is the sort of evidence on which responsible persons customarily rely in the conduct of serious affairs, regardless of common law or statutory rules which may make improper the admission of such evidence over objection in civil actions.
- (h) The Board of Trustees shall, within five (5) days after the hearing, render a decision as follows:
 - Whether or not the disputed action was taken for reasonable cause, or
 - Whether the action should be sustained, modified or rescinded.
 - i. If the Board rules that the action should be sustained, modified or rescinded, all proceedings shall end.
 - ii. The Board may find that the action should be modified. In such case, the Board will determine the degree of relief which shall be granted.
 - iii. If the Board finds that the action should be rescinded, the employee shall receive any pay or employee benefits they lost as a result of the action.

14.4.2 An introductory employee who is dissatisfied with the decision from the initial appeal shall not be entitled to a hearing, except in the case of fraud or of discrimination because of political or religious opinions, racial extraction, sex, or organized labor membership.

- (a) If the introductory employee files an answer which alleges fraud or discrimination because of political or religious opinions, racial extraction, sex, employee organization membership or organized labor membership and requests a hearing, the Board of Trustees

will grant the request if such request sets forth facts substantiating their allegations. After such hearing, the Board of Trustees may sustain the discharge or reduction or may order such introductory employee reinstated, and unless such order otherwise provides, it shall be effective as of the date of the discharge or reduction.

- (b) If a hearing is granted on the basis that the introductory employee has adequately alleged fraud or discrimination for one of the reasons set forth above, the introductory employee being discharged or reduced shall have the burden of proving such fraud or discrimination, and that such fraud or discrimination was the basis for the discharge or reduction. In all other aspects, the hearing shall be held pursuant to the provisions of Sections 14.4.1.1-14.4.1.8.

14.5 General Complaint and Grievance Procedure.

14.5.1 Open Door Policy. The District is committed to complying with all employment regulations, guidelines and laws, both state and federal. Any employee who has concerns or complaints regarding any aspect of their employment may initiate a discussion with their Manager. Although employees may directly contact the Director at any time, the District recommends that employees maintain open lines of communication with their Managers by reviewing concerns with them first. Problems will be dealt with promptly and will involve only necessary personnel.

14.5.2 General Complaint Procedure. Before filing a formal written grievance, the employee is strongly encouraged to use the General Complaint Procedure as outlined below to resolve any complaints.

- (a) Employees who have a concern or complaint regarding any aspect of their employment should first try to resolve the issue if possible. If not possible or if the issue remains unresolved, the employee should go to their Manager or Administration and formally report their concern pursuant to this complaint procedure.
- (b) The employee may be asked to, among other things, specify the specific circumstances of their concern or complaint and whether it has occurred on other occasions.
- (c) The Manager or Administration will then investigate the concern or complaint.
- (d) The District will take appropriate action on the complaint in a timely manner.
- (e) The resolution of the situation will be documented and placed with the affected employees' personnel files when appropriate.
- (f) Employees who utilize this complaint procedure shall not be retaliated against for making use of it. Employees with questions

concerning this policy are encouraged to contact their Manager or Administration.

14.5.3 Formal Grievance. A grievance is a written allegation by an employee claiming violation(s) of District rules or policies.

14.5.4 Formal Level I.

- (a) Within five (5) workdays after presentation of the grievance at the "informal level," (or fifteen (15) days after the occurrence) the employee may, if the grievance is still unresolved, present their grievance in writing to their immediate manager.
- (b) This statement shall be a clear, concise statement of the grievance setting forth the section of the District Personnel rules and/or regulations or these rules allegedly violated, the circumstances involved, the decision rendered at the informal conference, and the specific remedy sought.
- (c) The Manager shall communicate their decision to the employee in writing within ten (10) workdays after receiving the grievance. If the Manager does not respond within the time limits, the employee may appeal to the next level.
- (d) Within the above limits, either party may request a face-to-face meeting with the District Director.

14.5.5 Formal Level II.

- (a) If the employee is not satisfied with the decision at Level I, they may within five (5) workdays appeal the decision in writing to the District Director. For those employees who report to the Director, proceed to Grievance Level III.
- (b) The written statement shall include a copy of the original grievance, the decision rendered, and a clear, concise statement of the reasons for the appeal.
- (c) The District Director shall communicate their decision to the employee in writing within ten (10) workdays after receiving the grievance. If the Director does not respond within the time limits, the employee may appeal to the Board of Trustees.

14.5.6 Formal Level III.

- (a) If the employee is not satisfied with the decision at Level II, they may within five (5) workdays appeal the decision in writing to the Board of Trustees.
- (b) The Board will discuss the matter during closed session at their next regularly scheduled meeting.

- (c) The Board shall communicate their decision to the grievant in writing within five (5) workdays after their regularly scheduled meeting. The decision of the Board is final.

14.5.7 General Provisions.

- (a) The employee has the right to their own representation on all grievances. The Director shall be notified of the representative, if any.
- (b) The Director shall meet with the employee at Level I if the grievance resulted from a decision, act or omission of the Director.
- (c) Time limits may be waived by the mutual consent of the employee filing a grievance and the Director.
- (d) Employees are assured freedom from reprisal for using the grievance procedures.

PERSONNEL POLICY XV

TECHNOLOGY USE AND PRIVACY

- 15.1 Policy. The District provides various Technology Resources to authorized employees to assist them in performing their job duties for the District. Each employee has a responsibility to use the District's Technology Resources in a manner that increases productivity, enhances the District's public image and is respectful of other employees. Failure to follow the District's policies regarding its Technology Resources may lead to disciplinary measures up to and including termination of employment. Moreover, the District reserves the right to advise appropriate legal authorities of any violation of law by an employee.
- 15.2 Technology-Resources Definition. Technology Resources consist of all electronic devices, software and means of electronic communication including, but not limited to the following: personal computers and workstations; laptop computers; mini and mainframe computers; other wireless devices such as tablets; computer hardware such as disk drives and tape drives; peripheral equipment such as printers, modems, fax machines and copiers; computer software applications and associated files and data, including software that grants access to external services such as the Internet; electronic mail; telephones; cellular phones; tablets; and voice mail systems.
- 15.3 Authorization. Access to District Technology Resources is within the sole discretion of the District. Generally, employees are given access to the District's various technologies based on their job functions. Only employees whose job performance will benefit from the use of the District's Technology Resources will be given access to the necessary technology. Additionally, employees must successfully complete District-approved training before being given access to District Technology Resources. Exceeding authorized access may subject the employee to liability (*e.g. per the Computer Fraud and Abuse Act – CFAA*).
- 15.4 Use. The District's Technology Resources are to be used by employees only for the purpose of conducting District business. Employees may, however, use the District's Technology Resources for the following incidental personal uses so long as such use does not interfere with the employee's duties, is not done for personal or financial gain, does not conflict with District business and does not violate any District policy:
- To send and receive necessary and occasional personal communications;
 - To prepare and store incidental personal data (such as personal calendars, personal address lists and similar incidental personal data) in a reasonable manner;
 - To use the telephone system for brief and necessary personal calls; and
 - To access the Internet for brief personal searches and inquiries during meal times or other breaks or outside of work hours provided that employees adhere to all other usage policies.
- 15.4.1 The District assumes no liability for loss, damage, destruction, alteration, disclosure or misuse of any personal data or communications transmitted over or stored on the District's Technology Resources. The District accepts

no responsibility or liability for the loss or non-delivery of any personal electronic mail or voice mail communications or any personal data stored on any District property. The District strongly discourages employees from storing any personal data on any of the District's Technology Resources. Employees who store personal information on District media should have no expectation of privacy.

15.4.2 Technology Use & Section 7 Protected Communications. While the District's technology resources are for the purposes of conducting business communications, nothing in this policy shall prevent or impede collective action by employee(s) for mutual aid and protection or otherwise impair Section 7 Rights under the NLRA.

15.4.3 Improper Use.

- (a) Prohibition against Harassing, Discriminatory and Defamatory Use. The District is aware that employees use electronic mail for correspondence that is less formal than written memoranda. Employees must take care, however, not to let informality degenerate into improper use. As set forth more fully in District Policy Against Harassment, the District does not tolerate discrimination or harassment based on race, color, creed, religion, gender (including pregnancy, childbirth, breastfeeding, or related medical conditions), national origin, ancestry, age, physical or mental disability, medical condition including genetic characteristics, or any information based on genetic background, family-care status, military and veteran status, citizenship status, immigration status, primary language, marital status, sexual orientation, gender identity or gender expression where a person's gender-related appearance and behavior may not be stereotypically associated with the person's assigned sex at birth, or any other consideration made unlawful by federal, state, or local laws This also includes a perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. Under no circumstances may an employee use District Technology Resources to transmit, receive or store any information that is discriminatory, harassing or defamatory in any way.
- (b) Additionally, any employee whose job is to repair, install, or otherwise service the District's technology resources, who has knowledge of or reasonably suspects child abuse or neglect based on pictures, graphics, or images that have been intentionally saved, transmitted, or organized on an electronic medium, are required to report their findings. Reported concerns should be forwarded to the Manager.
- (c) Prohibition against Violating Intellectual Property Laws. Employees must not use the District's Technology Resources to copy, retrieve, forward or send intellectual property unless the employee has the

author's permission or is accessing a single copy only for the employee's reference for business purposes.

- (d) Other Prohibited Uses. Employees may not use any of the District's Technology Resources for any illegal purpose, violation of any District policy, in a manner contrary to the best interests of the District, in any way that discloses confidential or proprietary information of the District or third parties, or for personal or financial gain.

15.5 Access to Technology Resources. All messages sent and received, including personal messages, and all data and information stored on the District's electronic-mail system, voice mail system, or computer systems are District property regardless of the content. As such, the District reserves the right to access all of its Technology Resources including its computers and other electronic devices, voice mail, and electronic-mail systems at any time in its sole discretion without prior notice.

15.6 Privacy. The District may at its discretion inspect all files or messages on its Technology Resources at any time for any reason. Employees should understand, therefore, that they have no right of privacy with respect to any messages or information created or maintained on the District's Technology Resources, including personal information or messages. The District may also monitor its Technology Resources at any time in order to determine compliance with its policies, for purposes of legal proceedings, to investigate misconduct, to locate information or for any other business purpose.

15.7 Passwords. Employees are expected to maintain their passwords as confidential. Employees must not share passwords and must not access coworkers' systems without express authorization.

15.8 Data Collection. The best way to guarantee the privacy of personal information is not to store or transmit it on the District's Technology Resources. To ensure that employees understand the extent to which information is collected and stored, below are examples of information currently maintained by the District. The District may, however, in its sole discretion and at any time alter the amount and type of information that it retains.

15.8.1 Telephone Use and Voicemail. Records are kept of all calls made from and to a given telephone extension. Although voicemail is password protected, an authorized administrator can reset the password and listen to voice mail messages.

15.8.2 Electronic Mail. Electronic mail is backed up and archived. Although electronic mail is password protected, an authorized administrator can reset the password and read electronic mail.

15.8.3 Desktop Facsimile Use. Copies of all facsimile transmissions sent and received are maintained in the facsimile server.

- 15.8.4 Document Use. Each document stored on District computers has a history, which shows which users have accessed the document for any purpose.
- 15.8.5 Internet Use. Internet sites visited, the number of times visited and the total time connected to each site is recorded and periodically monitored.
- 15.9 Deleted Information. Any information kept on the District's Technology Resources may be electronically recalled or recreated regardless of whether it may have been deleted or erased by an employee. Because the District periodically backs up all files and messages, and because of the way in which computers reuse file storage space, files and messages may exist that are thought to have been deleted or erased. Therefore, employees who delete or erase information or messages should not assume that such information or messages are confidential.
- 15.9.1 According to the District's Records Retention Policy, all emails are subject to erasure after two years. It is the responsibility of staff to archive any pertinent emails.
- 15.10 The Internet and Online Services. The District provides authorized employees access to online services such as the Internet. The District expects that employees will use these services in a responsible way and for business- related purposes only. The access, contribution or downloading from sites of a sexually explicit nature, sites containing illegal or illicit content, and those for gaming and gambling is strictly prohibited.
- 15.11 Monitoring. The District reserves the right to monitor both the amount of time spent using online services and the sites visited by individual employees. The District reserves the right to limit such access by any means available to it, including revoking access altogether.
- 15.12 Software Use.
- 15.12.1 License Restrictions. All software in use on the District's Technology Resources is officially licensed software. No software is to be installed or used that has not been duly paid for and licensed appropriately for the use to which it is being put. No employee may load any software on District computers by any means of transmission unless authorized in advance. Authorization for loading software onto District computers should not be given until the software to be loaded has been thoroughly scanned for viruses.
- 15.12.2 Software for Home Use. The District endeavors to license its software so that it may be used on portable computers and home computers in addition to office computers. Before transferring or copying any software from a District Technology Resource to another computer, employees must request permission and receive written authorization from the IT Manager.
- 15.12.3 Security. The District has installed a variety of programs and devices to ensure the safety and security of the District's Technology Resources.

Any employee found tampering or disabling any District security devices will be subject to discipline up to and including termination.

15.13 Audits. The District may perform auditing activity or monitoring to determine compliance with these policies. Audits of software and data stored on the District's Technology Resources may be conducted without warning at any time.

15.14 Social Media Policy. The Social Media Policy covers all publicly accessible communications via the Internet relating to the District. This includes, but is not limited to: blogs, on-line social networks, discussion forums, newsgroups, and e-mail distribution lists.

15.14.1 Overview. If you choose to identify yourself as a District employee or to discuss matters related to our business on a website or social media platform, bear in mind that, although you may intend to present the opinions as your own, some readers may misunderstand you to be speaking on behalf of the District.

15.14.2 If an employee has a grievance or concern, employees are encouraged to first express any concerns to their Manager, Administration, or any other member of the management team, instead of taking them online.

15.14.3 Policy Standards.

- i. Public communications concerning the District must not violate any guidelines set forth in the personnel policies, whether or not you specifically mention your employee status.
- ii. You should clearly identify that you are not acting on behalf of the District and the opinions expressed here are your own personal opinions.
- iii. You may not personally harass or attack fellow employees, authors, customers, vendors, or shareholders. Further detail on prohibited conduct is provided in the Policy Against Harassment and Prohibition against Harassing, Discriminatory and Defamatory Use of Technology sections of the personnel policies for more information.
- iv. You may not disclose any sensitive, proprietary, confidential, or financial information about the District, its employees, or its customers. This includes any information not publicly available through the District's official website.
- v. You may not post any material that is obscene, defamatory, profane, libelous, threatening, harassing, abusive, hateful or embarrassing to another person or any other person or entity.
- vi. DO NOT make comments or otherwise communicate about customers, coworkers, Managers, the District, or District vendors or suppliers in a manner that is vulgar, obscene, threatening, intimidating, harassing, libelous, or discriminatory on the basis of age race, religion, sex, sexual orientation, gender identity or expressions, genetic information, disability, national origin, ethnicity, citizenship, immigration status, primary language,

marital status, or any other legally recognized protected basis under federal, state or local laws, regulations or ordinance.

15.14.4 Prior to taking adverse action against an employee under the Social Media Policy, the District will conduct a prompt and thorough investigation of an employee's posting or communication, including objective and thorough documentation. Any employee found to be in violation of this policy is subject to discipline, up to and including termination.

15.15 Electronic Recording Policy. California requires the consent of all parties to the communication to lawfully intercept communication. Employees shall not electronically record by audio, video, or other means, any conversations or meetings unless each and every person present has been notified and consents to being electronically recorded. Persons wishing to record a meeting must obtain consent from anyone arriving late to any such meeting. Employees shall not electronically record telephone conversations unless all persons participating in the telephone conversation have consented to be electronically recorded. In instances of teleconferencing, acknowledgement of recording pop-up serves as employee consent to the recording of the meeting or program.

15.15.1 Electronic devices shall not be used in a way that threatens, humiliates, harasses, or intimidates individuals, including employees, customers, vendors, and visitors, or violates local, state, or federal law.

15.15.2 Any employee who violates this policy will be subject to discipline, up to and including termination. Additionally, secret recordings are considered unlawful in California and employees may face fines and penalties if prosecuted.

15.16 Monitoring and Video Surveillance. Due to the nature of work conducted by the District, it is necessary to monitor aspects of employees' jobs, specifically telephones, computer terminals, electronic and voice mail, and employees' use of the Internet. The use of monitoring serves the following purposes:

- To ensure the safety of employees and the entire facility,
- To investigate possible misconduct, criminal activity or breaches of security,
- To ensure compliance with District policies,
- To monitor or document employees' work,
- To investigate and respond to internal complaints, charges or governmental investigations,
- To investigate, prosecute or defend threatened or actual lawsuits, or
- Any other legitimate business reasons.

15.16.1 This policy serves as notification to employees that monitoring will be conducted during the course of their employment. Monitoring at the District is conducted within the guidelines of the law and employees should not have any reasonable expectation of privacy with regard to use of the Company's property and systems, specifically telephones, computer terminals, other electronic devices, electronic and voice mail, and employees' use of the Internet.

- 15.16.2 Video surveillance is also conducted as part of the District's standard operations. Surveillance cameras are located throughout the facility. The video surveillance system consists of cameras placed in both outdoor and indoor locations, where Administration can monitor employee activity as it takes place. No cameras have been placed in area where employees have the right to expect privacy, such as bathrooms and changing areas.
- 15.17 HIPAA Statement of Privacy Laws. It is the legal and ethical responsibility of all management and staff employees of the District to use, protect, and preserve personal and confidential employee and business information, including medical information (referred to herein collectively as "confidential information"), in accordance with state and federal laws and District policy.
- 15.17.1 Laws controlling the privacy of, access to, and maintenance of confidential information include, but are not limited to, the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), the California Information Practices Act (IPA), the California Confidentiality of Medical Information Act (CMIA), and the Lanterman-Petris-Short Act (LPS). These and other laws apply whether the information is held in electronic or any other format, and whether the information is used or disclosed orally, in writing or electronically.
- 15.17.2 Business and employee information includes information that identifies or describes an individual, the disclosure of which would constitute an unwarranted invasion of personal privacy. Examples of confidential employee and business information include home address and telephone number; medical information; birth date; citizenship; social security number; spouse/partner/relative's names; income tax withholding data; performance evaluations; proprietary/trade secret information; and peer review/risk management information and activities.
- 15.17.3 Medical information includes the following (no matter where it is stored and no matter the format): medical and psychiatric records, photos, videotapes, diagnostic and therapeutic reports, x-rays, scans, laboratory and pathology samples, patient business records, such as bills for service or insurance information, visual observation of patients receiving medical care or accessing services, and verbal information provided by or about a patient. Medical information, including Protected Health Information (PHI), is maintained to serve the patient, health care providers, health care research and to conform to regulatory requirements.
- 15.17.4 The HIPAA privacy law sets limits on how health providers and plans may use individually identifiable health information. Under the HIPAA law, health providers and plans may only use individual health information for necessary treatment, payment, or healthcare operations without obtaining the employee's permission. PHI may generally not be used for purposes "not related" to health care. The release of PHI must be limited to the minimum necessary designated for the purpose of the disclosure.
- 15.17.5 Unauthorized use, disclosure, or viewing of, or access to, confidential information in violation of state and/or federal laws may result in personal

finances, civil liability, licensure sanctions and/or criminal sanctions, in addition to District disciplinary actions.

15.17.6 If you believe your privacy rights have been violated, you may file a complaint with the District's designated Privacy Officer who is Administration, and/or with the Secretary of the DHHS (U.S. Department of Health and Human Services). To file a complaint with the District's designated Privacy Officer, please submit a written complaint to the attention of: Privacy Officer, Altadena Library District, 600 E. Mariposa St. Altadena, CA 91001. Employees who utilize this complaint procedure shall not be retaliated against.

15.17.7 If you have any questions about the District's HIPAA Privacy Policy or would like further information about HIPAA, please contact Administration.

15.18 Cellular Phone Use.

15.18.1 Personal Cell Phone Use at Work. Employees who have personal cellular phones must refrain from excessive personal phone calls or texting while at work. Excessive personal phone calls interfere with productivity and can be distracting to others. Employees are therefore encouraged to use cellular phones for personal use only during break times, meal periods, or in emergency situations.

15.18.2 District-Issued Cell Phone Use. The District may issue cell phones to certain employees in order to stay in contact with clients and co-workers while out in the field or out of the office. The District encourages its employees to remember safety when using their cellular phones for business purposes. For the safety of themselves and others, District employees who are issued a cell phone or use a personal phone for business use are **prohibited** from using their phone while driving, including reading, writing or sending a text message. If your job requires that you keep your cell phone turned on while you are driving, you **must** use a mounted hands-free device **that can be activated or deactivated with a single swipe or tap**, and are encouraged to safely pull off the road before conducting District business. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for any liability resulting from such action. District issued cell phones are District property. Employees should have no expectation of privacy either with District issued cell phones or with respect to use or content of personal cell phones used for District business.

(a) Use Agreement. All employees who are issued a District cellular phone must sign a Cellular Phone Use Agreement. By signing this plan the employee agrees to the following terms:

- The District issued phone will be used for business calls. Personal calls shall be for emergency use only. The District issued cellular phone is not to replace the employee's

personal cellular phone. The phone shall not be used for any illegal use or activity, threats, slander/libel, defamation, obscene, suggestive or offensive messages or communications, political endorsements or activities, or for outside employment purposes.

- If the cellular phone is damaged due to the negligence of the employee, it may be repaired or replaced at the employee's expense. If the damage was not the fault of the employee, consideration will be given and the phone may be repaired or replaced.
- If an employee is issued a District cell phone and does not agree to these terms or does not reimburse the District for the cost of the calls and/or repairs, cellular phone privileges may be revoked and the employee subject to disciplinary action, up to and including termination.
- At the time of separation all amounts due to the District must be paid and the equipment returned. The cost of reimbursements and/or the cost of the phone may be withheld from the amounts otherwise due the employee upon separation.

PERSONNEL POLICY XVI

OUTSIDE EMPLOYMENT POLICY

16.1 Policy. Employees may hold an outside job as long as the performance standards of their job at the District are met. If the District determines that outside work interferes with performance or the ability to meet the requirements of the District as they are modified from time to time, employment may be terminated.

16.1.1 The following activities are prohibited while an employee with the District:

- Outside employment that constitutes a conflict of interest, is incompatible with the position, interferes with assigned job duties or work hours, or that could bring discredit upon the District.
- Income or material gain from individuals outside the District for materials produced or services rendered while performing a job at the District.
- Use of District equipment, resources or materials for outside employment or business activity.

16.1.2 Full-time employees who engage in outside employment must disclose such employment and get written approval in advance from their immediate Manager and the District Director. Failure to adhere to this guideline (including failure to disclose any conflicts or to seek an exception) may result in disciplinary action up to and including termination.

16.1.3 District employees are not permitted to hold more than one position with the District at a time. Example: An employee cannot have two part-time positions.

PERSONNEL POLICY XVII

TELEWORKING

- 17.1 Policy. Teleworking, or telecommuting, is the concept of working remotely from home or another location on a full or part-time basis. Teleworking is not an automatic employee entitlement. Rather, it is an alternative method of meeting the needs of the District . Employees may request the opportunity to telework on a situational, case by case basis. The District has the right to refuse a request to telework and to terminate a teleworking arrangement at any time, for any reason.
- 17.1.1 This policy includes situational telework only. Routine or ongoing telework is not allowed under this policy and will be addressed on a case by case basis if an employee submits a proposed telework plan.
- 17.1.2 Situational telework is requested on a case by case basis and should only be used rarely. Situational telework may be occasionally used to promote staff and resource efficiency, particularly for offsite meetings or appointments where telework would increase staff efficiency.
- 17.2 Eligibility. Eligibility to participate in the telework program is subject at all times to the needs of the District and may be modified as necessary. This policy shall be applicable to selected employees who meet specific work standards and the employees' job duties are appropriate for teleworking. Meeting one or more of the eligibility requirements does not guarantee approval of teleworking. The District holds the final determination of an employee's position being appropriate for teleworking and if the employee meets the specific work standards. Minimum work standard eligibility requirements include, but are not limited to:
- 17.2.1 Regular status full time employees who have worked at the District for a minimum of one (1) year;
- 17.2.2 Prior annual job performance evaluation and/or job performance that meets or exceeds standards across all listed performance measures and demonstrates employee ability to work independently;
- 17.2.3 Employee is self-motivated and demonstrates high dependability;
- 17.2.4 Job duties and requirements allow the employee to be away from the District's worksite for a period of time during the work week;
- 17.2.5 Teleworking does not impede other employees or work groups from performing their job duties, impact the District's business needs, or diminish the operations of the District;
- 17.2.6 Teleworking does not reduce service to internal or external customers; and
- 17.2.7 Their manager is able to supervise the work of the employee.

17.3 Guidelines.

- 17.3.1 Telework is discretionary. Remote work is not permanent and may be discontinued at any time without prior notice.
- 17.3.2 Telework is a privilege, not a right. A manager may determine that some positions and/or individuals are not well suited for remote work.
 - 17.3.3 Any employee working remotely must be available during their regularly scheduled shift hours to answer calls, respond to email, attend meetings, etc. unless an agreed upon flexible schedule is approved by the employee's manager.
- 17.3.4 The duties, obligations, responsibilities, and conditions of a District employee are not changed due to telecommuting.
- 17.3.5 An employee working remotely remains obligated to comply with all District rules, policies, practices and procedures. Violations may result in preclusion from teleworking and/or disciplinary action, up to and including termination of employment. The District's worker's compensation liability for job related accidents will continue to apply during the employee's teleworking hours.
- 17.3.6 Work hours, overtime compensation, and vacation schedules will conform to District policies and practices, Fair Labor Standards Act (FLSA), and to any other terms agreed upon by employee's manager, except that, those terms may not violate the laws and provisions stated above.
- 17.3.7 Telework is not designed to be a replacement for appropriate child care. Although an individual employee's schedule may be modified to accommodate child care needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective teleworkers are encouraged to discuss expectations of working from home with family members prior to beginning telework.

17.4 Equipment.

- 17.4.1 The District will provide equipment for staff who are teleworking. Office supplies needed by the employee will be provided by the District. All requests must be pre-approved by the responsible manager. The District retains ownership of all equipment and/or licenses provided and any equipment and/or licenses provided must be returned to the District upon request.
- 17.4.2 Use of District equipment and supplies is limited to authorized persons for purposes relating to library business.
- 17.4.3 The District is not responsible for the payment of utilities (heat, electricity, gas, internet, phone, etc.) or home maintenance costs.

17.4.4 In the event of delay in repair or replacement of equipment or any other circumstance under which it would be ineffective for the employee to telework, the employee will return to the District work place.

17.4.5 The employee must have internet service with sufficient speed/capacity to do their job.

17.4.6 An employee working remotely agrees to abide by the District's Technology Use and Privacy policy.

17.5 Remote Work Location.

17.5.1 Employee must designate a work space at home or another location that is maintained in a safe condition, free from hazards. Teleworker is responsible for completing a work space safety review. Any accident must be brought to the immediate attention of their manager. Teleworker remains solely liable for injuries to third persons and/or members of employee's family on employee's premises. The District is not liable for damage to the employee's real or personal property.

17.5.2 As part of teleworking responsibilities, the teleworker will ensure that safety and ergonomic standards are met in the designated work space. Although the work space does not have to be a separate room, it must have adequate lighting, ventilation, and furniture that is ergonomically comfortable and safe to use.

17.5.3 Teleworker will take all reasonable precautions necessary to secure District information and equipment in their work space, prevent unauthorized access to any District system or information. Data and information used by teleworkers must be treated with the same caution and respect that confidential material is given in the office.

17.6 Request for a Teleworking Schedule.

17.6.1 Employees requesting planned situational telework must submit a telework request to their immediate manager for approval. The employee's manager and the District Director must approve a request for teleworking schedule. This request will be held in the employee's personnel file.

17.6.2 In the case of unplanned or emergency situational telework requests, the employee must submit a request to their manager. Management must reply back with their approval or denial, before the employee can telework that day(s).

PERSONNEL POLICY XVIII

KEY POLICY

- 18.1 Purpose. To establish and implement an effective lock and key management policy; establish responsibility and accountability among key users; provide legitimate work access for all employees/volunteers/contractors; to establish lock and key request and issuance procedures; to establish procedures for return of keys and keycards due to resignation, termination, retirement, etc.
- 18.2 Responsibility. The Facilities Manager and/or IT & Technical Services Manager is/are responsible for the overall administration of the lock and key system.
- 18.3 Types of Keys and Authorization Levels. Keys are the property of the District and must be returned to the Facilities Manager upon request. Keycards must be returned to the IT & Technical Services Manager upon request.
- 18.4 Key Records. A complete, official, computerized key and keycard record will be maintained by the Facilities Manager and/or IT & Technical Services Manager.
- 18.5 Key Signature Form. Each District employee/volunteer/contractor that is issued a key will be required to sign a key signature form. Keys are issued to individuals, and each individual assumes responsibility for protecting assigned keys from unauthorized or inappropriate use of the assigned key(s).
- 18.6 Keys Loaning or Transferring. To protect the integrity of assigned areas, no issued key may be loaned or transferred to anyone without first notifying the Facilities Manager, who has the authorization to decline such request.
- 18.7 Duplicating Keys. It is against the District key policy to have any key duplicated by anyone other than the Facilities Manager. If it is discovered that a key has been illegally duplicated, disciplinary action up to and including termination of employment or service could result.
- 18.8 Lost/Stolen Keys. Lost/stolen keys must be reported immediately to the Manager and the Facilities Manager on a "Lost/Stolen Key" form. A replacement key will not be issued without a copy of this form. Employee is responsible for the cost of key and any potential rekeying or lock replacement.
- 18.9 Key Inventory List. Once a year, an annual key inventory review will be conducted by the Facilities Manager. This annual report will be reviewed for the accuracy of the roster and their current key requirements.
- 18.10 After Hours Access. It is the responsibility of each employee/volunteer to secure the District facilities. Employees/volunteers cannot access the facilities after hours unless there is prior approval by their Manager.
- 18.11 Equipment/Information Technology/Custodial Rooms. Access to equipment, information technology (IT) and custodial rooms will be restricted to facilities and IT personnel unless authorized by the IT or Facilities Manager.