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# MONTEREY ONE WATER



## Our Mission and Values

*Monterey One Water is dedicated to meeting the wastewater and reclamation needs of our member entities while protecting the environment, and will be a model customer service provider for the efficient, innovative utilization of wastewater.*

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# EMPLOYEE HANDBOOK

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Dated January 2019

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## **WELCOME**

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It is our pleasure to welcome you as an employee to Monterey One Water (M1W), formerly known as Monterey Regional Water Pollution Control Agency. We feel a very strong commitment to you as an employee. We want you to feel good about a job well done and we will try our best to give you the tools, direction and support necessary to enable you to be successful. If there is anything you need as we all strive to please our customers, just speak with any of the management staff.

Congratulations on being part of our team!

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## **INTRODUCTION**

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This Employee Handbook sets forth the employment and Human Resource guidelines of the Agency for the employees. It is intended to provide for a fair and equitable system of Human Resource management and for efficient and economical services to the public. It also defines the obligations, rights, privileges, benefits and prohibitions that apply to Agency employees. The Human Resource system of the Agency is based on the principles of a merit system of employment.

The provisions of this Handbook have been adopted by resolution of the Agency's Board of Directors, and its provisions are subject to the ultimate interpretation and application of the General Manager or designee. The Agency reserves the right and discretion to add to, modify, or delete provisions of this Handbook by subsequent resolution of the Board of Directors. Only the M1W Board of Directors has the authority to add to, modify, or delete provisions of this Handbook and no individual has the authority to enter into any employment or any other agreement that modifies the provisions of this Handbook unless otherwise authorized by the Board to the General Manager. However, this Handbook does not limit the development of internal rules and operating procedures for specific departments of the Agency, or the development of administrative procedures governing the implementation of these procedures so long as such policies, practices and procedures do not conflict with the provisions of this Handbook or any prevailing MOU.

This Handbook shall apply to all officers, positions and employees in the service of the Agency except:

1. Members of appointed boards and committees;
2. Persons engaged under contract to supply expert professional or technical services for a prescribed period of time except as otherwise provided herein or in any agreement entered into by a duly authorized Agency representative; and
3. Volunteer and temporary personnel except as otherwise provided herein or in any agreement entered into by a duly authorized Agency representative.

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## ABOUT MONTEREY ONE WATER

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In 1972, the Agency was formed as a California Joint Powers Agency to seek joint solutions to the wastewater treatment needs of its member entities: Del Rey Oaks, Monterey, Pacific Grove, Salinas, Sand City, Seaside, Boronda, Castroville, Moss Landing, Fort Ord, Monterey County, and Marina. The Agency, a public entity, is governed by a Board of Directors representing each of the jurisdictions served.

In 1977, the Agency began consolidating wastewater operations through the acquisition of several treatment plants. By 1990, construction of the Regional Wastewater Treatment Plant was completed, replacing eight overloaded and outdated facilities. In addition, the Agency operates and maintains 25 pump stations, 35 pressure-vacuum stations and approximately 35 miles of pipeline (from each pump station to the treatment plant). Each locality is responsible for moving wastewater from businesses and residences in its area to the pump stations. From the stations, the Agency moves the wastewater to its treatment plant north of the City of Marina.

Each day approximately 21 million gallons of wastewater are processed at the plant serving a population of nearly 250,000 people.

The Agency's treatment of wastewater meets state and federal standards for safety and quality. This assures that the treated water discharged through an outfall pipe two miles off the Monterey coast is safe for the marine environment.

In 1995, the Agency began construction of the \$33 million Salinas Valley Reclamation Project (SVRP). Completed in 1998, the tertiary treatment facility located in Marina provides irrigation water for approximately 12,000 acres of farmland in northern Monterey County. The use of recycled water also plays an important part in supporting the local environment by alleviating water shortages resulting from lack of adequate water storage facilities, droughts, and seawater intrusion.

Using highly treated wastewater to irrigate landscaping has been practiced for years. However, using recycled water for food crops is relatively new. The Monterey Wastewater Reclamation Study for Agriculture (MWRSA), for instance, was an 11-year study begun in 1976 to determine the safety of using reclaimed water for irrigation in the Castroville area. It consisted of full-scale field tests using reclaimed wastewater on various food crops, including artichokes, celery, broccoli, lettuce, or cauliflower. All crops irrigated with reclaimed water were found to be safe for human consumption. In fact, they produced higher yields with better quality and appearance than those grown with well water. The conclusions were published in 1987 and confirmed that tertiary treated wastewater could be safely used for uncooked food crops.

Now employing approximately 83 employees, the Agency is made up of the following sections/units consisting of: Administration, Distribution, Environmental Services, Finance/Customer Service, Maintenance, Operations, and Reclamation.

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## AGENCY RIGHTS

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Notwithstanding other rights afforded Agency management, including actions authorized by the Board of Directors, and as otherwise contained in this Handbook, the Agency has the right to operate its business which includes the exclusive right to determine, change, discontinue, alter, or modify in whole or in part, temporarily or permanently, any of the following:

1. The number, location, or types of facilities;
2. The operational and administrative standards, methods and procedures;
3. The price of all products and services, the price of all purchases, and the Agency and financial structure of the organization;
4. The contracting for facility construction and maintenance, or work that may be required to be performed by the Agency through subcontract, outsource or independent contractors;
5. The Agency's supplies, tools, vehicles, equipment and machinery;
6. The promotion, demotion, transfer, discipline, termination, and other performance corrective actions of all employees;
7. The number of employees, including the number of employees assigned to any particular department or shift, and whether, when, or where there is a job opening;
8. Reasonable standards of performance, and whether any employee meets such standards;
9. The need for and the administration of physical examinations, background information, criminal record or drug screening of employees as outlined by applicable state and federal laws;
10. The direction, work assignments and supervision of all of the employees;
11. The policies, practices, rules and regulations for all employees;
12. When overtime or on call assignments shall be worked or rescinded and that employees may not refuse to work overtime without good cause and supervisory approval;
13. The hiring of full-time, part-time and temporary/casual employees and the number thereof;
14. The funding of each benefit including the identity and selection of each carrier, insurer fiduciary, administrator or trustee, and benefit plan design;
15. The security of the employees, premises, facilities, and property of the Agency;
16. The utilization of all Agency premises, equipment, and facilities; and
17. The job classifications and the content and qualifications of all Agency employees.

Further, nothing contained in this Handbook shall prevent, relieve or otherwise excuse any Agency employee from the performance of any duty imposed by law, this Handbook, the Agency Personnel Policies or other resolutions and policies of the Board of Directors or General Manager, or from the rendering of service at such times and places as are necessary in order to properly perform the functions of employment. The General Manager, Assistant General Manager and Department Heads are empowered to stagger, rearrange and adjust the hours of employment of employees in such a manner as to enable the operations of the Agency open at the times required.

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## CUSTOMER SERVICE POLICY

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At the Agency, our goal is to leave a positive, lasting impression with the customers who do business with us. We accomplish this through caring and professional employees who strive to provide exceptional customer service by not only meeting, but *exceeding* our customers' expectations in every way possible.

*What* we say to our customers and *how* we say it are the basic building blocks to exceptional customer service. All of us should constantly look for opportunities to enhance the satisfaction of our customers. This requires a committed, team approach. We are all expected to accommodate customer requests and needs as they arise. The primary tools in accomplishing this are *knowledge* of your job, the products and services we provide our customers, and your *attitude* when delivering that knowledge, service or product. Remember to always interact with our customers in the most pleasant and efficient manner.

### DISCUSSING AGENCY BUSINESS

Whenever you are on duty or on the Agency property, it is important that you not discuss Agency business, work difficulties, or any work matters with a customer, which might place the Agency in a negative light. Understandably, our customers are interested in courteous, prompt service and high quality products, not excuses or complaints from any of us. Our primary concern at all times should be customer satisfaction. Our customers neither want nor need to learn of our internal affairs. If problems or difficulties arise, communicate directly with management, who will work with you to resolve them.

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# EMPLOYMENT

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## EQUAL EMPLOYMENT OPPORTUNITY

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the Agency will be based on merit, qualifications and abilities. Employment practices will not be influenced or affected by an applicant's or employee's sex (including gender), sexual orientation, race, color, religion, marital status, denial of FMLA/CFRA, national origin (including language use and restrictions), ancestry, medical condition (including cancer/genetic characteristics), age (40+), physical/mental disability (including HIV/AIDS), denial of PDL (Pregnancy Disability Leave) or reasonable accommodation, genetic information, veteran status, or any characteristic as protected by applicable law.

It is the Agency's intent to comply with the provisions of disability anti-discrimination requirements, and make reasonable accommodations for qualified applicants and employees with known disabilities if the person is otherwise qualified to safely perform all the essential functions of the position and if the accommodation does not constitute an undue hardship on the Agency. Therefore, if you feel you need reasonable accommodation to perform the essential functions of your job, contact your supervisor or Human Resources to begin an interactive process in determining the appropriateness of accommodation.

This policy governs all aspects of employment including selection, job assignment, compensation, corrective action, termination and access to benefits and training.

If you have questions or concerns about any type of discrimination in the workplace, you are encouraged to bring these issues to the attention of Human Resources or the General Manager. You can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination or retaliation will be subject to corrective action, up to and including termination of employment.

## AFFIRMATIVE ACTION

Additionally, the Agency is an Affirmative Action employer, and as such takes affirmative efforts in employment and promotion so that women and minorities will be employed at all levels of the organization, including managerial, professional, supervisory and skilled craft positions.

All managers and supervisory personnel shall comply with all Federal, state, and county laws and regulations requiring equal employment opportunity, nondiscrimination and affirmative action.

## INTERACTIVE COMMUNICATION PROCESS

We are committed to engaging in ongoing, meaningful dialog regarding all matters of employment and therefore, we encourage employees to bring any issues and concerns to us before discussing such matters with persons outside of the Agency. Such issues and concerns should immediately be brought to the attention of your supervisor, Human Resources, any other member of management team, the Assistant General Manager or the General Manager of the Agency in order to begin the process of an interactive dialog in a timely manner. The Agency will make every effort to develop a reasonable solution based on a variety of factors, including, but not limited to: employee recommendation, specific circumstances and available resources. See section on Problem Solving in this Employee Handbook for additional details on the preferred process.

## **PROHIBITED HARASSMENT**

The Agency is committed to providing all of its employees with a workplace free of harassment. The Agency maintains a strict policy prohibiting sexual harassment and harassment on the basis of sex (including gender), sexual orientation, race, color, religion, marital status, denial of FMLA/CFRA, national origin (including language use and restrictions), ancestry, medical condition (including cancer/genetic characteristics), age (40+), physical/mental disability (including HIV/AIDS), denial of PDL (Pregnancy Disability Leave) or reasonable accommodation, genetic information, veteran status, or any characteristic as protected by applicable law.

This prohibition applies to all persons involved in the operation of the Agency, including employees, vendors, and customers of the Agency. No employee is expected to tolerate any conduct prohibited by this policy from anyone while at work or engaged in Agency business.

In keeping with our commitment to a harassment free environment, the Agency will comply with all applicable laws, rules and regulations regarding the training of employees in supervisory positions.

### **Sexual Harassment Defined**

Sexual harassment prohibited by this policy includes any unwanted sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when:

Submission to such conduct is made a term or condition of employment; or submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or

Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

The three most common types of sexual harassment complaints are those in which:

- An employee is fired or denied a job or an employment benefit because he/she refused to grant sexual favors or because he/she complained about harassment. Retaliation for complaining about harassment is illegal, even if it cannot be demonstrated that the harassment actually occurred.
- An employee quits because he/she can no longer tolerate an offensive work environment, referred to as a "constructive discharge." If it is proven that a reasonable person in the victim's position, under like conditions, would resign to escape the harassment, the employer may be held responsible for the resignation as if the employee had been discharged.
- An employee is exposed to an offensive work environment. Exposure to various kinds of behavior or to unwanted sexual advances alone may constitute harassment.

The following is a partial list of conduct that would be considered sexual harassment:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening retaliation after a negative response to sexual advances.
- Visual conduct such as leering, making sexual gestures, displaying offensive, derogatory, obscene or sexually suggestive objects, e-mails, computer graphics or images, unwelcome notes or letters, photographs, cards, drawings, gestures, pictures, cartoons, calendars or posters placed on walls, bulletin boards, or elsewhere on Agency premises or circulated in the workplace.
- Verbal conduct such as making or using derogatory sexual comments, epithets, slurs,

- sexually explicit jokes, negative stereotyping, comments about an employee's body or dress.
- Written communications of a sexual nature distributed in hard copy or via a computer network.
  - Verbal sexual advances or propositions.
  - Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations.
  - Physical conduct such as touching, assaults, impeding or blocking movements, unwelcome physical contact or staring at a person's body.
  - Retaliation for making harassment reports or threatening to report harassment.
  - Sexual harassment can occur between employees of the same sex. It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females.

### **Other Types of Harassment**

The Agency also prohibits harassment on the basis of race, color, national origin, religion, gender, ancestry, pregnancy, childbirth, physical or mental disability, medical condition, age, genetic information, veteran status or any other characteristic protected by applicable law. Such prohibited harassment includes but is not limited to the following examples of offensive conduct:

- Verbal conduct such as threats, epithets, derogatory comments or slurs.
- Visual conduct such as derogatory posters, photographs, cartoons, drawings or gestures.
- Written communications containing statements that may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or caricatures.
- Physical conduct such as assault, unwanted touching or blocking normal movement.
- Retaliation for making or threatening to make harassment reports to the Agency, or for participating in an investigation into harassment allegations.

### **The Agency's Complaint Procedure**

If you believe that you have been subjected to harassment, whether or not specifically noted as an inappropriate behavior as described in this policy, you should immediately tell the harasser to stop his/her unwanted behavior. You are required to immediately report the offensive behavior, preferably in writing, to your own supervisor, a member of the management team, Human Resources, the Assistant General Manager or the General Manager.

If you become aware of harassing conduct engaged in or suffered by another Agency employee, regardless of whether such harassment directly affects you, you should immediately report that information, preferably in writing, to your own supervisor, a member of the management team, Human Resources, the Assistant General Manager or the General Manager.

Complaints should include details of the incident(s), names of individuals involved, and the names of any witnesses. No adverse action will be taken against an employee who makes a report or cooperates in the investigation of a report of harassment. Supervisors and Managers must refer all harassment complaints to Human Resources, the Assistant General Manager or the General Manager. The Assistant General Manager or Human Resources must immediately inform the General Manager of all harassment complaints.

The Agency's policy is to conduct an immediate, thorough and objective investigation of any

harassment claims through an interactive process with the employee.

The Agency will protect the confidentiality of the harassment allegations to the extent possible. However, the Agency cannot guarantee complete confidentiality, since we cannot conduct an investigation without revealing certain information to the alleged harasser and potential witnesses. At the conclusion of our investigation, we will attempt to determine whether unlawful harassment has occurred. The Agency will look at the totality of the circumstances, including the nature of the conduct and the context in which it occurred. If appropriate, the Agency will, as promptly as possible, communicate our findings to the accused, to the complainant, and, when appropriate, to other persons who are directly concerned.

If we determine that harassment has occurred, the Agency will take remedial action commensurate with the severity of the offense. This action may include corrective action against the harasser, up to and including termination. Steps will be taken, as necessary and appropriate, to prevent any further harassment.

### **No Retaliation**

The Agency strictly prohibits retaliation against any person by another employee or by the Agency for using this complaint procedure, reporting harassment, or for filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by the Agency or a governmental enforcement agency. Prohibited retaliation includes, but is not limited to: termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions or otherwise denying any employment benefit to the person participating in an investigation.

The Agency does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including management employees.

### **Additional Enforcement Information**

The Agency encourages all employees to report any instances of harassment forbidden by this handbook immediately so that complaints can be resolved. In addition to the Agency's internal complaint procedure, employees should also be aware that the federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment & Housing (DFEH) investigate and prosecute complaints of unlawful discrimination and harassment in employment. Employees who believe that they have been harassed may file a complaint with either of these agencies; using the Agency's internal complaint procedure does not extend the time period for filing a claim with these agencies. For more information, contact Human Resources, the Assistant General Manager, the General Manager, or the nearest office of the EEOC or DFEH. The address and telephone number of the local offices of the EEOC and DFEH are located in the telephone directory.

## **IMMIGRATION LAW COMPLIANCE**

We are committed to full compliance with federal immigration laws and will not unlawfully discriminate on the basis of citizenship or national origin.

## **EMPLOYEE RELATIONS**

This employee handbook outlines our expectations of you as an employee. We also want you to know what you can expect of us. We strongly believe that the working conditions, wages and benefits we offer to you are competitive with those offered by other employers in this industry. If you have concerns about working conditions or compensation, you are encouraged to voice these concerns openly and directly with your supervisor, Human Resources, the Assistant General Manager or the General Manager.

Our experience has shown that when employees deal openly and directly with one another, the work environment can be excellent, communications can be clear, and attitudes can be positive. Open communication is a "two way street," so speak with us if you have any concerns or need questions answered.

## **EMPLOYMENT APPLICATIONS**

All applicants for employment are required to fully complete the Agency's Employment Application. We rely upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination from employment.

## **EMPLOYMENT REFERENCE CHECKS**

We are extremely cautious about the accuracy of information provided to individuals outside our Agency regarding current or former employees. Any inquiries, which are received either by telephone or in writing regarding a present or past employee, are to be referred to Human Resources for proper handling. No other employee of the Agency may provide (either on or off-the-record) any information regarding current or former employees.

## **EMPLOYMENT OF RELATIVES**

On occasion, qualified applicants for job openings at our Agency may come from relatives of present employees. Although relatives will be given no preferential treatment, they will be considered when they apply for job openings. However, consideration will not be limited solely to a relative, but will include all other applicants. The Agency reserves the right to refuse employment of an existing employee's relative where such employment would or could reasonably compromise the safety, security, supervision or morale of the Agency. Should a relative be hired, the new employee will not be employed in a department or a work group that already employs a relative unless approved by Management. Additionally, relatives will not be employed in a direct reporting relationship with a related employee.

The term "relative" shall include spouse, domestic partner, former spouse, grandparent, grandchild, parent, child, adopted child, brother, sister, aunt, uncle, first cousin, niece, and nephew, and all of the above include in-law and step relationships; or a person who co-habits with such other employee.

Where a relationship that is prohibited by this Section is created subsequent to employment, it shall be necessary for one of the employees to transfer to a different department or office, provided an appropriate vacancy exists. In the event that there is no such vacancy and a transfer cannot be affected within 30 days after the relationship in question arose, one of the employees involved must voluntarily resign, and if that does not occur, then the employee with the least seniority shall be terminated from employment with the agency.

## **INTRODUCTORY PERIOD**

All new and rehired employees work on an introductory basis for the first 6 months after hire. The introductory period is intended to give you, as a new employee, the opportunity to demonstrate your ability to achieve a satisfactory level of performance and to determine whether the new position meets your expectations. This period is used to evaluate your capabilities, work habits, and overall performance. However, successful completion of the introductory period does not guarantee continued employment. Either you or the Agency may end the employment relationship at will, at any time during the introductory period, with or without cause or advance notice.

Any significant absence will automatically extend an introductory period by the length of the absence. If the Agency determines that the designated introductory period does not allow sufficient time to thoroughly evaluate your performance, the introductory period may be extended up to 6 months, at the Agency's discretion. Upon satisfactory completion of the initial introductory period, employees enter the "regular" employment classification.

Limits on training and education are subject to the General Manager's approval during the introductory period. Participation by the introductory employee on internal committees as well as participation in the flexible scheduling program may be limited by the appropriate department head. During an introductory period, the introductory employee will not be considered for another position within M1W without prior approval of the General Manager.

Employees who are promoted or transferred must complete a new introductory period with each reassignment to a new position. In cases of promotions or transfers within the Agency, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary introductory period. If this occurs, you may be allowed to return to your former job or to a comparable job for which you are qualified, depending on the availability of such positions and the needs of the Agency. Benefits eligibility and employment status are not changed during an introductory period that results from a promotion or transfer within the Agency.

## **MERIT SYSTEM OF EMPLOYMENT**

Employment with the Agency is based on merit system principles. Appointments of all employees of the Agency shall be based upon merit, including job-related knowledge, experience, ability, performance, aptitude and such other factors as deemed appropriate to our operations. The methods used in the selection of Agency employees shall be impartial and of a relevant nature so as to fairly measure the relative capacity of job applicants to skillfully perform the duties and responsibilities of the position to which they seek appointment. Appointments shall be made with the objective of selecting the best-qualified person or persons available as determined by the General Manager.

## **PERFORMANCE EVALUATIONS**

We all strive for a common goal of excellence, therefore the informal evaluation (and possible discussion) of your performance is an ongoing process. In addition, formal performance reviews are conducted on a regular basis. The purpose of these appraisals, or evaluations, is to let you know those areas in which you have performed well, in addition to areas where improvement is needed to meet the established standards.

We will endeavor to conduct a performance evaluation of your performance every 2, 4, and 6 months of your introductory period and annually around your anniversary hire-date thereafter. Performance reviews may also be conducted at other appropriate times during your employment at the Agency. It is important to note that while raises based on performance may occur, satisfactory performance reviews do not guarantee increases in salary, promotions or continued employment.

Evaluations will be reviewed in a private meeting between you and your supervisor. You will see the evaluation, have the opportunity to make your written comments, sign the evaluation and receive a copy. You are welcome to discuss your evaluation further with your supervisor, if you wish.

This formal review is not necessarily the only time job performance is discussed. If you have any questions about how you are doing, or what you can do to improve your performance, please ask us to discuss this with you in private. We attempt to maintain an "open door" policy with regard to personnel matters and welcome your comments anytime.

## **WORK SCHEDULES**

Administration office hours are from 7:00 a.m. to 5:30 p.m. Monday through Friday, while Regional Treatment Plant (RTP) Personnel hours fall between 7:00 a.m. to 4:30 p.m. Monday through Friday, however, work schedules for employees vary throughout our organization. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week. Your supervisor will notify you of your work schedule.

## **ACCESS TO PERSONNEL FILES**

Personnel files are the property of the Agency and access to the information they contain is restricted. Generally only members of management of the Agency, who have a legitimate reason to review information in a personnel file, are allowed to do so. If you wish to review your own personnel file, you may do so with reasonable advance notice, and in the presence of authorized Human Resources personnel.

## **INFORMATION CHANGES**

It is your responsibility to promptly notify us of any changes in important information such as: name, address, telephone number and person(s) to be notified in case of an emergency. Other information such as changes in marital status or dependents may affect the number of exemptions claimed for income tax withholding purposes and/or benefits.

## **SECURITY INSPECTIONS**

It is the Agency's policy to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the possession, transfer, sale, or use of such materials on the Agency premises is strictly prohibited. We ask for the cooperation of all employees in administering this policy. Desks, lockers or other storage devices may be provided for the convenience of employees, but remain the sole property of the Agency.

Accordingly, Employees have no reasonable expectation of privacy in, and may not withhold permission for Agency searches of, Agency-supplied computers, containers, including desks, lockers, toolboxes, equipment and Agency vehicles.

## **AGENCY PROPERTY**

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. All Agency property, including desks, storage areas, work areas, lockers, file cabinets, computer systems, office telephones, modems, facsimile machines, copy machines and Agency vehicles must be kept clean and neat and maintained in good working order. All Agency property may be used only for business purposes. Employees who lose, misuse or misappropriate Agency property may be personally liable for replacing or fixing the item and may be subject to corrective action, up to and including termination of employment. You must return all Agency property immediately upon request or upon separation of employment. The Agency may take all action deemed appropriate to recover or protect its property.

The Agency reserves the right to search computers, workstations, lockers, desks, equipment, Agency vehicles, and their contents, for illegal drugs, alcohol, weapons, stolen property, pornographic materials and materials prohibited by the Personnel Policy Manual and Handbook, collectively referred to as "contraband." The Agency will conduct searches only when there is reasonable cause to believe an employee has contraband in the employee's possession. However, any contraband in plain view may be confiscated. "Reasonable cause" means facts that would lead a person of reasonable prudence and knowledge to believe contraband is located on the person or in the area to be searched.

## EMPLOYMENT SEPARATION

Upon separation, all Agency property, including keys, pagers, uniforms, handbooks, manuals, and other Agency items and documents, must be returned. Management may schedule an Exit Interview as part of your separation from the Agency. This interview will allow you to communicate your views on the work experience with our Agency including the job requirements, general operations, and training needs.

Below are examples of the more common circumstances under which employment is separated:

**Resignation** — employment separation initiated by an employee who chooses to leave the Agency voluntarily. Resigning employees must submit a written Notice of Resignation (available from your supervisor) and are asked to give no less than 2 weeks written notice. Managers and employees in key positions are expected to provide 4 weeks written notice of their intention to resign employment. This advance notice does not include vacation, sick time or any other compensated or non-compensated time off from work.

Circumstances may exist where the Agency, in its sole and absolute discretion, may exercise its right to accept a resignation immediately or to accelerate the final date of employment. Whether the date designated by the employee or a date selected by the Agency becomes the employee's last day of work, the employee's personnel records will normally indicate voluntary resignation.

An employee who fails to report to work for three (3) consecutive work shifts without proper notification will be considered to have abandoned his/her job and to have voluntarily resigned from the Agency.

**Termination** — employment separation initiated by the Agency either during or after the introductory status.

**Layoff / Reduction in Force** — involuntary employment separation initiated by the Agency pursuant to Personnel Policy No. 215 in order to restructure or reduce its workforce. If it becomes necessary to restructure our workforce or reduce the number of employees, the Agency will provide the effected employees and their recognized employee organizations with copies of Personnel Policy No. 215

**Retirement** — employee or Agency, in the case of disability retirement, initiated voluntary retirement from active employment. While the Agency does not have a mandatory retirement age, employees who would like to discuss retirement are encouraged to do so with management. Retiring employees are asked to provide the same notification required of employees who voluntarily resign, however, any retirement under CalPERS is subject to its requirements.

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# EMPLOYEE CONDUCT AND WORK RULES

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## CODE OF CONDUCT

To assure orderly operations and provide the best possible work environment, employees are required to follow the rules of conduct listed below and contained in this Handbook and the Personnel Policies. It is, of course, impossible to list all the forms of behavior that are considered unacceptable in the workplace. Accordingly, the following list contains some examples of conduct that is unacceptable, whether specifically listed or not, may result in corrective action up to and including termination.

- Violation of laws, regulations, Personnel Policies or this handbook
- Misconduct
- Insubordination
- Falsification of employment records, employment information, timekeeping records or other Agency records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage or destruction of Agency-owned or customer-owned property
- Using abusive language at any time when on Agency premises or while performing work
- Sexual or other unlawful harassment
- Possession of firearms or other dangerous materials, in the workplace
- Excessive absenteeism or any absence without notice
- Unauthorized absence from work station during the workday
- Sleeping or malingering while on-duty
- Unauthorized use of telephones, fax machines, mail system, copiers, computers, or other Agency-owned equipment, time, materials, or facilities
- Making or accepting excessive personal calls during working hours, except in cases of emergency or extreme circumstances

## **CORRECTIVE ACTION**

The Agency will ordinarily give notice of problems with conduct or performance in order to provide an opportunity to correct those problems. This may include verbal counseling, written counseling, or the implementation of a Performance Improvement Plan (PIP) as appropriate for the specific situation. Certain conduct or performance problems may result in termination even for the first offense, and in accordance with required due process.

## **PRE-DISCIPLINARY RIGHTS**

Agency employees have pre-disciplinary or “Skelly” rights. When an employee is to be **demoted, suspended, or terminated**, certain specific procedural rights will be provided *prior* to the discipline being imposed. Please note that Skelly rights do not apply to verbal or written warnings not involving demotion, suspension or termination. The details of the disciplinary procedures are found in Personnel Policy No. 206, however, the steps are as follows:

1. The employee will be provided a written Notice of the Agency’s Intent to Take Disciplinary Action. The Notice will include the proposed disciplinary action, the effective date of the proposed action and the grounds, facts and any written materials upon which the action is proposed to be taken. The Notice will also notify the employee of his or her right to respond to the charges orally, in writing or both.
2. The person imposing the disciplinary action will consider anything presented in writing as well as anything presented in a meeting, if an oral response was selected by the employee.
3. The employee will be notified in writing of the disciplinary action imposed and the employee’s right to appeal the disciplinary action

## **ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, the Agency expects all employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on working operations. In the event that you become aware of an anticipated tardiness or absence, you are required to notify your supervisor as soon as possible, and no later than one hour prior to the beginning of your scheduled work time or for shift workers, two hours prior to the beginning of your shift. If it is after normal working hours, you should notify your supervisor by leaving a message with a return number.

Excessive absenteeism and tardiness (excused or not) may result in counseling or corrective action up to and including termination of employment. Each situation of excessive absenteeism or tardiness shall be evaluated on a case-by-case basis. However, even one unexcused absence may be considered excessive, depending on the circumstances. An Employee who fails to report for work without any notification to his/her supervisor for a period of three (3) consecutive work shifts will be considered to have abandoned his/her employment and have voluntarily resigned.

Tardiness occurs when an employee arrives late at the required workstation and/or is not dressed and ready to work. Excessive tardiness occurs when an employee is late more than five (5) minutes on more than three (3) occasions within any thirty (30) day period. The appropriate supervisor will advise the employee when excessive tardiness has occurred.

Excessive absenteeism occurs when the number of accumulated absences exceeds twelve (12) days in any twelve (12) month period and/or three (3) days/shifts in a three (3) month period prior to the most recent absence. A supervisor may, at his/her discretion, require a healthcare provider's written verification of health related absence for each absence in cases of excessive absenteeism.

In order to protect the health of other employees, the Agency may also require a health care provider's verification that an employee who has been absent for health related conditions is capable of resuming his/her job responsibilities before being permitted to return to work.

Any falsification, misrepresentation, or other violation of this attendance policy can result in disciplinary action, up to and including discharge.

## **PERSONAL APPEARANCE**

Work attire and grooming standards should complement an environment that reflects an efficient, orderly operated business. Acceptable attire will depend greatly on your position and your contact with our customers. For example, if you will be meeting with a customer or a prospective customer, business attire may be appropriate.

Extreme styles that are revealing or distracting and do not conform to our acceptable dress codes are not permitted. Some examples of attire that the Agency doesn't consider appropriate are T-shirts, sweat pants and shirts or workout clothes, tank tops, muscle shirts, shorts, flip flops, slippers, torn or patched clothing, revealing attire, halter tops, sheer clothing, bare midriffs or bare back tops/shirts, baggy, saggy or ripped pants, low cut or off-the-shoulder attire, clothes with inappropriate, profane or offensive slogans or pictures.

The Agency expects that you will use appropriate discretion regarding your attire. You are to dress in good taste and in accordance with the requirements of your position. If you have questions or need guidance about dress and appearance standards, please speak with management.

## **UNIFORMS**

Uniform apparel that is required to be worn by designated employees shall be either paid for or provided by the Agency. If the Agency pays or reimburses employees for the purchase of prescribed uniform items, the employee shall be required to purchase the proper color, style, size and number of the uniform item promptly to ensure that such item(s) are available to wear during working hours. Uniform items provided by or reimbursed for by the Agency may not be worn outside normal work hours; however they must be maintained by the employee in a clean, properly fitting, pressed and professional manner.

## **USE OF EQUIPMENT**

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using Agency property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify your supervisor if any equipment, machines, or tools appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs can prevent deterioration of equipment and possible injury to employees or others. Your supervisor or manager can answer any questions about an employee's responsibility for maintenance and care of equipment used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in corrective action, up to and including termination of employment.

No Agency equipment or supplies shall be used for personal or non-agency purposes.

If employees bring their own equipment to use at work, they must notify their manager. The Agency cannot assume responsibility of the loss, theft, or working condition of employees' personal equipment, property or valuables.

## **USE OF FACILITIES – OFF DUTY**

Employees are prohibited from remaining on Agency premises or making use of Agency facilities while not on duty. Employees are expressly prohibited from using Agency facilities, property or equipment for personal use.

## **CONFIDENTIALITY**

Any employee who discloses confidential Agency information will be subject to corrective action, up to and including termination of employment, even if he or she does not actually benefit from the disclosed information. Certain employees may be designated "Confidential Employees" meaning that the employee must not provide information received in the process of doing his/her job to the public or to fellow employees or third parties except when the employee's supervisor has clearly notified the employee that it is permissible to do so.

## **INCOMPATIBLE ACTIVITIES**

State law prohibits employees from being financially interested in any contract made or negotiated by them in their official capacity. All Agency employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in personal gain for that employee or for a relative as a result of the Agency's business dealings. For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with an employee is similar to that of persons related by blood or marriage.

If you have any influence on transactions involving purchases, contracts, or leases, it is imperative that you disclose to Department Head or the General Manager as soon as possible the existence of any actual or potential conflicts of interest so that safeguards can be established to protect all parties.

The materials, products, designs, plans, ideas, and data of the Agency are the property of the Agency and should never be given to an outside firm or individual except through normal channels and with appropriate authorization. Any improper transfer of materials or disclosure of information, even though it is not apparent that you have personally gained by such action, constitutes unacceptable conduct. Employees who participate in such a practice will be subject to corrective action, up to and including possible termination of employment.

## **SOLICITATION**

M1W recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time (see definition below), or in working areas. Employees may not solicit visitors for any reason (including gifts, gratuities, or sales) at any time.

**WORKING TIME:** For the purposes of this section, working time includes the working time of either the employee who is doing the soliciting and/or distributing and the employee to whom the soliciting and/or distributing is being directed. Working time does not include breaks periods or meal periods.

## **GIFT ACCEPTANCE**

Receipt by any employee of gifts, gratuities (tips), meals, entertainment, overnight accommodations, travel or other items having a fair market value greater than \$25 from suppliers, consultants or contractors with whom the Agency has past, current or potential business relations is expressly prohibited. The receipt of an item of significant value may place the recipient employee and the Agency in a conflict of interest. Even the mere appearance of a conflict of interest shall be carefully avoided at all times by all Agency employees.

**REPORTING FINANCIAL  
IMPROPRIETIES**

Employees who have a reasonable, good faith belief that an Agency employee, contractor or other third party is engaging in financial misconduct relating to Agency operations, or is engaging in conduct which results in the waste of the financial resources of the Agency, should report this belief to the Assistant General Manager. If the employee feels uncomfortable about making a report to the Assistant General Manager, or if the Assistant General Manager is involved in the alleged misconduct, the report should be made to the General Manager.

The General Manager or Legal Counsel will promptly investigate any such report of financial misconduct or waste of financial resources, preserving confidentiality to the fullest extent possible. Retaliation against Agency employees or any other person for reasonable, good faith reporting under this policy will not be tolerated.

**MEDIA CONTACT/PUBLIC REQUESTS  
FOR INFORMATION**

Information is not to be given to the media by a staff member. In the event the media makes contact, the staff member should request the name, phone number and the organization represented. The staff member should immediately provide any request for information to the Assistant General Manager or the General Manager for appropriate action.

**VISITORS**

All visitors must enter Agency facilities at the main entrance and must not enter work areas without specific management permission. Any unauthorized person or persons on Agency property will be asked to leave immediately.

**POLITICAL ACTIVITIES**

Generally, the Agency encourages employee participation in political activities as a matter of good citizenship. However, because the Agency is a public entity pursuant to California law, and governed by a Board of Directors, guidelines concerning certain political activities by employees must be observed. Therefore, employees may not campaign for or against any candidate or issue, engage in political activities, or solicit funds for political groups during working hours, on Agency premises or while wearing an Agency uniform, badge or similar apparel that is likely to identify you as an Agency employee. Likewise, employees may not solicit or distribute politically-oriented information or materials nor place or post such materials on Agency bulletin boards including the placement of such stickers on Agency vehicles, buildings or other property owned by the Agency.

These restrictions are solely for the purpose of keeping Agency jobs free from political influence. Nothing in this policy is intended to prevent employees from voting, belonging to political organizations, or attending political meetings on their own time.

## **SMOKING**

Smoking is not permitted in Agency buildings, facilities, confined spaces or in Agency vehicles. For health, safety, and business considerations, employees are discouraged from smoking. Secondhand smoke can be harmful to nonsmokers as well as smokers. Employees who wish to smoke may do so on designated breaks outdoors in designated smoking areas, but not closer than within 25 feet of any entrance to Agency facilities. Extra care should be taken when working around combustible materials, or out in the field.

### **Housekeeping**

As part of maintaining good housekeeping throughout our facilities, cigarette waste disposable receptacles are located at all designated areas. These receptacles must be utilized for proper disposal of any cigarette smoking waste materials.

### **Personal Hygiene**

Personnel who smoke are required to utilize appropriate personal hygiene, including washing of hands, and removal of contaminated protective clothing, as necessary, before smoking.

All individuals on Agency premises share in the responsibility of adhering to this rule. Likewise, all Agency employees are responsible for advising members of the public or other visitors who are observed smoking tobacco products on M1W property of the Agency's policy on the matter. These individuals shall be asked by staff to refrain from smoking, and if the person fails to comply, the requesting staff member should then inform a member of the management staff.

## **DRUG AND ALCOHOL USE**

The Agency is committed to providing a drug-free, healthy, and safe workplace. To promote this goal, all employees are required to report to work fit to perform their jobs in a satisfactory manner. While on Agency premises and while conducting business-related activities off the Agency premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or engage in the unlawful manufacture, sale, purchase, distribution, dispensation, possession, or use of illegal drugs.

Violations of this policy may lead to corrective action, up to and including termination of employment, and/or referral to participation in a substance abuse rehabilitation or treatment program.

If an employee is suspended from work due to unsatisfactory job performance resulting from alcohol and/or drug dependency or abuse, such employee may be referred for counseling and/or treatment. If such an option is provided, the employee may be required to provide written verification that arrangements have been made for professional counseling. Additionally, the employee may be asked to provide periodic verifications of continued counseling sessions. Failure to provide such documentation or a repeat occurrence of unsatisfactory job performance resulting from alcohol and/or drug dependency or abuse while at work may result in termination. Employees participating in a rehabilitation program will be required to meet all job performance standards and work rules.

The legal use of prescribed drugs is permitted on the job only if it does not impair the employee's ability to perform the essential functions of his/her job effectively and in a safe manner that does not endanger other individuals in the workplace.

**Compliance with Testing Requirements:** All safety-sensitive employees are subject to random controlled-substance testing and breath alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately. Refusal to submit to a test can include an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.

A safety-sensitive position is defined as any position requiring the use of a Class "A" or Class "B" commercial driver's license. A listing of M1W safety-sensitive employee classification is maintained by the Human Resources Department.

## INFORMATION/COMMUNICATION SYSTEMS

**Monitoring & Access of the Agency Systems/Devices** — the Agency's computer, phone, and other electronic systems/devices are important assets and have been provided to facilitate business communications. Although employees may be able to use codes to restrict access to information left on systems/devices, it must be remembered that these systems/devices are intended for business use and are the property of the Agency. Employees shall have no right or expectation of privacy or confidentiality in any materials, including but not limited to e-mail messages created, sent, received, deleted, or stored using the Agency's computer resources. In keeping with this intention, we maintain the ability to access and monitor any information on the systems/devices with or without notice.

Because the Agency reserves the right to obtain access to all information on our systems/devices, including voice-mail, computer files, e-mail, Text Messages, Internet sites visited, etc., employees should not assume that such information is confidential or that access by the Agency or its designated representatives will not occur. Access to these systems/devices may be conducted before, during, or after working hours, and in the presence or absence of the employee.

Passwords may only be placed on computer files or changed with the written permission of the Department Head or General Manager, as applicable. In addition, employees are prohibited from unauthorized use of access codes of other employees to gain access to voicemail or computer systems/devices.

Within five (5) days of receipt of this Handbook, each employee shall provide any password relating to use of an Agency owned computer, including internet and e-mail passwords, to the employee's Supervisor. Upon termination of employment with the Agency for any reason, the employee shall provide the Supervisor with the current password for any access to Agency owned computer, including internet and e-mail passwords, and the Supervisor shall notify the Assistant General Manager that he or she has such password.

**Computer, E-mail, Internet, & Voicemail Use** — some employees are provided access to the Agency's information and communication systems for business reasons. While some reasonable personal use of these systems may be permitted, these systems are to be used primarily for business purposes.

At the Agency, we strive to maintain a work environment that is friendly and relaxed yet highly professional. The use of an e-mail and Voicemail system can sometimes lead to inappropriate business demeanor and inappropriate casual communication. Please make sure that conversations and electronic communications are appropriate in a work setting, and do not cross the line into areas that could offend anyone. Employees are not allowed to use the Agency's information systems in any way that may be disruptive or offensive to others, including the transmission of anything that may be construed as harassment or disparaging of others. Inappropriate use of the Agency's information systems will result in corrective action up to and including termination.

An employee's use of the Agency's computer resources, including, but not limited to, all computer files, internet services, and e-mail, is not confidential. No employee or other user shall have any expectation of privacy as to his/her computer files, Internet communications, or e-mail messages. The Agency provides no assurance of privacy with respect to any employee or other user's use of any Agency computer resource, and the Agency expressly reserves the right to access or monitor, with or without notice, any employee or other user's use of the Agency's computer resources. Agency representatives may access, audit, and review all activity and analyze usage patterns, and may, for whatever reason, disclose this data to ensure that the Agency's computer resources are devoted to maintaining the highest level of productivity.

The information created or transmitted on any Agency computer resource, including Internet communications and e-mail messages, may be subject to public disclosure under the California Public Records Act or in connection with litigation.

The Agency has purchased software programs for use with the Agency's networked computer system. These software programs have been installed on the appropriate PC's throughout the Agency. It is important to note that most computer software programs are proprietary and copyrighted. It is, therefore, unlawful to copy software programs that have been sold to the Agency.

**Laptop Use** — Each employee issued or using a laptop is responsible for the security of that laptop, and also for the information stored on it, regardless of whether the laptop is used in the office, at a place of residence, or in any location such as a hotel, conference room, car or airport.

The laptop is for your use in the performance of your work. Do not share your laptop with anyone including other workforce members, family or friends. The laptop may only be used for activities falling within the scope of your employment with the M1W. You may not use the laptop for personal or commercial use.

If the laptop was issued with a wireless "hot-spot," the wireless connection is not to be used for any type of video downloading or streaming; use of sites like YouTube and Netflix is strictly prohibited.

Users may not install third-party software, or otherwise alter the configuration of the laptop, unless expressly permitted by the user's Information Systems Administrator.

#### **Data Back-Up**

Data stored on the laptop's hard drive (C drive) can be lost as it is not automatically backed-up. To ensure that your data is not lost, all workforce members issued laptops are responsible for regularly backing-up their data.

- When working remotely with VPN, log into the network on a regular basis and back-up data to network drives.
- If you do not have VPN, bring the laptop into the agency and log into the network to back-up data.

#### **Security When Traveling**

- When traveling, keep the laptop close to you whenever possible.
- Always log off your laptop, or press Ctrl+Alt+Delete and Select "Lock Workstation," when you walk away from it even briefly.
- Always log off your computer and put it and all peripherals in an unobvious carrying case before transporting it between locations.
- Never leave the laptop unattended in public areas such as restaurants, airport lounges, hotels and conference centers.
- Avoid leaving your laptop unattended in an automobile even if the vehicle is locked. If you must do so temporarily, be sure that you are parked in a reasonably secure location such as a parking garage, and the laptop is not in plain sight.
  - For example, you should not leave a laptop stored in a laptop bag in the backseat of your vehicle. This would be in plain sight and visible by passerby. A better solution would be to place it in a locked trunk.

#### **Security Incidents**

You must report any security incidents involving your laptop. This will enable the M1W to investigate, and take steps to mitigate the risk to any confidential data maintained on the laptop.

### **Care and Maintenance**

The following recommendations on care and maintenance of the laptop must be followed:

- Anti-virus updates and patching: the laptop must be kept up-to-date with the latest Anti-virus updates and patches. You are prohibited from modifying the anti-virus software and related settings that have been implemented on your laptop. If you are required to assist with anti-virus updating and patching, your responsibilities will be explained when you are provided the laptop.
- Be careful not to bump or drop your laptop; do not carry items with it that could harm it; and do not put any objects on top of it. The case, although strong, is not made to support extra weight.
- Avoid subjecting the laptop to extreme temperature changes. Components can become very brittle and easy to break in cold temperatures and can melt or warp in high temperatures. As a general rule, your laptop is safest at temperatures that are comfortable for you.
- Keep all liquids away from your laptop. Almost any liquid spilled on the laptop can result in extremely expensive repairs.
- Immediately report any technical problems with the laptop to the Help Desk.

**Telephone Use** — Incoming phone calls are an important and essential part of our business. If your job requires you to answer the phone, remember that the caller's entire impression of the Agency will be based on how you sound. Be courteous and friendly, and whenever possible refer to the caller by name.

Personal phone calls placed or received should be kept to a minimum to ensure that our customers can effectively communicate with us. Necessary phone calls should be made during breaks or meal periods whenever possible. If it is necessary to make a personal, long distance telephone call, please keep them to a minimum and charge any toll calls to a personal calling card. Messages of an emergency nature will be delivered promptly and our telephones are always available for use on an emergency basis.

**Cell Phones** – While driving for the Agency business and/or the Agency time, attention to the road and safety should always take precedence over using the phone, therefore, the personal or business use of cell phones while driving is strongly discouraged and calls should be made/received with the vehicle parked in a safe location. In the event that a driver feels that he/she must make/receive calls while operating a vehicle, CA law must be followed and such calls must be made in a “hands free” mode via a headset or speaker. Additionally, Text Messaging is not allowed while driving per state law and the Agency policy.

**Personal Communication Devices** – The use of personal cellular phones, PDAs, pagers, ear pods, Text Messaging, etc. can be a problem while working. Such use is distracting and can portray a negative image to any individual (management, coworkers, customers, vendors and guests) who may see employees using such devices while at work. You are asked to minimize the personal use of such devices while at work so that business needs are not compromised. If such devices are used during non-work time (breaks/meals) please do so in a way that does not interfere with coworkers and other business needs.

**Social Media** – While we understand that many of our employees may interact using various social media sites, e.g. Facebook, Linked-In, My Space, it is important that employees keep their personal postings entirely personal. Please remember that some of these sites allow individuals you might not want to interact with to see your postings and therefore you should use care in your interactions.

Employees should never suggest anything they do or say when using any internet resource represents the opinion or attitude of the Agency.

Where the Agency has decided to create accounts exclusively for business purposes, only employees expressly authorized are permitted to post information and modify the site. Such accounts are as important to the organization as the official website and as such, extreme care is needed in portraying the desired information on the site.

We also ask that employees who have concerns about actions, policies or other Agency business address it with us directly rather than posting such concerns on social sites. Pictures, communications and other information related to Agency business may not be posted on internet sites without the specific written consent of the Agency. If you wish to post any such items, please contact Human Resources for the name of the proper authorizing manager.

#### **USE OF VEHICLES FOR AGENCY BUSINESS**

The following policy applies to all employees operating an Agency or personally owned vehicle used for Agency business. Due to the potential seriousness of vehicle infractions/accidents, please understand that failure to comply with the below requirements may result in disciplinary action up to termination of employment, even for the first offense.

All employees who operate an Agency or personally owned vehicle used for Agency business must comply with all traffic laws at all times and maintain a current, valid driver's license and at least minimum insurance coverage established by the State of California. In addition, the employee must be insurable with the Agency's insurance carrier at the "standard rate."

Employees have an affirmative obligation to promptly notify their supervisor of any moving violation, or other violations of motor vehicle laws which may affect their driver's license, insurability or restriction or suspension of their driver's license. Seat belts/shoulder harnesses are to be worn at all times and being under the influence of alcohol, drugs or other substances while operating a vehicle for Agency business is strictly prohibited.

When a privately owned vehicle is used for official travel on business because an Agency vehicle is not available, the Agency will reimburse an employee a maximum of \$250 for his/her deductible if the employee is involved in a verifiable no-fault accident, upon filing satisfactory proof of loss and insurance deductible with his/her Supervisor.

Employees should also review and comply with the provisions outlined in Appendix B of this Handbook pertaining to Agency Assigned Vehicles.

#### **OUTSIDE EMPLOYMENT**

M1W has no objection to an employee having additional employment, as long as that additional employment:

1. Does not affect the efficiency, dependability of hours of M1W employment; or
2. Does not constitute a conflict of interest due to the nature, condition or any other aspect of that activity.

Any employee wishing to engage in any occupation or outside activity for compensation shall inform the appropriate Manager, in advance, of the time required and the nature of such activity. Department heads shall ensure that their employees do not engage in any activity (involved with any supplier, consultant or contractor of M1W in any way), which constitutes a conflict of interest.

## **PROBLEM SOLVING**

In any workplace, there are bound to be problems that arise in the course of employment. It is important to note that discussing or "*complaining*" about such issues with your coworkers will not lead to a solution and may even escalate the problem.

Such problems may concern working conditions, the interpretation or application of policies and procedures or any other matter related to your employment. Efforts will be made to provide you with the opportunity to raise concerns or problems in confidence.

### **Informal Discussion**

1. The grievance shall first be discussed on an informal basis by the aggrieved with the employee's immediate Supervisor within five (5) working days from the date of the action causing the grievance.
2. Every effort shall be made to resolve the grievance at this level. If the grievant's concerns are not resolved, the employee has the right to submit a formal written grievance.

In the event the employee believes the grievance has not been satisfactorily resolved, the employee should submit the grievance in writing to the next level of supervision within five (5) working days of the above informal discussion.

For specific steps, refer to Policy #307.

Under no circumstances should a problem or complaint be discussed with a customer, guest, visitor, vendor or any other non-employee in the workplace. In the event that the problem or complaint involves one of the above, your supervisor should be immediately advised.

The problem solving procedure outlined above is intended to encourage open communication and improve working conditions.

The Agency encourages all problems to be handled according to the above policy, but recognizes that there may be times when the employee is not comfortable talking with his or her immediate supervisor. If at any time, you feel uncomfortable discussing a problem or complaint with your immediate supervisor; please understand that you are able to address these concerns or problems with Human Resources or the General Manager.

## **SOCIAL EVENTS**

Employees are not required to attend or participate in any off-duty party or recreational, social, or athletic activity. The Agency periodically may sponsor such voluntary activities for employees and their immediate families, but no employee is required or expected to attend.

Participation in any off-duty, Agency sponsored recreational, athletic, or social activity is strictly voluntary and is at the employee's own risk. The Agency assumes no liability for any injury or accident arising out of any off-duty party, social event or recreational activity. It is important to remember that injuries or illnesses that may result from participation in an Agency sponsored recreational, athletic, or social activity are not covered by Workers' Compensation Insurance.

Employees are advised that at these events, they are expected to refrain from drinking alcoholic beverages or engaging in any other activity to the extent that it would cause him/her to be unfit for the safe operation of a motor vehicle, or to behave in an intoxicated or disorderly manner. Any employee who feels his or her driving skills or reaction times might be impaired, even a little, should not drive. Safe options include but are not limited to: taking a cab home, calling a friend or relative for a ride, asking another employee who has not been drinking alcohol for a ride home, or requesting any supervisor or manager to arrange transportation.

The behavior of all employees and their guests attending an Agency sponsored social event is expected to conform to the provisions in the Conduct Guidelines section in this Handbook.

## **BULLETIN BOARDS/ COMMUNICATIONS**

All Agency employees are encouraged to openly and honestly communicate while maintaining tact, courtesy, respect, dignity and professionalism.

### **Staff Meetings**

Staff meetings are held on an "as-needed" or pre-scheduled basis. All employees scheduled to work on meeting days are expected to attend while unscheduled employees are expected to learn about the content of meetings on their next scheduled workday. These meetings are held to provide information, promote employee participation, contribute constructive ideas in solving problems, improve our organization, and allow us to operate more efficiently. It is an opportunity to exchange ideas, set goals, discuss opportunities for growth, and solve any problems with particular projects or assignments. If unable to be present, employees should notify their managers and offer to submit ideas in writing.

### **Bulletin Boards**

Bulletin boards are used to display required documents and to provide employees with information about job openings, changes in Agency operations, or information of general interest relative to our operations. M1W e-mails also are used to disseminate information to employees.

Posting of any notice or document on bulletin boards or elsewhere on Agency premises must be approved by management. Employees are not permitted to post personal notices and solicitations on Agency bulletin and electronic message boards without prior approval from management.

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# EMPLOYEE BENEFITS

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## GENERAL

Eligible employees at the Agency are provided a wide range of benefits. A number of the programs (such as Workers' Compensation and Unemployment Insurance) cover all employees in the manner prescribed by law.

In addition, the following benefit programs are also available to eligible employees: Paid Vacation Leave, Paid Sick Leave, Paid Holidays, Retirement Plan, Medical Insurance, Short- and Long-Term Disability Insurance, Paid Bereavement Leave, and Paid Jury Duty Leave.

Unpaid leaves may be provided to eligible employees. Unpaid leaves of absence include Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA), Medical Leave, Pregnancy Disability Leave, Personal Leave, Parent's / Guardian's School Leave, School Discipline Leave, Domestic Violence Leave, Military Leave of Absence, Military Reserves or National Guard Leave of Absence, Military Spouse Leave, Emergency Duty Leave, and Volunteer Firefighter Training Leave.

Human Resources can assist you in determining which benefits you are eligible for, and can also provide further information regarding these benefits.

## **HEALTH AND LIFE INSURANCE**

The Agency provides and pays a portion of the premiums of an extensive health and welfare plan, which includes medical, vision, dental, accidental death and dismemberment, life coverage, Short Term Disability (STD) and Long Term Disability (LTD), and Employee Assistance Plan (EAP), for employees who are regularly scheduled for 30 or more hours each week in regular (non-temporary) positions. Health Insurance is also available to spouse/dependents/domestic partners with a portion of the premium at the employee's expense. Payroll deduction is available to accommodate this request. Eligibility begins on the first day of employment.

Specifics of the plan are contained in official plan documents, which will be forwarded to employees as they become eligible for coverage under these plans. These documents control all aspects of the plan and are subject to change in the Agency's discretion. Additional information can also be requested from Human Resources.

## **IRS SECTION 125 PREMIUM ONLY PLAN**

Employees may also enroll in an IRS Section 125 tax reduction plan. Eligible employees may enroll in a pre-tax premium plan that will allow monthly insurance premium payments for the group insurance coverage to be deducted from pre-tax income so as to reduce income tax liability.

For further details on the section 125 tax reduction plan, contact Human Resources.

## **BENEFITS CONTINUATION (COBRA)**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Agency's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, separation of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the eligible employee or beneficiary pays the full cost of coverage at the Agency's group rates plus an administration fee.

The Agency provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under our health insurance plan. The notice contains important information about the employee's rights and obligations.

For more information about COBRA, contact Human Resources.

## **APPROVED TIME-OFF**

If time off from work is needed, please schedule and obtain prior approval for any intended absence by submitting a written request for time off in accordance with the applicable procedures in this Handbook.

Planned time off includes any situation that might prevent an employee from reporting to work on time for any scheduled workday or that needs to be scheduled (e.g., vacations, doctor's appointments, personal obligations, leaves of absence, etc.). If prior arrangements have not been made, employees must discuss an absence or inability to be at work on time directly with their supervisor.

The Agency recognizes that it is sometimes necessary for employees to take care of personal business during the workday. However, personal business should be kept to a minimum and should be conducted during break times whenever possible. Employees may not conduct business for another employer during their scheduled working hours.

## **VACATION LEAVE**

Vacation time off with pay is available to regular, full-time or contract employees, if provided in the contract, to provide opportunities for rest, relaxation and personal pursuits as described in this policy. Temporary and part-time employees are not eligible to participate in paid vacation leave. When an employee completes six (6) months of full-time employment, he/she is credited with forty (40) hours of vacation. No vacation may be taken during the first six (6) months of employment unless prior authorization has been received from the General Manager or designee. Following the initial credit of forty (40) hours of vacation, vacation is accrued each pay period.

The amount of paid vacation time you earn each year increases with the length of your employment. See current Employee group MOU for the vacation accrual schedule.

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when you start to earn vacation time. Your benefit year may be extended for any significant leave of absence at the Agency's discretion.

For scheduling reasons, vacation requests must be tendered at least seven (7) working days in advance of the desired departure date. Employees planning vacations exceeding three (3) weeks should give their supervisor at least two (2) months advance notice. Under emergency situations exceptions may be made with the written endorsement of the appropriate supervisor. All vacation leave must be approved by the supervisor prior to use.

You are encouraged to use available paid vacation leave for rest, relaxation and personal pursuits. The maximum accrued benefit that you may have at any one time will not exceed 440 hours. If the unused vacation benefits reach this maximum, additional benefits will be "capped" and will not accrue until unused benefits are used or otherwise reduced as provided in this policy. When you use paid vacation time and bring the available amount below the cap, vacation accrual will begin again.

Vacation leave may be coordinated with other approved absences such as disability, family leave, or in observance of a religious holiday. Vacation pay will be based on the employee's base pay rate in effect at the time such vacation is taken. It does not include overtime or any special forms of compensation such as shift differential, standby or other forms of pay otherwise available during normal work schedules. Payment of vacation time will be made on an employee's regularly scheduled payday.

**ADMINISTRATIVE LEAVE:  
EXEMPT EMPLOYEES**

Designated employees are exempt employees under the Fair Labor Standards Act and are expected to work additional hours from time to time as a part of their normal job responsibilities. Exempt employees are not eligible for overtime pay. The additional benefits described below are provided to exempt employees to recognize these additional responsibilities and job demands. Administrative Leave for eligible employees shall be prorated to the beginning of the pay period in which their date of hire, promotion or transfer to the qualified position occurs and accrue with their vacation. Such employees will also be allowed to utilize flexible time scheduling as required by job demands. See current Employee group MOU for leave accrual.

**SICK LEAVE BENEFITS**

Sick leave benefits are available to all regular full-time employees in order to minimize the economic hardships that may result from an unexpected short-term illness or injury. Regular full-time employees accrue 3.70 hours of sick leave per pay period from their date of hire. Since the Agency provides for Cal-PERS sick leave credit and that employees are encouraged to conserve sick leave should it be needed for an unexpected personal disability, there is no limit on the maximum number of hours an employee can accumulate sick leave benefits.

Sick leave benefits are available and payable only in the case of medical or doctor appointments, your own actual illness or injury, or the actual illness or injury of your spouse, child, parent, domestic partner, or child of a domestic partner; they are not to be used as “extra” vacation days. Sick leave benefits are designed only to assist you when work is missed due to an actual illness or injury and benefits are not available or payable for any other reason.

Failure to follow reporting procedures outlined in the Attendance and Punctuality policy may result in an unexcused absence. A doctor's certificate may be required as proof of need for absence of three (3) or more consecutive work shifts and/or to medically release you to return to work.

## HOLIDAYS

The Agency recognizes the following paid holidays:

New Year's Day.....	January 1st
Martin Luther King Jr. Day .....	Third MONDAY in January
Presidents' Day .....	Third MONDAY in February
Spring Holiday .....	TBD
Memorial Day .....	Last MONDAY in May
Independence Day .....	July 4th
Labor Day.....	First MONDAY in September
Columbus Day.....	2nd MONDAY in October
Veteran's Day.....	November 11th
Thanksgiving Day.....	Fourth THURSDAY in November
Day after Thanksgiving .....	Fourth FRIDAY in November
Working Day preceding Christmas Day .....	TBD
Christmas Day.....	December 25 <sup>th</sup>

\*See current MOU for any additional holidays

Because our operations are open Monday thru Friday, all holidays listed above will be observed on the day designated by federal proclamation, which means that if a holiday falls on a weekend, it will normally be observed on the Friday before or the Monday after the holiday. The above schedule may be modified in years in which an obvious opportunity exists to optimize or group holidays with weekends.

All regular full-time, non-exempt employees who **do not work** on a designated holiday, will receive holiday pay at one times their regular rate of pay (as of the date of the holiday), times the number of hours that the employee would have otherwise worked on that day in the workweek.

All regular full-time, non-exempt employees who **work** on a designated holiday will receive holiday pay as described above, in addition to receiving one and one-half times their regular pay for all hours actually worked.

For New Year's Day, Thanksgiving Day, and Christmas Day, a non-exempt employee who is required to work shall be paid double time or receive double compensatory time off. When Christmas Day or New Year's Day fall on either a Saturday or Sunday, the employee will be compensated in one of two ways:

1. The employee will be compensated double time plus the holiday on the actual day or
2. The employee will be compensated double time on the actual day and allowed to take the scheduled holiday on the previous Friday or following Monday.

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

In order to reasonably accommodate the religious needs of employees, time off for religious observances that are not scheduled paid holidays observed by the Agency may be taken, without pay or through use of accrued vacation hours, under the following conditions:

- Employees must give reasonable advance notice to their manager in order for another employee to be assigned, if required, to the work being performed by the employee requesting the time off. Reasonable notice is considered to be a minimum of 14 consecutive calendar days.
- Each regularly scheduled workday that is requested as a religious observance holiday will require individual review and prior approval by the employee's manager.

## **BEREAVEMENT LEAVE**

A leave of absence utilizing sick leave, compensatory time off, vacation or administrative leave of up to 5 days will be granted in the event of death of an immediate family member of an employee (immediate family members are defined as spouse, domestic partner, child, parent, sibling, grandparent, grandchild, and all "step" and "in-law" variations of the preceding list, in addition to an individual who was a member of your immediate household at the time of death). At the discretion of your manager, this leave may be extended with or without pay in cases of great distance or severe emotional hardship.

With prior approval from the department manager and General Manager or designee, time off may be arranged for an employee who wishes to attend the funeral of other relatives or close friends or other person to whom you may be reasonably deemed to owe respect.

## **JURY DUTY POLICY**

If an M1W employee is summoned to serve for normal jury duty or receives a court subpoena to serve as a trial witness during normal working hours, the employee will be excused for the time required to attend court and will receive normal salary for such time.

If an employee desires to serve on the Grand Jury, he/she should submit a leave of absence request and will serve without M1W salary and benefits.

The employee may retain any per diem or other expenses paid by the court for jury duty, but shall submit to M1W all checks paid in connection with witness fees.

Time off for legal actions initiated by the employee shall be through vacation leave, compensatory time off or administrative leave if applicable.

## **WITNESS DUTY AND SUBPOENAS**

### **Agency Business Related Court Appearance**

Employees will be paid their normal wage or salary if required to be a witness or required by a subpoena to appear in court on or related to Agency or non-personal business. An employee who serves as an Agency related business witness, or on a case related to the employee's job, on a day that is a regularly scheduled day off, shall be paid at the employee's regular base rate of pay or at time and one-half, if the employee otherwise qualifies for overtime compensation, for all hours the employee actually is required to be in Court.

### **Personal Business Court Appearance**

Employees may be allowed to use vacation or compensatory time off if summoned to appear in court as a witness or because of a subpoena related to personal business or those matters occurring outside the course and scope of Agency employment. Use of any available paid time off may be used for this purpose with reasonable advance notice, and proof of subpoena service, from the employee to his/her department manager.

## RETIREMENT PLAN

The Agency participates in the California Public Employees Retirement System (CalPERS) which is a defined benefit retirement program. There are three (3) tiers: 3% @ 60, 2% @55, and 2% @ 62. Please see Human Resources for information on the formulas and what benefits are associated with each tier.

The Agency does not participate in Social Security, however employees hired after April 1, 1986 are required to have the Medicare portion of Social Security deducted from their payroll for future eligibility of Medicare benefits.

Enrollment in the Cal-PERS plan is automatic for those employees who work a minimum of 1,000 hours per fiscal year. Vesting in the Plan occurs after five (5) years of participation in Cal-PERS, either with the Agency or based on bridged service from another Cal-PERS participating organization.

Additional information concerning this plan can be obtained from Human Resources.

## DEFERRED COMPENSATION PLAN

The Agency also provides an opportunity for eligible employees to participate in the Agency's Deferred Compensation Plan as a supplemental means of investing toward retirement. Employee contributions are made on a pre-tax basis through payroll deductions. Contributions are deducted from the employee's gross taxable wages.

Employees having questions or interest in learning more about the eligibility, investment options, contribution limits and other features of the Agency's Deferred Compensation Plan should contact Human Resources for plan materials and further information.

## TERM LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT (AD&D) INSURANCE

The Agency pays the full cost of the premium for term life and AD&D insurance coverage for all regular full-time and eligible employees of the Agency effective on the first day of employment. For more information, contact Human Resources.

## EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Employee Assistance Program (EAP) is a **confidential** counseling service offered by the Agency as an employee benefit. This program offers an avenue of personal guidance and assistance for you, your family members, and significant others. It is designed to assist you in addressing problems **before** they affect your physical health or mental well-being; and before the problem becomes a workplace issue. For more information on our EAP, contact Human Resources.

## EDUCATIONAL ASSISTANCE

If qualified and interested, regular, full-time employees are encouraged to advance your job-related skills and education through the Agency's tuition reimbursement program. Courses of instruction must be job-related and approved *in advance* of registration by management. You must be employed by the Agency during the entire length of the educational course or program to be eligible for reimbursement. Requests for continuing education should be submitted on an Education Reimbursement request form.

The employee will be reimbursed for books and tuition only and the employee will receive reimbursement of the course with a grade of "C" or higher. Confirmation transcripts or evidence which verifies the student's grade or "pass/fail" completion must be submitted to Human Resources upon completion of the course prior to receiving reimbursement.

Reimbursement is limited to the following maximums:

- Community College = \$1,000 per calendar year
- University/State School = \$2,500 per calendar year
- Master's Degree level = \$2,500 per calendar year.

Educational benefits such as tuition or books *may* be considered a taxable benefit depending upon the applicable Internal Revenue Service (IRS) Codes in effect at the time the reimbursement is made. Reimbursements will not be made for student fees, campus parking, meals, etc.

While educational assistance is expected to enhance the employee's performance and professional abilities, the Agency cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

## WAGE REPLACEMENT INSURANCES

### **SHORT TERM & LONG TERM DISABILITY:**

Both Short Term Disability (STD) and Long Term Disability (LTD) insurance is provided to all regular, full-time and contract employees of the Agency from the date of employment. The Agency pays the entire cost of the premium for these plans. Employees with non-work-related illness or injury shall be eligible for income replacement benefits under these plans for the duration of the illness or injury, as provided in the Agency's insurance policy provisions.

Please see Human Resources for STD and LTD benefit information and claim forms.

### **UNEMPLOYMENT INSURANCE**

If your employment is ended with the Agency, you may be eligible to receive Unemployment Insurance Benefits. This insurance is fully paid by the Agency and is administered by the State. In most cases, you must file a claim in order to collect this benefit. Benefits are generally available to employees who are out of work through no fault of their own (including a reduction in regular workweek). Eligibility for benefits is determined by the Employment Development Department.

### **WORKERS' COMPENSATION INSURANCE**

A comprehensive Workers' Compensation Insurance program is provided at no cost to you. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, Workers' Compensation Insurance provides benefits after a short waiting period or, if you are hospitalized, immediately. All employees are given a pamphlet explaining their Workers' Compensation benefits at the time of hire.

### **Employees who sustain work-related injuries or illnesses must inform a supervisor immediately.**

No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. You will be furnished an "Workers' Compensation Claim Packet" within one (1) business day of reporting the injury, which you must complete and return to your supervisor as soon as possible.

In the case of a one-time treatment of **minor** scratches, cuts, burns, splinters or other minor injuries, as long as there is no lost work time beyond the date of the injury, it will be treated as a first aid case. If additional care and treatment is needed, or if time is lost from work after the date of the injury, the claim will no longer be considered a "first aid" claim, but will be processed as a regular claim under Workers' Compensation Insurance.

If treatment is required, management will send (or arrange transportation, if necessary) you to the medical facility noted on the Workers' Compensation poster or the designated personal physician you have on file. A written notice by the physician is required to authorize a return to work. Should the physician indicate physical limitations upon return to work, such limitations must be discussed with and approved by management.

All employees should be aware that new anti-fraud laws state that any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying Workers' Compensation benefits or payments is guilty of a felony. Neither the Agency nor the insurance carrier will be liable for the payment of Workers' Compensation benefits for injuries that occur during your voluntary participation in any off-duty recreational, social or athletic activity sponsored by the Agency.

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# LEAVES OF ABSENCE

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## **WORKERS' COMPENSATION DISABILITY LEAVE**

The Agency will grant workers' compensation disability leave in accordance with state law if you incur an occupational illness or injury. As an alternative, the Agency may offer you modified work in accordance with state and federal law.

Workers' Compensation leaves will be classified as Family & Medical Leave Act (FMLA) / California Family Rights Act (CFRA) if the injured employee is otherwise qualified for FMLA/CFRA (see policy).

Subject to the terms, conditions, and limitations of the applicable plans, health insurance premiums (and dependent coverage as applicable) will continue to be paid by the Agency to the same degree it was provided before the leave began in accordance with the FMLA/CFRA policy or, for employees not yet eligible for FMLA/CFRA, for up to 6 weeks. At that time you will become responsible for the full costs of these benefits if you wish coverage to continue (see COBRA policy). When you return from the leave, benefits will again be provided by the Agency according to the applicable plans. In some instances, the Agency may recover premiums it paid to maintain health coverage if you do not return to work following your workers' compensation disability leave.

Benefits accrual such as vacation, sick time and holiday benefits, will be suspended during the leave and will resume upon return to active employment.

Upon submission of a medical certification that you are able to return to work, you will be reinstated in accordance with applicable law. Should the physician indicate physical limitations upon return to work, such limitations must be discussed with and approved by management.

## **FAMILY AND MEDICAL LEAVE ACT (FMLA) & CALIFORNIA FAMILY RIGHTS ACT (CFRA)**

Eligible employees may request FMLA and/or CFRA of up to 12 weeks of leave for the birth, adoption or foster care placement of a child, for their own serious health condition or that of their child (defined to include child of domestic partner for purposes of CFRA), parent, spouse, or domestic partner, or for a qualifying exigency arising out of the employee's spouse, child, or parent's active duty (or notification of impending call or order to active duty) in the Armed Forces in support of a contingency operation.

Time off from work is also available to care for a covered service member with a serious injury or illness if the eligible employee is the spouse, child, parent or next of kin of the service member and may be taken only under the FMLA leave. Provisions such as benefits continuation, reinstatement, etc. are the same as for any other FMLA qualifying leave except they are for an extended time period of 26 weeks, compared with the 12 weeks of other FMLA leaves.

Eligible employees are those who have been employed by the Agency for at least 12 months (not necessarily consecutive) and who have worked at least 1,250 hours during the 12 months immediately prior to the family care or medical leave of absence. If you are not eligible for FMLA and/or CFRA, you may be eligible for other leaves of absences described in this Handbook.

The Agency will not interfere with, restrain, or deny the exercise of any right provided by this law, or discharge or discriminate against any employee because of involvement in any proceeding related to FMLA and/or CFRA. All such leaves of absence will be administered in accordance with applicable federal and state laws.

The federal FMLA and the state CFRA are, in most instances, essentially the same, run concurrently and are known together as FMLA/CFRA. The exception is in the case of pregnancy: Under CFRA, an employee's right to bond with her newborn baby is separate and distinct from her right to take leave due to pregnancy disability (see Pregnancy Disability Leave policy).

During an FMLA/CFRA leave, you are entitled to continuation of group insurance benefits at the same level and under the same conditions as coverage would have been provided if you were not on FMLA/CFRA leave, for a maximum of 12 work weeks in a 12-month period (or up to 26 weeks for Service Member Family Leave). In the case of pregnancy, the 12 work weeks of group insurance benefit coverage will start on the first day of the FMLA and run consecutively for up to 12 weeks total. If, for reasons other than a continued serious health condition, you do not return to work from an unpaid Pregnancy Disability Leave, or return for less than 30 days and then resign the Agency requires you to reimburse the Agency the amount it paid for your health insurance premium during the leave period. The leaves contain a guarantee of reinstatement to the same or to a comparable position at the end of the leave, subject to any defense allowed under the law.

FMLA/CFRA leaves are unpaid; however, employees may choose to use accrued sick, compensatory time and vacation during this leave. During any leave time not covered by sick leave, compensatory time or vacation leave, vacation and sick time does not accrue.

If you are disabled by pregnancy, childbirth or related medical conditions, you are entitled to take California's Pregnancy Disability Leave (PDL) of up to four months, dependent upon actual periods of disability. According to state regulations, PDL runs concurrently with FMLA, but cannot run concurrently with CFRA. Thus, in the case of pregnancy, a woman is entitled up to four months of PDL which will run at the same time for 12 weeks of FMLA, and then is entitled to 12 weeks to bond with her newborn under CFRA entitlement, after she is released from disability. The basic minimum duration of the CFRA leave for the purpose of bonding is two weeks and must be completed within one year of the birth of the child.

Employees must request an FMLA and/or CFRA leave in writing at least 30 days before the leave begins. If the need for the leave is not foreseeable, the employee must request the leave in writing as far in advance as possible. Failure to comply with this requirement may result in a delay of the start of the leave. All such leaves will be administered in accordance with applicable federal and state laws. If you have any questions concerning family care or medical leaves of absence, please contact Human Resources.

If additional time is requested after an FMLA and/or CFRA leave, the request will be treated as any other request for any other leave detailed in this employee handbook (i.e., personal leave).

## **PREGNANCY DISABILITY LEAVE (PDL)**

The Agency provides and grants to all pregnant employees regardless of length of service the right to take a Pregnancy Disability Leave (PDL) during the period of time that a medical care provider determines the employee is actually disabled by pregnancy or a related medical condition. PDL can be for up to a maximum of four (4) months. For planning purposes it may be helpful for you to know that the typical period of disability for pregnancy and related medical conditions is often six to eight weeks – please discuss with your healthcare provider the anticipated period of disability for your pregnancy. Such leave requests will be made and evaluated in accordance with all applicable federal and state laws. If you are also eligible for a FMLA/CFRA Leave, the leaves will be integrated.

In instances of other than medical emergencies, management anticipates receiving thirty (30) days' notice in advance of the date the leave is to begin and the estimated date upon which the employee will return to work. A pregnant employee may use accrued vacation time or other accrued paid leave during the period of time which she takes pregnancy leave, and the employee may use all sick time.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance premiums (and dependent coverage as applicable) will continue to be paid by the Agency to the same degree it was provided before the leave began in accordance with the FMLA/CFRA policy or, for employees not yet eligible for FMLA/CFRA, for up to 6 weeks. At that time you will become responsible for the full costs of these benefits if you wish coverage to continue (see COBRA policy).

When you return from the leave, benefits will again be provided by the Agency according to the applicable plans. If you do not return to work from an unpaid Pregnancy Disability Leave, or return for less than 30 days and then resign, the Agency requires you to reimburse the Agency the amount it paid for your health insurance premium during the leave period.

Upon completion of the leave, a written notice by the health care provider is required to authorize a return to work. Should the health care provider indicate physical limitations upon return to work, such limitations must be discussed with and approved by management. We are committed to engaging our employees in ongoing, meaningful dialog regarding modifications at work.

Apart from medical disabilities associated with pregnancy and/or childbirth, requests for additional time off will be considered in the same manner as any other request for an unpaid personal leave with the exception of requests that meet the requirements for FMLA/CFRA, as described in the previous policy.

The Agency will provide reasonable lactation accommodation for employees who wish to express breast milk for their infant when they return to work. Employees may use paid rest break times provided by the Agency. The Agency will provide a private place to express milk in close proximity to the employee's work area, or the employee's normal work area may be used if it allows privacy.

**LEAVE OF ABSENCE  
WITHOUT PAY**

The Agency may provide a leave of absence without pay to employees who wish to take time off from work duties to fulfill personal obligations. Regular full-time employees are eligible to request personal leave as described in Personnel Policy 605.5 You may request such leave only after having completed 365 calendar days of service. As soon as you become aware of the need for a personal leave of absence, you should request a leave from your supervisor.

Requests for leave of absence without pay will be evaluated based on a number of factors, including amount of time requested, amount of time already taken, anticipated workload requirements and staffing considerations during the proposed period of absence. Leave may be granted for a period of up to 90 calendar days in any 12-month period. With your supervisor's approval, you may take any available comp. time, administrative leave or vacation leave as part of the approved period of leave.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance premiums (and dependent coverage as applicable) will continue to be paid by the Agency to the same degree it was provided before the leave began through the end of the month in which the leave began. At that time you will become responsible for the full costs of these benefits if you wish coverage to continue (see COBRA policy). When you return from a leave of absence without pay, benefits will again be provided by the Agency according to the applicable plans.

Benefits accrual such as vacation, sick time, or holiday benefits will be suspended during the leave and will resume upon return from leave. When the leave ends, every reasonable effort will be made to return you to the same position, if it is available, or to a similar available position for which you are qualified. However, the Agency cannot guarantee reinstatement.

Employees who accept other employment during the approved leave and/or employees who fail to report to work promptly at the expiration of the approved leave period will be considered to have resigned from the Agency.

**MEDICAL LEAVE**

If an employee is requesting a Leave of Absence due to the employee's own medical condition, a physician's statement must be provided verifying the need for a medical leave of absence and the beginning and expected ending dates. Any changes in this information must be promptly reported to management. At the conclusion of the leave, a written notice by the health care provider is required to authorize a return to work. Should the health care provider indicate physical limitations upon return to work, such limitations must be discussed with and approved by management.

## **MILITARY LEAVE OF ABSENCE**

Military leaves of absence will be authorized in accordance with and pursuant to state and federal law. If you believe that you are eligible for military leave of absence, please contact the Human Resources.

### **MILITARY RESERVES OR NATIONAL GUARD LEAVE**

Employees who serve in U. S. military organizations or state militia groups may take the necessary time off without pay to fulfill this obligation, and will retain all of their legal rights for continued employment under existing laws. Employees who have been employed with M1W for a period of not less than one year immediately prior to the day which the leave of absence begins, shall be entitled to receive their full salary or compensation for up to 160 hours per calendar year. Once they have exhausted the 160 hours, they may apply accrued and unused vacation or compensatory time to the leave if they wish; however, they are not obligated to do so.

You are expected to notify your supervisor as soon as you are aware of the dates you will be on duty so that arrangements can be made for replacement during this absence.

### **MILITARY SPOUSE LEAVE**

Employees who are regularly scheduled to work at least 20 hours per week and whose spouse is a member of the Armed Forces, National Guard or Reserves who is deployed to an area designated as a combat theater or combat zone during a period of military conflict, may take up to ten (10) days to spend time with a spouse during his/her leave from deployment.

You are required to notify your supervisor within two (2) days of receiving official notice your spouse will be on leave requesting time off from work. The Agency may require the employee to provide a copy of the documentation certifying the spouse will be on leave from deployment. Employees may use vacation or comp. time during the leave. If an employee does not have paid time available, the employee may take unpaid leave.

### **PARENTS'/GUARDIANS' SCHOOL LEAVE**

Any employee who is a parent or a guardian of a child, or grandparent who has custody of a grandchild in kindergarten through twelfth grade, or whose child or grandchild is attending a licensed day care facility, may take up to forty (40) hours each calendar year, not exceeding eight (8) hours in any calendar month of the calendar year, to participate in activities of the school or licensed day care facility of any child or grandchild if the employee, prior to taking the time off, gives reasonable notice to the Agency.

The employee does not have to be residing with the child in order to be entitled to parent's leave. However, the employee must have custody of the grandchild in order to be eligible for grandparent's leave. The employee may use parent's/guardian's leave for any type of school or licensed day care facility function. Employees may use vacation or comp. time during the leave. If an employee does not have paid time available, the employee may take unpaid leave.

### **SCHOOL DISCIPLINE LEAVE**

Any employee who is the parent or guardian of a child and is actually living with the child, or grandparent who has custody of a grandchild is eligible for a school-discipline leave. The employee must have received a written notice from the principal of the school requesting his or her attendance at a conference to discuss the child's/grandchild's suspension from school. School-discipline leave is not available to employees who voluntarily consult with school administrators regarding a child's/grandchild's performance in school.

The Agency may require the employee to provide a copy of the notice received from the school, prior to granting school-discipline leave, and may require documentation from the school as proof that the visit took place. The Agency may ask the employee or the principal to briefly reschedule the conference if the employee's attendance at work is essential at the time originally scheduled. There is no limit to how frequently employees may be provided school-discipline leave. Employees may use vacation or comp. time during the leave. If an employee does not have paid time available, the employee may take unpaid leave.

## **DOMESTIC VIOLENCE & SEXUAL ASSAULT LEAVE**

If an employee is the victim of domestic violence or sexual assault, time off may be necessary to seek judicial relief to help ensure the health, safety or welfare of the employee or a child. Unpaid leave will be given to any employee who needs time off to obtain a temporary restraining order, a restraining order, or other injunctive relief from a court, to serve on a jury or to appear in court. Unpaid leave may also be granted in conjunction with the need for victims of domestic violence or sexual assault to allow the employee to seek medical attention, to obtain services from a support program, shelter or rape crisis center, to obtain psychological counseling, or to participate in safety planning.

If an employee needs time off from work for this purpose, reasonable advance notice must be provided to your supervisor in writing. If an unscheduled absence or emergency court appearance is required for the health, safety or welfare of the employee or a child, the employee must provide certification of the absence within a reasonable time after the court appearance. Certification shall be any of the following:

- A police report indicating that the employee was a victim of domestic violence or sexual assault;
- A court order or other evidence from the court or prosecuting attorney that the employee appeared in court; or
- Documentation from a medical professional, domestic violence or sexual assault advocate, health care provider, or counselor that the employee was undergoing treatment for injuries resulting from an act of domestic violence or sexual assault.

The Agency will make reasonable efforts to maintain the confidentiality of an employee who requests Domestic Violence or Sexual Assault Leave.

## **TIME OFF FOR VICTIMS OF VIOLENT CRIMES**

The Agency will not discharge or discriminate against employees who are victims of crime if they take time off to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding. Affected employees must give the Agency reasonable notice that they are required to appear in court, except for unscheduled or emergency court appearances. In such a case, the Agency will take no action against affected employees if, within a reasonable time after the appearance, they provide the Agency with evidence from the court of prosecuting attorney that they appeared in court. Such time off is provided on an unpaid basis, though available vacation may be used during this time.

## **EMERGENCY DUTY LEAVE**

The Agency will provide unpaid leave to volunteer firefighters, reserve peace officers, and emergency rescue personnel when they are required to perform emergency duty. You are expected to notify your supervisor as soon as you are aware of the need to perform emergency duty. "Emergency rescue personnel" is defined as any person who is an officer, employee, or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of California, or of a sheriff's department, police department, or a private fire department, whether that person is a volunteer or partly paid or fully paid, while he or she is actually engaged in providing emergency services.

### **VOLUNTEER FIREFIGHTER TRAINING LEAVE**

The Agency allows for an employee who is a volunteer firefighter to take temporary leaves of absence, up to a total of 14 days per calendar year, to engage in fire or law enforcement training. You are expected to notify your supervisor as soon as you are aware of the dates you will be on leave for training.

### **RETURNING FROM A LEAVE OF ABSENCE**

When an employee is returning from an approved leave of absence, the employee must notify his/her manager at least seven calendar days prior to the scheduled return date. The Agency, at its discretion and based on anticipated business needs and operational concerns, may or may not be able to hold an employee's position open during an unprotected leave of absence.

If the position held no longer exists upon an employee's return, placement in another position, if available, for which such employee may be reasonably qualified will be made if feasible. If placement in another position cannot be accomplished, such employee will be laid off unless it is a protected leave. Reinstatement after protected leaves involving Pregnancy related disabilities, U.S. Military Duty, Jury Duty, Workers' Compensation disability, or other leaves regulated by law will be in accordance with applicable State and Federal laws in effect at that time.

### **TERMINATION DURING A LEAVE OF ABSENCE**

Employees may be replaced or terminated during a leave of absence for any of the following reasons:

- Notice of intent to resign or demonstration of intentions not to return to work is given.
- Employee fails to return to work within the time specified for the leave without having obtained an approved extension of the original leave expiration date.
- Employee fails to supply a doctor's/health care provider's certificate or other requested documentation to substantiate the need for, or an extension of, a leave.
- Employee fails to accept his/her former position upon return, or if not available, another position for which they may be reasonably qualified.
- Employee refuses to undergo a medical evaluation by an appointed doctor/health care provider at Agency expense when requested.
- Employee accepts other employment at any time during the leave of absence.

Employee's position no longer exists at the conclusion of his/her leave.

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# COMPENSATION

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## COMPENSATION PLAN/PAY RATE REVIEWS

Wage and salary rates are based upon an employee's job duties and responsibilities, overall work performance, periodic review of pay practices among similar organizations in our geographic area that may result in modifying pay rates for specific job classifications, prevailing Memoranda of Understandings (MOUs) with represented employees and the financial conditions and operational priorities of the Agency.

The pay rates for part-time and temporary employees are not reviewed on a regular basis but may be adjusted when considered appropriate by the Agency.

Step increases are not automatic and will be granted on the basis of progress in either meeting or surpassing performance standards since the last performance review and other factors relating to the Agency's pay practices.

**REST AND MEAL PERIODS**  
**(Non-exempt positions)**

**Rest Period (breaks):** Employees are authorized and permitted to take one fifteen-minute rest period during each four-hour work period, or major fraction thereof. To the extent possible, rest periods are to be taken in the middle of work periods. Rest periods may not be combined or added to meal periods. Since this time is counted and paid as time worked, you must not be absent from your workstation beyond the allotted time.

**Meals:** Employees in non-exempt positions who are scheduled for shifts in excess of five hours are provided one unpaid meal period of 30-60 minutes in length where the employee has the opportunity to be relieved of all active responsibilities and restrictions. However, if six hours of work will complete the day's work, the employee and employer can mutually agree, in writing, to waive the meal period. Meal periods are unpaid.

**TIMEKEEPING**  
**(Non-exempt positions)**

Accurately recording time worked is the responsibility of every non-exempt employee. Federal and state laws require the Agency to keep an accurate record of time worked in order to calculate pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Please accurately record the time work begins and ends, as well as the beginning and ending time of each meal period. Also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always have prior approval of the employee's supervisor; working overtime without such approval is prohibited. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in corrective action, up to and including termination of employment.

You should not start work more than seven minutes prior to your scheduled starting time or work more than seven minutes after your scheduled stop time.

It is each employee's responsibility to sign the time record to certify the accuracy of all time recorded. In addition, if corrections or modifications are made to the time record, both the employee and management must verify the accuracy of the changes by initialing the time record.

## **OVERTIME**

### **(Non-exempt positions)**

When operating requirements or other needs cannot be met during regular working hours, employees in non-exempt positions will be assigned or given the opportunity to volunteer for overtime work assignments. All overtime work must receive management's prior authorization; working overtime without such approval is prohibited. Overtime assignments will be distributed as equitably as practical to all employees in non-exempt positions who are qualified to perform the required work.

Overtime pay is based on actual hours worked. Time on vacation leave or any leave of absence will not be considered hours worked for purposes of performing overtime calculations. Failure to work scheduled overtime or overtime worked without prior authorization (written or verbal) from management may result in corrective action, up to and including termination of employment.

Overtime is paid to employees in non-exempt positions according to the Fair Labor Standards Act (FLSA), which is subject to change. The current overtime rate is posted and can be requested from your supervisor. Currently, overtime is computed as outlined below:

- *Employees who work in excess of eight (8) or nine (9) hours in a day as defined in the flextime guidelines shall be deemed overtime hours.*
- *Employees who work in excess of 40 hours in one non-flex workweek are paid at a rate of time and one-half the employee's regular rate of pay.*

The workweek at the Agency begins at 12:01 a.m. on Saturday and ends on Friday at 12:00 a.m.

## **COMPENSATORY ("COMP") TIME**

### **(Non-exempt positions)**

Non-exempt employees working overtime shall elect whether to receive overtime pay at one and one-half hours for each hour of overtime worked, or compensatory time hours at the same conversion rate. Compensatory time is limited to a maximum accumulation of one hundred and twenty (120) hours. If the General Manager or designee has approved retention of compensatory time over 120 hours, and if compensatory time exceeds 120, any vacation time taken will be charged against the compensatory time balance until it falls below the 120 hour limit.

Payment for compensatory time at termination shall be for all available compensatory time at the employee's prevailing hourly rate of pay.

## **PAYDAYS**

Employees are paid on a bi-weekly basis. Your paycheck will include earnings for all work performed for fourteen (14) consecutive calendar days between 12:01 a.m. every other Saturday through the second Sunday at 12:00 p.m. midnight. All employees are paid on the second Tuesday following the end of the pay period. Paychecks will be made available for distribution no later than 3:00 p.m. on payday, but normally by 9:30 a.m. If the payday falls on a holiday, every effort will be made to distribute paychecks on the preceding workday.

If an employee is absent on payday, and NOT participating in direct deposit, the employee may designate, in writing, an individual to accept his/her paycheck for them (i.e. spouse, friend, or family member). A completed paycheck pick-up/deposit authorization form must be received at least two (2) working days prior to the payday to be effective. The person picking up the check must show proper identification and sign for it. The Agency reserves the right, at its sole discretion, to deny an alternate distribution request and distribute the paycheck only to the employee to whom the check is payable. This policy was created to protect both the employee and the Agency.

## **PAY DEDUCTIONS**

The Agency is required by law to make certain deductions from your paycheck. Among these are applicable federal and state taxes. If you have questions concerning why deductions were made from your paycheck or how they were calculated, management can assist in having your questions answered.

## **CORRECTIONS TO PAYCHECKS**

The Agency makes every effort to provide accurate paychecks on the posted pay days. If there is an error in a paycheck, whether in hours paid, rate of pay, deductions taken or not taken, or any other discrepancy, the employee must bring it to the attention of his/her supervisor immediately for review and/or correction. Should the immediate supervisor not be available, contact Human Resources. Failure to report the discrepancy may result in a delay of payment due.

## **PAY ADVANCES**

The Agency does not allow pay advances on either earned or scheduled but not yet worked hours. Employees are therefore not eligible to receive manually processed paychecks for hours worked through an existing pay period in advance of the Agency's normal payday regardless of the reason for such request.

## **PAYCHECK DIRECT DEPOSIT**

M1W offers direct deposit of paychecks for employees who select this service and who bank with institutions who are members of the Automated Clearing House. Net pay for employees participating in direct deposit will be available at the start of the banking business day on each designated payday.

To begin direct deposit, employees must complete a designation form including account tracking number(s), financial institution name(s), and amount(s) desired. As required by the Federal Reserve, the first direct deposit normally takes place after an initial "test" pay period to assure all information provided is accurate.

Each payday, employees enrolled in direct deposit will receive a voided pay stub stating all payroll deductions, information, and the net deposit made. Employees should not call Payroll with questions regarding the deposit until the actual payroll date has expired. If there is a question, call the institution directly.

## **WAGE GARNISHMENTS**

A garnishment is a legal levy by a creditor against an employee's pay. The Agency expects all employees to manage their personal finances so as not to involve the Agency. All garnishments and other attachment orders that are required by law will be honored. When the Agency's payroll receives a notice of pending garnishment or wage assignment, the employee will be sent a copy of the notice within 10 days of receipt. An employee who suspects this may happen to him/her should review the situation with Human Resources immediately. Sometimes arrangements can be made to resolve the situation before it becomes costly and embarrassing. Employees are strongly encouraged to resolve financial matters before this situation occurs.

## **REIMBURSEMENT OF BUSINESS EXPENSES**

Certain employees may incur business expenses in the course of their duties. Employees must be authorized in advance to incur business expenses. All such expenditures must be documented on the Expense Account form submitted to the Accounting Department, following the department manager's approval. All original receipts for expenses are to be attached to the form.

The Agency must approve all business expenses, including any airline travel or hotel reservations before they are incurred. Expenses will be paid by the employee and reimbursed upon submitting the Expense Account form and receipts, unless a travel advance or other arrangements have been made. For questions regarding how particular expenses should be handled, contact Human Resources before incurring any such expenses.

## **BUSINESS RELATED TRAVEL**

Employees will be reimbursed for the cost of authorized travel to any business related meeting or attendance at training or seminar programs, or attendance at an out-of-area conference. Reimbursement will be made upon written request and accompanied by appropriate receipts, if the travel has been budgeted, scheduled and previously authorized by the employee's department manager and approved by the Assistant General Manager.

Upon completion of the trip, the Expense Account form must be completed, signed and submitted to the department manager for review and submission to Human Resources.

### **SHIFT DIFFERENTIAL PAY**

Qualified employees assigned to work a shift other than the weekday day shift, shall be paid an additional amount based off of the shift they work. Shift differential pay shall be added to the applicable base rate of pay. Refer to the current MOU for the shift differential pay amounts.

### **OUT OF CLASS PAY**

It is the intent of this section to provide appropriate compensation to employees who are assigned a substantial range of duties and responsibilities in a vacant higher job classification, and where such employee possesses the requisite qualifications. With prior approval of the General Manager or designee, a department manager may assign an employee the duties of a vacant position in a higher classification which (a) is specifically allocated to the department, and (b) will require the duties of the position to be performed by the individual for a period of at least two (2) months or more because the position is vacant or the incumbent is expected to be absent for such a period. Such temporary assignment shall not be considered a promotion.

The employee shall receive the recruiting salary for the class/range or such higher amount as would constitute at least a one-step increase on the range over the salary received prior to the assignment, not to exceed the top step of the new range. The new rate of pay shall become effective the first pay period of such assignment when it is known that the employee will work out-of-class/range for two (2) months or more.

If the employee is eligible for a merit increase in the class occupied prior to the temporary assignment, such employee will be eligible for a rate increase on the temporary assignment class/range provided if such increase in the prior class/range results in more than the rate being earned on temporary assignment.

On occasion, the Agency will have opportunities where an employee can receive cross training in a position other than his/her current position. In such cases, the employee is not working out-of-class as defined herein, but merely cross training to enhance the employee's skills and experience. Under these circumstances, the employee shall be paid at the employee's normal rate of pay and will not be eligible for out-of-class pay.

### **CERTIFICATION INCENTIVE BONUS AND/OR PAY PROGRAM**

See Appendix A for information about the Agency's incentive pay program as a means of encouraging those employees whose positions, require specific certification achievements.

Once a specific certification is achieved and been paid by the Agency as part of its incentive bonus/pay program, applicable employees will be expected to maintain the prescribed level of certification in order to continue qualifying for the incentive program. Similarly, employees whose jobs require a specified type and level of State mandated certification, and who allow such certification to expire, shall either be demoted to the level of which the employee possesses certification or, if no such position is available, face possible discharge.

## **EMPLOYEE SERVICE AWARDS PROGRAM**

Each employee plays an important role in the efficient operation of the Agency; therefore we feel it is important to recognize each employee's long-term service contribution to the Agency.

The service award program has been planned for employees to select from a variety of gifts at increments of three (3), five (5), ten (10), fifteen (15), twenty (20), twenty-five (25) years of employment and in 5 year increments until retirement. The awards will be presented at an Agency sponsored function to qualifying employees by the General Manager or a member of the Board of Directors at a predetermined time each year. Eligible employees will be invited in advance and encouraged to attend this most important (annual) event.

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# HEALTH AND SAFETY

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The Agency is committed to providing a work environment that is safe and healthy. We have established an Illness and Injury Prevention Program (IIPP), to support our safety efforts by identifying and correcting workplace safety issues and educating our employees. The Agency's Safety Program Coordinator is the Safety Officer.

## GENERAL HOUSEKEEPING

The Agency wants to provide an attractive and pleasant atmosphere for its employees and customers. All employees are expected to keep their work areas clean, organized, and uncluttered. It is important that employees understand and fulfill responsibilities to the Agency and to fellow employees when it comes to housekeeping.

It is every employee's responsibility to keep all work areas clean and trash free. This includes such items as the refrigerator, microwave and coffee maker. Please help in this regard by cleaning up and disposing of food, drink and trash properly at the end of each rest or meal period. Employees are responsible for the cleaning of the mugs, glasses, dishes and utensils that he or she uses. In general, it is for the safety and benefit of everyone that we keep our facilities and workstations clean and orderly. The result will be a work environment in which we all can take pride.

## RESPIRATORY PROTECTION

In order to protect employees from respiratory hazards and comply with OSHA regulations, employees who are required to work in confined spaces and hazardous atmospheres must be tested annually for medical fitness for wearing personal respiratory protection equipment. These employees must ensure their personal grooming, such that their facial hair (including sideburns and mustaches) is kept in the condition that was certified.

The policy applies to Wastewater Treatment Plant Operators, Maintenance Mechanics, Electrical/Instrumentation Technicians, Source Control Inspectors, and active employees of the M1W emergency response team who are required to complete an annual OSHA respiratory protection fit test. They may be required to perform confined space entries and/or emergency work in hazardous atmospheres, except those employees with a valid and current written waiver on file.

Temporary Waivers A temporary waiver may be granted by the Safety Officer to an employee working in a job position listed above, if the Safety Officer concludes that the employee's long-term assignments adequately restrict his/her work in hazardous atmospheres and confined space entries to planned and scheduled projects, provided the employee agrees to meet all of the respiratory fit test requirements for those planned and scheduled projects. The employee must complete the Temporary Waiver Request form and have received written approval by his/her supervisor and/or department manager.

The waiver may be revoked at any time at the discretion of the Safety Officer or Assistant General Manager. The employee must continue to successfully fit test under the Agency's annual respiratory protection program protocol to retain this accommodation. Employees with a valid waiver may grow a beard, mustache and sideburns provided that they maintain their appearance in a neat, well-groomed fashion.

## ERGONOMICS

The Agency is subject to Cal/OSHA ergonomics standards. The Agency encourages safe and proper work procedures and equipment and requires all employees to follow safety instructions and equipment use guidelines. The Agency believes that reduction of ergonomic risk is instrumental in maintaining an environment of personal safety and well-being, and is essential to our business. We desire to create a safe, healthy and risk-free work environment. Questions regarding ergonomics should be directed to Human Resources.

## WORKPLACE VIOLENCE

The Agency is committed to providing a safe, violence-free workplace and strictly prohibits employees, members, visitors or anyone else on the Agency premises or engaging in Agency-related activity from behaving in a violent or threatening manner. As part of this policy, the Agency seeks to prevent workplace violence before it begins and reserves the right to deal with behavior that suggests a propensity towards violence even prior to any violent behavior occurring.

The Agency's policy provides "zero tolerance" for actual or threatened violence against co-workers, visitors, or any other persons on the Agency premises or attending the Agency business-related activities. Employees are required to report to their supervisor any incident involving a threat of violence or act of violence, or any violation of this policy, immediately.

Workplace violence includes, but is not limited to:

1. Threats of any kind (*including those that are meant as "humorous" or a "joke"*);
2. Threatening or violent behavior, such as intimidation of or attempts to instill fear in others;
3. Other behavior that suggests a propensity toward violence. This can include belligerent speech, excessive arguing or swearing, theft or sabotage of the Agency property, or a demonstrated pattern of refusal to follow the Agency policies and procedures;
4. Defacing the Agency property or effecting physical damage to the facilities; or
5. Bringing weapons or firearms of any kind on Agency premises, in Agency parking lots, or while conducting Agency business.

If any employee observes or becomes aware of such actions or behavior by an employee, member, visitor, or anyone else, he/she is required to notify their supervisor immediately, and/or call the Police or 911 as appropriate. Further, an employee should notify Human Resources if any restraining order is in effect, or if a potentially violent non work-related situation exists which could result in violence in the workplace.

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, the Agency will inform the reporting individual of the results of the investigation. To the extent possible, the Agency will maintain the confidentiality of the reporting employee and of the investigation, but may need to disclose results in appropriate circumstances in order to protect individual safety. The Agency will not tolerate retaliation against any employee who reports workplace violence.

If the Agency determines that workplace violence has occurred, the Agency will take appropriate corrective action. The appropriate corrective action will depend on the particular facts but may include written or oral warnings, probation, reassignment of responsibilities, suspension, or termination. If the violent behavior is that of a non-employee, the Agency will take appropriate corrective action in an attempt to ensure that such behavior is not repeated.

## SAFETY RULES

The Agency is concerned with the health and safety of every employee and customer. SAFETY IS EVERYONE'S RESPONSIBILITY! All employees are required to be alert to potential hazards, be well informed about specific safety requirements of their job, and to adhere to established Safety Rules.

For our safety program to be successful, every employee must participate and comply fully with the standards and practices of the Agency to promote safety in the workplace.

If injuries occur on the job, no matter how slight, report them immediately to your supervisor. If you see unsafe conditions in any Agency location, please report them IMMEDIATELY to management so they can be corrected. Employees who report unsafe work conditions or practices may do so without fear of reprisal. In addition, follow these safety guidelines which are based on the experience and suggestions of past and current employees in many industries which can be used at work, home or at any time they can be of benefit.

1. Whether anyone is hurt or not, immediately report all accidents to management. In case of injury, seek first aid at once.
2. A good worker is a safe worker. Be sure to know the safe way to perform any job given to you. If you have any doubt about the safety of a practice or procedure, talk to management.
3. Horseplay and practical jokes are dangerous and against the rules at the Agency.
4. Lift properly. Keep your back straight, then squat down at the knees to reach the object being lifted. Do not twist your body when lifting. If it is necessary to turn, shift your feet. Do not attempt to lift heavy objects alone. Get help!
5. Prevent slips and falls. Watch for spills or loose objects on floors. Clean up spills and pick up debris immediately.
6. Electrical cords are hazards. Do not allow cords to extend across doorways, aisles or other walkways. When removing plugs from receptacles, grasp the plugs, not the cords.

Use special safety equipment wherever provided . . . do not take a chance "just this once." That is usually when an accident happens.

## SECURITY

As an employee of the Agency, one of your primary responsibilities is the protection of our customers, their property, and the assets of the Agency. This effort requires each employee's full dedication.

The following information provides a number of ideas about what you can do to assist in the security of our grounds and buildings. While no one expects you to be an expert in security, your awareness and assistance will be a tremendous asset to this effort.

### What You Should Do

1. If you notice anyone that appears to be acting suspiciously, report them to management immediately. Suspicious activity includes someone waiting or loitering in an area not designed for that purpose, i.e.: a customer area, parking lot, or other public or restricted area. If you come upon an individual who looks surprised or nervous to see you, report them. Also, if you see a non-employee in an area designed for employees only, they should be reported.
2. If you hear any loud or unusual noises, report them. This would include mechanical noises, alarms, loud yelling, etc.
3. If you are ever confronted by a thief, don't try to be a hero! Give that person everything he/she wants. You and your safety are more important to us than anything the thief may get away with.

## EMERGENCY PROCEDURES

### FIRE

In case of a fire, employees should follow this procedure:

1. Activate the closest and safest Fire Alarm Pull Station if the alarm has not already been activated.
2. If the employee has been trained to use a portable Fire Extinguisher, the employee is comfortable using an extinguisher and the fire is a small incipient fire, the employee can make the decision to safely attempt to extinguish the fire.
  - a. ***If the fire is "Not" small do not attempt to extinguish.***
3. Relocate customers and/or visitors safely using the safest and closest emergency exits to the evacuation relocation area next to the flag pole at the plant or in the front parking lot at the Administration building at Harris Court.
4. Call the Control Room Operator and report the location of the fire if at the Plant or 9-911 if at the Harris Court location.
5. Stay at the evacuation relocation area and wait for further instructions by plant/admin personnel

## **EARTHQUAKE**

In the event an earthquake strikes and affects any of the Agency's property, the safety of customers, visitors and employees is of paramount importance. The following guidelines should be followed:

### **During an Earthquake**

1. If you're indoors, get under a table or desk, or brace yourself in a hallway. Hang on! Watch out for falling, flying, and sliding objects. Stay away from windows.
2. If you're outdoors, move to an open area away from buildings, power poles, and brick or block walls that could fall.
3. If you're in an automobile, stop and stay in it until the shaking stops. Avoid stopping near trees and power lines, on or under overpasses.
4. If elevators are available, do not use them; use stairs. Wait for instructions from building authorities.
5. Do not dash for the exit. Choose your exit carefully.

### **After an Earthquake**

1. Put on heavy shoes immediately to avoid injury from stepping on glass and other debris. Look out for falling or ready-to-fall objects.
2. Check for injuries and give first aid, as you feel qualified.
3. Check emergency supplies.
4. Check for fires and fire hazards. Sniff for gas leaks. If you smell gas or suspect a leak, open windows and carefully leave the area. Do not turn lights on or off or light matches or do anything that makes a spark.
5. Go to your designated area and report on injuries and conditions. Wait for instructions.
6. Do not touch downed power lines or objects touched by downed wires.
7. Stay in undamaged areas.
8. Do not use the phone.
9. Do not go sightseeing.
10. Cooperate with public safety officials. Be prepared to evacuate when necessary.

Employees should inform their supervisors if they require assistance or accommodation in complying with the Emergency Procedures or any aspect of the Agency's safety plan.

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