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Jerry Pentin, Vice Chair  
City of Pleasanton  
Keith Carson, County of Alameda  
Rochelle Nason, City of Albany  
Susan Wengraf, City of Berkeley  
Melissa Hernandez, City of Dublin  
Jenny Kassan, City of Fremont  
Bob Carling, City of Livermore  
Mike Hannon, City of Newark  
Dan Kalb, City of Oakland  
Tim Rood, City of Piedmont  
Emily Duncan, City of Union City  
Wendy Sommer, Executive Director

**AGENDA**  
**ALAMEDA COUNTY WASTE**  
**MANAGEMENT AUTHORITY MEETING**  
**OF THE**  
**PROGRAMS AND ADMINISTRATION COMMITTEE**

**Thursday, July 11, 2019**

**9:00 A.M.**

**StopWaste Offices**  
**1537 Webster Street**  
**Oakland, CA 94612**  
**510-891-6500**

**Teleconference**  
**Tim Rood**  
**San Jose City Hall**  
**3rd Floor Tower**  
**200 East Santa Clara St**  
**San Jose CA 95113**  
**408-535-8122**

**1. Convene Meeting**

**2. Public Comments**

Open public discussion from the floor is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Programs & Administration Committee, but not listed on the agenda. Each speaker is limited to three minutes unless a shorter period of time is set by the Chair.

**Page**

**1 3. Approval of the Draft Minutes of June 13, 2019 (Pat Cabrera)**

**5 4. Revisions to the Agency's Human Resources (HR) Manual (Pat Cabrera & Justin Lehrer)**

That the P&A Committee discuss this item and recommend that the WMA adopt the Agency's newly revised HR Manual and to authorize the Executive Director to make minor changes as needed and incorporate any additions or revisions resulting from new or amended federal, state or local labor laws.

**113 5. Recycling App Working Demo (Jeff Becerra)**

This item is for information only.

**6. Member Comments**

**7. Adjournment**

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**DRAFT**

**MINUTES OF THE ALAMEDA COUNTY WASTE  
MANAGEMENT AUTHORITY MEETING  
OF THE  
PROGRAMS AND ADMINISTRATION COMMITTEE**

**Thursday, June 13, 2019**

**9:00 A.M.**

**StopWaste Offices  
1537 Webster Street  
Oakland, CA 94612  
510-891-6500**

**Members Present:**

City of Albany	Rochelle Nason
City of Berkeley	Susan Wengraf
City of Dublin	Melissa Hernandez
City of Fremont	Jenny Kassan
City of Livermore	Bob Carling
City of Newark	Mike Hannon
Oro Loma Sanitary District	Shelia Young
City of Pleasanton	Jerry Pentin
City of Union City	Jaime Patiño (Alternate)

**Absent:**

County of Alameda	Keith Carson
City of Oakland	Dan Kalb
City of Piedmont	Tim Rood

**Staff Present:**

Pat Cabrera, Administrative Services Director  
Anu Natarajan, Legislative and Regulatory Affairs Manager  
Meri Soll, Senior Program Manager  
Teresa Eade, Senior Program Manager  
Arliss Dunn, Clerk of the Board

**Others Participating:**

Steve Lautze, Oakland/Berkeley RMDZ Coordinator, City of Oakland

**1. Convene Meeting**

Chair Shelia Young called the meeting to order at 9:01 a.m.

**2. Public Comments**

There were none.

## DRAFT

### 3. Approval of the Draft Minutes of May 9, 2019 (Pat Cabrera)

There were no public comments on this item. Board member Carling made the motion to approve the draft minutes of May 9, 2019. Board member Pentin seconded and the motion carried 6-0 (Ayes: Carling, Hannon, Kassar, Nason, Pentin, Young. Nays: None. Abstain: None. Absent: Carson, Hernandez, Kalb, Patino, Rood, Wengraf).

### 4. Recycling Market Development Zone (RMDZ) (Anu Natarajan)

Provide direction to staff on beginning the process of expanding the Berkeley and Oakland RMDZ to a countywide RMDZ, with StopWaste becoming the Zone Administrator.

Anu Natarajan provided an overview of the staff report and presented a PowerPoint presentation. Ms. Natarajan introduced Steve Lautze, current Oakland/Berkeley RMDZ Coordinator. Mr. Lautze provided an overview of his role as it relates to the current RMDZ program. A link to the combined report and presentation is available here: [RMDZ-06-13-19.pdf](#)

Board member Carling inquired why StopWaste is now being asked to become the zone administrator and what would be the potential administrative costs to StopWaste. Ms. Natarajan stated that Mr. Lautze will be retiring from the City of Oakland and given the critical needs in continuing to create local infrastructure for recycling StopWaste is well positioned to fulfill the role, and the administrative costs can be absorbed in our existing budget. Board member Carling inquired if Oakland and Berkeley have agreed to sign on to the proposal. Ms. Natarajan stated that there have been initial conversations between city staff but we wanted to get direction from the Board before pursuing a formal agreement. Mr. Lautze added the cities of Berkeley and Oakland will be well served under this proposal. Board member Pentin stated that he is concerned about mission creep and how it will affect the cities that are not involved with respect to potential changes in local land use and siting, especially in bedroom communities and cities that do not have large manufacturers. Ms. Natarajan stated that StopWaste will be working with the Economic Development staff from all of the cities as well as the Technical Advisory Committee (TAC) and all member agencies will be invited to provide input on the resolution. Ms. Natarajan added, the market is shifting and we are not only working with heavy manufacturing but more currently with manufacturers with respect to feed stock and also a shift to reuse and repair. Board member Pentin inquired as to why the City of Fremont pulled out of the RMDZ and inquired if can they rejoin. Ms. Natarajan stated that Fremont pulled out of the RMDZ because they believed a countywide approach would be more effective than a city-specific zone; they are now encouraging the expansion of the countywide RMDZ. Mr. Lautze added cities can opt in to the program if they would like and with respect to mission creep, working on creating recycling market infrastructure and demand on a local and regional level supports the Agency mission of reaching 75% recycling and beyond. Board member Wengraf stated that she is unaware of the proposal and inquired if the loans are available to the cities themselves or only to private entities. Mr. Lautze stated that cities are eligible for loans that are specifically for infrastructure to create recycling market development and in over two years, there has been one loan extended to a municipality. Mr. Lautze added there is between \$12-14 million in loan funding available and there has been a good track record of loan repayments. Board member Wengraf inquired how the program would be of benefit to Berkeley. Mr. Lautze stated expansion of the recycling zone is beneficial in that the focus would not reside with the city. StopWaste is devoted to market development issues. Board member Wengraf inquired regarding the application process. Ms. Natarajan stated that information regarding the loan application process and a detailed list of criteria is available

## DRAFT

on the CalRecycle website, and CalRecycle liaisons are available to provide assistance. Board member Wengraf commented that Berkeley is in process of rebuilding their transfer station and inquired if the program might provide some assistance. Mr. Lautze stated that in the event that the project may include some areas of reuse and repair the program may be able to provide some assistance. Board member Kassan stated that as a council member for Fremont she is in support of the proposal.

Board member Hannon inquired if StopWaste becomes the administrator for the program will we have final approval of any loan applications that come into the program, and further inquired if any of the eight loans extended through the program defaulted. Ms. Natarajan stated StopWaste will refer the loan applicants to CalRecycle for review and approval, and replied that none of the eight loans defaulted on payment. Board member Hannon inquired what will happen to the program if StopWaste does not become the administrator. Mr. Lautze stated that the program would reside with the City of Oakland and Recycling staff would probably assume the oversight. Mr. Lautze stated that Oakland staff have endorsed going regional. Chair Young stated that this is technically a loan program and inquired which service comes first, the technical assistance or the loan. Mr. Lautze stated the technical assistance comes first and if required the loan can follow. Board member Young inquired which tasks that staff would take on if StopWaste becomes the administrator. Ms. Natarajan stated that staff will continue to engage stakeholder groups and extend grants. Ms. Natarajan added the East Bay Economic Development Alliance has expressed interest in working regionally and CalRecycle is working with GO Biz (the Governor's office on Economic Development) to facilitate conversations to expand programs. Chair Young inquired about the origin of the funding. Mr. Lautze stated that the funding is from CalRecycle's general fund, but the City of Oakland partially funds his position utilizing a portion of Measure D funds. Chair Young stated that she considers the program to be an enhancement of economic development and supports the regional approach, however she is concerned that if in the future it requires hiring an additional staff person we would need to revisit the issue. Meri Soll stated that the area of repair and reuse is already a big focus of the agency's grants and the agency's focus on upstream. The program would merely be an enhancement and another tool in our tool box for the grants program. Adding this to our existing program would not require an additional position or an excessive increase in the amount of staff time. Board member Wengraf inquired if there is a cost to the cities, and if the loan amounts are dependent on percentage of tonnages will the loan amounts decrease. Mr. Lautze stated there is no cost to cities, and the loan amounts have decreased. Board member Wengraf inquired about the implications of the committee action requested today. Ms. Natarajan stated that staff is asking that the committee approve staff to continue the next steps to: Obtain a Resolution from the cities of Berkeley and Oakland; to obtain a WMA Board Resolution to expand the zone and to have StopWaste administer the program, and submit an application to CalRecycle followed by CEQA review if necessary.

There were no public comments on this item. Board member Pentin made the motion to approve for staff to continue the next steps. Board member Nason seconded and the motion carried 9-0 (Ayes: Carling, Hannon, Hernandez, Kassan, Nason, Patino, Pentin, Wengraf, Young. Nays: None. Abstain: None. Absent: Carson, Kalb, Rood).

### **5. Sustainable Landscapes in Alameda County – Annual Report (Jennifer West)**

This item is for information only.

Teresa Eade presented the item in the absence of Jennifer West. Ms. Eade provided an overview of the staff report and presented a PowerPoint presentation. A link to the staff report and the presentation is available here: [Sustainable-Landscapes-06-13-19.pdf](#).

## DRAFT

The *Sustainable Landscapes in Alameda County* report is available online at [stopwaste.org/landscapes](https://stopwaste.org/landscapes)

Board member Pentin stated that WorkDay, a finance and HR software development company, recently opened a new campus headquarters in the City of Pleasanton. Board member Pentin added the building is LEED Platinum and they have phenomenal landscaping. Board member Pentin stated that they are wrapping up the project and inquired as to who rates the landscaping. Ms. Eade stated that the landscaping team hires a rater and they submit the information to ReScape. It is possible to do it retroactively but it is usually done prior to starting the project. Board member Nason inquired if we are abandoning the Bay-Friendly branding and added although ReScape is a California-wide non-profit, the name ReScape has an opaque and bureaucratic sound to it as opposed to the pelican logo design of the Bay-Friendly branding. Ms. Eade stated that she was one of the architects of the Bay-Friendly brand design and understands the reluctance to let go of it. With respect to the issue of branding, many areas around California were using their own branding, e.g. Monterey Friendly, River Friendly, etc. and maintaining the branding infrastructure was becoming difficult and not cost-effective. Renaming the brand to ReScape California made it easier to take the initiative state-wide. Board member Nason inquired if the initiative is to have the landscape rated typically from city staff or the landscape architects. Ms. Eade stated that the initiative comes from both parties and the standard is for civic landscapes over 10,000 square feet. Chair Young inquired if we are completely abandoning Bay-Friendly branding. Ms. Eade stated that the branding has been turned over to the non-profit along with the toolkits as it wasn't cost effective for StopWaste to maintain. We continue to provide input and guidance to ReScape as needed or requested but currently we are not using the name Bay-Friendly. Staff is still interested in reusing the name at some point as there is a deep connection to the brand but it is still to be determined as we don't want to muddy the waters for ReScape California. We created a toolkit for the state model water efficient landscape ordinance and will be doing a training for member agency staff that do code enforcement for landscapes in October. The training is free and will be held at StopWaste and we can also conduct a training at the member agency site if there is adequate participation.

Chair Young thanked Ms. Eade for the presentation.

### **6. Member Comments**

There were none.

### **7. Adjournment**

The meeting adjourned at 10:15 a.m.



**DATE:** July 11, 2019

**TO:** Programs and Administration Committee

**FROM:** Pat Cabrera, Administrative Services Director

**BY:** Justin Lehrer, Senior Management Analyst

**SUBJECT:** Revisions to the Agency's Human Resources (HR) Manual

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**SUMMARY**

At the July 11, 2019 Programs and Administration Committee meeting, staff will present the changes to the HR Manual and request that the P&A Committee recommend to the WMA Board adoption of the Agency's updated HR Manual. Staff further requests that the P&A Committee recommend that the WMA Board authorize the Executive Director to make minor changes to the manual as needed (e.g. update links to internal documents) and incorporate any additions or revisions resulting from new or amended federal, state or local labor laws.

**DISCUSSION**

The Agency's HR manual establishes the administrative rules that govern the Agency, which include standards of conduct, disciplinary actions and appeals, hiring processes, the salary adjustment plan, and all local, state, and federal laws governing employment, particularly with respect to the public sector. The current version of the HR manual was developed and approved by the WMA Board in 2007, to coincide with a shift in the Agency's organizational structure from a traditional hierarchical structure to a team based approach. Since then the manual has been updated several times generally to reflect changes in laws that govern employment practices as well as revisions resulting from changes to the Agency's salary adjustment plan. A comprehensive review of the manual revealed several redundancies, confusing language, references to obsolete committees and teams (e.g., the A&O committee), and content that needed more clarification. While the current manual was revised to be compliant with new employment laws, expansions regarding non-discriminatory employment practices were needed as well as a section on workplace violence. Also included are clarifications on step increases and a more streamlined approach to the employee appeal process. Notable changes are outlined in Attachment 1.

Instead of revising numerous sections of the existing manual, we prepared a new manual, which addresses the issues outlined above. The new manual will be available to staff on our Agency Intranet, which will include direct links to various internal policies and practices and make it easier for staff to find these documents and other information in the HR manual. The proposed manual has had legal review by the Agency's labor law firm, Liebert, Cassidy and Whitmore, and was presented to staff for review and comment.

Rather than provide a redlined version to the current manual which would be very difficult to follow, we have provided the aforementioned outline of changes, as well as both the proposed manual (Attachment 2) and the

current manual (Attachment 3). Lastly, the HR manual is a separate document from the Agency's benefits manual. Staff is currently reviewing the benefits manual and will bring any proposed changes to the Committee under separate cover, tentatively in September.

## **RECOMMENDATION**

That the P&A Committee discuss this item and recommend that the WMA adopt the Agency's newly revised HR Manual and to authorize the Executive Director to make minor changes as needed and incorporate any additions or revisions resulting from new or amended federal, state or local labor laws.

### Attachments:

- Attachment 1: Outline of Notable Changes to the HR Manual
- Attachment 2: Proposed HR Manual
- Attachment 3: Current HR Manual



## ATTACHMENT 1

### 2019 HR Manual Update – Notable Changes

#### Global/General Changes

1. Organization and Layout – reorganized so related topics are together, added links between sections and external policy documents, eliminated redundancy.
2. Eliminated use of he/she/him/hers pronouns.
3. New Introduction section, brief information on agency background and organizational structure, groups and roles (Section 1).
4. Definition of terms and related documents directory.

#### Policy Related

5. Added anti-bullying definition, policy and procedures to Non-Discrimination in Employment section (Section 3.7).
6. Clarified promotional process and updated sections on recruitment (2.2.3, 3.4.2).
7. Updated employee feedback process per recent changes (5.2).
8. Added social media policy and guidelines (4.7.1).
9. Clarified that employees should not use private email address to communicate Agency business (4.7).
10. Added workplace violence policy (4.11).

#### Classification and Compensation

11. Clarified pay differential for temporary assignments, must serve in role for 20 days and does not apply if part of employee development or succession plan (2.2.4).
12. Clarified that for new employees the first salary step increase happens at the start of the next FY after completion of probation period (2.3.2).
13. Stated that probationary period can be extended beyond 1 year when necessary (3.6).

#### Workforce

14. Clarified that the Agency cannot guarantee approval of employee requests to change from full-time to part-time (or vice versa) (4.1.3).
15. Reductions in Force: added new procedure for recalling employees after a force reduction, extended employee notification time from 30-60 days, outlined criteria considered for force reduction decisions (6.5).
16. Added language that employees cannot engage in outside employment that conflicts with their Agency duties, and to discuss outside employment with ASD or ED to avoid perceived or real conflicts of interest (4.4).
17. Deleted Special Service Employees (has not been used in years).

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Alameda County Waste Management Authority

## **Human Resources Manual**

Adopted <Day, Month Year>

## Confirmation of Receipt

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I have received my copy of the Alameda County Waste Management Authority (Agency) HR Manual. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the Manual and any amendments thereto.

I understand that any and all policies or practices can be changed at any time by the Agency. I understand and agree that only the Executive Director (ED) of the Agency or a designee of the ED has authority to enter into any agreement, expressed or implied, for employment for any specific period of time, or to make any agreement for employment and then only in writing, signed by the Executive Director or designee. The Manual does not create a contract or provide any rights in the nature of a contract.

I understand and agree that nothing in the HR Manual creates or is intended to create a promise or representation of continued employment at the Agency. My signature certifies that I understand the foregoing and agree to perform the duties, roles and responsibilities of my position in compliance with these policies and procedures.

Employee Name \_\_\_\_\_

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

Return to Administrative Services Director

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# 1 Introduction

## 1.1 Purpose of this Manual

The purpose of this Manual is to describe our employment guidelines and establish fair and uniform procedures for dealing with Alameda County Waste Management Authority personnel matters including appointments, promotions, transfers, discipline, discharge, classification, wages and other terms and conditions of employment. You will find information about our policies and procedures and expectations of employees.

Benefits are outlined in the Employee Benefits Guide.

This Manual has been developed as a resource and reference for staff. It is updated as the organization and/or labor laws change. Employees are notified of changes as they occur. If you have any questions about the content please contact the Administrative Services Director (ASD).

## 1.2 Agency Background

StopWaste is a public agency that helps Alameda County's businesses, residents and schools waste less, recycle properly, and use water, energy and other resources efficiently. Our work helps people make better decisions every day about the products they buy, the resources they use, and the stuff they no longer use.

StopWaste is governed by three Boards: the Alameda County Waste Management Authority (WMA, formed in 1976), the Alameda County Source Reduction and Recycling Board (formed in 1991), and the Energy Council (formed in 2013). The Boards share an MOU that makes the WMA the legal entity responsible for administration and staffing; therefore, all staff are employees of the WMA.

For the purposes of this manual, "Agency" refers to the WMA, a joint powers authority whose members include all of the fourteen cities within Alameda County, the County of Alameda and two sanitary districts. We've been around since 1976. Since 1990, we've helped cut the amount of garbage going to landfill nearly in half in Alameda County, even with a population increase of 25 percent during that time.

For more details, visit [www.StopWaste.org/about](http://www.StopWaste.org/about).

## 1.3 Organizational Structure

The Agency has a distributed organizational structure, rather than a traditional departmental/hierarchical structure. Our work is carried out in and organized by projects, which are grouped into Topic Areas for coordination and budget development. Each employee has specific assigned roles within one or more projects. Project Leads are responsible for allocating staffing and resources within their projects, subject to agency priorities and constraints as communicated by the Review Panel. The Review Panel interprets strategic guidance from the Board and serves as a sounding board for the Executive Director on issues of cross-agency importance. Project Leads may exercise management responsibilities within their project teams. However, most employees work on multiple projects or teams, and therefore do not report to a single individual. The Workforce Committee (WC) assigns Project Leads based on performance feedback, workload balancing, and professional development. More information on groups and their roles within the organization is available in Group Roles and Accountabilities.

#### **1.4 General Provisions**

All decisions dealing with Agency employees shall be based on merit and performance without regard to age, race, color, religion, marital status, sex, gender, gender identity, gender expression, sexual orientation, military and veteran status, disability, medical condition, genetic information, national origin, political affiliation, or any other basis protected by law.

The provisions contained in this Manual apply to all Agency employees, unless otherwise indicated in the Manual or in a written employment contract between the Agency and the individual. In case of conflict between a written employment contract and this Manual, the contract supersedes.

This Manual and the policies contained in it do not create any contract of employment, expressed or implied, nor any rights in the nature of a contract. Nothing in this Manual or any other personnel-related document, including benefit plan descriptions, creates a promise or representation of continued employment for any Agency employee. The circumstances and conditions under which an employee may continue or may be terminated from Agency employment are contained in this Manual.

As a condition of employment, all employees are required to read and request necessary clarification of the policies in this Manual. Each employee is required to sign a statement of receipt acknowledging that the employee: a) received a copy, or has been provided access to this Manual; and b) understands the responsibility to read and become familiar with the contents and any revisions to the Manual.

#### **1.5 Integration Clause/Right to Revise**

This Manual, and any amendments to it, summarizes the policies and practices of the Alameda County Waste Management Authority in effect at the time of publication. This Manual supersedes all previously issued Manuals and any policy, benefit statements or memoranda that are inconsistent with the policies described here. Internal clarifications or interpretations of policies contained in this Manual may be developed over time and will be issued in the form of Administrative Policies as needed. This Manual shall be maintained by the Administrative Services Director or designee.

The Agency reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this Manual or in any other document at any time. The Administrative Services Director (ASD), in concert with the Executive Director (ED), shall periodically recommend additions, deletions, or amendments to these policies. The ED shall recommend these changes for adoption by the WMA Board through Board resolution. Board approval is not required for changes made in response to applicable laws and regulations.

Severability: If any court finds any section, subsection, sentence, clause or phrase of these rules to be inconsistent with the law, such finding(s) shall not affect the validity of the remaining portion.

Any written changes to this Manual will be distributed to all employees so that employees will be aware of the new policies or procedures and their responsibilities with regard to them. No oral statements or representations can in any way alter the provisions of this Manual. The following identifies specific responsibilities in administering the policies set forth:



**Executive Director (ED)** - As the appointing authority, the ED shall be the final authority on questions of interpretation and application of these policies except as laid out in the Appeals Procedure. The ED is a standing member of the Workforce Committee.

**Administrative Services Director (ASD)** - As the custodian of these policies and procedures, the ASD will provide interpretation and professional advice to the ED, the Organizational Improvement Team and all other staff as appropriate. The ASD is a standing member of the Workforce Committee

**Agency General Counsel** - Legal counsel shall provide professional legal advice to the ED and ASD on matters related to these policies. As determined by the ED and/or ASD, the use of legal counsel other than Agency General Counsel may be obtained for purposes such as specialized representation.

**Review Panel (RP)** – As the body responsible for policy input, the RP serves as a sounding board for issues of agency wide relevance, including financial, administrative and strategic matters. The ED retains final decision-making authority.

**Workforce Committee (WC)** – As the body responsible for optimizing staffing allocation and monitoring professional development, the Workforce Committee will provide recommendations to the ED regarding extended leave requests and changes to role assignments and work schedules.

**Organizational Improvement Team** – The Org Team is responsible for recommending processes to develop organizational effectiveness, and may offer input to the ED or ASD on policy changes, including changes to this Manual.

## **2 Employee Classification and Compensation Plan**

The purpose of the Classification Plan is to ensure that all positions are classified appropriately based on current duties, roles and responsibilities so that the resulting compensation is equitable relative to other positions within the Agency and the labor market. The Plan is an appraisal and inventory of each classification in the Agency. Each position within the Agency is allocated to an appropriate classification, grade and steps within a pay range. All positions that are substantially similar in duties, responsibilities, and character of work are included within the same classification in order to ensure the work is evaluated and compensated in an equitable manner. The ED, in concert with the ASD, will make the final determination as to the appropriateness of a classification and the findings are not subject to the Appeals Procedure. The salary schedule is adopted every year as part of the budget resolution and published in the annual budget.

### **2.1 Class Specifications**

A class specification (or job description) is a description of a group of similar jobs. Class specifications are descriptive only and not restrictive. They serve as a general guide as to what type of work is performed by a particular set of jobs and the associated knowledge and abilities required. They are not designed nor do they limit any appointing authority to assign, direct and control the work of employees. In determining the class of a particular position, the class specification in total serves as a guide. A change in job duties or roles does not necessarily lead to a change in classification, compensation or a promotion. The ED or ASD may make changes or corrections to job descriptions as needed which do not substantially alter the basic job requirements for the position. Impacted employees will be advised of any changes to their job descriptions. The ED or ASD may also develop new job descriptions as needed consistent with [Section 3.5](#). More information: Classification Grade Descriptions.

### **2.2 Implementation of the Classification Plan**

Based on studies performed by the ASD, new classes may be created, classes revised, combined or abolished, and pay ranges established. A change in classification grade can occur by either promotion or reclassification.

#### **2.2.1 New Positions**

Proposed new positions shall be reported to the ASD. The ASD shall study and evaluate the new position to provide a basis for determining its proper classification, pay range and exempt or non-exempt status. All new positions shall be approved by the WMA Board.

#### **2.2.2 Reclassifications/Reorganizations**

Reclassifications typically occur during a reorganization or after an internal or external classification review, and shall not be used as a reward or punishment for performance levels, or in place of promotion or demotion procedures. When the duties of a position change substantially (level and responsibility increased or decreased) due to a reorganization or reassignment of tasks, and these changes will be permanent in nature, a request to analyze (study) and evaluate the position shall be submitted to the ASD by the employee or relevant Project Lead. The ASD or ED may also initiate a study. The ASD will determine the scope of the study. Upon completion of a study, a determination will be made whether or not the position should be reclassified. If so, the position will be allocated to its appropriate classification, grade and step within the pay range and exempt or non-exempt status. If, in the course of the study,

inequities in other positions are discovered, those positions may also be studied. Reclassified employees will maintain their original anniversary date for benefits that are tied to length of service; future salary increases will be tied to the annual salary adjustment plan.

When an employee's position is reclassified to a higher level classification, or when a classification is assigned to a higher salary range, the employee will be placed in the salary step that aligns closest to a 5% increase (not to exceed the maximum of the new salary range) or the bottom of the new salary range, whichever is greater. If the employee moves from a non-exempt to an exempt position, the rules regarding overtime compensation and administrative leave for the new position will apply. When an employee's position is reclassified to a lower paid classification and/or a lower paid salary range (generally due to a classification study), the employee shall retain the present salary but will not receive any general wage (CPI) increases until the employee's new salary range exceeds the employee's current salary.

If an employee's duties or roles change to the extent that the nature of the work belongs in a different classification but within the same grade (e.g., Senior Administrative Assistant working as a Senior Program Services Specialist), the employee's title will be changed as appropriate but there will be no corresponding change in salary. The employee will remain in the current salary step under the normal salary adjustment plan.

The ASD shall be notified of any reorganization that will impact position classifications and be available to advise on reorganization issues. Studies of affected positions will be conducted and appropriate adjustments made to the positions' classifications, pay ranges and exempt or non-exempt status.

### **2.2.3 Promotional Requests**

A promotion is the standard process by which an increase in grade level should occur. Promotions can occur by appointment to an open position when a vacancy occurs or a need is identified by a Project Lead, the Workforce Committee, or the ED. Promotions also occur within a classification series when specific criteria are met.

Employees may initiate a request for promotion through the Individual Development Plan (IDP), or a Project Lead may initiate a request for one of their team members to the ASD. The criteria and process for initiating a promotional request are set forth in the Promotional Process Summary. Prior to a promotional request being considered, the ASD will review the job responsibilities of the existing and requested position to determine whether the duties, roles, responsibilities and qualifications fit the classification being requested. Limited term and intermittent employees are not eligible for promotion.

Promoted employees are placed in the new salary range at the salary step that aligns closest to a 5% increase (but not to exceed the maximum of the new range) or the bottom of the new salary range, whichever is greater. If the employee moves from a non-exempt to an exempt position, the rules regarding overtime compensation and administrative leave for the new position will apply.

Promoted employees will maintain their original anniversary date for benefits that are tied to length of service; future salary increases will be tied to the annual salary adjustment plan.

For more information on the promotion process, see the requirements set forth in the Promotional Process Summary and Promotional Process FAQs.

#### **2.2.4 Temporary Reassignments**

Pay Differential - Exempt and non-exempt employees temporarily assigned out of their classification by their Project Lead, with the approval of the ASD and ED, for 20 working days or more, will be placed in the salary step that most closely aligns to a 5% temporary pay differential or receive the bottom of the out-of-class salary range (if it exists), whichever is greater. In extraordinary situations an employee may receive more than 5% with the approval of the ED in consultation with the ASD. Exceptions to the required number of days before the differential is granted can be made at the discretion of the ED.

Pay differentials will not be paid if an employee is in a voluntary professional development or succession plan where they are actively learning a new role.

#### **2.2.5 Periodic Review**

At the discretion of the Agency, a maintenance review of all classification series may be conducted periodically but no sooner than every three years. Appropriate adjustments will be recommended and may be made with approval of the WMA Board based on recommendations from the ED.

#### **2.2.6 Establishment/Abolishment of Positions**

The ED has authority to determine the number and type of positions within the Agency, provided that the total number does not exceed the amount set in the list of authorized positions approved by the Board in the annual budget. Board approval is required for any position(s) or funding that exceeds what has been authorized in the budget or by budget amendment (for example, when the Agency receives external funds that may require additional staffing). Also see [Section 3.5 Appointments](#).

### **2.3 Salary Administration**

The Agency's policy is to recognize and compensate employees for the work they perform within and beyond the normal work period. The Agency aims to pay fair and reasonable wages that will attract, retain and motivate qualified personnel to meet organizational goals and objectives.

#### **2.3.1 Salary Adjustment Plan**

**Structure** - The salary plan includes all classifications in the Agency. The Agency's job classification structure is divided into multiple grades and steps within salary ranges, as outlined in Classification Grade Descriptions. Job classifications are assigned a grade depending on the required skills, expertise, and experience, and the complexity and scope of impact of the work. Except for the ED, whose salary is set by the Board, each grade has an eight-step salary range. Each range is established using salary control points that will be set to the appropriate labor market. In order to properly compensate employees, adjustments in salary shall be made as described below. Adjustments shall not be automatic, but require at least satisfactory performance. A table of all salary ranges is updated annually and available in the Agency Budget.

In addition, the Agency will conduct a total compensation survey periodically but no sooner than every three years to enable the Board to assess whether compensation is consistent with the market. The Programs and Administration Committee of the WMA Board will be consulted in

the survey development process to help determine salary range placements and other pertinent criteria. In the years between the surveys, salary ranges will be adjusted by the most currently available Consumer Price Index (CPI) - All Urban Consumers (San Francisco – Oakland- San Jose Area) as determined by the US Bureau of Labor Statistics (BLS), or a lesser amount if necessary to conform to the findings of the most recent total compensation survey. The Board will be asked to approve the salary ranges every year as part of the budget process.

**Adjustments** – Regular employees are eligible for an annual salary adjustment, which may consist of a step increase and/or cost of living adjustment. An employee is eligible for a 3% “step” increase once a year or as indicated in the employee’s hiring letter, until they reach the top of the respective salary range. For meritorious performance, the ED in consultation with the ASD, may award an employee a step increase sooner than the normal adjustment date or award a 6% increase (equivalent to two steps within the salary range) provided that the increase does not exceed the top of range. Cost of living adjustments are determined by the Board in the annual budget.

Probationary employees are not eligible for a step increase until completion of the probationary period, however they are eligible for cost of living adjustments.

Depending on the funding source for their position, limited term employees may be eligible for step increases and/or cost of living adjustments as outlined for regular employees. The terms of their employment contract will stipulate if and when the employee is eligible to receive salary adjustments. For more information, see [Section 3.6 Probationary Period](#).

Any employee who is placed on a Performance Improvement Plan (PIP) as a result of unsatisfactory team performance feedback or any other reason will not be eligible for a general wage increase (cost of living adjustment) or a “step” increase. This may result in the employee’s salary becoming out of sync with the salary schedule steps, but still within the salary range. For example, an employee on salary step 2 is placed on a PIP. The next cost-of-living increase would increase the step 2 salary, though the employee’s salary would not change. Once the PIP is removed, the employee’s salary would be adjusted to the updated step 2 salary that includes the cost-of-living increase.

The employee will not be eligible for any retroactive adjustments once the PIP is removed, but will be eligible for a salary increase the following salary adjustment cycle assuming one is approved by the Board and the employee is not at the top of the salary range.

### **2.3.2 Changes in Status**

**Completion of Probationary Period** - Probationary employees are eligible for annual step increases after the probation period has ended, at the start of the next fiscal year, unless otherwise indicated in the employee’s offer of employment. See [Section 3.6 – Probationary Period](#).

**Promotions** – See [Section 2.2.3 – Promotional Requests](#).

**Compensation When Reclassified** – See [Section 2.2.2 – Reclassifications/Reorganizations](#).

**Voluntary Demotion** - Employees who are voluntarily demoted shall be placed in the new classification's salary range, at the employee's current salary if it is within the range for the new position. Salary will be adjusted if it is outside the new range. The new salary shall not exceed the maximum rate for the new, lower salary range, without approval of the ASD and ED.

**Involuntary Demotion** - Employees who are involuntarily demoted as a result of disciplinary action shall be placed in the new classification range and the salary may be reduced by placing them in the step which aligns closest to a five percent (5%) reduction from the present salary. However, the salary shall not exceed the maximum rate for the new lower salary range, without approval of the ASD and ED.

**Transfers** - Employees who laterally transfer to a classification with the same pay range shall retain the present salary.

### **2.3.3 Wage Payment**

The Agency operates on a biweekly pay period that shall commence on Sunday and continue through the following second Saturday (two weeks). Pay dates will be every other Friday and cover the period ending two weeks before (e.g., pay period ends on a Saturday the 15th, payday will be Friday the 28th). The manner of distributing the paychecks will be determined by the ASD. Should the Agency determine a need to change the pay cycle, employees will be given at least 3 months' advance notice.

## **2.4 Overtime Compensation**

Employees may be required to work beyond the normal workday or workweek in order to meet operational needs; however, the ED or designee will attempt to distribute these additional hours evenly and accommodate individual schedules. Positions are designated as exempt or non-exempt from overtime compensation, based on the [Fair Labor Standards Act \(FLSA\)](#), according to the nature of the duties and responsibilities assumed.

### **2.4.1 Non-Exempt Employees**

The Agency provides compensation for all overtime hours worked by non-exempt employees in accordance with federal law as follows:

- All hours paid in excess of 40 hours in one workweek will be treated as overtime. Workweeks begin each Sunday at 12:01 a.m. and end the following Saturday at midnight.
- Compensation for hours in excess of 40 for the workweek, shall be paid at a rate one and one-half times the employee's regular rate of pay or equivalent compensatory hours may be requested in lieu of cash.

Hours paid in a given workweek are applied in calculating overtime. All overtime worked by non-exempt employees must be previously authorized by the ASD or relevant Project Lead. Non-exempt employees who work overtime without prior authorization, except in emergency situations as determined by the ASD, may be subject to discipline, up to and including termination.

Non-exempt employees may accrue a maximum of 96 hours of compensatory time (64 hours of overtime worked), which may be accumulated for a maximum of twelve (12) months. Once a year, at the employee's option, compensatory time earned may be converted to pay or be

extended upon approval of the ASD. Once 96 hours have been reached, the employee will be compensated in cash unless an increase in the compensatory hours has been authorized by the ASD. The use of compensatory time shall be scheduled in accordance with the Agency's Leave Request Policy.

#### **2.4.2 Exempt Employees**

Exempt employees are not entitled to overtime pay or compensatory time off. Regular, part-time employees serving in an exempt position will be paid a pro-rated salary based on the employee's budgeted work hours per year. This amount can be adjusted within the range during the annual and/or midyear budget processes, when budgeted hours are changed.

### **2.5 Personnel Records**

The Agency maintains a personnel file for each employee. Personnel files contain documents relating to employee performance, documents related to decisions made about the employee, and other documents related to the administration of Agency personnel. It is the responsibility of each employee to promptly notify the ASD of any changes in the employee's personal information, such as address, telephone number, emergency contacts and number/names of dependents. Employee medical information is maintained in separate confidential files.

Employees have the right to inspect their personnel files in the presence of an Agency representative at a mutually convenient time. An employee is entitled to receive a copy of any employment-related document that they have signed. Employees are not entitled access to documents in their personnel file that pertain to a pending investigation regarding the employee's conduct or references and related information about the employee given in confidence as part of the hiring or promotional process.

Personnel file documents and employee medical information is not disclosed to anyone (other than Agency management with a legitimate personnel need for access) without prior written authorization from the employee or as required by law. All requests for access to employee personnel files must be made to the ASD. Only the ASD is authorized to grant access to a personnel file or medical information file.

Destruction of personnel files, including employment applications, shall be made only in accordance with the Agency's retention schedule and state and federal law.

### **3 Employment Process**

It is the Agency's policy to staff all positions in an equitable and consistent manner and to create an environment that will contribute to successful ongoing employment. This section includes information about the recruitment and selection process and various types of appointments.

#### **3.1 Equal Employment Opportunity**

The Agency is an equal opportunity employer and makes employment decisions on the basis of merit and the service needs of the Agency. The Agency wants to have the best available person in every job and does not make any employment-related decisions on the basis of race, color, religious creed (including religious dress and religious grooming), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), gender (including gender identity or expression), national origin or ancestry, citizenship, age, physical or mental disability, legally protected medical condition or information (including genetic information), family care or medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, or any other basis protected by federal, state, or local law, ordinance, or regulation. The Agency also prohibits discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful and considered a violation of Agency policy.

The Agency is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the operations of the Agency and prohibits discrimination by or against any employee of the Agency. Employees, volunteers, or applicants who believe they have experienced any form of employment discrimination or abusive conduct are encouraged to report the conduct immediately by using the complaint procedures provided in this Manual, or by contacting the U.S. Equal Employment Opportunity Commission, or the California Department of Fair Employment and Housing.

#### **3.2 Anti-Nepotism Policy**

Relatives may be eligible for hire only with the authorization of the ED. The Agency may refuse to hire relatives of present employees if doing so could result in actual or potential problems in management, security, safety, or morale, or if doing so could create potential conflicts of interest. The Agency defines "relatives" as spouse, children, siblings, parents, grandparents, aunts, uncles, nieces, nephews, cousins, in-laws, step-relatives and domestic partners. Current employees who marry will be permitted to continue working in the job position held only if they do not work with one another in roles that present a conflict of interest.

#### **3.3 Reasonable Accommodation**

The Agency provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the Americans with Disabilities Act.

An employee or applicant who desires a reasonable accommodation in either the employment selection process or in order to perform essential job functions should make such a request in writing



to the ASD. The request must identify: a) the portion(s) of the selection process or the job-related functions at issue; and b) the desired accommodation.

Following receipt of the request, the ASD or designee may require additional information. For example, the ASD may require reasonable information to confirm the existence of a disability and the need for reasonable accommodation, along with the name and credentials of the individual's health care provider. If the individual provides insufficient documentation, the ASD will: 1) explain the insufficiency; 2) allow the employee or applicant to supplement the documentation; and 3) pursue the interactive process only to the extent that the request for reasonable accommodation is supported by the medical documentation provided.

The ASD may also require an employee to undergo a fitness for duty examination to determine whether the employee can perform the essential functions of the job with or without accommodation. The ASD may also require that an Agency-approved physician conduct the examination.

The Agency will arrange to meet with the applicant or employee and designated representatives to work in good faith to fully consider all feasible potential reasonable accommodations. Whether a reasonable accommodation can be made and the type of reasonable accommodation that will be provided shall be determined by the ASD on a case-by-case basis. The ASD will not provide accommodations that pose an undue hardship upon Agency finances or operations.

The ASD will inform the applicant or employee of its decision as to reasonable accommodation(s) in writing. The ASD will use discretion based upon the particular circumstances of each case.

An employee or applicant who alleges an unlawful denial of a reasonable accommodation may file a complaint with the ED. As described in the Agency's Policy Against Retaliation, the Agency does not permit or tolerate retaliation against any employee or applicant requesting a reasonable accommodation or making a complaint of an alleged unlawful denial of such a request.

### **3.4 Recruitment and Selection Procedures**

The ASD or other designee of the ED is responsible for recruiting, screening, testing, and referring all eligible applicants for regular employment in accordance with established state and federal legal guidelines and adopted policy.

The recruitment and selection process includes the following elements:

#### **3.4.1 Vacancies**

A request to fill the vacant position along with all other pertinent data shall be prepared by the ASD in conjunction with the appropriate staff. A review as to the availability of in-house candidates for a vacancy may also be conducted. The ED may make internal interim appointments subject to the needs of the Agency. In addition, subject to the needs of the Agency the ED may offer a regular position to a limited term, intermittent employee or a contracted temporary position if: 1) a previously open recruitment has been conducted and the limited term, intermittent employee, or contracted temporary position is currently serving in the role that is being converted to regular status; or 2) the incumbent has been serving in the position that is being converted to regular status for two years or longer and has acquired

specialized knowledge and skills that would make an open recruitment process an inefficient use of Agency resources.

#### **3.4.2 Recruitment Process**

A recruitment will be conducted as an “open competitive” or a “closed promotional” opportunity. Once the ED has approved filling a position one of the following processes will be followed:

**Open Competitive** - These recruitments shall be open to the public. Employees are encouraged to apply. Such recruitments may be used to fill vacancies at any level, assuming sufficiently qualified applicants for promotion are not available.

**Closed Promotional** - These recruitments shall be open to employees of the Agency who meet the requirements set forth in the promotional process.

Recruiting sources to be used and the recruitment time period will be determined by the Agency’s recruitment strategy, labor market conditions and/or by any special requirements of the position.

Open positions (including ones newly created) below the Senior Program Manager/Senior Management Analyst level may be filled through an open or closed recruitment or appointment, based on the specific needs of the Agency and conditions described in [Section 3.5 – Appointments](#).

Senior Program Manager or Senior Management Analyst positions may be filled when there is a vacancy. An open position can be filled as either a Senior Management Analyst or a Senior Program Manager. Applicants will be expected to demonstrate a broad understanding of Agency functions and represent the interests of the agency as a whole, rather than being focused on specific programmatic or administrative functions. Candidates for these positions will be selected by the Workforce Committee.

The ED determines the Agency's need for positions at grade classifications above Senior Program Manager/Senior Management Analyst. These positions may be filled by promotion of existing staff or an open recruitment on a case-by-case basis.

#### **3.4.3 Notice of Recruitment**

Notice of all Agency open competitive recruitments shall be posted on the Agency website or other designated locations for at least one week, including the last date for filing applications. Recruitment notices will also be shared with all staff. The notice shall specify the title and pay range for the classification; the nature of the work to be performed; minimum qualifications; time, place and manner of making application, the type of recruitment; and any other pertinent information.

#### **3.4.4 Application Process**

All applications for employment shall be made on official forms supplied by the Agency. The forms require information covering education, training, experience, and other information deemed pertinent and allowable by law. When the position to be filled requires specific or

exceptional qualifications of professional, or other unique expertise, supplemental documents may be required. Resumes will be accepted only as a supplement to the application.

#### **3.4.5 Selection Methods**

Applicants for positions shall meet the minimum qualifications of the position for which they have applied. Qualifications shall be evaluated solely on the basis of information provided on the application form, resume and supplemental documents required by the Agency. The selection process for open recruitments will include an interview of final candidate(s).

#### **3.4.6 Eligibility Lists**

All candidates who are qualified in the evaluation process are eligible for appointment. Eligible candidates who are not hired remain eligible for employment consideration for similar positions up to one year. The Agency may forego an open recruitment process and hire candidates from this list if a candidate from a previous recruitment is found capable. The ED, in consultation with the ASD, will assess the validity of any list and may shorten or extend its validity depending on the number and availability of qualified eligible candidates. The Agency may re-recruit and supplement a current eligibility list with additional candidates when the position requires additional or exceptional qualifications, or when the list contains an insufficient number or quality of candidates.

#### **3.4.7 Transfers**

Agency employees may be transferred from a position in one program area to a position in the same class in another program area of the Agency or to another vacant position so long as the qualification requirements and pay range do not exceed those of their present position. The Agency reserves the right to transfer any employee in support of Agency needs; the employee's rate of pay shall remain the same as it was in the prior position. All transfers shall be approved by the Workforce Committee.

No employee shall be transferred to a position for which they do not possess the minimum requirements.

#### **3.4.8 Reinstatement**

Those employees who leave Agency service in good standing may request reinstatement, in writing, within four (4) years of separation. The person's name will be placed on an eligibility list for the same or lower class than was held at the time of separation. If a list does not exist, the request will be considered for any eligibility list created for that class, within one year from the date received. Placement on an eligibility list does not guarantee future employment.

If reinstated, such persons shall begin as new employees. As such, the reinstated employee will be subject to original probationary periods and will not immediately recover benefits (with the exception of sick leave as shown below) or credits from prior Agency service.

After a period of three (3) continuous years of satisfactory service, the reinstated employee shall be eligible to receive full service credit with respect to benefits tied to length of service, e.g. increased vacation.

Reinstated California Public Employees Retirement System (“PERS”)-covered employees will continue to accrue service credit consistent with PERS rules and vesting rights. Reinstatement does not apply to retired employees.

**Sick Leave Reinstatement** - If an employee separates from Agency employment and is re-hired by the Agency within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law (not to exceed 48 hours).

### **3.5 Appointments**

The ED is the appointing authority, having the power to appoint and remove employees, subject to the provisions of the HR Manual. The ED may hire (as well as reclassify or promote) any position within the Agency’s classification structure provided that they do not exceed the total authorized positions for that fiscal year and that funding is within the authorized appropriation, as described in [Section 2.2.6 - Establishment/Abolishment of Positions](#). Board approval is required for any position(s) or funding that exceeds what has been authorized in the budget or by budget amendment (for example, when the Agency receives external funds that may require additional staffing). The power to appoint and dismiss may be delegated by the ED; any person delegated authority to appoint and dismiss employees shall be known as an appointing officer for the purpose of such appointment and removal.

The appointing officer or designee shall interview those applicants on the list determined to be best qualified based on all the pertinent information. The appointing officer shall send written confirmation to the person or persons appointed. The Agency may require that the applicant submit to a job-related physical examination and/or drug/alcohol test, as permissible by law. Such examination shall only be required after a conditional offer of employment has been made.

Employees are defined in various ways, as set forth below. One or more definitions may apply to a particular employee.

Tenure of employees is conditioned on necessity for the performance of work, the availability of funds and satisfactory performance of work as determined by the ED or designee.

#### **3.5.1 Regular Employees**

Regular employees are those who have passed probation. Regular employees may be classified as Full time or Part time.

Full time employees are scheduled and work 40 hours per week or 80 hours per pay period. They are entitled to all health benefits and paid time off as outlined in the Employee Benefits Guide.

Part time employees are scheduled and work at least 20 hours but less than 40 hours per week, or work at least 40 hours but less than 80 hours per pay period. They are entitled to all health benefits. Part time employees receive paid time off and accumulate CalPERS service credit on a pro-rated basis. All regular and limited term (if in the position longer than one year) employees must participate in the Agency’s performance feedback process. See [Section 5.2 – Performance Feedback](#).

### **3.5.2 Exempt/Non-Exempt Employees**

Exempt and non-exempt are terms that are used to define whether the [Fair Labor Standards Act \(FLSA\)](#) applies. FLSA establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers. Positions are categorized as exempt or non-exempt according to the nature of the duties and responsibilities assumed and must meet all the tests included in FLSA. Exempt employees are those employees serving in executive, managerial/administrative, or professional positions. The following are key distinctions that differentiate exempt positions:

- The employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise
- The employee's primary duty includes the exercise of discretion and independent judgment with respect to matters of significance
- The employee's primary duty must be the performance of work requiring advanced knowledge, defined as work that is primary intellectual in character and which includes work requiring the consistent exercise of discretion and judgment

Unless a position meets all the standards outlined in FLSA to qualify as exempt, it will be defined as non-exempt and therefore subject to the FLSA rules.

### **3.5.3 Intermittent Employees**

The Agency may require the services of temporary employees to be hired for a period of time not exceeding 1,000 hours per fiscal year (July 1 through June 30.) The ED may only appoint an intermittent employee within available funding. Intermittent employees are not regular employees and can be dismissed from Agency service at any time without the right of appeal. The hourly rate of pay shall be determined by the ED, within ranges established by the WMA Board, consistent with the established job classifications and pay structure. Intermittent employees receive the legally mandated benefits, e.g. Social Security/Medicare, State Disability Insurance and Worker's Compensation Insurance. If the employee is vested in PERS, PERS contributions will be made in lieu of Social Security. Intermittent employees do not accrue or have the right to use paid leave with the exception of sick leave, as outlined in the Employee Benefits Guide. Intermittent employees do not participate in the performance feedback process; feedback should be discussed directly with relevant Project Leads.

### **3.5.4 Limited Term Employees**

A limited term employee is an employee hired for any position for a specific period of time. Once the term is reached, the employee is released from service. They are eligible for health benefits, provided they work at least 20 hours per week, paid time off on a pro-rated basis and other benefits as required by PERS. Limited term employees participate in the performance feedback process. Limited term employees are not regular employees and can be dismissed from Agency service at any time. Limited term employees may be offered a regular position at the discretion of the ED, subject to Agency need. Depending on the funding source for their position, limited term employees may be eligible for step increases and/or cost of living adjustments as outlined for regular employees. The terms of their employment contract will stipulate if and when the employee is eligible to receive salary adjustments.

### **3.5.5 Retired Annuitants**

A retired annuitant is a CalPERS retiree who returns to work with a CalPERS employer in a designated retired annuitant position. Appointment of a retired annuitant is determined based on Agency need in conjunction with the ED and ASD. Retired annuitants may not work more than 960 hours per fiscal year and are subject to all requirements outlined on the [CalPERS website](#).

### **3.5.6 Volunteers**

The number of volunteers within the organization may vary based on programmatic need. Volunteers shall sign a volunteer waiver form and submit a log of hours volunteered monthly.

## **3.6 Probationary Period**

The first 12 months of continuous employment at the Agency is considered a probation period. During the initial probationary period, an employee serves at the pleasure of the ED, has no property right in continued employment, and has no right to any pre- or post-disciplinary procedural due process or evidentiary appeal. A probationary employee serving in the initial probationary period is an at-will employee. Employees are eligible for an annual Cost of Living adjustment during the probationary period, if an adjustment is approved by the Board, but are not eligible for annual step increases until after the probation period has ended, at the start of the next fiscal year, unless otherwise indicated in the employee's offer of employment.

During this time it is hoped that each new employee will learn the responsibilities and demonstrate satisfactory competence in the new position. It is also an opportunity to get acquainted with coworkers and determine whether or not the position meets the employee's needs and expectations. Probationary program staff will participate in the performance feedback process and should be advised of any problem areas with proposed corrective measures in order to maximize the success of the probationary period.

Approximately one month prior to the end of the probation period, the employee's feedback team will evaluate the employee's progress, taking into consideration any comments and/or corrective action resulting from earlier feedback cycles. The employee's Project Lead will prepare a final evaluation and make a recommendation to the ED as to whether or not the probationary employee should be granted regular employee status or released from service. If the employee has more than one Project Lead, one of the leads will prepare the evaluation and will get feedback and comments from the others as appropriate. The Agency reserves the right, and has the sole and absolute discretion, to extend the duration of the probationary period when such an extension is determined to be appropriate and necessary. No more than one probation extension will be provided for any probationary period, and a probation extension will not exceed six (6) months in duration. A probation extension does not affect the Agency's ability to end probation at any time with or without cause.

The Agency will count a limited term employee's tenure as part of the employee's probationary period if the employee is converted to regular status and the employee has worked for the Agency for at least eighteen months.

The ED has the authority to end probationary periods prior to the completion of one year, as allowed by law.

Upon completion of the probation period, if the employee’s performance is satisfactory and a recommendation is made to end probationary status, the employee will be granted regular status.

	<b>Regular Employees</b>	<b>Limited Term Employees</b>
<b>Probation Period</b>	1 year; may be extended by 6 months if necessary.  Employee receives cost-of-living adjustments, no salary step increase.	No formal probation period; Limited Term employees are at-will and may be dismissed from service anytime.  Probation period may be waived for Limited Term employees who are converted to regular status, provided that the Limited Term employee has worked for the Agency at least 18 months.
<b>Salary Adjustments</b>	All salary adjustments are effective annually on July 1, beginning AFTER completion of probation period (e.g., if hired July 2, 2020, probation ends July 2, 2021 and employee is eligible for salary adjustments on July 1, 2022).	Salary and timeline for any salary adjustments determined in employment agreement. Employment agreement will stipulate salary and whether salary adjustments will include cost-of-living adjustment and/or salary step increases.

**3.7 Policy Against Discrimination, Harassment, Bullying, and Retaliation**

The Agency is committed to providing a work environment free of discrimination, harassment, bullying, and retaliation. The Agency has zero tolerance for any conduct that violates this policy. Conduct need not arise to the level of a violation of state or federal law to violate this policy. Instead, a single act can violate this policy and provide grounds for discipline or other sanctions. This policy establishes a complaint procedure for investigating and resolving internal complaints of discrimination, harassment and retaliation. The Agency encourages all covered individuals to report any conduct they believe violates this Policy as soon as possible. Any retaliation against an employee because they filed or supported a complaint or because they participated in the complaint resolution process is prohibited.

The individuals covered by this Policy are: applicants, employees regardless of rank or title, elected or appointed officials, interns, volunteers, and contractors.

The Agency prohibits discrimination, harassment, and bullying on the basis of race, color, religious creed (including religious dress and religious grooming), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), gender (including gender identity or expression), national origin or ancestry, citizenship, age, physical or mental disability, legally protected medical condition or information (including genetic information), family care or

medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, or any other basis protected by federal, state, or local law, ordinance, or regulation. *All such harassment is unlawful.*

The Agency's policy against discrimination, harassment, and bullying applies to all persons involved in the operation of the Agency and prohibits discrimination, harassment, and bullying by or against any employee of the Agency or anyone doing business with the Agency. It also prohibits unlawful harassment based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. Any applicant, official, officer or employee who violates this policy will be subject to disciplinary action, up to and including termination. Any contractor who violates this policy will be subject to appropriate sanctions.

Mandatory sexual harassment training will be provided to employees when required by California law.

This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, employee conduct, and compensation.

### **3.7.1 Definition**

Depending upon the circumstances, a single act of harassment, discrimination, or bullying, as defined below, can violate this policy:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, or comments, including comments about dress or physical features, or stories that tend to disparage those of a protected classification
- Visual displays such as derogatory and/or sexually-oriented posters, notices, photography, cartoons, drawings, or gestures that depict inappropriate content or tend to disparage those of a protected classification
- Physical conduct taken because of an individual's protected classification, including assault, pinching, grabbing, patting, propositioning, leering, mimicking, stalking, taunting, or making job threats or promises in return for submission to physical acts, intentionally blocking normal movement or interfering with work
- Sexual harassment, including unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that is an expressed or implied condition of continued employment or other term or condition of employment, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment
- Workplace bullying, repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators that takes one or more of the following forms: verbal abuse, offensive conducts/behaviors (including nonverbal) which are threatening, humiliating, or intimidating; or work interference (sabotage) which prevents work from getting done

### **3.7.2 Retaliation**

The Agency maintains a strong commitment to prohibit retaliation against those who report, oppose, or participate in the investigation of alleged wrongdoing in the workplace.



It is the Agency's policy to prohibit retaliation against those who report, oppose, or participate (as witnesses or accused) in investigations into complaints of alleged wrongdoing. To that end, this policy establishes a complaint procedure that applicants, officials, officers, employees or contractors can use to report potential violations. Disciplinary action, up to and including termination, may be taken against an employee or officer who is found to have violated this policy. Elected officials, employees or contractors who violate this policy will be subject to appropriate sanctions.

This policy protects those who engage in a protected activity from being retaliated against because of that protected activity. "Protected activity" includes but is not limited to any of the following:

- Filing a complaint with a federal or state enforcement or administrative agency
- Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the Agency regarding alleged unlawful activity
- Testifying as a party, witness, or accused regarding alleged unlawful activity
- Associating with another employee who is engaged in any of the protected activities enumerated here
- Making or filing an internal complaint with the Agency regarding alleged unlawful activity or an alleged violation of this policy
- Participating in an investigation pursuant to this policy.

Except as otherwise provided, this policy prohibits any adverse action taken because an applicant, employee, or contractor has engaged in any of the forms of protected activity as defined herein. Adverse action includes any of the following:

- Taking sides because an individual has reported alleged wrongdoing
- Spreading rumors about a complaint of alleged wrongdoing
- Shunning or avoiding an individual who has engaged in any of the forms of protected activity described above
- Real or implied threats of intimidation to attempt to prevent an individual from reporting alleged wrongdoing or because of protected activity
- Refusing to hire an individual because of protected activity
- Denying promotion to an individual because of protected activity
- Taking any form of disciplinary action because of protected activity
- Issuing a poor evaluation because of protected activity
- Extending a probationary period because of protected activity
- Altering work schedules or work assignments because of protected activity.

This policy does not prohibit adverse action that is taken for legitimate or non-discriminatory reasons, such as: discipline for legal cause, rejection from probation because of failure to meet standards of probation, or refusing to hire because of inadequate qualifications. As a result, adverse action is only prohibited if it is causally connected to, or taken because of, the alleged protected activity.

An applicant, employee, officer, official, volunteer or contractor who feels they have been retaliated against in violation of this policy should immediately report the conduct according to the complaint procedure found below so that the complaint can be resolved fairly and quickly.

This policy against retaliation provides an administrative remedy that individuals are encouraged to use prior to resorting to administrative and judicial remedies to address the conduct described herein.

### **3.7.3 Complaint Procedure**

An employee, applicant, contractor, volunteer or official who believes that they have been discriminated against, bullied, harassed, or retaliated against may file a complaint with any one of the following:

- Project Lead (if complaint pertains to a specific project)
- Administrative Services Director
- Executive Director
- President of the WMA Board, if the complaint is against the Executive Director

The Agency encourages anyone who believes they have been discriminated against, bullied, harassed, or retaliated against by an Agency applicant, employee, official, volunteer or contractor to immediately notify the offending individual of the unacceptable behavior and that it is unwelcome.

If a person who has alleged harassment, bullying, discrimination, or retaliation prefers not to confront the offending individual, they need not do so. If the individual is not confronted by the complainant, or if the complainant is not satisfied with their response, the complainant must then immediately notify the ASD or ED as soon as possible after the incident. The complaint must include details of the incident or incidents, names of the individuals involved, and names of any witnesses. A written account is preferred but is not required.

The Agency also requires that employees, officials, volunteers, or contractors report any act that is observed and believed, in good faith, to constitute discrimination, bullying, harassment or retaliation.

### **3.7.4 Reporting Options to Outside Administrative Agencies**

Applicants, employees, officials, volunteers, and contractors should be aware that the U.S. Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited discrimination, harassment, and retaliation in employment. If you think you have been harassed, bullied, discriminated against or retaliated against for resisting or complaining, you may file a complaint with the appropriate agency. The nearest offices are listed on the Internet, in the government section of the

telephone book or employees can check the posters that are located on Agency bulletin boards for office locations and telephone numbers.

### **3.7.5 Investigation Procedure**

The ED or designee will immediately undertake an effective, thorough, and objective investigation of the discrimination, bullying, harassment, or retaliation allegations. The President of the WMA Board or designee shall investigate if the complaint is against the ED. An investigation will typically include interviews of the complainant and accused, as well as any known witnesses. Although the Agency will strive to protect the confidentiality of all parties involved, complete confidentiality is not possible due to the Agency's duty to investigate and take corrective action. An employee who is interviewed during the course of an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. An employee may discuss the interview with a designated representative. The Agency will not disclose a completed investigation report except as it deems necessary to support disciplinary action, to take remedial action, to defend itself in an adversarial proceeding, or to comply with the law or a court order.

In the event of a harassment, bullying, discrimination, or retaliation complaint against the ED, the President of the WMA Board shall consult with Agency Counsel who will be instructed to investigate the complaint, or who shall advise the President as to the selection of an independent third party investigator, whose duty it will be to investigate the complaint. The results of this investigation will be transmitted to the President. Upon receipt of the investigator's report, the President shall call a closed-session meeting of the WMA Board who shall interview the complainant, review the investigative report, and clarify the complainant's desired solution. The board may call witnesses and interview other employees, as deemed necessary. Following this review, the WMA Board shall make a finding and notify the parties of its decision. This finding is the final level of resolution for the Agency; neither party may appeal. As these are personnel related matters, all such Board discussions will be in closed session.

### **3.7.6 Disciplinary Action**

If the ED determines that discrimination, bullying, harassment, or retaliation has occurred, effective remedial action will be taken in accordance with the circumstances involved. Employees or officials (e.g. Board Members) found to have engaged in harassment, bullying, or discrimination will be disciplined up to and including termination. Disciplinary action may also be taken against any official or manager who condones, ignores or otherwise fails to take appropriate action to enforce this Policy. The Agency will not tolerate retaliation against the complainant, accused or witnesses.

## 4 Employee Conduct and Responsibilities

### 4.1 Work Schedules

#### 4.1.1 Work Period and Work Week

The work week is defined as starting at 12:01 a.m. Sunday and ending at midnight Saturday. A normal work period will generally be 40 hours of work within seven consecutive days for non-exempt employees and 80 hours bi-weekly for exempt employees. Normal work hours are 8 a.m.-5 p.m., Monday through Friday.

#### 4.1.2 Flex-Time

Understanding that effective and efficient public service is paramount, flexible work hours may be established for the employee's benefit and based on the following guidelines: A flexible work schedule shall not interfere with service to the public, shall meet the needs of the Agency and, when feasible, be complementary to the schedule of other Agency employees and/or the public.

A flexible work schedule may be authorized for an individual employee. The employee must accurately account for the total number of hours each working day, work week, and work period. All existing HR policies and regulations shall continue to apply, including those dealing with overtime compensation. Conflict or problems resulting from an individual flexible schedule can be addressed through the Workforce Committee and Performance Feedback System. The ED or designee can, with notification, alter the schedule of the employee or discontinue a flexible work schedule.

While work schedules should stay within a consistent range, minor modifications may be made providing the employee works the approved numbers of hours during the fiscal year. Employees should inform the front office if they are sick, late, or absent for other unforeseen reasons. Employees should inform Project Leads, team members, or other affected parties of major changes in schedule, and consider the impact of the change upon work load, other staff, and deliverables.

**Exempt employees** - Exempt employees may work a flexible schedule as long as it meets the needs of the Agency. Flexible schedules may be set by the exempt employee, in consultation with affected Project Leads and in consideration of workload, other staff, and deliverables. Any impacts of individual schedules should be reviewed by the Workforce Committee

**Non-exempt employees** - Non-exempt program employees may work a flexible schedule with the approval of the Workforce Committee and in consultation with their Project Lead(s), consistent with appropriate state and federal law. Non-exempt administrative employees may work a flexible schedule with the approval of the ASD, consistent with appropriate state and federal laws.

#### 4.1.3 Work Hours – Request to Change

Employees may request an increase or decrease in total work hours as part of the budget process. The change in hours will be considered as part of the budget review and approved by the Workforce Committee for program staff, and by the ASD for administrative staff, based on the needs of the Agency. The change in hours, once approved, is expected to stay in effect throughout that fiscal year. The Agency cannot guarantee approval of employee requests to change from full-time to part-time (or vice versa). If hours are changed, the Agency cannot

guarantee employees will be allowed to change them again or revert back to the original schedule at a later date.

In extraordinary circumstances, when a request is made after the budget is adopted to either significantly reduce hours or increase work hours beyond 30 hours/week, the following steps should be taken:

- The employee determines when this proposed change will become effective; e.g. beginning of the fiscal year, beginning of the calendar year, etc.
- The employee discusses this change with relevant Project Leads and the ASD to determine what impact the change would have on the budget, their projects/work and alternatives developed for addressing any workload concerns
- Assuming Project Lead and ASD approval, a recommendation is made to the Workforce Committee for final approval for programmatic staff
- The ASD will approve/deny requests from the Administrative Services staff

Regardless of when the change in hours becomes effective, the term is for the remainder of the fiscal year, although it can be subject to change based on the needs of the Agency.

#### **4.1.4 Leave Requests**

Details on the various leave types are outlined in the Employee Benefits Guide. All leave requests are handled in accordance with the Agency's Leave Request Policy.

#### **4.1.5 Meal and Rest Periods (Non-Exempt Employees)**

Non-exempt employees are provided with an unpaid one hour meal period, to be taken approximately in the middle of the workday. If an employee is periodically required to work during the designated lunch period, either the employee's daily work schedule may be temporarily changed, or the additional time worked compensated. Employees are encouraged to take the appointed lunch break whenever possible, rather than working through the entire day. Employees must obtain authorization from a Project Lead prior to working during a meal period.

Non-exempt employees may use one morning and one afternoon rest period of 15 minutes each. Rest periods should be scheduled in such a way that disruption to the day to day work flow is minimized.

#### **4.1.6 Punctuality and Attendance**

Employees shall comply with Agency policies and procedures regarding hours of work. While exempt employees have flexibility in their work hours, regular attendance is expected and employees are required to notify the office if they are unable to work on a scheduled work day. Because the Agency is accountable to the public in the expenditure of public funds, exempt employees are expected to work the total number of approved budgeted hours, whether part-time or full-time, and report hours accurately.

Employees assigned to the Administrative Services Department, and/or other non-exempt employees, are required to notify their Project Lead or designee by telephone within one hour of the start of the employee's normal work day if unable to report to work. In the event of an

emergency, the employee should make arrangements to contact the relevant Project Lead or designee as soon as is reasonably possible and in no event later than the beginning of the next working day. Non-exempt employees who fail to timely notify their Project Lead of any absences as required by this policy, or who are not present and ready to work during all scheduled work times will be deemed to have an unauthorized tardy or absence and will not receive compensation for the period of absence.

Exempt employees should inform Project Leads, project team members, and other affected parties of any changes to work hours or significant absences. Scheduling of these absences or changes should consider the impact on workloads, staff, and deliverables and be done with a minimum of interruption to the work. Employees should allow adequate notice and make arrangements for coverage of responsibilities.

If an employee fails to report for work without ensuring that the office is appropriately notified, and the absence continues for a period of three days, the Agency will consider that the employee has abandoned employment with the Agency.

The ASD may require documentation of illness in the event of excessive use of sick leave.

#### **4.1.7 Telecommuting / Working Remotely**

Telecommuting/remote working privileges are granted on a case-by-case basis depending on the employee's particular duties and the nature of the request. Employees must get permission from the ED, ASD, and project lead(s) prior to telecommuting.

#### **4.2 Dress Code and Other Personal Standards**

Because each employee is a representative of the Agency in the eyes of the public, each employee must report to work wearing appropriate clothing. Employees are expected to dress neatly and in a manner consistent with the nature of the work performed. Employees who report to work inappropriately attired may be asked to leave and return in acceptable attire.

#### **4.3 Confidentiality, Proprietary Rights, and Incompatible Activities**

##### **4.3.1 Confidentiality**

Each employee is responsible for safeguarding confidential information obtained during employment. In the course of work, the employee may have access to confidential information regarding the Agency, its vendors or consultants, its customers, or fellow employees. The employee has responsibility to prevent revealing or divulging any such information unless it is necessary to do so in the performance of the job. Access to confidential information is on a "need-to-know" basis and must be authorized by the ASD or ED. Any breach of this policy will not be tolerated and legal action may be taken by the Agency.

##### **4.3.2 Proprietary Rights**

Any and all work products including software design, reports and research analysis completed by Agency employees, while in the employ of the Agency, is deemed to be Agency property.

No employee may sell, copy, or otherwise use proprietary information for outside economic gain without the explicit written consent of the Agency. Employees leaving the employment of the Agency are subject to the same prohibitions relative to selling or otherwise using any work product produced while employed by the Agency for economic gain without the explicit written

consent of the Agency. Any reports, analysis or other products produced specifically for unlimited public use are exempt from this policy

#### **4.3.3 Conflict of Interest and Incompatible Activities**

No officer or employee of the Agency shall have a financial interest, of any kind, as defined by the laws of this state in any contract, business entity, stock, land or other economic interest such as employment or a consultant contract which is related in any manner to the Agency, such as by being a business entity regulated by the Agency or a vendor providing services, goods or land to the Agency. Exceptions to the policy for de minimis economic interests may be made to the ASD (such as ownership of 100 shares of a stock in a listed company which provides services to the Agency).

No employee of the Agency shall serve on the Board of Directors or an advisory committee of any organization which regularly takes positions on Agency issues or seeks or obtains contracts with the Agency, unless criteria are met as outlined in the [Policy for Serving on Nonprofit Boards](#). Nor shall any employee have any employment or consultant relationship with such an organization. If an organization which an employee has a relationship or obtains contracts with the Agency, the employee must request to be recused from involvement in the matter both in that person's role as an employee of the Agency and in that person's capacity as associated with such organization. Employees may consult the ASD or ED for further guidance. Requests for exceptions to possible incompatible activities may be made to the ASD or ED for good cause and upon showing that the exception would not interfere with the employee's duties to the Agency; any approved exception shall be issued in writing.

Any employee willfully violating this section shall be subject to the disciplinary process, with consequences up to and including termination of employment. In addition to any provisions of state law which may void such contracts, any violation of this section with the express or implied knowledge of the involved employee or the business entity or the organization contracting with the Agency shall constitute a material break and be the basis for terminating the contract

#### **4.3.4 Disclosure Statements**

Certain employees may be required by state law and the Agency's Conflict Code to file annual disclosure statements.

#### **4.3.5 Public Record Requests**

The Agency is committed to transparency and open government. The California Public Records Act requires inspection or disclosure of governmental records to the public upon request, unless the records are protected from disclosure under specific exemptions in the Law.

All public information requests under the California Public Records Act or Freedom of Information Act are to be directed to the Clerk of the Board, who shall inform the ED and coordinate a response.

#### **4.4 Outside Employment**

An employee shall not engage in any paid or self-employment, activity, or enterprise which is inconsistent, incompatible or in conflict with their Agency duties, functions, responsibilities, or those of any team in which they are involved with at the Agency. In order to avoid perceived or actual

conflicts of interest that may arise from outside employment, all employees must obtain written approval from the ASD or ED prior to undertaking any outside employment as described in this policy.

#### **4.5 Additional Compensation**

No employee shall receive or agree to receive direct or indirect non-Agency compensation (consulting or any other fee-for-service) for providing any Agency service.

##### **4.5.1 Gratuities**

Employees must follow all applicable state and federal laws regarding the acceptance as an individual any fee, gift, or other valuable item (including the maximum value of the gift and reporting requirements) in the course of performing the duties of their position from vendors, grant applicants, or persons doing business with the Agency. Employees and officers may accept such items as candy, cake, cookies, or other items of nominal value (in compliance with state law) that are intended to be complimentary or appreciative in nature and that would be made available for general office consumption or use. Meals and miscellaneous travel expenses related to the conduct of Agency business are exempt from this policy, but may be covered under State Economic Interest laws.

#### **4.6 Agency and Employee Property**

##### **4.6.1 Agency Property**

Desks, computers, and other office equipment are Agency property and must be maintained according to Agency rules and regulations. They must be used primarily for work-related purposes. The Agency reserves the right to inspect all Agency property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence.

Occasional, infrequent use of equipment for personal use is allowed during breaks or after hours. If personal use of electronic messaging or other equipment interferes with the discharge of an employee's duties the right to use for personal use may be revoked.

Employees must reimburse the Agency for personal photocopies, postage, or other incidental costs incurred by the Agency on the employee's behalf. Reimbursements can be paid to the Clerk of the Board.

Prior authorization from the ASD or a designee must be obtained before any Agency property may be removed from any Agency worksite.

Separated employees should remove any personal items at the time they leave the Agency. Personal items left in the workplace are subject to reuse, recycling or disposal if not claimed at the time of an employee's separation.

##### **4.6.2 Employee Property**

As a general policy, if a reasonable suspicion exists that the employee is in unauthorized possession of Agency property, the Agency will contact the appropriate law enforcement agency to conduct a criminal investigation. This investigation may include search of an employee's personal property at the worksite.

For security reasons, employees should not leave personal belongings of value in the workplace. The Agency is not liable for any loss of personal property.



#### **4.7 Use of Electronic Media**

The Agency uses various forms of electronic communication including, but not limited to computers, email and other forms of electronic messaging, telephones, and internet. All electronic communications and information created by any employee, including all voicemail, email, software, databases, hardware, and digital files, remain the sole property of the Agency and are to be used primarily for Agency business.

The Agency establishes and assigns official email addresses to each employee as the Agency deems necessary. Employees must send all Agency communications that are sent via email to and from the address assigned to them. Employees are prohibited from using their private email address (such as Gmail, Yahoo, etc.) when communicating Agency business via email. Should an email related to Agency business be sent to an employee's personal email account, the email should be forwarded to the employee's Agency email account and responded to accordingly.

Electronic communication and media may not be used in any manner that would be discriminatory, harassing, or obscene, or for any other purpose that is illegal, against Agency policy, or not in the best interest of the Agency. Under no circumstances will the Agency knowingly tolerate the use of electronic communication and media to receive or forward offensive email or visit pornographic, hate, or other offensive websites.

Employees who misuse electronic communications and engage in defamation, copyright or trademark infringement, misappropriation of trade secrets, discrimination, harassment, or related actions, will be subject to discipline, up to immediate termination.

Personal passwords may be used for purposes of security, but the use of a personal password does not affect the Agency's ownership of the electronic information. The Agency may periodically need to assign and/or change passwords and personal codes for voicemail, email, or other computer access. The Agency reserves the right to keep a record of all passwords and codes used and/or may be able to override any such password system if necessary for any reason.

The Agency reserves the right to access and review electronic files, messages, email, and other digital archives, and to monitor the use of electronic communications as necessary to ensure that no misuse or violation of Agency policy or any law occurs. As a result, Agency employees have no expectation of privacy in their use of any Agency equipment or resources.

Employees may not install personal software, use anonymous email transmission programs or encrypt email communications on Agency computer systems.

Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by the ASD or ED.

Employees who leave Agency employment shall provide the Agency with all Agency records stored in their personal devices or demonstrate that the information has been deleted.

Questions about access to electronic communications or issues relating to security should be addressed to the ASD.

#### 4.7.1 Social Media Policy

The Agency supports the use of social media to further its organizational and project goals. In this policy, social media includes all means of communicating or posting information or content of any sort on the Internet. This includes posting on social networks (Facebook, Twitter, Instagram, NextDoor, etc.) or affinity websites; blogs and personal websites; web bulletin boards or chat rooms – whether or not these channels are associated or affiliated with StopWaste – as well as any other form of electronic communication.

The Social Media Use Policy is a guiding document for using social media sites in an official capacity. It applies to all Agency employees and volunteers and can be accessed at <http://www.stopwaste.org/resource/stopwaste-social-media-policy>.

Agency Social Media Channels:

- All posts to Agency official channels must be approved by the Communications Manager
- Do not post confidential information, including nonpublic organizational information or the personal information of others
- Posts should be project or topic specific
- Avoid posting materials or comments that may be seen as offensive, demeaning, inappropriate, threatening, libelous, or abusive
- Respect the First Amendment rights of the public
- Respectfully withdraw from discussions that go off topic or become profane
- Refer any questions to the Communications Manager

To the extent your social media use impacts Agency employees and clients, follow Agency policies and regulations as applicable, including but not limited to those that protect individual privacy rights, anti-discrimination and harassment policies, and the anti-workplace violence policy. Keep in mind that if your conduct adversely affects your job performance, the performance of your co-workers, or adversely affects members of the public served by the Agency, the Agency may take disciplinary action against you up to and including termination.

**Guidelines for Use of Personal Social Media:** Employees and volunteers may associate themselves with the Agency on personal social media channels, so long as they adhere to the following guidelines. Employees may not post as an individual on behalf of the Agency. Individuals are solely responsible for what they post online and should be mindful of posting anything not intended for public viewing.

- Clearly state that your profiles are personal and posts are your own
- Do not use Agency logos and/or branding on your personal channels
- Do not post Agency confidential information on your personal social media profiles
- Do not use social media for employee-employer communications
- Only post factual information
- Protect your own privacy

Posts and other electronic communications regarding Agency matters may be considered public records even if made on personal social media accounts. Employees may be required to provide copies of such records in the event the Agency receives a request.

#### **4.8 Health and Safety**

All employees are responsible for their own safety, as well as that of others in the workplace. To help the Agency maintain a safe workplace, all employees must be safety-conscious at all times. Employees must report all work-related injuries or illnesses immediately to the ASD. In compliance with California law, and to promote the concept of a safe workplace, the Agency maintains an Injury and Illness Prevention Program.

In compliance with Proposition 65, the Agency will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

##### **4.8.1 Office Safety and Disaster Plan**

The Agency maintains a written safety and disaster plan including key safety staff, emergency and evacuation procedures, and additional resources for staff. For more information, see the Agency Safety and Disaster Plan.

##### **4.8.2 Ergonomics**

The Agency is subject to Cal/OSHA ergonomics standards for minimizing workplace repetitive motion injuries. The Agency **will** make necessary adjustments to reduce exposure to ergonomic hazards through modifications to equipment and processes and employee training. The Agency encourages safe and proper work procedures and requires all employees to follow safety instructions and 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. The Agency intends to provide appropriate resources to create a risk-free environment.

Employees may contact the ASD with questions.

##### **4.8.3 Smoking / Vaping**

The entire Agency workspace is designated no-smoking. Employees desiring to smoke may do so in off-site locations during their normal work break period. For purposes of this policy, “smoking” refers to any and all substitute smoking materials and unregulated nicotine products (e.g., e-cigarettes).

#### **4.9 Drug and Alcohol Free Workplace Policy**

The Agency is concerned about the use of alcohol, illegal drugs, or controlled substances (whether or not legal) as it affects the workplace. Use of these substances, whether on or off the job, can detract from an employee’s work performance, efficiency, safety, and health, and therefore seriously impair the employee’s value to the Agency. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and exposes the Agency to the risks of property loss or damage, or injury to other persons. Compliance with this policy is a condition of Agency employment. Disciplinary action will be taken for policy violations and law enforcement authorities may be notified of potentially illegal acts.

The following rules and standards of conduct apply to all employees either on Agency property or during the workday (including meals and rest periods). Behavior that violates Agency policy includes:

- Unlawful possession, manufacture, distribution, dispensation or use of alcohol or any controlled substance in Agency workplaces and wherever Agency business is performed
- Reporting to work while under the influence of alcohol, or any controlled substance or drug, that may impair the employee's ability to perform their job
- Driving or operating machinery during work hours while under the influence of alcohol, or any controlled substance or drug that may impair the employee's ability to operate a vehicle or other machinery
- Failure to inform the employee's Project Lead, ASD, or ED before beginning or resuming work that the employee is taking drugs or medication that could interfere with the safe and effective performance of Agency duties or operation of Agency equipment.

The Agency encourages employees with alcohol or drug dependencies to seek treatment and/or rehabilitation. Employees desiring such assistance should request it by contacting their Project Lead or the ASD. The Agency is not obligated, however, to continue to employ any person whose performance of essential job duties is impaired because of current drug or alcohol use. This policy on treatment and rehabilitation is not intended to affect the Agency's treatment of employees who violate the regulations described previously. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

#### **4.9.1 Searches**

In order to promote a safe, productive and efficient workplace, the Agency has the right to search and inspect all Agency property, including but not limited to lockers, storage areas, furniture, Agency vehicles, and other places under the common control of the Agency and employees. No employee has any expectation of privacy in any Agency building, property, or communications system.

#### **4.9.2 Drug and Alcohol Testing**

Except as to safety-sensitive employees subject to Department of Transportation (DOT) requirements, the Agency has discretion to test a current employee for alcohol or drugs in the following instances:

**Reasonable Suspicion Testing** - The Agency may require a blood test, urinalysis, or other drug and/or alcohol screening of those persons reasonably suspected of using or being under the influence of a drug or alcohol at work. The ASD or a designee must approve testing. "Reasonable suspicion" is based on objective factors, such as behavior, speech, body odor, appearance, or other evidence of recent drug or alcohol use which would lead a reasonable person to believe that the employee is under the influence of drugs or alcohol. In order to receive authority to test, the employee's Project Lead or other management employee observing the behavior must record the factors that support reasonable suspicion and discuss the matter with the ASD. If there is a reasonable suspicion of drug or alcohol abuse, the employee will be relieved from duty and placed on sick leave until the test results are received. If the test results are negative, the sick leave used will be returned to the employee.

**Post-Accident Testing** - The Agency may require alcohol or drug screening following any work-related accident or any violation of safety precautions or standards, whether or not an injury resulted from the accident or violation, provided that the “reasonable suspicion” factors described above are met.

#### **4.10 Employees Required to Drive**

Employees whose duties require them to drive on Agency business will be required to show proof of current valid driving licenses and current effective insurance coverage before the first day of employment and any time it is requested, [unless covered under an Agency rental agreement where insurance is provided](#).

The Agency retains the right to transfer to an alternative position, suspend, or terminate an employee whose job duties require driving whose license is revoked, who fails to maintain personal automobile insurance coverage, or who is uninsurable under the Agency’s policy.

Employees who drive their own vehicles on Agency business will be reimbursed at the IRS rate.

##### **4.10.1 Mileage Reimbursement**

Employees will be reimbursed for non-commute work-related mileage at the IRS allowable rate, adjusted at least annually. The work site for all employees (regardless of whether they spend most of their work time in the office or the field) is the Agency office. Consistent with IRS regulations, employees shall not charge mileage for commuting from home to the work site and from the work site to home. The Agency may adjust the rate more frequently than annually, in the event that the IRS adjusts the allowable rate more frequently.

##### **4.10.2 Car Sharing**

The Agency maintains a car sharing account that employees may join and use for short-distance travel on Agency business.

#### **4.11 Workplace Violence Policy**

The Agency is committed to providing a safe and secure workplace and will not tolerate acts or threats of violence in the workplace. The workplace includes any location where Agency business is conducted, including vehicles and parking lots. Any violation of this Policy may lead to criminal prosecution, and/or disciplinary action, up to and including termination.

Employees are prohibited from participating in or promoting acts of intimidation, violence, threats, coercion, assault and/or abusive behavior toward any person while in the course of Agency employment. The Agency has zero tolerance for any conduct that references workplace violence, even if it was intended to be harmless, humorous, a prank, blowing off steam, or venting.

“Workplace violence” is defined as any conduct that causes an individual to reasonably fear for their personal safety or the safety of their family, friends, and/or property. Specific examples of workplace violence include, but are not limited to, the following:

- Threats or acts of physical harm directed toward an individual or their family, friends, associates, or property
- The destruction of, or threat of destruction of Agency property or another employee’s property

- Fighting, challenging another person to fight, or participating in dangerous or threatening horseplay
- Striking, punching, slapping, or assaulting another person
- Grabbing, pinching, or touching another person in an unwanted way whether sexually or otherwise
- Harassing or threatening phone calls
- Surveillance
- Stalking
- Possessing a weapon(s) during work hours. "Weapon" is defined as a firearm, chemical agent, club or baton, knife, or any other device, tool, or implement that can cause bodily harm if used or displayed in such a manner to cause harm or threaten a person with harm.

Any employee who is a victim of, witnesses or learns of workplace violence has the authority and obligation to immediately report this information to the ASD.

The ASD or designee will document the incident, including the employee names(s), date/time, location, incident description, witness names and statements, description of unidentified parties, description of the act(s) and/or behavior arising from the incident, action taken, and provide any other relevant information regarding the incident.

The ASD or designee will take appropriate steps to provide security, and enforce this policy, including:

- Placing the employee alleged to have engaged in workplace violence on administrative leave, pending investigation
- Asking any threatening or potentially violent person to leave the site
- Immediately contacting an appropriate law enforcement agency
- Training Project Leads and all staff about their responsibilities under this Policy
- Assuring that reports of workplace violence are accurately and timely documented and addressed
- Making all reasonable efforts to maintain a safe and secure workplace
- Maintaining records and follow up actions as to reports of workplace violence.

#### **4.12 Administrative Policies**

Administrative policies are guidelines established with the approval of the ED, ASD, and when appropriate the Review Panel. The implementation of administrative policies is to provide guidance on procedures, operational considerations, and interpretation of HR policies and procedures. Examples include policies on travel, cell phones, contracts, etc. All Administrative policies and guidelines can be found <XXXXXX> Any such guidelines may be revised periodically with approval of the RP and/or ED/ASD.

#### **4.13 Bulletin Boards**

The Agency maintains bulletin boards located in the downstairs copy room.

Bulletin boards are used to provide information to employees concerning occupational health, benefits, safety information, PERS, and other materials required by law and/or relevant to Agency employees.

#### **4.14 Prohibited Conduct**

Misuse, abuse, or violation of any safety, health, security, or other Agency policy, rule, or procedure outlined in this manual constitutes grounds for discipline, up to and including termination. Employees who suspect wrong doing of any nature (harassment, discrimination, fraud, or any prohibited conduct) are encouraged to report it to the ASD or ED. Employees are responsible for understanding and adhering to policies described in [Section 3 – Employment Process](#), [Section 4 – Employee Conduct](#), [Section 6 – Discipline Guidelines](#) and elsewhere in this manual that identify inappropriate conduct. Other types of conduct that threaten security, personal safety, employee welfare and the Agency's operations may also be prohibited.

Additional examples of prohibited conduct that may not be explicitly listed in this manual include:

- Falsifying employment records, employment information, or other Agency records
- Falsifying any time card, either one's own or another employee's
- Committing a fraudulent act or a breach of trust
- Unauthorized use of Agency equipment, time, materials, or facilities
- Engaging in unsafe practices during working hours or on Agency property
- Engaging in criminal conduct on duty, or off duty if the off duty conduct has a nexus to the employee's job
- Causing, creating, or participating in a serious disruption of Agency operations during working hours on Agency premises
- Using abusive language, threatening physical harm or bullying behavior at any time on Agency premises against any person
- Unauthorized absence of three consecutive scheduled workdays or more
- Violation of the Agency's confidentiality policies, or disclosure of confidential Agency information to any unauthorized person or entity
- Committing of or involvement in any act of harassment discrimination, or retaliation.

## **5 Employee Development**

Professional Development is supported for all levels of Agency employees and may include internal education and cross-training opportunities, attendance at project-related seminars and conferences, skill-specific training, coaching, and an educational tuition reimbursement program, detailed in the Employee Benefits Guide. The Agency organizes periodic 'Brown Bag' sessions and All-Staff training on a range of topics based on employee interest.

Each employee of the Agency is responsible for self-development and improvement. Employees are encouraged to take advantage of career training opportunities and other related programs. See the Employee Benefits Guide for more information.

### **5.1 Professional Development**

#### **5.1.1 Individual Development Plan**

On an annual basis, all regular and limited term employees are required to submit an Individual Development Plan (IDP). The IDP will include current interests, skills, roles, professional development requests for the next budget year, and longer-term career goals. The IDP is also where an employee can express their interest in a specific promotional opportunity. The IDP is intended to support multiple pathways for professional growth and opportunity beyond the traditional hierarchical career ladder. Even if an employee's career goal points to a position outside the agency, they can still be supported in gaining new skills. The Workforce Committee (WC) is responsible for aligning individual employee skills and career goals with team feedback and agency priorities.

#### **5.1.2 Coaching**

In lieu of a traditional supervisory structure and professional development pathway, employees are encouraged to use a coach to support their professional development. Coaches are intended to serve as a sounding board for staff, and not provide advice (mentoring), instead asking questions to facilitate conversations. Employees can choose a coach from among Agency staff who have expressed interest in being a coach, or externally through organizations such as the International City Managers Association. Coaches can help employees create an individual development plan (IDP), review progress towards their personal goals, and discuss feedback that they have received. The Agency will periodically provide training for internal staff interested in developing coaching skills. See the Employee Benefits Guide for more information.

#### **5.1.3 Training**

An internally staffed Training Committee is responsible for developing and disseminating training resources and opportunities on topics that have relevance for multiple staff. This team selects topics and organizes on-site trainings based on staff input and referrals that the Workforce Committee gathers from annual IDP requests, and also makes recommendations for Agency training resources and maintains a clearinghouse of training opportunities.

Training and professional development activities associated with a specific project are generally prioritized and approved by the relevant Project Lead. General professional development and skills training is funded from Agency general overhead.



## 5.2 Performance Feedback

In lieu of the traditional annual performance evaluation, project teams are the central element for performance management, accountability and ongoing feedback at the Agency. A team may consist of a Project Lead plus team members for one larger project, or could include a grouping of related projects. Team members are responsible for both the overall effectiveness of team functioning as well as their individual roles and accountabilities.

To supplement the team-based accountability, the Agency facilitates periodic (at least annual) written feedback across the organization, and encourages all employees to share constructive verbal feedback as appropriate in real time throughout the year. The purpose of feedback is to encourage staff development throughout the organization, and provide individuals with insight on their strengths and weaknesses. Comments are intended to communicate successes and opportunities for growth. The periodic written feedback is made available to the individual employee, their internal coach (if applicable) and the Workforce Committee. Feedback is given based on an employee's major roles and overall teamwork, and is provided by other staff that work with the employee in a specific role. The feedback process applies to regular and limited term employees. For more details on the feedback process see Employee Development and Feedback Overview.

### 5.2.1 Performance Improvement

If team feedback fails to result in performance improvement for a specific team member, the Project Lead has two options. First, the Project Lead can either refer the employee to the Workforce Committee for reassignment or redefine their role for a better fit. Second, the Project Lead can consult with the ASD on whether to initiate a Performance Improvement Plan (PIP). The formal PIP process can be initiated by the ASD directly for issues not directly tied to project performance. Any employee who is placed on a PIP as a result of unsatisfactory team performance feedback or any other reason will not be eligible for a general wage increase (cost of living adjustment) or a "step" increase, as outlined in [Section 2.3.1 Salary Adjustment Plan](#). For more information on the PIP and other disciplinary processes, see [Section 6.1 Disciplinary System](#).

## 6 Disciplinary and Separation Actions

### 6.1 Disciplinary System

It is the policy of the Agency to use a progressive disciplinary process. The disciplinary action will be related to the severity of the performance or behavioral deficiency, its frequency and its consequences. A serious or major performance or behavioral deficiency may result in more severe disciplinary action and may not necessarily be preceded by less severe forms of disciplinary action. This policy emphasizes the prevention, identification and resolution of employee performance or behavioral deficiencies, before instituting progressive discipline.

Employees receive team feedback periodically and at least annually, as outlined in [Section 5.2 Performance Feedback](#). If an employee is placed on a performance improvement plan (PIP) as a result of unsatisfactory performance feedback, the ASD, in concert with the ED, will assign that employee a performance supervisor. This supervisor will oversee the employee's performance until the performance deficiencies are resolved. The ASD will assist with developing the performance improvement plan, including any necessary corrective action. The PIP will have specific requirements for performance and/or behavior over a period of time. If performance and/or behavior do not improve within the performance improvement plan timeframe, the supervisor, in concert with the ASD, may choose to initiate disciplinary action up to and including termination.

The performance supervisor will use the following strategies:

- Communicate and explain the Agency's expected performance and behavioral standards
- Communicate and explain the Agency's Disciplinary System and Procedures
- Recommend specific training
- Conduct periodic performance reviews and appraisals
- Apply positive reinforcement measures
- Apply progressive disciplinary measures

The performance supervisor will report to the ASD on the individual's progress at regular intervals. If punitive measures are proposed, the ASD will make recommendations on the punitive measures to the ED. The ASD has sole discretion in handling disciplinary matters for administrative staff.

This disciplinary system shall apply to all regular full-time and part-time employees (i.e., "for cause" employees). All employees other than for-cause employee, namely limited term employees, intermittent employees, WMA Board appointees including the ED, probationary employees, or employees who have written contracts of employment may be disciplined or separated at will, with or without cause, and without the disciplinary procedures listed below.

### 6.2 Discipline Guidelines

#### 6.2.1 Employee Standards

Every employee shall maintain high standards of performance and acceptable behavior, including cooperation, efficiency and economy in work for the Agency. Each employee is responsible for correcting any deficiencies in performance.

### 6.2.2 Grounds for Discipline

Regular and limited term employees may be disciplined as defined herein for any of the following causes described in this Manual, including, but not limited to unauthorized absence, tardiness, abuse of sick leave privileges, fraud in securing appointment, incompetence, inefficiency, insubordination, dishonesty, mishandling of public funds, falsifying Agency records, conviction of a criminal offense, prohibited political activity, negligence in the use of or unauthorized use of Agency equipment, willful disobedience of these rules and regulations, or of any rules and regulations which have been formally approved by the ED, all items listed in [Section 4.14 Prohibited Conduct](#), or any other act or acts which are incompatible with or inimical to the public service.

In identifying and analyzing a deficiency, the severity of the deficiency will be determined by the ASD and supervisor in order to administer the appropriate disciplinary action. When determining the appropriate disciplinary action, the following factors, not limited to, may be considered:

- a) Seriousness and consequences of the deficiency
- b) Employee's previous work record
- c) Previous disciplinary actions for similar deficiencies
- d) The disciplinary action that would be most effective in correcting the employee's deficiency

### 6.2.3 Seriousness and Consequences of the Deficiency

Disciplinary deficiencies fall into three categories. The disciplinary action taken should be appropriate to the deficiency and its consequences. However, nothing herein precludes the Agency from taking more serious disciplinary action for any deficiency or a repeated pattern of deficiencies as part of the progressive discipline process.

**Minor Deficiencies** - These are acts not involving any question of trust or honesty; they do not pose a threat to orderly Agency operations; they do not endanger the health, welfare, or safety of employees or other individuals. These deficiencies should normally be handled through positive and preventive measures. Examples are:

- a) Isolated instances of tardiness or absenteeism
- b) Abuse of meal or rest periods
- c) Minor job performance deficiencies addressed in the [Performance Feedback process](#)

**Serious Deficiencies** - These acts constitute a threat to orderly Agency operations or pose a threat to the health, welfare or safety of employees or other individuals. These deficiencies normally should be handled through corrective actions. Examples are:

- a) Insubordination:
  - i. Disrespect toward supervisory or other authority
  - ii. Disorderly conduct causing disruption of work unit or task
  - iii. Disregard, omission or neglect of duties

- b) Conduct Unbecoming of an Agency Employee:
  - i. Abusive attitude, language or conduct, toward employees or the public, including threatening or intimidating language or actions
  - ii. Abuse of authority over employees or the public
  - iii. On or off duty conduct that may bring discredit to employees or the Agency
- c) Violation of safety laws, regulations, or guidelines
- d) Negligence or careless job performance
- e) Negligence of Agency property or equipment
- f) Unexcused or excessive absenteeism
- g) Violation of equal employment opportunity laws, policies and regulations
- h) Repeated delays in meeting professional obligations

**Major Deficiencies** - These are acts that seriously threaten the operation of the Agency or pose a grave threat to the health, welfare or safety of employees or other individuals. These deficiencies should normally be handled through punitive actions up to and including dismissal. Examples are:

- a) Major Insubordination:
  - i. Disobedience or refusal to obey a reasonable order from the ED, ASD, their designee(s), or Project Lead
  - ii. Neglect or carelessness resulting in injury or damage
  - iii. Promoting work unit insubordination
- b) Repeated negligence of Agency property or equipment
- c) Willful and unauthorized removal and control of Agency or employee property
- d) Misappropriation or conversion of Agency, employee or general public's property
- e) Unauthorized possession of, transfer of, consumption of, or being under the influence of alcohol, intoxicants, or controlled substances (illegal drugs), or misuse of prescription drugs while on duty. The employee shall be considered "under the influence" if the employee's ability to perform required duties is to the slightest degree affected by the consumption of alcohol, intoxicants, controlled substances or prescription drugs
- f) Unauthorized physical restraint, contact or attack upon any employee or other person while on duty
- g) Willful falsification or omission of Agency documents, records, forms or information required by the Agency
- h) Conduct that is a violation of public policy or trust, or is corrupt
- i) Criminal activity that jeopardizes effective or efficient business practices, or poses a threat to the safety or security of persons or property
- j) Disclosure of confidential information that is defined by law
- k) Improper use of position, character or confidential information for personal benefit (financial or other interests) or for the benefit of others

- l) Conduct that is a conflict of interest or a conflict in the performance of duties
- m) Preferential treatment of individuals or firms
- n) Continued performance deficiencies after corrective disciplinary action
- o) Intentional abandonment of one's position for three (3) or more work days

### 6.3 Discipline Administration

The type of disciplinary action taken is determined by the seriousness and consequences of the performance deficiency or non-performance violations. Actions do not need to be followed in a specific order, e.g., a major deficiency may be addressed by corrective or punitive action without first instituting positive disciplinary action. The following three categories of disciplinary action may be used:

#### 6.3.1 Positive Disciplinary Action

These actions are intended to prevent and document minor deficiencies. The type and sequence of action shall be discretionary.

##### Types of Positive Disciplinary Action

- a) **Counseling** - A discussion to explain an actual performance deficiency and emphasizing expected standards.
- b) **Memo of Expectations** - A written notice emphasizing past counseling and current deficiencies with a stronger emphasis on expected standards.
- c) **Memo of Correction** - A written notice requiring the need for immediate and sustained improvement in performance to expected standards.

**Authority to Take Positive Disciplinary Action** - These actions may be taken by the performance supervisor, ASD or the ED in consultation with the ASD.

**Written Report** - A written report shall be kept of these actions. Written notice shall be placed in the employee's personnel file and copies of written notice shall be provided to the employee. The employee may request in writing the removal of these records after one (1) year from the date of the notice. The Agency reserves the right to retain these records in the employee's file. The supervisor or ASD may request removal of these records from the employee's file if there is sustained performance meeting expected standards. The ED, in consultation with the ASD, will make the final determination as to whether they are removed.

**Appeal Rights** - Positive disciplinary actions do not require a notice of intent and may not be appealed. However, the employee may respond in writing and that record may be put into their Personnel file at their request.

#### 6.3.2 Corrective Disciplinary Action

These actions are intended to correct and record serious performance deficiencies or instances where positive disciplinary actions have not resulted in performance meeting expected standards. The type and sequence of disciplinary action shall be discretionary. A more serious action need not necessarily be preceded by a lesser action.

### **Types of Corrective Disciplinary Action -**

- a) **Admonishments** - An oral notice to an employee explaining the actual serious performance deficiency and requiring immediate and sustained improvement to expected standards.
- b) **Written Reprimand** - A written notice informing an employee that a serious performance deficiency exists or that a violation of work rules has taken place. The contents of the notice must be explained to the employee in a meeting. The notice shall include the standards of performance immediately expected and shall advise the employee that more serious disciplinary actions will be taken if the employee does not achieve immediate and sustained performance meeting these expected standards.
  - i. The written reprimand shall be placed in the employee's official personnel file. A copy shall be given to the employee.
  - ii. The notice of written reprimand shall include:
    - Reason for the reprimand reflecting each performance deficiency and its impact upon the Agency, its employees or the public
    - Reference to prior disciplinary actions if any
    - The expected performance standard and a time frame for achieving the standard
    - A general indication of the consequences if there is not immediate and sustained improvement

**Authority to Take Corrective Disciplinary Action** - These actions may be taken by the performance supervisor, ASD, or ED in consultation with the ASD.

**Appeal Rights** – Corrective disciplinary actions do not require a notice of intent and may not be appealed. However, the employee may respond in writing and that record may be put into their Personnel file at their request.

### **6.3.3 Punitive Disciplinary Action**

These actions are intended to record, discipline and/or correct major deficiencies. The sequence of disciplinary action shall be discretionary. A more serious action need not necessarily be preceded by a lesser action.

### **Types of Punitive Disciplinary Action**

- a) **Suspension With or Without Pay** - This action may be taken to stress the seriousness of a performance deficiency or alleged deficiency to an employee.
- b) **Involuntary Demotions** - This action may be taken for major deficiencies when it is determined that the employee is unwilling or unable to perform their assigned duties at expected performance standards; but should be able to perform the assigned duties of a lower classified job at expected performance standards.
- c) **Termination** - This action may be taken for major deficiencies. Termination is the involuntary permanent removal of an employee from employment.

**Authority to Take Punitive Disciplinary Action** - A Notice of Intent to take disciplinary action shall be signed and approved by the ASD, ED, or ED's designee (see 5.a. below). ED approval of the Notice of Intent does not circumvent the employee's right to appeal any final decision to the ED.

**Recordkeeping** - Recordkeeping for punitive disciplinary action must comply with all employee due process rights, including a Notice of Intent to take disciplinary action and a right to appeal.

**Appeal Rights** – See [Section 6.4.1 – Appeals of Discipline](#).

**Employee Due Process Rights** -

- a) **Notice of Intent** - All intended punitive disciplinary action shall be written and presented to the employee. The notice shall include:
  - i. Notice of intended disciplinary action and date of implementation.
  - ii. Reasons for the action, including identification of each performance deficiency and a statement of the particular facts which evidence each performance deficiency.
  - iii. A copy of all materials upon which the intended discipline is based.
  - iv. A notice to the employee of the option to respond, orally or in writing, to the reasons for action or to challenge the intended action, within ten (10) working days of the notice.
- b) **Notice of Disciplinary Action** - After consideration of any employee response to a Notice of Intent, if a decision is made to take disciplinary action, a Notice of Disciplinary Action shall be written and presented to the employee. The notice shall include:
  - i. Notice of the effective date of the action.
  - ii. Reasons for the action, including a statement of the particular facts that evidence each performance deficiency and identification of each performance deficiency.
  - iii. A copy of all materials upon which the intended discipline is based.
  - iv. A notice to the employee of the right to appeal the action to the ED, by submitting a written letter to the ASD within ten (10) working days of the notice.
- c) **Distribution of Notices** - The ASD or designee shall be responsible for placing all notices in the employee's personnel file and shall present a copy of all notices of punitive disciplinary action to the employee, and forward a copy to the ASD. Records of punitive disciplinary action shall remain in the employee's file. Employee may request removal of these records to the ASD. At the ASD's discretion, the record may be removed or a statement that performance was corrected may be placed in file.

#### **6.4 Appeals and Disputes**

It is the policy of the Agency to provide for an orderly, informed and confidential process for employees to have their problems and/or concerns considered in a fair and expedient manner without fear of reprisal. Dependent upon the situation, prior to filing an appeal, a one-on-one meeting should take place to see if the situation can be resolved.

Any regular full-time or part-time employee may appeal punitive disciplinary actions, applications and intent of the HR policies and procedures, and interpretation of benefits and rights. An appeal shall not include, and the appeal policy shall not apply, to any of the following:

- The content or structure of the Classification Plan
- The content or structure of the Salary Plan
- Performance reviews
- Positive and Corrective Disciplinary Actions

For the purposes of this policy, an “Appeal” means any claim by a regular, limited term, or intermittent employee that such claimant’s rights, benefits, privileges or interests, provided for in these policies and procedures, have been violated, misapplied or misinterpreted.

#### **6.4.1 Appeals of Discipline**

This subsection applies to appeals of final notices of disciplinary action only. A full-time or part-time regular, for-cause, employee may appeal a final notice of discipline in the form of a suspension, demotion, or termination by filing a written request for an appeal, which must be received by the ASD no later than ten (10) working days from the date of the notice of final discipline. The request shall set forth their intention to appeal and the reasons for the appeal. Failure on the part of a disciplined employee to file a written notice of appeal within the allotted time terminates the right to an appeal and the punitive action shall be final. The ASD will communicate the receipt of a request for an appeal to the ED. For information on appeals related to violations related to investigations of discrimination, harassment, bullying, and retaliation, see [Section 3.7 – Policy Against Discrimination, Harassment, Bullying, and Retaliation](#).

The ED will conduct an evidentiary hearing and issue written findings and a decision. Either the ED or the appealing employee may request that an independent hearing officer conduct the evidentiary hearing and render a written recommended decision to the ED. If the ED conducts the hearing, their written decision shall be a final administrative action. There is no process for reconsideration.

If a hearing officer is requested, the ED shall request a list of five (5) names of potential hearing officers be provided by the State Mediation and Conciliation Service or some similarly appropriate body. The services of the hearing officer shall be at Agency expense. Both parties will agree on the selection of the hearing officer. If there is no mutual agreement on a hearing officer, the parties will take turns striking names from the list of hearing officers. The hearing officer shall be a neutral professional with fact-finding experience. The function of the hearing officer shall be to conduct an evidentiary hearing and examine all the facts and available evidence, to question witnesses under oath, and to make a written recommendation. Evidence taken at the hearing by the hearing officer shall conform to the provisions of the California Administrative Procedure Act, Government Code Section 11513. The written findings and recommendation of the hearing officer shall be submitted to the appellant, the ED and the ASD.

If the ED was not the appeal hearing officer, the ED shall review the findings and recommendation of the hearing officer and make a final decision in writing. The ED may affirm,



revoke, or modify the findings, recommendations, or disciplinary action taken. The ED may not deviate from the hearing officer's findings and recommendation without reviewing the entire record of the proceedings. The decision of the ED is final administrative action. There is no process for reconsideration.

When the appeal pertains to charges of illegal conduct, malfeasance or fiscal misconduct by the ED, the same process outlined in [Section 3.7.5 – Investigation Procedure](#) shall be followed. The Agency will mail a copy of the final written findings and decision, along with a proof of service of mailing that confirms that each of the parties and each of the parties' representatives were mailed the final written findings and decision. This includes mailing a copy directly to the employee. It shall be the responsibility of the employee to provide the Agency with a mailing address. Pursuant to Code of Civil Procedure section 1094.6, the parties have 90 days from the date of the proof of service of mailing of the written findings and decision to appeal the decision to the Superior Court in and for the County of Alameda.

#### **6.4.2 Appeals of Non-Disciplinary Matters**

Regular, limited term and intermittent employee may appeal non-disciplinary matters. The ASD or designee will act as the facilitator for all disputes and appeals. The employee shall file a written notice of appeal with the ASD within ten (10) working days after application of policy in dispute. This shall set forth the employee's intention to appeal and the reasons for the appeal. Failure on the part of an employee to file a written notice of appeal within the allotted time terminates the right to an appeal and the application of policy shall be final. Employees may also use this procedure to resolve a dispute with another employee that is not solved by ordinary means.

A statement of appeal must include the following:

- a) Employee name and title
- b) Statement of appeal describing:
  - i. Date and time of action being appealed
  - ii. Circumstances of appeal. The employee should set forth the act or omission that they believe unjustly denied their rights, benefits, privileges or interests
- c) Specific Agency policy the employee alleges was violated
- d) Statement of the relief sought, which must be within the authority of the ED to grant in whole or in part
- e) Signature of employee and date.

The Agency has an obligation to respond to appeals in a timely manner. The ASD shall respond to the employee within ten (10) working days of receipt of the written notice of appeal with a timeline to resolve the dispute and/or resolution. If the employee feels they have not been given full and impartial consideration by the ASD, they may appeal the decision in writing to the ED for additional consideration within ten (10) working days of the prior action. The ED will meet with the employee(s), review the case, make a decision, and notify the employee and ASD in writing of the binding decision.

### **6.4.3 Conduct of Appeals and Dispute Resolution Procedure**

In conducting the Appeals Procedure set forth above in [Sections 6.4.1](#) and [6.4.2](#), the following shall be applied as appropriate:

- a) The time limits specified above may be extended to a definite date by mutual agreement of the employee and the reviewer concerned.
- b) The employee may request the assistance of another person, including legal counsel, at the employee's own expense and choosing, in preparing and presenting the appeal at any level of review for both disciplinary and non-disciplinary appeals.
- c) The employee and representative may be permitted to use a reasonable amount of work time as determined by the ASD in conferring about and presenting the appeal.
- d) Consultation with the ASD may be done as it relates to clarification and interpretation of these rules.
- e) Employees shall be assured freedom from reprisal for using the Appeals Procedures.

### **6.5 Force Reductions**

Under some circumstances, the Agency may need to restructure or reduce its workforce due to budgetary needs, program reductions, program content or priority changes, reorganization, or other Agency needs.

#### **6.5.1 Assessment and position selection**

The following steps are used to identify the positions that will be eliminated by a reduction in force:

- a) Conduct an analysis of the job functions that are needed going forward and positions that will be retained, eliminated or reduced in hours.
- b) If there are unfilled vacant positions, they will be reviewed first and considered for elimination.
- c) If there are multiple incumbents in a position that has been selected for elimination, evaluate the skills and qualifications of the individual employees. The following factors may be considered in this assessment:
  - i. Skills and qualifications. Special skills may be considered, as well as education, licensure, and certification.
  - ii. Performance. Past performance reviews may be considered, including recognized exceptional performance, performance improvement plans, discipline and attendance.
  - iii. Employee type. Regular employees will not be laid off if there are intermittent, limited term, or probationary employees in the same job classification and/or grade for which the regular employee is qualified, eligible, and available. In such a case, the probationary, intermittent, or limited term employees will be laid off first.
  - iv. Length of employment will only be a factor when all other variables are equal.

- d) Incumbents in positions that are reduced in hours or eliminated may apply for other vacancies within the Agency for which they possess the minimum qualifications.

#### **6.5.2 Employee Notification**

If restructuring operations or reducing the number of employees becomes necessary, at the sole discretion of the WMA Board, the ED or designee will provide at least 60 calendar days advance notice to help prepare affected individuals. The ED and ASD may determine it is in the best interest of the employee or the Authority that the notice period is a non-working notice period. The employee should be informed, during notification, whether the notice period will be working or non-working (or some of both). For a non-working notice period, the employee shall be placed on a paid leave.

The employee must be provided with written notification regarding the position elimination. The notice period begins the first day following the notification. If possible, affected employees will be informed of the nature of the reduction and the foreseeable duration of the reduction, whether short-term or indefinite.

#### **6.5.3 Pre-Layoff Review**

An employee who has been noticed for layoff, and who has any questions or concerns about the layoff decision or process may make an appointment to be heard by the ED for an informal pre-layoff review. The employee must request this appeal in writing within five work days from the date of the notice of layoff. The ED's decision is final.

#### **6.5.4 Recall Procedure**

Employees impacted by position elimination will have the option of being reinstated into their former position if the position is restored within twelve months. Individuals recalled under this provision will not be required to serve a new initial probation period. An employee who rejects an offer of recall will forfeit any future recall opportunity. An employee will not be eligible for recall if there is a documented performance plan or disciplinary action in the previous twelve month period.

### **6.6 Voluntary Termination and Resignation**

Voluntary termination results when an employee voluntarily resigns, or fails to report to work for three (3) consecutively scheduled workdays without notice. Employees need to directly notify their Project Leads, and/or the ED and ASD of their resignation in writing. All Agency -owned property, including keys/fobs, and credit cards, must be returned immediately upon termination of employment.

Employees wishing to resign from Agency employment in good standing are requested to give a minimum of two (2) weeks advance notice in writing stating the date of resignation, their last day of work and forwarding address. Failure to comply with this section may impose a hardship on the Agency and consequently will be taken into consideration, should that individual again seek employment with the Agency.

## **6.7 Departure Procedures**

The Agency will endeavor to process an employee's final paycheck as quickly as possible, and no later than the next scheduled payday. An employee who is involuntarily terminated will receive their check within three (3) working days of the effective date of the discharge, or a mutually agreed upon date.

At the time of the exit interview the ASD will request the return of any keys and other property that belongs to the Agency, if this has not already been done.

### **6.7.1 Exit Interview**

The purpose of the exit interview is to provide an opportunity for departing employees to express their views regarding their employment and to provide a means for communicating these views to the Agency. Its intent is to provide for the uniform treatment of departing employees, to obtain and compile data on separations as a basis for analyzing employee turnover, to advise employees of their separation rights to benefits, and to process the required documentation.

The ASD shall be responsible for the coordination of the exit interview. The ASD shall contact the employee to schedule the exit interview, which will generally be held on the last day of employment. The ASD shall conduct the interview. In the absence of the ASD, the ED shall conduct the exit interview. If for any reason an exit interview cannot be conducted, the ASD shall notify the employee in writing of their rights and benefits. The ASD shall provide a copy of the completed exit interview to the ED and a copy for the employee's personnel file.

### **6.7.2 Benefits at End of Employment**

Departing employees are compensated for some benefits, such as vacation leave, and may elect to continue other benefits (e.g. healthcare, life insurance) at the employee's own expense. Agency contributions to PERS retirement plan cease at the time of termination. For more information on how employee benefits are handled at the end of employment, refer to the Employee Benefits Guide.

## **6.8 Employee References**

Only the ED, ASD or designee is authorized to provide official employee references for current or former employees. Unless the ED or ASD receives a written waiver signed by the employee, the Agency will release only the employee's dates of employment, last position held, and final salary rate. Project Leads and other employees should not provide information in response to requests for reference checks or verification of employment, unless specifically approved by the ED or ASD on a case-by-case basis.

## **Appendix A**

### **Definition of Terms and Abbreviations**

**ASD** - Administrative Services Director. When used in this manual, includes ASD or designee.

**ED** – Executive Director

**Class Specification** - A class specification (or job description) is a description of a group of similar jobs. Class specifications are descriptive only and not restrictive. They serve as a general guide as to what type of work is performed by a particular set of jobs and the associated knowledge and abilities required.

**FLSA** – Fair Labor Standards Act. FLSA contains federal overtime provisions. Unless exempt, employees covered by the Act must receive overtime pay for hours worked over 40 in a work week at a rate not less than time and one-half their regular rates of pay.

**IDP** - Individual Development Plan

**PIP** – Performance Improvement Plan

**RP** – Review Panel

**WC** – Workforce Committee

**WMA Board** – Alameda County Waste Management Authority Board

**Org Team** – Organizational Improvement Committee

## **Appendix B: Related Documents**

The following list includes Agency policies and other documents referenced in this Manual. All the following documents may be found at <insert link to intranet>

- Employee Benefits Guide
- Promotional Process Summary
- Classification Grade Descriptions
- Performance Feedback Process
- Policy Against Retaliation
- Leave Request Policy
- Office Safety and Disaster Plan Information Manual
- Agency Policy on Participation on Nonprofit Boards

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# **Alameda County Waste Management Authority Human Resources Manual**

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Revised and Adopted 10 -24-2012

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## **Introduction**

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## **Introductory Statement**

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The general purpose of this Manual is to establish fair and uniform procedures for dealing with Alameda County Waste Management Authority (“Authority”)\* personnel matters including appointments, promotions, transfers, discipline, discharge, classification, wages and other terms and conditions of employment. All decisions dealing with Authority employees shall be based on merit and performance without regard to age, race, color, religion, marital status, sex, sexual orientation, veteran status, disability, national origin or political affiliation.

The provisions contained in this Manual apply to all Authority employees, unless otherwise indicated in the Manual or in a written employment contract between the Authority and the individual. In case of conflict between a written employment contract and this Manual, the contract supersedes.

The Authority does not have a traditional departmental/hierarchical structure in most areas. The exception to this are administrative services staff and non-exempt program employees, who are supervised within a hierarchy. Wording in this Manual has been modified to address this blended structure; therefore there are minimal references to supervisors or supervisory staff for programmatic employees.

This Manual, and any amendments to it, summarizes the policies and practices in effect at the time of publication. This Manual supersedes all previously issued Manuals and any policy, benefit statements or memoranda that are inconsistent with the policies described here. Internal clarifications or interpretations of policies contained in this Manual may be developed over time and will be issued in the form of Administrative Policies as needed. Please direct questions regarding the Manual to the ASD.

This Manual and the policies contained in it do not create any contract of employment, expressed or implied, nor any rights in the nature of a contract. Nothing in this Manual or any other personnel-related document, including benefit plan descriptions, creates a promise or representation of continued employment for any Authority employee. The circumstances and conditions under which an employee may continue or may be terminated from Authority employment are contained in this Manual.

\*StopWaste is the Alameda County Waste Management Authority, the Alameda County Source Reduction and Recycling Board, and the Energy Council operating as one public agency. The Authority is the legal entity responsible for administration of both organizations, including personnel, and is therefore used in this Manual.

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## **Confirmation of Receipt**

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*Introduction*

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I have received my copy of the Alameda County Waste Management Authority HR Manual. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the Manual and any amendments thereto.

I understand that any and all policies or practices can be changed at any time by the Authority. I understand and agree that only the Executive Director of the Authority or his/her designee has authority to enter into any agreement, expressed or implied, for employment for any specific period of time, or to make any agreement for employment and then only in writing, signed by the Executive Director or his/her designee. The Manual does not create a contract or provide any rights in the nature of a contract.

I understand and agree that nothing in the HR Manual creates or is intended to create a promise or representation of continued employment at the Authority. My signature certifies that I understand the foregoing and agree to perform the duties and responsibilities of my position in compliance with these policies and procedures.

Employee Name \_\_\_\_\_

Employee's Signature \_\_\_\_\_

Date \_\_\_\_\_

Return to Administrative Services Director

## Integration Clause & Right To Revise

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This Human Resources Manual contains the employment policies and practices of the Alameda County Waste Management Authority in effect at the time of publication. All previously issued Manuals and any inconsistent policy statements or memoranda are superseded by the Manual unless they are more current. This Manual shall be maintained by the Administrative Services Director (ASD).

The Authority reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this Manual or in any other document. In response to changes in applicable laws and regulations, the ASD, in concert with the Executive Director (ED), shall periodically recommend additions, deletions, or amendments to these policies. The ED shall recommend these changes for adoption by the Authority through Board resolution.

**Severability:** If any court finds any section, subsection, sentence, clause or phrase of these rules to be inconsistent with the law, such finding(s) shall not affect the validity of the remaining portion.

Any written changes to this Manual will be distributed to all employees so that employees will be aware of the new policies or procedures and their responsibilities with regard to them. No oral statements or representations can in any way alter the provisions of this Manual. The following identifies specific responsibilities in administering the policies set forth:

**Executive Director** - As the appointing authority, the ED shall be the final authority on questions of interpretation and application of these policies except as laid out in the Appeals Procedure.

**Administrative Services Director** - As the custodian of these policies and procedures, the ASD will provide interpretation and professional advice to the ED, the Review Panel, and all other staff.

**Authority Counsel** - As the legal counsel of the Authority, the Authority Counsel shall provide professional legal advice to the ED and ASD on matters related to these policies. As determined by the ED and/or ASD, the use of legal counsel other than the Authority Counsel may be obtained for purposes such as specialized representation.

**Review Panel** – As the body responsible for policy oversight, the RP provides recommendations to the ED on policy changes, including changes to the Human Resources Manual. The RP will approve or deny changes to budgets, work schedules and/or part-time status. The ED retains veto power over all RP decisions.

# **Chapter 1 - Employment Policies**

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## **1.1 Employment Status**

Tenure of employees is conditioned on necessity for the performance of work, the availability of funds and satisfactory performance of work as determined by the ED or designee. It is the Authority's policy to staff all positions in a fair and consistent manner and to create an environment that will contribute to successful ongoing employment.

The ED is the appointing authority, having the power to appoint and remove employees, subject to the provisions of the HR Manual. The power to appoint and dismiss may be delegated by the ED; any person delegated authority to appoint and dismiss employees shall be known as an appointing officer for the purpose of such appointment and removal.

Employment status at the Authority: Employees are defined as Probationary Employees, Regular Employees, Special Service Employees, Temporary Employees, Intermittent Employees, Full-Time Employees, Part-Time Employees, Limited Term, Exempt and Non-Exempt Employees. These categories are defined in this chapter of this Manual. One or more definitions may apply to a particular employee.

## **1.2 Equal Employment Opportunity**

The Authority is an equal opportunity employer and makes employment decisions on the basis of merit and the service needs of the Authority. The Authority wants to have the best available person in every job and does not make any employment-related decisions on the basis of race, color, creed, gender, religion, marital status, age, national origin or ancestry, physical or mental disability, medical condition including genetic characteristics, sexual orientation, or any other consideration made unlawful by federal, state, or local laws. The Authority also prohibits discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful and considered a violation of Authority policy.

The Authority is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the operations of the Authority and prohibits discrimination by or against any employee of the Authority.

## **1.3 Reasonable Accommodation**

The Authority provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the Americans with Disabilities Act.

An employee or applicant who desires a reasonable accommodation in either the employment selection process or in order to perform essential job functions should make such a request in writing to the ASD. The request must identify: a) the portion(s) of the selection process or the job-related functions at issue; and b) the desired accommodation.

Following receipt of the request, the ASD or his/her designee may require additional information. For example, the ASD may require reasonable information to support the existence of a disability. The ASD may also require an employee to undergo a fitness for duty examination to determine whether the employee can perform the essential functions of the job with or without accommodation. The ASD may also require that an Authority-approved physician conduct the examination.

The Authority will arrange to meet with the applicant or employee, and his or her representatives, to work in good faith to fully consider all feasible potential reasonable accommodations. Whether a reasonable accommodation can be made and the type of reasonable accommodation that will be provided shall be



determined by the ASD on a case-by-case basis. The ASD will not provide accommodations that pose an undue hardship upon Authority finances or operations.

The ASD will inform the applicant or employee of its decision as to reasonable accommodation(s) in writing. An employee or applicant who alleges an unlawful denial of a reasonable accommodation may file a complaint with the ED. As described in the Authority’s Policy Against Retaliation, the Authority does not permit or tolerate retaliation against any employee or applicant requesting a reasonable accommodation or making a complaint of an alleged unlawful denial of such a request.

## **1.4 Retaliation - Policy Against**

The purpose of this policy is to state the Authority’s strong commitment to prohibit retaliation against those who report, oppose, or participate in the investigation of alleged wrongdoing in the workplace.

It is the Authority’s policy to prohibit retaliation against those who report, oppose, or participate (as witnesses or accused) in investigations into complaints of alleged retaliation. To that end, this policy establishes a complaint procedure that applicants, officials, officers, employees or contractors can use to report potential violations. Disciplinary action, up to and including termination, may be taken against an employee or officer who is found to have violated this policy. Any elected official or contractor who violates this policy will be subject to appropriate sanctions.

This policy protects those who engage in a protected activity from being retaliated against because of that protected activity. “Protected activity” includes any of the following:

- Filing a complaint with a federal or state enforcement or administrative agency
- Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the Authority regarding alleged unlawful activity
- Testifying as a party, witness, or accused regarding alleged unlawful activity
- Associating with another employee who is engaged in any of the protected activities enumerated here
- Making or filing an internal complaint with the Authority regarding alleged unlawful activity

This policy prohibits Authority officials, officers, employees, or contractors from retaliating against applicants, officers, officials, employees, or contractors because of any of the protected activity as defined herein.

Except as otherwise provided, this policy prohibits any adverse action taken because an applicant, employee, or contractor has engaged in any of the forms of protected activity as defined herein. Adverse action includes any of the following:

- Taking sides because an individual has reported alleged wrongdoing
- Spreading rumors about a complaint of alleged wrongdoing
- Shunning or avoiding an individual who has engaged in any of the forms of protected activity described above
- Real or implied threats of intimidation to attempt to prevent an individual from reporting alleged wrongdoing or because of protected activity
- Refusing to hire an individual because of protected activity
- Denying promotion to an individual because of protected activity
- Taking any form of disciplinary action because of protected activity
- Issuing a poor evaluation because of protected activity
- Extending a probationary period because of protected activity
- Altering work schedules or work assignments because of protected activity

This policy prohibits adverse action that is taken because of an individual's protected activity. This policy does not prohibit adverse action that is taken for legitimate or non-discriminatory reasons, such as: discipline for legal cause, rejection from probation because of failure to meet standards of probation, or refusing to hire because of inadequate qualifications. As a result, adverse action is only prohibited if it is causally connected to, or taken because of, the alleged protected activity.

An applicant, employee, officer, official, or contractor who feels he or she has been retaliated against in violation of this policy should immediately report the conduct according to the complaint procedure found in the Authority's Policy Against Discrimination and Harassment so that the complaint can be resolved fairly and quickly.

This policy against retaliation provides an administrative remedy that individuals should use prior to resorting to judicial remedies to address the conduct described herein.

## **1.5 Discrimination and Harassment - Policy Against**

The Authority is committed to providing a work environment free of discrimination and harassment. The Authority prohibits discrimination and harassment on the basis of race, religion, creed, color, national origin or ancestry, physical or mental disability, medical condition (including pregnancy and childbirth), marital status, age, sexual orientation, perceived sexual orientation, or any other basis protected by federal, state, or local law, ordinance, or regulation. *All such harassment is unlawful.* The Authority's policy against discrimination and harassment applies to all persons involved in the operation of the Authority and prohibits discrimination and harassment by or against any employee of the Authority or anyone doing business with the Authority. It also prohibits unlawful harassment based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. Any applicant, official, officer or employee who violates this policy will be subject to disciplinary action, up to and including termination. Any contractor who violates this policy will be subject to appropriate sanctions. Retaliation, as described in the Authority's policy against retaliation, against anyone who makes a complaint of alleged harassment or discrimination or cooperates with the complaint procedure described here, is prohibited.

This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

### **Harassment and Discrimination:**

Depending upon the circumstances, a single act of harassment or discrimination, as defined below, can violate this policy:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, or comments—including comments about dress or physical features, or stories that tend to disparage those of a protected classification;
- Visual displays such as derogatory and/or sexually-oriented posters, notices, photography, cartoons, drawings, or gestures that depict inappropriate content or tend to disparage those of a protected classification;
- Physical conduct taken because of an individual's protected classification, including assault, pinching, grabbing, patting, propositioning, leering, mimicking, stalking, taunting, or making job threats or promises in return for submission to physical acts, intentionally blocking normal movement or interfering with work; or
- Sexual harassment, including unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that is an expressed or implied condition of

continued employment or other term or condition of employment.

### **1.5.1 Harassment and Discrimination Complaint Procedure**

An employee, applicant, contractor or official who believes that he/she has been discriminated against or harassed may file a complaint with any one of the following:

- Immediate Supervisor (if applicable)
- Administrative Services Director
- Executive Director
- Chairperson of the Programs & Administration n (P&A) Committee, if the complaint is against the Executive Director

The Authority encourages anyone who believes he or she has been discriminated against or harassed by an Authority applicant, employee, official or contractor to immediately notify the offending individual of the unacceptable behavior and that it is unwelcome. Incidents of alleged retaliation should, when possible, be handled this way as well.

If a person who has alleged harassment or discrimination prefers not to confront the offending individual, he or she need not do so. If the individual is not confronted by the complainant, or if the complainant is not satisfied with his or her response, the complainant must then immediately notify the ASD or ED as soon as possible after the incident. The complaint must include details of the incident or incidents, names of the individuals involved, and names of any witnesses. A written account is preferred but is not necessary.

The Authority also requires that employees, officials or contractors report any act that is observed and believed, in good faith, to constitute discrimination, harassment or retaliation.

### **1.5.2 Reporting Options to Outside Administrative Agencies**

Applicants, employees, officials and contractors should be aware that the U.S. Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment in employment. If you think you have been harassed, discriminated against or retaliated against for resisting or complaining, you may file a complaint with the appropriate agency. The nearest office is listed in the telephone book.

### **1.5.3 Investigation Procedure**

The ED or his or her designee will immediately undertake an effective, thorough, and objective investigation of the discrimination or harassment allegations. The Chairperson of the Programs and Administration (P&A) Committee or his or her designee shall investigate when the complaint is against the ED. An investigation will typically include interviews of the complainant and accused, as well as any known witnesses. Although the Authority will strive to protect the confidentiality of all parties involved, complete confidentiality is not possible due to the Authority's duty to investigate and take corrective action. An individual interviewed during the course of an investigation is prohibited from discussing the content of the interview or complaint except as required by the Authority. The Authority will not disclose a completed investigation report except as it deems necessary to support disciplinary action, to take remedial action, to defend itself in an adversarial proceeding, or to comply with the law or a court order.

In the event of a harassment or discrimination complaint against the ED, the Chairperson of the P&A Committee shall consult with Authority Counsel who will be instructed to investigate the complaint, or who shall advise the Chair as to the selection of a third party investigator, whose duty it will be to investigate the complaint. The results of this investigation will be transmitted to the Chairperson of the P&A

Committee. Upon receipt of the investigator's report, the Chairperson shall call a meeting of the Authority's P&A Committee who shall interview the complainant, review the investigative report, and clarify the complainant's desired solution. The P&A Committee may call witnesses and interview other employees, as deemed necessary. Following this review, the P&A Committee shall make a finding and notify the parties of its decision. Either party may appeal the P&A decision to the full Board. The full Board is the final level of resolution for the Authority. As these are personnel related matters, all such Board discussions will be in closed session.

### **1.5.4 Disciplinary Action**

If the ED determines that discrimination or harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Employees or officials found to have engaged in harassment or discrimination will be disciplined up to and including termination. Disciplinary action may also be taken against any official, supervisor or manager who condones, ignores or otherwise fails to take appropriate action to enforce this Policy. The Authority will not tolerate retaliation against the complainant, accused or witnesses.

### **1.5.5 Harassment Appeal Procedures**

Upon notification of the ED's findings and recommended course of action, if the complainant is still not satisfied, he/she may appeal the ED's decision to the P&A Committee. Such appeals must be filed within thirty (30) calendar days of receipt of the ED's decision.

The P&A Committee shall review the ED's findings and recommendations, interview the complainant to clarify the issues surrounding the complaint and clarify the complainant's desired solution. The P&A Committee may call witnesses or interview other employees, as deemed necessary. Following this review, the P&A Committee shall make a finding which shall be the final level of administrative review for the Authority.

The P&A Committee's findings will be submitted to the complainant and the ED. As necessary, any follow-up action required will be taken by the ED.

## **1.6 Employment Process**

It is the Authority's policy to staff all positions in a fair and consistent manner. The ASD or other designee of the ED is responsible for recruiting, screening, testing, and referring all eligible applicants for regular employment in accordance with established state and federal legal guidelines and adopted policy. The ED may hire (as well as reclassify or promote) any position within the Agency's classification structure provided that they do not exceed the total authorized positions for that fiscal year and that funding is within the authorized appropriation. Board approval is required for any position(s) or funding that exceeds what has been authorized in the budget or by budget amendment (for example when the Agency receives external funds that may require additional staffing).

### **1.6.1 Recruitment and Selection Procedures**

The employment process will be comprised of the following stages:

- A. Vacancies** - A request to fill the vacant position along with all other pertinent data shall be prepared by the ASD in conjunction with the appropriate staff. A review as to the availability of in-house candidates for a vacancy shall also be conducted. The ED may make internal interim appointments subject to the needs of the Agency. In addition, subject to the needs of the Agency the ED may at their discretion offer a regular position to a limited term or

intermittent employee if 1) a previously open recruitment had been conducted and the limited term or intermittent employee is currently serving in the position that is being converted to regular status, or 2) the incumbent has been serving in the position that is being converted to regular status for two years or longer and has acquired specialized knowledge and skills that would make an open recruitment process an inefficient use of Agency resources.

- B. Recruitment Process** - A recruitment will be conducted as an “open competitive” or a “closed promotional” opportunity as defined under “D. Types of Examinations” below.

Recruiting sources to be used and the recruitment time period will be determined by the Authority’s recruitment strategy, labor market conditions and/or by any special requirements of the position.

- C. Notice of Recruitment** - Notice of all Authority open competitive recruitments shall be posted on Authority website or other designated locations at least one week, including the last date for filing applications. Recruitment notices will be posted internally. The notice shall specify the title and pay range for the class; the nature of the work to be performed; minimum qualifications; time, place and manner of making application, the type of examination; and any other pertinent information.

**D. Types of Examinations**

**1. Open Competitive** - These recruitments shall be open to the public. Employees are encouraged to apply. Such recruitments shall be used to fill entry-level vacancies, and vacancies above the entry level where sufficient qualified applicants for promotion are not available.

**2. Closed Promotional** - These recruitments shall be open to employees of the Authority who meet the requirements set forth in the promotional recruitments announcements.

- E. Application Process** - All applications for employment shall be made on official forms supplied by the Authority. The forms require information covering education, training, experience, and other information deemed pertinent and allowable by law. When the position to be filled requires specific or exceptional qualifications of professional, or other unique expertise, supplemental documents may be required. Resumes will be accepted only as a supplement to the application.

- F. Selection Methods** - Applicants for positions shall meet the minimum qualifications of the position for which they have applied. Qualifications shall be evaluated solely on the basis of information provided on the application form, resume and supplemental documents required by the Authority. The selection process for open recruitments will include an interview of final candidate(s).

- G. Eligibility Lists** - Eligibility Lists shall be prepared and maintained consisting of names of candidates who qualified in the evaluation and consequently are eligible for appointment. Names will be posted on the list without scores, in alphabetical order, and may be eligible for employment consideration for up to one year. The ED will assess the validity of any list and may shorten or extend its certification depending on the number and availability of qualified eligible candidates. The Authority may re-recruit and supplement a current eligibility list with additional candidates when the position requires additional or exceptional qualifications, or when the list, in the opinion of the ED, contains an insufficient number of names.

- H. Transfers** - Authority employees may be transferred from a position in one program area to a position in the same class in another program area of the Authority service or to another vacant position so long as the qualification requirements and pay range do not exceed those of his/her

present position. The Authority reserves the right to transfer any employee for the good of the service, and the employee's rate of pay shall remain the same as it was in the prior position.

No employee shall be transferred to a position for which he/she does not possess the minimum requirements.

- I. **Reinstatement** - Those employees who leave Authority service in good standing may request reinstatement, in writing, within four (4) years of separation. The person's name will be placed on an open-competitive list, without examination, for the same or lower class than was held at the time of separation. If a list does not exist, the request will be considered for any open-competitive list created for that class, within one year from the date received.

If reinstated, such persons shall begin as new employees. As such, the reinstated employee will be subject to original probationary periods and will not recover benefits (with the exception of sick leave as shown below) and credits from prior Authority service, unless they continue in Authority service for a period of three (3) continuous years of satisfactory service. At such time, the reinstated employee shall be eligible to receive full service credit with respect to benefits tied to length of service, e.g. increased vacation.

Reinstated PERS-covered employees will continue to accrue service credit consistent with PERS rules and vesting rights.

**Sick Leave Reinstatement** - If an employee separates from Authority employment and is re-hired by the Authority within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law (not to exceed 48 hours).

## 1.6.2 Appointments

The appointing officer or designee shall interview those applicants on the list determined to be best qualified based on all the pertinent information. The appointing officer shall send written confirmation to the person or persons appointed. The Authority may require that the applicant submit to a physical examination, as permissible by law.

## 1.7 Probationary Periods

The first 12 months of continuous employment at the Authority is considered a probation period for new employees.

### 1.7.1 New Employees

The first 12 months of continuous employment at the Authority is considered a probation period. During this time it is hoped that each new employee will learn his/her responsibilities and demonstrate satisfactory competence in the new position. It is also an opportunity for the employee to get acquainted with coworkers and determine whether or not the position meets his/her needs and expectations. Probationary program staff will receive a review at approximately six months from a selected team of staff, in order to provide on-going feedback and maximize the success of the probationary period. This team, under oversight from the ASD, will provide written feedback to the appropriate program group leads who will meet with the new employee and deliver this feedback including advising the employee of any problem areas with proposed corrective measures. Just prior to the probationary employee reaching the end of the probation period, the team will again provide feedback to the program group leads regarding the employee's progress which will take into consideration any comments and/or corrective action resulting from the first evaluation. Based

on this feedback the program group lead will make a recommendation to the ED as to whether or not the probationary employee should be granted regular employee status or released from service.

The ED has the authority to end probationary periods prior to the completion of one year, as allowed by law.

Upon completion of the probation period, if the employee's performance is satisfactory and a recommendation is made to end probationary status, he/she will be granted regular employee status and subject to the normal evaluation process.

### **1.7.2 Promotional**

Promoted or Reclassified employees will maintain their original anniversary date for benefits that are tied to length of service; future salary increases will be tied to the annual salary adjustment plan. Prior to being considered for promotion, the ASD will review the duties and qualifications for the requested job before the request can proceed, and determine if the work plan is consistent with the duties and qualifications in the requested classification. For more information, see Chapter 2.

### **1.8 Regular Employees**

Regular employees are those who have passed probation. Regular employees may be classified as Full time or Part time.

Full time employees are scheduled and work 40 hours per week or 80 hours per pay period. They are entitled to all health benefits and paid time off.

Part time employees are scheduled and work at least 20 hours but less than 40 hours per week, or work at least 40 hours but less than 80 hours per pay period. They are entitled to all health benefits and paid time off on a pro-rated basis. All regular and limited term (if in the position longer than one year) employees are subject to an annual performance review.

### **1.9 Exempt/Non-Exempt Employees**

Exempt and non-exempt are terms that are used to define whether the Fair Labor Standards Act (FLSA) applies. FLSA establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments. Positions are categorized as exempt or non-exempt according to the nature of the duties and responsibilities assumed and must meet all the tests included in FLSA. Exempt employees are those employees serving in executive, administrative, or professional positions. The following are key distinctions among positions at the Authority:

- The employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise;
- The employee's primary duty includes the exercise of discretion and independent judgment with respect to matters of significance;
- The employee's primary duty must be the performance of work requiring advanced knowledge, defined as work that is primary intellectual in character and which includes work requiring the consistent exercise of discretion and judgment.

Unless a position meets all the standards outlined in FLSA to qualify as exempt, it will be defined as non-exempt and therefore subject to the FLSA rules.

## **1.10 Special Service Employees**

This classification is used only on rare occasions and includes employees that work under 20 hours per week or under 40 hours per pay period. They are not entitled to any health, dental or vision benefits, or retirement benefits unless previously vested in PERS, but are otherwise considered regular employees. Employees will receive other fringe benefits subject to applicable provisions, e.g., social security or life insurance. They receive paid time off on a pro-rated basis.

## **1.11 Intermittent Employees**

The Authority may require the services of temporary employees to be hired for a period of time not exceeding 1,000 hours per fiscal year (July 1 through June 30.) The ED may only appoint an intermittent employee within available funding. Intermittent employees are not regular employees and can be dismissed from Authority service at any time without the right of appeal. The hourly rate of pay shall be determined by the ED, within ranges established by the Authority Board, consistent with the established job classifications and pay structure. Intermittent employees receive the legally mandated benefits, e.g. Social Security/Medicare, State Disability Insurance and Worker’s Compensation Insurance. If the employee is vested in PERS, PERS contributions will be made in lieu of Social Security. Intermittent employees do not accrue or have the right to use paid leave with the exception of sick leave (effective July 1, 2015 as outlined in the benefits manual).

## **1.12 Limited Term Employees**

A limited term employee is an employee hired for any position for a specific period of time. Once the term is reached, the employee is released from service. They are eligible for health benefits, provided they work at least 20 hours per week, paid time off on a pro-rated basis and other benefits as required by the Public Employees Retirement Service (PERS) . Limited term employees are not regular employees and can be dismissed from Authority service at any time.

## **1.13 Volunteers**

The number of volunteers within the organization may vary due to programmatic need. Volunteers shall sign a volunteer waiver form and shall submit a log of hours volunteered monthly.

## **1.14 Anti-Nepotism Policy**

Relatives may be eligible for hire only with the authorization of the ED. The Authority may refuse to hire relatives of present employees if doing so could result in actual or potential problems in supervision, security, safety, or morale, or if doing so could create potential conflicts of interest. The Authority defines “relatives” as spouse, children, siblings, parents, grandparents, aunts, uncles, nieces, nephews, cousins, in-laws, step-relatives and domestic partners. Present employees who marry will be permitted to continue working in the job position held only if they do not work in a direct supervisory relationship with one another or in job positions involving conflict of interest.

## **1.15 Work Period and Work Week**

The work week is defined as starting at 12:01 a.m. Sunday and ending at midnight Saturday. A normal work period will generally be 40 hours of work within seven consecutive days for non-exempt employees and 80 hours bi-weekly for exempt employees. Normal work hours are 8am-5pm, Monday through Friday.



### **1.15.1 Flex-time**

Understanding that effective and efficient public service is paramount, flexible work hours may be established for the employee's benefit and based on the following guidelines: A flexible work schedule shall not interfere with service to the public, shall meet the needs of the Authority and, when feasible, be complementary to the schedule of other Authority employees and/or the public.

- A flexible work schedule may be authorized for an individual employee.
- All existing HR policies and regulations shall continue to apply, including those dealing with overtime compensation. Should the ED or designee determine that any conflict or problem results from a flexible schedule, the existing policies or regulations will prevail and the flexible schedule discontinued.
- While work schedules should stay within a consistent range, minor modifications may be made providing the employee works the approved numbers of hours during the fiscal year. Employees should inform the front office if they are sick, late, or absent for other unforeseen reasons. Employees should inform project leads, team members, or other affected parties of major changes in schedule, and consider the impact of the change upon work load, other staff, and deliverables.
- The employee must accurately account for the total number of hours each working day, work week, and work period.
- Exempt employees may work a flexible schedule as long as it meets the needs of the Authority. Flexible schedules may be set by the exempt employee, in consideration of workload, other staff, and deliverables. Any impacts of individual schedules should be reviewed by the program group. Problems with an individual flexible schedule for exempt staff can be addressed through the program group review process and Performance System. The ED or designee can, with notification, alter the schedule of the employee.
- Non-exempt program employees may work a flexible schedule with the approval of their project lead(s) and the Program Group(s), consistent with appropriate state and federal law. Non-exempt administrative employees may work a flexible schedule with the approval of the ASD, consistent with appropriate state and federal laws. Problems with an individual flexible schedule for non-exempt program staff can be addressed through the program group review process and/or Performance System. The ED or designee can, with notification, alter the schedule of the employee.

### **1.15.2 Work Hours – Request to Change**

Employees may request an increase or decrease in total work hours as part of the budget process. The change in hours will be considered as part of the budget review and approved by the RP and ED for program staff, and by the ASD for administrative staff, based on the needs of the Authority. The change in hours, once approved, is expected to stay in effect throughout that fiscal year.

In extraordinary circumstances, when a request is made after the budget is adopted to either significantly reduce hours or increase work hours beyond 30 hours/week, the following steps should be taken:

- The employee determines when this change will become effective, e.g. beginning of the fiscal year, beginning of the calendar year, etc.
- The employee discusses this change with his/her Program Group(s) and ASD to determine what impact the change would have on the budget, his/her projects/work and alternatives developed for addressing any workload concerns.
- Assuming Program Group approval, a recommendation is made to the RP for final approval for programmatic staff.

- The ASD will approve/deny requests from the Administrative Services staff.

Regardless of when the change in hours becomes effective, the term is for the remainder of the fiscal year although it can be subject to change based on the needs of the Authority.

### **1.16 Meal and Rest Periods (Non-Exempt Employees)**

Non-exempt employees are provided with an unpaid one hour meal period, to be taken approximately in the middle of the workday. If an employee is periodically required to work during his/her designated lunch period, either his/her daily work schedule may be temporarily changed, or the additional time worked compensated. Employees are encouraged to take the appointed lunch break whenever possible, rather than working through the entire day. Employees must obtain authorization from a supervisor prior to working during a meal period.

Non-exempt employees may use one morning and one afternoon rest period of 15 minutes each. Rest periods should be scheduled in such a way that disruption to the day to day work flow is minimized.

### **1.17 Personnel Records**

The Authority maintains a personnel file for each employee. Personnel files contain documents relating to employee performance, documents related to decisions made about the employee, and other documents related to the administration of Authority personnel. It is the responsibility of each employee to promptly notify the ASD of any changes in the employee's personal information, such as address, telephone number, emergency contacts and number/names of dependents. Employee medical information is maintained in separate confidential files.

Employees have the right to inspect their personnel files in the presence of an Authority representative at a mutually convenient time. An employee is entitled to receive a copy of any employment-related document that he or she has signed. Employees are not entitled access to documents in their personnel file that pertain to a pending investigation regarding the employee's conduct or references and related information about the employee given in confidence as part of the hiring or promotional process.

Personnel file documents and employee medical information is not disclosed to anyone, other than Authority management with a legitimate personnel need for access, without prior written authorization from the employee or as required by law. All requests for access to employee personnel files must be made to the ASD. Only the ASD is authorized to grant access to a personnel file or medical information file.

Destruction of personnel files, including employment applications, shall be made only in accordance with the Authority's retention schedule and state and federal law.

### **1.18 Employee References**

All requests for references must be directed to the ASD (or in his/her absence the ED). Only the ED, ASD or designee is authorized to provide official employee references. Only the specific information authorized for release by the employee, in writing, will be provided. Without written authorization, the Authority will disclose only the dates of employment, and the last title and salary held by the employee.

### **1.19 Force Reductions**

Under some circumstances, the Authority may need to restructure or reduce its workforce. If restructuring operations or reducing the number of employees becomes necessary, at the sole discretion of the Authority Board, the ED or designee will provide at least 30 days advance notice to help prepare affected individuals.

If possible, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff, whether short-term or indefinite.

In determining which employees will be subject to layoff, the Authority will take into account, among other things, operational requirements in conjunction with the skill, productivity, ability, and past performance of the affected employee(s). Length of service, or seniority, will be a factor only when all other variables are equal. Regular employees will not be laid off if there are intermittent, special service, limited term, or probationary employees in the same class for which the regular employee is qualified, eligible, and available. In such a case, the probationary, intermittent, limited term, or special service employees will be laid off first. Incumbents in positions that are reduced in hours or eliminated may apply for other vacancies within the Authority for which they possess the minimum qualifications.

## **1.20 Voluntary Termination and Resignation**

Voluntary termination results when an employee voluntarily resigns his or her employment, or fails to report to work for three (3) consecutively scheduled workdays without notice. Employees with supervisors need to notify their supervisors directly and those without direct supervisors should notify team members, a RP member, and/or the ED and ASD of their resignation. All Authority-owned property, including keys, security cards, and credit cards, must be returned immediately upon termination of employment.

Employees wishing to resign from Authority employment in good standing are requested to give a minimum of two (2) weeks advance notice in writing stating the date of resignation, their last day of work and forwarding address. Failure to comply with this section may impose a hardship on the Authority and consequently will be taken into consideration, should that individual again seek employment with the Authority.

## **1.21 Exit Interview**

The purpose of the exit interview is to provide an opportunity for departing employees to express their views regarding their employment and to provide a means for communicating these views to the Authority. Its intent is to provide for the uniform treatment of departing employees, to obtain and compile data on separations as a basis for analyzing employee turnover, to advise employees of their separation rights to benefits, to provide a tool to identify and resolve Authority problems, and to process the required documentation.

The ASD shall be responsible for the coordination of the exit interview. The ASD shall contact the employee to schedule the exit interview, which will generally be held on the last day of employment. The ASD shall conduct the interview. In the absence of the ASD, the ED shall conduct the exit interview. If for any reason an exit interview cannot be conducted, the ASD shall notify the employee in writing of their rights and benefits. The ASD shall provide a copy of the completed exit interview to the ED and a copy for the employee's personnel file.

## **1.22 Departure Procedures**

The employee's final paycheck will be ready for the employee to pick up from the ASD on the normal payday. When an employee is involuntarily terminated, he or she will receive their check within three (3) working days of the effective date of the discharge, or a mutually agreed upon date. Employees may request their final paycheck by normal process for automatic deposit.

At the time of the exit interview the ASD will request the return of any keys and other property that belongs to the Authority, if this has not already been done.

Separating employees will be compensated in their final check for all accrued annual vacation leave. Non-exempt employees will also be compensated for any compensatory time, if applicable.

Employees who terminate employment before becoming eligible for a retirement annuity may, by contacting PERS, and consistent with current PERS policies, do one of the following:

- Receive a refund of the employee's contributions made to their retirement account, plus interest at the determined rate.
- Leave retirement contributions in the system.

## **Chapter 2 - Personnel Systems & Procedures**

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## 2.1 Classification Plan

The purpose of the Classification Plan is to ensure that all positions are classified appropriately based on current duties and responsibilities so that the resulting compensation is fair and equitable relative to other positions within the Authority. The Plan is an orderly appraisal and inventory of each classification in the Authority with each position within the Authority allocated to an appropriate classification and pay range. All positions that are substantially similar in duties, responsibilities, and character of work are included within the same classification in order to ensure the work is evaluated and compensated in an equitable manner. The ED, in concert with the ASD, will make the final determination as to the appropriateness of a classification and the findings are not subject to the Appeals Procedure.

### 2.1.1 Maintenance of the Classification Plan

Based on studies performed by the ASD, new classes may be created, classes revised, combined or abolished, and pay ranges established.

- A. **New Positions** – Proposed new positions shall be reported to the ASD. The ASD shall study and evaluate the new position to provide a basis for determining its proper classification, pay range and exempt or non-exempt status. All new positions shall be approved by the Authority Board.
- B. **Reclassifications/Reorganizations** - When the duties of a position change substantially (level and responsibility increased or decreased) due to a reorganization or reassignment of tasks, and these changes will be permanent in nature, a request to study and evaluate the position shall be submitted by the employee or if applicable the employee's supervisor, to the ASD. The ASD may also initiate a study. Upon completion of a study, a determination will be made whether or not the position should be reclassified. If so, the position will be allocated to its appropriate classification, pay range and exempt or non-exempt status. Reclassifications shall not be used as a reward or punishment for performance levels, or in place of the promotion or demotion procedures. If, in the course of the study, other inequities are discovered, those positions may also be studied.

The ASD shall be notified of any reorganization that will impact position classifications and be available to advise on reorganization issues. Studies of affected positions will be conducted and appropriate adjustments made to the positions' classifications, pay ranges and exempt or non-exempt status.

In general, non-exempt employees temporarily assigned out of their classification for five working days or more will receive a 5% temporary pay differential or receive the bottom of the out-of-class salary range (if it exists), whichever is greater with approval of the ASD. In extraordinary situations a non-exempt employee may receive more than 5% with the approval of the ED in consultation with the ASD and the employee's supervisor (if applicable).

In general, exempt employees assigned out of their classification for 20 working days or more will receive 5% temporary pay differential or the bottom of the out-of-class salary range, whichever is greater, with approval of the ASD and ED. In extraordinary situations an employee may receive more than 5% with the approval of the ED in consultation with the ASD. Exceptions to the required number of days before the differential is granted can be made at the discretion of the ED.

- C. **Promotional Requests** - Prior to a promotional request being considered, the ASD will review the job responsibilities of the existing and requested position to determine whether the duties, responsibilities and qualifications fit the classification being requested.

**D. Periodic Review** - At the discretion of the Authority, a maintenance review of all classification series may be conducted periodically. Appropriate adjustments will be recommended and may be made with approval of the Authority Board based on recommendations from the ED.

**Establishment/Abolishment of Positions** - A recommendation to establish or abolish positions may come from the ASD. The Authority Board, based on recommendations from the ED in concert with the ASD, shall make the final determination on the establishment or abolishment of positions.

### 2.1.2 Class Specifications

A class specification is a description of a group of similar jobs. Class specifications are descriptive only and not restrictive. They serve as a general guide as to what type of work is performed by a particular set of jobs and the associated knowledge and abilities required. They are not designed nor do they limit the authority of any appointing authority to assign, direct and control the work of employees under his/her supervision. In determining the class of a particular position, the class specification in total serves as a guide. A change in job duties does not necessarily lead to a change in classification or a promotion. The ED or ASD may make changes or corrections to job descriptions as needed which do not substantially alter the basic job requirements for the position. Impacted employees will be advised of any changes to their job descriptions.

## 2.2 Salary Administration

The Authority's policy is to recognize and compensate employees for the work they perform within and beyond the normal work period. The Authority embraces the philosophy to pay fair and reasonable wages that will attract, retain and motivate qualified personnel to meet organizational goals and objectives.

### 2.2.1 Salary Adjustment Plan Design

The salary plan shall include all classifications in the Authority. Except for the ED, the salary structure shall consist of a salary range. Each range is established using salary control points that will be set to the appropriate labor market. In order to properly compensate employees, adjustments in salary shall be made as described below. Adjustments shall not be automatic, but require at least satisfactory performance. Effective July 1, 2018 the Agency adopted an eight step salary range.

An employee is eligible for a 3% "step" increase once a year or as indicated in their hiring letter, until they reach the top of their salary range. For the first year of this plan, current eligible employees will be placed in the step that aligns closest to 3% increase (which may be more or less than 3% depending on their salary prior to the implementation of the step increase). For meritorious performance, the ED in consultation with the ASD, may award an employee a step increase sooner than the normal adjustment date or award a 6% increase provided that the increase does not exceed the top of range.

In addition, salary ranges will be adjusted as follows: The Agency will conduct a total compensation survey periodically but no sooner than every three years to enable the Board to assess whether compensation remains competitive with the market. The Programs and Administration Committee will be consulted in the survey development process to help determine salary range placements and other pertinent criteria. In the years between the surveys, salary ranges will be adjusted by the most currently available Consumer Price Index (CPI) - All Urban Consumers (San Francisco – Oakland- San Jose Area) as determined by the US Bureau of Labor Statistics (BLS), or a lesser amount if necessary to conform to the findings of the most recent total compensation survey. The Board will be asked to approve the salary ranges every year as part of the budget process.

Performance evaluations will be conducted at least annually. Any employee who does not maintain at least satisfactory performance shall be placed on a performance improvement plan (PIP). While on a PIP the employee will not be eligible for a general wage increase (CPI adjustment) or a "step" increase (if not at the top of their salary range). The employee will not be eligible for any retroactive adjustments once they



are no longer on the PIP but will be eligible for a salary increase the following salary adjustment cycle assuming one is approved by the Board or the employee is not at the top of their salary range.

### 2.2.2 Changes in Status

- A. **Completion of Probationary Period** - All regular status employees shall serve a twelve (12) month employment probationary period.
- B. **Promotions** – Promoted employees shall be placed in the higher salary range and will be placed in the salary step that aligns closest to a 5% increase (but not to exceed the maximum of the new range) or the bottom of the new salary range, whichever is greater. If the employee moves from a non-exempt to an exempt position, the rules regarding overtime compensation and administrative leave for the new position will apply.
- C. **Compensation When Reclassified** – When an employee’s position is reclassified to a higher level classification, or when a classification is assigned to a higher salary range, the employee will be placed in the salary step that aligns closest to a 5% increase (not to exceed the maximum of the new salary range) or the bottom of the new salary range, whichever is greater. If the employee moves from a non-exempt to an exempt position, the rules regarding overtime compensation and administrative leave for the new position will apply. When an employee’s position is reclassified to a lower paid classification and salary range (generally due to a classification study), the employee shall retain their present salary but will not receive any general wage (CPI) increases until the employee’s new salary range exceeds the employee’s current salary.
- D. **Voluntary Demotion** - Employees who are voluntarily demoted shall be placed in the new classification’s salary range, at the same salary if it is within the new range. Salary will be adjusted if it is outside the new range. The new salary shall not exceed the maximum rate for the new, lower salary range, without approval of the ASD and ED.
- E. **Involuntary Demotion** - Employees who are involuntarily demoted as a result of disciplinary action shall be placed in the new classification range and their salary may be reduced by five percent (5%) from their present salary. However, their salary shall not exceed the maximum rate for the new lower salary range, without approval of the ASD and ED.

### 2.2.3 Wage Payment

The Authority operates on a biweekly pay period that shall commence on Sunday and continue through the following second Saturday (two weeks). Pay dates will be every other Friday and cover the period ending two weeks before (e.g., pay period ends on a Friday the 14<sup>th</sup>, payday will be Friday the 28<sup>th</sup>). The manner of distributing the paychecks will be determined by the ASD. Employees are encouraged to use direct deposit.

### 2.3 Overtime Compensation

Employees may be required to work beyond the normal workday or workweek in order to meet operational needs; however, the ED or designee will attempt to distribute these additional hours evenly and accommodate individual schedules. Positions are designated as exempt or non-exempt from overtime compensation, based on FLSA, according to the nature of the duties and responsibilities assumed.

### **2.3.1 Non-Exempt Employees**

The Authority provides compensation for all overtime hours worked by non-exempt employees in accordance with federal law as follows:

- All hours paid in excess of 40 hours in one workweek will be treated as overtime. Workweeks begin each Sunday at 12:01 a.m. and end the following Saturday at midnight;
- Compensation for hours in excess of 40 for the workweek, shall be paid at a rate one and one-half times the employee's regular rate of pay or equivalent compensatory hours may be requested in lieu of cash.

Hours paid in a given workweek are applied in calculating overtime. All overtime worked by non-exempt employees must be previously authorized by the ASD or supervisor. Non-exempt employees who work overtime without prior authorization, except in emergency situations as determined by the ASD, may be subject to discipline, up to and including termination.

Non-exempt employees may accrue a maximum of 96 hours of compensatory time (64 hours of overtime worked), which may be accumulated for a maximum of twelve (12) months. Once a year, at the employee's option, compensatory time earned may be converted to pay or be extended upon approval of the ASD. Once 96 hours have been reached, the employee will be compensated in cash unless an increase in the compensatory hours has been authorized by the ASD. The use of compensatory time shall be scheduled in accordance with the Authority's vacation leave guidelines and procedures.

### **2.3.2 Exempt Employees**

Exempt employees are not entitled to overtime pay or compensatory time off.

Regular, part-time employees serving in an exempt position will be paid a pro-rated salary based on their budgeted work hours per year. This amount can be adjusted within their range during the annual and/or midyear budget processes, when budgeted hours are changed

## **2.4 Performance System**

The Authority's performance system is designed to work on an annual basis for all employees with the exception of probationary employees and intermittent employees. The performance system for probationary employees is designed to provide ongoing shared communication during the first year of employment. As described in attachment a, the feedback process for employees consists of the annual performance review which is linked to pay and conducted in the Fall and anonymous 360° "competencies" assessment which is conducted in the Spring and is not linked to pay,

The ASD administers the performance system. The Clerk of the Board assists with the 360° review process. The ED can approved administrative changes to the performance system (attachment A), provided that those changes do not exceed the approved budget for that fiscal year or exceed the maximum amount of a performance based salary increase that an employee receives (i.e., cannot exceed 150% of the average of the salary pool or the 95<sup>th</sup> percentile of the employee's salary range). Examples of administrative changes would include revising the evaluation form, expanding, or revising core or job specific competencies, etc.). Any proposed change will be reviewed by the Review Panel and discussed with employees prior to implementation.

## **2.5 Disciplinary System**

It is the policy of the Authority to use a progressive disciplinary process. The disciplinary action will be related to the severity of the performance or behavioral deficiency, its frequency and its consequences. A serious or major performance or behavioral deficiency may result in more severe disciplinary action and

may not necessarily be preceded by less severe forms of disciplinary action. This policy emphasizes the prevention, identification and resolution of employee performance or behavioral deficiencies, before instituting progressive discipline.

The A-Team will evaluate employees under its regular evaluation procedures outlined in the Performance System. Based on the standards in the Performance System, the ASD may identify individuals as needing a performance improvement plan as a corrective measure. Individuals without a direct supervisor who need performance improvement will be assigned a performance supervisor by the ASD and ED, and will act in the capacity of a direct supervisor until the performance issue is satisfactorily resolved. Recommendations for corrective action will be taken to the performance supervisor for implementation of a performance improvement plan, consisting of specific recommendations on performance and behavior over a period of time. If behavior and performance do not improve under the performance improvement plan, the supervisor, in concert with the ASD, may choose to initiate disciplinary action.

The supervisor will use the following strategies:

- Communicate and explain the Authority's expected performance and behavioral standards.
- Communicate and explain the Authority's Disciplinary System and Procedures.
- Provide employees training, recognition and feedback on performance standards.
- Conduct periodic performance reviews and appraisals.
- Apply positive reinforcement measures.
- Apply progressive disciplinary measures.

The supervisor will report to the ASD on the individual's progress at regular intervals. If punitive measures are proposed by the supervisor, the ASD will make recommendations on the punitive measures to the ED. The ASD has sole discretion in handling disciplinary matters for administrative staff.

This disciplinary system shall apply to all regular full-time, part-time, limited term, and special service employees. It shall not apply to: Intermittent employees; or to Authority appointees including the ED and Authority Counsel; probationary employees; or employees who have written contracts of employment.

### 2.5.1 Discipline Guidelines

**A. Employee Standards** - Every employee shall maintain high standards of performance and acceptable behavior, including cooperation, efficiency and economy in his/her work for the Authority. Each employee is responsible for correcting any deficiencies in his/her performance.

**B. Grounds for Discipline** – Regular, limited term, and special service employees may be disciplined as defined herein for any of the following causes described in this Manual, including, but not limited to:

- Unauthorized absence, tardiness, abuse of sick leave privileges, fraud in securing appointment, incompetence, inefficiency, insubordination, dishonesty, mishandling of public funds, falsifying Authority records, conviction of a criminal offense, illegal political activity, negligence in the use of or unauthorized use of Authority equipment, willful disobedience of these rules and regulations, or of any rules and regulations which have been formally approved by the ED, or any other act or acts which are incompatible with or inimical to the public service.

In identifying and analyzing a deficiency, the severity of the deficiency will be determined by the ASD and supervisor in order to administer the appropriate disciplinary action. When determining the appropriate disciplinary action, the following factors, not limited to, may be considered:

1. Seriousness and consequences of the deficiency.
2. Employee's previous work record.

3. Previous disciplinary actions for similar deficiencies.
4. The disciplinary action that would be most effective in correcting the employee's deficiency.

**C. Seriousness and Consequences of the Deficiency** - Disciplinary deficiencies fall into three categories. The disciplinary action taken should be appropriate to the deficiency and its consequences.

1. **Minor Deficiencies** - These are acts not involving any question of trust or honesty; they do not pose a threat to orderly Authority operations; they do not endanger the health, welfare, or safety of employees or other individuals. Examples are:
  - a. Isolated instances of tardiness or absenteeism.
  - b. Abuse of meal or rest periods.
  - c. Minor job performance deficiencies addressed in the Performance System.

These deficiencies should be handled through positive and preventive measures.

2. **Serious Deficiencies** - These are acts that constitute a threat to orderly Authority operations or pose a threat to the health, welfare or safety of employees or other individuals. Examples are:
  - a. Insubordination.
    - i. Disrespect toward supervisory or other authority.
    - ii. Disorderly conduct causing disruption of work unit or task.
    - iii. Disregard, omission or neglect of duties.
  - b. Conduct Unbecoming of an Authority Employee.
    - i. Abusive attitude, language or conduct, toward employees or the public including threatening or intimidating language or actions.
    - ii. Abuse of authority over employees or the public.
    - iii. On or off duty conduct that may bring discredit to employees or the Authority.
  - c. Violation of safety laws, regulations, or guidelines.
  - d. Negligence or careless job performance.
  - e. Negligence of Authority property or equipment.
  - f. Unexcused or excessive absenteeism.
  - g. Violation of equal employment opportunity laws, policies and regulations.
  - h. Repeated delays in meeting professional obligations.

These deficiencies normally should be handled through corrective actions.

3. **Major Deficiencies** - These are acts that seriously threaten the operation of the Authority or pose a grave threat to the health, welfare or safety of employees or other individuals. Examples are:
  - a. Major Insubordination.
    - i. Disobedience or refusal to obey a reasonable order from the ED, ASD, their designee(s), or supervisor
    - ii. Neglect or carelessness resulting in injury or damage.
    - iii. Promoting work unit insubordination.
  - b. Willful and unauthorized removal and control of Authority or employee property.

- c. Misappropriation or conversion of Authority, employee or general public's property.
- d. Unauthorized possession of, transfer of, consumption of, or being under the influence of alcohol, intoxicants, or controlled substances (illegal drugs), or misuse of prescription drugs while on duty. The employee shall be considered "under the influence" if the employee's ability to perform his/her duties is to the slightest degree affected by the consumption of alcohol, intoxicants, controlled substances or prescription drugs.
- e. Unauthorized physical restraint, contact or attack upon any employee or other person while on duty.
- f. Willful falsification or omission of Authority documents, records, forms or information required by the Authority.
- g. Conduct that is a violation of public policy or trust, or is corrupt.
- h. Criminal activity that jeopardizes effective or efficient business practices, or poses a threat to the safety or security of persons or property.
- i. Disclosure of confidential information that is defined by law.
- j. Improper use of position, character or confidential information for personal benefit (financial or other interests) or for the benefit of others.
- k. Conduct that is a conflict of interest or a conflict in the performance of duties.
- l. Preferential treatment of individuals or firms.
- m. Continued performance deficiencies after corrective disciplinary action.
- n. Intentional abandonment of one's position for three (3) or more work days.

These deficiencies should normally be handled through punitive actions up to and including dismissal.

## 2.5.2 Discipline Administration

The type of disciplinary action taken is determined by the seriousness and consequences of the performance deficiency or non-performance violations. The following three categories of disciplinary action may be used:

**A. Positive Disciplinary Action** - These actions are intended to prevent and document minor deficiencies.

1. Types of Positive Disciplinary Action
  - a. Counseling - A discussion to explain an actual performance deficiency and emphasizing expected standards.
  - b. Memo of Expectations - A written notice emphasizing past counseling and current deficiencies with a stronger emphasis on expected standards.
  - c. Memo of Correction - A written notice requiring the need for immediate and sustained improvement in performance to expected standards.
2. Authority to Take Positive Disciplinary Action - These actions may be taken by the supervisor, ASD, or ED in consultation with the ASD.
3. Related Recordkeeping - A written report shall be kept of these actions. Written notice shall be placed in the employee's personnel file and copies of written notice shall be provided to the employee. The employee may request in writing the removal of these records after one (1) year from the date of the notice. The supervisor, ASD or ED may request removal of these records from

the employee's file if there is sustained performance meeting expected standards. The Authority reserves the right to retain these records in the employee's file.

4. Appeal Rights - Positive disciplinary actions do not require a notice of intent and may not be appealed. However, the employee may respond in writing and that record may be put into their Personnel file at their request.

**B. Corrective Disciplinary Actions** - These actions are intended to correct and record serious performance deficiencies or instances where positive disciplinary actions have not resulted in performance meeting expected standards.

1. Types of Corrective Disciplinary Action - The sequence of disciplinary action shall be discretionary. A more serious action need not necessarily be preceded by a lesser action.
  - a. Admonishments - An oral notice to an employee explaining the actual serious performance deficiency and requiring immediate and sustained improvement to expected standards.
  - b. Written Reprimand - A written notice to an employee informing him/her that a serious performance deficiency exists or that a violation of work rules has taken place. The contents of the notice must be explained to the employee in an interview. The notice shall include the standards of performance immediately expected and shall advise the employee that more serious disciplinary actions will be taken if immediate and sustained performance meeting these expected standards is not achieved.
    - i. The written reprimand shall be placed in the employee's official personnel file. A copy shall be given to the employee.
    - ii. The notice of written reprimand shall include:
      - Reason for the reprimand reflecting each performance deficiency and its impact upon the Authority, its employees or the public.
      - Reference to prior disciplinary actions if any.
      - The expected performance standard and a time frame for achieving the standard.
      - A general indication of the consequences if there is not immediate and sustained improvement.
2. Authority to Take Corrective Disciplinary Action - These actions may be taken by the supervisor, ASD, or ED in consultation with the ASD.
3. Appeal Rights – Corrective disciplinary actions do not require a notice of intent and may not be appealed. However, the employee may respond in writing and that record may be put into their Personnel file at their request.

**C. Punitive Disciplinary Actions** - These actions are intended to record, discipline and/or correct major deficiencies. The sequence of disciplinary action shall be discretionary. A more serious action need not necessarily be preceded by a lesser action.

1. Types of Action
  - a. Suspension With or Without Pay - This action may be taken to stress the seriousness of a performance deficiency or alleged deficiency to an employee.
  - b. Involuntary Demotions - This action may be taken for major deficiencies when it is determined that the employee is unwilling or unable to perform his/her assigned duties at expected performance standards; but should be able to perform the assigned duties of a lower classified job at expected performance standards.

- c. Termination - This action may be taken for major deficiencies. Termination is the involuntary permanent removal of an employee from employment.
2. Authority to Take Punitive Disciplinary Action - These actions shall be taken by the ASD or ED. The Notice of Intent shall be signed and approved by the ED (see 5.a. below).
3. Recordkeeping - Recordkeeping for punitive disciplinary action must comply with all employee due process rights, including a notice of intent to take disciplinary action and a right to appeal.
4. Appeal Rights – See Appeals Procedure, Section 2.6.
5. Employee Due Process Rights
  - a. Notice of Intent - All intended punitive disciplinary action shall be written and presented to the employee. The notice shall include:
    - i. Notice of intended disciplinary action and date of implementation.
    - ii. Reasons for the action, including identification of each performance deficiency and a statement of the particular facts which evidence each performance deficiency.
    - iii. A list of exhibits and witnesses supporting the statement of facts.
    - iv. A notice to the employee of his/her option to respond, orally or in writing, to the reasons for action or to challenge the intended action, within ten (10) working days of the notice.
  - b. Notice of Disciplinary Action - After consideration of any employee response to a Notice of Intent, and decision to effect the action, a Notice of Disciplinary Action shall be written and presented to the employee. The notice shall include:
    - i. Notice of the effective date of the action.
    - ii. Reasons for the action, including a statement of the particular facts that evidence each performance deficiency and identification of each performance deficiency.
    - iii. A list of exhibits and witnesses supporting the statement of facts.
    - iv. A notice to the employee of his/her right to appeal the action to the ED, by submitting a written letter to the ASD within ten (10) working days of the notice.
  - c. Distribution of Notices - The ED or designee shall be responsible for placing all notices in the employee's personnel file and shall present a copy of all notices of punitive disciplinary action to the employee, and forward a copy to the ASD. Records of punitive disciplinary action shall remain in the employee's file. Employee may request removal of these records to the ASD. At the ASD's discretion, the record may be removed or a statement that performance was corrected may be placed in file.

## **2.6 Appeals and Disputes**

It is the policy of the Authority to provide for an orderly, informed and confidential process for regular, limited term and special service employees to have their problems and/or concerns considered in a fair and expedient manner without fear of reprisal. Dependent upon the situation, prior to filing an appeal, a one-on-one meeting should take place to see if situation can be resolved.

Any regular, limited term, or special service employee may appeal punitive disciplinary actions, applications and intent of the HR policies and procedures, and interpretation of benefits and rights. An appeal shall not include, and the appeal policy shall not apply, to any of the following:

- The content or structure of the Classification Plan.
- The content or structure of the Salary Plan.

- Performance reviews.
- Positive and Corrective Actions.

Promotion and/or reclassification decisions and processes may be appealed only to the ASD and ED, and may not use a Human Resources (HR) Committee or hearing officer detailed in steps 2a and 2b below. For the purposes of this policy, an “Appeal” means any claim by a regular, limited term, or special service employee that such claimant’s rights, benefits, privileges or interests, provided for in these policies and procedures, have been violated, misapplied or misinterpreted.

### **2.6.1 Appeals and Dispute Definitions**

The employee shall file a written notice of appeal with the ASD within ten (10) working days after written notification of the disciplinary action or application of policy. This shall set forth his/her intention to appeal and the reasons for the appeal. Failure on the part of a disciplined employee to file a written notice of appeal within the allotted time terminates the right to an appeal and the punitive action or application of policy shall be final. Any regular, limited term, and special service employee may also use this procedure to resolve a dispute with another employee that is not solved by ordinary means.

A statement of appeal must include the following:

1. Employee name and title.
2. Statement of appeal giving:
  - a. Date and time of action being appealed.
  - b. Circumstances of appeal. The employee should set forth the act or omission that he/she believes unjustly denied his/her rights, benefits, privileges or interests.
3. Specific Authority policy the employee alleges was violated.
4. Statement of the relief sought, which must be within the authority of the ED to grant in whole or in part.
5. Signature of employee and date.

#### **A. Hearing Officer**

1. In the case of an appeal of punitive actions only, the use of a hearing officer may be requested by either the employee, the ED, or the ASD.
2. If a hearing officer is requested, the ED shall request that the name of a hearing officer be provided by the State Mediation and Conciliation Service or some similarly appropriate body. Such services shall be at Authority expense. Both parties will agree on the selection of the hearing officer.
3. The hearing officer shall be a neutral professional with fact-finding experience.
4. The function of the hearing officer shall be to conduct an evidentiary hearing and examine all the facts and available evidence, to question witnesses under oath, and to make a written recommendation.
5. Evidence taken at the hearing by the hearing officer shall conform to the provisions of the California Administrative Procedure Act, Government Code Section # 11513.
6. The written findings and recommendation of the hearing officer shall be submitted to the appellant, the ED, and the ASD.

#### **B. Human Resources Committee**



An ad hoc HR Committee may be requested to hear an appeal of eligible, non-punitive actions. This committee will be formed by one staff member appointed by the Review Panel, one staff member selected by the person making the appeal, and one outside participant selected by the ED. Participants in the HR Committee are expected to observe strict confidentiality.

**C. Executive Director Review Procedure**

The ED shall review the findings and recommendation of the hearing officer’s or HR Committee and make a final decision in writing. The ED may not deviate from the hearing officer’s findings and recommendation without reviewing the entire record of the proceedings.

**2.6.2 Appeals and Dispute Resolution Procedure and Time Limits**

In attempting to resolve a dispute, or make an appeal, the following steps should be followed. The steps are for purposes of simplicity, set forth in a manner that assumes the previous step did not resolve the issue. Except for Step 1, these steps need not be followed in sequence. Other than requiring an employee to submit the problem and the ASD to respond to the problem, these time limits are guidelines. The 10 working day time limit to present a problem must be met by the employee in order to process a problem through this procedure. The Authority has an obligation to respond to appeals in a timely manner.

The ASD or designee will act as the facilitator for all disputes and appeals.

<b>WHO</b>	<b>ACTION</b>	<b>TIME LIMIT</b>
<b>STEP 1 – Appeal to the ASD</b>		
Employee	Present problem in writing to ASD	10 working days from notice of problem
ASD	Respond to employee in writing with timeline to resolve dispute and/or resolution	Within 10 working days of prior action
<b>STEP 2 – Appeal to ED (optional)</b>		
Employee	Appeal to ED in writing specifying why employee feels he/she has not been given full and impartial consideration	Within 10 working days of prior action
Employee and/or ASD and/or ED	If desired, request a Hearing Office or HR Committee as outlined in Steps 2a and 2b below.	
ED	Meet with employee(s), review the case, make a binding decision, and notify the employee, RP, HR Committee (if used in the appeal) and ASD in writing of the decision	Within 10 working days of prior action
<b>STEP 2a – Appeal to the Human Resources Committee (optional)</b>		
Employee	Notify ASD in writing that dispute still is not resolved and request that a HR Committee be formed to review the	Within 10 working days of prior action

	problem.	
ASD	Request HR Committee with appointments from the Review Panel, employee, and Executive Director.	Within 10 working days of prior action
ASD	Send all materials to the HR Committee	Within 10 working days of prior action
ASD and HR Committee	Hears appeal and conducts investigation	Within 10 working days of prior action
ASD on behalf of the HR Committee	Respond to employee in writing with timeline to resolve dispute and/or resolution	Within 10 working days of prior action
<b>STEP 2b – Appeal to a Hearing Officer (optional, for appeals of punitive actions only)</b>		
Employee and/or ASD/ED	Request Hearing Officer (Section 2.6.1A) for punitive actions and suspensions	Request made within 10 days of prior action
ED	Appoint Hearing Officer	Schedule to be developed at time of appeal to hearing officer, with Authority obligation to respond in a timely manner
Hearing Officer	Respond to the employee, ED and ASD with findings and recommendation	Schedule to be developed at time of appeal to hearing officer, with Authority obligation to respond in a timely manner

This section applies only when the Appeals Procedure pertains to charges of illegal conduct, malfeasance or fiscal misconduct by the ED:

<b>WHO</b>	<b>ACTION</b>	<b>TIME LIMIT</b>
Employee	Presents problem in writing to the ASD	The time limits are waived due to the serious nature of the charge
ASD	Discusses with employee and relevant parties	
ASD	Consults with Authority Counsel	
ASD	Presents to P&A Committee	
P&A Committee	Reviews, makes decision and notifies employee if action will be taken. If action needed, P&A Committee will refer to WMA Board.	
P&A Committee – Authority Programs & Administration Committee		

### **2.6.3 Conduct of Appeals and Dispute Resolution Procedure**

In conducting the Appeals Procedure, the following shall be applied as appropriate:

- A.** The time limits specified above may be extended to a definite date by mutual agreement of the employee and the reviewer concerned.
- B.** The employee at his/her own expense may request the assistance of another person of his/her own choosing in preparing and presenting his/her appeal at any level of review, including his/her own legal counsel.
- C.** The employee and his/her representative may be privileged to use a reasonable amount of work time as determined by the ASD in conferring about and presenting the appeal.
- D.** Consultation with the ASD may be done as it relates to clarification and interpretation of these rules.
- E.** Employees shall be assured freedom from reprisal for using the Appeals Procedures.

## **Chapter 3 - Standards of Conduct**

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### 3.1 Prohibited Conduct

The following conduct is prohibited and will not be tolerated by the Authority. This list of prohibited conduct is illustrative only; other types of conduct that threaten security, personal safety, employee welfare and the Authority's operations may also be prohibited.

- Falsifying employment records, employment information, or other Authority records;
- Falsifying any time card, either one's own or another employee's;
- Theft, deliberate or careless damage, or destruction of any Authority property, or the property of any employee or customer;
- Removing or borrowing Authority property without prior authorization from ASD or designee;
- Unauthorized use of Authority equipment, time, materials, or facilities;
- Provoking a fight or fighting during working hours or on Authority property;
- Engaging in unsafe practices during working hours or on Authority property;
- Carrying firearms or any other dangerous weapons on Authority premises at any time;
- Engaging in criminal conduct on duty, or off duty if the off duty conduct has a nexus to the employee's job;
- Causing, creating, or participating in a serious disruption of Authority operations during working hours on Authority premises;
- Insubordination, including but not limited to failure or refusal to obey the directives or instructions of a supervisor, RP, ASD or ED;
- Using abusive language, threatening physical harm or bullying behavior at any time on Authority premises against any person;
- Failing to notify a supervisor or appropriate staff in a timely manner when unable to report to work;
- Unauthorized absence of three consecutive scheduled workdays or more;
- For staff with direct supervisors, failure of notification to leave work for any reason during normal working hours;
- Failing to observe work schedules, including rest and lunch periods;
- Failing to provide a physician's certificate when requested or required to do so;
- For non-exempt employees, working overtime without authorization from a supervisor or designee, or project lead, or refusing to work assigned overtime;
- Violating any safety, health, security or Authority policy, rule, or procedure;
- Committing a fraudulent act or a breach of trust ; and
- Committing of or involvement in any act of harassment discrimination, or retaliation as prohibited by these rules.

The preceding statements are not intended to be all-inclusive, but serve to provide examples. The above stated or similar conduct constitutes grounds for discipline, up to and including termination.

### 3.2 Drug and Alcohol Free Workplace Policy

The Authority is concerned about the use of alcohol, illegal drugs, or controlled substances as it affects the workplace. Use of these substances, whether on or off the job, can detract from an employee's work performance, efficiency, safety, and health, and therefore seriously impair the employee's value to the Authority. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and exposes the Authority to the risks of property loss or damage, or injury to other persons. Compliance with this policy is a condition of Authority employment. Disciplinary action will be taken for policy violations and law enforcement authorities may be notified of potentially illegal acts.

The following rules and standards of conduct apply to all employees either on Authority property or during the workday (including meals and rest periods). Behavior that violates Authority policy includes:

- Unlawful possession, manufacture, distribution, dispensation or use of alcohol or any controlled substance in Authority workplaces and wherever Authority business is performed;
- Reporting to work while under the influence of alcohol, or any controlled substance or drug, that may impair the employees ability to perform their job;
- Driving or operating machinery during work hours while under the influence of alcohol, or any controlled substance or drug that may impair the employee's ability to operate a vehicle or other machinery; and
- Failure to inform the employee's supervisor, ASD, or ED before beginning or resuming work that the employee is taking drugs or medication that could interfere with the safe and effective performance of Authority duties or operation of Authority equipment.

The Authority encourages employees with alcohol or drug dependencies to seek treatment and/or rehabilitation. Employees desiring such assistance should request it by contacting their supervisor or the ASD. The Authority is not obligated, however, to continue to employ any person whose performance of essential job duties is impaired because of current drug or alcohol use. This policy on treatment and rehabilitation is not intended to affect the Authority's treatment of employees who violate the regulations described previously. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

Searches: In order to promote a safe, productive and efficient workplace, the Authority has the right to search and inspect all Authority property, including but not limited to lockers, storage areas, furniture, Authority vehicles, and other places under the common control of the Authority and employees. No employee has any expectation of privacy in any Authority building, property, or communications system.

Drug and Alcohol Testing: Except as to safety-sensitive employees subject to Department of Transportation (DOT) requirements, the Authority has discretion to test a current employee for alcohol or drugs in the following instances:

Reasonable Suspicion Testing: The Authority may require a blood test, urinalysis, or other drug and/or alcohol screening of those persons reasonably suspected of using or being under the influence of a drug or alcohol at work. Testing must be approved by the ASD or his or her designee. "Reasonable suspicion" is based on objective factors, such as behavior, speech, body odor, appearance, or other evidence of recent drug or alcohol use which would lead a reasonable person to believe that the employee is under the influence of drugs or alcohol. In order to receive authority to test, the employee's supervisor or other management employee observing the behavior must record the factors that support reasonable suspicion and discuss the matter with the ASD. If there is a reasonable suspicion of drug or alcohol abuse, the employee will be relieved from duty and placed on sick leave until the test results are received. If the test results are negative, the sick leave used will be returned to the employee.

**Post-Accident Testing:** The Authority may require alcohol or drug screening following any work-related accident or any violation of safety precautions or standards, whether or not an injury resulted from the accident or violation, provided that the “reasonable suspicion” factors described above are met.

### **3.3 Punctuality and Attendance**

Employees shall comply with Authority policies and procedures regarding hours of work. While exempt employees have flexibility in their work hours, regular attendance is expected and employees are required to notify the office if they are unable to work on a scheduled work day. Because the Authority is accountable to the public in the expenditure of public funds, exempt employees are expected to work the total number of approved budgeted hours, whether part-time or full-time, and report hours accurately.

Employees assigned to the Administrative Services Department, and/or other non-exempt employees, are required to notify their supervisor or designee by telephone within one hour of the start of the employee’s normal work day if unable to report to work. In the event of an emergency, the employee should make arrangements to contact his/her supervisor or designee as soon as is reasonably possible and in no event later than the beginning of the next working day.

Exempt employees should inform project leads, project team members, and other affected parties of any changes to work hours or significant absences. Scheduling of these absences or changes should consider the impact on workloads, staff, and deliverables and be done with a minimum of interruption to the work. Employees should allow adequate notice and make arrangements for coverage of responsibilities.

If an employee fails to report for work without ensuring that his/her supervisor, designee or the office is appropriately notified, and his/her absence continues for a period of three days, the Authority will consider that he/she has abandoned his/her employment.

The ASD may require documentation of illness in the event of excessive use of sick leave.

### **3.4 Dress Code and Other Personal Standards**

Because each employee is a representative of the Authority in the eyes of the public, each employee must report to work wearing appropriate clothing. Employees are expected to dress neatly and in a manner consistent with the nature of the work performed. Employees who report to work inappropriately attired may be asked to leave and return in acceptable attire.

### **3.5 Confidentiality**

Each employee is responsible for safeguarding confidential information obtained during employment. In the course of work, the employee may have access to confidential information regarding the Authority, its vendors or consultants, its customers, or fellow employees. The employee has responsibility to prevent revealing or divulging any such information unless it is necessary for him/her to do so in the performance of his/her duties. Access to confidential information is on a “need-to-know” basis and must be authorized by ASD or ED. Any breach of this policy will not be tolerated and legal action may be taken by the Authority.

### **3.6 Proprietary Rights**

Any and all work products including software design, reports and research analysis completed by Authority employees, while in the employ of the Authority, is deemed to be Authority property.

No employee may sell, copy, or otherwise use proprietary information for outside economic gain without the explicit written consent of the Authority. Employees leaving the employment of the Authority are subject to the same prohibitions relative to selling or otherwise using any work product produced while



employed by the Authority for economic gain without the explicit written consent of the Authority. Any reports, analysis or other products produced specifically for unlimited public use are exempt from this policy.

### **3.7 Conflict of Interest and Incompatible Activities**

No officer or employee of the Authority shall have a financial interest, of any kind, as defined by the laws of this state in any contract, business entity, stock, land or other economic interest such as employment or a consultant contract which is related in any manner to the Authority, such as by being a business entity regulated by the Authority or a vendor providing services, goods or land to the Authority. Exceptions to the policy for diminimus economic interests may be made to the ASD (such as ownership of 100 shares of a stock in a listed company which provides services to the Authority).

No employee of the Authority shall serve on the Board of Directors or an advisory committee of any organization which regularly takes positions on Authority issues or seeks or obtains contracts with the Authority. Nor shall any employee have any employment or consultant relationship with such an organization. If an organization which an employee has a relationship or obtains contracts with the Authority, the employee must recuse himself or herself from involvement in the matter both in that person's role as an employee of the Authority and in that person's capacity as associated with such organization. Employees may consult the ASD or ED for further guidance. Requests for exceptions to possible incompatible activities may be made to the ASD or ED for good cause and upon showing that the exception would not interfere with e employee's duties to the Agency; any approved exception shall be issued in writing.

Any employee willfully violating this section shall be subject to the disciplinary process, with consequences up to and including termination of employment. In addition to any provisions of state law which may void such contracts, any violation of this section with the express or implied knowledge of the involved employee or the business entity or the organization contracting with the Authority shall constitute a material break and be the basis for terminating the contract.

#### **3.7.1 Disclosure Statements**

Certain employees may be required by state law and the Authority's Conflict Code to file annual disclosure statements.

### **3.8 Gratuities**

Employees must follow all applicable state and federal laws regarding the acceptance as an individual any fee, gift, or other valuable item in the course of performing the duties of his/her position from vendors, grant applicants, or persons doing business with the Authority, including the maximum value of the gift and reporting requirements. Employees and officers may accept such items as candy, cake, cookies, or other items of nominal value (in compliance with state law) that are intended to be complimentary or appreciative in nature and that would be made available for general office consumption or use. Meals and miscellaneous travel expenses related to the conduct of Authority business are exempt from this policy, but may be covered under State Economic Interest laws.

### **3.9 Additional Compensation**

No employee shall receive or agree to receive direct or indirect non-Authority compensation for providing any Authority service.

## **Chapter 4 - Operational Considerations**

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## **4.1 Authority Property**

Desks, computers, and other office equipment are Authority property and must be maintained according to Authority rules and regulations. They must be used primarily for work-related purposes. The Authority reserves the right to inspect all Authority property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence.

Authority voice mail and/or electronic mail (e-mail) are to be used primarily for business purposes. E-mail and voice mail are not confidential, and the Authority reserves the right to monitor voice and e-mail communications at any time, without notice.

Occasional, infrequent use of equipment for personal use is allowed during breaks or after hours. If personal use of e-mail or other equipment interferes with the discharge of an employee's duties the right to use for personal use may be revoked. The Authority may periodically need to assign and/or change "passwords" and personal codes for voice mail, e-mail, or other computer access. These communication technologies and related storage media and databases are to be used for Authority business and they remain the property of the Authority. The Authority reserves the right to keep a record of all passwords and codes used and/or may be able to override any such password system.

Prior authorization from the ASD or his or her designee must be obtained before any Authority property may be removed from any Authority worksite.

Separated employees should remove any personal items at the time they leave the Authority. Personal items left in the workplace are subject to reuse, recycling or disposal if not claimed at the time of an employee's separation.

## **4.2 Employee Property**

As a general policy, if a reasonable suspicion exists that the employee is in unauthorized possession of Authority property, the Authority will contact the appropriate law enforcement agency to conduct a criminal investigation. This investigation may include search of an employee's personal property at the worksite.

For security reasons, employees should not leave personal belongings of value in the workplace. The Authority is not liable for any loss of personal property.

## **4.3 Use of Electronic Media**

The Authority uses various forms of electronic communication including, but not limited to computers, e-mail, telephones, and internet. All electronic communications, including all software, databases, hardware, and digital files, remain the sole property of the Authority and are to be used primarily for Authority business.

Electronic communication and media may not be used in any manner that would be discriminatory, harassing, or obscene, or for any other purpose that is illegal, against Authority policy, or not in the best interest of the Authority. Under no circumstances will the Authority knowingly tolerate the use of electronic communication and media to receive or forward offensive e-mail or visit pornographic websites.

Employees who misuse electronic communications and engage in defamation, copyright or trademark infringement, misappropriation of trade secrets, discrimination, harassment, or related actions will be subject to discipline and/or immediate termination.

Employees may not install personal software on Authority computer systems without prior authorization from the ASD or designee.

All electronic information created by any employee using any means of electronic communication is the property of the Authority and remains the property of the Authority. Personal passwords may be used for

purposes of security, but the use of a personal password does not affect the Authority's ownership of the electronic information.

The Authority will override all personal passwords if necessary for any reason.

The Authority reserves the right to access and review electronic files, messages, mail, and other digital archives, and to monitor the use of electronic communications as necessary to ensure that no misuse or violation of Authority policy or any law occurs.

Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by ASD or ED.

No employee may install or use anonymous e-mail transmission programs or encryption of e-mail communications.

Questions about access to electronic communications or issues relating to security should be addressed to the ASD.

#### **4.4 Health and Safety/Injury and Illness Prevention Program**

All employees are responsible for their own safety, as well as that of others in the workplace. To help the Authority maintain a safe workplace, all employees must be safety-conscious at all times. Employees must report all work-related injuries or illnesses immediately to the ASD. In compliance with California law, and to promote the concept of a safe workplace, the Authority maintains an Injury and Illness Prevention Program. The Injury and Illness Prevention Program is available for review by employees and/or employee representatives in the ASD's office.

In compliance with Proposition 65, the Authority will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

#### **4.5 Ergonomics**

The Authority is subject to Cal/OSHA ergonomics standards for minimizing workplace repetitive motion injuries. The Authority will make necessary adjustments to reduce exposure to ergonomic hazards through modifications to equipment and processes and employee training. The Authority encourages safe and proper work procedures and requires all employees to follow safety instructions and guidelines.

The Authority believes that reduction of ergonomic risk is instrumental in maintaining an environment of personal safety and well-being, and is essential to our business. The Authority intends to provide appropriate resources to create a risk-free environment.

Employees may contact the ASD with questions

#### **4.6 Smoking**

The entire Authority workspace is designated no-smoking. Employees desiring to smoke may do so in off-site locations during their normal work break period.

#### **4.7 Employees Required to Drive**

Employees whose duties require them to drive on Authority business will be required to show proof of current valid driving licenses and current effective insurance coverage before the first day of employment, or periodically as needed.

The Authority retains the right to transfer to an alternative position, suspend, or terminate an employee whose job duties require driving whose license is revoked, who fails to maintain personal automobile insurance coverage, or who is uninsurable under the Authority's policy.

Employees who drive their own vehicles on Authority business will be reimbursed at the IRS rate.

#### **4.7.1 Mileage Reimbursement**

Employees will be reimbursed for non-commute work-related mileage at the IRS allowable rate, adjusted at least annually. The work site for all employees (regardless of whether they spend most of their work time in the office or the field) is the Authority office. Consistent with IRS regulations, employees shall not charge mileage for commuting from home to the work site and from the work site to home. The Agency may adjust the rate more frequently than annually, in the event that the IRS adjusts the allowable rate more frequently.

#### **4.8 Administrative Policies**

Administrative policies are guidelines established with the approval of the ED, ASD, and RP. The implementation of administrative policies is to provide guidance on procedures, operational considerations, and interpretation of HR policies and procedures. Examples include policies on travel, cell phones, contracts, etc. For specific guidelines, see the ASD. Any such guidelines may be revised periodically with approval of the RP and/or ED/ASD.

#### **4.9 Bulletin Boards**

The Authority maintains bulletin boards located in the lunchroom.

Bulletin boards are used to provide information to employees concerning occupational health, benefits, safety information, PERS, and other materials deemed suitable by the ASD.

Employees may not post items on the Authority bulletin board unless the following conditions are met:

- Postings may be made by Authority employees only;
- The information to be posted must first be approved by the ASD; and
- Postings are limited to 8.5” X 11” in size.

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**DATE:** July 11, 2019

**TO:** Programs and Administration Committee  
Planning Committee/Recycling Board

**FROM:** Jeff Becerra, Communications Manager

**SUBJECT:** Recycling App Working Demo

**SUMMARY**

Staff is developing a new recycling application that will replace the current *RecycleWhere?* online search tool. The new app will be available at the end of the calendar year. At the July 11 Planning Committee/Recycling Board meeting, staff will provide a demonstration of the new app’s functionality to share progress with the board and gather input on the tool’s development.

**DISCUSSION**

*RecycleWhere?* replaced the agency’s “Recycling Wizard” as an improved public-facing, online searchable database in 2012. The tool helps residents and businesses understand how to properly recycle, reuse, or dispose of an item. After six years in use, *RecycleWhere?* is in need of an update.

Over the years, public inquires have shifted primarily from our phone-based “hotline” to electronic self-service. *RecycleWhere?* processes approximately 65,000 searches a year, about a third of which are identified from Alameda County. Digital searches are increasingly moving from desktop devices to smartphones and tablets. StopWaste has always strived to provide a high level of customer service and interaction, and the new tool will help us provide easy access to information in a way that meets modern expectation for customer service. The demonstration at the July 11 will show prototype interactions as a way to understand how the app will function when rolled out later in the year.

**RECOMMENDATION**

This item is for information only.