



# HCAOG Personnel Policies & Procedures

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**HUMBOLDT COUNTY ASSOCIATION OF GOVERNMENTS**  
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Welcome! This handbook tells you about the Humboldt County Association of Governments (HCAOG)). In these pages we have tried to give specific answers to most of the questions from our employees. You may have other questions, which are not answered here; if you have additional questions, do not hesitate to ask them. We are aware of the many different needs employees may have and are eager to help you meet them.

As an employee of HCAOG, you are an important member of a team effort. We hope that you will find your position with our organization rewarding, challenging and productive. Because our success depends upon the dedication of our employees, we are highly selective in choosing new members for our team. We look to you to contribute to the success of HCAOG. At the same time, we are committed to providing all employees with challenge, recognition, and benefits, as we achieve our organizational mission and goals.

HCAOG is a Joint Powers Agency comprised of the seven incorporated cities (Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Rio Dell, Trinidad), and the County of Humboldt. It is the designated Regional Transportation Planning Agency (RTPA) as well as the Service Authority for Freeway Emergencies (SAFE).

HCAOG is largely responsible for programming State highway projects, local street and road improvements, active transportation projects, public transportation resources, and the roadside call box program. The transportation planning and programming processes are accomplished by a multi-layered committee structure.

Again, welcome to the team! We wish you every success in your work with HCAOG.

**Marcella Clem**  
Executive Director

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# **SECTION I: LEGAL**

## **SUBJECT: INTRODUCTION/RIGHT TO REVISE**

## **POLICY #101**

This Personnel Policies and Procedures Handbook contain the human resources policies, practices, guidelines and procedures that the Humboldt County Association of Governments (HCAOG) has in effect at the time of publication. All employees should read, understand, and comply with all provisions of the handbook. It describes many of the responsibilities as an employee and outlines the programs developed by HCAOG to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth while delivering high-quality plans, projects, and programs to the public.

All previously issued human resources handbooks, manual, resolutions, and/or policy statements or memoranda are superseded by this policy handbook.

HCAOG reserves the right to revise, modify, delete or add to any and all policies, procedures, work rules or benefits stated in this handbook or in any other document. Any changes must be in writing and must be signed by the Executive Director of HCAOG or authorized designee. Any such written changes to this handbook will be generally distributed so that supervisors and employees will be aware of the new policies or procedures. No oral statements or representations can in any way change or alter the provisions of this handbook.

The policies and practices set out in this handbook or in any other personnel document, including benefit plan descriptions, are not intended to imply a contractual relationship, nor are they intended to create a promise or representation of continued employment for any employee.

Nothing in this at-will statement is intended to interfere with an employee's rights to work with others towards altering the terms and conditions of his/her employment.

Reference to HCAOG throughout this handbook refers to the organization, Humboldt County Association of Governments, and its staff. It is intended that wherever reference is made in this handbook to decisions/recommendations being made or actions taken by HCAOG, those decisions/recommendations are being made by the Executive Director or authorized designee.

This handbook will specifically reference HCAOG's Governing Board of Directors when decisions/recommendations are referred to that level.

## **SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY**

## **POLICY #102**

HCAOG is an equal employment opportunity employer and makes employment decisions on the basis of merit. We want to have the best qualified persons in every position. Agency policy prohibits unlawful discrimination based on race, color, creed, gender (including gender identity and gender expression), religion (all aspects of religious beliefs, observance or practice, including religious dress or grooming practices), marital status, registered domestic partnership status, age, national origin or ancestry, physical or mental disability, medical condition (including cancer, or a record or history of cancer, and genetic characteristics), sex (including pregnancy, childbirth, breast feeding, or related medical conditions), genetic information, military and veteran status, sexual orientation, or any other consideration made unlawful by Federal, State, or local laws. It also prohibits unlawful 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. Discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship.

All such discrimination is unlawful. HCAOG is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in Agency operations and prohibits unlawful discrimination by any employee of HCAOG, including supervisors and coworkers. HCAOG considers the attainment of equal employment a major Agency objective and is committed to providing equal employment opportunities to all qualified persons.

HCAOG will not discriminate with respect to recruitment, hiring, training, promotion, and other terms and conditions of employment. All other personnel actions or programs such as compensation, benefits, transfers, layoffs, recalls, Agency-sponsored training, education, tuition assistance, social and recreational programs will be administered in a non-discriminatory manner. All employment decisions will be consistent with the principle of equal employment opportunity (EEO).

### **RESPONSIBILITY AND PROCEDURE**

If an employee believes that he/she has been subjected to any form of unlawful discrimination, he/she should submit a written complaint to his/her supervisor or the Executive Director or authorized designee. The complaint should be specific and should include the names of the individuals involved and the names of any witnesses and the dates. If the employee needs assistance with his/her complaint, or if he/she prefers to make a complaint in person, he/she should contact the Executive Director or authorized designee. HCAOG will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation.

If HCAOG determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future discrimination. HCAOG will not retaliate against the employee for filing a

complaint and will not knowingly permit retaliation by management employees or the employee's coworkers.

An applicant or employee who requires an accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles) should contact the Executive Director or authorized designee and discuss the need for an accommodation.

## **SUBJECT: UNLAWFUL HARASSMENT**

## **POLICY #103**

HCAOG is committed to providing a work environment that is free of unlawful harassment, disrespectful, or other unprofessional conduct. HCAOG's policy prohibits disrespectful or other unprofessional conduct, as well as harassment based on sex (including pregnancy, childbirth, breast feeding, or related medical conditions), race, religion (including religious dress and grooming practices), color, gender (including gender identity and gender expression), national origin or ancestry, physical or mental disability, medical condition, genetic information, marital status, registered domestic partnership status, age, sexual orientation, or any other basis protected by Federal, State or local law, ordinance, or regulation. This policy also prohibits unlawful harassment based on the perception that anyone has any of the above-mentioned characteristics, or is associated with a person who has or is perceived as having any of those characteristics. It is intended that any applicable change or modification to existing law will become part of HCAOG's policy.

All such harassment is unlawful and violates Agency policy.

In keeping with its anti-harassment principle, HCAOG strictly prohibits an employee from engaging in any such harassment, including but not limited to ethnic slurs, racial epithets, derogatory jokes, physical intimidation, threats of violence or bodily harm, and sexual harassment.

HCAOG's anti-harassment policy applies to all persons involved in the operation of HCAOG, including Board of Directors Members and consultants working on Agency-related projects, and prohibits unlawful harassment by any employee of HCAOG, including supervisors and coworkers. This policy also applies to and is meant to protect Agency employees from harassment by non-employees, vendors and other third parties who may come in contact with employees in the course of their work for HCAOG.

### **DEFINITION**

Prohibited harassment, disrespectful, or other unprofessional conduct includes, but is not limited to, the following behavior:

1. Verbal conduct such as derogatory comments; epithets; slurs; sexual innuendos; jokes or comments that make another employee uncomfortable; slurs or unwanted sexual advances, invitations or comments.
2. Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures.
3. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work because of sex, race or any other protected basis.
4. Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors.



5. Retaliation for having reported or threatened to report harassment.
6. Communication via electronic media of any type that includes any conduct that is prohibited by State and/or Federal law, or by Agency policy.
7. Hostile treatment of another that amounts to unlawful sexual harassment regardless of whether the treatment was motivated by any sexual desire.

## **RESPONSIBILITY AND PROCEDURE**

If an employee believes that he/she has been unlawfully harassed or subjected to other prohibited conduct, he/she should provide a complaint to the employee's own supervisor, or the Executive Director or authorized designee, as soon as possible after the incident. If the complaint concerns the employee's own supervisor, then the employee should provide the complaint to the Executive Director or authorized designee. If the complaint concerns the Executive Director, the employee should provide the complaint to the chair of the HCAOG Board of Directors. The employee is encouraged to submit the complaint in writing but this is not a requirement. The employee's complaint should include details of the incident or incidents, names of individuals involved and names of any witnesses and the dates. Supervisors will refer all harassment complaints to the Executive Director, authorized designee or the chair of the HCAOG Board of Directors. Executive Director, authorized designee or the chair of the HCAOG Board of Directors will immediately undertake an effective, thorough and objective investigation of the harassment allegations. Confidentiality will be maintained to the fullest extent possible under the circumstances.

If the investigating official determines that unlawful harassment or other prohibited conduct has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by HCAOG to be responsible for unlawful harassment or other prohibited conduct will be subject to appropriate disciplinary action, up to and including termination of employment. HCAOG will advise all parties concerned of the results of the investigation. HCAOG will take appropriate action to remedy any loss to the employee resulting from harassment. HCAOG will not retaliate against the employee for filing a complaint and will not tolerate or permit retaliation by management, employees or coworkers. Disciplinary action may also be taken against any supervisor or manager who condones or ignores unlawful harassment or otherwise fails to take appropriate action to enforce this unlawful harassment policy.

HCAOG encourages all employees to report any incidents of harassment or other prohibited conduct forbidden by this policy immediately so that complaints can be quickly and fairly resolved. The employee should also be aware that the Federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) may investigate and prosecute complaints of prohibited harassment in employment. If an employee thinks that he/she has been harassed or retaliated against for resisting or complaining, the employee may file a complaint with the appropriate agency. More information can be found on the DFEH's website at [www.dfeh.ca.gov](http://www.dfeh.ca.gov). The nearest office is listed in the telephone book.

**SUBJECT: EMPLOYMENT ELIGIBILITY**

**POLICY #104**

In accordance with The Immigration and Control Act of 1986, HCAOG hires only those individuals who are lawfully authorized to work in the United States.

Each new employee must provide original and current documentation to HCAOG to establish employment eligibility and identification. A completed Employment Eligibility Verification Form I-9 must be furnished to HCAOG within seventy-two (72) hours of date of hire. Providing false documentation or making false statements on the verification form will be grounds for immediate termination.

## **SUBJECT: BUSINESS ETHICS**

## **POLICY #105**

It is the policy of HCAOG to conduct business in accordance with the letter and the spirit of the law and in conformity with ethical standards.

Accordingly, employees must not take any action on behalf of HCAOG that violates any law or regulation. Employees must adhere to high moral and ethical standards in the conduct of business. Employees may not engage in activity that results in a conflict of interest with HCAOG or that reflects unfavorably on its integrity. Employees violating these standards are subject to disciplinary action, up to and including termination of employment.

In situations and on issues involving ethical or moral judgments, employees may sometimes have difficulty determining the correct course of action. In such situations, employees are urged to discuss the matter with the Executive Director of HCAOG or authorized designee.

Certain management employees are subject to HCAOG's Conflict of Interest Code disclosure requirements.

### **GUIDELINES**

The following are guidelines for ethical conduct that HCAOG employees are expected to practice.

1. While employed by HCAOG, employees are expected to devote their energies to their jobs with HCAOG. Employees are expected to adhere to high ethical standards and avoid situations that create an actual or potential conflict between the employee's personal interests and the interests of HCAOG. A conflict of interest exists when the employee's loyalties or actions are divided between HCAOG's interests and those of another, such as a competitor or supplier. Both the fact and the appearance of a conflict of interest should be avoided. Regular full-time employees may not hold an outside job salaried or fee based job without approval of the Executive Director or authorized designee. The Executive Director or authorized designee may provide written approval of the outside employment, either upon hire by HCAOG or when an employee requests additional employment so long as the outside job will not interfere with the employee providing satisfactory performance of his/her job responsibilities for HCAOG. Outside employment will present a conflict of interest and be prohibited if it has an actual or potential adverse impact on HCAOG. The following types of employment elsewhere are strictly prohibited:
  - Additional employment that conflicts with an employee's work schedule, duties, and responsibilities at HCAOG;
  - Additional employment that creates a conflict of interest or is incompatible with the employee's position with HCAOG;
  - Additional employment that impairs or has a detrimental effect on the employee's work performance with HCAOG;

- Additional employment that requires the employee to conduct work or related activities on Agency property during the employee's working hours or using Agency facilities and/or equipment; and
- Additional employment that directly or indirectly competes with the business or the interests of HCAOG.

Employees who wish to engage in additional employment that may create a real or apparent conflict of interest must submit a written request to the Executive Director or authorized designee explaining the details of the additional employment. If the additional employment is authorized, HCAOG assumes no responsibility for it. HCAOG shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of additional employment. Authorization to engage in additional employment can be revoked at any time.

2. Agency funds and property may not be used for any unlawful purpose. This prohibition includes, but is not limited to: (i) unlawful political contributions, (ii) payments to governmental officials or employees, (iii) illegal rebates or refunds and (iv) payments or commitments made with the understanding or under circumstances that would indicate that these payments are kickbacks, bribes or to obtain influence.
3. No unrecorded fund shall be established or maintained for any purpose.
4. All financial transactions shall be promptly recorded on the books of HCAOG. No false or misleading entry shall be made for any reason. All substantive commitments and agreements must be documented, properly authorized and disclosed to the Board of Directors.
5. Employees shall not make commitments or agreements beyond what is authorized by the Board of Directors. This authorization may be in the budget document or by explicit policy or resolution, or minute order.
6. No payments shall be made with the understanding that any part is to be used for any purpose other than that described by the records supporting the payment.
7. Gifts of cash or cash equivalents from any person or entity doing business with HCAOG are never permissible if the amount exceeds \$10. Gifts, favors and entertainment may be given to others at HCAOG's expense only if they are consistent with accepted business practices and are of such limited value that they cannot be considered as a bribe or pay-off (see "Gratuities", Policy #401);
8. The highest standards of honorable and ethical conduct must be observed in all relationships with other agencies and the public. It is prohibited to make disparaging statements, take any other unfair actions, or participate in any activity intended to damage HCAOG, other agencies or the public.

9. If an employee is asked by another employee or supervisor to (a) perform any act that appears unlawful, (b) make any unlawful entry on HCAOG's records or reports, (c) omit any entry that should lawfully be made, (d) suppress or hide any information that may result in detriment to HCAOG or be in violation of the law or (e) disclose information of a confidential nature except when legitimately required, it is that employee's duty and responsibility to bring the matter to the attention of the Executive Director or authorized designee. An employee who files a grievance of this nature will not be retaliated against.
10. Agency letterhead/stationery may be used only for Agency matters and not for personal or non-official correspondence.
11. Employees are expected to treat each other with courtesy, honesty, respect and understanding. Job-related problems should be discussed openly and differences resolved fairly, professionally and promptly. Confidential matters pertaining to employees will be respected.
12. Employees are expected to be polite, courteous, prompt and attentive to every person who calls or visits HCAOG's offices and to each other. When a situation arises where the employee does not feel comfortable or capable of handling an issue from the public, the employee's supervisor should be contacted for assistance.
13. Employees are responsible for safeguarding confidential information obtained during employment. In the course of the work, employees may have access to confidential information regarding HCAOG, its elected officials or fellow employees. It is the employee's responsibility to protect and in no way reveal any such information, including to any media, unless it is necessary for the employee to do so in the performance of duties or required by law.

It would be virtually impossible to cite examples of every type of activity that might give rise to a question of unethical conduct. Therefore, it is important that employees rely on their own good judgment in the performance of their duties and responsibilities. When those situations occur where proper course of action is unclear, employees are to request advice and counsel from their supervisor or the Executive Director or authorized designee. The reputation and good name of HCAOG depends upon the honesty and integrity of each employee.



## **SECTION II: EMPLOYMENT PRACTICES**

**SUBJECT: EMPLOYMENT STATUS**

**POLICY #201**

HCAOG employs people in one of seven different kinds of status: Probationary, Regular Full-Time, Regular Part-Time, Temporary, Grant Appointment, Substitute Appointment, and Work Experience Appointment.

### **GUIDELINES**

#### **1. Employment Categories**

##### **A. Probationary Employee**

The probationary period is an intrinsic part and extension of the employee selection process during which the employee will be considered in training and under careful observation and evaluation by supervisory personnel. Generally, this period will be utilized to train the employee for his/her job responsibilities and to determine whether there is a fit between HCAOG's business needs and the qualifications of the employee. During the probationary period, employment may be terminated with or without cause and with or without notice by either HCAOG or the employee.

- i. With the exception of temporary employees, all other newly appointed employees will serve a probationary period of twelve (12) months. This period can, with notice, be extended up to one additional year at the recommendation of the supervisor and the approval of the Executive Director or authorized designee.
- ii. During the probationary period, the Executive Director or authorized designee may dismiss an employee for any reason, with or without cause and with or without notice, at the Executive Director's or authorized designee's sole discretion.
- iii. A new employee terminated during the probationary period needs to be told only that the probationary period was not satisfactorily completed and the employee is terminated.
- iv. Probationary employees will receive a performance evaluation after the first six (6) months of employment. At the time of the six-month appraisal, a work plan establishing employee goals and objectives for the remaining six months of the probationary period is to be developed. The evaluation of these goals and objectives will occur at the time of the annual evaluation.

- v. Employees promoted, transferred, laterally reassigned, or demoted to a new position will serve a probationary period of twelve (12) months before obtaining regular status in the position to which the employee was assigned.

Probationary employees will accrue benefits, such as vacation and sick leave at the designated accrual rate.

**B. Regular Full-Time Employee**

Employees in this category are those who regularly work forty (40) hours per week on a continuous scheduled basis following satisfactory completion of a probationary period. Employees in this category are eligible to participate in all benefit programs offered by HCAOG, subject to the terms, conditions, and limitations of each benefit program. Employees in this category are required to participate in HCAOG's Public Employees Retirement System (PERS) program.

**C. Regular Part-Time Employee**

Employees in this category are those who complete a satisfactory probationary period and regularly work less than forty (40) hours per week on a continuous basis. Employees in this category are required to participate in HCAOG's Public Employees Retirement System (PERS) program, if they work at least 1,000 hours or more per calendar year, and may participate in some other benefit programs on a pro-rated basis. Employees who work at least 1,000 hours per calendar year are not eligible for PERS.

**D. Temporary Employee**

Employees in this category are those holding jobs of limited or specified duration of less than a year-round basis to cover seasonal peak workloads, unanticipated workloads of a limited duration, normal vacation and sick leave relief, position vacancies pending appointment, the absence of a position incumbent, emergencies, or other reasons established by HCAOG. Temporary employees are paid on an hourly basis and are not eligible to participate in any benefits other than those that are mandated by State and/or Federal laws and regulations. Temporary employee status is not considered for seniority or benefit longevity purposes if the employee is subsequently hired as a regular full-time or part-time employee. (See Policy #301, *Health and Welfare*, for additional information.)

**E. Grant Appointment**

A position which has been authorized by the Board of Directors as a direct result of grant funding (Federal or State) or other subsidy becoming available to HCAOG for the budgeting of additional positions for a specific period of time, except for work experience positions as defined in Paragraph (G) below.

Grant employees in full-time and part-time grant positions have all the rights and privileges of employees in regular full-time and regular part-time positions; however, some grant appointments may carry with them a higher or lower level of rights, privileges or benefits, depending upon the regulations governing the administration of the specific grant program.



**F. Substitute Appointment**

The appointment of a person to a regular full-time or regular part-time position which is filled by a regular employee who is expected to be on an authorized leave of absence without pay for more than sixty (60) continuous working days. A substitute appointment may also be made to fill the position of a regular employee who is working in a grant-funded position. Substitute employees have all the rights and benefits of the regular employee they are replacing. In all cases, the duration of a substitute appointment shall be determined by the length of time the regular employee is absent from the position.

**G. Work Experience Position**

A full-time or part-time position that is designed to provide job training to persons who might not otherwise be able to compete in the labor market for regular positions. Work experience programs are normally supported by Federal or State grant funding with the condition that positions in the programs do not replace regular positions in the workforce. Work experience positions shall be identified by the name of the program, and incumbents in the positions shall have such benefits, rights and privileges as may be due them under the applicable program guidelines.

**2. Employment Classifications**

All Agency positions are classified as either exempt or non-exempt according to Federal and State legal guidelines.

**A. Exempt Positions**

If a position is classified as exempt as defined by applicable Federal laws, no overtime compensation will be paid to employees occupying that position.

**B. Non-exempt Positions**

Employees designated as non-exempt are paid on an hourly basis with overtime compensation paid or compensatory time earned for more than 40 hours in one week. Non-exempt employees may choose to take compensatory time off in lieu of overtime pay (compensatory time is earned at one-and-a half hours for each hour of overtime worked).

## **SUBJECT: JOB CLASSIFICATION ADMINISTRATION**

**POLICY #202**

The goal of HCAOG's classification specifications is to develop a system that supports employee development, provides opportunities for career advancement and creates an understanding of the roles, responsibilities and relationships of each position within HCAOG.

### **GUIDELINES**

Classification and compensation practices are reviewed periodically to ensure internal and external comparability and competitiveness of pay practices. When a new classification is created or when a position's duties, functions and/or responsibilities change significantly, a job analysis or classification reevaluation is conducted. Positions are classified/reclassified and assigned/reassigned to a salary grade on the basis of the classification review.

#### **1. Position Classification**

- A. The regular classification of each position shall be consistent with the duties performed and the position classification title approved by HCAOG for inclusion in HCAOG's budget.
- B. The Executive Director or authorized designee may temporarily reclassify or add positions to meet unanticipated operational requirements, within approved policy authorization and subject to appropriate funding source availability. All temporary reclassifications as additions to regular staffing will be reported by the Executive Director or authorized designee to the Board of Directors during proposed budget discussions.

#### **2. Class Specifications**

The Executive Director or authorized designee shall be responsible for the preparation of a class specification for each classification in the Salary and Benefit Resolution adopted by the Board of Directors. The class specifications shall describe common distinguishing characteristics for each classification such as title, nature of work, supervision received and exercised, examples of typical and related duties, qualifications, requirements, and relationship to other classifications in the career series, if applicable. Class specifications shall be updated, maintained, or may be created on a temporary basis as the Executive Director or authorized designee determines necessary to properly describe the work performed and to accomplish HCAOG's mission, purpose and programs. Class specifications for newly created regular classifications and substantive revisions to current specifications will be approved by the Board of Directors for development by the Executive Director or authorized designee resulting from the budget approval process.

Class specifications shall be made available to the employees of each classification as a general description of the work performed.

### **3. Classification Pay Plan**

The Executive Director or authorized designee is responsible for the classification of individual positions and the assignment of classes to salary ranges within currently approved salary schedules as may be required to accomplish HCAOG's mission, purpose and programs, provided that such actions are:

- A. Consistent with policy.
- B. Will not exceed the approved budget for personnel expenses.

## **SUBJECT: COMPENSATION**

## **POLICY #203**

HCAOG's compensation program is designed to attract, retain, motivate and reward the best possible workforce in an equitable manner. To accomplish this, HCAOG has established the following plan, provisions and standards for employee compensation.

### **GUIDELINES**

#### **1. Salary and Wage Plan**

HCAOG's salary program is designed to pay each employee a salary determined by the competitive job market, job responsibilities, and the required level of expertise. The compensation of employees shall be in accordance with the Salary Range Schedule that has been approved and adopted by the Board of Directors.

Salary advancements for personnel who are on a range and step basis are predicated on length of service as follows: All such employees shall receive an automatic increase of one (1) step on the first day of the pay period following the date that the employee's total actual hours in paid status equals thirteen (13) pay periods of full-time service rendered by him to HCAOG in the same class. Thereafter, each such employee shall receive an automatic one-step increase up to and including Step "E" when their total hours in a paid status at each step equals twenty-six (26) pay periods of full-time service rendered by him to HCAOG in the same class. The effective dates of each step increase will be the anniversary date of such employee. Employees who are paid on an hourly basis shall receive an automatic increase on the first day of the pay period following the date that the employee's total actual hours in a continuous paid status equals thirteen (13) pay periods of full-time service rendered by him to HCAOG in the same class. Other than for the purpose of computing salary, the starting date of an employee's employment, promotion, reclassification or demotion occurs during the first half of said pay period, or the first day of the next succeeding pay period if the initial employment, promotion, reclassification or demotion occurs during the last half of said pay period.

The Board of Directors annually authorizes the Overall Work Program and Budget Resolution which includes salaries and benefits. The Executive Director or authorized designee has overall responsibility for recommending, interpreting, and monitoring the salary and performance management systems.

Supervisors are responsible for participating and providing input in the performance management program. The Executive Director or authorized designee discusses performance and salary-related issues with all employees.

#### **2. Salary Structure**

The salary structure assigns each Agency position to a salary range that identifies minimum and maximum rates, based on comparable positions at other public sector agencies, according to the skills, responsibilities and qualifications that the position requires, rather than individual job

performance or qualifications of the incumbent in that position. Each position is then assigned an appropriate salary range.

Periodically, prior to the Board of Directors' review and adoption of the Salary and Benefits Resolution, the Executive Director or authorized designee will review the compensation plan to evaluate current market value and labor market inflation. If appropriate, the Executive Director or authorized designee will recommend that ranges be adjusted to reflect market changes.

### **3. Start Salary**

The start rate of pay for a newly hired employee will be determined by the Executive Director or authorized designee. The decision as to where to place the newly hired employee within the pre-determined salary range is made according to the experience, competency, knowledge, skills and abilities the employee brings to HCAOG.

### **4. Appointment Prior to Vacancy**

Upon recommendation of the Executive Director or authorized designee, a person may be employed for training purposes for a period of time not to exceed two (2) weeks prior to the termination of services of the employee being replaced. The employment may be in the same position as the person being replaced.

### **5. Promotions**

An employee on a range and step basis promoted or reclassified to a position in a class having a higher maximum rate than that of his present class shall receive the minimum salary for that class or the rate in the new range which is next above his present rate, whichever is greater. Additional salary increases within the range shall be in accordance with the principle set forth in *Paragraph 1 Salary and Wage Plan* above, with the first increase on the first day of the pay period following the date that the employee's total actual hours in a paid status equals thirteen (13) pay periods of full-time service rendered by him/her to the County in the same class.

When the normal promotion or reclassification for any employee to a higher class would result in a salary increase of less than five percent (5%), the salary of such employee will be adjusted to the step in the new range which is at least five percent (5%) higher than the present salary rate, or the maximum salary for the class, whichever is less.

The effective date of a reclassification shall be the first day of the pay period following approval of the reclassification by the Board of Directors.

### **8. Demotions**

Demotions for employees are to be handled as follows:

**A. Voluntary or Involuntary Demotions**

The salary of such employee shall be adjusted to the step in the new range that would have been attained if the total service of said employee in the class from which the demotion is made (if any) were combined and full credit given for step increases. The employees' anniversary date will remain unchanged.

**B. Downward Reclassification**

When an employee's position is reclassified to a class having a lower salary range, the employee shall be placed on the salary level in the new range that is equivalent to the salary received under the old range.

The employee's salary shall remain unchanged (Y-rated) if the salary on the old range is higher than the maximum of the new range and shall remain unchanged until such time as general salary range adjustments increase the salary for the new classification to a level which encompasses the Y-rated salary.

## **SUBJECT: PERFORMANCE MANAGEMENT**

## **POLICY #204**

The performance evaluation process at HCAOG is designed to motivate, recognize and reward employees' efforts and achievements. HCAOG strives to create a work environment in which employees are recognized and rewarded for their contributions and where employees understand, contribute and help meet HCAOG's overall goals.

Supervisors are encouraged to give individual feedback to employees on a regular basis. HCAOG's performance evaluation process is designed so that each employee will be evaluated formally at least once during the year.

### **GUIDELINES**

#### **1. Feedback**

Supervisors will give feedback throughout the year regarding an employee's success in achieving job expectations and job requirements. Employees need to know if they are completing performance objectives satisfactorily. Regular feedback also enables supervisors to determine if performance objectives require adjusting due to changes in Agency or job priorities.

New employees, or employees who are not performing as well as expected, should receive more frequent feedback to provide additional guidance. Disciplinary action may be needed for an employee who is not performing at a satisfactory level.

#### **2. Performance Objectives**

Goal-oriented performance objectives shall be established by the supervisor and communicated to the employee at the beginning of the evaluation period and documented on the Performance Evaluation Form. It is important that employees understand the supervisor's expectations. Both performance and behavioral goals and objectives may be established. Behavior, attitude, and/or performance problems may be noted in a written disciplinary performance evaluation at any time. The evaluation should define areas where improvement is needed, set goals, and inform the employee that failure to improve may result in more serious action.

#### **3. Types of Review**

##### **A. Probationary Period**

A probationary period progress evaluation is given to new employees at six (6) months and at twelve (12) months to determine if the individual is appropriately suited for the position to which they are assigned. Before the end of the twelve-month probationary period, a determination should be made regarding retention or termination of the employee.

**B. Informal Feedback**

Supervisors will conduct informal feedback sessions during the year and document those sessions for use in completing the employee's annual performance evaluation. Documentation can be informal, such as maintaining a supervisor's file for each employee with notes documenting dates and times of meetings with employees and what was discussed. The supervisor may also keep electronic and/or email files with notes regarding employee feedback throughout the year.

**C. Annual Review**

An annual written review is required for each employee. All employees will be evaluated within a two-month time period. The evaluation will include documented information regarding past performance, the success of meeting goals and objectives previously established for the employee and include goals and objectives for the upcoming year. The preparation of a developmental plan is optional. The performance evaluation will cover the entire period of evaluation.

The supervisor will complete the Performance Evaluation Form during this review referencing the employee's job performance and goals and objectives previously agreed to. The Executive Director or authorized designee will review the supervisor's completed performance evaluation before it is provided to the employee. The employee will then be provided a draft copy of the completed performance evaluation. If no changes are needed, the review becomes final and supervisor and employee sign off on the evaluation and the following year's goals and objectives.

The employee will have an opportunity to review the written evaluation and the employee and his/her supervisor will meet again to discuss its contents. If appropriate and agreed to, changes can be made to the draft document.

**D. Six Month Check-In**

Six (6) months into the review period, supervisors and employees are to meet and discuss the previously established goals and objectives that were developed at the beginning of the review period. Understanding that circumstances and priorities often change, any needed revisions and updates to the goals and objectives should be made at this time.

**4. Performance Evaluation Form Processing**

After the performance evaluation interview is completed, a copy of the completed performance evaluation form will be provided to the employee. The employee may submit a written response or written comments, which will be attached to the form for retention in the employee's personnel file. After the supervisor and the employee have signed the form, the form will be submitted for review and signature to the Executive Director or authorized designee. An employee's signature on his/her performance evaluation only means that he/she acknowledges that he/she has received it but does not necessarily mean that he/she agrees with everything that is contained in the evaluation.

After all signatures are affixed, a copy will be made for the employee and the supervisor and the original will be retained in the employee's personnel file.



## **SUBJECT: PERSONNEL RECORDS**

## **POLICY #205**

Personnel files are the property of HCAOG. They are confidential and HCAOG will restrict access to and disclosure of personnel files to authorized individuals within HCAOG who have a legitimate business reason to see such files. Personnel files are located in the Executive Director or authorized designee's office and individuals with a legitimate business reason can request access from the Executive Director or authorized designee. Employees' medical information and health records will be kept in a separate confidential file in accordance with Health Insurance Portability and Accountability Act (HIPAA) regulations.

### **GUIDELINES**

#### **1. Maintenance of Records**

Personnel records are confidential documents maintained in accordance with State and Federal laws and regulations. All personnel evaluations, as well as other forms, letters, and memorandums are to be addressed to or signed by the employee, acknowledging receipt of a copy prior to being placed in the employee's personnel file. If an employee refuses to sign a form or letter, the supervisor will sign as a witness to the fact that the employee has refused to sign, and the document will then be placed in the employee's personnel file.

#### **2. Update**

Each employee is responsible for notifying the Executive Director or authorized designee of changes in name, address, telephone number, driver's license, number of dependents, marital or registered domestic partnership status, beneficiary, education certificates or any other pertinent information.

#### **3. Access/Confidentiality**

Each employee has a right to inspect his/her own personnel file and is entitled to make notes. An employee does not have an absolute right to a copy of the file, except for documents which the employee has previously signed. Employees may review their own file upon request by scheduling an appointment with the Executive Director or authorized designee.

Any request to inspect or copy personnel records must be made in writing to the Executive Director or authorized designee.

The employee may designate a representative to conduct the inspection of the record or receive a copy of the records. However, any designated representative must be authorized by the employee in writing to inspect or receive a copy of the records. HCAOG may take reasonable steps to verify the identity of such representative.

Files must be reviewed in HCAOG's office in the presence of a supervisor or the Executive Director or authorized designee during normal office hours. Supervisors may review the personnel file of those employees they supervise. HCAOG will also disclose personnel files to law enforcement agents if required by law.

#### **4. Employment Reference/Credit Inquiries**

HCAOG is authorized to verify position and employment dates only. No other reference information will be released. Any other information, including address and phone numbers, may be released only with a written authorization from the employee. All reference inquiries regarding Agency employees will be referred to the Executive Director or authorized designee.

## **SUBJECT: OVERTIME PAY**

## **POLICY #206**

All Agency positions will be classified as either exempt or non-exempt in accordance with the Federal Fair Labor Standards Act (see Policy #201: Employment Status). In accordance with that Act, exempt positions are defined as being primarily administrative, professional or executive in the performance of their job duties and are not eligible for overtime compensation. Non-exempt employees are eligible to earn overtime compensation and/or compensatory time off at overtime rates (compensatory time is earned at one-and-a half hours for each hour of overtime worked).

### **GUIDELINES**

#### **1. Non-Exempt Employees**

All hours worked in excess of 8 hours per day will be treated as overtime and compensation time will be accrued at a rate one-and-one-half times the employee's regular rate. An employee may accumulate up to a maximum of forty-five (45) hours of compensatory time per year. Those hours reflect thirty (30) hours of overtime worked per year.

All overtime must be formally requested and approved in advance by the supervisor or the Executive Director or authorized designee. If a non-exempt employee foresees overtime, a written request must be made by the employee specifying the reason for the overtime and the anticipated amount of overtime. The supervisor/Executive Director or authorized designee must evaluate alternatives to the overtime prior to approving the request in writing, and prior to the employee's incurring the requested overtime. If overtime is incurred, the employee must submit written approval for it with his/her timesheet.

For the purposes of calculating overtime, paid time taken off for vacation, sick leave, and/or holidays is counted as hours worked.

#### **2. Exempt Employees**

Exempt employees will not be compensated for hours worked in excess of forty (40) hours per workweek. Administrative Leave may be granted at the discretion of the Executive Director or authorized designee.

## **SUBJECT: HOURS OF WORK**

**POLICY #207**

The Executive Director or authorized designee establishes working hours that are consistent with the operating requirements and responsibilities of HCAOG. Work shifts, days, hours, and periods can be established and modified by the Executive Director or authorized designee within the limits prescribed by law, based on operating conditions and requirements of HCAOG. Employees may not change their own work schedule without the express approval of their supervisor and/or the Executive Director or authorized designee.

The supervisor and/or Executive Director or authorized designee may require an employee to work overtime which may occur anytime before or after the standard workweek including weekends, evenings, and/or holidays. The supervisor will attempt to provide advance notification, if possible.

### **GUIDELINES**

#### **1. Regular Workweek**

The regular workweek is defined as forty hours between 12:01 a.m. Sunday and 12:00 midnight the following Saturday, inclusive.

#### **2. Work Schedules**

A regular forty-hour workweek will consist of five (5) days of eight (8) consecutive hours of work within a nine (9) hour period, interrupted by an unpaid lunch break of one (30) minute . The lunch hour will be taken during the mid-hours of the workday.

#### **3. Establishment of Alternative Work Schedule:**

**Flexible Work Hours Plan:** Flexible Work Hours Plan is an alternative work schedule. Once approved, this plan allows an employee to set a flex schedule with the Executive Director's approval. The schedule provides for working 40 hours in a week but provides time for personal reasons that would not normally be available in a regular work day schedule.

An alternative schedule, or schedule approved work weeks of under 40 hours, shall be established and approved in writing by the executive director or authorized designee with the notice to the employee and the employee's representative, if any. No alternative schedule may include work on weekends or more than 10 hours of work in a day.

The executive director or authorized designee may, at any time, cause any employee or group of employees to change a work schedule permanently or temporarily. Except in case of an emergency, the executive director or authorized designee shall provide an employee with 14 days advance notice of a permanent schedule change and or a 12 hour notice of a temporary change.

During payroll periods which contain a holiday, employees may be required to revert to a standard work schedule. However, in no event shall an employee receive more than eight hours of holiday pay or holiday credit for any holiday.

The usage of accrued leave balances such as vacation, sick leave, and other paid time off, shall be on an hour-for-hour basis.

#### **4. Work Shifts**

All employees will be assigned to a work shift with regular start and stop times, although the actual start and stop times may be different between employees based upon employer/supervisor and employee needs. HCAOG's office hours are 8:30 a.m. to 5 p.m. and closed for the lunch hour between 12:00 noon and 1:00 p.m. The employee's supervisor will set a designated schedule in writing with specific working start and end times.

#### **5. Start Time**

Employees are required to be at their assigned work locations and ready to begin work at their designated start time.

#### **6. Rest Breaks**

For non-exempt employees, two paid rest breaks of ten (10) minutes each are scheduled in an eight (8) hour day, one during the first four (4) hours of a shift and one again during the last four (4) hours of a shift. To the extent possible, rest periods should be taken in the middle of work periods and be schedule by you supervisor. Break periods cannot be added on to the lunch hour, nor taken at the end of the workday, nor saved for use at another time.

If the employee's shift is less than eight (8) hours, he/she will be authorized and permitted one (1) 10-minute net rest break for every four (4) hours worked (or major fraction thereof, which is defined as any amount of time over two (2) hours). Employees who work less than three and one-half (3.5) hours in a day will not receive a paid rest period.

If an employee works a shift from three and one-half (3.5) to six (6) hours in length, he/she will be entitled to one (1) 10-minute rest break. If the employee works more than six (6) hours and up to ten (10) hours, he/she will be entitled to two (2) 10-minute rest breaks. If the employee works more than ten (10) hours and up to fourteen (14) hours, he/she will be entitled to three (3) 10-minute rest breaks.

#### **7. Meal Periods**

All non-exempt employees will be provided an uninterrupted unpaid meal period of at least thirty (30) minutes no later than after each five (5) hours in any one shift with one exception. Employees may voluntarily agree to waive rights to a meal period, provided they do not work more than six (6) hours in the workday. This cannot be done without the mutual consent in writing of the employee and his/her supervisor.

A second meal period of at least thirty (30) minutes will be given for all workdays on which an employee works more than ten (10) hours. The second meal break may be waived only if:

- The total hours worked on that workday is not more than twelve (12);
- There is mutual consent between the employer and employee; and
- The first meal break of the workday was not waived.

Employees are expected to take their meal breaks and not work during that time. An employee who desires to stay at his/her desk and attend to their own business can only do so if their physical location is not in a public area. If the workspace can easily be observed by the public, the employee should take his/her breaks elsewhere. If for any reason an employee does not take the applicable meal periods, he/she must notify his/her supervisor immediately.

The employee must record the start and end of any meal period on his/her timesheet. Employees cannot work “off the clock.” All work must be accurately reported on the employee’s timesheet.

Anytime an employee misses a meal period that was provided to him/her, he/she will be required to report to his/her supervisor and document the reason for the missed meal period or time worked.

## **8. Lactation**

Employees who are breastfeeding may take additional unpaid breaks with their supervisor’s approval in order to express breast milk for an infant child. Employees will be required to use the paid rest break time already provided to them, if possible. If a reasonable amount of additional time is needed, that time will be unpaid and will only be approved if the employee’s taking the additional time does not seriously disrupt business operations. The employee may choose to use his/her lunch break time to express breast milk as well.

HCAOG will make reasonable efforts to provide employees who need a lactation accommodation with the use of a room or other private location, other than a toilet stall, that is located close to the employee’s work area. Employees with private offices, i.e., with a door that can be locked and without visibility to passers-by, will be required to use their offices to express breast milk.

Employees who desire lactation accommodations should contact their supervisor or the Executive Director or authorized designee to request accommodations.

## **9. Make-up Time**

Non-exempt employees may request make-up time by working fewer hours on one day and extra time on a different day within the same pay period. This has to be requested in writing each time an employee wants to make up time. A supervisor must approve the written and signed request before make-up time can be used. However, the request can be denied for business reasons. The make-up hours must not result in working more than eleven (11) hours in the workday. Employees cannot make up for time taken off in a different pay period and cannot accumulate hours to take time off later.

## **10. Teleworking Outside of Office**

Teleworking must be approved by the Executive Director in writing in the form of a Telework Agreement. Supervisors should carefully analyze the ability of the employee to stay focused on work at home and the reduced ability to supervise and communicate with the employee. Written permission for teleworking should contain the justification for teleworking, the dates teleworking will be allowed, and an end date. The Telework Agreement permitting teleworking should be placed in the employee's personnel file. Permission to telework may be revoked by RTPA at any time.

## **SUBJECT: PAYMENT OF WAGES**

**POLICY #208**

HCAOG pays its employees on a biweekly basis. Following are the guidelines used for payment of wages.

### **GUIDELINES**

#### **1. Pay Dates/Pay Periods**

The pay period for all HCAOG employees shall be a fourteen (14) consecutive calendar day period commencing at 12:01 a.m. Sunday and ending at midnight the second Saturday thereafter. Paydays are on the first Friday following the end of each pay period. A yearly pay date calendar will be distributed to all employees prior to the first pay period in the calendar year. The pay dates will also be posted in the office.

Employees are paid for work performed during the previous pay period. When a payday falls on a legal holiday, employees shall receive their payroll warrants on the day preceding the normal payday.

By law, required deductions must be made in each pay period for Federal and State income taxes, social security, and State disability insurance.

If there is a discrepancy in pay or the employee feels that payroll made a mistake, he/she should notify Accounting, who will address the issue within a reasonable amount of time.

#### **2. Timekeeping Requirements**

Accurate recording of time worked is the responsibility of every employee. Federal and State laws require HCAOG to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Employees are not allowed to work "off the clock." Working off the clock violates Agency policy.

Because HCAOG bills all or part of the time spent by most employees to specific projects for accounting and reimbursement purposes, all employees must also maintain billing records and submit them promptly by the due dates.

Non-exempt employees must accurately record on a timesheet the time they begin and end their work

Exempt employees must record days taken off for vacation, sick or personal leave. Exempt employees are not eligible for overtime pay.

Both exempt and non-exempt employees must indicate the allocation of their hours worked to the appropriated work elements and tasks identified in the overall work program.



Any handwritten marks or changes on the timesheet must be initialed by a supervisor. Any errors on a timesheet should be reported immediately to the supervisor, who will attempt to correct legitimate errors.

It is the employee's responsibility to certify the accuracy of all time recorded. Supervisors must review and then approve the timesheets before submitting them for payroll processing. Tampering, altering, or falsifying time or billing records may result in disciplinary action, up to and including termination of employment.

### **3. Automatic Payroll Deposit**

Humboldt County Payroll Department offers automatic payroll deposit for all employees. The employee must adhere to the Payroll Departments policies on such service.

## **SUBJECT: ATTENDANCE AND TARDINESS**

### **POLICY #209**

Consistent attendance and punctuality are required standards for HCAOG's business operation, and therefore an integral part of each employee's performance standard. Poor, uncertain, or irregular attendance produces disruptive results for operations, lowers overall productivity and continuity of work, and is burdensome to other employees.

Employees are expected and required to report to their designated work location at the prescribed time work activity is to commence. Tardiness, un-excused absences, and/or failure to report as required is/are not acceptable.

In all cases of an employee's absence, the employee should provide the supervisor with a truthful reason for the absence and, if applicable, the probable duration of the absence. Employees unable to adhere to HCAOG's attendance policy will be subject to disciplinary action, up to and including termination of employment.

### **GUIDELINES**

1. If an employee is unable to report to work on time due to illness, injury, or any other reason, the employee should notify his/her immediate supervisor, or if that person is unavailable, the receptionist followed with a voice mail message about the reason for the absence to the employee's supervisor by 9 a.m. or as soon as reasonably possible. (See Policy #304, *Sick Leave*, for additional information.)
2. Excessive or repetitive tardiness or absenteeism, regardless of reason(s), which renders an employee insufficiently available for work or negatively impairs the operations of HCAOG, will be evaluated on a case-by-case basis to determine the merits of disciplinary action, up to and including termination of employment.
3. Employees absent for three consecutive workdays without calling in to report the absence are considered to have voluntarily resigned from employment with HCAOG as of the first day of absence. This "no call/no show" policy applies to all situations other than extreme emergencies.

## **SUBJECT: MANDATORY MEETINGS/TRAINING**

**POLICY #210**

HCAOG pays employees for attendance at meetings, seminars and training programs under the following conditions:

- HCAOG requires attendance.
- The meeting or seminar is directly related to the employee's job.
- The employee who is required to attend such meetings, seminars or training programs will be notified of the necessity for such attendance by his/her supervisor.

For non-exempt employees only:

- Any hours in excess of the employee's normal 40-hour workweek will be paid at the appropriate overtime rate, if applicable, at the hourly rate in effect at the time the overtime work is being performed, and upon approval by the supervisor.
- In lieu of overtime pay, the employee may choose compensatory time off at the rate of one and one-half (1½) hours per one hour of overtime worked for non-exempt employees. Use of compensation time requires the supervisor's approval.

### **GUIDELINES**

If an employee voluntarily schedules to attend a one-day seminar or conference on his/her regularly scheduled day off, HCAOG will not pay overtime for attendance. In the event that the program requires overnight accommodations, overtime will not be paid for any portion of these programs. Accommodations and meals may be paid for by HCAOG or reimbursed to the employee.

Employees requesting approval to attend a budgeted seminar or conference in excess of two (2) days should complete a written request, including estimated expenses. The request should be submitted to the supervisor and must be approved before attending. Per Diem language will be reimbursed with the registration fee or by submitting an employee expense form, with attached receipts.

If the employee uses his/her own car, mileage reimbursement will be made at the current IRS rate. Travel expenses will be reimbursed upon presentation of receipts and an employee expense form. Approval of reimbursement must be provided by the employee's supervisor or by the Executive Director or authorized designee. Advances for reimbursable expenses may be made for one-day seminars or workshops on a case-by-case basis.

## **SUBJECT: STANDARDS OF CONDUCT**

## **POLICY #211**

Like all other organizations, HCAOG requires order, discipline, and performance to succeed and to promote efficiency, productivity, and cooperation among employees. It is not possible to list all forms of behavior that are considered unacceptable in the workplace. Examples of conduct that is prohibited and will not be tolerated by HCAOG are listed below. This list is illustrative only, other types of conduct that threaten the security, personal safety and welfare of employees and/or HCAOG's operations are also prohibited.

### **GUIDELINES**

Any actions such as the examples of misconduct listed below will be cause for HCAOG to discipline the employee, up to and including termination of employment. Either the employee or HCAOG remains free to terminate the employment relationship at any time, with or without reason or advance notice.

1. Falsifying employment records, employment information, or other Agency records (note that employment information includes Social Security Numbers and any other documents used to verify identity and ability to work in the United States);
2. Recording the work time of another employee or allowing any other employee to record one's own work time, or falsifying any time card, either one's own or another employee's;
3. Theft and deliberate or careless damage or destruction of any Agency property or the property of any employee or customer;
4. Removing or borrowing Agency property without prior authorization;
5. Unauthorized use of Agency equipment, time, materials or facilities;
6. Provoking a fight or fighting during working hours or on Agency property;
7. Carrying firearms or any other dangerous weapons on Agency premises at any time;
8. Conviction of criminal conduct related to job performance;
9. Causing, creating or participating in a disruption of any kind during working hours on Agency property;
10. Insubordination, including but not limited to, failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management;
11. Using abusive language at any time on Agency premises;
12. Failing to notify a supervisor when unable to report to work;
13. Unreported absence of two or more consecutive scheduled workdays;
14. Failing to obtain permission to leave work for any reason during normal working hours;
15. Failing to observe working schedules, including rest and lunch periods;
16. Failing to provide a physician's certificate when requested or required to do so;
17. Sleeping on the job or excessive attention to personal matter versus office matters;
18. Mailing, emailing, or accepting telephone calls for personal reasons of more than a few minutes during working hours, except in cases of emergency;
19. Working overtime without authorization or refusing to work assigned overtime, except under extenuating circumstances;
20. Wearing disturbing, unprofessional or inappropriate styles of dress or hair while working;
21. Violating any safety, health, security or Agency policy, rule or procedure;

22. Committing a fraudulent act or a breach of trust under any circumstances;
23. Committing or involvement in any act of unlawful harassment of another individual;
24. Unsatisfactory job performance or inability to perform job duties in a satisfactory manner;
25. Any other conduct incompatible with service to the public including behavior in the conduct of Agency business which causes, or would tend to cause, discredit to fall upon HCAOG; and
26. Engaging in any unlawful acts, as governed by State and Federal laws.

## **SUBJECT: PROGRESSIVE DISCIPLINE**

## **POLICY #212**

Each Agency employee should perform his or her own work for HCAOG in compliance with high standards of performance and behavior required in a professional workplace and consistent with HCAOG's Business Ethics Policy (see Policy #106). Each employee is responsible for correcting any unsatisfactory performance or behavior in order to maintain high workplace standards.

### **GUIDELINES**

If an employee's performance or behavior is unsatisfactory or deficient, the employee may face disciplinary action. The Executive Director or authorized designee has the right to determine what disciplinary action is appropriate based on the facts of each case. Any disciplinary action will be related to the severity of the performance or behavioral deficiency, its frequency, its consequences and the employee's record of prior performance and behavior.

The Executive Director may take disciplinary actions regarding an employee's unsatisfactory or deficient performance or behavior and propose corrective actions which the employee should take to bring performance or behavior to expected standards including, but not limited to:

1. Verbal counseling;
2. Written notice or reprimand;
3. Suspension of employee from work with or without pay;
4. Demotion of employee from current position to lower-paid position or class; and/or
5. Termination of employment.

HCAOG is not required to treat each form of discipline as a step in a series to be followed with an employee before termination of employment. A serious or major performance or behavioral deficiency may result in a more severe disciplinary action, including immediate termination of employment, and may not necessarily be preceded by less severe forms of disciplinary action.

### **GRIEVANCE PROCEDURE**

Prior to imposing any disciplinary action, except verbal counseling or written notice or reprimand, HCAOG will meet with the employee to inform him/her about the proposed disciplinary action, the basis for the disciplinary action, including the employee's unsatisfactory or deficient performance or behavior, the severity, frequency and/or consequences of such performance or behavior and any other reasons why such disciplinary action is being imposed. The employee will be given a reasonable opportunity to respond orally and/or in writing.

After consideration of the employee's response, the Executive Director or authorized designee will give the employee written notice of the disciplinary action, including the reasons for the action and any facts relevant to unsatisfactory or deficient performance or behavior. The employee will also be notified of his/her right to appeal the disciplinary action.

Any employee suspended without pay, involuntarily demoted or terminated may submit a written appeal of such action to the Executive Director or authorized designee, within five (5) days after written notice of disciplinary action. Failure to request an appeal within five (5) days terminates the right to a hearing and the disciplinary action will be final.

Within five (5) days of HCAOG's receipt of the written notice of appeal, or as soon as is reasonably possible, a hearing will be conducted to examine all the facts and available evidence regarding the disciplinary action, and to question witnesses. At the end of the hearing or within three (3) days of such hearing, the Executive Director or authorized designee will determine whether the disciplinary action should be upheld or revoked.

The findings and recommendations of the Executive Director or authorized designee will be submitted to the appellant. If the complaint is against the Executive Director, it can be presented to the Board of Directors. The appellant will have the right to appear before the Board of Directors before the Board makes a decision. The Board's decision will be final and binding.

## **SUBJECT: TERMINATION OF EMPLOYMENT**

## **POLICY #213**

The Executive Director or authorized designee may separate employees from employment as necessary and as provided by these policies. Reasons for employee termination from employment include dismissal by disciplinary action, resignation, unexcused absence or disability, retirement, and layoff, or death.

All employees will be paid in full for accrued and unused vacation and compensatory time off on the last day of employment or within the appropriate timeframe based on Federal and State laws.

Employees will be advised of the Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Health Insurance Portability and Accountability Act (HIPAA), if applicable. (See Policy #301 for an explanation of these options.)

### **GUIDELINES**

#### **1. Resignation**

An employee who desires to terminate his/her employment is encouraged to submit a written resignation at least two (2) weeks before the intended resignation date. Supervisors are encouraged to give thirty (30) days notice of intent to resign.

#### **2. Non-disciplinary Separation from Employment**

- A. The Executive Director or authorized designee may initiate non-disciplinary separation from employment of an employee for reasons of job abandonment, failure to return to work following an approved leave, enforcement of the Employment of Relatives policy (Policy #401), physical or mental disability that cannot be reasonably accommodated, or other similar non-disciplinary reasons. Employees in positions which require driving as an essential duty may be subject to non-disciplinary separation from employment in the event of denial/exclusions of coverage by the insurance carrier or failure to maintain a valid driver's license.
- B. The Executive Director or authorized designee will provide written notice to any regular status employee separated from employment for non-disciplinary reasons. The effective date of employment termination may be determined by the Executive Director or authorized designee to be the last actual day at work or the date the written notice is signed or a future date. Upon receipt of notice of non-disciplinary separation from employment, the employee may accept the decision or within five (5) days submit a written request to the Executive Director or authorized designee for informal reconsideration of the employment separation decision. Such request must include a statement of facts or information which the employee believes will give the Executive Director or authorized designee good reason to change the termination decision. The Executive Director or authorized designee will respond to any such request for informal reconsideration.



### **3. Organizational Changes**

HCAOG exercises complete control and discretion over its organization and the methods of performing its work. Whenever in the judgment of the Executive Director or authorized designee it becomes necessary in the interest of economy and efficiency or because the need for the performance of duties no longer exists, the Executive Director or authorized designee may eliminate or consolidate any positions.

### **4. Reduction in Force**

At times, HCAOG may need to restructure or reduce its workforce. If it becomes necessary to restructure operations or reduce the number of employees, HCAOG will attempt to provide advance notice, if possible, so as to minimize the impact on affected employees.

### **5. Retirement**

An employee planning to retire shall submit a written notice at least thirty (30) days before the effective date of retirement.

### **6. Final Paycheck**

Although it is requested that an employee give two (2) weeks notice before resigning, if an employee provides seventy-two hours (72) notice, the employee will receive the final paycheck on the last day of work. If less than seventy-two (72) hours notice is given, HCAOG shall release the final check within seventy-two (72) hours of when notice is given.

If the employee is terminated involuntarily, a final paycheck will be provided on the day of termination.

### **7. Return of Agency Property**

Upon termination of employment, employees are required to return all equipment, keys, ID cards, emergency passes, equipment, laptops and other Agency property prior to leaving HCAOG.

### **8. Continuation of Group Health Benefits – C.O.B.R.A.**

In accordance with Federal and State law, employees and their families, at their expense, may have a temporary extension of health coverage at group rates plus applicable administrative fees in certain instances where coverage under the plan would otherwise terminate. The employee may contact the Executive Director or authorized designee for more information regarding this benefit.

HCAOG recognizes the benefit of providing an orderly and expeditious method for resolving problems which may arise from working relationships and conditions. It is HCAOG's policy to provide an orderly method for handling problems and complaints in the interest of obtaining fair and equitable solutions.

Employees shall be advised that using this process shall not affect their job status, security or relationship. Employees can exercise this complaint resolution process without retribution.

## **GUIDELINES**

1. Any employee has the right to present a problem or complaint arising from his/her employment in accordance with the rules and regulations of this policy.
2. All parties involved in the problem solving process must act in good faith and strive for objectivity, while attempting to reach a solution at the earliest possible step of the procedure. Employees shall have the assurance that bringing forward a problem or complaint will not result in reprisal of any nature.
3. HCAOG is committed to ensuring a prompt and fair problem resolution process, including any necessary investigation process. At the discretion of the Executive Director or authorized designee and/or the employee's supervisor (unless otherwise required by law), the employee may be allowed to use Agency facilities and work time to deal with their problem or complaint and to go through the complaint resolution process. The use of any office time for this purpose shall not be excessive, nor shall this privilege be abused.
4. In gathering information on a problem or complaint, the employee may discuss the problem or complaint with employees immediately concerned after obtaining permission from their immediate supervisor; and review all documents, records or data related to the situation. A list of such employees must be submitted to the Executive Director or authorized designee in advance.

Upon obtaining permission from his/her immediate supervisor, the employee shall be permitted to leave the normal work area during on-duty time for such time as is necessary to prepare a written complaint.

If an involved supervisor feels that the time requested would unduly interfere with an adequate level of service, alternative arrangements may be made.

5. Certain time limits in the problem solving procedure are designed to settle the problem or complaint. HCAOG realizes, however, that occasionally the parties concerned may be unable to comply with the established limitations. In such instances, the limitations may be extended upon the mutual agreement of all parties concerned.

6. When two or more employees experience a common problem, they may initiate a single problem solving process. If the employees do not have a common supervisor, the problem or complaint shall be presented to the Executive Director or authorized designee.

## COMPLAINT RESOLUTION PROCEDURE

POLICY #214

Step 1: When an employee becomes aware that a problem exists, the employee shall discuss the matter informally with his/her immediate supervisor to try to resolve the problem.

An employee who believes that he/she has been subject to any form of unlawful discrimination or harassment, whenever possible, should confront the harasser or the person discriminating against him/her, and tell the person to stop. If the employee does not feel comfortable doing this, he/she should follow step 2 immediately.

Step 2: If a mutually acceptable solution cannot be reached in Step 1, the employee shall submit a formal complaint in writing to the immediate supervisor and the Executive Director or authorized designee. The immediate supervisor will try to address and resolve the problem with the assistance of the Executive Director or authorized designee. The complaint should be specific and should include date(s) and time(s) of any incident(s), if applicable, details on the incident(s), names of individuals involved, and the names of any witnesses, if applicable.

If the complaint is related to any claims of unlawful discrimination or harassment, the complaint should also be submitted in writing but this is not required.

The supervisor (or the Executive Director or authorized designee, depending on the severity of the complaint or any alleged offense) will immediately undertake an effective, thorough and objective investigation and attempt to resolve the situation. If it is determined that unlawful discrimination or harassment has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action will also be taken to deter any future discrimination or harassment. Whatever action is taken will be made known to the affected employee and HCAOG will take appropriate action to remedy any loss to the employee as a result of the discrimination or harassment.

Step 3: If the problem cannot be resolved in Step 2 or the employee does not agree with his/her immediate supervisor's decision or if the complaint is against the immediate supervisor, he/she can file a formal written complaint to be reviewed by an individual or individuals, designated by the Executive Director or authorized designee. Within a reasonable timeframe, the designated individual(s) will investigate the complaint, confer with persons affected to the extent deemed necessary and meet with the employee in an attempt to resolve the complaint and make a decision in writing. The decision will be given to the employee.

Step 4: If the employee is dissatisfied with the decision by the designated individual(s), he/she may request a review by the Executive Director or authorized designee. The Executive Director or authorized designee shall review the complaint and render a written decision within a reasonable period of time.

If the complaint is against the Executive Director or authorized designee, the complaint shall be filed with the Board of Directors or the appropriate Subcommittee. The Chair of the Board or Subcommittee may either review the complaint and conduct such investigation as he/she deems appropriate or in his/her discretion refer the matter to the full Board of Subcommittee for its review of the complaint and determination of appropriate action.

At any time throughout the complaint process, the employee may withdraw his/her complaint, if he/she so chooses. HCAOG will not encourage, discourage, or solicit the withdrawal of a complaint.

HCAOG will not retaliate against the employee for filing a complaint and will not knowingly permit retaliation by management employees or coworkers.

If an employee has any questions regarding HCAOG's policy against unlawful discrimination or harassment or the procedure for filing complaints, he/she should contact his/her supervisor.



## **SECTION III BENEFITS**

**SUBJECT: HEALTH AND WELFARE BENEFITS**

**POLICY #301**

HCAOG provides its eligible employees access to comprehensive health and welfare insurance protection including medical, dental, vision, life, workers' compensation and unemployment insurance protection. The enrollment and/or cancellation date for all insurance coverage is the 1<sup>st</sup> of each month, unless otherwise indicated. For example, if an employee's first day of employment is January 15, the first possible enrollment date for the above-mentioned insurance plans is February 1.

HCAOG also provides retirement benefits and other optional benefit plans as outlined below.

### **GUIDELINES**

#### **1. Health Benefits**

- A. HCAOG offers medical insurance through CalPERS Healthcare Plan. Employees may enroll their spouse, eligible children or registered domestic partners and eligible children of registered domestic partners, according to the CalPERS Healthcare Plan rules and guidelines.
- B. The cost of providing health benefit coverage for the active employee and one eligible dependent will be paid 100% by HCAOG.
- C. Regular part-time employees must work a minimum of 40 hours per week to qualify for health benefits.

#### **2. Dental Benefits**

Dental benefits are offered to both the employee and one dependent. Any questions on dental coverage can be answered by calling the insurance carrier or contacting HCAOG's Executive Director or authorized designee.

#### **3. Vision Care**

HCAOG provides vision care through an independent carrier as a part of the employee benefit program. An explanation of the plan can be provided by HCAOG's Executive Director or authorized designee.

#### **4. Group Term Life Insurance**

HCAOG provides group term life insurance for its employees, with the following coverage:

- A. \$20,000 for Management and Confidential Employees
- B. \$10,000 for regular full-time employees

The benefits of this program can be explained in more detail by Executive Director or authorized designee.

#### **5. Consolidated Omnibus Budget Reconciliation Act (COBRA)**

Employees and dependents who lose group coverage due to termination of employment or other “qualifying events” (i.e., death of employee, divorce or separation) may continue health and dental coverage on a self-pay basis under the COBRA option.

Upon an employee’s termination of employment, the Executive Director or authorized designee will issue a Notice of Right to Elect COBRA Continuation Coverage for health, dental, and coverage. Continuation of coverage is paid by the terminating employee directly to the health plan carrier.

#### **6. Paid Family Leave (PFL)**

Paid Family Leave (PFL) is a State-sponsored insurance program within the State Disability Insurance (SDI) program. Through PFL, employees receive partial wage replacement for up to six (6) weeks in any twelve (12)-month period while on leave from work to care for a seriously ill or injured family member or to bond with a child.

Leave for bonding with a child must occur within one year of:

- The birth of a child; or
- Placement of a child in the employee’s home for foster care or adoption.

The benefits of this program, paid for by the employee through payroll deductions, can be explained in more detail by the Executive Director or authorized designee.

#### **7. Unemployment Insurance**

Unemployment insurance provides compensation payable to people unemployed through no fault of their own, who are actively seeking employment and are available and able to work. HCAOG pays the entire cost of unemployment benefits for former employees through taxes paid to the State. To receive more detailed information regarding the coverage, please contact the Executive Director or authorized designee.



## **8. Retirement Benefits**

Full-time employees are required to participate in the California Public Employees Retirement System (CalPERS). Part-time employees participate in CalPERS if consistently employed 20 hours per week for one year or longer. Temporary employees are required to participate after being employed by HCAOG for more than one thousand hours (1,000) annually. The benefit formula for retirement is 2% at age 60 (unless considered a new employee under the Public Employees' Pension Reform Act of 2013 (PEPRA), the formula rate would be 2% a@ 62). HCAOG contributes to CalPERS each pay period the 7% employee contribution on behalf of all employees. Such contribution shall be reported to CalPERS as “employee contribution being made by the contracting agency” and shall not be deemed to be “compensation” reportable to CalPERS.

## **9. Deferred Compensation Plan**

As part of the benefits program, HCAOG offers to its employees a deferred compensation plan. Employees may contribute to the plan on a voluntary basis. HCAOG does not contribute any funds on behalf of the employee.

To receive more detailed information, please contact the Executive Director or authorized designee.

## **SUBJECT: HOLIDAYS**

## **POLICY #302**

The following twelve (12) paid holidays shall be observed by HCAOG:

1. January 1, New Year's Day
2. The third Monday in January, Martin Luther King Day
3. The twelfth day in February, Lincoln's Birthday
4. The third Monday in February, President's Day
5. The last Friday in March, Cesar Chavez Day
6. The last Monday in May, Memorial Day
7. The fourth day in July, Independence Day
8. The first Monday in September, Labor Day
9. The eleventh day in November, Veteran's Day
10. The fourth Thursday in November, Thanksgiving Day
11. The Friday after Thanksgiving Day
12. The twenty-fifth day of December, Christmas Day

Employees shall be entitled to the paid scheduled holidays listed above provided they are in a paid status during any portion of the working day immediately preceding and the one succeeding the scheduled holiday. A new employee whose first working day is after a paid scheduled holiday shall not be paid for the holiday, and an employee who is terminated and whose last day is the day before a paid scheduled holiday shall not be paid for that holiday.

### **GUIDELINES**

#### **1. Holidays Falling on Weekend Days**

When any of the holidays identified above fall on a Sunday, the following Monday will be deemed to be the holiday in lieu of the day normally observed. When any of the holidays above fall on a Saturday, the preceding Friday will be deemed to be the holiday in lieu of the day normally observed.

#### **2. Optional Holiday**

Regular full-time employees will receive one (1) additional holiday per year that may be taken at the option of the employee after receiving approval by his/her supervisor. On July 1 of every year, all eligible employees will be credited with the appropriate number of holiday units that equal their regular work day. No employee is entitled to any credit for this optional holiday until the first of the pay period following completion of two (2) pay periods of continuous employment with the HCAOG.

Regular part-time employees who are eligible for compensation for scheduled holidays shall also be eligible for optional holiday credit.

### **3. Holiday Time**

Regular full-time employees shall receive eight (8) hours of holiday pay for each of the above holidays at their regular base rate. Regular part-time employees shall receive paid holiday time prorated based on actual hours worked should their regular work schedule fall on one of the above listed holidays.

### **4. Administrative Procedure**

The Executive Director or authorized designee shall establish holiday procedures governing all employees.

### **5. Employees Required to Work on a Holiday**

If an employee is required to work on a holiday, the employee can select another day to be taken in lieu of the holiday and that day should be taken off within thirty (30) days of the worked holiday. Exempt employees will receive their regular rate of pay and non-exempt employees will receive regular straight time pay for the holiday worked. If working on the holiday results in working more than 40 hours per week, non-exempt employees will be compensated at appropriate overtime rates.

**SUBJECT: VACATION**

**POLICY #303**

Regular full-time employees (including probationary employees) working 40 hours per week accrue vacation in accordance with the table below. Vacation leave earned shall accrue upon completion of each pay period starting the first of the pay period following completion of two (2) pay periods of continuous full-time employment. Vacation may not be taken until the employee has successfully completed three (3) months of employment. No vacation shall be allowed to any employee until such vacation has been earned as provided herein. No vacation will be credited for any month in which an employee is absent for more than one-half (1/2) of such month on leave of absence without pay.

**GUIDELINES**

**1. Vacation Accrual**

<b>Years of Service</b>	<b>Vacation Days Accrued Per Year</b>	<b>Maximum Hours Accrued Per Year</b>
0-3 Years	12 Days or 96 Hours	24 Days or 192 Hours
3.1-10 Years	15 Days or 120 Hours	30 Days or 240 Hours
10.1-15 Years	20 Days or 160 Hours	40 Days or 320 Hours
15.1-20 Years	25 Days or 200 Hours	50 Days or 400 Hours
20.1+ Years	30 Days or 240 Hours	60 Days or 480 Hours

Regular part-time employees shall earn vacation leave on a pro rata basis based on actual hours worked, but in no case shall a regular part-time employee be allowed benefits until the employee has completed an aggregate of one hundred fifty (150) hours worked. The maximum accrual will also be prorated based on actual hours worked.

**2. Scheduling & Usage**

Scheduling for vacations should be made in such a manner as to ensure continuous and efficient operations for HCAOG. All vacations are subject to cancellation in case of emergency conditions.

A written request for vacation time of at least three (3) consecutive days should be presented for approval at least thirty (30) calendar days prior to the time requested and the request must be approved by the employee’s supervisor before the time can be taken.

If an Agency holiday occurs during vacation leave, the employee’s vacation accrual will not be charged for that day.

If an employee or his/her immediate family member suffers a bona fide illness or injury during a vacation and is able to provide a doctor’s certification regarding that illness or injury, the employee may request that sick leave be substituted for vacation leave. Granting sick leave in lieu of vacation is at the discretion of the Executive Director or authorized designee.

### **3. Maximum Vacation Accrual**

Once an employee reaches the maximum vacation accrual (see table above), the employee will cease accruing any additional vacation leave until such time as the accrued unused vacation is below the maximum vacation accrual hours allowed.

### **4. Vacation Pay-Out**

HCAOG employees in positions that have been designated as "Management" or as "Confidential" shall have the option to convert up to two (2) weeks of vacation credit to cash one time per calendar year.

The Executive Director may convert up to three (3) weeks of vacation to cash one time per calendar year.

Employees may request to convert vacation credit during the month of November, on a form provided by Payroll.

An employee who separates from Agency service will be paid for unused accrued vacation at straight time rates at the current regular rate of pay at the time of separation.

In case an employee dies while employed by HCAOG with earned vacation to his credit at the time he/she dies, his/her legatees shall be paid the monetary value of such accrued vacation time computed upon the base pay of the employee at the time of death.

### **5. Use of Vacation Time While on an Unpaid Leave**

Employees can take accrued and unused paid leave before taking unpaid leave, or having unpaid absences. This includes Family Care, Medical, and Pregnancy Disability Leave. If the employee is receiving wage replacement through a disability leave plan (such as State Disability Insurance or Paid Family Leave), accrued and unused vacation time can be integrated with disability benefits.

Employees who are absent because of their own disability may be eligible for State Disability Insurance (SDI) benefits. SDI payments do not begin until after an employee has been absent from work for seven (7) calendar days. If the employee has accrued vacation time, vacation can be used for the first seven (7) days before SDI payments begin.

SDI benefits do not replace all usual wages. The employee may choose to supplement SDI benefits with vacation time. If the employee is absent for a reason that qualifies for Paid Family Leave (PFL) payments, the employee may choose to supplement PFL benefits with vacation time.

Paid vacation time is a benefit that can also cover absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers' compensation

insurance. However, workers' compensation benefits usually do not cover absences for medical treatment. When an employee reports a work-related illness or injury, he/she will be sent for medical treatment, if treatment is necessary. The employee will be paid regular wages for the time spent seeking initial medical treatment. Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other prescribed appointments will not be paid as time worked. If the employee has accrued an unused vacation time, the additional absences from work can be paid with the use of vacation time. If the employee does not have accrued vacation time or has used all vacation time, he/she may choose to substitute other paid time off for further absences from work, related to the illness or injury.

## **6. Vacation Relief Employment**

Vacation relief employment may not begin more than one regular working day prior to the beginning of the vacation of the regular employee or continue beyond such vacation.

## **7. Temporary Employee Appointed to Regular Position**

If a temporary employee has been working full-time is appointed to a regular position without a break in service, the hours of continuous service as a temporary employee shall be recognized in the computation of vacation benefits provided by this section.

## **SUBJECT: SICK LEAVE**

## **POLICY #304**

Sick leave with pay is protection granted in circumstances of adversity to promote the health of the individual employee. It is not an earned right to time off from work and is not to be confused with vacation or other types of leave. Sick leave with pay can be granted only for bona fide illness or injury, exposure to contagious disease, or dental, eye or other physical, psychiatric or medical examination or treatment by a licensed practitioner.

Excessive or repetitive absenteeism, regardless of reason(s), which renders an employee insufficiently available for work will be evaluated on a case-by-case basis to determine the merits of disciplinary action, up to and including termination of employment.

### **GUIDELINES**

#### **1. Accrual and Usage of Sick Leave**

Regular full-time employees accrue sick leave at the rate of one day for each full month of active employment, upon the completion of two (2) pay periods of continuous full-time employment. No sick leave shall be accrued for a month wherein the employee is on leave of absence without pay for more than one-half (1/2) of that month.

For any HCAOG employee hired prior to October 15, 2015, covered under the provisions of CalPERS, or upon death, the employee may receive cash equivalent on all of his/her accumulated unused sick leave or may have all or some converted to CalPERS service credit upon retirement or separation from HCAOG.

This will apply in all cases, except for termination for cause.

For any HCAOG employee hired after October 15, 2015, separation of an employee's service shall abrogate all sick leave accrued to the time of termination, regardless of whether or not such a person subsequently re-enters HCAOG's employment.

#### **2. Definitions**

##### **A. Personal Sick Leave**

Sick leave is the absence from duty of an employee because of the employee's own illness, injury, or exposure to a contagious disease that incapacitates the employee and prevents the employee from performing assigned duties.

##### **B. Family Sick Leave**

An employee may use their accrued sick leave to care for an immediate family member who is ill and requires the employee's personal attention. Employees are encouraged to make arrangements for other care as soon as possible in order to return to work.

##### **C. Immediate Family Members**

Immediate family members mean spouse, parent, child, step-child, mother/father-in-law, registered domestic partner, or other person who is living within the household and is in a dependent category according to IRS regulations.

**D. Medical Appointments**

Employees may use earned sick leave for routine physical checkups, medical and dental procedures for themselves and their family members. Whenever possible, requests for preventative sick leave usage should be made sufficiently in advance to provide the employee's supervisor with proper notification for scheduling considerations.

**3. Administration**

**A. Notice of Illness**

It is the responsibility of the employee to personally notify his/her immediate supervisor before 9 a.m. of illness or injury. If the supervisor is not available, the employee should leave a voice mail message and inform another Agency employee, or the Executive Director or authorized designee that he/she will not be in. Failure to provide proper notification may result in the denial of sick leave with pay.

**B. Documentation**

The employee's supervisor or the Executive Director or authorized designee may request a doctor's certification for any illness for which an employee requests sick leave, including family sick leave. Absences of three (3) or more days require a doctor's certification when returning to work.

**C. Denial of Sick Leave Benefits**

Sick leave with pay may be denied if it is substantiated that the employee's absence did not meet the definitions as specified in Section 2, *Definitions*, of this Sick Leave Policy and may be grounds for disciplinary action, up to and including termination of employment.

An employee who is on unscheduled sick leave and has no sick leave accrual in his/her account and who has been counseled and noticed for sick leave abuse, may not use vacation for that time off. The employee will be on a leave of absence without pay.

**D. Sick Leave Abuse Review**

In reviewing each employee's sick leave usage, the supervisor and/or the Executive Director or authorized designee will pay particular attention to specific indicators to determine if abuse of sick leave may be occurring. The indicators to be reviewed include, but are not limited to:

- (1) Patterns of sick leave usage (including Monday/Friday absences, absences occurring in conjunction with authorized days off or in conjunction with pay days);
- (2) Unscheduled sick leave usage;



- (3) Demonstrated use of sick leave when neither employee nor family member is ill.

Based upon a review of the above indicators, the supervisor and the Executive Director or authorized designee will determine if counseling and/or disciplinary action is appropriate.

#### **4. Termination of Employment**

Employees who are terminated are not paid for any accrued sick leave.

#### **5. Retirement**

For detailed information on retirement, refer to the PERS booklet or contact the Executive Director or authorized designee.

#### **6. Use of Paid Sick Leave While on an Unpaid Leave**

Employees can take accrued and unused paid leave before taking unpaid leave, or having unpaid absences. This includes Family Care, Medical, and Pregnancy Disability Leave. If the employee is receiving wage replacement through a disability leave plan (such as State Disability Insurance or Paid Family leave), accrued and unused sick leave can be integrated with disability benefits.

Employees who are absent because of their own disability may be eligible for State Disability Insurance (SDI) benefits. SDI payments do not begin until after an employee has been absent from work for seven (7) calendar days. If the employee has accrued sick leave, sick leave can be used for the first seven (7) days before SDI payments begin.

SDI benefits do not replace all usual wages. The employee may choose to supplement SDI benefits with sick leave. If the employee is absent for a reason that qualifies for Paid Family Leave (PFL) payments, the employee may choose to supplement PFL benefits with sick leave.

Paid sick leave is a benefit that also covers absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers' compensation insurance. However, workers' compensation benefits usually do not cover absences for medical treatment. When an employee reports a work-related illness or injury, he/she will be sent for medical treatment, if treatment is necessary. The employee will be paid regular wages for the time spent seeking initial medical treatment. Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other prescribed appointments will not be paid as time worked. If the employee has accrued and unused sick leave, the additional absences from work can be paid with the use of sick leave. If the employee does not have accrued, paid sick leave or has used all sick leave, he/she may choose to substitute vacation or other paid time off for further absences from work, related to the illness or injury.

## **7. No Leave Allowed for Certain Causes**

No employee shall be entitled to sick leave with pay while absent from duty on account of any of the following causes:

- Disability arising from any sickness or injury purposely self-inflicted or caused by any of the employee's own willful misconduct.

## **8. Leave Not to be Used as Vacation**

Sick leave shall not be used in lieu of or in addition to vacation, unless the employee is legitimately ill or injured.

## **9. No Sick Leave for Temporary Employees; Exceptions**

No sick leave with pay is allowable to temporary employees; provided, however, if a temporary employee who has been working full-time is appointed to a regular position without a break in service, the hours of continuous service as a temporary employee shall be recognized in the computation of sick leave benefits provided by this section.

## **10. Effect of Layoff on Accumulation**

When an employee is laid off due to reduction in force, any such employee shall receive credit for all unused sick leave time for which he did not receive compensation, if reinstated within one year of layoff date.

## **SUBJECT: LEAVES OF ABSENCE**

## **POLICY #305**

All leave time covered under this policy must be requested from and approved by the Executive Director or authorized designee.

Leaves of absence without pay for more than ten (10) working days that are in the best interest of HCAOG may be granted by the Executive Director or authorized designee. Requests for leave of absence without pay of less than ten (10) working days duration, for other than medical reasons, shall be submitted by the employee to the Executive Director or authorized designee in writing and shall be considered on their individual merit and circumstances. Reasons for rejection of such requests shall be submitted in writing to the employee by the Executive Director or authorized designee.

### **GUIDELINES**

#### **1. Emergency Leave**

Emergency is defined as the death, major medical event or serious illness of a member of the employee's immediate family (spouse, child, step-child, foster child, sibling, parent, step-parent, foster parent, or any other person sharing the relationship of in loco parentis, and when living in the household of either parent-in-law, grandparent, grandchildren, and a registered domestic partner and their children) or a personal catastrophe affecting the employee.

In an emergency as described above, up to five (5) days of special leave with pay may be approved by the Executive Director or authorized designee to employees whose employment status normally entitles them to vacation and sick leave benefits.

Employees will receive one (1) day off with pay and may use compensatory time, vacation, management or personal leave time to attend a funeral for a friend or relative outside their immediate family.

Employees must secure approval from the immediate supervisor prior to the requested leave and must submit a leave request form for emergency leave. If submitting a form before taking time off is not possible, the employee must do so within three working days following the employee's return to work. The employee must provide appropriate documentation as proof for the reason of the absence.

The employee must provide the following information to the supervisor: nature of emergency, name of person, relationship, name, address and phone number of hospital, mortuary or organization handling the case and an estimate of time off required.

#### **2. Family and Medical Leave**

HCAOG may grant regular employees (including probationary employees) up to twelve (12) workweeks of unpaid time off in a 12-month period for the employee's own serious health condition, for the serious health condition of the employee's immediate family member, such as

child, parent, spouse or registered domestic partner, or their child, or for baby/child bonding after the birth, adoption, or foster care placement of an employee's child.

If possible, the employee must provide at least 30 days' advance notice for foreseeable events (such as a planned medical treatment for the employee or the employee's family member, or the expected birth, adoption, or foster placement of a child). For events that are unforeseeable, the employee must notify HCAOG, at least verbally, as soon as he/she learns about the need for a leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until the employee complies with this notice policy.

HCAOG will require a medical certification from the health care provider of the employee or the employee's immediate family member who has a serious health condition before approving a medical leave or leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

HCAOG may require a birth certificate of the new-born child or adoption or foster care papers before approving a leave for bonding with a new child. If a leave is taken for the birth, adoption or foster care placement of a child, the employee must conclude the leave within one year of the birth or placement for adoption or foster care.

**A. Accrual of Benefits**

Employees on a family or medical leave will not accrue sick leave, vacation, or holiday benefits during the period of the unpaid absence. All Agency benefits will continue to accrue during the period of integration with State Disability Insurance or Paid Family Leave benefits and accrued vacation/sick leave.

**B. Health Insurance Coverage during Family or Medical Leave**

HCAOG will continue to provide up to twelve (12) weeks of coverage under any health benefit plan during family medical leave at the same level as if the employee were actively working.

**C. Use of Sick Leave and Other Paid Leave**

The employee may use any accrued unused sick and/or any other accrued unused leave (if otherwise eligible to take the time) during a family or medical leave.

**D. Return to Work from a Medical Leave**

Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a family or medical leave, an employee will be reinstated to the same position held at the time the leave began or to an equivalent position, if available. An employee returning from a family or medical leave has no greater right to reinstatement than if the employee had been continuously employed.

**3. Pregnancy Disability Leave of Absence**

If an employee becomes unable to perform the duties of their position as a result of a medical disability related to pregnancy, childbirth, or related medical conditions, the employee may be

eligible for placement on pregnancy disability leave (PDL). The leave of absence will be extended to the employee for the duration of the disability, up to a maximum of four (4) months, measured from the onset of the disability. Any leave does not need to be taken in one continuous period of time.

**A. Notice of Pregnancy Disability Leave**

An employee planning to take PDL should advise their supervisor as early as possible. The individual should make an appointment with the supervisor to discuss the following conditions:

**Duration of Leave:** The duration of the leave will be determined by the advice of the employee's physician. Employees disabled by pregnancy, childbirth, and/or related medical condition may take up to a maximum of four (4) months off. Part-time employees are entitled to leave on a pro-rata basis. The four (4) months of leave include any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.

**Scheduling of Leave:** Employees who need to take PDL must inform HCAOG when a leave is expected to begin and how long it will likely last. If the need for a leave is foreseeable, employees must provide notification at least 30 days before the medical or pregnancy disability leave is to begin. Employees must consult with The Executive Director or authorized designee regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to HCAOG's operations. Any such scheduling is subject to the approval of the employee's health care provider. If 30 days' advance notice is not possible, notice must be given as soon as practical. Failure to give reasonable advance notice may result in the delay of leave, reasonable accommodation, or transfer.

**Change of Work Assignment:** In the case of a pregnancy disability, upon the request of an employee and recommendation of the employee's physician, the employee's work assignment may be changed if necessary to protect the health and safety of the employee and her child.

**Job Duties:** In the case of a pregnancy disability, requests for transfers of job duties will be reasonably accommodated if the job and security rights of others are not breached and the accommodation does not create undue hardship for HCAOG.

**Temporary transfers:** Temporary transfers due to pregnancy disability to a less strenuous or hazards position (where one is available) or duties will be granted when possible. However, the transferred employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons.

**Physician Certification:** PDL usually begins when ordered by the employee's physician. The employee must provide HCAOG with a certificate from a health care provider. The certification should contain:

- The date on which the employee became disabled due to pregnancy or related medical condition;
- The probable duration of the period or periods of disability; and
- A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of their position without undue risk to themselves or to other persons.

**Return from Leave:** Leave returns will be allowed only when the employee's physician sends a release.

**Use of Sick Leave and Other Paid Leave:** The employee will be required to use any accrued unused sick leave and will be allowed to use any other accrued leave (if otherwise eligible to take the time) during a PDL.

**Other Employment:** An employee on PDL may not accept outside employment without the express written approval of the Executive Director or authorized designee.

**B. Pregnancy Disability Leave Time Periods**

PDL does not need to be taken in one continuous period of time and may be taken in increments of not less than one quarter of one hour.

**C. Accrual of Benefits**

Employees on PDL will not accrue sick leave, vacation, or holiday benefits during the period of the unpaid absence. All Agency benefits will continue to accrue during the period of integration with State Disability Insurance benefits and accrued vacation/sick leave.

**D. Health Insurance Coverage during Medical or Pregnancy Disability Leave**

HCAOG will continue to provide up to four (4) months of coverage under any health benefit plan during Pregnancy Disability Leave at the same level and under the same conditions as if the employee had continued in employment continuously for the duration of the leave.

In some instances, the employer can recover from an employee premiums paid to maintain health coverage if the employee fails to return to work following her PDL.

**E. Return to Work from a Pregnancy Disability Leave**

Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a pregnancy disability leave, an employee will be reinstated to the same position held at the time the leave began or, in certain instances, to a comparable position, if available. There are limited exceptions to this policy. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed.

### **3. Administrative Leave for Full-Time Management and Confidential Personnel**

Ten (10) days of administrative leave will be available for each full-time designated management and confidential employee, to be taken during the course of the fiscal year. Such leave not taken will not carry into succeeding fiscal years, and shall be forfeited upon termination of employment. Employees hired into a designated management and confidential position shall receive (10) days of administrative leave effective upon the date of hire, and may be allowed to use such leave immediately. Administrative leave shall not be a right, but shall be a benefit which may only be utilized at the discretion of the Executive Director or authorized designee. Absence of management and confidential employees from their positions during working hours is subject to prior consent of the Executive Director or authorized designee. Regular part-time employees in designated management or confidential positions shall not be eligible for administrative leave.

### **4. Jury and Witness Duty**

Employees who are subpoenaed to appear as jurors or witnesses in court cases, other than those of a personal nature, will be paid their full salaries, provided that they turn in to HCAOG and deposit in the Administrative Fund all juror fees or witness fees, other than mileage allowance, received.

The employee is required to report to work if, at the time he/she is released, more than two (2) hours remain to their workday. Upon return, the employee should submit the stamped verification of jury duty receipt issued by the Court. The employee should submit to his/her immediate supervisor a completed leave request form that indicates the day(s) required for attendance if known beforehand or submit the leave request form immediately after.

Where court appearances are directly connected with HCAOG employment, time in court shall be considered as full-duty status. Fees shall be demanded from nongovernmental litigants for court appearances while on full-duty status and shall be deposited in the Administrative Fund of HCAOG.

### **5. Voting Time**

HCAOG wishes to support and encourage employees in their opportunities and responsibilities as citizens to cast their ballots in general election years. Under most circumstances, it is possible for employees to vote either before coming to work or after the end of the workday. If the employee does not have sufficient time outside of working hours to vote at a State-wide election, a maximum of two hours time off with pay at the beginning or end of the regular work day will be given. The employee must request this time off at least two (2) working days before the election if this time off is necessary.

### **6. Military Leave**

An employee who is a member of the Reserve Corps of the Armed Forces of the United States or of the National Guard will be allowed time off in accordance with current provisions of Federal

and State laws and regulations. An employee will be provided up to thirty (30) days with pay. Employees may be entitled to reinstatement upon completion of military service, provided they return or apply for reinstatement within the time required by law. An employee whose spouse is a member of the Reserve Corps of the Armed Forces of the United States or of the National Guard may be entitled to leave under certain circumstances; the employee should contact the Executive Director or designated employee for exact reinstatement.

## **7. Volunteer Civil Service Personnel**

Employees will be allowed to take time off to perform emergency duty as a volunteer firefighter, peace officer or emergency rescue personnel. If an employee is an official volunteer firefighter, he/she should alert the Executive Director or authorized designee that they might have to take time off for emergency duty. When taking time off for emergency duty, the supervisor should be advised before doing so when possible. Time taken in such an emergency will be considered administrative time and must be approved by the Executive Director or authorized designee.

## **8. School Visits**

Employees who are parents or guardians of any child in kindergarten or grades 1-12, are allowed unpaid time off to appear at his/her child's or ward's school in connection with disciplinary action by the school.

### **GUIDELINES**

- A. The employee should give reasonable notice for the time off.
- B. Although the time off is unpaid, employees may use vacation, personal or compensatory time to cover the time taken for the school visit(s).
- C. The employee must provide, upon HCAOG's request, written verification from the school of parental participation specifying the date and time of the disciplinary action.
- D. Employees whose child has been suspended from school will be allowed time off to appear at the school in connection with that suspension after giving reasonable notice to the supervisor.

## **9. Victims of Domestic Violence, Sexual Assault, or Stalking**

Employees who are a victim of domestic violence, sexual assault, or stalking are allowed to take unpaid time off for certain purposes, including but not limited to appearing at related legal proceedings and obtaining a restraining order. Employees may use accrued vacation time to take time off.

Employees who need to take time off must give HCAOG reasonable advance notice of their intention unless reasonable notice is not feasible. If the time off is an unscheduled absence, the



employee may be required to notify their supervisor as soon as possible of their absence and provide documentation to HCAOG within a reasonable time after the absence. Acceptable documentation includes a police report, court order or other evidence from the court, or a note from a medical professional, domestic violence advocate, health care provider, or counselor.

Under no circumstance can an employee take more unpaid time off than allotted under the Pregnancy Disability Leave of Absence policy, see section 3. above).

## **10. Victims of Crime**

An employee who is a victim or who is the family member of a victim of a violent felony or serious felony may take time off from work under the following circumstances:

- The crime must be a violent or serious felony, as defined by law; and
- The employee must be the victim of a crime, or must be an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim.

An immediate family member is defined as: a spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father or stepfather.

A registered domestic partner means a domestic partner who is registered in accordance with California State law.

The absence from work must be in order to attend judicial proceedings related to a crime listed above, including court proceedings involving the alleged perpetrator of the crime.

Before the employee is absent for such a reason, he/she must provide documentation of the scheduled proceeding. Such notice is typically given to the victim of the crime by a court or government agency setting the hearing, a district attorney or prosecuting attorney's office or a victim/witness office.

If advance notice is not possible, the employee must provide appropriate documentation within a reasonable time after the absence.

Any absence from work to attend judicial proceedings will be unpaid, unless the employee has accumulated paid time off, such as accrued vacation or sick leave, or any other accrued paid time off.

## **11. Leaves for Disasters or Emergency Conditions**

Employees unable to work due to disaster or emergency conditions, as determined by the Executive Director or authorized designee, may receive special leave with pay. Special leave with pay may only be provided when a disaster or emergency condition prevents an employee from making the regular commute between his/her primary residence and the job site. It is

anticipated that this special leave will be unique and infrequent but necessary to cover the special conditions that do occur from time-to-time.

## **12. Investigative Leave**

An employee may be eligible for up to five (5) days of leave with pay in the event that it is alleged by a member of the public that such employee has been involved in a crime, serious misconduct, or other similar failure of good behavior which has impaired the effectiveness of the employee in his or her position. This leave with pay may be granted by the Executive Director or authorized designee during the investigation and processing of the allegation by proper legal authority, and shall be granted only when the charge or allegation, if true, would warrant removing the employee from his/her position of public trust.

Such investigative leave shall not be granted in lieu of any suspension that may be imposed during disciplinary proceedings. Investigative leave, if granted, shall not be continued when an investigation has been concluded and absence from duty is a result of disciplinary proceedings.

If the investigation and processing of the allegation has not been concluded by the end of the investigative leave, the employee may take earned leave time off or may be placed on unpaid leave of absence by the Executive Director or authorized designee pending the disposition of the charge or allegation.

**SUBJECT: LONGEVITY INCENTIVE PAY**

**POLICY #306**

Employees who have ten (10) years of uninterrupted continuous HCAOG service shall be eligible for an increase in compensation of ten (10) salary ranges (approximately 5%).

Longevity calculations shall be counted from the initial date of hire into any regular or grant position as long as there has been no separation from HCAOG service. Time spent in layoff status, on medical leave or any unpaid leave greater than 30 calendar days shall not count as time worked for longevity calculations. Should an employee be separated from HCAOG employment due to layoff, and then return to regular HCAOG employment while in layoff status their calculation for longevity purposes shall be based on their initial date of hire into a regular grant position prior to the date of layoff. Effective July 8, 2007, employees who have twenty (20) years of uninterrupted continuous HCAOG service shall be eligible for an increase in compensation of an additional ten (10) salary ranges (approximately 10%).



## **SECTION IV: RULES AND REGULATIONS**

**SUBJECT: EMPLOYMENT OF RELATIVES**

**POLICY #401**

HCAOG has a strict policy regarding the hiring of and other employment actions regarding employees' relatives. The purpose of the policy is to avoid any real or perceived conflicts of interest.

### **GUIDELINES**

Members of the immediate family of elected or appointed Board of Directors members or alternates will not be appointed to Agency employment.

Members of the immediate family of regular employees will not be appointed to the same division, nor will they be transferred, promoted or demoted into the same division, nor be placed in such a position as to evaluate a relative or be in the same line of supervision, 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. Each situation will be addressed based on the individual circumstances of that situation.

Members of the immediate family of regular employees will not be hired on a temporary basis.

If two employees become married or become otherwise directly related, causing actual or potential problems such as those described above, only one of the employees will be retained with HCAOG, unless reasonable accommodations can be made to eliminate the actual or potential problems. The employees will have 30 days to decide which relative will stay with HCAOG. If this decision is not made within the time allowed, the Executive Director or authorized designee will make the decision, taking the employment history and job performance of both employees into account.

HCAOG defines "relatives" as spouses, children, siblings, parents, in-laws, grandparents, grandchildren, step-relatives, and registered domestic partners and their children. For purposes of this policy, individuals in a romantic relationship will be treated like relatives.

## **SUBJECT: EMPLOYEE DATING POLICY**

**POLICY #402**

Consensual romantic relationships between employees are discouraged. Such relationships can lead to problems with morale, decreased productivity and increased liability. HCAOG has a strong policy against sexual harassment and is concerned that consensual romantic relationships might potentially violate the policy. HCAOG wants to prevent sexual harassment from occurring in the workplace.

### **GUIDELINES**

Individuals in supervisory or other influential roles are prohibited from participating in romantic relationships with subordinate employees of any department due to the importance of the appearance of fairness, their access to sensitive information, and their ability to influence others.

To help prevent sexual harassment, employees who enter into consensual romantic relationships must:

- Notify the Executive Director or authorized designee;
- Review the sexual harassment policy and sign an acknowledgment that they have done so; and
- Sign a consensual relationship agreement, stating that (a) the relationship is voluntary, (b) the employees will abide by the sexual harassment policy, (c) the employees will behave professionally at work, (d) the relationship will not affect work, and (e) they will not engage in offensive workplace behavior.

In addition to the above, the Employment of Relatives Policy (#401) will also apply.

Violation of these guidelines will subject each employee to discipline, up to and including termination of employment.

## **SUBJECT: SUBSTANCE ABUSE**

## **POLICY #403**

HCAOG is committed to protecting the health, well-being and safety of employees and the public from the hazards caused by misuse of drugs and alcohol. Accomplishing this goal requires the full commitment and support of all levels of management as well as the support of all employees.

HCAOG complies with Federal regulations and maintains a Drug-Free Workplace. This policy prohibits unlawful manufacturing, distribution, possession, sale or use of controlled substances at work and also requires that employees convicted under a criminal drug statute for any incident at work to notify the Executive Director or authorized designee within five (5) days of conviction.

For the purposes of this policy, a drug will be considered an “illegal drug” if its use is prohibited or restricted by law and an employee improperly uses or possesses the drug, regardless of whether such conduct constitutes an illegal act or whether the employee is criminally prosecuted and/or convicted for such conduct.

Legally prescribed medications are only excluded from this rule and permitted to the extent that the use of such medications does not adversely affect the employee’s work ability, job performance, or the safety of that individual or others.

### **GUIDELINES**

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

1. Employees shall not possess, use, furnish, sell, or offer alcohol, illegal drugs or other controlled substances (as defined under Federal and California Law) while on the job or on Agency premises. An employee who has distributed, sold, or offered illegal drugs or controlled substances while on the job or on Agency premises will face termination of employment. Possession or use of illegal drugs or controlled substances and the use of alcohol by an employee while on the job or on Agency premises will be cause for disciplinary action, up to and including termination of employment.
2. Employees who see, observe, or encounter evidence that employees possess, use, or are involved in distribution, selling, or offering illegal drugs while on the job or on Agency premises shall report this information to the employee’s supervisor, and/or the Executive Director or authorized designee. Any questionable substance found will be submitted to the appropriate law enforcement agency for testing and employees distributing, selling, using or possessing such illegal substances may be subject to criminal investigation.
3. Employees who engage in off-the-job or off-premises alcohol or illegal drug activity that impairs their work performance, causes damage to Agency premises, jeopardizes their own safety or that of co-workers, or the general public, or undermines the public’s confidence in HCAOG to provide service will also be subject to disciplinary action, up to and including termination of employment.

4. Employees are required to perform their duties in a safe and efficient manner, and supervisors have a responsibility to ensure that this is done. If a supervisor becomes aware that an employee is working in an unsafe manner, the supervisor is responsible for taking those actions necessary to ensure that safe work conditions are maintained.
5. Employees who are using prescription drugs or other medication that may affect their ability to work safely are responsible for bringing the matter to their supervisor's attention. Supervisors should be alert to the effects of medication or illness on an employee's capabilities to perform work safely and efficiently.
6. Employees and supervisors are encouraged to seek assistance before drug or alcohol abuse affects job performance. If an employee comes forward, prior to disciplinary action, and requests time off without pay to address that problem, HCAOG may provide assistance in identifying appropriate treatment programs and will make reasonable accommodation to assist the employee. Participation in a program is at employee expense, although some health plans may partially cover some expenses.
7. An employee's participation in an assistance program does not relieve the employee of responsibility to meet work performance requirements.
8. An employee reporting to work under the influence of alcohol or other substances will be sent home for the day without pay.
9. Gifts of alcohol will be removed from the premises as soon as possible.
10. Prescribed drugs will be allowed only when taken according to a physician's prescription when such use will not adversely affect the employee's ability to properly and safely perform his or her duties.
11. Employees are expected to fully cooperate in any interview or investigation of possible violation of the substance abuse rules. HCAOG reserves the right to require employees, while on duty or on Agency owned or leased properties, including the parking lot, to agree to inspections of Agency property or employees and/or their personal property and to implement other measures necessary to deter and detect abuse of this policy. An employee's refusal to consent to such an inspection or to otherwise cooperate in a proper investigation conducted under this policy is grounds for discipline, up to and including termination of employment.

### **Inspections to Administer and Enforce Policy**

To promote a safe, productive and efficient work place, HCAOG reserves the right to inspect employees, as well as any articles and property in their possession, to detect inappropriate materials. HCAOG also reserves the right to inspect lockers, desks, Agency vehicles, personal vehicles on Agency property, packages, lunch boxes, containers, articles in such areas, and other



objects brought onto Agency premises that might conceal alcohol, illegal drugs, and/or other inappropriate materials.

An employee may be asked to submit to testing procedures designed to detect the presence of drugs and/or alcohol if he/she is acting in a manner that leads to a suspicion that he/she either possesses, controls, or is under the influence of a drug and/or alcohol or has been involved in the use, possession, and/or sale of drugs or alcohol in Agency controlled areas, on Agency owned property or while on duty.

**SUBJECT: SMOKING**

**POLICY #404**

Smoking is prohibited within HCAOG's office building. Smoking is allowed on the sidewalk in front of the building as long as doorways and walkways are not blocked or littered.

## **SUBJECT: GRATUITIES**

## **POLICY #405**

An employee's obligation under this policy is in addition to and does not in any way change his/her obligation under HCAOG's Business Ethics Policy (*Policy #106*).

An employee may not receive a gratuity, in excess of \$10.00, from any individual, organization, or vendor doing business with HCAOG. For the purpose of this policy, a gratuity is defined as a gift or service rendered to an individual. Gifts include, but are not limited to money, candy, alcoholic beverages, tickets to events, trips, or the use of equipment or property.

If an expression of appreciation is accepted, the employee is encouraged to present and share it with the entire staff.

The Executive Director is required to comply with the Political Reform Act of 1974 and file Form 700-FPPC, which is a public document intended to disclose potential conflicts of interest.

Minor unsolicited gifts that may be accepted by employees are:

- Unsolicited promotional materials or advertising of nominal value such as calendars, notepads, coffee mugs, or pens;
- Food or refreshments of modest value offered as part of a reception, banquet, or social event, provided on an infrequent basis in the ordinary course of business; if the refreshments, meal, reception, or banquet occurs in an open setting, and the food or refreshment is also offered to other participants and/or attendees;
- Gifts of minimal value that are given without any expectations of special service or favorable decision-making;
- An occasional lunch or dinner provided as part of a meeting where Agency business is discussed, and the cost of the employee's share of the meal is less than \$10;
- Gifts of informational material provided to assist the employee in the performance of his or her official duties (e.g., books, pamphlets, reports, calendars, periodicals, or educational seminars); or
- Gifts of similar value exchanged between the employee and an individual, other than a lobbyist, on holidays, birthdays, or similar occasions.

## **SUBJECT: SECURITY AND PRIVACY**

**POLICY #406**

Desks, storage areas, work areas, lockers, file cabinets, credenzas, computer systems, software, communication systems including E-mail, office telephones, modems, facsimile machines and duplicating machines are HCAOG property and must be maintained according to this policy. Because all these items are Agency property, employees do not have, and should not expect, any right of privacy regarding this property or the contents of the property.

### **GUIDELINES**

#### **1. Neatness**

All work areas and items must be kept clean and are to be used only for work purposes, except as provided in this policy.

#### **2. Right of Inspection**

The Executive Director or authorized designee reserves the right, at all times, and without prior notice, to inspect and search any and all Agency property for the purpose of determining whether this policy or any other Agency policy has been violated, or whether further inspection and investigation is necessary for purposes of promoting safety in the workplace or compliance with State and Federal laws. Such inspections may be conducted before, during or after business hours.

#### **3. Prior Authorization**

Prior authorization must be obtained from the Executive Director or authorized designee before any Agency property may be removed from the premises.

#### **4. Use of Telephones and Mail**

##### **A. Agency-maintained systems**

Agency phones and voicemail systems including texting, pagers, cell phones and mobile email are maintained by HCAOG in order to facilitate Agency business. Therefore, all messages sent, received, composed, and/or stored on these systems are property of HCAOG.

##### **B. Personal use extremely limited**

These systems are to be used by employees in conducting business. Personal use of the systems is allowed to a limited degree. Abuse of telephone privileges may result in disciplinary action, up to and including termination of employment. Any personal long distance call should only be made using a personal billing card.

**C. Privacy not guaranteed**

HCAOG reserves the right to access an employee's voice-mail (outgoing and incoming), email messages and Agency computer at any time. The existence of a password on any system is not intended to indicate that messages will remain private.

**D. Erasure not reliable**

Employees should be aware that even when a message has been erased, it still may be possible to retrieve it from a backup system. Therefore, employees should not rely on the erasure of messages to assume a message has remained private.

**E. Harassment and discrimination**

Messages on HCAOG's voice-mail and email systems are subject to the same policies regarding harassment and discrimination, as are any other workplace communications. Offensive, harassing or discriminatory content in such messages will not be tolerated.

The use of employer-paid postage for personal correspondence is not permitted.

## **SUBJECT: COMPUTER AND E-MAIL POLICY**

**POLICY #407**

HCAOG's computer systems, including any voicemail or e-mail systems, are to be used for business purposes only. The Executive Director or authorized designee reserves the right to listen to voice mail messages and to access, copy and retain e-mail messages to ensure compliance with this rule, with or without notice to the employee and/or in the employee's absence.

### **1. Use of Agency Equipment**

Employees are permitted to use Agency equipment for occasional, non-Agency purposes during rest and meal periods. Nevertheless, the employee has no right of privacy as to any information or file maintained in or on Agency property or transmitted or stored through HCAOG's computer systems, voice mail, E-mail, cell phones, iPhones, other smart phones or PDAs, or other technical resources.

### **2. Review of Computerized Information**

For business necessity and/or for reasonable cause, the Executive Director or authorized designee may inspect, investigate or search employees' computerized files or transmissions, voice mail, or E-mail. HCAOG may override any applicable passwords or codes in accordance with the best interests of HCAOG and its employees.

### **3. Computer Privacy**

Employees may access only files or programs, whether computerized or not, that they have permission to enter. Unauthorized review, duplication, dissemination, removal, damage or alteration of files, passwords, computer systems or programs, or other property of HCAOG, or improper use of information obtained by unauthorized means, may be cause for disciplinary action, up to and including termination of employment.

### **4. Software and Hardware Inventory Procedures**

HCAOG has established a procedure that establishes an inventory for all computer hardware equipment and software applications on-hand and also used by on-site consultants' facilities. The inventory is done regularly.

### **5. Software Licensing**

HCAOG's policy is to purchase appropriate software licenses for each computer program required for employees to perform their job functions in a timely and efficient manner. It is HCAOG's policy to respect all computer software copyrights and adhere to the terms of all software licenses. Software may only be installed on hardware explicitly allowed under the terms and conditions of that particular software's license. Normally, the software is copyrighted

by the software developer, and unless explicitly allowed by an existing license, HCAOG or its employees have no right to make copies of the software except for backup or archival purposes.

For a copy of HCAOG's Computer Software Policy, contact the Executive Director or authorized designee.

## **6. Use of Electronic Media**

Electronic communication/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 HCAOG and its employees.

Employees who misuse electronic communications and engage in defamation, copyright or trademark infringement, misappropriation of trade secrets, discrimination, harassment, commercial/political/religious solicitations, office gossip or related actions will be subject to disciplinary action, up to and including termination of employment.

While employees may occasionally use electronic mail for personal messages on agency equipment, such messages are also property of HCAOG and will be treated no differently from any other messages. HCAOG reserves the right to access and disclose all messages sent over its electronic mail system.

## **7. Internet use**

Access to the Internet is provided for business reasons. Incidental and occasional personal use of the internet is permitted by HCAOG and should be used with discretion. No use of Internet resources shall include accessing areas, including but not limited to web sites, which are offensive or insulting. This includes areas that contain sexually explicit material, ethnic or racial slurs, or any material that can be construed to be harassment or disparagement of others based on their sex, race, sexual orientation, age, national origin or religious or political beliefs.

Employees may not download or access any material that violates another person or organization's copyrights. This includes, but is not limited to, software, images, and audio recordings (MP3, etc.). If the copyright or license status is unknown or in question, the employee is to presume that access would be a violation of this policy.

## **8. Computer Passwords**

Personal passwords may be used for purposes of security, but the use of a personal password does not affect HCAOG's ownership of the electronic information. Employees are to provide all passwords to the Executive Director or authorized designee, who will keep them confidential.

## **9. Remote Access**

Remote access to HCAOG's network is a privilege granted only to appropriate users at the discretion of the Executive Director or authorized designee, and may be revoked at any time. It

is the responsibility of the Remote Access user to ensure that unauthorized use does not occur at any time.

When using the HCAOG Remote Access technology, the authorized user must acknowledge that their remote machines are a de facto extension of HCAOG's network and subject to the same rules, regulations and procedures that apply to Agency owned equipment.

## **10. Social Media**

HCAOG does not use nor does it condone the use of social media in the workplace for any purpose other than work related and by authorized users. Social media is a set of Internet tools that aid in the facilitation of interaction between people on the Internet. Use of Internet based programs such as Facebook, Linked In, My Space or Twitter (this is not meant to be an exhaustive list – if employees have specific questions about which programs HCAOG deems to be social media, they can consult with their supervisor or the Executive Director or authorized designee) for any other use than official Agency business is a violation of Agency policy and use of these programs either on Agency owned property or on employees' personal property during work hours on the work premises can result in disciplinary action, up to and including termination of employment.

Employees can use their own personal devices to engage in social media during non-working times, such as breaks and meal periods; however, all other Agency policies against inappropriate usage, including HCAOG's no tolerance for discrimination, harassment, or retaliation in the workplace, and protection of confidential or proprietary information, apply.

Nothing in HCAOG's social media policy is designed to interfere with, restrain or prevent employee communications regarding wages, hours, or other terms and conditions of employment.



**SUBJECT: CONFIDENTIALITY AND PROTECTION OF  
PROPRIETARY INFORMATION**

**POLICY #408**

The protection of proprietary information is essential both for HCAOG and employee security. In the course of the employee's work, the employee may have access to confidential and proprietary information regarding HCAOG, its officers, affiliates, suppliers, customers and fellow employees. To protect such information, the employee may not disclose such information at work except as necessary to perform his/her duties. The employee must not under any circumstances reveal this information outside of HCAOG without prior approval by the Executive Director or authorized designee. Such information can be used only to perform the employee's job duties within HCAOG.

**GUIDELINES**

Proprietary information includes, but is not limited to, the following examples:

- Computer processes;
- Computer programs and codes;
- Customer lists;
- Financial information;
- Marketing strategies;
- New materials research;
- Pending projects and proposals;
- Proprietary production processes;
- Research and development strategies; and
- Technological data.

## **SUBJECT: SAFETY AND WORKPLACE VIOLENCE**

## **POLICY #409**

HCAOG has developed this policy to help maintain a safe workplace. This safety policy is intended to keep HCAOG's employees safe and to protect its possessions, confidential information and equipment.

### **GUIDELINES**

1. Employees must be aware of persons loitering for no apparent reason in parking areas, walkways, entrances and exits. Employees must report any suspicious persons or activities to the Executive Director or authorized designee.
2. Threatening or intimidating behavior, threats, or acts of violence will not be tolerated and may be grounds for immediate termination of employment, arrest and prosecution, or a civil harassment action. Any individual who engages in threatening behavior or violent acts (or who makes comments about inflicting self-harm or harming others) while on Agency property will be removed from the premises and may not return until the incident is fully investigated. HCAOG reserves the right to have any such incident assessed by a professional who specializes in threat assessment.
3. Threats to or intimidation of employees in the workplace by individuals outside HCAOG are also not tolerated and must be reported to the Executive Director or authorized designee. This may include acts of domestic violence and threats of harm from customers or vendors toward employees or Agency property.
4. If an employee witnesses or receives a threat, or learns that another person has witnessed or received a threat, he/she must notify their supervisor or the Executive Director or authorized designee immediately. Reports must be made of all incidents no matter who was involved or their relationship to each other. If an employee applies for or obtains a protective or restraining order that lists Agency locations as protected, he/she must provide a copy to the Executive Director or authorized designee. HCAOG understands the sensitivity of such information and uses confidentiality procedures that recognize and respect employees' privacy.
5. Employees must secure their desk, office or vehicle at the end of the day. When called away from the work area for an extended length of time, employees should not leave valuable and/or personal articles in or around the workstation/vehicle that may be accessible. HCAOG is not responsible for loss or damage to any personal property or equipment that is brought to an office location or Agency function.
6. The safety of the office as well as the welfare of employees depends upon the alertness and sensitivity of every individual to potential safety risks. Employees should immediately notify management when unknown persons are acting in a suspicious manner in or around the office.

## **SUBJECT: VISITORS AND SOLICITATIONS**

**POLICY #410**

To prevent inconvenience and disruption in operations and to ensure efficient operation of Agency business, it is necessary to control visitations and solicitations on Agency property.

### **GUIDELINES**

#### **1. Visitors**

All visitors must be met at the reception desk by the employee and escorted to and from the employee's worksite. Personal visits by friends and relatives should be kept to a minimum and be of short duration, preferably during break and meal periods. Visitors who are disruptive to the office or its employees should be reported to the Executive Director or authorized designee and will be asked to leave.

#### **2. Employee Solicitation**

It is against Agency policy to use Agency stationery, supplies or equipment (including bulletin Board of Directors, photocopier machines, fax machines, interoffice mail, etc.) for solicitation or distribution of other business or charitable items or offers.

Employees may not solicit during working time for any purpose. Employees may not distribute literature at any time for any purpose in working areas. Working time includes the working time of both the employees doing the soliciting or distributing and the employee to whom the solicitation or distribution is being directed. Working time does not include break periods, meal periods, or any other specified periods during the workday when employees are not engaged in performing their work tasks.

#### **3. Non-Employee Solicitation**

Solicitation or distribution of literature by non-employees of HCAOG is prohibited. Access to working areas is limited to employees, on-site consultants, and authorized personnel.

Individuals from organizations representing outside interests may not conduct their business on Agency premises unless authorized by the Executive Director or authorized designee. This includes service organizations; community and education groups; product and sales organizations; and any other club, group or organization.

**SUBJECT: WORKPLACE ATTIRE**

**POLICY #411**

An employee's personal appearance reflects HCAOG's image to the public, applicants, consultants, visitors and other employees. All employees are representatives of HCAOG and therefore impact HCAOG's image as a professional organization. Personal appearance includes grooming, cleanliness and appropriate attire. Employees are expected to dress in professional office clothing and maintain a businesslike and well-groomed appearance.

Attire that is considered "business casual" is acceptable for normal office activities.

**SUBJECT: MEDIA CONTACT**

**POLICY #412**

Employees may be approached for interviews or comments by the news media. Only contact people designated by the Executive Director or authorized designee may comment to news reporters or other media on programs, projects, policies or events that have an impact on HCAOG. Otherwise, all media contacts and requests for information or interviews must be referred to the Executive Director or authorized designee.

## **SUBJECT: DRIVING POLICY**

**POLICY #413**

When driving on Agency business, the employee should always obey the rules of the road and be courteous to other drivers and pedestrians. As further safety precautions, the employee may not drive on Agency business while under the influence of alcohol or drugs. For insurance purposes, the employee should notify the Executive Director or authorized immediately if he/she has received a D.U.I. conviction.

### **1. Injury/Accident When Driving on Agency Business**

If the employee is injured in an automobile accident while driving on Agency business, the employee must inform his/her supervisor immediately. Employees are required to maintain their own car insurance and a valid California Driver's License if they drive their own personal vehicle. Evidence of this documentation must be provided to HCAOG at least once a year.

### **2. Use of Cell Phones and Text-Based Communication While Driving**

In the interest of the safety of our employees and other drivers, Agency employees are prohibited from using cell phones and/or writing, sending or reading text-based communication, including text messaging, instant messaging, and e-mail, on a wireless device or cell phone while driving on Agency business and/or Agency time.

If the employee's job requires that he/she keep a cell phone or other wireless device turned on while driving, the employee must use a hands-free device and safely pull off the road before conducting Agency business. Under no circumstances should employees place phone calls or conduct text-based communication while operating a motor vehicle while driving on Agency business and/or Agency time. Violating this policy is a violation of the law and of Agency policy.

**SUBJECT: EXPENSE REIMBURSEMENT**

**POLICY #414**

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

**GUIDELINES**

**1. Supervisor Approval**

Employees shall obtain supervisory approval prior to incurring any Agency reimbursable expenses related to travel or other business functions.

**2. Appropriateness of Reimbursements**

The decision of the Executive Director or authorized designee shall be final in cases where conflict of opinion about the appropriateness of reimbursement exists. The guidelines as established in HCAOG's adopted Travel and Policy Guidelines shall govern such approval.





***PERSONNEL POLICIES AND PROCEDURES  
HUMBOLDT COUNTY ASSOCIATION OF GOVERNMENTS***

**ACKNOWLEDGMENT OF RECEIPT OF HUMAN RESOURCES POLICY HANDBOOK**

I have received a copy of the Humboldt County Association of Governments' HCAOG Personnel Policy and Procedures Handbook. I understand that it contains important information on Agency policies, as well as, my rights and responsibilities as an employee. I understand and agree that it is my responsibility to familiarize myself with the policies in the Handbook and abide by these policies.

I have read and understand the Handbook. I understand that I am governed by its contents. I understand that HCAOG retains its discretion to make all decisions concerning my employment (including, e.g., decisions regarding promotions, demotions, transfers, job responsibilities, increases or reductions in pay, bonuses or other compensation, or any other managerial decision). No director, supervisor, or representative of HCAOG has the authority to enter into any agreement, express or implied, for employment for any specific period of time, or make any agreement for employment.

I understand and agree that nothing in the Personnel Policies and Procedures Handbook creates or is intended to create a promise or representation of continued employment.

I have also read and understand HCAOG's Unlawful Harassment Policy.

I further understand that HCAOG can change, delete, or add to any policies, benefits, or practices described in the Handbook in its sole and absolute discretion with or without prior notice and in accordance with the Board of Directors.

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Signature

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Date

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Print Name