

NORTH SANTA CLARA  
RESOURCE CONSERVATION DISTRICT

Personnel Policies and Procedures  
Employee Handbook

Approved ---

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## **I. INTRODUCTION TO HANDBOOK**

### **A. Mission and Organization**

The mission of the North Santa Clara Resource Conservation District (“NSCRCD” or “District”) is to provide education and technical assistance to constituents and watershed stakeholders to sustainably manage soil, water and wildlife with the best available science.

NSCRCD is a non-regulatory independent special district of the State of California dedicated to the conservation of natural resources within Santa Clara County. The District is regulated by Division 9 of the California Public Resources Code and is governed by a volunteer Board of Directors (“Board”). California's resource conservation districts (RCDs) are leaders in locally- led conservation work throughout the State. RCDs implement on-the-ground projects, provide technical assistance, and help educate the public to improve their local communities. They have a historic relationship of collaboration and partnership with the United States Department of Agriculture’s Natural Resources Conservation Service (USDA-NRCS), formerly known as the federal Soil Conservation Service.

### **B. Purpose of the Employee Handbook**

This handbook is intended to provide a description of the District’s personnel policies and procedures. Providing quality services to District constituents and customers requires positive relationships and goodwill between the Board, the Executive Director (“ED”), and other District staff and volunteers. The personnel policy was developed to define elements of these relationships in the belief that clear information will produce positive associations and understanding.

Employees are expected to read this handbook carefully, and to know and understand its contents. Employees are encouraged to ask questions if clarification is needed in any area. Should you have any questions concerning this handbook, or your employment, please feel free to discuss them with the ED, who also serves as the Director of Human Resources.

Employees should not interpret anything in this handbook as creating a contract or guarantee of continued employment. In addition, this handbook is not intended to cover all possible situations that may arise in your employment relationship with NSCRCD.

This Handbook replaces all previous handbooks and supersedes all earlier oral and written materials about NSCRCD’s policies and procedures. No employee handbook can anticipate every circumstance or question about the District and its policies and procedures. Therefore, the District reserves the right to revise this handbook and to make changes to any employment policy, practice, work rule, or benefit, at any time without prior notice. Employees are responsible for knowing about and understanding those changes once they have been disseminated.

Employees’ at-will employment can only be changed as stated in the separate Employment At Will policy contained in this handbook.

Employees will be asked to sign the acknowledgement form at the back of this handbook and return it for placement in their personnel file on their first day of employment. This will provide NSCRCD with a record that each employee has received this handbook.

**C. Administration and Implementation**

The Board, which represents the District's interests, purpose, and leadership, functions as the final administrative authority and as the policy making body of the District. The Board hires the ED, who is responsible for the implementation of the Board's policies. The ED acts as the highest level of management authority of the District, reporting to the Board. All NSCRCD employees must follow the chain of command and direct all questions and concerns to/with the ED, except where expressly noted below, and except as allowed by applicable local, state or federal law. Should you have any questions concerning this handbook, or your employment, please feel free to discuss them with the ED, who also serves as the Director of Human Resources.

All staff are prohibited from making any commitments of any NSCRCD employee's time to work on any project or commitment on behalf of NSCRCD, that the District will take on responsibility for any project, prior to briefing the ED of the nature and scope of the project, agency(s) involved, etc., and obtaining the ED approval in advance.

**D. Work Eligibility Records**

The federal government requires that within three (3) business days of your first day of work, you complete an employment eligibility verification form (I-9 Form) and show NSCRCD documentation proving your identity and your eligibility to work in the United States.

If you have previously worked for the District, you need only provide this information if it has been more than three (3) years since you last completed an I-9 Form for the District or if your current I-9 Form is no longer valid.

**E. Employment At-Will Policy**

Unless expressly proscribed by statute or contract, your employment is "at-will." All NSCRCD employees are at-will, which means that both NSCRCD and the employee may terminate the employment relationship at any time, with or without cause and with or without notice. Any employment relationship other than "at-will" must be in writing and signed by the ED or the President of the Board.

**F. Human Resources**

The ED also functions as the Director of Human Resources for the District. The ED implements the Personnel Policies and is responsible for District programs, projects, and all personnel matters, including employee hiring, supervision, evaluation, discipline and termination.

**G. Employment Compensation Agreements**

The Board may choose to enter into a separate compensation agreement with the ED, which may provide for different salary, benefits, annual leave accrual, or other conditions of employment provided to other employees of the District.

## **II. EMPLOYEE CLASSIFICATIONS**

### **A. Full Time Employment**

All employees who successfully complete the probationary period (including any extension) and are regularly scheduled for thirty (30) hours or more of work within the work week are full time regular employees. The District employs probationary, regular and limited Full Time employees.

For the first 180 days (6-months) after hire, employees are in a probationary period and considered Probationary Full Time Employees. This allows the employee and the Executive Director to determine whether the employee should be moved into a Regular Full Time Employee status. If the ED has reason to believe the employee would benefit from an additional probation period, the ED may extend the probationary period for a period not to exceed three (3) months. Employment can be terminated at any time during a probationary period with or without cause, with or without prior notice and without recourse by either the employee or the ED.

See the benefits sections for information about how Probationary and Regular status impact benefits.

### **B. Part Time Regular Employment**

All employees who are regularly scheduled for less than thirty (30) hours of work within the work week are part time regular employees. The District does not guarantee a consistent work week for part time employees. The District does not guarantee that part time employees will be hired for full time employment.

For the first 180 days (6-months) after hire, employees are in a probationary period and considered Probationary Part Time Employees. This allows the employee and the Executive Director to determine whether the employee should be moved into a Regular Part Time Employee status. If the ED has reason to believe the employee would benefit from an additional probation period, the ED may extend the probationary period for a period not to exceed three (3) months. Employment can be terminated at any time during a probationary period with or without cause, with or without prior notice and without recourse by either the employee or the ED.

See the benefits sections for information about how Probationary and Regular status impact benefits.

### **C. Temporary (Seasonal) Employment**

Temporary employees whether full time or part time are hired for seasonal work for an indeterminate period or for a specific, determinate task or period. Temporary workers are subject to layoff and may be rehired if there is a need. There is no guarantee of a consistent work week, and work may be irregularly spaced. There is no guarantee that temporary employees will be rehired for the next season or that temporary employees will be hired for regular employment. The position may be substantially funded by income that is not permanent in nature.

#### **D. Internships**

Intern positions are determined by the employment category and funding defined by the ED. Internships may be unpaid consistent with local, state and federal law.

### **III. HOURS OF WORK, OVERTIME, AND PAY DAY**

#### **A. Exempt/Nonexempt Employment**

Exempt employees, by definition, are exempt from earning overtime compensation. Nonexempt employees are employees who are eligible to be paid for overtime work in accordance with the provisions of applicable wage and hour laws.

#### **B. Work Hours**

Work Week. Each workweek begins at 12:00 a.m. on Monday and runs through 11:59 p.m. on Sunday.

Work Hours. Regular work hours are between 7:30 a.m. and 5:30 p.m., with specific work scheduled subject to preapproval by the ED.

Office and Field Scheduling. Exempt employees' hours will fluctuate as necessary to meet business needs. However, regular and predictable attendance is an essential function of all exempt positions with the District. Any exempt employee can make a request for flexibility in their work hours and reschedule their time for other than regular office hours. Flexible scheduling and rescheduling hours must be approved in advance by the ED, and as allowed under applicable local, state and federal law. The Executive Director may deny or rescind a request for flexible or rescheduled hours. The Executive Director will explain to the employee any request that is denied or rescinded. Exempt employees may occasionally take home office work upon pre-approval of the ED pursuant to the Telecommuting Policy herein.

New Schedule Requests. Staff who wish to transition to a new schedule must make a request to the ED via email. Any new schedule must be approved by the ED and will be implemented on a trial basis for four (4) months. Employees who request a new schedule must sign an agreement, which will be developed by the ED and subject to ED approval.

Flexible Work Schedules. Flexible work schedules, i.e., a 9/80 schedule over a 2 week pay period may be approved by the ED. Full-time regular exempt employees working less than 40 hours per week are not eligible for a 9/80 schedule. When a conference, other event or project make a schedule unfeasible, the employee may request a short-term, temporary schedule modification from the ED.

#### **C. Meal and Rest Periods**

All non-exempt employees are permitted to take a 10-minute paid rest break twice each day, spaced approximately evenly throughout the work period. All non-exempt employees working more than a 5-hour shift are required to take at least a 30-minute unpaid meal period in approximately the middle of the work period.

#### **D. Time Sheets**

Non-exempt employees shall complete the District's timesheet showing actual hours worked as well as any holiday or annual leave or or comp time used or other pay to be applied in lieu of hours worked. . Timesheets shall be submitted to the employee's immediate supervisor, and by the supervisor to the ED, by the timeframes established to ensure payment by the payroll date. Exempt employees shall complete the District's exception reports to document when they have used annual leave or other types of pay in lieu of working. Additional time-tracking may be required for purposes of grant administration.

#### **E. Overtime for Non-Exempt Employees**

Pursuant to the Fair Labor Standards Act, all non-exempt employees who work more than forty hours in one workweek will receive overtime pay computed as follows: Overtime at the rate of 1.5 times the employee's regular rate of pay for all hours worked in excess of forty in any one workweek.

Only those hours that are worked are counted to determine an employee's overtime pay. Compensated holidays, for example, are not hours worked and therefore are not counted in making overtime calculations unless the employee actually worked on the holiday.

Non-exempt employees may not work overtime without the express prior approval of the ED, absent an emergency. Non-exempt employees who work overtime without obtaining the express prior approval of the ED will be paid appropriately for all hours worked, but will be subject to discipline, up to and including immediate termination, for violating this policy.

#### **F. Additional Pay for Extraordinary Hours Worked by Exempt Employees**

Exempt employees generally are not eligible for overtime. When extraordinary hours have been required of the employee, and the Board has approved, the employee may be awarded compensatory time off. Employees may opt to be paid for that time at their regularly hourly rate of pay.

#### **G. Time and Place for Payment of Wages**

Regular Pay Days. Employees are paid twice a month. Employees must complete their timecards in a timely manner to ensure that they are paid for all hours worked. Employees will be paid by electronic deposit unless there are extenuating circumstances require that an employee receive a paper check. If a pay day falls on a holiday, electronic deposit will be scheduled to be made on the preceding workday. If the employee is absent when the paycheck is distributed, the employee may make other arrangements with the ED to claim the paycheck.

Payment on Resignation, Termination, or Completion of Assignment or Term. If an employee resigns, their paycheck will be available on the final day of work, provided the employee has given at least 72 hours prior notice. If an employee resigns without giving 72 hours notice, their paycheck will be made available at the office at which the employee was performing services within 72 hours after the employee gives notice of the resignation, unless the employee requests in writing that their final paycheck be mailed, in which case the District will mail the final paycheck within three (3) days after the employee gives notice. Employees who are involuntarily terminated will be paid on the day of their discharge. If an employee is hired for a

specific assignment or otherwise has a defined term of employment, their paycheck will be available upon the completion of the assignment or employment term. In all cases, employees' final paychecks will include payment for all wages owed and any accrued but unused annual leave.

#### **IV. EMPLOYEE PERFORMANCE AND RECOGNITION**

##### **A. Purpose**

The employee evaluation plays an important part in evaluating an employee's performance, training needs, future job, duties and in identifying milestones, and success for recognition. This is also a tool for self-evaluation and should be used to stimulate discussion between the employee and their supervisor. These evaluations do not replace regular communications between the employee and ED.

##### **B. Responsibility**

The employee evaluations are done for all regular employees by the ED. The Board will determine how and when to evaluate the ED.

##### **C. Format and Process**

The ED or the ED's designee shall be responsible for the templates and forms for the evaluation of employees, except for the template of the ED, which shall be developed by the ED and approved by the Board. The ED will then complete the evaluation form for each regular employee of the District that reports to them. The process will include self-evaluation wherein the employee will document their own performance. Once the ED and the employee complete the form, the ED will meet with each employee to discuss the evaluation form, and the form will be signed by both the ED and the employee.

The Board of Directors shall conduct the evaluation of the ED in accordance with the ED's employment agreement.

##### **D. Time of Evaluation**

The evaluations will be made of the employee's performance at the following intervals:

- Probationary Employees. At the end of ninety (90) days employment, probationary employees will receive a verbal review, and after 6 months (180 days), a formal written review will be conducted in coordination with the employee. After 180 days of work, the ED in their discretion may extend an employee's probationary period. In that case, the probationary employee will be re-evaluated by the ED at the end of each additional month the employee remains in a probationary status and at the end of the extended probationary period.
- Regular Employees. Regular employees will be evaluated on or near the yearly anniversary of the employee's hire date, or as otherwise determined. Additional employee evaluations may be requested by the employee or provided by the ED and scheduled at the discretion of the ED.

## **E. Evaluation Disagreements**

The employee may submit to their immediate supervisor a written opinion or explanation of statements with which the employee disagrees. This response will be placed in the employee's personnel record, along with the evaluation. The employee retains the right to appeal the result of their evaluation to the ED, or in the case of an evaluation by the ED, to the full Board. A final decision shall be given to the employee and the evaluating supervisor in writing.

## **F. Employee Recognition**

The District may recognize employees for service to the District and for other achievements, including recognition for professional growth, accomplishments, and milestones determined by the ED. Employees are encouraged to bring to the attention of the ED any trainings attended, performance plan of previous year and other projects they have accomplished.

# **V. TIME OFF OF WORK AND OTHER BENEFITS**

## **A. Holidays**

Paid holidays are observed on the day on which they fall, except that holidays falling on Saturday will be observed on the preceding Friday and holidays falling on Sunday will be observed on the following Monday. The Board may amend the list of holidays from year-to-year to reflect changes to federal, state or local holiday schedules. The designated holidays are:

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Cesar Chavez Day
- Memorial Day
- Juneteenth National Independence Day
- Independence Day
- Labor Day
- Indigenous People's Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

Full-time and part-time regular employees are paid their regular hours for the holiday if it falls on a day that they are regularly scheduled to work. If any non-exempt employee is required by the ED to work on any District holiday because alternative days are not available (such as for a landowner site visit), they shall be paid for hours worked at the rate of time and one-half (1½) their regular rate of pay. Exempt employees may be awarded Compensatory Time if the hours worked are for a billable project and are approved by the ED (or the President if the ED is the employee) in advance.

## **B. Paid Annual Leave**

Eligibility. The District provides paid annual leave to eligible employees to enable them to take paid time off for personal use. The District believes that this time is valuable for employees to

enhance their productivity and make their work experience with the District personally satisfying.

Paid annual leave may be used for, but is not limited to the following purposes: vacation; the employee's own illness, injury, or health condition, including preventive care and medical, dental, vision, or mental-health appointments; to care for a family member with an illness, injury, or health condition, or to accompany a family member to medical or preventive-care appointments; for pregnancy, prenatal, postnatal, or other pregnancy-related medical needs; for public-health reasons, including quarantine, isolation, or school or childcare closure due to a public-health order; for reasons related to domestic violence, sexual assault, or stalking, including medical care, counseling, relocation, or legal assistance; for reproductive loss, including miscarriage, stillbirth, or failed adoption, surrogacy, or assisted reproduction; for witness duty or compliance with a subpoena or court order; to attend a child's school or childcare activities; for volunteer emergency duties as a firefighter, peace officer, or emergency rescue personnel; for religious or cultural observances not otherwise covered by District holidays; for personal business that cannot reasonably be scheduled outside of working hours; or for required immigration, naturalization, or government appointments.

Paid annual leave will be administered in a manner consistent with all applicable federal, state, and local laws, including the California Paid Sick Leave law and any local ordinances providing equal or greater benefits or protections.

Employees will have access to at least 24 hours of accrued paid annual leave by their 120th calendar day of employment and at least 40 hours by their 200th calendar day, consistent with the California Healthy Workplaces, Healthy Families Act (SB 616). The District increases the number of hours paid annual leave hours accrued for long-service employees. Temporary employees are not eligible for or entitled to paid annual leave but remain entitled to statutory paid sick and crime victim leave in compliance with California Law.

Accrual Method. Full-time regular employees accrue paid annual leave monthly; part-time regular employees accrue annual leave on a pro-rated basis based upon their actual hours worked. Employees begin accruing annual leave immediately upon hire.

Regular employees are eligible to accrue paid annual leave during their probationary period; however, use of leave in excess of 40 hours during the probationary period is subject to ED approval. Annual leave may be accrued up to 400 hours unless otherwise approved by the Board. Unused annual leave carries over from year to year, subject to this cap. If a holiday falls on a workday during an employee's leave-period, that day shall be considered a holiday and not paid leave.

Non-exempt employees who use paid leave will be compensated at their regular rate of pay, and their time calculated in the same manner as other forms of paid leave. Employees may use available paid leave time in one hour increments. An exempt employee's salary will not be reduced for partial day absences. The District's policy is intended to satisfy or exceed the minimum requirement of the California Healthy Workplaces, Healthy Families Act (SB 616).

Accrual Amounts. Employees shall accrue annual leave time according to the following schedule (pro-rated on a 40-hour work week):

- 0 through 5 years of service: 10 hours per month (15 days per year)

- 6 through 10 years of service: 14 hours per month (21 days per year)

Leave Requests. Unless the need for paid annual leave is not foreseeable (e.g., due to illness or crime), employees are expected to request paid annual leave in writing in advance of usage. The District will not deny or delay the use of up to 40 hours of annual leave for sick or crime victim leave under California Law. Employees are not required to provide documentation or certification for the first 40 hours of annual leave used for sick or crime victim leave. For requests for leave beyond 40 hours, reasonable certification may be requested where permitted by law.

The District will maintain confidentiality of any information provided and prohibits retaliation against employees for exercising these rights.

Payment Upon Termination. In accordance with state law, the employee will be paid for any remaining accrued, unused annual leave time upon termination of employment. Unused crime victim leave does not carry over from one year to the next and is not paid out at termination. An employee who is rehired within 12 months of separation will have any unused paid sick and crime victim leave, up to 40 hours, reinstated.

Benefits Continuation. Paid leave under this policy will not constitute a break in the employee's continuous service for the purpose of District benefits and seniority.

Relationship with Other Leave Policies. If a law or regulation provides for greater accrual or use of leave, the law, regulation or policy with the greater protection may apply. For questions regarding the interplay between your entitlement to leave under other laws or regulations and your entitlement to leave under the Family Leave Act, please contact the ED.

Job Restoration. When an employee returns to their position after an approved leave under the Family Medical Leave Act or the California Family Rights Act, the employee will generally be reinstated to their position with equivalent seniority, benefits, pay and other terms and conditions of employment.

Retaliation and Discrimination Prohibited. The District strictly prohibits any form of retaliation or discrimination against an employee for attempting to use or using annual leave under this policy, and for any other reason prohibited by applicable law. Employees who believe they have been discriminated or retaliated against should report their concerns to the ED immediately.

### **C. Bereavement Leave**

In the event of a death in the immediate family, regular employees shall be granted a paid leave of absence not to exceed five (5) days based upon regular days of work. This leave is not to be charged against accrued annual leave time. All other employees may be granted an unpaid leave of absence at the ED's discretion. Requests for additional time away from work for a death of a family member, paid or unpaid, will be approved at the ED's discretion. The ED may require certification of a death prior to granting leave. "Immediate family" includes spouse, parents, children, sibling, grandparents, father-in-law, mother-in-law, sister-in-law, brother-in-law or the employees' legal dependent.

**D. Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA)**

Employees may be eligible for family leave in accordance with the Federal Family Medical Leave Act (hereinafter “FMLA”) and the California Family Rights Act (hereinafter “CFRA”). In accordance with the CFRA, FMLA, and, the District provides up to 12 workweeks of CFRA and/or FMLA leave in a 12-month period to any “eligible employee” who requests leave for any of the following: birth or adoption of a child by the employee or placement of a child in foster care with the employee; to care for a family member (child, parent or spouse) who has a serious health condition; or for an employee’s own serious health condition, which makes the employee unable to perform the essential functions of their position.

In order to be eligible for FMLA or CFRA family leave, employees must, at the time of request, (1) have worked for the District for at least 12 months prior to the date on which the leave is to commence; (2) have worked at least 1,250 hours during the 12 months immediately prior to the leave period.

Notice and certification requirements may apply depending on the reason for and duration of the leave. FMLA/CFRA leave is unpaid. CFRA and FMLA leave may also run concurrently with a leave of absence covered by worker’s compensation or temporary disability benefits. To the maximum extent allowed by law, the District requires that accrued annual leave be used to supplement such benefits to provide the equivalent of the employee’s normal wages. Failure to provide proper notification can result in disciplinary action. For eligibility and guidelines, please contact the ED.

Employees on leave to bond with a child after the birth or adoption of the child, or placement of a child in foster care, will continue to receive group medical benefits to the same extent as received prior to going on leave for a period of six months, provided that the employee continues to pay for dependent premiums in advance.

**E. California Pregnancy Disability Leave**

Employees may be entitled to take a leave of absence of up to four months for disabilities relating to pregnancy, childbirth or related medical conditions. The exact duration of the leave will be determined by the amount of time the employee is disabled. Employees who are granted leaves for pregnancy are generally entitled to be reinstated to their same position, subject to certain conditions, and consistent with applicable law.

Upon the advice of a health care provider, an employee may also be entitled to reasonable accommodation, to the extent required by law, for conditions related to pregnancy, childbirth or related medical conditions. A transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties may be available pursuant to a request, if such a transfer is medically advisable. If you are affected by pregnancy or a related medical condition, please notify the District as soon as reasonably possible.

Prior to the start of the leave, the District will require a statement from the health care provider indicating that an employee is unable to perform their job and the anticipated date of your return. In the event the leave exceeds the anticipated date of return, it is the employee’s responsibility to provide further verification from the health care provider and the revised anticipated date of return.

During a pregnancy-related disability leave, the District will continue to pay for the employee's participation in the District's group health plans, to the same extent and under the same terms and conditions as would apply had the employee continued in employment continuously for the leave period. Thus, the employee must continue to pay their share of the health plan premiums during the leave. If paid sick leave is substitute for any portion of the leave that is unpaid leave, such payments will be deducted from the employee's pay through the regular payroll deductions. Otherwise, the employee must make arrangements with the District for the payment of such premiums.

Leave does not have to be taken in one continuous period of time and may be taken intermittently, as needed. If intermittent leave or leave on a reduced work schedule is medically advisable the employee may, in some instances, be required to transfer temporarily to an available alternative position that meets the employee's needs. Transfer to an alternative position can include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work schedule.

**F. Reproductive Loss Leave**

Employees who have worked for the District a minimum of 30 days are entitled to up to 5 days leave following a reproductive loss event. Employees may apply any accrued and available paid time off to such leave.

**G. Temporary Disability Leave**

Employees needing time off of work as a reasonable accommodation of a workplace injury or a qualified disability under the Americans with Disabilities Act or the Fair Employment and Housing Act may take an unpaid temporary disability leave of absence. For additional information regarding Temporary Disability Leave, including the leave's effect on benefits and reinstatement, please contact the CFO.

**H. Jury Duty and Voting Time Off**

Jury Duty. An employee summoned for jury duty will immediately notify the ED. Due to the employee's work responsibilities, the District may ask the employee to request service postponement. While serving on a jury, they will be given a paid leave of absence for a maximum of five days contingent upon: (1) the employee returning to work upon dismissal each day to complete their remaining normal workday and (2) the employee submitting all compensation received as a juror to the District, not including any travel allowance received. The District will pay any employee their regular wage rate for their normal work week for every day the employee is on jury duty, as a service to the community. The time will not be charged against their accrued annual leave. Time off without pay will be allowed for Grand Jury duty with prior approval from the ED.

Voting Time Off. If you are a voter, you may claim time off without loss of pay to vote at statewide elections under Section 14350 of the California Election Code if you do not have sufficient time outside of working hours to vote. Non-exempt employees must notify the ED at least two (2) working days prior to Election Day if time off for voting is required. No more than two (2) hours of the time taken off for voting will be without loss of pay unless otherwise approved by the ED.

**I. Personal Leave of Absence Without Pay**

Leave without pay. Unpaid leave may be taken when the employee has exhausted all other forms of paid leave, such as annual leave and Compensatory Time. All accrued annual leave must be used prior to leave without pay, except when a leave of absence of one week or less without pay is approved in advance by the ED. Any leave of absence for more than one week but less than 4 weeks must be pre-approved by the ED and the Board President; any unpaid leave of absence longer than 4 weeks must be pre-approved by the ED and the Board.

Return to Position. Due to the District's limited work force and the nature of its work, maintenance of job classifications for the term of an authorized leave cannot be guaranteed beyond three (3) months. Should the employee's position no longer be available, employees returning from an authorized leave will be reinstated with the first available job classification for which they are qualified.

Benefits During Leave. Employees on approved leave of absence without pay for a period of ten (10) or more consecutive working days may have medical or dental insurance benefits cancelled until the employee is once again working and qualifies for benefits, but the employee may continue coverage by reimbursing the pro-rata cost of the insurance policy to the District. Exceptions to the cancellation or proration of coverage may be approved by the Board.

Accrued Leave. Any employees on leave of absence for a period longer than one week without pay shall not accrue paid leave during the period of absence. Any absence without pay in excess of a total of five (5) working days shall not be counted in the calculation for determining the probationary period.

**J. School Leave**

An employee who is a parent or guardian of a child suspended from public school is entitled to take unpaid time off to attend a portion of the school day in their child's or ward's classroom if the school has asked the employee to do so and if the employee gives the employer reasonable advance notice.

An employee may also take off up to 40 hours each year (not to exceed 8 hours per month) to find, enroll, or re-enroll the child in a school or with a licensed childcare provider, or to participate in activities of the child's school or licensed child day care facility, provided the employee gives reasonable notice to the employer of the planned absence before taking the time off. An employee may also take time off to address a child care provider or school emergency, if the employee gives notice to the employer.

**K. Military Leave**

The District will grant employees a military leave of absence to the extent required by applicable federal and state law.

**L. Health Insurance Plan**

Eligibility and Participation. The District may offer a Health Insurance Plan. These programs are voluntary. If the District offers a health insurance plan, full time regular employees are eligible for the insurance plans that have been approved by the Board and are in place at the time, on

the first day of the month after 30 days of employment. Eligibility requirements and other information concerning insurance benefits are described in detail in the Summary Plan Description provided by the ED.

If the District offers a plan with employer-paid premiums, but an employee has other insurance coverage and chooses not to participate in the District insurance programs, they may request and be approved for compensation for the premium amount that the employer would have paid if the employee had participated in the plan. The burden is on the employee to make the request at the time they first become eligible for other insurance.

Payment of Employee Premium. If the District offers a plan, the employee will pay for the employee's premium and the employee's dependents' premium through payroll deduction process.

#### **M. Professional Development**

Employee Training. The District highly values qualified employees and those who demonstrate willingness to enhance knowledge and skill. All new employees shall receive job orientation training as determined by the ED. Each employee is encouraged to develop an annual training plan with the ED. It shall be the joint responsibility of the ED and the employee to implement the plan within the budgetary limits of the District and/or the funding source for the training. Probationary and regular employees may be required and/or encouraged to pursue training that will benefit the employee's performance and the District.

Requests. All requests for training, whether required or optional, must be submitted in writing and pre-approved by the ED.

Reimbursement. Reimbursement for training shall be subject to the requirements of the financial, travel and vehicle use policies.

Training Time. Time to and from the required education training as well as the time spent preparing for or during the required education training will be considered hours worked.

#### **N. Workers' Compensation**

Coverage. All employees are covered by Worker's Compensation Insurance for accidents sustained in the performance of their duties on or off the premises. The District may provide Workers' Compensation coverage to volunteers.

Reporting. All injuries must be reported to the ED as soon as possible, but no later than twenty-four (24) hours after the injury.

First Aid Claims. If an employee receives a minor injury during working hours, the resulting first aid costs incurred at an emergency clinic or health care facility shall be paid by the District and a Workers' Compensation claim will not be filed. Per California Code of Regulations Section 9780(f) and Section 14311c, the District has the option to directly pay for First Aid medical treatment and avoid the establishment of a workers' compensation claim. "First Aid" is defined as any one-time treatment and any follow up visits for the purpose of observation of minor scratches, cuts, burns, splinters, etc., which do not ordinarily require medical care. Such one-time treatment and follow-up visit for the purpose of observation is considered by law to be

first aid, even though provided by a physician or registered professional personnel. If the injury is serious enough to require multiple stitches or is the type where it might in any way recur or cause future medical problems for the employee, it shall be reported as a Workers' Compensation claim. The ED will, along with the health care facility, be responsible for determining the need to file a claim. The Board shall be notified of the occurrence of any serious injuries.

**O. Retirement**

The District may offer a retirement plan benefit, subject to approval by the Board.

**VI. EQUAL EMPLOYMENT OPPORTUNITY POLICIES AND POLICIES AGAINST HARASSMENT AND DISCRIMINATION**

**A. Equal Employment Opportunity Policy/Policy Against Discrimination and Retaliation**

It is the District's policy to provide equal employment opportunity for all applicants and employees. The District strictly prohibits discrimination on the basis of race, color, religion, religious creed (including religious dress and religious grooming), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions, gender, gender identity, gender expression, sex stereotype, sexual orientation and transgender), national origin, ancestry, citizenship, age, physical or mental disability, legally protected medical condition or information (including genetic information), family care or medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, or holding or presenting a driver's license issued under section 12801.9 of the Vehicle Code, or any other basis protected by local, state, or federal laws. This policy applies to all areas of employment including, but not limited to, recruitment, hiring, training, promotion, compensation, benefits, transfer, disciplinary action, social and recreational programs, layoff, recall and termination. It is the responsibility of every manager and employee to conscientiously follow this policy. Any employee having any questions regarding this policy should discuss them with the ED.

The District will also make reasonable accommodations that are necessary to comply with the state and federal disability discrimination laws. This means that the District will make reasonable accommodations for the known physical or mental disability or known medical condition of an applicant or employee, consistent with its legal obligation to do so.

As part of its commitment to make reasonable accommodations, the District also wishes to participate in a timely, good faith, interactive process with the disabled applicant or employee to determine effective reasonable accommodations, if any, that can be made in response to a request for accommodations. Applicants and employees are invited to identify reasonable accommodations that can be made to assist them to perform the essential functions of the position they seek or occupy. They should contact the ED as soon as possible to request the opportunity to participate in a timely interactive process. By working together in good faith, the District hopes to implement any reasonable accommodations that are appropriate and consistent with its legal obligations.

Consistent with the law, the District also makes reasonable accommodations for: pregnant employees who request an accommodation for pregnancy, childbirth, or related medical conditions; for employees who are victims of domestic violence, sexual assault, or stalking; and for applicants and employees who need accommodations for their religious beliefs and practices that eliminates the conflict between the religious practice and the job requirement at issue.

California law and the District also prohibit retaliation against any employee for making a good faith complaint of discrimination or for cooperating, assisting, testifying, or participating in any of the discrimination Internal or External Complaint Procedures below. Claims of retaliation are taken seriously and are subject to the same Internal and External Complaint Procedures below.

## **B. Harassment and Retaliation**

Policy. The District is committed to providing a workplace free of unlawful harassment. In accordance with applicable law, the District prohibits harassment based on sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions, gender identity, gender expression, sex stereotype, sexual orientation, gender and transgender) and harassment on based basis of race, color, religion, religious creed (including religious dress and religious grooming), national origin, ancestry, citizenship, age, physical or mental disability, legally protected medical condition or information (including genetic information), family care or medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, or any other basis protected by local, state, or federal laws. All such harassment is unlawful and will not be tolerated, whether it be harassment of employees, applicants, unpaid interns, persons providing services pursuant to a contract or volunteers by managers, supervisors, co-workers, or non-employees with whom the District has a business, service or professional relationship, like vendors and clients. Similarly, the District will not tolerate harassment by its employees of non-employees with whom the District has a business, service or professional relationship, like vendors and clients.

Sexual Harassment. Sexual harassment (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions, gender identity, gender expression, sex stereotype, sexual orientation, gender and transgender harassment) is defined as unwanted sexual advances, or visual, written, verbal or physical conduct of a sexual nature that creates an intimidating, offensive, or hostile working environment or that interferes with an employee's work performance. Such conduct constitutes harassment when (1) submission to the conduct is made either an explicit or implicit condition of employment or promotion; (2) submission or rejection of the conduct is used as the basis for an employment decision; or (3) the unwelcomed comments or conduct based on sex unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment. Sexual harassment includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. Furthermore, sexually harassing conduct need not be motivated by sexual desire. The following is a partial list of violations:

- Unwanted sexual advances, propositions or requests for sexual favors.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct: leering, making sexual gestures, displaying of suggestive objects, posters, photographs, cartoons, or drawings.

- Verbal conduct: making or using derogatory comments, epithets, slurs, jokes, verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, foul or obscene language, conversation containing sexual comments.
- Written conduct: suggestive or obscene letters, emails, drawings, notes or invitations.
- Physical conduct: unwanted touching, assault, impeding or blocking movements, and violating someone's "personal space"; and
- Retaliation for reporting harassment or threatening to report harassment.

Other Types of Harassment. Harassment can take many forms beyond sexual harassment. Harassment on the basis of race, color, religion, religious creed (including religious dress and religious grooming), national origin, ancestry, citizenship, age, physical or mental disability, legally protected medical condition or information (including genetic information), family care or medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, or any other basis protected by local, state, or federal laws, is also prohibited and will not be tolerated by the District. Such harassment includes but is not limited to the following when based upon an employee's protected status as noted above:

- Verbal conduct such as making or using derogatory comments, epithets, slurs, jokes, or verbal abuse.
- Visual conduct such as gestures and displaying of objects, posters, photographs, cartoons, or drawings.
- Written conduct such as suggestive or obscene letters, emails, drawings, notes or invitations.
- Physical conduct such as assault, unwanted touching, or blocking normal movement, or violating someone's "personal space"; and
- Retaliation for reporting harassment or threatening to report harassment.

Retaliation Prohibition. California law and the District also prohibit retaliation against any employee for making a good faith complaint of harassment or for cooperating, assisting, testifying, or participating in any of the harassment Internal or External Complaint Procedures below. Claims of retaliation are taken seriously and are subject to the same Internal and External Complaint Procedures below.

### **C. Complaint Procedures for Complaints of Discrimination, Harassment and Retaliation**

Internal Complaint Procedure. The District's complaint procedure provides for an immediate, thorough, objective and confidential investigation of any claim of unlawful or prohibited discrimination, harassment and/or retaliation, appropriate disciplinary action against one found to have engaged in prohibited discrimination, harassment and/or retaliation, and appropriate remedies for any victim of discrimination, harassment and/or retaliation. A claim of harassment may exist even if the employee has not suffered an adverse employment action.

If you believe you have been discriminated, harassed and/or retaliated on the job, or if you are aware of the discrimination, harassment and/or retaliation of others, you must provide a written or verbal complaint to the ED as soon as possible. You are not required to complain to any individual who is the one discriminating, harassing and/or retaliating against you, nor do

you have to complain directly to your immediate supervisor. Instead, as is mentioned above, you may report discrimination, harassment and/or retaliation to the ED, the Board President, or the Board. Your complaint should be as detailed as possible, including the names of individuals involved, the names of any witnesses, direct quotations when language is relevant, and any documentary evidence (notes, pictures, cartoons, etcetera).

Confidentiality. The District will maintain confidentiality to the extent possible. Any employee who is informed of a complaint of discrimination, harassment and/or retaliation by an employee, or any other individual, must report said complaint to the ED immediately and must otherwise keep the matter confidential. The ED must also keep the matter confidential and not disclose the matter to any person who is not involved in the investigation or does not have legitimate work-related reasons for knowing of the complaint. Any employee who fails to comply with this paragraph will be subject to disciplinary action, up to and including termination of employment.

Investigation. All incidents of prohibited discrimination, harassment and/or retaliation that are reported will be subject to an impartial, fair, timely and thorough investigation by either the ED or an outside investigator, depending on the circumstances. The ED will not investigate a complaint made against him or their, or a complaint wherein the ED is a witness or the complainant. The investigation will provide all parties appropriate due process and will reach reasonable conclusions based on the evidence collected. The District will document the timely, thorough, and objective investigation of the discrimination, harassment and/or retaliation allegations to ensure reasonable progress is being made in the investigation. The District will inform the employee who initiated the complaint of the progress of the investigation upon request of that employee.

Corrective Action. At the conclusion of the timely investigation, if it is determined that prohibited discrimination, harassment and/or retaliation has occurred, the District will take immediate and effective remedial action commensurate with the circumstances. Corrective action may include, for example: training, referral to counseling, or disciplinary action including but not limited to verbal or written warning, suspension, transfer, demotion, and termination of employment, depending on the circumstances. With regard to acts of discrimination or harassment by clients or vendors, corrective action will be taken after consultation with the ED.

The employee who initiated the complaint will be notified when the investigation has been completed and will be informed of the general outcome of the investigation, i.e., whether the complaint has been substantiated or unsubstantiated. However, the employee is not entitled to know the corrective action, if any, imposed on the accused harasser as that information is protected by the accused's right to privacy. Appropriate action will be taken to ensure the employee who has been found to have been discriminated, harassed and/or retaliated against will not be discriminated, harassed and/or retaliated against in the future, including but not limited to redistribution of this policy, training, transfer, etc.

External Complaint Procedure. In addition to the District's internal complaint procedure, employees who believe that they have been unlawfully discriminated, harassed and/or retaliated against may file a complaint with the federal Equal Employment Opportunity Commission (EEOC), and/or the California Department of Fair Employment and Housing (DFEH).

For more information, contact the ED. Contact information for the DFEH can be obtained at [www.dfeh.ca.gov](http://www.dfeh.ca.gov). Contact information for the EEOC can be obtained at [www.eeoc.gov](http://www.eeoc.gov).

## **VII. GENERAL EMPLOYMENT POLICIES**

### **A. Abusive Conduct/Bullying**

The District is committed to providing a workplace that is free from bullying. Bullying is defined as the repeated infliction of intentional, malicious, and abusive conduct which interferes with a person's ability to do their work and is substantial enough to cause physical and/or psychological harm and a reasonable person would find the conduct hostile or offensive. Bullying may be verbal or physical. An employee who experiences or witnesses conduct that is perceived to be abusive should report the facts to the ED immediately, or to the Board President.

### **B. Remote Work**

The District offers remote work options for its employees, subject to approval by the ED, or in the case of the ED, by the Board President. Employees who work remotely are expected to be reachable by computer or phone during their workday. Employees are expected to comply with stay-at-home orders issued by the State or local government, and remote work accommodations will be managed by the ED.

### **C. Smoking**

Smoking (including e-cigarettes) is prohibited inside District facilities. All employees, clients, vendors and other visitors are expected to comply with this policy, and employees who violate it may be disciplined, up to and including immediate termination.

### **D. Insubordination**

Employees are expected to adhere to reasonable and legal directives of their supervisor. The refusal of an employee to perform any lawful directive by their supervisor is insubordination and cause for disciplinary action. However, refusal to obey a superior's order based upon a good faith belief that the order violates a law, regulation, or policy may not be considered a willful refusal to obey provided the employee informs the supervisor or their supervisor of such belief. An employee is expected to respect authority and does not have the unfettered secretion to disobey or ignore clear instructions. Insubordination encompasses more than an explicit order and subsequent refusal or intentional failure to carry it out. It also involves a flagrant or willful disregard for implied directions of a supervisor. Choosing to perform other work or refusing or failing to perform work as assigned or as directed by a supervisor may be considered insubordination. If the ED's directions conflict with a deadline of another project, employees must be certain to immediately advise ED of the timeline conflict.

### **E. Workplace Solicitation**

Employees may engage in solicitation on District premises only during their nonworking time and in nonwork areas. Nonworking time means time during meals or breaks and before or after work. If an employee is not certain whether an area is a work or nonwork area, he or she should consult their immediate supervisor for clarification.

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

**F. Dress Code: Professional Attire**

Attire should be appropriate for office, outreach or field work, and not contain product advertisement or political messages. It should be practical, comfortable and safe for the environment in which one is working. Classroom presenters must conform with school policy.

**G. Lactation Policy**

The District believes that the breastfeeding of an infant is an important and basic act of nature to which every baby and mother have a right, and recognizes applicable local, state and federal laws that require lactation accommodations. Therefore, the District allows and encourages nursing mothers to express breast milk for their babies in the workplace. The District has adopted a separate Lactation Accommodation policy and employees should refer to that policy when requesting accommodation.

**VIII. EMPLOYEE RECRUITMENT AND PROMOTIONS**

**A. Executive Director**

The Board shall be responsible for hire, promotion, salary changes, transfer, discharge, discipline, or layoff of the ED.

**B. Other Employees**

The ED shall be responsible for hire, promotion, salary changes, transfer, discharge or layoff of staff and all such other matters of personnel administration. The ED shall notify the Board of personnel changes.

**C. Filling Vacancies**

Filling vacancies will be done in accordance with any and all federal and state regulations, including the requirements of any grants or contracts signed by the District. It is preferable to hire the highest qualified individuals through advertising the position in appropriate venues and conducting an open interview process. Existing employees may apply for open positions.

**D. Employee Position and Salary Schedule**

The Board adopts employee job positions and descriptions, classifications and salary ranges. Salary ranges will be evaluated based on current market rates as needed. With recommendations from the Labor Negotiation Committee, the Board determines the ED's salary.

The ED makes salary adjustment decisions within the established salary range and within financial constraints, using individual performance plans and appraisals, assigned programs and

projects, and training and certification(s) achieved. It is anticipated that grants and contracts will support salary adjustments.

Classifications may be added within the job positions that (a) provide District flexibility when hiring and adjusting wages and offering promotion; (b) recognize increased tenure, experience, training, and supervision; and (c) provide employee incentives and recognition. When hiring, the ED determines the job position classification required for the work to be done and for the individual hired.

The District's annual budget is based on new and ongoing District grants, fee for service contracts, property taxes and partnership opportunities. Budget allocations for merit increases are planned for and allocated before the start of each fiscal year contingent on the financial availability of funding for this purpose. The District's salary increase program is designed to assist management in planning and allocating merit and potential promotional increases that reward excellent/exceptional individual performance, workload and project or program innovations, grants applied for and received, effective employee/management relationships and other factors listed in the employee job descriptions and identified annual goals. Merit increases will be competitive with similar organizations as feasible and consider area living costs as financial resources allow.

A performance review does not always result in an automatic salary increase. The employee's overall performance and salary level relative to their position and responsibilities are comprehensively evaluated to determine if a salary increase is warranted. In addition, the size of the merit increase is also contingent on the bottom line budget of the District at the end of the fiscal year. There are some years when it will not be economically possible for the District to award merit increases.

Salary adjustments are occasionally requested or warranted at times other than following the employee's scheduled annual performance reviews. On rare, appropriate occasions, temporary out-of-cycle salary increased may be given to an employee that has been requested by the ED to perform an out of position classification workload and must be preapproved by the ED.

## **IX. PERSONNEL RECORDS**

### **A. Record Maintenance**

All personnel records will be maintained by an assigned administrator. It is important that your personnel records are accurate and up to date, so you may continue to receive uninterrupted benefits. This information is also necessary to determine the amount of wage deductions for federal and state income tax. Immediately notify the ED of any change in your name, address, telephone number, marital status, number of dependents, or emergency contact telephone number.

### **B. Personnel Record**

Each personnel record shall include the employment history of each employee, phone number of an emergency contact, performance evaluations and other pertinent information.

**C. Confidentiality**

All information contained in personnel records is confidential with the exception of salary information. As this is a public agency, salaries may be reported when requested, with notification to employees. Information reported may include salary, benefits, and position classification with names. Release of any information contained in the personnel record, other than to the ED, shall be done only with the written consent of the employee.

**D. Employee Access**

Requests to view your personnel file should be directed to the ED who will schedule a mutually convenient and reasonable time for you to review your file. Employees are entitled to a copy of any document that is in their file. Personnel Files are the property of the District and may not be removed from the District's premises without written authorization from the ED. However, employees may request a copy of their personnel file giving the ED seven business days to fulfill the request.

**E. Payroll Records**

Employees and former employees also have the right to inspect and copy certain District payroll records regarding their compensation, and deductions from their compensation, upon reasonable request to the District. Employees wishing to review or copy payroll records should notify the ED.

**F. Correction of Personnel Records**

An employee who believes any material in their personnel record is erroneous in nature, may provide written documentation of the facts to the ED who may direct that such material be corrected and removed from the personnel record. If the ED disagrees with the employee's assertion of erroneous material, the employee may submit an appeal to the Board President. If the appeal is not upheld, the employee may attach a written explanation describing why the employee feels said material is alleged to be erroneous, which will be included in the employee's file.

**X. CONFLICT OF INTEREST**

**A. Background**

The Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. §18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix A in which members of the Board and employees are designated, and in which disclosure categories are set forth, constitute the conflict of interest code of the District.

## **B. Conflict of Interest Guidelines**

Employees are responsible for adhering to the District's Conflict of Interest Code, which is attached. Examples of employee activities that are not allowed due to a conflict of interest include the following:

- Employees may not serve as a member of the Board of the District.
- Employees may not serve as an employee, full or part time, nor hold office or serve as a member of a Board, or receive any benefit from any other district, organization, association or other group which is certified as a vendor or contractor for the District.
- Employees are prohibited from using their position in such a way as to receive discounts or financial favors from District suppliers.
- Employees cannot sponsor or influence a decision upon any program vendor or any individual where it may logically result in a financial gain for that employee.

## **C. Willful Conduct**

Any employee knowingly violating the Conflict of Interest Policy is subject to sanctions, which may include discipline, up to and including immediate termination.

## **D. Questions about Conflicts**

Any questions whether an action or activity could be considered a conflict of interest should contact the ED.

## **E. Signature of Form 700**

Categories of employees who are required to file Form 700 are listed in the District's Conflict of Interest Code. Employees are responsible for abiding by their agreement to this Conflict of Interest policy.

## **F. Outside Employment**

Outside employment must be reported to the ED and is acceptable when there is no conflict of interest and the outside employment does not interfere with the work efficiency of that particular employee. Any questions whether an outside position can be considered a conflict of interest, or an unusual employee external employment situation, shall be addressed to the ED and to the Board President in the case of the ED.

# **XI. USE OF ELECTRONIC COMMUNICATION DEVICES AND THE INTERNET**

## **A. Policy**

The District provides various Technology Resources to authorized employees to assist them in performing their job duties for the District. Each employee has a responsibility to use the District's Technology Resources in a manner that increases productivity, enhances the District's public image, and is respectful of other employees. Failure to follow the District's policies regarding Technology Resources may lead to disciplinary measures, up to and including termination of employment.

## **B. Definition of Technology Resources**

Technology Resources consist of all electronic media and storage devices, software, and means of electronic communication including any of the following: personal computers and workstations; district email addresses; laptop computers; mini and mainframe computers; tablets; computer hardware such as disk drives, tape drives, external hard drives, and flash/thumb drives; peripheral equipment such as printers, modems, fax machines, and copiers; computer software applications and associated files and data, including software that grants access to external services, such as the Internet or cloud storage accounts; electronic mail; telephones; mobile phones; personal organizers and other handheld devices; pagers' voicemail systems; and instant messaging systems.

## **C. Ownership of Systems and Data**

All messages, materials, information and software created, transmitted, downloaded, received or stored on these Technology Resources are the property of the District. The District will have access to all its Technology Resources. The District reserves the right to monitor employee use of its Technology Resources at any time, retrieve and read any data composed, sent or received, including, but not limited to, any message or file in their Technology Resources. Employees have no right to privacy in their use of or any information contained in or conveyed through District owned Technology Resources. Personal passwords cannot ensure confidentiality and the Internet is not secure. Employees must assume that someone, other than the intended or designated recipient, may read or monitor any and all messages. . Employees should be aware that, even when a message is erased or a visit to a site closed, it is still possible to recreate the message or locate the site. Messages on these systems are considered company business communications and are not private employee communication. Furthermore, all communications, including text and images, may be disclosed to law enforcement or other third parties without the prior consent of the sender or the receiver. Additionally, given the District's status as a public entity, documents and information stored in its Technology Resources may be a public record subject to disclosure.

## **D. Standards of Use**

When you access the District's Technology Resources, you are representing the District. As such, all communications should be for professional, business reasons and should not be for personal use. Employees are responsible for ensuring use of the District's Technology Resources in an effective, ethical and lawful manner.

The District's harassment and nondiscrimination policies apply to all use of Technology Resources. Sending, saving or viewing offensive material using the District's Technology Resources is prohibited. Similarly, the District's Technology Resources may not contain content that is offensive or disruptive to any employee. Offensive material includes, but is not limited to, sexual comments, jokes or images, racial slurs, gender-specific comments or any comments, jokes or images that would offend someone on the basis of their age, disability, gender, race, religion, national origin, physical attributes, sexual orientation or any other characteristic or activity protected by applicable law. Any use of the District's Technology Resources to harass or discriminate is strictly prohibited.

The District expects ethical and honest behavior from all employees. At all times any electronic communications and social networking activities for work-related purposes must maintain and reflect the Districts' standards for professionalism.

Technology Resources are for legitimate business use only in the course of the employee's assigned work duties. However, brief use of Technology Resources for personal reasons is acceptable.

## **XII. CELL PHONE/RECORDING DEVICE POLICY**

In accordance with California laws, employees are required to use a hands-free device when using a cell phone, including all smart phones (personal cell phone or company cell phone) while operating a motor vehicle during work hours. Writing, sending, or reading text-based communication - including text messaging, instant messaging, e-mail, web browsing and use of smart phone applications - on a wireless device or cell phone while driving is prohibited pursuant to California law. Safely pull off the road before conducting District business.

Additionally, employees should attempt to limit personal use their use of cell phones during working hours. Employees are encouraged not to use their cell phones during work meetings unless there is a time-sensitive or emergency situation. This prohibition includes reviewing/responding to emails or text messages, listening to voicemails, making or receiving phone calls, or browsing the internet or using any other function on the cell phone.

Moreover, pursuant to California law, employees are prohibited from secretly recording a confidential communication; doing so is also a misdemeanor under the California Penal Code. California is known as a "two-party" consent state, which means that recordings are not allowed unless all parties to the conversation consent to the recording. A "confidential communication" includes, but is not limited to, any communication carried on in circumstances as may reasonably indicate that any party to the communication desires it to be confined to the parties, but excludes a communication made in a public gathering or in any legislative, judicial, executive or administrative proceeding open to the public, or in any other circumstance in which the parties to the communication may reasonably expect that the communication may be overheard or recorded. Staff meetings and employee/ supervisor meetings would include "confidential communications," and employees are instructed that they cannot record such meetings without permission of all parties.

Any employee found to be in violation of this policy will be disciplined, up to and including immediate termination.

## **XIII. DISCIPLINARY ACTION AND TERMINATION OF EMPLOYEE SERVICES**

Employees are expected to observe certain standards of job performance and good conduct. When performance or conduct does not meet District standards, the employee will be subject to discipline up to and including termination. The rules set forth below are intended to provide employees with notice of what is expected of them. Necessarily, however, such rules cannot identify every type of unacceptable conduct and performance. Therefore, employees should be aware that conduct not specifically listed below but which the District determines adversely affects or is otherwise detrimental to the interests of the District, other employees, or customers, may also result in disciplinary action.

## **A. Job Performance**

Employees may be disciplined for poor job performance, including but not limited to the following:

- unsatisfactory work quality or quantity.
- excessive absenteeism, tardiness, or abuse of rest break and meal period policies.
- failure to follow instructions or District procedures or District policies/Employee Handbook;  
or
- failure to follow established safety regulations.

## **B. Misconduct**

Employees may be disciplined for misconduct, including but not limited to the following:

- failure or refusal to perform a work-related task.
- dishonesty.
- theft.
- insubordination (see policy regarding insubordination above).
- discourtesy, rudeness, or unprofessional behavior toward other employees, the Board, a customer, or member of the public.
- engaging in any form of workplace violence, including but not limited to:
  - threats of any kind.
  - threatening, physically aggressive, or violent behavior, such as intimidation of or attempts to instill fear in others.
  - other behavior that suggests a propensity towards violence, which can include belligerent speech, excessive arguing or swearing, sabotage, or threats of sabotage of District property, or a demonstrated pattern of refusal to follow District policies and procedures.
  - defacing District property or causing physical damage to the facilities; and
  - bringing weapons or firearms of any kind on District premises, in District parking lots, or while conducting District business.
  - harming or destroying District property or the property of another on District premises.
- violating conflict of interest rules.
- disclosing or using confidential proprietary information, such as the District's trade secrets, without authorization.
- falsifying or altering District records, including an application for employment or timekeeping records.
- interfering with the work performance of others.
- violating the District's rules against discrimination and harassment.
- being under the influence of, using, or possessing alcohol or illegal or controlled substances on District property or while conducting District business.
- gambling on District premises or while conducting District business.
- sleeping on the job or leaving your work location/work site without authorization for a purpose other than a legally protected activity.
- being convicted of a crime that indicates unfitness for the job or raises a threat to the safety or well-being of the District, its employees, the public, customers, or property.
- working for another employer or entity while on a leave of absence from the District, without prior written notice and agreement by the District.

- failing to report to the District, within five days, any conviction under any criminal drug statute for a violation occurring in the workplace.
- other circumstances and/or actions which are of sufficient severity to warrant immediate dismissal or disciplinary action such as disrespectful or harassing behavior as determined by ED.

### **C. Attendance**

In addition to the general rules stated above, employees may be disciplined for failing to observe the following specific requirements related to attendance: (1) reporting to work on time, observing rest break and meal policies, recording all time worked, and obtaining approval to leave work early; and (2) notifying the supervisor in advance of anticipated tardiness or absence by email or phone notification. Please note that employees will not be disciplined for attendance issues associated with their use of accrued annual leave time.

### **D. Discipline Procedure**

To allow employees the opportunity to address issues, when discipline is appropriate the level of discipline will be commensurate with the issue being addressed. When appropriate, performance issues or misconduct may be addressed with a warning or notice in a performance evaluation. However, the District reserves the right to proceed directly to a written warning, demotion, or termination for misconduct or performance deficiency, without resort to any prior disciplinary steps, when the District deems such action appropriate. Employees have no right of progressive discipline. Employees also have no right to appeal any disciplinary decision, including termination.

### **E. Separation of Employment**

Employment with the District is at-will and can be terminated by the employee or the District at any time, with or without notice, and with or without cause. If an employee finds it necessary to resign, the District requests that, if possible, the employee provide two weeks' notice to the ED to aid in rescheduling the employee's workload. Employees who fail to provide the requisite two weeks' notice may be ineligible for rehire with the District.

An employee must return to the ED all District-furnished, equipment, keys and other property prior to the last day of employment. All confidential information received while employed with the District belongs solely to the District and must be kept confidential even after the employment has ended.

## **XIV. SAFETY AND HEALTH**

### **A. Emergency Measures**

We realize that bad weather or hazardous commuting conditions may occasionally make it impossible for employees to report to work on time. However, employees are expected to make a diligent effort to report to work when conditions have improved. If an employee determines that they are unable to report to work because of the conditions, they are expected to inform the ED as soon as possible.

## **B. Injury and Illness Prevention Program**

The District has adopted an Injury and Illness Prevention Program (the “Safety Program”), which is administered by the ED. Each employee receives initial and ongoing training in this program. For more information regarding this program, employees should contact the ED.

## **C. Violence Prevention**

The District has adopted the following policies to ensure the safety of its employees and to provide guidance on dealing with violence in the workplace. If qualified, an employee may provide first aid to injured persons when required. Each employee is required to:

- Immediately report all indirect and direct threats of violence to the ED.
- Immediately report all suspicious individuals or activities to the ED.
- Never put himself or herself in peril. This includes behaving in a professional, courteous manner at all times, and avoiding verbal and/or physical confrontations with members of the public and other employees.
- Immediately call 911 and seek shelter if the employee hears a violent commotion near the office.
- Cooperate fully with security, law enforcement, and medical personnel who respond to a call for help.

Only the ED or President of the Board may respond to inquiries from the media about violence on its premises, or any other issue, so that the District can speak with one voice.

## **XV. COMPLAINT PROCEDURE**

### **A. Open Door Policy**

The District encourages employees to take advantage of its “open door” policy to discuss any matter, without retaliation or discrimination, with the ED. The District encourages employees to discuss any question or problem with the ED as soon as possible, to allow the matter to be addressed before it worsens. Employees are encouraged to bring forward suggestions that could benefit the District or make the workplace a safer environment. The District makes every effort to respond to employee concerns. Employees at all levels are encouraged to keep channels of communication open and flexible so that it is easy to solve any difficulties that may arise.

### **B. Concerns Not Satisfied**

If an employee feels their concerns are not adequately addressed by the ED, the employee may request an appointment with the Board President.

## **XVI. AUTOMOBILE INSURANCE REQUIREMENTS**

### **A. Personal Auto**

Any employee required to use their personal auto for the performance of their job will receive reimbursement on a mileage basis per the IRS current rate of mileage reimbursement.

## **B. Insurance**

Any employee required to use an automobile to perform their job, whether the automobile is a personal or government vehicle, will be required to show evidence of a valid driver's license and the minimum amounts of insurance as specified by California law. If an accident occurs while the employee is driving their personal vehicle, on District business, the District will reimburse the employee for their insurance deductible if the accident is not the fault of the employee.

## **C. Driving Record**

The District may obtain a DMV driving record printout on any new employee required to use an automobile, whether a personal or government vehicle, to perform their job and a new DMV driving record printout every two years after that.

## **XVII. DRUG AND ALCOHOL POLICY**

The objective of the District is to promote a safe, healthy and productive work environment for all employees and have a work force that is free from the influence of alcohol and controlled substances. Substance abuse can affect job performance, employee safety, and the public's perception of the District and its operations. Therefore, it is the policy of the District to prohibit its employees from using alcohol or drugs in connection with their employment in order to maintain a work environment free from the effects of drug and alcohol use.

Employees who believe that they may have a substance abuse problem are urged to voluntarily seek confidential assistance from the ED. Thereafter, the District may, in its sole discretion, consider a referral for professional assistance or otherwise permit an employee to take time off to address the substance abuse problem.

The District will be firm in identifying and disciplining those employees who do not voluntarily seek assistance and who use drugs or alcohol in violation of the District's policies. The District has a significant interest in ensuring the health and safety of its employees, in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, and to protect its property, equipment, and operations. The use of drugs, alcohol, or any other substance which alters an employee's behavior can affect an employee's ability to perform their duties safely and effectively, and increase the potential for accidents, absenteeism, substandard performance, poor employee morale, and can damage the District's reputation. As a condition of continued employment with the District, each employee must abide by this Guideline.

### **A. Definitions**

For purposes of this Guideline:

Illegal Drugs or Other Controlled Substances. Any drug or substance that: (a) is not legally obtainable; or (b) is legally obtainable but has not been legally obtained; or (c) has been legally obtained but is being sold or distributed unlawfully.

Legal Drug. Any drug, including any prescription drug or over-the-counter drug, that has been legally obtained and that is not unlawfully sold or distributed.

Abuse of Any Legal Drug. The use of any legal drug: (a) for any purpose other than the purpose for which it was prescribed or manufactured; or (b) in a quantity, frequency, or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.

Possession. An employee has the substance on their person or otherwise under their control on District premises, in District vehicles or while performing District duties.

Reasonable Suspicion. Includes a suspicion that is based on specific personal observations such as an employee's manner, disposition, muscular movement, appearance, behavior, speech or breath odor; information provided to management by an employee, by law enforcement officials, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.

## **B. Prohibited Conduct**

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

- On District premises.
- Conducting or performing District business, regardless of location.
- Operating or responsible for the operation, custody, or care of District equipment or other property.
- Responsible for the safety of others in connection with, or while performing, District- related business.

Alcohol. The following acts are prohibited and will subject an employee to discharge:

- The unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol.
- Being under the influence of alcohol, with the exception of District or other professional organization's sanctioned events.

Illegal Drugs. The following acts are prohibited and will subject an employee to discharge:

- The use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance.
- Being under the influence of any illegal drug or other controlled substance.

Legal Drugs. The following acts are prohibited and will subject an employee to discharge:

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

## **C. Disciplinary Action**

Violation of Guideline. A first violation of this Guideline will result in discipline up to and including termination. In determining the level of discipline, the District may consider whether

an employee satisfactorily participates in and completes an approved drug or alcohol abuse 'assistance' or rehabilitation program when recommended by the District.

Effect of Second Violation. A second violation of this Guideline at any time will result in immediate discharge.

Effect of Discharge on Eligibility for Rehire. Employees who are discharged for a violation of this Guideline will not be eligible for rehire by the District.

Effect of Criminal Conviction. An employee who is convicted under a criminal drug statute for a violation occurring in the workplace or during any District-related activity or event will be deemed to have violated this Guideline.

#### **D. Use of Legal Drugs**

The District recognizes that employees may, from time to time, be prescribed legal drugs that, when taken as prescribed or according to the manufacturer's instructions, may result in impairment. Employees may not work while impaired by the use of legal drugs if the impairment might endanger the employee or someone else, pose a risk of significant damage to District property, or substantially interfere with the employee's job performance. If an employee is so impaired by the appropriate use of legal drugs, he or she may not report to work. To accommodate the absence, the employee may use accrued sick leave or vacation time. The employee may also contact the ED to determine whether or not he or she qualifies for an unpaid leave of absence. Nothing in this Guideline is intended to diminish District's commitment to employ and reasonably accommodate qualified disabled individuals. The District will reasonably accommodate qualified disabled employees who must take legal drugs because of their disability.

#### **E. Unregulated or Authorized Conduct**

Customary Use of Over-the-Counter Drugs. Nothing in this Guideline is intended to prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over-the-counter drugs, so long as that activity does not violate any law or result in an employee being impaired by the use of such drugs in violation of this Guideline.

Off-the-Job Conduct. This Guideline is not intended to regulate off-the-job conduct, so long as the employee's off-the-job use of alcohol or drugs does not result in the employee being under the influence of or impaired by the use of alcohol or drugs in violation of this Guideline.

#### **F. Confidentiality**

Disclosures made by employees to the ED concerning their use of legal drugs will be treated confidentially and will not be revealed to managers or supervisors unless there is an important work-related reason to do so in order to determine whether it is advisable for the employee to continue working. In all instances the ED will share only information necessary for to make business determinations. Disclosures made by employees to the ED concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially.

**G. Counseling/Employee Assistance**

Employees who suspect they may have alcohol or drug problems, even in the early stages, are encouraged voluntarily to seek diagnosis and to follow through with the treatment as prescribed by qualified professionals. Employees who wish to voluntarily enter and participate in an approved alcohol or drug rehabilitation program are encouraged to contact the ED, who will determine whether the District can accommodate the employee by providing unpaid leave for the time necessary to complete participation in the program. Employees should be aware that participation in a rehabilitation program will not necessarily shield them from disciplinary action for a violation of this Guideline, particularly if discipline is imposed for a violation occurring before the employee seeks assistance.

*Go To Next Page For Employee Handbook Signature Page*

**NSCRCD EMPLOYEE HANDBOOK SIGNATURE PAGE**

Handbook Effective Date: October 7, 2025

**ACKNOWLEDGEMENT AND AGREEMENT**

I acknowledge that I have received the North Santa Clara Resource Conservation District (NSCRCD) Employee Handbook and that I have read and understand the policies.

I understand that this Employee Handbook represents only current policies and benefits, and that it does not create a contract of employment. The District retains the right to change these policies and benefits, in its sole discretion, with or without notice.

Unless expressly proscribed by statute or contract, my employment is "at-will." I understand that I have the right to terminate my employment at any time, with or without cause or notice, and that the District has the same right. I further understand that my status as an "at-will" employee may not be changed except in writing and signed by the ED.

I understand that the information I come into contact with during my employment is proprietary to the District and accordingly, I agree to keep it confidential, which means I will not use it other than in the performance of my duties, nor disclose it to any person or entity outside the District. I understand that I must comply with all of the provisions of the Handbook to have access to and use District resources. I also understand that if I do not comply with all provisions of the Handbook, my access to District resources may be revoked, and I may be subject to disciplinary action up to and including immediate termination.

I further understand that I am obligated to familiarize myself with the District's safety, health, and emergency procedures as outlined in this Handbook or in other documents.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Please Print Your Name: \_\_\_\_\_

Copy to Employee  
Copy to Employee File