

EMPLOYEE HANDBOOK PROPOSED REVISIONS

The table below summarizes substantive or organizational differences between the current Employee Handbook (Column 2), revisions recommended by Meyers Nave during their legal review (Column 3), and the NSCRCD Executive Director/District Counsel recommendations in response (Column 4), for the Board’s consideration in advance of preparing a final draft amended Handbook for potential approval at the October meeting.

Subsection # & Title	Existing Text	Employment Attorney Recommendations	Executive Director/District Counsel Recommendations
I. INTRODUCTION TO HANDBOOK			
B. Purpose of Employee Handbook	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.	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.	Accept recommended change.
B. Purpose of Employee Handbook	This Handbook replaces all previous handbooks and supersedes all earlier oral and written materials about NSCRCD’s policies and procedures.	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	Accept recommended change.

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	<p>Employees' at-will employment can only be changed as stated in the separate Employment At Will policy contained in this handbook.</p> <p>Employees are responsible for knowing about and understanding those changes once they have been disseminated.</p>	<p>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.</p> <p>Employees' at-will employment can only be changed as stated in the separate Employment At Will policy contained in this handbook.</p>	
C. Administration and Implementation		<p>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.</p>	Accept recommended change.
II. EMPLOYEE CLASSIFICATIONS			
A. Probationary Employment	All full time and part time regular employees hired by the District are on a probationary status lasting 6 months (180) days. The purpose of such probationary period is to	(Probationary language included in each section rather than having a separate section.)	Accept recommended change.

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	<p>enable the ED, and the employee to conclude whether the employment should transfer into a regular status. During the probationary period the employee is eligible for paid holidays and up to 3 days of accumulated annual leave, unless the ED decides there are extenuating circumstances allowing for the use of additional leave. Upon successful completion of the probationary period, and with the approval of the ED, the employee may receive regular status. If the ED has reason to believe the employee would benefit from an additional probation period, the ED may set an additional period not to exceed three (3) months. Employment can be terminated during the probationary period at any time with or without cause, with or without prior notice and without recourse by either the employee or the ED. Should an employee transfer from one position to another (does not apply to promotions), the employee and ED will determine an appropriate probation for the new position.</p>		

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	<p>Completion of the probationary period has no effect on the employee's at-will status. If and when an employee satisfactorily completes the probationary period and attains regular status, the employee will remain an at-will employee. At the ED's discretion, the probationary period may be extended for an additional period. If the employee does not satisfactorily complete the probationary period (or, if applicable, the extended probationary period), the employee will be terminated.</p>		
B. Regular Employment	<p>A person hired directly by the District and who is not a contractor, is a "regular employee."</p>	Move to NEW II-A	Accept recommended change.
C. Full Time Regular Employment	<p>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.</p>	Move to NEW Section II-A	Accept recommended change.

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D. Part Time Regular Employment	All employees who successfully complete the probationary period (including any extension) and 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. There is no guarantee that part time employees will be hired for full time employment.	Move to NEW Section II-B	Accept recommended change.
		Move to NEW Section II-D	Accept recommended change.
G. 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. Overtime pay requirements are set forth in the section of this Handbook entitled "Hours of Work, Overtime, and Pay Day."	Move to NEW Section III-A	Accept recommended change.

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<p>H. Volunteers</p>	<p>Volunteers work with the agreement of the District as tasks are available and assigned. Volunteers will submit a completed District job application and I.D. as required. They are covered by Workers Compensation and are covered by District liability insurance and therefore will be required to complete timesheets, but will not be paid pursuant to applicable local, state and federal law.</p>	<p>(Recommended to address Volunteers through existing Volunteer Policy.)</p>	<p>Accept recommended change.</p>
<p><u>NEW A. Full Time Employment</u></p>		<p><u>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.</u></p> <p><u>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</u></p>	<p>Accept recommended change.</p>

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		<p>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.</p> <p>See the benefits sections for information about how Probationary and Regular status impact benefits.</p>	
<p>NEW B. Part Time Regular Employment</p>		<p>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.</p>	<p>Accept recommended change.</p>

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		<p>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.</p> <p>See the benefits sections for information</p>	
NEW C. Temporary (Seasonal) Employment		<p>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</p>	Accept recommended change.

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		<p>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.</p>	
NEW D. Internships		<p>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.</p>	Accept recommended change.
III. HOURS OF WORK, OVERTIME, AND PAY DAY			
A. Work Hours	<p>Work Week. Each workweek begins at 12:00 a.m. on Monday and runs through 11:59 p.m. on Sunday.</p> <p>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.</p>	<p>Work Week. Each workweek begins at 12:00 a.m. on Monday and runs through 11:59 p.m. on Sunday.</p> <p>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.</p>	Accept recommended change.

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	<p>Office and Field Scheduling. Any exempt employee can make a request for flexibility in their work hours and reschedule their time for other than regular office hours. Scheduling other than regular office hours shall be done only with the approval of the ED, which may be rescinded, and only as allowed under applicable local, state and federal law. Any request being denied shall be explained to the employee the reason for denial. Exempt employees may occasionally take home office work upon pre-approval of the ED pursuant to the Telecommuting Policy herein.</p> <p>Flexibility. 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. 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</p>	<p>Office and Field Scheduling. <u>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.</u> Any exempt employee can make a request for flexibility in their work hours and reschedule their time for other than regular office hours. Scheduling Flexible scheduling other than regular office hours shall be done only with the approval of <u>must be approved in advance by</u> the ED, which may be rescinded, and only as allowed under applicable local, state and federal law. <u>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. Any request being denied shall be explained to the employee the reason for denial.</u> Exempt employees may occasionally take home office work upon pre-approval of the ED pursuant to the Telecommuting Policy herein.</p>	

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	<p>schedule. However, unless there is a conference or some other event or project which would not make a schedule feasible, on a short time basis, the employee may request a temporary schedule modification from the ED. Staff who wish to transition to a new schedule must advise the ED in writing via email. This schedule will be implemented on a trial basis for four months, and employees wishing to work this schedule must sign an agreement which will be developed by the ED and subject to ED approval.</p>	<p>Flexibility <u>Flexible Work Schedules.</u> 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. 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. However, unless there is <u>When</u> a conference or some other event or project which would not make a schedule unfeasible, on a short time basis, the employee may request a <u>short-term,</u> temporary schedule modification from the ED.</p> <p><u>New Schedule Requests.</u> Staff who wish to transition to a new schedule must advise <u>make a request to</u> the ED in writing via email. <u>Any new schedule must be approved by the ED and</u> This schedule will be implemented on a trial basis for four months. , and <u>e</u>mployees wishing to work this schedule <u>who request a new</u></p>	

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		<p>schedule must sign an agreement which will be developed by the ED and subject to ED approval.</p>	
<p>E. Overtime for Exempt Employees Additional Pay for Extraordinary Hours Worked by Exempt Employees</p>	<p>Exempt employees generally are not eligible for overtime, unless extraordinary hours have been required of the employee and the Board has approved accrual of overtime compensation for the employee. In such circumstances, overtime shall be paid at a one-to-one ratio.</p>	<p>Exempt employees generally are not eligible for overtime, unless. 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. accrual of overtime compensation for the employee. In such circumstances, overtime shall be paid at a one-to-one ratio.</p>	<p>Accept recommended change.</p>
<p>IV. EMPLOYEE EVALUATIONS</p>			
<p>C. Format and Process</p>	<p>The ED or the ED’s designee shall draft an evaluation template to be approved by the P by the President and Vice-President if a standing Personnel Committee has not been appointed. The ED will then complete the evaluation form for each regular employee of the</p>	<p>The ED or the ED’s designee shall draft an evaluation template to be approved by the P by the President and Vice-President if a standing Personnel Committee has not been appointed. The ED will then complete the evaluation form for each regular employee of the</p>	<p>Accept recommendation with some modifications: “The ED or the ED’s designee shall draft an evaluation be responsible for the templates and forms to be approved by the P by the President and Vice President if a standing Personnel Committee has not been appointed. for</p>

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	<p>District. The process will include self-evaluation wherein the employee will also document their own performance. Once the ED and the employee complete the form, the ED will have an evaluation meeting with each employee wherein the evaluation form is discussed and signed by both the ED and the employee.</p>	<p>District. The process will include self-evaluation wherein the employee will also document their own performance. Once the ED and the employee complete the form, the ED will meet have an evaluation meeting with each employee to discuss wherein the evaluation form, and the form will be is discussed and signed by both the ED and the employee.</p>	<p><u>the evaluation of District employees, except for the template for the evaluation of the ED, which shall be developed by the ED and approved by the Board.</u> The ED will then complete the evaluation form for each regular employee of the District <u>that reports to them.</u> The process will include self-evaluation wherein the employee will also document their own performance. Once the ED and the employee complete the form, the ED will meet have an evaluation meeting with each employee to discuss wherein the evaluation form, and the form will be is discussed and signed by both the ED and the employee.</p> <p><u>The Board of Directors shall conduct the evaluation of the Executive Director in accordance with the ED’s employment agreement.”</u></p>
<p>V. EMPLOYMENT HOLIDAYS, VACATION, SICK LEAVE, LEAVES OF ABSENCE AND BENEFITS</p>			
<p>New D: Paid Sick and Crime Victim’s Leave</p>	<p>Not in current handbook</p>	<p><u>All employees who work 30 or more days for the District are entitled to paid sick and crime victim leave at a rate of not less than 1 hour for every 30 hours</u></p>	<p>Policy recommendation: Continue the existing practice of combining sick and annual leave, <i>as permitted under State law</i>, because it provides flexibility and supports</p>

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		<p><u>worked, and they will accrue 24 hours of paid sick leave by the 120th day of employment each year, and at least 40 hours paid sick leave by the 200th calendar day of employment. If the need for paid sick and crime victim leave is foreseeable, then employee must provide advance notice. If the need is not foreseeable, the employee must provide notice of the need as soon as practicable.</u></p> <p><u>Unused paid sick and 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 one year of separation will have any unused paid sick and crime victim leave reinstated and available for use.</u></p> <p><u>Non-exempt employees who use paid sick and crime victim leave will be compensated at their regular rate of pay, and their time is calculated in the same manner as other forms of paid leave.</u></p> <p><u>Employees may use available paid sick and crime victim time in increments of two or more hours.</u></p> <p><u>An exempt employee's salary will</u></p>	<p>employee well-being. The policy should avoid requiring forfeiture of unused sick leave at year's end.</p>

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		<p><u>never be reduced for partial day absences.</u></p> <p><u>An employee may use paid sick and crime victim leave when the employee is sick or ill. In addition, an employee may submit an oral or written request to receive paid sick and crime victim leave for any purpose allowed by the California Healthy Workplaces, Healthy Families Act, such as: (1) the care, preventive care, diagnosis or treatment of a health condition affecting the employee or a qualified family member; or (2) for an employee who is a victim of domestic violence, sexual assault, or stalking, to take time off to obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of the employee or the employee's child, such as (a) to obtain a temporary restraining order, restraining order or other injunctive relief; (b) to seek medical attention, obtain services from a shelter, program or rape crisis center for injuries caused by crime or abuse; (c) to obtain psychological counseling or mental</u></p>	

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		<p><u>health services related to an experience of crime or abuse; (d) to participate in safety planning; or (e) to take other actions to increase safety from future incidents. Paid sick and crime victim leave may also be used as otherwise required by law. Paid sick and crime victim leave cannot be used for vacations.</u></p> <p><u>For purposes of this policy, the term qualified "family member" means: (a) a child (biological, adopted, or foster child; stepchild; legal ward; or a child to whom the employee stands in loco parentis and regardless of age or dependency status); (b) a parent (biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child); (c) a spouse or registered domestic partner (d) a grandparent, (e) a grandchild, (f) a sibling, or (g) a designated person (a person identified by the employee when requesting paid sick leave), who</u></p>	

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		<p>need not be related by blood or a family-equivalent relationship. Create CA may limit an employee to one designated person per 12-month period for use of paid leave days under this paid sick and crime victim leave benefit. "Family member" may also include any other individual as required by law.</p> <p>The District will not tolerate retaliation against any employee who requests or takes leave under this policy.</p>	
<p>NEW: G. Reproductive Loss Leave</p>		<p>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.</p>	<p>Accept recommended change.</p>
<p>NEW: School Leaves</p>		<p>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</p>	<p>Accept recommended change, subject to understanding that accrued annual leave or comp time may be used for this purpose.</p>

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		<p>asked the employee to do so and if the employee gives the employer reasonable advance notice.</p> <p>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.</p>	
<p><u>M. K.</u> Professional Development</p>		<p><u>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.</u></p>	<p>Accept recommended change.</p>

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L. Workers' Compensation	Coverage. All employees and volunteers are covered by Worker's Compensation Insurance for accidents sustained in the performance of their duties on or off the premises. All injuries must be reported to the ED as soon as possible, but no later than twenty-four (24) hours after the injury.	Coverage. All employees and volunteers 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.	Accept recommended change, subject to further Board discussion of potential provision of workers compensation coverage for volunteers, including Directors.
IX. PERSONNEL RECORDS			
F. Corrective Action 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 to the material under question a written	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 to the material under question a written	Accept recommended change.

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	explanation describing why the employee feels said material is alleged to be erroneous.	explanation describing why the employee feels said material is alleged to be erroneous -, which will be included in the employee's file.	
XI. USE OF ELECTRONIC COMMUNICATION DEVICES AND THE INTERNET			
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 reserves the right to monitor, retrieve and read any data composed, sent or received, including, but not limited to, any message or file in their Technology Resources. 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 a company business communication and are not private employee communication. Furthermore, all communications, including text and images, may be disclosed to law enforcement or	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 at any time. The District reserves the right to monitor, 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	Accept recommended change, subject to retention of existing language that provides notice to employees that documents may be public records.

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	<p>other third parties without the prior consent of the sender or the receiver. Accordingly, employees have no right to privacy in any information contained in District owned Technology Resources. 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.</p> <p>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. Employees have no right to privacy in their use of 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. Additionally, given the District's status as a public entity, documents and information stored in its</p>	<p>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 a company business communication 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. Accordingly, employees have no right to privacy in any information contained in District owned Technology Resources. 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.</p> <p>The District will have access to all its Technology Resources. The District reserves the right to monitor employee use of its</p>	

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	Technology Resources may be a public record subject to disclosure.	Technology Resources at any time. Employees have no right to privacy in their use of 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. 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.	
XIII. DISCIPLINARY ACTION AND TERMINATION OF EMPLOYEE SERVICES			
C. Discipline Procedure	Except as set forth below, discharge or demotion for poor performance ordinarily will be preceded by a warning, whether oral or written, or documentation of poor performance in a performance evaluation. However, the District reserves the right to proceed directly to a written	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 Except as set forth	Policy recommendation: Further discussion by the Board of (1) the practical implications of language stating that employees have no right to progressive discipline, and (2) whether to establish a process that would allow appeal from an immediate supervisor to the ED, recognizing that the District does not currently have supervisory staff.

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	<p>warning, demotion, or termination for misconduct or performance deficiency, without resort to 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.</p>	<p>below, discharge or demotion for poor performance ordinarily will be preceded by a warning, whether oral or written, or documentation of poor performance in performance evaluation.</p> <p>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.</p>	
XVII. DRUG AND ALCOHOL POLICY			
<p>A. Definitions</p>	<p>Possession. An employee has the substance on their person or otherwise under their control.</p>	<p>Possession. An employee has the substance on their person or otherwise under their control <u>on District premises, in District vehicles or while performing District duties.</u></p>	<p>Policy recommendation: Further review and discussion by the Board of the breadth of the phrase ‘otherwise under their control’ as it applies to remote work, to ensure clarity and appropriate scope. For example, narrowing language to “on their person, or in areas of</p>

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			District premises, District vehicles, or workspaces under their use while performing District duties.”.
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. Disclosures made by employees to the ED concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially.	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.	Accept recommended change.