



Fresno Economic Opportunities Commission

PERSONNEL POLICIES & PROCEDURES MANUAL

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INTRODUCTION TO PERSONNEL POLICIES & PROCEDURES MANUAL

PURPOSE: To communicate Fresno EOC's personnel policies and procedures to employees, supervisors, and managers.

POLICY: It is the policy of Fresno EOC that the Personnel Policies and Procedures Manual should be used as summaries of basic personnel policies, practices, and procedures for the Agency.

PROCEDURES:

I. GENERAL STATEMENTS

This Manual contains summaries of Fresno EOC personnel policies and procedures and should not be read as including the details of each policy. Not all of Fresno EOC's policies and procedures are set forth herein. Only some of the more important ones have been summarized. The summaries are being provided for informational purposes only. Under no circumstances shall these summaries be constructed to act as or create any type of express or implied employment contract with any employee of Fresno EOC. This Manual supersedes and replaces all previous Personnel Policies and Procedures Manuals.

Fresno EOC reserves full discretion to add to, modify, or delete provisions of this Manual at any time, in whole or in part, without advance notice, consent or approval.

Only the Chief Executive Officer has the authority to enter into any employment or other agreement that modifies Fresno EOC policy. Any such modifications must be in writing and signed by the Chief Executive Officer. Nothing in these summaries is intended to alter or affect the basis of employment with Fresno EOC. No oral statements or representations can change the provisions of this Manual.

II. AGENCY PROPERTY

All Manuals are the property of Fresno EOC and are assigned to the job position and not to the individual. The Human Resources Officer is responsible for distribution of the Manuals to directors, program directors, department heads and supervisors who, in turn, are responsible for safeguarding the materials and inserting approved changes. The current policy manual can be accessed on the intranet by all employees.

III. POLICY INTERPRETATION

Department heads and supervisors should refer to the Manual whenever questions of policy interpretation or implementation arise. Issues needing clarification or current information regarding the status of any particular policy, procedure, or practice should be referred to the Human Resources Officer.

TABLE OF CONTENTS

I.	EMPLOYMENT	Page
1010	Employment At-Will	5
1020	Equal Employment Opportunity Policy	6
1025	Diversity Policy	8
1030	Policy against Harassment	10
1040	Management Flow, and Open Communication	13
1050	Grievance and Problem Solving	15
1060	Personnel Records	18
1070	Employment Classifications	20
1080	Determination of Exempt and Non-Exempt Status	22
1090	Recruitment, Selection and Employment	25
1100	Internship and Volunteer Programs	30
1110	Outside Employment	32
1120	Transfers and Promotions	33
1130	Orientation	35
1140	Introductory Period	38
1150	Hours of Work, Punctuality, and Attendance	39
1160	Personal Telephone Calls and Visitors	42
1170	Dress and Grooming Standards	43
1180	Automobile Insurance and Driver's License	45
II.	PAY PRACTICES	
2010	Pay Procedures	47
2020	Wage and Salary Administration	50
2030	Garnishments	53
III.	BENEFITS	
3010	Holidays	54
3020	Vacations	56
3030	Sick Time	58
3035	Paid Sick Leave	61
3040	Insurance Benefits	63
3050	Retirement Plans	66
IV.	LEAVES OF ABSENCE	
4010	Family, Medical, Pregnancy and Other Disability Leaves of Absences	69
4020	Leaves of Absences	78
4030	Military Leaves	82
4040	Domestic Violence and Sexual Assault Victim Leave	85

V.	WORKPLACE PRACTICES	Page
5010	Workplace Atmosphere	87
5020	Standards of Performance and Conduct	88
5025	Counseling and Corrective Action	91
5030	Alcohol/Drug Free Workplace	94
5040	Mandatory Child Abuse Reporting	98
5050	Employment of Relatives (Nepotism) and Personal Relationships	99
5060	Code of Ethics and Business Conduct	100
5070	Solicitation, Distribution, and Posting	102
5080	Privacy and the Use of Fresno EOC Resources	103
5090	Social Networking	106
VI.	SAFETY	
6010	Commitment to Safety	110
6020	Workplace Violence	112
VII.	PERFORMANCE AND PROBLEM RESOLUTION	
7010	Learning and Development	114
7020	Performance Evaluations	115
7030	Employee Assistance Program	117
7040	Separation of Employment	119
7050	Layoffs	121

POLICY 1010 EMPLOYMENT AT WILL

PURPOSE: To inform employees of their at-will status within the Agency.

POLICY: It is the policy of Fresno EOC to observe the requirements of all federal and state laws and regulations pertaining to the at-will statement.

REFERENCE: CA Labor Code § 2922

PROCEDURE:

Employment with Fresno EOC is a voluntary one and is subject to termination by employees or Fresno EOC at-will, with or without cause, and with or without notice, at any time. Nothing in these policies shall be interpreted to be in conflict with or to eliminate or modify in any way the employment at-will status of Fresno EOC employees.

This policy of employment at-will may not be modified by any officer or employee and shall not be modified in any publication or document. The only exception to this policy is a written employment agreement, for a term longer than one month, approved at the discretion of the Chief Executive Officer or the Board of Commissioners, whichever is applicable; these personnel policies are not a contract of employment.

POLICY 1020 EQUAL EMPLOYMENT OPPORTUNITY POLICY

PURPOSE: To affirm Fresno EOC's policy of nondiscrimination and to assign responsibility for its operation and continuous review.

POLICY: It is the policy of Fresno EOC to recruit, employ, evaluate, transfer, and promote qualified personnel without distinction to race, color, ethnicity, national origin, ancestry, sex, pregnancy (including childbirth and related medical conditions), religion, creed, religious dress and grooming practices, age, physical or mental disability, medical condition, marital status, sexual preference, sexual orientation, gender identity, gender expression, sex stereotype, transgender, transitioning or perceived to be, genetic information, citizenship status, military or veteran's status, primary language, activities and status as a victim of domestic violence, assault or stalking or because of a person's relationship or association with members of a protected group or associations with organizations established for the preservation of rights protected under the law, or for any other reason prohibited by law or regulation and not work related. All such discrimination is unlawful.

REFERENCE: Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.), the Immigration Reform and Control Act of 1986, Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. §§ 793 et seq.), the Vietnam Era Veterans' Readjustment Assistance Act and Uniformed Service Employment and Reemployment Rights Act of 1994 (38 U.S.C. §§ 4211 et seq., 4301 et seq.), the Federal Family and Medical Leave Act of 1993 (29 U.S.C. § 2615), the Equal Pay Act of 1963, the Fair Employment and Housing Act (Gov. Code § 12900 et. seq.), California Labor Code § 1102.1, Title II of the Genetic Information Nondiscrimination Act of 2008, GINA, California AB 887, California SB 600, California Fair Pay Act (SB 358), California AB 987, Gender Nondiscrimination Act.

PROCEDURES:

I. COMMITMENT

Fresno EOC is committed to equal opportunity employment for all employees and applicants. Employment decisions will comply with all applicable laws prohibiting discrimination in employment.

Accommodating Disabilities and Religious Beliefs: To comply with applicable laws and ensure equal opportunity to qualified individuals with disabilities or religious beliefs, Fresno EOC will make reasonable accommodations for the known physical and mental limitations or religious beliefs of an otherwise qualified applicant or employee unless undue hardship on Fresno EOC would result. An employee or applicant who requires an accommodation to perform the essential functions of the job should contact his/her supervisor or Human Resources and request such accommodation. The individual with the disability or religious belief should specify what accommodations he or she needs to perform the job. Fresno EOC will then conduct an investigation to identify barriers for the employee to performing the job, and possible accommodations, if any, which will help resolve the limitation. If the accommodation is reasonable and will not impose an undue hardship or pose a direct threat to health and safety, Fresno EOC will make the accommodation. If there is more than one reasonable accommodation that will not impose an undue hardship, Fresno EOC will identify and select the accommodation(s) that will be made for the applicant or employee. In considering possible accommodations, Fresno EOC cannot eliminate essential functions of a position. Fresno EOC will not discriminate or retaliate against employees or applicants for making reasonable accommodation requests.

Fresno EOC will not tolerate any pay discrimination based on sex per the California Equal Pay Act and will not retaliate against employees for discussing wages.

Each person with authority to hire, transfer, promote, evaluate, adjust salaries, discipline, terminate an employee, or to effectively recommend such action, is responsible for ensuring compliance with this policy.

II. RESPONSIBILITY

A. The Human Resources Officer is responsible for the dissemination of information regarding this policy, its implementation, and to monitor compliance by employees.

B. Policy Dissemination: To ensure compliance with this policy, employees and members of the community-at-large must be made aware of the Agency's policy and commitment to Equal Opportunity Employment.

All advertisements for employment with Fresno EOC will include the phrase "Equal Opportunity Employer, or EOE" to ensure that candidates for employment internally and from recruitment sources such as community organizations, state agencies, secondary schools and colleges, are aware of the Agency's policies on Equal Opportunity Employment.

III. RECRUITMENT

A. Fresno EOC is committed to a diverse workforce which is reflective of the communities we serve.

B. Available open positions within the Agency are included on the Intranet/Internet which is updated regularly by Human Resources.

C. Notices of open positions are sent to the State Employment Development Department.

IV. ADVANCEMENT OPPORTUNITIES

A. It is the expressed goal of Fresno EOC to assist all employees in developing their skills and abilities to their maximum potential.

B. Employees are encouraged to apply for consideration for promotional opportunities within Fresno EOC. All qualified employees who apply for an advancement opportunity will receive equal consideration. Selection for promotion, training and transfer opportunities will be based on the employee ability to perform the essential functions of the position and meeting the qualifications of the new position, with or without reasonable accommodation, along with other factors (see Policy 1120, Transfers and Promotions).

C. To the extent possible, training may be provided to assist employees in meeting established requirements for advancement. Fresno EOC retains the right to select a candidate that is already qualified.

D. Performance evaluations are completed to assess an employee's job performance in relationship with established performance criteria for job classification, to identify training needs for improved performance.

Ongoing evaluation will be made of the Agency's policies, procedures and practices to ensure non-discrimination and equal opportunity.

POLICY 1025 DIVERSITY POLICY

PURPOSE: Fresno EOC places a high importance on diversity and inclusion, not only because it makes sense, but because it is the right thing to do. We aspire to be a workplace that works for everyone. We believe that diversity and inclusion are essential to organizational effectiveness and excellence, and that services are enhanced when organizations are reflective of the communities being served. Moreover, we seek to provide a fair and inclusive work environment that will nurture, develop and respect the talents and differences of all employees equally, to give the Agency a competitive advantage, and promote the development of people from all sectors.

POLICY: It is the policy of Fresno EOC to employ the talents of all segments of society by enhancing our ability to recruit, hire, promote and retain a more diverse workforce. This policy seeks to create a culture of collaboration, flexibility, and fairness to enable individuals to participate and contribute to their full potential towards common goals.

REFERENCE: 76 Fed. Register 163

PROCEDURES:

I. DEFINITION

Diversity describes an environment where the talents and attributes of all employees are respected, valued, and utilized to efficiently and effectively pursue organizational objectives. These attributes include a broad spectrum of characteristics including, but not limited to, race, color, ethnicity, national origin, gender, age, religion, religious belief, culture, language, disability, sexual orientation, gender identity, gender expression, sex stereotype, transgender, transitioning or perceived to be, socioeconomic status, family structures, geographic differences, diversity of thought, education, technical expertise, life experiences, physical and mental ability, political affiliation, veteran status and other characteristics that make our employees unique.

II. COMMITMENT

Fresno EOC is committed to fostering, cultivating and preserving a culture of diversity and inclusion. Our human capital is the most valuable asset we have. The collective sum of the individual attributes, differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talents of our employees represent a significant part of not only our culture, but our reputation and our ability to achieve.

The Agency has found that success in achieving diversity requires commitment from the organization's leadership at both the Board and staff levels. This commitment must be well thought out and extend over time, with an understanding that there must be a continued commitment to maintain our diverse workforce. Achieving diversity is an ongoing process which the Agency believes will lead to a more innovative, pluralistic, and economically productive Agency.

Fresno EOC draws upon the diverse life experiences of our employees and encourages the full and active participation of every employee.

We promote Fresno EOC as an Agency that respects, values, and nurtures diversity as a dynamic and integral part of our collective experience and identity.

III. OBJECTIVES

Fresno EOC strives to be a model Agency by leveraging diversity and fostering inclusion to deliver the best service possible to those we serve.

The Agency promotes diversity within its own organization in order that it may:

- reflect the racial, ethnic and other characteristics of those living in the communities served
- promote greater understanding of and respect for the diversity within these communities
- recognize and amplify these communities' "voices"
- build on the strengths of its employees and develop emerging leaders
- achieve the highest level of effectiveness and well-informed decision-making

IV. RESPONSIBILITY

The Agency will advance these objectives by:

- promoting a diverse Board, advisory council(s) and staff
- improving access for all those needing the programs and services of the Agency
- supporting self-development efforts of traditionally underrepresented groups to become equal participants within the Agency
- supporting specific efforts within the Agency and the community that address diversity and inclusion
- creating specific efforts that promote leadership development and build the capacity of employees
- actively seeking to be informed by all viewpoints
- promoting awareness of the value of diversity within the Agency and the community
- having a visible presence in all communities
- advocating for diversity in the community
- expecting respectful communication and cooperation between all employees
- encouraging teamwork and employee participation through the representation of all groups and employee perspectives in collaborative efforts and group-work settings
- recognizing work/life balance by offering accommodating work schedules
- requiring all employees to attend trainings to enhance their knowledge to fulfill this responsibility
- training all new hires on diversity awareness during new hire orientation
- identifying and addressing barriers that impede diversity

Fresno EOC's diversity initiatives are applicable, but not limited, to our practices and policies on recruitment and selection, compensation and benefits, professional development and training, promotions, transfers, social and recreational programs, layoffs, terminations, and the ongoing development of a diverse work environment.

Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to corrective action up to and including termination (see Policy 5025, Counseling and Corrective Action).

No employee shall be retaliated against for raising a good-faith concern about another employee(s) who is believed to have violated this policy.

POLICY 1030 POLICY AGAINST HARASSMENT
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PURPOSE: To provide a work environment free of unlawful harassment.

POLICY: It is the policy of Fresno EOC to be committed to providing a workplace free of harassment.

REFERENCE: Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.), the Immigration Reform and Control Act of 1986, Americans with Disabilities Act of 1990 (42U.S.C § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. §§ 793 et seq.), the Vietnam Era Veterans' Readjustment Assistance Act and Uniformed Service Employment and Reemployment Rights Act of 1994 (38 U.S.C. §§ 4211 et seq., 4301 et seq.), the Federal Family and Medical Leave Act of 1993 (29 U.S.C. § 2615), the Equal Pay Act of 1963, the Fair Employment and Housing Act (Gov. Code § 12900 et. seq.), California Labor Code § 1102.1, Title II of the Genetic Information Nondiscrimination Act of 2008, GINA, California AB 887, California SB 600, California SB 358, California AB 987, Gender Nondiscrimination Act. FEHA (Gov. Code § 12940 (h), 29 C.F.R. § 1604.11, §11019(b) and §11009(e), Fair Employment and Housing Council §11031.

PROCEDURES:

I. PROTECTED CATEGORIES

Categories protected from harassment include: race, color, ethnicity, national origin, ancestry, sex, pregnancy (including childbirth and related medical conditions), religion, creed, religious dress and grooming practices, age, physical or mental disability, medical condition, marital status, sexual preference, sexual orientation, gender identity, gender expression, sex stereotype, transgender, transitioning or perceived to be, genetic information, citizenship status, military or veteran's status, primary language, activities and status as a victim of domestic violence, assault or stalking or because of a person's relationship or association with members of a protected group or associations with organizations established for the preservation of rights protected under the law, or for any other reason prohibited by law or regulation and not work related.

II. HARASSMENT

A. Definition: Harassment includes regular, pervasive, and unwelcome verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with work performance. Such conduct constitutes harassment when: (1) submission to the conduct is made either an explicit or implicit condition of employment: (2) submission to or rejection of the conduct is used as the basis for an employment decision: or (3) the harassment interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

California law defines harassment as: verbal harassment, such as epithets, derogatory comments or slurs; physical harassment, such as assault or physical interference with movement or work; visual harassments such as derogatory cartoons, drawings or posters; sexual favors such as employment benefits in exchange for unwanted sexual advances.

B. Prohibited Harassment Conduct: Prohibited and unlawful harassing conduct can take many forms including, but is not limited: to slurs, jokes, derogatory statements, gestures, pictures, or cartoons based on protected categories.

C. Sexual Harassment: Sexually harassing conduct includes all of these prohibited actions as well as other unwelcome conduct such as requests for sexual favors, conversation containing sexual comments, and unwelcome sexual advances.

California prohibits sexual harassment because of a person's: gender; pregnancy; childbirth, breastfeeding (and related medical conditions); sexual orientation; gender identity; gender expression; and transgender status. This

definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. Prohibited unlawful sexual harassment includes, but is not limited to, the following behavior:

1. Unwanted sexual advances.
2. Offering employment benefits in exchange for sexual favors.
3. Making or threatening reprisals after a negative response to sexual advances.
4. Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters.
5. Verbal conduct: making or using derogatory comments, epithets, slurs and jokes of a sexual nature.
6. Verbal sexual advances or propositions.
7. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations.
8. Abusive or bullying behavior.
9. Physical conduct: touching, assaulting, impeding or blocking movements.

All such harassment is unlawful. Fresno EOC strongly disapproves of and will not tolerate harassment of employees, unpaid interns, and volunteers by any client, commissioner, co-worker, customer, manager or supervisor.

III. COMPLAINT PROCEDURE

An employee who believes he/she is the subject of unlawful harassment or observes another employee being unlawfully harassed shall provide a written or verbal complaint to Human Resources or a supervisor as soon as possible after the incident. If the supervisor is not available or is allegedly subjecting the employee to what the employee believes to be unlawful harassment, the employee must provide a complaint, in writing if possible, to another supervisor or the next level of management. If the supervisor or the next level of management does not resolve the matter to the employee's satisfaction, the employee should bring the matter to the attention of a Director.

If the employee is unable or reluctant to report the incident(s) to the immediate supervisor or to the succeeding management level, then the employee is required to contact the Human Resources Office to permit Fresno EOC to appropriately respond to the complaint, including stopping the purported harassment, investigating and monitoring for retaliation.

The complaint should include details of the incident(s), name(s) of the individual(s) involved, and name(s) of any witness(es) and be provided to a supervisor and succeeding levels of management, etc., as described above. The complaint must then be forwarded to the appropriate director and Human Resources Officer to the extent the director is not the purported harasser. The Human Resources Office will be responsible for investigating the complaint with the exception of complaints filed against the Chief Executive Officer and/or Board of Commissioner(s). All complaints filed against the Chief Executive Officer and/or Board of Commissioner(s) will be investigated by outside legal counsel.

A supervisor that has been made aware of or has observed any harassment must notify the Human Resource Office immediately.

Every reported complaint of harassment will be investigated thoroughly, promptly, objectively, and in a discreet manner. The contents of the investigation will be treated confidentially to the extent possible and limited to those who need to know. The Agency will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint.

IV. REMEDIAL ACTION

If Fresno EOC determines that harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined to be responsible for harassment will be subject to appropriate corrective action, up to and including termination. The complainant will be advised of the results of the investigation consistent with existing employee confidentiality policies. Fresno EOC will not retaliate against any employee for filing a complaint or participating in an investigation related to the complaint. Fresno EOC will not tolerate or permit retaliation. All employees are encouraged to report any incidents of harassment forbidden by this policy. Complaints will be quickly and fairly resolved. In addition to notifying Fresno EOC about harassment or retaliation complaints, affected employees may also direct their complaints to the Federal Equal Employment Opportunity Commission or the nearest office of the California Department of Fair Employment and Housing (DFEH), which has the authority to conduct investigations of the facts.

POLICY 1040 MANAGEMENT FLOW, OPEN COMMUNICATION

PURPOSE: To describe the Agency's Management Flow and to provide an informal means of Open Communication with management.

POLICY: It is the policy of Fresno EOC to encourage employee participation in decisions affecting himself/herself and his/her daily professional responsibilities. An employee who has job-related interests, suggestions or questions is encouraged to initiate discussion with his/her supervisor(s). The Agency believes that employee job-related interest, suggestions or questions are best addressed through this type of informal open communication.

PROCEDURES:

I. MANAGEMENT FLOW

The work of all employees will be assigned, directed, and reviewed by supervisory personnel.

A. **Supervisor/Manager:** The primary role of each supervisor is to provide a link between management and non-management employees. Accordingly, supervisors are expected to communicate the goals and policies of management and the Agency to the employees that report to them. Supervisors are also expected to communicate back to management the suggestions, interests, concerns and complaints of his/her employees. This level of supervision generally reports to Program/Project Directors.

B. **Program/Project Directors:** Program/Project Directors are responsible for the day-to-day operation of individual programs/projects and for supervision of component personnel. Program/project decisions regarding operational, personnel, fiscal, or funding agency matters require the approval of the assigned director. This level of supervision generally reports to an Officer.

C. **C - Level Positions:** C-Level positions are responsible for the administration and management of assigned departments/programs and supervision of Program/Project Directors. Major decisions regarding operational, personnel, fiscal, funding agency or legal matters may require the approval of the Chief Executive Officer or the Chief Programs Officer. This level of supervision generally reports to the Chief Executive Officer.

D. **Chief Executive Officer:** The Chief Executive Officer is responsible for implementing the Board of Commissioners' policies. The Chief Executive Officer is responsible for all major decisions affecting the use of Fresno EOC resources to meet its mission, purpose, and vision, including policy, fiscal, and legal matters. The Chief Executive Officer supervises agency Officers, certain program/project directors and assigned support staff.

E. **Board of Commissioners:** The Board of Commissioners, duly composed under the provisions set forth in the by-laws, has the corporate responsibility for the Agency. The Board of Commissioners is responsible for the employment and assignment of the Chief Executive Officer.

II. INFORMAL OPEN COMMUNICATION PROCESS

Employees are encouraged to raise work-related interests, suggestions, and questions to their immediate supervisor as soon as possible. It is anticipated that the immediate supervisor is in the best position to resolve issues, answer questions, and process suggestions. Employees are encouraged to raise and pursue discussions of work-related concerns.

If the employee does not feel comfortable discussing certain issues with the supervisor, then the employee may discuss the issue with any level of management including Human Resources (see Policy 1050, Grievance and Problem Solving).

The Agency will attempt in each instance to explain the result to the employee and maintain confidentiality. No employee will be retaliated against for raising a good-faith concern.

POLICY 1050 GRIEVANCE AND PROBLEM SOLVING

PURPOSE: This policy establishes a mechanism through which an employee may obtain prompt, serious consideration of conflicts due to differences, differences of opinion, or other causes relating to his/her employment.

POLICY: It is the policy of Fresno EOC to encourage employee participation in decisions affecting himself/herself and his/her daily professional responsibilities. This applies to all Fresno EOC employees.

PROCEDURES:

I. DEFINITION OF GRIEVANCE

A “basic grievance” is defined as a claim that the Agency has violated a policy regarding the manner in which an employee was treated. Basic grievances do not involve claims of:

Possible discrimination on the basis of race, color, ethnicity, national origin, ancestry, sex, pregnancy (including childbirth and related medical conditions), religion, creed, religious dress and grooming practices, age, physical or mental disability, medical condition, marital status, sexual preference, sexual orientation, gender identity, gender expression, sex stereotype, transgender, transitioning or perceived to be, genetic information, citizenship status, military or veteran’s status, primary language, activities and status as a victim of domestic violence, assault or stalking or because of a person’s relationship or association with members of a protected group or associations with organizations established for the preservation of rights protected under the law, or for any other reason prohibited by law or regulation and not work related. Employees wishing to pursue claims of such discrimination must follow the Complaint Procedures (see Policy 1030, Policy Against Harassment).

Disputes over salary range or salary/rate of pay as well as disputes over a supervisor’s judgment regarding job performance or professional competence should be brought to the next level of management. Although problems of this nature are not covered by the Grievance and Problem Solving Policy, an employee with these concerns is encouraged to discuss them with the next level of management, such as: Director, Chief Programs Officer, or the appropriate contact within the Human Resources Office.

Agency decisions to terminate at-will employment are not subject to the grievance procedure.

A. Responsibility: Human Resources is responsible for implementing this policy and providing oversight during the process to ensure compliance by employees and all levels of management. Management is responsible for ensuring that employees may use this process without fear of retaliation. Management continues to have the right to institute, resolve, modify, change or elect not to follow previous practices. The grievance process is not to be used to establish new rights or abolish existing rights or duties. Policies will take precedence over past practices when these are in conflict. Employees are responsible for abiding by these policies and procedures and for bringing it to the attention of management and/or Human Resources in any significant concern regarding the treatment of staff.

Employees, for their part, should be aware of the policies and follow the steps outlined above.

B. Confidentiality: The contents of the investigation will be treated confidentially to the extent possible and limited to those who need to know. Only those with a business need to know should be told about the employee’s grievance, and the final determination.

II. GRIEVANCE PROCEDURE

A. Grievance: An employee who has a disagreement concerning an interpretation of a written policy or procedure may initiate the grievance process. The employee should exhaust all informal means to resolve the

issue, such as verbal discussions with his/her direct supervisor, and/or the next level of management, and/or HR staff prior to filing a formal Grievance (see Policy 1040, Management Flow and Open Communication).

The grievance process or the informal process (see Policy 1040, Management Flow, Open Communication) must be initiated by the employee within ten (10) working days after he/she knew or should have known of the event causing the complaint. Should the employee pursue an informal process first, the reporting employee shall preserve his/her right to still file a Grievance under this policy and must file his/her Grievance within ten (10) working days after an informal decision has been rendered. All Grievances initiated outside of these time limitations will not be considered.

The employee initiates the Grievance by giving the supervisor or next level of management his/her written statement that includes: 1) a brief description of the incident, including date(s) and names of any witness(es); 2) the policy, practice, rule or procedure the employee believes was violated (if known); 3) date(s) and decision(s) of any informal process pursued; and 4) the specific action requested. The statement must include the employee's signature and the date the employee signed the Grievance.

The Grievance will be forwarded to the Human Resources Office. Human Resources will determine if the Grievance satisfies the elements of this policy and give instructions as to the proper investigation and written response. The written response must be sent directly to the employee within five (5) working days of its receipt by Human Resources. A copy of the response and all corresponding evidence will be forwarded to and/or kept with Human Resources.

If the employee is not satisfied with the response, he/she has five (5) working days to contact Human Resources to initiate the next step of the Grievance process – Grievance Review Panel. The request must also be submitted in writing and must include why he/she feels the response was not satisfactory. If the employee does not request a Grievance Review within the time frame, the grievance will be considered resolved.

B. Review Panel: When a request is made for a review of a Grievance, Human Resources will then convene an ad hoc Review Panel to give the Grievance a final review. The Panel will consist of three (3) members: two from management who were not previously involved in the Grievance and do not work in the same program, and the third member will be from Human Resources. The Review Panel will consider the document(s), investigation(s), and decision(s) of the Grievance and may conduct further investigations if needed. The Review Panel will respond in writing to the employee within ten (10) working days or will be notified in writing if additional time is needed. A copy will be forwarded to Human Resources. The decision of the Review Panel will be final.

If, at any time during the Grievance Process, either the investigating supervisor, Human Resources or the Review Panel wishes to interview any of the involved parties, they may do so.

Additional time can be authorized for any part of the process when extenuating circumstances occur.

The Agency may refuse to accept, or cease to process, a grievance if it is learned that the employee has sought remedy for the same or a similar complaint outside of the agency.

III. DOCUMENTATION

The employee must use the Grievance and Problem Solving Form. As set forth above, there are a number of places where written communication is required. That communication will typically take the form of a memorandum.

The Agency believes that the Grievance and Problem Solving Policies and Procedures will be of benefit to both the Agency and to employees. Employees feel empowered by knowing there is a process by which their voice can be heard. Supervisors or managers benefit by passing unresolved disputes to a higher management level, where they can be properly handled. In addition, built-in time limits encourage prompt resolution of problems.

No employee will be retaliated against for raising a good-faith concern.

POLICY 1060 PERSONNEL RECORDS

PURPOSE: To collect, use, and retain employee information required for business or legal reasons, provide employees with a means of reviewing records, and to control and limit internal and external release of information.

POLICY: It is the policy of Fresno EOC to maintain personnel records for applicants, employees, and past employees in order to document employment-related decisions, evaluate and assess policies, and comply with government recordkeeping and reporting requirements.

REFERENCE: California Labor Code §1198.5, §432

PROCEDURES:

I. PERSONNEL INFORMATION

Fresno EOC only maintains personnel information that is necessary for the conduct of its business and as required by federal, state, or local law. Personnel records are confidential and employee information will be obtained, used, and retained in a manner to protect each individual's privacy. The personnel record of any employee is a file used to determine that employee's qualifications for employment, promotion, additional compensation, termination, or other corrective action.

II. RESPONSIBILITY

A. **Human Resources Office:** The Human Resources Office is responsible for overseeing recordkeeping for all personnel information and will specify what information will be collected and how it should be stored and secured.

B. **Employee:** Employees have a responsibility to keep their personnel records up to date. The Human Resources Office must be immediately notified in writing or through Employee Self Service (ESS) of any changes in personal data such as address, telephone number, marital status, number of dependents, tax withholding status, and person(s) to notify in case of an emergency. All eligible employees participating in any of Fresno EOC's benefit plans must maintain a current listing of dependents covered under the plan and current beneficiary designations for any of Fresno EOC's insurance, disability, or retirement plans.

III. INSPECTION OF RECORDS

A. **Employees:** An employee (or former employee) may inspect his/her own personnel record at a reasonable time and with reasonable notice, but no later than 30 calendar days from the date Fresno EOC receives the request.

An inspection by the employee must be requested in writing to the Human Resources Office and will be scheduled at a mutually convenient time. Records that are considered to contain sensitive or confidential information, such as letters of reference or materials pertaining to a pending criminal investigation, will be excluded from the inspection, and all inspections must be conducted in the presence of a designated member of the Human Resources Office.

An employee has the right to request copies of his/her own personnel file, but may be charged the actual cost of copying. The employee can designate a representative if authorized in writing. An employee may submit a statement for his/her file if he/she dispute the accuracy, completeness, truthfulness, or relevance of any particular document in the file.

Employees have no right to inspect the personnel files of any other employee except as specified in Section B below.

B. Supervisors: Only supervisory and management employees who have a business need-to-know may inspect the files of an employee. The inspection must be approved by the Human Resources Officer.

Personnel files are the property of Fresno EOC and may not be removed from the premises.

IV. RELEASE OF INFORMATION

Employees are to refer all requests from outside Fresno EOC for personnel information concerning applicants, employees, and past employees to the Human Resources Office. The Human Resources Office will release personnel information only in writing and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with investigatory or legal requirements.

V. EMPLOYMENT REFERENCE REQUESTS

Any employee who receives an employment reference request for any information concerning a past or present employee of Fresno EOC should refer written requests or persons making requests to the Human Resources Office without engaging in any conversation or communication about the individual. The Human Resources Office will verify limited general information, such as dates of employment and position held. A written disclosure authorization and release will be required before any information is furnished.

VI. SUBPOENAS

Fresno EOC Human Resources Office is the designated recipient when accepting legal documents regarding Fresno EOC's personnel matters.

POLICY 1070 EMPLOYMENT CLASSIFICATIONS

PURPOSE: To establish a policy governing classifications of employees and to establish standard terminology to provide common understanding in reference to Fresno EOC employees.

POLICY: It is the policy of Fresno EOC to have employment classifications for each position within the Agency. Depending upon employment status, each employee is classified in one of four status categories: full-time regular, part-time regular, temporary, or on-call/substitute. The classification and the number of hours worked each week determine eligibility for benefits. For payroll and overtime purposes, each employee is classified as either exempt or non-exempt.

REFERENCE: 29 U.S.C. § 213(a)(a) (FLSA); 29 C.R.R. pt. 541; 8 Cal. Code Reg. §§ 11010-11040, 11060--11150, 1(A) (Cal. Wage Order Nos. 4-89, 9-90); 8 Cal. Code Reg. § 11050, 1(B) No. 89, Cal. Wage Order 5-2001); California Labor Code § 3353.

PROCEDURES:

I. FULL-TIME REGULAR EMPLOYEES

An employee who is regularly scheduled to work thirty-five (35) to forty (40) hours per week for a period of indefinite duration is referred to as a full-time regular employee. Full-time regular employees are eligible to participate in the benefit program as defined in Policy 3040, Insurance Benefits.

II. PART-TIME REGULAR EMPLOYEES

An employee who is regularly scheduled to work less than the full-time workweek for a period of indefinite duration is referred to as a part-time regular employee. Part-time regular employees who work thirty (30) hours or more per week are eligible to participate in the benefit program as defined in Policy 3040, Insurance Benefits.

III. TEMPORARY EMPLOYEES

A temporary employee is an individual who is hired either part-time or full-time for a specified, limited period, usually not to exceed one (1) year in any funded position. When the need arises, Fresno EOC will hire employees for a temporary period or contract out, using a temporary contract service or agency independent of Fresno EOC.

Temporary employees do not become regular employees as a result of the passage of time. Temporary employees are encouraged to apply for open positions, but will not be given special consideration for the temporary position they occupy should the position become a regular full-time or part-time position. If the temporary employee qualifies for a vacant position, an introductory period will still be required. Time spent in the temporary position does not qualify for credit toward completion of the introductory period.

Temporary employees may be eligible to participate in health insurance program benefits as defined in Policy 3040. An employee whose status changes from temporary to full-time regular or part-time regular, working more than 30 hours, will become eligible for benefits (see Policy 3040, Insurance Benefits).

IV. ON-CALL/SUBSTITUTE EMPLOYEES

On-call/substitute employees are those who are not regularly scheduled to work. They work only as needed and are called in for the purpose of providing relief on short notice or in the event of an unexpected absence by another employee. On-call/substitute employees must meet the minimum qualifications for the job classification in which hired. On-call employees may be eligible to participate in health insurance program benefits as defined in Policy 3040, Insurance Benefits. Employees can be removed from the on-call list at any time with or without cause or prior notice.

V. REINSTATED EMPLOYEES

A reinstated employee is an employee who is rehired within ninety (90) calendar days from the employee's last separation date. The employee will be reinstated with his/her original date of hire. For purposes of benefits that accrue, entitlement will be restored to original hire date. A reinstated employee may enroll in other benefits based upon eligibility.

VI. REHIRED EMPLOYEES

A rehired employee is an employee who is rehired following a break in service in excess of ninety (90) days from the employee's last separation date, for other than an approved leave of absence. A rehired employee is considered a new employee from the effective date of his/her re-employment for all purposes, including benefit eligibility except as to Paid Sick Leave (See Policy 3035, Paid Sick Leave).

VII. EXEMPT/NON-EXEMPT EMPLOYEES

Exempt employees by definition are exempt from earning overtime compensation (see Policy 1080, Determination of Exempt and Non-exempt Status). Non-exempt employees are all those who are eligible to be paid for overtime work in accordance with the provisions of applicable wage and hour laws (see Policy 2010, Pay Procedures).

POLICY 1080 DETERMINATION OF EXEMPT AND NON-EXEMPT STATUS

PURPOSE: To establish a policy governing the determination of exempt and non-exempt employees.

POLICY: For the purpose of salary administration and labor law compliance, it is the policy of Fresno EOC, to classify employees as either exempt or non-Exempt on the basis of whether the jobs to which they are assigned meet the tests for the executive/managerial, administrative, professional, computer professional, or outside salesperson exemptions as outlined below.

REFERENCE: California Industrial Welfare Commission Orders 4, 5 and 9. Fair Labor Standards Act, as amended.

PROCEDURES:

I. DEFINITIONS

A. Non-exempt: The term “non-exempt employee” means employees are covered by overtime provisions of the California wage and hour laws or the Federal Fair Labor Standards Act. Employees in this category are entitled to overtime pay for work in excess of eight (8) hours in a single workday or forty (40) hours in one workweek. Such employees include, but are not limited to, those listed in California's Industrial Welfare Commission Orders 4, 5, and 9 (see Policy 2010, Pay Procedures).

B. Exempt: The term “exempt employee” means that employees are exempt from the overtime, meal period, and rest period provisions of the California wage and hour laws or the Federal Fair Labor Standards Act. Such employees include employees who meet the criteria for certain exemptions and/or qualify as exempt including the executive/managerial, administrative, professional, computer professional, or outside salesperson exemptions.

1. Executive/Managerial Exemption: Managerial or executive employees are those who manage all or part of an organization and supervise other employees. An employee qualifies for the executive exemption from overtime when the following conditions are met:
 - The primary duty must be management of the organization, or of a customarily recognized office or subdivision;
 - In most cases, the employee must customarily and regularly direct the work of at least two or more other employees therein;
 - The employee must have the authority to hire and fire, or to command particularly serious attention to recommendations on such actions affecting employees;
 - The employee must customarily and regularly exercise discretionary power;
 - The employee must spend more than 50 percent of working hours performing managerial tasks. Exempt duties include interviewing, selecting and training employees; setting pay rates and work hours, evaluating employees' performance, handling workers' complaints, disciplining employees, planning and distributing work, deciding on types of work materials and supplies to be used and providing for the safety of employees; and
 - The employee's monthly compensation is not less than two times the state minimum wage for full time employment or meets federal exempt status requirements.
2. Administrative Exemption: An employee qualifies for the administrative exemption from overtime when the following conditions are met:
 - Customarily and regularly exercises discretion and independent judgment in the performance of “intellectual” work which, in the context of an administrative function, is office or non-manual work directly related to management policies or the general

business operations of the Agency, and regularly and directly assists an exempt administrator, or performs under only general supervision, work along specialized or technical lines requiring special training, experience or knowledge, or executes special assignments and tasks under only general supervision;

- Devotes more than 50 percent of work time to the activities described above; and
- The employee's monthly compensation is not less than two times the state minimum wage for full time employment or meets federal exempt status requirements.

Three types of administrative employees may qualify for an exemption if they meet one of the following three:

- a. Executive assistants or administrative assistants to whom executives or high level administrators have delegated part of his/her discretionary powers may have enough authority to qualify for the administrative exemption.
- b. Staff employees, who are functional rather than department heads.
- c. Employees who perform special assignments under only general supervision may qualify for the administrative exemption. These include many who work away from the premises.

3. Professional Exemption: An employee qualifies for the professional exemption from overtime when the following conditions are met:

- The employee is engaged in work which is primarily intellectual, managerial or creative, and which requires exercise of discretion and independent judgment;
- The employee is engaged in a learned profession where the educational requirement for the job is very advanced, meaning that the employee must have a degree or certificate requiring at least one year of specialized study in addition to completion of a four-year college course. The employee's work is of such a nature that its product cannot be standardized with respect to time and the employee has control over hours of work;
- The employee is licensed or certified by the State of California in one of the following nine professions: law, medicine, dentistry, pharmacy, optometry, architecture, engineering, teaching or accounting. Registered nurses are not considered to be exempt professional employees unless they individually meet the administrative, executive or professional criteria described in the wage order; and
- The employee's monthly compensation is not less than two times the state minimum wage for full time employment or meets federal exempt status requirements.

4. Computer Professional Exemption: An employee qualifies for the computer professional exemption from overtime when the following conditions are met:

- The employee is primarily engaged in work that is intellectual or creative;
- The employee is primarily engaged in work that requires the exercise of discretion and independent judgment;
- The employee is primarily engaged in duties that consist of one or more of the following;
- Applying systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications;
- Designing, developing, documenting, analyzing, creating, testing, or modifying computer systems or programs, including prototypes, based on and related to user or system design specifications;
- Documenting, testing, creating, or modifying computer programs related to the design of software or hardware for computer operating systems. The employee is highly skilled and proficient in the theoretical and practical application of highly

specialized information to computer systems analysis, programming, and software engineering; and

- The employee is paid at least the minimum hourly rate set annually by the state.

5. Outside Sales Exemption: An employee qualifies for the outside sales exemption from overtime when the following conditions are met:

- They are 18 years of age or older; and
- The employee spends at least 50 percent of all work time away from the place of business, selling tangible or intangible items, or obtaining orders or contracts for products, services or use of facilities.

II. SALARY BASIS

All non-exempt employees are paid on an hourly basis. Exempt employees are paid a salary on a bi-weekly basis regardless of the quality or quantity of hours worked. Exempt employees may not be docked pay for the following reasons:

- Violating an Agency policy unless it is a violation of a safety rule of major significance.
- Serving on a jury if he/she performs any work during a week in which he/she serves.
- Absences of less than a day.

Subject to the exceptions below, an exempt employee must receive full salary for any week in which any work is performed without regard to the number of days or hours worked. However, an employee need not be paid for any workweek in which no work is performed.

- Deductions may be made when the employee is absent from work for a full day or more for personal reasons, other than sickness or accident.
- Deductions may be made for absences of a day or more occasioned by sickness or disability if the deduction is made in accordance with the sick time policy which provides for loss of compensation occasioned by both sickness and disability. Deductions may be made before an employee has qualified under the plan and after an employee's leave balance has been exhausted.
- Deductions may be made for hours taken as intermittent or reduced Family Medical Leave Act/California Family Rights Act (FMLA/CFRA) leave.
- Offsetting may be made for amounts received as jury or witness fees, or for military pay.

III. TEMPORARY ASSIGNMENTS AND EXEMPTION

An employee who does not perform exempt duties on a regular basis will not be exempt for a temporary assignment unless he/she works the exempt job and meets the duties and remuneration tests for at least one month. Employees who are in training for an exempt position are not exempt unless they actually are performing the duties of the exempt position.

POLICY 1090 RECRUITMENT, SELECTION, AND EMPLOYMENT

PURPOSE: To describe the procedure for recruiting and selecting employees for vacant positions at Fresno EOC and to confirm the responsibility of the Human Resources Office with respect to recruitment, selection, placement, and employment.

POLICY: It is the policy of Fresno EOC to be an equal opportunity employer and to select individuals for employment upon the basis of his/her qualifications and the ability to perform the job to be filled. Persons applying for positions with Fresno EOC will be considered without regard to race, color, ethnicity, national origin, ancestry, sex, pregnancy (including childbirth and related medical conditions), religion, creed, religious dress and grooming practices, age, physical or mental disability, medical condition, marital status, sexual preference, sexual orientation, gender identity, gender expression, genetic information, sex stereotype, transgender, transitioning or perceived to be, citizenship status, military or veteran's status, primary language, activities and status as a victim of domestic violence, assault or stalking or because of a person's relationship or association with members of a protected group or associations with organizations established for the preservation of rights protected under the law. Fresno EOC is committed to effective recruitment and hiring of a diverse workforce.

REFERENCE: Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.), the Immigration Reform and Control Act of 1986, Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. §§ 793 et seq.), the Vietnam Era Veterans' Readjustment Assistance Act and Uniformed Service Employment and Reemployment Rights Act of 1994 (38 U.S.C. §§ 4211 et seq., 4301 et seq.), the Federal Family and Medical Leave Act of 1993 (29 U.S.C. § 2615), the Equal Pay Act of 1963, the Fair Employment and Housing Act (Gov. Code § 12900 et. seq.), California Labor Code § 1102.1, Title II of the Genetic Information Nondiscrimination Act of 2008, GINA, California AB 887, California SB 600, California SB 358, California AB 987, Gender Nondiscrimination Act, California Fair Pay Act (SB 358), Fair Credit Reporting Act, AB1008.

PROCEDURES:

I. RECRUITMENT

A. General: The Human Resources Office has the primary responsibility of overseeing the recruitment process consisting of assisting the hiring program with recruiting and screening. Human Resources will make the arrangements for hiring and placing employees in vacant positions. All employment contacts will be originated by representatives of this office. This includes direct contact with prospective employees and recruitment sources.

B. Personnel Requisition: Requisitions for additions or replacements to the workforce must be completed by the supervisor, and approved by an Officer prior to commencing the recruitment effort. The requisition must detail: the date needed, employment status (temporary, part-time, regular, etc.), job title, program and/or component, pay grade, hours, any special talents required, employee being replaced, advertising preference and include an updated approved job description.

C. Internal/External Recruitment: The Human Resources Office facilitates access to the applicant tracking system. The hiring program will be responsible for the determination of who meets the minimum requirements per the approved job description. Also to the extent possible, the Agency's commitment to diversity should be an important factor in determining whether to recruit externally and assessing a candidate's consideration for interview. The Agency deliberately seeks diverse groups of people and ensure that they are adequately represented in our workforce. Fresno EOC will establish outreach programs to seek qualified minority applicants with the potential to serve our Agency.

1. Fresno EOC supports a policy of making opportunities available for employees to advance within Fresno EOC through the use of an internal job posting system. Fresno EOC will try to fill job openings above entry level by promotion from within when a qualified internal candidate

exists (see Policy 1120, Transfers and Promotions). However, when there is not a strong pool of qualified internal applicants, Fresno EOC will seek qualified external applicants. In addition, Fresno EOC will give consideration to any known qualified applicant(s) who are on layoff status before recruiting applicants from outside the organization (see Policy 7050, Layoffs). Fresno EOC maintains sole discretion of all personnel decisions. Veterans will be given special consideration when filling job openings with qualified external applicants. Veterans must provide documents of veteran status at time of interview to be given special consideration. If no documents are provided at time of interview, no special consideration will be given.

2. Announcements of open positions will be placed on the Fresno EOC Intranet and/or distributed and posted on Fresno EOC official boards and will include such information as job title, pay grade, job description, qualification requirements, and the application deadline. Employees who feel they are qualified for the position must submit a completed online employment application prior to the filing deadline (see Policy 1120, Transfers and Promotions). The employee may or may not be interviewed for the position.
3. In addition to seeking job candidates internally, external recruitment may also be required to ensure a strong pool of qualified applicants. Along with the posting of the Job Announcement on Fresno EOC's website, in the Human Resources Office and work locations, the following referral sources may be used to obtain new employees: (a) employee referrals, (b) former employees who resigned in good standing and are eligible for rehire (c) nonprofit and state agencies, (d) government employment services, (e) schools, (f) newspaper advertising, and (g) other organizations and resources as may be deemed necessary to reach the appropriate labor market and to attract qualified applicants.
4. During the recruitment, interviewing, and hiring process, no statement should be made promising permanent or guaranteed employment; and no document should be called a contract unless, in fact, a written employment contract is to be used and authorized by the Chief Executive Officer.

D. Application Process: When applicants are considered for job openings, the following procedures should be followed:

1. Any applicant for employment must complete an employment application online in order to be considered for employment. Applications for all open positions will be accepted by the applicant tracking system until the filing deadline.
2. The Human Resources Office will consider requests for reasonable accommodation of disabilities and will determine what, if any, accommodations will be made for the application process.
3. The hiring program will screen the applications to determine whether applicants meet the minimum requirements as set forth in the job description. The Human Resources Office will assist with screening, as requested. All applicants must meet the minimum qualifications of the position to be considered for interview. The hiring program will provide the Human Resources Office with a list of candidates to be contacted for interview. The hiring program or Human Resources may conduct a phone interview. Human Resources will schedule interviews and may request any supporting documents required for the position at that time. Applicants may check the status of their application at any time by accessing the applicant tracking system.

If the applicant does not provide the required documentation within the time designated, he/she will be considered as an applicant who has not met the minimum qualifications of the position and will not be eligible to interview. Human Resources will notify all applicants who do not meet the minimum qualifications for the position by email.

II. SELECTION

A. Interview Process

1. Panel Interview: Selected applicants who meet the minimum requirements for an open position may be invited to meet with a designated interview panel. This panel will interview, evaluate, and rank the order of eligible candidates. One or more interviews may be conducted with applicants to determine suitability for employment, depending upon the level of the position. When applicable, subsequent interviews may consist of internal/external content area experts from a variety of fields related to services offered within the program. The program manager/director will review the results of the interview process, and make a recommendation to the designated Officer for final approval. For Director level and higher positions, the Human Resources Office must review and approve the interview panel prior to interviews.
2. Rating sheet: The rating sheets are not the sole criteria in determining the best candidate for the position. Other factors as described below may contribute to the final decision.

B. Employment Tests: Employment tests which measure the knowledge, skills, and abilities needed to perform a job may be necessary to evaluate an applicant's qualifications. For example, typing, computer skills, and physical skills tests may be used, provided they are designed for the purpose of testing the essential job functions. In most cases, these tests will be arranged or conducted by the Human Resources Office.

C. Reference Checks: All employment is subject to the receipt of acceptable references. Reference checks should be conducted prior to the final selection and should be limited to candidates who are seriously being considered. The Reference Check form will serve as a guide to those areas which generally warrant verification and investigation. The following sources of pre-employment reference will be used whenever possible and appropriate: (1) previous employers, (2) business references, (3) personal references, (4) educational institutions attended, and any other references deemed appropriate for the position. It is important that backgrounds in employment and education, if necessary, be verified. The Human Resources Office will conduct the reference checks, unless otherwise designated.

D. Background Checks: Background checks will be conducted on job applicants applying for positions involving security, confidentiality, financial responsibility or as required by law. Fresno EOC will use a third party agency to conduct background checks. The type of information that can be collected by this agency includes, but is not limited to: that pertaining to an individual's past employment, education, character, criminal records, and credit checks as permitted by law, etc. This process is conducted to verify the accuracy of the information provided by the applicant. Fresno EOC will ensure that all background checks are held in compliance with all federal and state statutes.

Fresno EOC will notify the job applicant, in writing, that it is conducting a background check, provide the name of the third party agency conducting the background check, identify the purpose of the background check, and identify that the background check may contain information on the applicant's character, general reputation, personal characteristics, and mode of living. Additionally, applicants will be given a pre-disclosure form on which they may check a box indicating a wish to receive a copy of any investigative report prepared regarding them. If the box is checked, the company performing the background check will send a copy of the report to the applicant.

The copy must contain the name, address, and telephone number of the person who issued the report and how to contact that person and, if adverse action is taken based on the report, the name of the investigative consumer reporting agency. In addition, if Fresno EOC conducts a credit check on an applicant and uses the information obtained as the basis for an adverse employment decision (e.g. refusal to hire), Fresno EOC must disclose to the applicant that its action was based on the credit report and the information contained in that report. Fresno EOC will provide a notice to the applicant that he/she has the right to dispute the accuracy or completeness or any of the information in the report.

E. Final Selection: A review and analysis of the application form, interview, and reference check should provide sufficient information to assess and make the final selection of the best qualified applicant. If an applicant is rejected on the basis of reference information, the reference source and information provided will be kept confidential.

F. Email Notification: The Human Resources Office will make every effort to keep the applicants informed of their status throughout the process.

G. Eligibility List: Eligibility lists may be established for positions which frequently become vacant. An eligibility list for a position will be maintained for a maximum of one year. Candidates on the eligibility list need not be interviewed for the same position for which eligibility has been established while the list remains in effect.

H. Fairness: Fresno EOC has a zero-tolerance policy against employees suspected of or showing prejudiced behaviors and/or actions contrary to Fresno EOC's Diversity and EEO policies. Such employees will not be able to participate in the recruitment and selection process until they have attended a diversity-related training program. Fresno EOC will under no circumstances tolerate the misrepresentation of its Diversity Policy in the form of prejudiced employee behavior.

Behaviors and/or actions by employees that violate Fresno EOC policies and procedures are subject to corrective action, up to and including termination.

III. EMPLOYMENT

A. Offer of Employment: Following a decision and recommendation of the supervisor to hire the applicant and approval of the designated Officer, the Human Resources Office will make a verbal and written offer of employment. The offer of employment will include the job title, pay rate, employment status (temporary, regular, part-time, etc.), and employment date and any other information required by law. The offer of employment and continued employment may be contingent upon the satisfactory completion of employment requirements including, but not limited to: reference checks, fingerprint clearance, criminal background checks, investigations, verifications, tuberculosis screening, physicals, and drug and alcohol testing.

When the offer is made to an internal applicant, the hiring program and the applicant's supervisor are responsible for determining the start date.

Due to State licensing requirements, certain positions may require individuals offered employment to be fingerprinted and have such records filed with the State Department of Social Services before beginning work with Fresno EOC. Fresno EOC shall bear the cost of filing with the State. The fingerprinting information will be maintained in a confidential manner for use by Fresno EOC, and will not be utilized or forwarded to any other individuals, employers, or employment placement agencies.

If the background, medical, or any other subsequent investigation discloses any misrepresentation on the employment application or information indicating that the individual is not suited for employment with Fresno EOC, the applicant will be refused employment, or, if already employed, may be terminated. If the background and/or credit check of the applicant results in a refusal to hire, termination, or other adverse employment action, the applicant will be notified as identified in section II-(d) herein.

IV. SUSPENSION OF COMPETITION

In certain circumstances, competition for positions may be suspended by the Chief Executive Officer. No suspension of competition shall be general in its application. In addition, such suspension shall be sensitive to the Agency's Equal Employment Opportunity Policy and diversity commitments.

V. PERSONNEL PROCEDURES RELATING TO HEAD START/EARLY HEAD START

The following personnel procedures relate to the hiring of Head Start/Early Head Start personnel and are meant to supplement the Fresno EOC's Personnel Policies & Procedure Manual. These provisions are based on Federal mandates of the Head Start Program.

A. Recruitment: The Head Start/Early Head Start Personnel Committee is responsible for reviewing and approving all changes to Head Start/Early Head Start job descriptions initiated by program staff and/or Human Resources.

Head Start/Early Head Start recruits for employees in a variety of ways. Job Fairs are held annually and individual job positions are posted throughout the year. Recruitment efforts will be designed to reach out to all areas of our community consistent with the agency's commitment to diversity. Initial screening of applicants is completed by Head Start/Early Head Start staff. Those applicants meeting the minimum job requirements are eligible for an interview.

B. Selection: Once all applicants are screened, an interview is scheduled for those that meet the minimum qualifications. More than one interview may be required, when deemed necessary. Interviews are scheduled by the appropriate Head Start/Early Head Start program staff with assistance of the Human Resources Office. The interview panel will be conducted by parents and staff. The Program Assistant will facilitate the interviews. The interview panel will make a recommendation to the County Wide Policy Council (CWPC) for hiring once interviews are completed. In the event that a parent cannot be present during the interview, the panel will proceed with the interviews and the recommendation for hire(s) and eligibility list(s) are presented to the CWPC Executive Board and/or the CWPC for approval.

In compliance with the Head Start Act of 2007, the CWPC is responsible for decisions regarding the employment of program staff. Once hiring recommendations have been approved, all hires must pass fingerprint clearances as outlined in California regulation and a National Sex Offender Registry check. Clearances must be obtained prior to employment. In addition, the CWPC is also responsible for approving the hiring and termination of key program staff (i.e. Head Start Director).

In filling the position of the Head Start Director and Early Head Start Program Director, representatives from the Executive Office, CWPC, Fresno EOC Board and other Fresno EOC programs may participate in the interview process. When applicable, subsequent interviews may consist of internal/external content area experts from a variety of fields related to services offered in the Head Start program. Upon approval of the Chief Executive Officer, the application and recruitment information will be forwarded to the Head Start Regional Office for review and recommendation.

If an acceptable applicant is not selected, the entire process, as outlined above, will start over.

POLICY 1100 INTERNSHIP AND VOLUNTEER PROGRAMS

PURPOSE: To describe the procedure for recruiting and selecting interns for programs that utilize internships through local colleges, universities, vocational schools, and other established groups.

POLICY: It is the policy of Fresno EOC, as an equal opportunity employer, to select individuals for internships solely upon the basis of their qualifications and ability to perform the internship to be filled. Persons applying for internships with Fresno EOC will be considered without regard to race, color, ethnicity, national origin, ancestry, sex, pregnancy (including childbirth and related medical conditions), religion, creed, religious dress and grooming practices, age, physical or mental disability, medical condition, marital status, sexual preference, sexual orientation, gender identity, gender expression, sex stereotype, transgender, transitioning or perceived to be, genetic information, citizenship status, military or veteran's status, primary language, activities and status as a victim of domestic violence, assault or stalking or because of a person's relationship or association with members of a protected group or associations with organizations established for the preservation of rights protected under the law, or for any other reason prohibited by law or regulation and not work related.

REFERENCE: Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.), the Immigration Reform and Control Act of 1986, Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. §§ 793 et seq.), the Vietnam Era Veterans' Readjustment Assistance Act and Uniformed Service Employment and Reemployment Rights Act of 1994 (38 U.S.C. §§ 4211 et seq., 4301 et seq.), the Federal Family and Medical Leave Act of 1993 (29 U.S.C. § 2615), the Equal Pay Act of 1963, the Fair Employment and Housing Act (Gov. Code § 12900 et. seq.), California Labor Code § 1102.1, Title II of the Genetic Information Nondiscrimination Act of 2008, GINA, California AB 887, California SB 600, California SB 358, California AB 987, Gender Nondiscrimination Act, California Fair Pay Act (SB 358), Fair Labor Standards Act.

PROCEDURES:

I. INTERNSHIPS

Unpaid Internships: Unpaid internships must be in compliance with the Fair Labor Standards Act. The Human Resources Office must be notified in regards to unpaid internships and all paperwork must be reviewed for compliance and be maintained in the Human Resources Office. The Agency will work to ensure that underprivileged groups be afforded internship opportunities.

II. VOLUNTEERS

Fresno EOC is committed to involving volunteers directly within the Agency to contribute to the delivery of our services, provide different skills and perspectives, and offer opportunities for participation. A volunteer is a person who freely offers to take part in an enterprise or undertake a task. Volunteering is the practice of a person working on behalf of others to take part in enriching himself/herself and his/her communities. Volunteers should have no expectation of compensation or other benefits for their volunteered time to the Agency.

III. SELECTION

A. Interview: Selected students who meet the minimum requirements for an internship may be invited to meet with a Program Director or designee. This individual will interview and evaluate potential intern candidates. One or more interviews may be conducted with intern candidates to determine suitability for internship. The Program Manager/Director will review the results of the interview process, and make a recommendation to the responsible Officer for final appointment. Volunteers should be interviewed by the program manager/director to ensure fit with the needs of the program.

B. Reference Checks: All interns are subject to the receipt of acceptable references. Reference checks must be conducted prior to the final selection. Referrals from the school requesting the internship are acceptable as a reference.

C. Background Checks: Due to State licensing requirements, certain positions may require individuals offered internships or volunteer opportunities to be fingerprinted and have such records filed with the State Department of Social Services before beginning an internship with Fresno EOC. Fresno EOC shall bear the cost of filing with the State. The fingerprinting information will be maintained in a confidential manner for use by Fresno EOC, and will not be utilized or forwarded to any other individuals, employers, or employment placement agencies. If the background check indicates that the individual is not suited for an internship, the internship will not be offered.

D. New Hire Orientation: Interns and volunteers attend New Hire Orientation as necessary.

POLICY 1110 OUTSIDE EMPLOYMENT

PURPOSE: To define outside employment.

POLICY: It is the policy of Fresno EOC to provide guidelines for employees who engage in outside employment.

PROCEDURES:

Employees are required to provide notice prior to commencing outside employment to their supervisor so that Fresno EOC can evaluate whether a conflict exists. New employees should notify their supervisor upon hire. Employees may engage in any outside employment, including self-employment, at the discretion of Fresno EOC, if it does not:

1. Create a conflict of interest;
2. Adversely affect their availability for work;
3. Interfere with the fitness or ability to productively perform their employment with Fresno EOC.

Employees who engage in outside employment contrary to the above may be asked to terminate their outside employment or may be subject to corrective action, up to and including termination.

POLICY 1120 TRANSFERS AND PROMOTIONS

PURPOSE: To provide guidelines for employee transfers and promotions.

POLICY: It is the policy of Fresno EOC to provide internal employment opportunities to employees through transfers from one job to another within a department, from one department to another, or from one program to another. Fresno EOC endeavors to promote from within and may consider current employees with the necessary qualifications and skills to fill vacancies above the entry level, unless outside recruitment is considered to be in Fresno EOC's best interest.

PROCEDURES:

I. DEFINITIONS

A. Transfers: A request for a voluntary transfer is not automatic and must be consistent with the internal recruitment process (see Policy 1090, Recruitment, Selection, and Employment). A voluntary transfer occurs when an employee requests a transfer from one position to another within the same pay grade, or from a position in one office or program to an equivalent position in another office or program.

Fresno EOC may request that an employee be transferred for the benefit of the Agency.

A transfer can consist of moving an employee from one cost center to another at the same pay, pay grade, and hours, and within the same program.

B. Promotions: A promotion is the advancement from a position in one pay grade to another position in a higher pay grade and involves a change in job duties and a distinct increase in job responsibilities. All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their supervisor, program manager/director, and/or the Human Resources Office. No candidate shall be advanced solely on the basis of being from an underprivileged or underrepresented group.

C. Temporary Assignments and Transfers: Management reserves the right to make temporary assignments or transfers. A temporary assignment or transfer may include the following: (1) a short duration assignment or where cross-training is involved, (2) a temporary transfer within an office or small work unit, (3) a transfer where it is necessary to accommodate an employee requesting a temporary transfer to an alternative position due to pregnancy or to allow intermittent or reduced schedule leave allowed under the Family and Medical Leave Act (FMLA), or (4) where necessary to accommodate an employee requesting reasonable accommodation under the Americans with Disabilities Act.

II. ELIGIBILITY

To be eligible for a voluntary transfer or promotion, employees must meet the requirements of the new position, and have a satisfactory performance record.

The hiring manager recruiting to fill the vacancy should communicate with the employee's current supervisor to discuss attendance, performance and conduct of the employee as a part of the reference process. The hiring manager will also coordinate the start date with the current supervisor to establish a transition period prior to the employee leaving his/her program.

III. APPLICATION PROCESS

A. Job Postings: Job openings within Fresno EOC will be posted on Fresno EOC official boards (see Section I (C) of Policy 1090, Recruitment, Selection, and Employment).

B. Application Request: The employee must complete and submit an online employment application to the Human Resources Office. Applications based on posted job openings must comply with the procedures described (see Section I (C) of Policy 1090, Recruitment, Selection, and Employment). Employees who meet the minimum requirements may apply for the position (see Section II (A) of Policy 1090, Recruitment, Selection and Employment).

IV. SALARY AND BENEFITS

A. Salary: Pay for transfers and promotions will be handled as follows:

1. An employee transferred to a job within the same pay grade will continue to receive his/her existing rate of pay.
2. An employee promoted to a job in a higher pay grade will move to the minimum of the new pay grade or receive a 5% increase, whichever is higher.
3. An employee who is transferred due to: disciplinary reasons, lack of work, budgetary reasons, reorganization, or at his/her own request to a job in a lower pay grade will usually be paid at his/her former rate, unless the former exceeds the maximum rate of the new job in which case the employee will be paid the maximum rate of the new job.

POLICY 1130 ORIENTATION

PURPOSE: To facilitate the new employee's introduction to Fresno EOC and to ensure that all new employees, including interns, are adequately oriented in: the organizational mission, vision, and structure, benefits, performance expectations, rules of conduct, job safety, and policies and procedures.

POLICY: It is the policy of Fresno EOC to provide orientation to a new employee as the final step in the hiring process. Employees, interns, and volunteers (as required) should be made to feel welcome and a part of the Agency from the very first day on the job.

REFERENCE: The Immigration Reform and Control Act of 1986 (IRCA) Pub. L. 99-603, Immigration Act of 1990 Pub. L. 101-649, Sec. 535(a), Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) Pub. L. 104-208, Div C, 110 Stat. 3009

PROCEDURES:

During the orientation process, each employee will receive an introduction that covers the history and operation of Fresno EOC, personnel policies and procedures, benefits, safety, and the new job. Employees, interns, and volunteers (as required) must attend an orientation session. The responsibility for new employee orientation is shared by the Human Resources Office and the individual's supervisor. The specific items of information to be covered by each are outlined below.

I. HUMAN RESOURCES OFFICE

New employee orientations are scheduled by the Human Resources Office. New employees are required to attend an orientation within the first month of their employment. It is important that orientation be conducted by the Human Resources Office to ensure that employment eligibility requirements are met, paperwork is completed properly and timely, questions answered, and consistency is maintained.

The Human Resources Office will convey information in the following areas:

A. Introduction

1. Welcome to Fresno EOC
2. History and overview of Fresno EOC
3. Employment - Performance Expectations

B. Required Forms

1. Withholding Allowance Certificate (W-4)
2. Employment Eligibility Verification - Form I-9
(Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)
3. Personal Information/Employee Orientation Checklist
4. Auto Insurance Declaration, if applicable
5. Agency Property Agreement, if applicable
6. Acknowledgement of Policies and Procedures
7. Acknowledgement of Requirement to Report Suspected Child Abuse
8. Employee Rights Form
9. Receipt of Job Description
10. Anti-Harassment and Anti-Discrimination Acknowledgement Form
11. Confidentiality Statement

- C. Employee Benefits
 - 1. Health and Wellness Benefits
 - 2. Group Life and Accidental Death & Dismemberment Insurance
 - 3. Retirement plan summary description
 - 4. 403(b) retirement information (voluntary)
 - 5. Holidays/Vacation/Sick time

- D. Rules & Procedures
 - 1. Personnel Policies & Procedures
 - 2. Alcohol/Drug-Free Workplace Policy
 - 3. Diversity Policy and Policy Against Harassment
 - 4. Requirement to Report Suspected Child Abuse
 - 5. Domestic Violence, Sexual Assault or Stalking Victim Leave

- E. Pay Procedures
 - 1. Pay schedule & distribution of paychecks
 - 2. Deductions & direct deposit
 - 3. Performance evaluations

- F. Safety
 - 1. Reporting work injuries
 - 2. Injury and Illness Prevention Program & Safety Handbook
 - 3. Agreement to abide by safety rules

II. DEPARTMENTAL/PROGRAM ORIENTATION

It is the supervisor's responsibility to conduct the following general departmental orientation and evaluation activities for a new employee:

- A. First Day
 - 1. Review job description with new employee.
 - 2. Give new employee a tour of the department/program and any instructions pertaining to the job that may be necessary for getting started.
 - 3. Discuss hours of work and attendance requirements.
 - 4. Provide required safety training and safety equipment.

- B. First Week
 - 1. Hold an informal question-and-answer session with the employee for coaching and development.
 - 2. Review performance expectations with new employee.
 - 3. Provide on-the-job training and safety training unique to the area in which the employee is working.

- C. During First Six Months
 - 1. Conduct informal evaluations during the first thirty (30) to sixty (60) days of employment.
 - 2. Conduct a formal performance review with the employee at six (6) months.

3. Hold question-and-answer sessions with employee.
4. Discuss the employee's goals for the next evaluation period.
5. Attend other training(s) as required.

POLICY 1140 INTRODUCTORY PERIOD

PURPOSE: To define the initial period of employment and evaluation for employees.

POLICY: It is the policy of Fresno EOC for all employees to be subject to an initial introductory period. During this initial period, Fresno EOC will evaluate the employee and job performance.

PROCEDURES:

I. INTRODUCTORY PERIOD

A. **New Hires:** The introductory period applies to regular full and part-time employees, commences on the date of hire, and lasts twelve (12) months. During this time, supervisors should carefully observe the performance of the employee and provide constructive feedback. Supervisors should have performance conversations with their employees on a regular basis. A formal evaluation will be conducted at the midpoint and end of the introductory period, and every 12 months thereafter. Nothing in this section changes or augments the at-will status of an employee.

B. **Reinstatement:** An employee that separates employment and is reinstated within 90 days will retain his/her status. An employee in introductory status at time of separation will need to work the remaining time in the original twelve (12) month introductory status to be eligible for regular status (see Policy 1070, Employment Classifications).

C. **Rehire:** An employee that separates employment and is rehired after 90 days will be subject to a new introductory period (see Policy 1070, Employment Classifications).

II. WRITTEN PERFORMANCE EVALUATION

Supervisors are required to complete a written evaluation of the employee's job performance in a timely manner. The evaluation will be forwarded to the Human Resources Office with appropriate signatures for recording and placement in the employee's personnel file.

III. TERMINATION

Failure of an employee to meet acceptable standards of performance and/or conduct during the introductory period may result in termination pursuant to Fresno EOC's At-Will Policy.

A recommendation for termination should be submitted in writing to the program manager/director, and responsible Officer for review. Action to terminate must have the prior approval of responsible Officer. The Human Resources Officer shall give assurance that all procedures for termination have been followed. Employment with Fresno EOC is a voluntary one and is subject to termination by employees or Fresno EOC at will, with or without cause, and with or without notice, at any time (see Policy 1010, Employment At-Will).

A transferred or promoted employee who is unable to perform satisfactorily in his/her new job may, at the discretion of management, be returned to his/her previous position, if a vacancy exists, or may be terminated.

POLICY 1150 HOURS OF WORK, PUNCTUALITY, AND ATTENDANCE

PURPOSE: To inform employees of the requirement of reporting to work and being on time and to establish a procedure for reporting tardiness and absences.

POLICY: It is the policy of Fresno EOC that attendance and punctuality are required for the efficient operation of the Agency. Regular attendance and punctuality are essential duties of every position.

REFERENCE: CA Labor Code 233-234, 246.5, 551-552, 556; AB 1522, AB 304, SB 3

PROCEDURES:

I. HOURS OF WORK

The general working hours for Fresno EOC are from 8:30 a.m. to 5:00 p.m., Monday through Friday, except recognized holidays. The general workweek for Fresno EOC employees consists of 37.5/40 hours per week. The workweek begins on Sunday and ends on Saturday.

II. MEAL BREAKS AND REST PERIODS

Employee meal periods are important to productivity and employee health. Employees who work at least five (5) consecutive hours will be provided an unpaid 30-minute meal period. Employees may not take their meal period later than the end of the fifth hour of work, or take a meal period of less than 30 minutes without prior authorization from their supervisor. If the employee's shift will be completed in no more than six hours, this meal period may be waived by mutual agreement of the employee and the Agency. Employees are entitled to a second unpaid 30-minute meal period if they work 10 or more hours in one workday. The second meal period may be waived if the employee's shift will be completed in 12 hours and the employee did not waive the first meal period. The second meal period must be taken before the end of the 10th hour of work.

Employees are required to clock-in and clock-out for meal periods. The meal period will not be included in the total hours of work per day and is not compensable. Non-exempt employees are to be completely relieved of all job duties while on meal periods. Employees must notify their supervisor of any occasion when meal periods were not provided in accordance with the above policy. Otherwise, Fresno EOC will assume the missed, short or delayed meal period was voluntarily taken and no premium pay will be provided.

The normal lunch period will be taken between 11:00 a.m. and 2:00 p.m. or may vary depending upon the start time of the workday. Employees are permitted to leave the premises for their meal periods. Employees not relieved of all duties during meal periods; not provided a timely meal period; or who received a shortened or missed meal period will receive one-hour premium pay for each occurrence.

All non-exempt employees are entitled to periodic rest breaks during their workday. Non-exempt employees will be paid for all such break periods, and do not clock out. The supervisor will advise employees of the time and duration of breaks, and employees are expected to return to work promptly at the end of any rest break. Generally, an employee is entitled to a "net" 15-minute rest break for every four (4) hours worked or major fraction thereof. If an employee works more than six (6) hours in a workday, he/she will receive one rest break during the first half of the shift and one rest break during the second half of the shift. The rest periods should be taken as close to the middle of each work period as possible. Employees are relieved of all duties during the rest periods and may leave the premises. If at any time an employee believes he/she has not been provided with a rest period or enough time to make a net 15-minute rest period in the designated rest area(s), he/she should report this his/her supervisor immediately. Rest periods may not be combined or added to an employee's meal period. Employees must notify their supervisor of any occasion when rest breaks were not provided in accordance with the above policy otherwise Fresno EOC will assume the missed, short or delayed rest break was voluntary taken and no premium pay will be provided.

Because work schedules may vary for different locations and different classifications of employees, supervisors will be responsible for determining and informing his/her employees of specific hours, work days, lunch and break periods. Additionally, the supervisor may increase or decrease an employee's hours and may require overtime work as it deems necessary or appropriate as permitted by law and as approved by the Director. No off-the-clock work is permitted by Fresno EOC and employees who do work off-the-clock will be compensated for their time, but subject to corrective action, up to and including termination.

A non-exempt employee who regularly works thirty (30) or more hours per week cannot be required to work seven (7) consecutive days in the defined workweek.

Non-exempt nursing mothers may take reasonable breaks to express breast milk for the employee's infant child. Upon request, Fresno EOC will provide a separate room where such a break can be taken. The employee may use any paid breaks to which she is entitled for this purpose. Additional nursing breaks will not be paid as long as the employee is completely relieved of job duties during that time.

As part of our responsibility to our clients, the public, and to other employees, Fresno EOC requires employees to be at work as scheduled, to arrange their personal schedules to accommodate established work hours, and to notify their supervisor prior to but no later than the employee's normal reporting time if he/she expects to be absent or tardy.

III. PUNCTUALITY & ATTENDANCE

Each employee shall be responsible for being present at the assigned work station at the correct time each day. In the event the employee will be late or absent, employees are required to contact their supervisor or program manager/director prior to but no later than the normal reporting time or adhere to the location reporting procedure. When reporting an absence, i.e., due to a personal or family illness or an emergency, the expected date of return must be given. If unknown, the employee will be required to contact the supervisor or program director/manager each day prior to the normal reporting time, unless a written statement from a licensed health care provider has been provided. Absences referred to here do not include approved time off requested in advance for vacation, holiday, bereavement leave, jury duty, or leaves of absence, Paid Sick Leave, Kin Care or Fresno EOC-initiated time off.

Fresno EOC reserves the right to require a statement acceptable to the Agency from a licensed health care provider whenever an employee misses work due to an illness, injury or disability subject to PSL requirements. Failure to follow these procedures could result in unexcused absences and resulting corrective action up to and including termination.

If it becomes necessary for an employee to leave the program, Fresno EOC premises, or work site during working hours for personal reasons, permission to leave must be obtained from the employee's supervisor before the employee leaves.

IV. EXCESSIVE TARDINESS AND ABSENTEEISM

A. Tardiness:

An employee is considered tardy when:

1. He/she is not at his/her work station ready to begin work at his/her assigned start time or at the end of his/her scheduled break or meal period.
2. He/she leaves early for a break, meal period, or the end of his/her scheduled or assigned shift, without authorization from his/her direct supervisor.

Excessive tardiness not protected by an approved leave may be cause for corrective action up to and including termination.

B. Attendance

Regular attendance is important to workplace morale and the successful operations of the Agency. Absences can create a negative impact in the workplace and place strain on other employees. An employee is considered absent when he/she is not scheduled to be off work and/or does not work his/her scheduled or assigned shift.

C. Absenteeism

Supervisors should immediately address any patterns of abuse of unprotected sick time and/or unprotected unpaid time. Patterns can be two or more instances. Examples of abuse include, but are not limited to:

- Leaving after lunch on paydays.
- Calling in sick on days when vacation time was previously denied.
- Extending weekends by regularly calling in sick on Fridays and/or Mondays.
- Extending time off for holidays by calling in sick the day before or after a holiday.

Absenteeism not protected by an approved leave may be cause for corrective action up to and including termination.

Corrective action up to and including termination may be imposed against an employee who is absent for one or more days without proper notice or justification found satisfactory by Fresno EOC.

An employee who is absent for three consecutive days without communicating directly with his/her supervisor, will be considered to have abandoned the job. The employee will be considered to have voluntarily resigned unless a reasonable excuse is offered and accepted by Fresno EOC within 24 hours following the third consecutive day of unscheduled absence.

V. RESPONSIBILITY

Employees are responsible for working all of their scheduled work hours at the scheduled times. Employees are required to be at their assigned work station during all work hours, except for scheduled breaks and meal periods.

Employees who are not able to report to work as scheduled, and who do not have prior written authorization to be absent, will be required to contact their supervisor or program manager/director prior to but no later than the normal reporting time or adhere to the location reporting procedure.

Employees who have consecutive days of unscheduled absences must contact their direct supervisors each work day prior to each scheduled shift they are absent.

Supervisors may authorize time away from work during scheduled work time through accrued vacation, accrued sick time or a leave of absence. An employee will not be allowed to exceed accrued sick time or vacation.

All unscheduled absences and tardies will be considered when evaluating performance.

POLICY 1160 PERSONAL PHONE CALLS AND VISITORS

PURPOSE: To limit employee personal phone calls and visitors during working hours to minimize disruptions in the workplace.

POLICY: It is the policy of Fresno EOC that all personal calls (telephone or cellular), and text messaging are required to be limited while employees are on duty. All cellphones and other forms of communication devices are required to be kept in silent mode while employees are on duty. Visitors are discouraged during working hours.

REFERENCES: California Vehicle Code 23123.5

PROCEDURE:

The Agency recognizes that employees will occasionally need to place and receive personal phone calls during the workday. In all cases, personal calls or text messages should be minimal, whether the calls or messages are placed and/or received using Agency or personal phones. Long distance phone calls should not be made from Agency phones. Employees should therefore limit the placing or receiving of personal calls or text messages during working hours to those required only in emergency situations. Receiving and/or placing excessive calls, messages or text messages is disruptive to others. Abuse is subject to corrective action following normal Agency procedures. All personal cellular phones and other communication devices are required to be kept in silent mode. Employees should communicate with their supervisor if there are any extenuating circumstances that may need to be temporarily accommodated.

Employees who operate a vehicle during the workday may not use a cellular telephone while driving, except when using a hands-free device as permitted under California law. Text messaging, blogging, emailing, accessing social media, and/or any use of an electronic communication device is prohibited while driving. Under no circumstances are employees allowed to place themselves or others at risk to fulfill business needs. If calls must be made, Fresno EOC encourages employees to pull safely off the road, stop the vehicle and make or receive the call. Safety must come before all other concerns and special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

In addition, visitors can be disruptive to the Agency's operations. Fresno EOC strongly discourages such visits during work hours. Employees are expected to inform visitors of this policy and will be held accountable for his/her actions under the Agency's corrective action procedure.

POLICY 1170 DRESS AND GROOMING STANDARDS

PURPOSE: To establish standards of dress and grooming appropriate for the work setting which would not be perceived as offensive to a reasonable person.

POLICY: It is the policy of Fresno EOC that the Agency considers the presentation of its image to the public at large to be extremely important. Employees are expected at all times to dress in a manner consistent with good hygiene, safety, and good taste. Employees whose jobs require them to come in contact with the public are expected to wear apparel Fresno EOC considers appropriate for interacting with the public.

REFERENCE: California Workplace Religious Freedom Act (2012), CA Government Code. §12926(q), CA Government Code §11010, §11031, §11034, CA AB 987

PROCEDURES:

I. STANDARDS

The personal appearance of employees who have regular contact with the public is governed by the standards described below. Specific offices or programs may have further guidelines.

A. **Dress:** Employees are expected to dress in a manner that is normally acceptable in similar work environments. The wearing of suggestive or offensive attire is prohibited. Athletic clothing, shorts, T-shirts, tank tops, or similar items of casual attire is not permitted, as they do not present a business-like appearance. At its discretion, Fresno EOC may allow employees to dress in a more casual fashion than is normally required. On such occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing.

An employee is permitted to groom, dress or present themselves in a manner consistent with an individual's gender identity or gender expression while meeting the dress and grooming guidelines.

Certain employees may be required to meet special dress, grooming, and/or hygiene standards depending on the nature of their jobs.

The personal appearance of employees who do not regularly meet the public is governed by the requirements of safety and comfort, but should still be neat and business-like as working conditions permit.

B. **Hair:** Hair should be clean, combed, and neat. Unkempt hair is not permissible regardless of length. Facial hair should be kept neatly trimmed.

C. **Footwear:** To reduce the possibility of injury to employees, it is necessary to ensure that all footwear provide adequate protection from hazards that can occur to anyone working at Fresno EOC. Shoes should cover the foot as applicable to the work area. Flip-flops or similar casual footwear are not acceptable.

II. RESPONSIBILITY

Each program will be responsible for their staff adhering to this policy. Specific offices or programs may have further guidelines due to the nature of the work involved. Questions concerning these guidelines should be referred to the managing supervisor to determine the appropriateness of personal appearance in the program. It will be the responsibility of the manager or supervisor to communicate such guidelines to the affected employees.

An employee reporting to work dressed inappropriately will be required to comply with the policy. An employee in violation of this policy may be subject corrective action, up to and including termination.

III. ACCOMODATIONS

Employees requesting accommodations for religious dress and grooming practices should inform their immediate supervisor. Programs should consult with Human Resources to discuss request. Every effort will be made to accommodate employee's request in accordance with applicable State and Federal laws (see Policy 1020, Equal Employment Opportunity Policy and Policy 1030, Policy Against Harassment).

POLICY 1180 AUTOMOBILE INSURANCE AND DRIVER'S LICENSE

PURPOSE: To establish the guidelines for employees that are required to drive in the course of their employment.

POLICY: It is the policy of Fresno EOC that employees required to drive in the course of their employment must maintain a valid California Driver's License and automobile insurance. All traffic violations, DUI's, or work-related vehicle accidents must be reported immediately.

PROCEDURES:

I. USE OF VEHICLES

A. **Personal Vehicles for Agency Business:** The Agency does not provide liability or physical damage insurance for personal vehicles. If an employee is to use a personal vehicle for Agency business, minimum coverage as required by state law for liability, bodily injury, and property damage must be currently in effect. Fresno EOC reserves the right to request proof of coverage at any time (see Accounting Policies and Procedures Manual section on Agency Travel Procedures). Mileage reimbursement covers the cost of operation of personal vehicles on agency business, including the cost of insurance and will be reimbursed at the agency approved rate.

B. **Agency Vehicles:** Operators of Agency vehicles must possess a valid California Driver's License applicable to the type of vehicle to be driven. Agency vehicles are to be used for Agency business or activities only, not for personal or non-Agency business. Employees driving for the Agency shall inform the Human Resources Office if their insurance coverage or ability to legally operate a vehicle changes.

Insurance verification information is received yearly from the carrier upon renewal of the Agency's automobile policy and a copy is provided for each Agency vehicle. This information must be kept in the vehicle. Vehicle registrations are kept in Agency vehicles and records maintained in the program.

C. **Procedures to Request Use of Agency Vehicles:** Employees requesting use of an Agency vehicle must submit a completed and approved "Form" to the Agency's Transit Office in advance of the date of the anticipated activity. This will ensure that the vehicles are available and in good condition. Upon approval, the Agency's Transit Office will issue vehicle keys and provide the driver with a "Driver's Report Sheet", which must be completed and signed by the driver. This information is used to maintain the records as required by the California Highway Patrol.

II. ACCIDENT REPORTING

All accidents must be reported as outlined in the following procedures regardless of the estimated damage amount. It is important that the operator of the Agency vehicle not make any statements about assuming liability or what the Agency will do in settling the claim.

Procedures for Reporting Accidents Involving an Agency Vehicle:

1. When an accident in an Agency vehicle occurs involving injuries or major damage, it should be immediately reported to the police agency having jurisdiction in the area of the accident. As soon as feasible, it should be reported to the supervisor and to the Agency's Transit Office who will obtain the necessary information required by the insurance company.
2. If an accident occurs involving minor damages with no injuries, insurance information must be exchanged between vehicle operators and must include the following information:
 - a. Name
 - b. Address
 - c. Telephone Number
 - d. Driver's License Number and Expiration Date

- e. Name of insurance carrier, agent and policy number, if known
 - f. Make, Model, License Number of Vehicle
3. Upon receipt of information concerning an accident involving an Agency vehicle, the Supervisor will forward all information to the Agency's insurance representative. A vehicle accident report must be completed.

III. VEHICLE/DRIVER RECORDS

A. Vehicle Roster

The Agency's Transit Office maintains a current list of Agency vehicles and equipment for the purpose of providing routine maintenance. In addition, the Transit Office uses this roster as an inventory list for the purpose of securing insurance coverage on the vehicles and equipment listed.

B. Driver Roster

The Agency's Transit Office maintains a current list of drivers authorized to operate Agency vehicles. Programs are requested annually to furnish the Transit Office with an updated list of employees authorized to operate an Agency vehicle. The information must include:

- Name
- Driver's License Number and Expiration Date
- State of Issuance
- Date of Birth

The driver roster is forwarded to the Agency's insurance representative. The Agency's Transit Office is notified if the insurance carrier does not approve a driver's record. Drivers must resolve any problems arising out of the DMV review before clearance is granted to operate Agency vehicles.

C. Additional Requirements for Commercial Drivers

Agency drivers must have a Class B (Commercial) driver's license, with the appropriate endorsements, to drive the Agency's 15 passenger vans or buses. The Agency has additional obligations relating to drug/alcohol testing for all Class B drivers, as required by The Department of Transportation (DOT) Omnibus Transportation Employee Testing Act of 1991.

Affected drivers will be notified of specific drug/alcohol testing requirements through their respective programs.

POLICY 2010 PAY PRACTICES

PURPOSE: To establish guidelines for the payment of wages, calculation of overtime, and other types of pay.

POLICY: It is the policy of Fresno EOC to pay employees for hours worked in accordance with legal requirements and to pay employees by check or direct deposit on a regular basis and in a manner so that the amount, method, and timing of wage payments comply with any applicable laws or regulations.

REFERENCE: California Labor Code §§ 204-204(a). California Labor Code §§ 201, 202 and 227.3. IWC Wage Orders Nos. 4-89, 5-89, 9-90. California Labor Code § 204.3.

PROCEDURES:

I. PLACE AND TIME FOR PAYMENT OF WAGES

A. Regular Payday: Employees are paid bi-weekly. If the regular payday occurs on a holiday, employees will be paid on the preceding workday.

Employee time sheets/electronic time records must be completed properly and accurately. The time sheet must reflect all hours worked, overtime hours, vacation or sick time, and any other leaves of absences. The time sheet/electronic time record must be reviewed with and approved by the employee and supervisor before it is sent to the Payroll Office.

On each payday, employees will receive their paycheck, deposit notice if enrolled in direct deposit, or an e-mail announcement to the employee's designated e-mail account. Checks or deposit notices will be distributed by the employee's immediate supervisor at the employee's work location or mailed to the employee's home so that payment is received on the designated pay date. If an employee is absent when a paycheck is distributed, the employee may claim the paycheck when the employee returns unless other distribution/delivery arrangement have been made. Employees who discover an error in his/her paycheck, lose his/her paycheck, or have it stolen should notify his/her supervisor immediately. After approval by the Chief Executive Officer, Chief Programs Officer, Finance Officer or designee, a paycheck will be reissued within two business days.

Employees should discuss any questions or concerns regarding compensation issues with his/her immediate supervisor or program director.

B. Payment on Resignation or Termination: If an employee resigns, the final 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 72 hours' notice or fails to return to work, the final paycheck will be made available to the employee no later than 72 hours after the date when an employee is considered to have terminated. If an employee is terminated involuntarily, the final paycheck will be available at the time of discharge or layoff. The employee's final paycheck will include payment for all wages due and not previously paid and for accrued but unused vacation time, if eligible, minus authorized deductions.

II. OVERTIME DEFINITION AND RATES OF PAY

A. Regular Overtime Arrangements: All non-exempt employees who work more than eight (8) hours in a single workday or forty (40) hours in one workweek will receive overtime pay computed in accordance with II-B.

B. Exclusions from Overtime Calculations: Only those hours that are actually worked and any nondiscretionary payments, are added together to determine an employee's regular rate of pay for overtime calculations. Paid or unpaid absences such as holidays, vacations, and personal or sick time do not count as hours worked in computing overtime payments.

1. Overtime at the rate of one and one-half times the employee's regular rate of pay will be paid for all hours worked in excess of eight (8) in a workday or forty (40) in any one workweek.
2. Overtime at the rate of two times the employee's regular rate of pay will be paid for all hours worked in excess of twelve (12) in a single workday.
3. Overtime at the rate of one and one-half the employee's regular rate of pay will be paid for the first eight (8) hours worked on the seventh consecutive day in a single workweek.
4. Overtime at the rate of two times the employee's regular rate of pay for all hours worked beyond eight (8) on the seventh consecutive day in a single workweek.

C. **Workweek and Workday:** A workday is any consecutive twenty-four hour period beginning at the same time on each calendar day. A workweek is any seven consecutive days starting with the same calendar day and time each week.

Unless otherwise provided:

1. The workweek on which weekly overtime calculations will be based begins each Sunday at 12:01 a.m. and ends on Saturday at 12:00 midnight; and
2. Each workday on which daily overtime calculations will be based begins at 12:01 a.m. and ends at 12:00 midnight.

D. **Pre-authorization:** Non-exempt employees may not work beyond his/her daily work schedule and/or overtime without prior approval of his/her supervisor and the program manager/director. Because unauthorized overtime is contrary to Fresno EOC policy, non-exempt employees who work unauthorized overtime may be subject to corrective action.

III. OTHER TYPES OF PAY

A. **Reporting Pay:** Non-exempt employees who report to work at Fresno EOC's request but are provided with less than half of his/her usual or scheduled day's work will be paid, without regard to the number of hours actually worked, for one half of the usual or scheduled day's work, but in no event less than two nor more than four hours at the regular rate of pay, unless the reasons for lack of work are beyond Fresno EOC's control. Reporting time hours are not counted as "hours worked" for overtime purposes unless work is actually performed.

B. **Callback Pay:** Any non-exempt employee who is called back to work for a second work period in any one workday and is furnished with less than two hours' work will be paid a minimum of two hours pay at the regular straight-time rate for the second work period, without regard to the number of hours actually worked, unless the reasons for lack of work are beyond Fresno EOC's control.

C. **Holiday Pay:** Employees are paid his/her regular straight-time wages for Fresno EOC paid holidays (see Policy 3010, Holidays).

To receive holiday pay, an eligible employee must be at work or taking an approved absence on the scheduled workdays immediately preceding and immediately following the day on which the holiday is observed. If an employee is absent on one or both of these days because of an illness or injury, Fresno EOC reserves the right to verify the reason for the absence before approving holiday pay.

Non-exempt employees who are required to work on a designated holiday will be paid his/her regular rate of pay plus holiday pay or be allowed to observe the holiday by taking off another day approved by the employee's supervisor and program manager/director.

Employees on a leave of absence are not eligible for Holiday Pay.

IV. PAYROLL DEDUCTIONS

Certain deductions required by law will be made from each employee's wages. These include state and federal income taxes, FICA (for social security and Medicare), and state disability (SDI) payments, and the state paid family leave (PFL) program. Deductions may be required for garnishments received for federal or state levies for taxes, child support orders, or other court-ordered claims for indebtedness. Other deductions may be made from an employee's paycheck with the employee's written permission. These may include voluntary deductions including, but not limited to: health and life insurance premiums, retirement contributions, long-term disability insurance, credit union, health club membership, Cafe EOC meal tickets, and other Agency approved events.

V. DIRECT DEPOSIT

Fresno EOC offers all employees the option of direct deposit of payroll checks. Employees who are interested in having all or some of his/her paycheck deposited directly into his/her bank account through electronic transfer of funds should complete the Direct Deposit Form available in Human Resources, and attach a copy of a voided check or deposit slip from the appropriate account.

Employees will continue to receive a detailed earnings statement each payday, itemizing wage, tax and deduction information, including direct deposit amounts or employees can receive this same information sent to his/her e-mail after enrolling online.

All bank and account information must be verified prior to implementation of the direct deposit. Direct deposit will be effective approximately one pay period after the employee has submitted the required forms and information to payroll.

Employees are responsible for reporting any changes to his/her bank account. All changes, including cancellation of direct deposit, must be submitted in writing to the Payroll Office.

POLICY 2020 WAGE AND SALARY ADMINISTRATION

PURPOSE: To establish and maintain a compensation system that will attract, retain, and reward qualified employees at all levels of responsibility, reflect the difficulty and responsibility of jobs, be externally competitive and internally equitable, motivate employees to work toward achievement of Fresno EOC's goals, create an incentive for personal growth and advancement on the basis of demonstrated performance, control direct and indirect personnel costs, and comply with applicable laws.

POLICY: It is the policy of Fresno EOC, in regards to compensation, to: (1) create and maintain job descriptions which are reflective of the duties and responsibilities of all jobs in Fresno EOC; (2) establish wage and pay grades that reflect the value to Fresno EOC of the various jobs, as determined by a formal system of continuing job evaluation and review, taking into account the duties and level of responsibility of each job; (3) establish and maintain justifiable differentials between job levels; (4) adjust pay grades when warranted by changing economic and competitive factors, as determined by periodic surveys and available resources; (5) encourage quality performance by adjusting the pay rate of each employee on the basis of individual performance, as determined by a systematic program of performance evaluations and/or based on program budget requirements and guidelines; and (6) ensure that compensation is not in violation of Fresno EOC's Equal Employment Opportunity Policy (see Policy 1020, Equal Employment Opportunity Policy).

PROCEDURES:

I. JOB DESCRIPTIONS

Job descriptions, in addition to summarizing the essential functions and/or responsibilities associated with a job, also include the skills, abilities, and knowledge required for a position. Job descriptions are used for recruiting and evaluating job candidates, counseling and developing current employees, comparing positions and salaries with other employers, and providing an overview of employee job responsibilities. The Human Resources Office is responsible for maintaining Fresno EOC job descriptions used throughout Fresno EOC, and when necessary performs job analyses and assists management in the writing of job descriptions. The Human Resources Office is responsible for ensuring that the job descriptions meet the requirements set forth under the Americans with Disabilities Act and any other applicable laws. Job descriptions for Head Start positions will be reviewed and approved by the Head Start Policy Council.

II. JOB EVALUATIONS

The Human Resources Office is responsible for coordinating the continuing internal review of all compensation and for ensuring that each job is evaluated and assigned a pay grade. The Human Resources Office will, when considered appropriate, participate in or conduct compensation surveys covering other employers with similar jobs.

III. WAGE AND PAY GRADES

All jobs are assigned to a pay grade. For each pay grade, a range is assigned which provides for a spread from a minimum to a maximum rate paid for a job. All positions are assigned a pay grade and pay range that are documented and managed by the Human Resources Office.

IV. COMPENSATION REVIEW

Employee compensation within a pay grade is based on various measurable factors including, but not limited to: performance, increased responsibility without a change in job classification, length of service, meeting objective goals established in the last performance review, availability of program funds, and external market factors. Supervisors are responsible for conducting a performance evaluation with each employee. A pay increase decision will follow program guidelines and will be based on a combination of, but not limited to the following: performance, pay grade, length of service, and program budget considerations.

An employee may be eligible for an annual increase in a standard method that has been selected, and approved, by the program he/she is regularly assigned to. All increases within each program will follow a consistent method of measurement in determining salary increases and the effective dates of those increases. Recommendations for salary adjustments outside of an employee's current pay range and/or the approved program's increase structure must be submitted to the Chief Executive Officer for final approval and include a letter of justification.

In administering this policy, salary increases are not automatic. The employee must meet the minimum requirements established by his/her program in granting salary increases. If the employee does not meet these requirements, the employee will not be eligible for a salary increase. When performance is unsatisfactory a performance improvement plan will be developed by the employee's supervisor, and the employee will be reviewed again within ninety (90) days. If no improvement is shown, the employee will be subject to corrective action up to and including termination (see Policy 5025, Counseling and Corrective Action).

Employees who are not satisfied with the results of the compensation decision or who have questions about Fresno EOC's salary administration program should direct his/her concern to his/her supervisor.

Employees who have reached the maximum of the pay range for his/her job will not be eligible for further salary increases unless the range is adjusted.

V. PROMOTIONS

A promotion is the advancement from a position in one pay grade to another position in a higher pay grade. When promoted, a fully qualified employee should receive the minimum of the pay range assigned to the new position or a 5% increase, whichever is higher.

An employee may be promoted to a higher level of the same position occupied by the employee, such as from Secretary I to Secretary II or from Teacher I to Teacher II, when certain criteria of the job description are met.

VI. RECLASSIFICATIONS

Reclassifications may be made when a major change in the position content occurs, or when the incumbent in the position relinquishes or assumes substantial responsibilities and/or requires a marketplace adjustment. When a position warrants reclassification, the job description will be reviewed, reevaluated, and assigned to the proper pay grade.

If, as a result of reevaluation, a position is changed to a higher or lower pay grade, a change in pay rate should be considered. If the employee's position is evaluated to a higher pay grade, the rate should be increased to reflect the minimum of the new grade. If the employee's position is evaluated to a lower pay grade, the rate will remain the same unless it is above the maximum of the new pay range, in which case it will be adjusted to the maximum of the pay range, subject to program funding.

When an employee is demoted, the rate will be continued, provided it does not exceed the maximum of the salary range of the new classification. If the rate does exceed the maximum of this classification, it will be adjusted to the new maximum, subject to program funding.

VII. TRANSFERS

Transfers, may be from one position to another within the same pay grade, or from a position in one program to a position of equal value in another program (see Policy 1020, Transfers and Promotions).

VIII. NEW HIRE PAY

A new employee will generally be hired at the minimum of the pay range for the pay grade assigned to his/her position. A candidate may be offered a higher starting rate based on experience, skill level or other competitive considerations. Any change from the normal starting rate must be reviewed and approved by the appropriate program manager, director, and responsible Officer, and must include a letter of justification before a job offer is made.

IX. APPROVAL OF WAGE AND SALARY ADJUSTMENTS

A. Employee Form: A formal procedure has been established for recording employment status and changes to an employee's rate, classification, and/or assignment. The Employee Form is the only official method by which supervisors can be assured that his/her recommendations for changes will be recorded on all pertinent records. All requests for pay adjustments must be accompanied by appropriate documentation which may include performance evaluations to support the request.

B. Approval: The Employee Form requesting any change must be completed and signed by the supervisor, program manager, and director before it is submitted to the responsible Officer for approval. The signed form will be returned to the Human Resources Office for implementation of the change and filing in the employee's personnel file. Proposed changes related to pay shall not be discussed with the employee until final approval has been received.

C. Temporary Payroll Notices: Employees who are placed in temporary assignments at a higher job level for at least ten consecutive working days will normally be compensated with a 5% salary increase.

POLICY 2030 GARNISHMENTS

PURPOSE: To establish a procedure for the proper handling of garnishments against employee wages.

POLICY: It is the policy of Fresno EOC to comply with garnishment orders. Garnishments are court orders to an employer to withhold a sum of money from an employee's wages or salary. Because both federal and state laws govern garnishments, it is the policy of Fresno EOC to process them within the requirements of state law, Title III of the Consumer Credit Protection Act, and the Child Support Enforcement Program.

REFERENCE: Consumer Credit Protection Act 15 U.S.C. §§ 1671 et. seq. Child Support Enforcement Program 42 U.S.C. §§ 654 and 666, Bankruptcy Act of 1978 and the Bankruptcy Act Amendments of 1984 11 U.S.C. § 525(a) and (b).

PROCEDURES:

I. RESPONSIBILITY

A. Employee: Employees are responsible for managing his/her personal finances so that he/she does not adversely impact job performance. The failure of an employee to meet his/her financial obligations may impose an administrative and financial burden on Fresno EOC in terms of the expense and bookkeeping in responding to and complying with court orders.

B. Payroll: Any writ of garnishment or attachment, notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee served on Fresno EOC is to be referred to the Payroll Office. The Payroll Office will take immediate action and ensure that the employee receives a copy of the order. The employee will be encouraged to take care of the financial obligation, if possible, and obtain a release of the garnishment prior to any deductions being taken from the employee's wages. The Payroll Office will be responsible for receiving the garnishment order and deducting the proper amount each pay period in accordance with federal and state law until the obligation is met.

II. TYPES OF GARNISHMENTS

Garnishments are legal claims against an employee's wages and may be in the form of federal or state levies for taxes, child support orders, or other court-ordered claims for indebtedness filed in a small claims court. Each of the forms of garnishments has different preferences and deduction requirements from employee disposable earnings. Disposable earnings are defined as that part of the employee's earnings after deductions required by law. These deductions include federal and state income taxes, social security taxes, state disability payments and state paid family leave.

Fresno EOC will withhold amounts required by the garnishment or wage order from the disposable earnings up to the amounts permitted by law.

III. CORRECTIVE ACTION

No employee will be terminated from employment because earnings have been subjected to garnishment for one indebtedness within one year, even if it is for more than one garnishment for the same indebtedness. However, repeated garnishments for more than one indebtedness may result in corrective action, up to and including termination, depending on the circumstances of the case and any restrictions under state and federal law.

POLICY 3010 HOLIDAYS

PURPOSE: To observe and allow time off with pay for designated holidays.

POLICY: It is the policy of Fresno EOC to designate and observe certain days each year as holidays. Eligible employees will be given a day off with pay for each holiday observed. The following holidays are observed, however, Fresno EOC reserves the right to amend this policy at its discretion:

- New Year's Day
- Martin Luther King Jr. Day
- Lincoln's Birthday
- Washington's Birthday (President's Day)
- Cesar Chavez Day
- Memorial Day
- Independence Day
- Labor Day
- Indigenous People's Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

In addition to the above, at the Chief Executive Officer's discretion, employees may be authorized to leave early on Christmas Eve day and New Year's Eve day.

PROCEDURES:

I. ELIGIBILITY

All regular full-time employees are eligible to receive his/her regular rate of pay for each observed holiday. Regular part-time employees are eligible to receive holiday pay only for holidays on which he/she would normally be scheduled to work, and only for his/her regularly scheduled number of hours. Temporary employees are treated the same as full-time or part-time employees for holiday purposes, depending on whether such temporary employee is working full-time or part-time. Employees on leaves of absences, seasonal breaks, or on lay-off status will not be eligible to receive holiday pay.

To receive holiday pay, an eligible employee must be at work or taking an approved absence on the scheduled workdays immediately preceding and immediately following the day on which the holiday is observed. If an employee is absent on one or both of these days because of an illness or injury, Fresno EOC reserves the right to verify the reason for the absence before approving holiday pay.

II. HOLIDAY SCHEDULE

An approved holiday that occurs on a Saturday or Sunday will be observed on either the preceding Friday or following Monday.

Holidays that occur during an employee's vacation will not be counted as vacation days taken.

Fresno EOC may schedule work on an observed holiday, as it considers necessary. Normally, work on an observed holiday will be paid as if the day were a regularly scheduled day. The responsible Officer will determine if the employee will receive additional pay for the day or take a paid day off at another time. However, Fresno EOC may, at its discretion, require an employee to work on scheduled holidays and provide pay in lieu of time off.

III. HOLIDAY PAY

Non-exempt employees who are required to work on a designated holiday will be paid his/her regular rate of pay plus holiday pay or be allowed to observe the holiday by taking off another day approved by the employee's supervisor and program manager/director within the same workweek. Holidays which are observed and not worked will not be considered as time worked for the purpose of calculating overtime.

IV. OTHER HOLIDAYS

Fresno EOC recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days that are not included in Fresno EOC's regular holiday schedule. Accordingly, employees who would like to take a day off for those reasons may do so if it will not impose an undue hardship on the ability of Fresno EOC to conduct business, and the time off is requested and approved in advance by the employee's supervisor. Employees may use accumulated days of paid vacation for these occasions, or he/she may take the time off as an unpaid, excused absence.

V. HOLIDAY PROCEDURES RELATING TO SOUL TEACHERS

SOUL teachers observe holidays in alignment with Fresno Unified School District holidays.

POLICY 3020 VACATION

PURPOSE: To establish a vacation plan for the benefit of regular full-time and eligible part-time employees.

POLICY: It is the policy of Fresno EOC to provide vacation benefits to eligible employees to enable them to take paid time off.

PROCEDURES:

I. ELIGIBILITY

All regular full-time and part-time employees working thirty (30) hours or more per week are eligible to accrue vacation benefits based on his/her continuous length of service, measured from the date of hire or date from which the employee became eligible for vacation benefits. Continuous length of service is defined as service that is uninterrupted by termination of employment and subsequent rehire by Fresno EOC.

II. VACATION ACCRUAL

A. Full-time Employees: Vacation accrues according to the following schedule:

Years of Continuous Service	Vacation Accrual
Date of hire or eligibility through completion of second year	1-1/4 working days for each full month worked up to a maximum of 15 days per year.
Third year and thereafter	1-2/3 working days for each full month worked up to a maximum of 20 days per year.

Vacation accrues on a bi-weekly basis based on the number of hours worked. To receive a full accrual for the month, employees must either work the full bi-weekly period or receive paid time off. Any unpaid time off will affect the vacation accrual.

B. Part-time Employees: Regular part-time employees working a minimum of thirty (30) hours per week accrue vacation benefits on a pro rata basis which relates to the average number of hours worked to a regular full-time work week. Part-time employees who work less than thirty (30) hours per week do not accrue vacation benefits.

C. Temporary and On-Call Employees: Temporary and On-Call employees do not accrue vacation benefits.

D. Maximum Accrual: Vacation accruals may not exceed twice an employee's current annual entitlement (e.g. 30 days for an employee with less than two years of service or 40 days for an employee with more than two years of service). Once this maximum is reached, all further accruals will cease. Vacation accruals will recommence after the employee has taken vacation and accrued hours have dropped below maximum.

E. Vacation Accrual during Periods of Leaves of Absence: Vacation time does not accrue during a leave of absence. Vacation accruals recommence when the employee returns to work. Vacation accrual will be tracked on employees' itemized wage statements.

III. VACATION APPROVAL AND SCHEDULING

A. Vacation Approval: All vacations must be approved in advance by the employee's immediate supervisor, program manager/director.

B. **Vacation Scheduling:** Scheduling of vacations is to be done in a manner consistent with Fresno EOC's operational requirements. Vacation requests should be submitted by an employee to his/her immediate supervisor for approval at least two weeks prior to the commencement of a vacation period or as requested by the program director. Fresno EOC reserves the right to deny the employee's requested date(s) of vacation if granting such vacation time will disrupt Fresno EOC's business. In the event that two or more employees have requested vacations covering the same period and may not be absent simultaneously, preference shall be given to the employee with the greater length of service.

C. **Vacation Advances:** An employee is not permitted to borrow on future accrual of vacation benefits unless otherwise agreed upon by the responsible Officer who must approve any exceptions or as otherwise provided by specific program needs such as mandatory seasonal closures, such as Head Start that closes for winter break or as required for program necessities.

IV. VACATION USE

Accrued vacation must be taken in increments of not less than one-half (1/2) hour.

Employees who request family or medical leave (see Policy 4010, Family, Medical, Pregnancy, and Other Disability Leaves of Absences) may apply any available accrued vacation pay to his/her family or medical leave.

No allowance will be made for sickness or other compensable type of absence occurring during a scheduled vacation.

V. VACATION PAY

Vacation pay for full-time and part-time employees will consist of the employee's base rate of pay for the vacation period and will be paid on the regular scheduled payday.

No vacation cash outs are allowed. On termination of employment, the employee will be paid all accrued but unused vacation at the employee's base rate of pay at the time of termination.

VI. VACATION PROCEDURES RELATING TO SOUL TEACHERS

SOUL teachers do not accrue vacation benefits.

POLICY 3030 SICK TIME

PURPOSE: To help prevent loss of earnings that may be caused by personal or family illness or injury. This policy is for the benefit of eligible employees and should be used wisely. This is separate from the Paid Sick Leave Policy.

POLICY: It is the policy of Fresno EOC to permit employees to be absent from work for personal illness or injury or the illness or injury of a family member, as defined in Section I (A) of Policy 4010 or registered domestic partner, or the child of a registered domestic partner, which requires immediate attention.

REFERENCE: California Labor Code § 233, California Labor Code sections 245-249 and section 2810.5.

PROCEDURES:

I. DEFINITION

Sick time is time off from work that employees can use during periods of temporary illness to address his/her health and safety needs or that of a family member as defined in section IV of this policy. Sick time that is longer than 3 days may be designated as Family and Medical Leave Act if all criteria is met and must be converted to an approved leave of absence for employment rights to be maintained (see Policy 4010, Family, Medical, Pregnancy and Other Disability Leaves of Absence). Fresno EOC reserves the right to amend this policy at its discretion.

II. ELIGIBILITY

All regular full-time and part-time employees working thirty (30) hours or more per week are eligible to accrue sick time benefits.

Part-time employees working less than thirty (30) hours per week, temporary, and on-call employees are not eligible to participate in this program, but may take unpaid absences if approved by his/her supervisor.

All employees are eligible for Paid Sick Leave (PSL) (see Policy 3035, Paid Sick Leave).

III. ACCRUAL

All regular full-time employees are eligible to accrue up to a maximum of nine (9) days of sick time per calendar year. Eligible part-time employees are eligible to accrue sick time on a pro rata basis which relates the average number of hours per week worked to a regular full-time workweek. Sick time accrues on a bi-weekly basis. Sick time may not accrue during any unpaid time off. To receive a full accrual for the pay period, employees must either work the full bi-weekly period or receive paid time off.

IV. USE OF SICK TIME

Sick time may be taken for personal illness or injury, disability, illness of a family member such as a child, spouse or parent, registered domestic partner or the child of a registered domestic partner, or for a family care or medical leave purpose (see Policy 4010 Family, Medical, Pregnancy, and Other Disability Leaves of Absences). Hours absent for medical and dental appointments will be treated as sick time. When possible, employees are expected to plan medical appointments in a manner that minimizes a disruption of the workflow.

Employees must use sick time in no less than a minimum of one (1) hour. Employees' sick time will be tracked on their itemized wage statement.

V. KIN CARE

An employee may use up to only one-half of his/her annual sick time accrual, once it has actually accrued, when they need time to care for himself/herself or a family member.

A family member means any of the following: a child (biological, adopted, foster, step, legal ward, child to whom the employee stands in loco parentis); parent (biological, adoptive, foster, step, legal guardian of employee or employee's spouse or registered domestic partner or a person who stood in loco parentis when employee was a minor child; spouse; registered domestic partner; grandparent; grandchild; and sibling. Management retains the right to request verification at any time from a licensed health care provider for any absences related to kin care.

The amount of sick time available for kin care does not carry over from year to year.

Fresno EOC will not discriminate in any manner against an employee for using or attempting to use sick time for kin care.

Sick time used for kin care, up to one half of the employee's annual accrual, will not count towards Fresno EOC Attendance Policy (see Policy 1150 Hours of Work, Punctuality, and Attendance).

VI. MAXIMUM ACCRUAL

Sick time may be accumulated up to a maximum of sixty (60) working days or 450 hours for use in future years.

VII. SICK PAY

Eligible employees will be compensated for regular base wages lost during certain periods of absence to the extent that he/she has accumulated days of sick time under this policy. Sick time will be paid at the employee's base rate of pay and paid for regularly scheduled workdays.

Compensation for absences will not be granted before sick time has been accrued. Sick time will not be considered as work time for calculating weekly overtime compensation.

No unused sick time benefits will be paid upon termination of employment or retirement.

VIII. APPROVAL OF SICK TIME

A Request for Authorized Absence form or electronic request must be completed for each absence and approved by the employee's supervisor. Management retains the right to request verification at any time from a licensed health care provider for all absences due to illness or disability. Sick pay may be denied if a satisfactory verification is not provided by the employee upon request by the supervisor.

An employee will not be allowed to use more than his/her accrued sick time balance. In the event an employee is unable to report to work due to personal or family illness or injury, the employee's supervisor or program manager/director must be directly contacted no later than the normal reporting time or adhere to the location reporting procedure. The date of return must be provided. If unknown, the employee's supervisor or program director/manager must be directly contacted each day prior to the normal reporting time, unless a written statement has been provided by a licensed health care provider.

IX. COORDINATION OF SICK TIME BENEFITS WITH WORKERS' COMPENSATION AND NON-OCCUPATIONAL DISABILITY OR MEDICAL LEAVES OF ABSENCE

An eligible employee may use sick time benefits during the applicable waiting period prior to being paid workers' compensation temporary disability benefits. Similarly, an employee may be paid sick time benefits during the

applicable waiting period before becoming eligible for benefits under the state disability or paid family leave insurance plan.

Following the applicable waiting periods, an employee may continue to receive accrued sick pay, less the disability benefits actually received or the disability benefits that would have been received had the employee made timely application to the appropriate agency.

POLICY 3035 PAID SICK LEAVE

PURPOSE: To ensure that all Fresno EOC employees can address his/her own health needs and the health needs of his/her families by providing paid sick days including time for family care. In addition, Fresno EOC strives to enable its employees to seek early and routine medical care for himself/herself and his/her family members and to provide leave for victims of domestic violence, sexual assault or stalking.

POLICY: It is the policy of Fresno EOC to provide State-mandated Paid Sick Leave (PSL) to every employee. PSL is different and separate from Policy 3030 (Sick Time).

REFERENCE: California Labor Code sections 245-249 and section 2810.5.

PROCEDURE:

I. DEFINITION(S)

Paid Sick Leave (PSL) is leave used for the diagnosis, care or treatment of an existing condition, or preventive care, for the employee or for a family member. This also includes leave used by employees who are victims of domestic violence, sexual assault, or stalking.

A “family member” means any of the following: A child (biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis); 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); a spouse; a registered domestic partner; a grandparent; a grandchild; a sibling.

II. ELIGIBILITY

All employees who, on or after July 1, 2017, have been employed by Fresno EOC for 30 or more days within a year from the beginning of employment will be entitled to PSL.

III. EARNED/FRONT LOAD

For employees hired prior to April 1, 2017, Fresno EOC will front load the full amount of PSL of 24 hours or 3 days, whichever is greater; annually on the first of July, to be used during the following 12 months of employment.

Employees hired after April 1, 2017, will be provided 24 hours or 3 days, whichever is greater, on or after the 90th day of employment.

For purposes of calculating PSL, employees who are exempt from overtime as an administrator, executive or professional under the appropriate wage order will be deemed to work his/her regularly scheduled workweek. All other employees must keep a record of hours worked so that Fresno EOC can properly account for accrued sick leave.

IV. MAXIMUM EARNED

Unused PSL cannot be carried over and will be zeroed out each year at the end of June and a new 24 hours or 3 days, whichever is greater, will be provided on the first of July.

Unused PSL will not be paid to the employee at the separation of employment. However, if the employee is rehired by Fresno EOC within one year of the date of separation, previously accrued but unused PSL will be reinstated at rehire.

V. USE OF PAID SICK LEAVE

Employees requesting time off under this policy should provide notice of the need for leave as soon as practicable, and in advance, if foreseeable. A request for time off can be made orally or in writing.

Employees must use PSL in no less than a minimum of one (1) hour.

An employee cannot use more than twenty-four (24) hours or three (3) days, whichever is greater, of PSL in each calendar year of employment. Fresno EOC will not lend PSL to employees in advance (i.e. employees are not allowed to have a negative balance for this benefit).

Employee MUST designate if leave used will be PSL (Paid Sick Leave). Designation must be made as soon as reasonable or within the current pay period. If no designation is given by the employee, Fresno EOC may designate the time off according to Sick Time Policy (see Policy 3030, Sick Time). If no designation is given for the time off (even though the employee still has PSL available), and if the employee has exhausted his/her sick time, the time off shall be taken as unpaid. If PSL has been exhausted for the given year and if there is no sick time available, the time off shall be taken as unpaid.

Leave taken under this policy may run concurrently with leave taken under local, state or Federal law including leave taken pursuant to California Family Rights Act (CFRA) or Family Medical Leave Act (FMLA).

VI. APPROVAL OF PSL

Fresno EOC will not discriminate or retaliate in any manner against an employee for using or attempting to use PSL.

Time off for PSL will not count towards the Fresno EOC Attendance Policy (see Policy 1150 Hours of Work, Punctuality, and Attendance).

VII. PSL PAY

PSL will be paid at the employee's hourly rate of pay. For employees paid different hourly pay rates within the last 90 days before taking PSL, or employees paid by commission, piece rate or non-exempt salaried employees, the rate of pay will be calculated by dividing the employee's total wages, excluding overtime, by total hours worked.

VIII. NOTICE TO EMPLOYEES

A poster describing PSL rights shall be located in the break room or other common area frequented by staff.

Fresno EOC will maintain records documenting hours worked and PSL earned and used, and will make them available within 21 days upon request.

POLICY 3040 INSURANCE BENEFITS

PURPOSE: To summarize the insurance benefits available for employees of Fresno EOC.

POLICY: It is the policy Fresno EOC to provide its employees with various insurance benefits. Information and summaries intended to explain the various insurance benefit plans will be furnished to all plan participants. Fresno EOC reserves the right to modify, amend, or terminate its insurance plans as they apply to all current and former employees. The benefits offered to eligible employees include workers' compensation insurance; State Disability Insurance; medical, dental, vision, and prescription drugs insurance; group life, accidental death and dismemberment, and business travel insurance. Eligibility will depend upon the specific requirements of each benefit plan and is described in the summary plan document where applicable.

REFERENCE: Consolidated Omnibus Budget Reconciliation Act, California Labor Code Section 3700, Unemployment Insurance Code Section 3300-3306, Health Insurance Portability and Accountability Act.

PROCEDURES:

I. GROUP INSURANCE BENEFITS

A. Insurance Coverage Information: Eligibility requirements and further information concerning insurance coverage are fully explained in the Group Health Plan Summary Plan Documents available from the Human Resources Office.

B. Group Health Insurance: The group health plan includes medical, vision, dental, and prescription drug coverage.

1. Eligibility: All regular full-time and part-time employees working thirty (30) hours or more per week and their dependents are eligible to participate in the group health plan beginning the first of the month following employment, provided an enrollment form is completed within thirty-one (31) days following employment. Those who are not eligible for the group health plan may be eligible for the sub on call plan based upon requirements as allowed by law. Employees, who become eligible after employment may participate beginning the first of the month following eligibility, provided an enrollment form is completed within thirty-one (31) days of becoming eligible. Newly acquired dependents, such as by marriage, birth or by adoption, will become eligible on the effective date of the occurrence, provided an enrollment form is completed within thirty-one (31) days of the occurrence.
2. Open Enrollment: An annual open enrollment period of 30 days will be conducted each year for eligible employees and his/her dependents. Employees who did not enroll during the time periods mentioned above have an opportunity to enroll during this open enrollment period. The effective date of coverage will be January 1, following submission and approval of enrollment selections.
3. Termination of Coverage: Insurance coverage terminates on the last day of the month that employment terminates or when an authorized leave of absence exceeds four (4) months unless the employee is on an approved CFRA leave preceded by PDL leave.
4. Conversion/Post-Employment Insurance Options: Pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), eligible employees and their dependents are entitled to continue health insurance coverage after employment with Fresno EOC ceases. The Human Resources Office and/or the third party administrator must provide employees with information on how they can continue health care coverage under COBRA.

C. Group Life Insurance: All regular full-time and part-time employees working thirty (30) hours or more per week are eligible for life insurance. Coverage begins on the first of the month following employment or eligibility. The maximum amount covered is described in the summary plan document.

D. Accidental Death and Dismemberment: All regular full-time and part-time employees working thirty (30) hours or more per week are eligible for accidental death and dismemberment insurance beginning on the first of the month following employment or eligibility. The maximum amount covered per loss is described in the summary plan document.

E. Premium Payments for Insurance Coverage: Employees who are enrolled in a group health insurance plan are required to participate in the cost of the insurance by having a deduction taken from his/her paycheck bi-weekly for use towards the premium cost.

Group health insurance benefits ordinarily provided by Fresno EOC, and for which the employee is otherwise eligible, will continue during an authorized leave of absence for up to the required amount allowed by the leave, in most cases up to four (4) months, provided the employee pays the required contributory amount. Payment must be received in the Human Resources Office by the 25th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. Fresno EOC will provide 15 days' notification prior to the employee's loss of coverage. Employees returning from an authorized Leave of Absence will be reinstated into health coverage effective the 1st of the following month. After the four (4) month period, employees will be given the option to continue with group health insurance through COBRA.

II. OTHER INSURANCE BENEFITS

A. Paid Family Leave (PFL): To protect employees who miss work due to a serious illness of a family member covered by California law, or to bond with the employee's new child, the new child of the employee's spouse or registered domestic partner or a child in connection with the adoption or foster care placement of the child with the employee's spouse or registered domestic partner, the law requires that a small percentage of each employee's wages, up to the prevailing maximum, be deducted each pay period for disability insurance. PFL provides up to six (6) weeks of benefits in a twelve (12) month period based on the employee's earnings. Benefits are paid directly to the employee by the state. The program is under the state's disability insurance program and funded through an employee tax (SDI). Employees may receive SDI or PFL while on a protected leave covered under the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), and Pregnancy Disability Leave (PDL). Claim forms and an informational brochure are available from the Human Resources Office or online at www.edd.ca.gov.

B. State Disability Insurance (SDI): To protect employees who miss work due to a non-work-related accident or illness, the law requires that a small percentage of each employee's wages, up to the prevailing maximum, be deducted each pay period for disability insurance. There is a seven-day waiting period before benefits are payable. Benefits are paid directly to the employee by the state. Disabled employees who are eligible will be paid a percentage of his/her regular earnings for a maximum period provided by law in any one year. Benefits are based on the wages paid during a specific 12-month base period, depending upon when the claim is filed. Claim forms and an informational brochure are available from the Human Resources Office.

Sick time benefits may be coordinated with SDI (see Policy 3030, Sick Time).

C. Worker's Compensation Insurance: Fresno EOC carries workers' compensation insurance coverage as required by law to protect employees who are injured on the job. In general, this insurance provides medical, surgical, and hospital treatment in addition to payment for loss of earnings that result from work-related injuries. Disability payments for qualified employees begin from the first day of an employee's hospitalization or after the third day following the injury if an employee is not hospitalized. Sick time benefits may be coordinated with workers' compensation benefits (see Policy 3030, Sick Time).

D. Business Travel Accident Insurance: The Group Travel Accident Insurance Plan provides all-risk accident protection against most types of accidents while an employee is traveling on business, including flying as a

passenger (but not as a pilot or crew member) in any commercial non-charter aircraft or an aircraft operated by Fresno EOC. All employees are eligible for coverage under this plan when they are traveling on business for Fresno EOC. Business travel means travel for the purpose of furthering the business of the Fresno EOC. Injuries sustained during the course of everyday travel to and from work, leaves of absence or vacations are not, for the purpose of this insurance, regarded as injuries sustained during business travel. The maximum amount payable under this plan is described in the summary plan document. There is no additional cost to the employee for this benefit.

III. HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT – PRIVACY RULE (HIPAA):

The HIPAA Privacy Rule regulates the use and disclosure of Protected Health Information (PHI) held by “covered entities” (generally health care clearinghouses, employer-sponsored health plans, health insurers, and medical service providers that engage in certain transactions). PHI is any information held by a covered entity which concerns health status, provision of health care, or payment for health care that can be linked to an individual. This is interpreted broadly and includes any part of an individual’s disclosure of Protected Health Information (PHI) held by covered individual within 30 days upon request. They also must disclose PHI when required to do so by law such as reporting suspected child abuse to state child welfare agencies.

POLICY 3050 RETIREMENT PLANS

PURPOSE: To provide eligible employees with retirement benefits and provide all employees with the opportunity to establish a savings plan to supplement retirement income.

POLICY: It is the policy of Fresno EOC to provide a defined contribution retirement plan funded by contributions made by Fresno EOC. Additionally, Fresno EOC has established the opportunity for all employees to save for retirement through a voluntary, self-directed retirement plan. All benefits provided in the plan are described in the plan document which is available for review in the Human Resources Office by any plan participant or beneficiary.

REFERENCE: Pension Plan of Fresno EOC as amended; Internal Revenue Code § 415; Employee Retirement Income Security Act of 1974; 1991 Omnibus Bill. Internal Revenue Code § 403(b), (12); DOL Regulation 2510.3-29(f).

PROCEDURES:

I. RETIREMENT PLANNING

In addition to providing a defined contribution retirement plan and a self-directed retirement savings plan, Fresno EOC provides financial planning services at no cost to employees. Employees can contact the Human Resources Office for contact information for the financial planning advisor.

II. 401(a) PENSION PLAN

A. Summary: The 401(a) Pension Plan is provided by the agency at an equivalent of 5% of an employee's gross pay.

B. Eligibility: To become a participant in the plan, an employee must reach age 21, and complete two years of service. A year of service is defined as a year (counting from the hire date or from the anniversary of the hire date) in which the employee worked at least 1,000 hours.

C. Enrollment: An employee who becomes eligible will be notified of his/her eligibility and will automatically be enrolled in the Plan. All employees are required to designate a beneficiary.

D. Benefit Calculation:

1. An employee begins participating and receiving benefits on the first day of the month after meeting eligibility.
2. The agency contribution benefit is equal to 5% of an employee's gross pay each pay period.

E. Distribution of Funds: Employees should refer to the third party administrator website for distribution and loan information.

III. 403(b) TAX SHELTERED PLAN

A. Summary: The 403(b) plan gives an employee the opportunity to put contributions into a retirement savings plan. Employee participation in the program is voluntary.

B. Eligibility: An employee who normally works at least 20 hours per week is eligible to participate.

C. Enrollment: An employee can enroll in the voluntary contribution plan by either completing an enrollment form or registering an online account and electing contributions.

D. Contributions:

1. This plan consists of voluntary contributions as elected by the employee. There are no employer contributions to this plan.
2. Contributions may be made as a percentage of pay or a fixed amount. Annual contributions are limited to the amounts allowed under IRC §415(b). Catch-up contributions under IRC §414(v) are allowed for employees over age 50.
3. The plan offers both pre-tax Salary Reduction and after-tax Roth Contributions options. Employees may elect to divide their contributions between these options.

E. Distribution of Funds: Employees should refer to the third party administrator website for distribution and loan information.

IV. 457(b) DEFERRED COMPENSATION PLAN

A. Summary: This is a “top-hat” plan which restricts eligible participants to the exempt employees who receive compensation three times greater than the average compensation of the non-top-hat group.

B. Eligibility: Changes in eligibility are determined quarterly based on a census of active employee pay rates.

C. Enrollment: Eligible employees will be notified and given the opportunity to enroll.

D. Contributions:

1. Eligible employees are allowed to make voluntary contributions to the plan up to the limits allowed under IRC §415(b); catch-up contributions are permitted under the 3-Year Special Catch-up rule.
2. Employer contributions that are non-elective and discretionary are allowed but must have appropriate approval.

E. Distribution: Employees should refer to the third party administrator website for distribution and loan information.

V. PLAN REPORTING

Quarterly financial and investment reports are prepared and reviewed by the assigned Finance Office staff and are approved by the Pension Committee. Transaction and balance activity is gathered from the monthly statements received from the record-keeper.

Annual 1099-R and IRS Form 945 are processed by record-keeper.

Upon request, a report can be generated reflecting the balances in the plan by participant. Detailed information regarding employer and employee contributions, income, and withdraws, is included. These reports and others are available through the Transamerica Sponsor website.

VI. AMENDMENTS/TERMINATION OF THE PLAN

Fresno EOC reserves the right to amend the Retirement Plan. Plan amendments cannot reduce a participant's interest in the vested account balance, nor divert any portion of Plan assets to any purpose other than the payment of retirement benefits or defraying reasonable trust expenses. The Board of Commissioners of Fresno EOC has the authority to terminate the Plan by appropriate resolution and amendment. In the event of a Plan termination, a participant's interest in the Plan remains one hundred percent (100%) vested and non-forfeitable,

and the participant's interest will be distributed as if the participant had terminated employment prior to retirement.

POLICY 4010 FAMILY, MEDICAL, PREGNANCY AND OTHER DISABILITY LEAVES OF ABSENCE

PURPOSE: To define Fresno EOC's policy and procedures to provide (A) family care and medical leave in accordance with California's Family Rights Act and the Federal Family and Medical Leave Act of 1993: (B) pregnancy leave in accordance with the California Fair Employment and Housing Act: and (C) disability leave as required to reasonably accommodate employees with a qualified disability under the Americans with Disabilities Act (ADA) or with a workplace injury.

POLICY: It is the policy of Fresno EOC to provide family, medical, pregnancy and other disability leaves of absences in accordance with applicable law.

REFERENCE: California Family Rights Act, California Labor Code §12945.2, 2 California Code of Regulations § 7291.2 et seq. and § 7297.0 et seq., and the Federal Family and Medical Leave Act of 1993, Genetic Information Nondiscrimination Act, California Labor Code § 132a.

PROCEDURES:

I. FAMILY AND MEDICAL LEAVE

Fresno EOC recognizes that employees may need to provide care for their dependent children, elder parents and certain other family members as defined in Section I(A). Fresno EOC also recognizes that family care obligations can, at times, require an employee to be absent from the workplace for an extended period. For that reason, Fresno EOC has established the following Family and Medical Leave Policy. The intent of this policy is to enable employees to attend to serious medical conditions of certain family members, including his/her own serious health condition, when necessary. Fresno EOC follows the regulations set forth in the Federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). There are times when this leave runs concurrently with other forms of leave of absence.

Employee Eligibility: To be eligible for family and medical leave benefits, you must: (1) have worked for Fresno EOC for a total of at least 12 months; (2) have worked at least 1,250 hours over the previous 12 months; and (3) work at a location where at least 50 employees are employed by Fresno EOC within 75 miles.

Leave Available: Eligible employees may receive up to a total of 12 workweeks of unpaid leave during a 12-month period. A 12-month period begins on the date of the employee's first use of family and medical leave. Successive 12-month periods commence on the date of an employee's first use of family and medical leave after the preceding 12-month period has ended. Leave may be used for one or more of the following reasons:

- a. The birth of the employee's child or placement of a child with the employee for adoption or foster care;
- b. To care for the employee's immediate family member (spouse, registered domestic partner, child, or parent) with a serious health condition;
- c. To take medical leave when the employee is unable to work because of a serious health condition; or
- d. For employees who need to take leave due to a "qualifying exigency" ("Qualifying Exigency Leave") resulting from:
 - 1. Their spouse, son, daughter, and/or parent is a member of the Armed Forces ("Military Member") being deployed on covered active duty to a foreign country; or
 - 2. Their spouse, son, daughter, and/or parent is a member of the National Guard or Reserves ("Military Member") being deployed under a call or order to covered active duty to a foreign country.

For purposes of FMLA, a “serious health condition” entitling an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involves:

a. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom), or any subsequent treatment in connection with such inpatient care: or

b. Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(i) A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there-from) of more than three consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(A) Two visits to a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider within 30 days of the beginning of the period of incapacity and the first visit to the health care provider taking place within seven days of the first day of incapacity, or

(B) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

(ii) Any period of incapacity due to pregnancy, or for prenatal care.

(iii) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that involves at least two visits to a health care provider per year. Common ailments do not qualify for FMLA unless complications arise.

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hours schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member) over a 12-month period. In order for time to be counted toward Intermittent FMLA/CFRA. An employee must record intermittent FMLA/CFRA usage on his/her time sheet and complete a Request for Authorized Absence form. In addition to the above-referenced family and medical leave, Fresno EOC also provides Military Caregiver Leave, which is a protected leave of absence for employees who are a spouse, son, daughter, parent or next of kin of a covered Military Member who need to take time off to care for:

The Military Member who, while on active duty with the United States Armed Forces, the National Guard, or Reserves, suffered or aggravated a “serious injury or illness” that:

a. Requires the Military Member to undergo medical treatment, recuperation, or therapy as a result of that serious injury or illness; or

b. Places the Military Member on the temporary disability retired list.

The Military Member who is a veteran of the Armed Forces, the National Guard, or Reserves (“Veteran Military Member”) who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave who suffered or aggravated a “serious injury or illness” that:

- a. Requires the Veteran Military Member to undergo medical treatment, recuperation, or therapy as a result of that serious injury or illness.

Under those circumstances, an affected employee is entitled to receive up to 26 weeks of unpaid leave in a single 12-month period, which can be taken either in one large block of time or intermittently. An employee who, in the same 12-month period, previously took other family and medical leave is entitled to receive Military Caregiver Leave, but, under those circumstances, the total leave taken will not exceed 26 weeks. For Military Caregiver Leave the 12-month period begins on the date of the employee's first use of Military Caregiver Leave.

Certain restrictions on these benefits may apply.

Notice & Certification: If you need family and medical leave and/or Military Caregiver Leave, you may be required to provide:

- i. 30-day advance-notice when the need for the leave is foreseeable--where the need for leave is unforeseeable, please inform Fresno EOC as soon as reasonably practical. Also a Request for Authorized Absence form must be completed and approved by the employee's immediate supervisor, program manager/director. If an employee fails to provide the requisite 30-day advance-notice for foreseeable events without any reasonable excuse for the delay, Fresno EOC reserves the right to deny the taking of the leave until at least 30 days after the date the employee provides notice of the need for family care or medical leave.

All requests for family care or medical leave should include the anticipated date(s) and duration of the leave.

- ii. Medical certification from a health care provider (both prior to the leave and prior to reinstatement) or, for Qualifying Exigency Leave, a copy of the military member's duty orders or other documentation issued by the military that indicates that the military member has been deployed to covered duty in a foreign country and the dates of the military member's deployment to that foreign country or for Rest and Recuperation leave, a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave. In addition, for Qualifying Exigency Leave, an eligible employee may be required to provide certification of the exigency necessitating leave. In providing this medical certification, Fresno EOC shall comply with the provisions of the Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits employers from requesting or requiring genetic information of an employee or family member of the employee, except as specifically allowed by law. To comply with GINA, Fresno EOC is asking that employees not provide any genetic information when responding to this request for medical information. Fresno EOC will not discriminate against any employee on the basis of his or her genetic tests, the genetic tests of that employee's family members, or the manifestation of a disease or disorder in family members of the employee.

The medical certification for leave for the employee's own serious health condition shall include (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; and (c) a statement that, due to the serious health condition, the employee is unable to perform the functions of the position. In addition, Fresno EOC may require the employee to obtain a second opinion from a doctor of Fresno EOC's choosing at Fresno EOC's expense. If the employee's health care provider and the doctor providing the second opinion do not agree, Fresno EOC may require a third opinion, also at Fresno EOC's expense, performed by a mutually agreeable doctor who will make a final determination. Before permitting the employee to return to work, Fresno EOC requires the employee to provide medical certification that he or she is able to return to work. An employee may be denied reinstatement until certification is provided. An employee, who is denied reinstatement due to a failure to provide medical certification for return to work, may be considered to have voluntarily resigned. An employee, who does not

provide a medical certification within 15 days and remains absent from work, may be considered to have voluntarily resigned.

Any request for medical leave for an employee's own serious health condition or for family care leave to care for a child, spouse, or parent with a serious health condition must be supported by medical certification from a health care provider. For foreseeable leaves, employees must provide the required medical certification before the leave begins. When this is not possible, employees must provide the required certification within 15 calendar days after Fresno EOC's request for certification. Failure to provide the required medical certification within 15 days of being requested to do so may result in a denial of the employee's continued leave and the employee may be considered to have voluntarily resigned. Any request for an extension of the leave also must be supported by an updated medical certification by a health care provider. If a certification is incomplete or insufficient, Fresno EOC will inform the employee in writing of needed information to complete the medical certification. The employee must furnish the additional information within 7 calendar days or the request for leave may be denied, and the employee may be considered to have voluntarily resigned.

- iii. Periodic recertification when prior certification expires; and
- iv. Periodic reports during the leave.

When leave is needed to care for an immediate family member or your own serious health condition, and is for planned medical treatment, you must try to schedule treatment so as not to unduly disrupt Fresno EOC's operation. The medical certification for a child, spouse, or parent with a serious health condition shall include (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; (c) the health care provider's estimate of the amount of time needed for family care; and (d) the licensed health care provider's assurance that the health care condition requires family care leave.

Upon receiving notice of your need for family and medical leave and/or Military Caregiver Leave and absent any extenuating circumstances, Fresno EOC will notify you whether the leave will be designated as family and medical leave and/or Military Caregiver Leave within five business days of learning that leave is being taken for a qualifying reason.

A "child" includes a biological, adopted or foster child, stepchild, or a legal ward. "Parent" means a biological, foster, or adoptive parent, a stepparent, or a legal guardian. Parent does not include a parent-in-law. "Spouse" means a partner in marriage or a registered domestic partner.

Compensation During Leave: Family and medical leave is typically unpaid. However, an employee who is granted a medical leave shall be entitled to use any accrued sick time and/or vested vacation benefits during the period of leave. Sick time benefits may be coordinated with State Disability, Paid Family Leave and/or Workers' Compensation temporary disability benefits payable under such a plan, provided the employee has sick or vacation time and elects to coordinate the two benefits. Except to the extent that other paid time is substituted for family care or medical leave, family care (and medical) leave is unpaid.

The substitution of paid leave for family care or medical leave does not extend the total duration of family care and medical leave to which an employee is entitled to beyond 12 weeks in a 12-month period. For example, if an employee has accrued four weeks of unused paid vacation time at the time of the request for family care or medical leave; that paid vacation time will be substituted for the first four weeks of family care or medical leave, leaving up to eight additional weeks of unpaid leave.

Benefits During Leave: Group health and life insurance benefits ordinarily provided by Fresno EOC, and for which the employee is otherwise eligible, will be continued during the period of the family medical and care leave, provided the employee pays the required contributory amount. Payments must be received by the 25th of the month. If payment is more than 30 days late Fresno EOC will provide 15-day notice before loss of coverage. Upon the employee's return, reinstatement of health benefits will occur on the 1st of the following month. In some

instances, Fresno EOC may recover premiums it paid to maintain health coverage if you do not return to work following family or medical leave.

Employees on family care and medical leave accrue employment benefits, such as vacation benefits, or seniority only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual.

Job Reinstatement: Under most circumstances, upon return from family and medical leave, you will be reinstated to your previous position, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, upon return from a family and medical leave, you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not gone on family and medical leave, or if your position has been eliminated during the leave, then you will not be entitled to reinstatement.

Prior to returning to work after taking family and medical leave for your own serious health condition, you will be required to submit a fitness-for-duty certification from your health care professional certifying that you are able to return to work. Failure to provide the fitness-for-duty certification in a timely manner may either delay your reinstatement to your position or result in a denial of your reinstatement request if the certification is never provided.

If you are returning from family and medical leave taken for your own serious health condition, but you are unable to perform the essential functions of your job because of a physical or mental disability, Fresno EOC will engage in the interactive process with you to determine if there is a reasonable accommodation that may be provided to enable you to perform the essential functions of your position to the extent that doing so would not create an undue hardship for Fresno EOC. Your use of family and medical leave will not result in the loss of any employment benefit that you earned or were entitled to before using family and medical leave.

Unlawful Acts: It is unlawful for Fresno EOC to interfere with, restrain, or deny the exercise of any right provided by state or federal family and medical leave law. It is also unlawful for Fresno EOC to refuse to hire or to terminate or discriminate against any individual for being involved in any proceedings related to family and medical leave.

Leave for Baby Bonding: The minimum duration of leave shall be two weeks for the birth, adoption or foster care of a child, and, must be taken within one year of the birth or placement of the child. However, Fresno EOC may grant a request for Baby Bonding leave of less than two (2) weeks duration on any two occasions.

Fresno EOC retains the discretion to transfer the employee temporarily to an alternative position with equivalent pay and benefits which better accommodates the leave.

II. EXTENDED LEAVE OF ABSENCE FOR MEDICAL DISABILITY

A. Request: This leave of absence will be used to extend the period of absence due to an employee's medical disability only. If an employee, who qualified for FMLA/CFRA and/or PDL has exhausted his/her leaves, and is unable to return to work after the allowable leave described in Section I and/or Section III of this policy, may request an extended medical disability leave in thirty (30) day increments or less. A Request for Authorized Absence form must be completed and approved by the employee's immediate supervisor, program manager/director. Initial requests for extended medical disability leave must be supported by a medical certification from a health care provider as defined in Section I(D)(2) of this policy. Any request(s) for extensions of this leave must be supported by a note from a health care provider. It is the employee's responsibility to provide the supervisor and/or program manager/director with a status report at least every thirty (30) days. Before returning to work following an extended medical disability leave, an employee must submit a licensed health care provider's verification stating the employee's ability to return to work with or without restrictions and the date the employee is able to return.

B. Status of Employee Benefits during Extended Medical Disability Leave: An employee who is granted an Extended Medical Disability Leave shall be entitled to use any accrued sick time and/or vested vacation benefits during the period of disability. Sick time benefits may be coordinated with State Disability and/or Workers' Compensation temporary disability benefits payable under such a plan, provided the employee has sick time and elects to combine the two benefits. Except to the extent that other paid leave is substituted for medical leave, the extended leave is unpaid.

Group health and life insurance benefits ordinarily provided by Fresno EOC and for which the employee is otherwise eligible may be continued during the extended disability leave but for no more than four (4) months total within a 12-month period, including benefits received during the previous twelve-week period. The employee must pay the required contributory amount. Payments must be received by the 25th of the month. If payment is more than 30 days late Fresno EOC will provide 15-day notice before loss of coverage. Upon the employee's return, reinstatement of health benefits will occur the 1st of the following month. Employees whose total medical leaves, including the extended leave, are in excess of four (4) months and who are enrolled in the health care plan have the right to elect continuation of coverage under COBRA. If a covered person is totally disabled when coverage terminates, benefits will be provided for that totally disabling condition until maximum benefits are paid, the disability ends, or up to twelve (12) months have passed since termination of coverage.

C. Reinstatement from Extended Leave: Except as provided by applicable law, Fresno EOC will make every effort to place an employee returning from an approved Extended Medical Disability Leave in the same or comparable position. If such position ceases to exist because of legitimate business reasons or if a position is not available, employment will be terminated, and the employee will be considered for future openings (see Policy 1090 Recruitment, Selection, and Employment). Employees who do not return after the period of the approved leave expires may be considered to have voluntarily resigned, unless unusual circumstances have prevented the return and a reasonable excuse has been offered and accepted within three (3) work days after the period of the approved leave expired.

III. PREGNANCY-RELATED DISABILITY LEAVE

A. Eligibility and Duration

1. Leave of Absence: Any employee who is disabled due to pregnancy, childbirth, or related conditions may take a pregnancy-related disability leave of up to four months. At the end of the pregnancy disability leave, an employee may request family care or medical leave to which the employee may be entitled under Section I of this policy (Family Care and Medical Leaves).

2. Temporary Transfer before Childbirth: An employee who is disabled due to pregnancy, childbirth, or related conditions may be entitled to transfer temporarily to a less strenuous or hazardous position or to less strenuous or hazardous duties if the transfer is medically necessary and the transfer can be reasonably accommodated. A written statement must be provided from a licensed health care provider stating the necessity of the transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties.

B. Substitution of Paid Leave for Pregnancy Related Disability Leave: An employee taking pregnancy related disability leave may, at her option, substitute accrued vacation time or unused sick time for all or a portion of the leave. The substitution of paid leave for pregnancy-related disability leave does not extend the total duration of the leave to which an employee is entitled.

The employee must provide the Agency with a certification from their health care provider. The medical certification should include:

1. The date on which the employee became disabled due to pregnancy or the date of the medical advisability for the transfer;

2. The probable duration of the period(s) of disability or the period(s) for the advisability of the transfer; and

3. A statement that, due to the disability, the employee is unable to work at all or to perform any one or more of the essential functions of their position without undue risk to themselves, the successful completion of their pregnancy or to other persons or a statement that, due to the pregnancy, a transfer is medically advisable.

C. Leave's Effect on Benefits: Group health and life insurance benefits ordinarily provided by Fresno EOC, and for which the employee is otherwise eligible, will be continued during the period of pregnancy-related disability leave for up to four (4) months provided the employee pays the required contributory amount. Payments must be received by the 25th of the month. If payment is more than 30 days late Fresno EOC will provide 15-day notice before loss of coverage. Upon the employee's return, reinstatement of health benefits will occur the 1st of the following month. Employees whose pregnancy-related disability leave is in excess of four (4) months and who are enrolled in the health care plan have the right to elect continuation of coverage under COBRA. Pregnancy disability leave or a transfer begins when ordered by the employee's health care provider.

D. Other Terms and Conditions of Leave: Upon return from a pregnancy disability leave, the employee is required to provide medical certification from their health care provider that they are able to return to work. Under most circumstances, upon submission of certification from a health care provider that the employee is able to return to work from a pregnancy disability leave, the employee will be reinstated to their same position held at the time the leave began or to an equivalent position, if available. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if they had been continuously employed.

The provisions of Fresno EOC's Family Care and Medical Leave policy regarding the leave's effect on pay (Section I(C)), notice requirements (Section I(D)(1)), medical Certification requirements (Section I(D)(2)); and reinstatement (Section I(E)) also apply to all pregnancy-related disability leaves. However, for pregnancy-related disabilities, there is no process for obtaining more than one medical opinion. For the purpose of applying those provisions, an employee's pregnancy-related disability is considered to be a serious health condition.

IV. MILITARY FAMILY LEAVE

A. Qualifying Exigency Leave - Eligible employees with a spouse, son, daughter, parent or next of kin on active duty, called to active duty status, having veteran status and has been honorably discharged in the last five (5) years, in the National Guard or Reserves in support of a contingency operation may use his/her 12 week leave entitlement to address certain qualifying exigencies.

"Qualifying exigencies" include:

- a. Issues arising from a military member's short notice deployment (i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification;
- b. Military events and related activities (e.g. official ceremonies, programs, or events sponsored by the military or family support or assistance programs, and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross) that are related to the covered active duty or call to covered active duty status of a military member;
- c. Certain childcare and related activities arising from the covered active duty or call to covered active duty status of a military member (e.g. arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at school or a day care facility if they are necessary due to circumstances arising from the covered active duty or call to covered active duty of the military member);

- d. Caring for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty (e.g. arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to care facility, or attending meetings with staff at a care facility);
- e. Making or updating financial and legal arrangements to address a military member's absence;
- f. Attending counseling provided by someone other than a health care provider for oneself, the military member, or the child of the military member, the need for which arises from the covered active duty or call to covered active duty status of the military member;
- g. Taking up to fifteen days of leave to spend time with a military member who is on short-term, temporary rest and recuperation leave during deployment;
- h. Attending certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the military member's covered active duty status, and addressing issues arising from the death of a military member; and
- i. Any other event that the employee and Fresno EOC agree is a "qualifying exigency."

B. **Military Caregiver Leave:** Eligible employees with a spouse, child, parent, or next of kin of a covered service member, can take up to 26 weeks of leave, to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. If a spouse or registered domestic partner both work for Fresno EOC and each wishes to take leave to care for a covered service member, the spouse or registered domestic partner may take a combined total of 26 weeks of leave and must take the leave within the 12-month period.

V. OTHER DISABILITY LEAVES

A. **Occupational Disabilities:** A temporary disability leaves of absence to reasonably accommodate a work-related injury will be granted to any employee who sustains a work-related disability. A disability leave under this section may run concurrently with any medical leave to which the employee is entitled under Section I of this policy. Employees taking disability leave must comply with the Family Care and Medical Leave provisions regarding substitution of paid leaves (Section I(B)), notice (Section I(D)(1)), and medical certification (Section I(D)(2)). A Request for Authorized Absence form must be completed and approved by the employee's immediate supervisor, program manager/director, and director. For the purpose of applying these provisions, an occupational disability leave will be considered to be a medical leave. The employee will be responsible for providing periodic updates to the supervisor and/or program manager/director at least every thirty (30) days during the leave concerning status, expected date of return, and continued intent to return to work upon expiration of the leave.

Subject to any limitations permitted by law, a leave of absence for a work-related disability shall be extended for the duration of the work-related disability until one of the following situations takes place:

- The employee is released with or without restrictions that can be accommodated.
- Fresno EOC receives medical evidence satisfactory to it that the employee will be unable to return to work.
- The employee resigns.
- The position which the employee occupied prior to the leave of absence ceases to exist or is filled for legitimate business reasons.

B. Status of Employee Benefits during Leave: Accrued sick time benefits or vested vacation benefits may be coordinated with Workers' Compensation temporary disability benefits payable under such a plan, provided the employee has accrued sick time and/or vested vacation benefits and elects to combine the two benefits. Except to the extent that other paid time is substituted for medical leave, the leave is unpaid.

Group health and life insurance benefits ordinarily provided by Fresno EOC, and for which the employee is otherwise eligible, will be continued during the period of disability for up to four (4) months, and provided the employee pays the required contributory amount. Payments must be received by the 25th of the month. If payment is more than 30 days late Fresno EOC will provide 15-day notice before loss of coverage. Upon the employee's return, reinstatement of health benefits will occur on the 1st of the following month. Employees whose occupational leave is in excess of four (4) months and who are enrolled in the health care plan have the right to elect continuation of coverage under COBRA.

C. Leave's Effect on Reinstatement: Before returning to work following a leave of absence for a work-related disability, the employee must provide a medical certification from a licensed health care provider stating the date and ability to return to work. Except as provided by applicable law, Fresno EOC will make every effort to place an employee returning from leave in the same or comparable position for which the individual is qualified unless such position is unavailable or ceases to exist because of legitimate business reasons. In such cases, the employee may be terminated and may be considered for future openings (see Policy 1090, Recruitment, Selection, and Employment).

An employee who fails to report for work at the end of the approved leave may be considered to have voluntarily resigned unless unusual circumstances have prevented the return and a reasonable excuse has been offered and accepted within three (3) work days after the employee was released to return to work.

VI. SAFE HARBOR GENETIC INFORMATION NON-DISCRIMINATION ACT (GINA)

The Genetic Information Notification Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or acquiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, Fresno EOC will not provide any genetic information when responding to a request for medical information. Genetic information, as defined by GINA, including an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual family member sought or received genetic services, and genetic information of a fetus carried by an individual or any individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

POLICY 4020 LEAVES OF ABSENCE

PURPOSE: To clarify and distinguish the parameters and procedures for authorized leaves for eligible Fresno EOC employees.

POLICY: It is the policy of Fresno EOC to provide authorized leaves of absences for specified periods of time to all eligible employees on a non-discriminatory basis. Leaves will be considered for personal reasons, education, bereavement, and legally required absences as set forth below.

REFERENCE: California Labor Code § 230. California Election Code § 14350. California Labor Code § 1025. California Labor Code §§ 1040-1044. California Labor Code §§ 230.7-230.8. California Labor Code § 230.3, CA SB 579.

PROCEDURES:

I. PERSONAL LEAVE

Regular full-time and part-time employees may request a personal leave of absence without pay for personal compelling reasons for a reasonable period of time, up to thirty (30) days. Extensions may be granted in up to thirty (30) day increments due to special circumstances, but may not exceed a total of four (4) months.

Personal leaves due to compelling reasons may involve circumstances such as family emergencies and family or personal disabilities for which the employee is not otherwise eligible for leave (see Policy 4010, Family, Medical, Pregnancy and Other Disability Leaves of Absences).

A. Requests: A Request for Authorized Absence form must be completed in writing, which must include the reason for the request, and approved by the employee's immediate supervisor and program manager/director. Requests for leaves of absences will be considered at the discretion of Fresno EOC and on the totality of circumstances, including, but not limited to the employee's length of service, performance, responsibility level, the reason for the request, the urgency of the situation, whether other individuals are already out on leave, and the expected impact of the leave on the employee's department. It is the employee's responsibility to report to work at the end of the approved leave.

B. Status of Employee Benefits during Personal Leave: During the leave of absence, the employee may use any accrued vacation benefits. However, the use of vacation benefits will not extend the duration of the leave. Group health and life insurance benefits ordinarily provided by Fresno EOC, and for which the employee is otherwise eligible, may be continued during the period of the leave, provided the employee pays the required contributory amount. Payments must be received by the 25th of the month. If payment is more than 30 days late Fresno EOC will provide 15-day notice before loss of coverage. Upon the employee's return, reinstatement of health benefits will occur the 1st of the following month. No vacation, sick time, or seniority will accrue during a leave without pay.

Any leave taken under this provision that qualifies as leave under the state and/or federal family/medical leave acts, will be counted as family/medical leave and charged against the entitlement of twelve (12) work weeks of family/medical leave in a twelve (12) month period.

C. Leave's Effect on Reinstatement: An employee who fails to report to work on the day after the leave expires will be considered to have voluntarily resigned, unless unusual circumstances have prevented the employee from returning and a reasonable excuse has been offered and accepted within three (3) work days after the leave expired.

Every effort will be made to place an employee in the same or comparable position after the end of the leave unless such position is unavailable or ceases to exist because of legitimate business reasons. If a position is not

available, the employee will be laid off, and the employee may be considered for future openings (see Policy 1090 Recruitment, Selection, and Employment).

II. EDUCATIONAL LEAVE

Regular full-time and part-time employees may request an Educational Leave without pay for a reasonable period of time not to exceed four (4) months per rolling calendar year. Educational leaves may be granted when the educational program undertaken is likely to enhance Fresno EOC's capabilities to provide service to the public. Consequently, the training should have as its objective either an increase in the effectiveness of an employee in the current job assignment or be designed to enhance the employee's advancement possibilities within Fresno EOC.

An employee may be granted up to six (6) hours of time off during the normal work week per semester to attend an approved educational program, unless it would cause an undue hardship to the program.

This time off is unpaid; however, the employee may use existing vacation benefits, if available and approved. Fresno EOC reserves the right to request that the employee furnish written verification from the school as proof that the employee participated in school activities on the specific date at the specific time. Failure to provide written verification is grounds for corrective action. See Section I (A), (B), and (C) of this policy for the application process, status of benefits, and reinstatement.

III. BEREAVEMENT LEAVE

Regular full-time and part-time employees who have experienced a death or terminal illness in the immediate family will be granted an emergency paid leave of up to three (3) working days. "Immediate family" is defined as: current spouse, registered domestic partner, mother or father, step mother or father, legal guardian, son or daughter, sister or brother, grandparent, grandparent in-laws, great grandparent, grandchild, great grandchild, son or daughter-in-law, mother-or father-in-law, sister- or brother-in-law. The employee will be paid the regular rate for each of the scheduled work days missed and may be required to furnish satisfactory evidence to support the leave. A Request for Authorized Absence form must be completed and approved by the employee's supervisor and program manager/director.

IV. CIVIC RESPONSIBILITIES

Employees who do not have sufficient time outside of his/her regular working hours to vote in an election may request time off to vote. If possible, employees should give at least two working days' notice to his/her supervisor that time off for voting is desired if the employee knows or has reason to know of the need for the time off. Up to two hours of paid time off will be provided at the beginning or end of the employee's regular shift, whichever will allow the most free time for voting and require the least amount of time off, unless otherwise mutually agreed.

It is Fresno EOC's policy to enable its employees to fulfill their civic obligations. An employee who is called for jury duty or is required by law to appear in court will be provided time off for that purpose and will be paid regular pay less amounts received for jury duty or service as a witness. This does not apply in the case of legal or criminal action brought against an employee. It is the employee's responsibility to notify the supervisor as soon as notice has been received that the employee has been requested for jury duty or required to appear. The employee must provide a copy of the jury summons or subpoena to appear in court. In order to receive pay for days of absence, the employee must complete a Request for Authorized Absence form and present a certificate or time sheet from the court verifying jury service or testimony for each day of absence to the supervisor. The employee's time sheet shall indicate jury duty for days of absence. The employee will be required at the end of the obligation to provide a copy of the jury or witness check whereby an adjustment will be made on the next paycheck, or the jury or witness check may be endorsed over to Fresno EOC. Any mileage received will be retained by the employee. The employee is expected to return to work each day that he/she are not selected as a juror or he/she is released from service during normal working hours, and must return to work at the completion of his/her obligation.

V. ALCOHOL AND DRUG REHABILITATION LEAVE

Fresno EOC will make reasonable accommodations to employees who have enrolled voluntarily in a drug or alcohol rehabilitation program. Employees who have enrolled in a rehabilitation program will be given unpaid time off to participate in the program unless it would result in an undue hardship on Fresno EOC. Fresno EOC will make reasonable efforts to keep confidential the fact that the employee is enrolled in the program.

This time off is unpaid; however, the employee may use any accrued sick time or accrued vacation benefits while on leave. This leave may run concurrently with any other medical leave to which the employee is entitled (see Section I of Policy 4010, Family, Medical, Pregnancy and Other Disability Leaves of Absences).

To qualify for a leave, the employee will be required to provide a medical certification within 15 days. An employee who does not provide a medical certification within 15 days and remains absent from work may be considered to have voluntarily resigned.

VI. LITERACY ASSISTANCE

Any employee who needs time off to attend an adult literacy education program should make the request through the supervisor. Fresno EOC will attempt to make reasonable accommodations for the employee of up to six (6) hours of time off during the normal work week, unless it would cause an undue hardship to do so. This time off is unpaid; however, the employee may use existing accrued vacation benefits, if available and approved. Fresno EOC will also attempt to safeguard the privacy of the fact that an employee is enrolled in an adult literacy education program.

VII. OTHER LEGALLY REQUIRED LEAVES

An employee who has a child enrolled in kindergarten through grade 12, or cared for by a licensed child care provider, may take time off from work, up to 40 hours each year, not exceeding 8 hours in any calendar month, for certain child-related activities. These activities are: (1) to find, enroll, or reenroll a child in a school or with a licensed child care provider; (2) to participate in activities of the school or licensed child care provider; or (3) to address a child care provider or school emergency.

“Parent” means a parent, guardian, stepparent, foster parent, grandparent, or a person who stands in loco parentis to a child. “Child care provider or school emergency” means that the child cannot remain in school or with the child care provider because: (1) the school or child care provider has requested that the child be picked up; (2) the school or child care provider has an attendance policy (excluding planned holidays) that prohibits the child from attending or requires the child be picked up; (3) behavioral or discipline problems; (4) closure or unexpected unavailability of the school or child care provider (excluding planned holidays); or (5) a natural disaster including fire, earthquake, or flood.

To take time off under reasons (1) or (2), the employee must give reasonable notice to his/her supervisor. To take time off under reason (3), the employee must simply give notice to his/her supervisor as soon as possible. An employee may use vacation time for the visits, if available and approved. A supervisor may request the employee to provide documentation from the school or child care provider verifying the date and time of the child-related activity.

If both parents of the child work for Fresno EOC, the parent who first gives notice is eligible for the time off. The other parent may be permitted to take time off, under the conditions set forth in this policy, only if a supervisor authorizes the leave of absence. An employee requested to appear at his/her child’s school due to the child’s suspension, may take an unpaid leave of absence provided that the employee gives Fresno EOC reasonable notice of the request to appear.

VIII. SCHOOL APPEARANCE LEAVE

An employee that is the parent or legal guardian of a child suspended from school is entitled to take an unpaid leave to comply with the principal's written request of the employee's presence at the school, provided the employee gives reasonable advance notice to the Agency. Check with the Human Resources Office for eligibility and scheduling before taking any leave to attend.

IX. ORGAN AND BONE MARROW DONOR LEAVE

An employee who is donating his/her organ to another person or has a treatment related to organ donation will be granted up to 30 business days of paid leave in any one-year period based on scheduled hours worked. An employee will be required to use up to ten (10) days of accrued and unused sick time (not PSL) or vacation time for organ donations.

An employee who is donating his/her bone marrow will be granted up to 5 business days of paid leave for bone marrow donation in any one-year period based on scheduled hours worked. An employee will be required to use up two (2) days of accrued and unused sick time (not PSL) or vacation time for bone marrow donations.

An employee must provide written verification that they are an organ or bone marrow donor and that there is a medical necessity for the donation. An employee will be restored to the same or equivalent position upon his/her return. This leave will not be considered as a break in continuous service for the purposes of accrued benefits, salary adjustments and health care. This leave will not run concurrently with FMLA or CFRA and can be taken in one or more periods. Donor leave taken will also not be counted against an employee's seniority/length of service and will not affect eligibility for pay increases or other benefits. Employees who take donor leave will not be retaliated or otherwise discriminated against for doing so.

X. CIVIL AIR PATROL LEAVE

Members of the Civil Air Patrol who have been employed at least 90 days are eligible for an unpaid leave of absence of a maximum of ten (10) days per calendar year for the purpose of responding to an emergency operational mission of the California Wing of the Civil Air Patrol. Under normal circumstances, the leave for a single emergency operation mission shall not exceed three days. Employees shall give the Agency as much notice as possible of the intended dates upon which the Civil Air Patrol leave will begin and end. The Agency may require certification to verify the eligibility of the employee for the leave requested or taken. Employees taking Civil Air Patrol leave are not required to exhaust accrued leave time but may do so at their election.

XI. VOLUNTEER FIREFIGHTERS TRAINING

A volunteer firefighter, a reserve peace officer or emergency rescue personnel who intends to perform emergency duty during work hours, should notify his/her supervisor that he/she may have to take time off to perform emergency duty. The employee should also notify his/her supervisor prior to leaving the premises in the event he/she needs to take time off for emergency duty or training.

An employee who is a volunteer firefighter, reserve peace officer or emergency rescue personnel, will be permitted to take temporary leaves of absence for the purpose of engaging in fire, law enforcement or emergency rescue training. This amount of leave permitted will not exceed an aggregate of 14 days per calendar year.

POLICY 4030 MILITARY LEAVES

PURPOSE: The purpose of this policy is to provide guidance and procedures for granting time off for military leaves to full- and part-time regular employees.

POLICY: It is the policy of Fresno EOC to grant short or long-term leaves for uniformed service in accordance with applicable federal and state law.

REFERENCE: Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353) the California Military and Veterans Code § 394, and California Assembly Bill 392.

PROCEDURES:

I. MILITARY SERVICE

An employee inducted into military service will be granted an approved unpaid leave of absence and will have reinstatement privileges upon return to the Agency. "Service" is defined as duty on a voluntary or involuntary basis, including: active duty; active duty for training; initial active duty for training; inactive duty training; full-time National Guard duty; and absences for examinations to determine fitness for duty.

The term "service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period for which an employee is absent for the purpose of an examination to determine fitness to perform any such duty.

A. Long-term Tour of Duty: An employee who enters into or is called to uniformed service duty shall notify the supervisor immediately and shall be granted a leave of absence not to exceed five (5) years. A Request for Authorized Absence form must be completed and submitted with written verification from the appropriate military authority to the employee's supervisor, and program manager/director. No prior notice of the leave is required if it is precluded by military necessity or the giving of such notice is impossible or unreasonable.

B. Short-term Leave of Absence: An employee who is a member of the National Guard or of a reserve component of the Armed Forces shall, upon furnishing a copy of the official orders or instructions, be granted a military training leave. Training leaves will not, except in emergency or in the event of extenuating circumstances, exceed two weeks a year, plus reasonable travel time. A Request for Authorized Absence form must be completed and submitted with written verification from the appropriate military authority to the employee's supervisor, and program manager/director. The employee will be expected to return to work the first full regularly scheduled work period following completion of the service (with an eight-hour period for safe transportation).

C. Reinstatement from Leave: Fresno EOC will reinstate an employee returning from leave to his/her same position or one of comparable seniority, status, and pay if he/she:

1. Has a certificate of satisfactory completion of service;
2. Returns the first full regularly scheduled work period (if such first regularly scheduled work period is at least 8 hours after the arrival at the employee's place of residence) following completion of service if service is less than 30 days; apply within fourteen days after release from active duty if active duty was for 30 days but less than 181 days; apply within 90 days if absence was more than 180 days, or within such extended period, if any, as his/her rights are protected by law; and
3. Is qualified to fill his/her former position.

Reservists who are ordered to initial active duty for training of not less than twelve consecutive weeks and Selected Reservists on active duty for operational missions are required to apply for reemployment within 31 days of his/her release from training or service. Fresno EOC is not required to reemploy an employee after military

leave if the circumstances have changed as to make such reemployment impossible or unreasonable: if the employment would impose an undue hardship on the employer; or the employment held by the employee was so brief or nonrecurring that there was not reasonable expectation that the employment would continue indefinitely or for a significant period.

D. Leave and Benefits: Employees are permitted, but are not required, to use accrued vacation benefits toward short-term uniformed service time. Any unpaid time off will affect vacation and sick time accrual. Seniority, for the purpose of benefits, will accrue during short-term leaves as defined in Section B of this policy. Eligible employees who leave for a long-term leave will be paid any accrued vacation on the last day prior to the beginning of the leave. Seniority, for the purpose of benefits, will accrue for no more than five (5) years during long-term tours of duty as defined in Section A of this policy (unless otherwise required by law).

Whenever the uniformed service leave is four (4) months or less, the employee may continue group health and life insurance benefits, if eligible, by paying the required contributory amount. Payments must be received by the 25th of the month. If payment is more than 30 days late Fresno EOC will provide 15-day notice before loss of coverage. Upon the employee's return, reinstatement of health benefits will occur on the 1st of the following month. Employees whose leaves are in excess of four (4) months and who are enrolled in the health care plan have the right to elect continuation of coverage under COBRA. The maximum length of required continuation coverage is the lesser of 18 months beginning on the date the employee became eligible or the day after the date on which the employee fails to apply for or return to active employment with Fresno EOC. Employees returning to work are entitled to reinstate health coverage as if they had never left. Exclusions for pre-existing conditions, proof of good health, and waiting periods do not apply. However, exclusions for illnesses or injuries which were service connected are applied.

II. MILITARY SPOUSE LEAVE

Eligible employees may request Military Spouse Leave for up to ten (10) days when a spouse in the Armed Forces, National Guard or Reserves who has been deployed during a period of military conflict is on leave from military deployment. Employees must provide notice of intent to take Military Spouse Leave within two business days of receiving official notice that the military spouse will be on leave from deployment. A Request for Authorized Absence form must be supported by documentation certifying that the military member will be on military leave from deployment during the time of the requested leave.

To be eligible for Military Spouse Leave, an employee must work an average of 20 or more hours per week and be the spouse of a qualified member of the military. For Military Spouse Leave purposes only, the term "spouse" includes registered domestic partners. The term "qualified member of the military" is defined as (1) a member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States; or (2) a member of the Armed Forces Reserve Components or the National Guard who has been deployed during a period of military conflict. Combat zones are designated by the President of the United States. "Military conflict" means a period of war declared by the United States Congress or a period of deployment for which a member of a reserve component is ordered to active duty either by the Governor or the President of the United States. Provided all the conditions of this policy are met, an employee may take a maximum of ten (10) days of Military Spouse Leave. Questions concerning eligibility should be directed to the Human Resources Office.

Leave requested pursuant to this section is unpaid. However, an employee who is granted Military Spouse Leave shall be entitled to use any accrued vacation benefits during the period of leave. Paid sick time during Military Spouse Leave may only be utilized in conformance with Policy 3030 (see Section IV of Policy 3030, Sick Time). The use of paid leave does not extend the total duration of Military Spouse Leave to which an employee is entitled. Employees on Military Spouse Leave accrue employment benefits, such as sick time, vacation benefits, or seniority only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual.

Employees who fail to return to work on the first work day after the period of the approved leave expires will be considered to have voluntarily resigned, unless unusual circumstances have prevented the return and a

reasonable excuse has been offered and accepted within three (3) work days after the period of the approved leave expired.

POLICY 4040 DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING VICTIM LEAVE

PURPOSE: To define Fresno EOC's policy and procedure on Domestic Violence, Sexual Assault, or Stalking Victim Leave in accordance with California Labor Code.

POLICY: It is the policy of Fresno EOC to allow employees to take leave for purposes of domestic violence, sexual assault, or stalking to ensure his/her health, safety, or welfare, or that of his/her child.

REFERENCE: California Labor Code § 230 and 230.1; Family Code § 6211; Penal Code §§ 261, 261.5, 262, 265, 266, 266a, 266b, 266c, 266g, 266j, 267, 269, 273.4, 285, 286, 288, 288a, 288.5, 289, or 311.4; Family Medical Leave Act of 1993; AB2377

PROCEDURE:

I. DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING VICTIMS' LEAVE: LEGAL PROCEEDINGS/ REASONABLE ACCOMMODATION

If an employee is a victim of domestic violence and/or sexual abuse, the employee may use accrued sick leave or may take unpaid time off from work, to help ensure his/her health, safety or welfare, or that of his/her child; to seek medical attention for injuries caused by such abuse; obtain services from a domestic violence shelter; obtain psychological counseling related to an experience of domestic violence; obtain a restraining order; seek court assistance; or similar activities.

II. CRIME VICTIMS' LEAVE

An employee who is the victim of certain crimes (violent felonies, felony thefts and serious felonies as defined by law) or is the immediate family member, registered domestic partner or child of the registered domestic partner of such a victim will be given time off as necessary to attend judicial proceedings in relation to the crime.

Fresno EOC will also allow time off for employees to appear in court to be heard at any proceeding in which a right of the victim is at issue. The victim may be the employee, spouse, parent, child, sibling or guardian. The crimes to which this time off applies is extensive. You should ask the Human Resources Office about your particular circumstances. As a condition of taking time off, employees may be required to provide reasonable advanced notice if feasible and documentation establishing the right to such time off. Fresno EOC will make every effort to maintain the confidentiality of any employee requesting crime victim leave. An employee may use accrued paid vacation time that is otherwise available to the employee for this time off.

III. REQUESTING TIME OFF

An employee who is a victim of domestic violence, sexual assault, or victims of stalking will not be discriminated or retaliated against when taking time off from work to help ensure his/her health, safety, or welfare, or that of his/her child by obtaining:

- A temporary restraining order;
- A restraining order; or
- Other court assistance;
- Medical attention for injuries caused by domestic violence, sexual assault, or stalking;
- Services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault;
- Psychological counseling related to an experience of domestic violence, sexual assault, or stalking; or
- To participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation.

Employees must give Fresno EOC reasonable advance notice of the employee's intention to take time off, unless the advance notice is not feasible. A Request for Authorized Absence form must be completed and approved by the employee's immediate supervisor, and program manager/director. Should an unscheduled absence occur, the employee is responsible for providing a certification to Fresno EOC. Certification may be in the form of the following:

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

An employee may use up to 24 hours or 3 days, whichever is greater, of Paid Sick Leave (PSL) in each calendar year of employment (see Policy 3035, Paid Sick Leave).

An employee may use accrued and unused vacation or sick time while on leave. Leave may not exceed the unpaid leave time allowed under the unpaid leave permitted by the federal Family and Medical Leave Act.

To the extent allowed by law, Fresno EOC shall maintain the confidentiality of any employee requesting leave.

POLICY 5010 WORKPLACE ATMOSPHERE

PURPOSE: To maintain a friendly, congenial and professional atmosphere by identifying the responsibilities of Fresno EOC and its employees.

POLICY: It is the policy of Fresno EOC that all employees maintain a working environment that encourages mutual respect, promotes civil and congenial relationships among employees and is free from all forms of harassment, discrimination, retaliation, and violence. Fresno EOC's respect and reputation in the community will be determined by the work we do, and by the employees who represent us. We are proud of those who work for us, and employees can be proud of the positions of trust they hold. It is expected that employees will maintain the highest degree of integrity and honesty. The community will judge Fresno EOC by the actions of its employees.

PROCEDURE:

I. DEFINITION

Employees are expected to conduct themselves in an appropriate manner in accordance with this policy.

Employees have the right to conduct their work without disorderly interference from other employees and be treated with respect and professionalism. The Agency prohibits employees from violating this right of their co-workers. Employees are also expected to maintain their work area in a neat and professional manner as to not disrupt another employee's work environment or create any safety hazards.

Fresno EOC encourages a congenial work environment of respect and professionalism. Therefore, employees, co-workers, clients and/or program participants should not:

- Verbally abuse others;
- Use intimidation tactics and/or make threats;
- Sabotage another's work;
- Stalk others; or
- Make malicious, false and/or harmful statements about others.

POLICY 5020 STANDARDS OF PERFORMANCE AND CONDUCT

PURPOSE: To identify performance and conduct considered improper and unacceptable in the workplace and which may result in corrective action.

POLICY: It is the policy of Fresno EOC that employees are expected to observe certain standards of job performance and good conduct. An employee is expected to conduct himself/herself in a manner benefiting his/her status as an employee of Fresno EOC and exercise prudence and discretion in regard to all Agency business. When performance or conduct does not meet the standards of Fresno EOC standards, the Agency will endeavor, when it deems appropriate and at its sole discretion, to provide the employee a reasonable opportunity to correct the deficiency unless Fresno EOC determines such conduct is not able to be remedied or warrants immediate termination. An employee who fails to make the correction will be subject to corrective action up to and including termination.

PROCEDURES:

I. STANDARDS

The standards set forth below are intended to provide employees with fair notice of performance and conduct considered improper and unacceptable in the workplace. 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 adversely affects or is otherwise detrimental to the interests of Fresno EOC, other employees, co-workers, clients and/or program participants, may also result in corrective action.

- A. Job Performance: An employee may be issued corrective action, up to and including termination, for poor job performance, including but not limited to the following:
1. Failure to meet standards of quality and quantity;
 2. Failure to perform the job satisfactorily;
 3. Discourteous or unprofessional conduct;
 4. Excessive absenteeism, tardiness, or abuse of break or meal privileges;
 5. Failure to follow established safety regulations;
 6. Neglect of duty.
- B. Conduct: An employee may be issued corrective action, up to and including termination, for misconduct including, but not limited to the following:
1. Insubordination, including refusal to comply with reasonable request from supervisor or refusal to perform a job assignment;
 2. Dishonesty, fraud, bribery or gratuity;
 3. Violation of safety practices, procedures, rules and regulations;
 4. Failure to notify supervisor of any inability to report to work;
 5. Unauthorized possession, misuse, defacement, or destruction of Fresno EOC property or the property of another;
 6. Theft;
 7. Unauthorized removal of Fresno EOC property from its proper location;
 8. Violating conflict of interest rules and accepting gratuities;
 9. Disclosing or using confidential or proprietary information without authorization;
 10. Falsifying or altering Fresno EOC or another employee's records or documents, including but not limited to the application for employment and time sheets, etc.;
 11. Threatening, intimidating, coercing, or otherwise interfering with other employees, co-workers, clients, and/or program participants;
 12. Fighting, or any acts of violence;
 13. Unruly behavior or "horseplay";

14. Use of obscene, abusive, or offensive language;
15. Harassment as defined in Policy 1030;
16. Being under the influence of, manufacturing, dispensing, distributing, using, or possessing alcohol or illegal or controlled substances on Fresno EOC property or while conducting Fresno EOC business;
17. Gambling on Fresno EOC premises or while conducting Fresno EOC business;
18. Wearing clothing inappropriate for the work being performed;
19. Smoking where prohibited by local ordinance or Fresno EOC rule;
20. Leaving the job without authorization;
21. Sleeping on the job;
22. Possessing a firearm or other dangerous weapon on Fresno EOC property or while conducting Fresno EOC business;
23. Failure to report to Fresno EOC within five (5) days any criminal conviction that may impact the employee's: ability to perform his/her position duties, licensing under the program the employee works, insurability by the agency carrier; or as otherwise required by law to be disclosed;
24. Causing an accident as a result of operating a Fresno EOC vehicle in a reckless and negligent manner;
25. Violating vehicle codes and/or Fresno EOC policies which cause an accident, injury, or property damage;
26. Failure to comply with Fresno EOC policies and procedures;
27. Stereotyping any child or family on the basis of gender, race, ethnicity, culture, religion, or disability;
28. Violating program confidentiality policies concerning information about children, families, and other staff members;
29. Using abusive, profane, sarcastic language or verbal abuse, threats, or derogatory remarks about Fresno EOC, staff, clients or client's family;
30. Using any form of public or private humiliation;
31. Leaving children or clients alone or unsupervised while under his/her care;
32. Endangering the health or safety of children;
33. Using toilet learning/training methods that punish, demean, or humiliate a child;
34. Using any form of emotional abuse, including rejecting, terrorizing, extended ignoring or corrupting a child;
35. Failure to use positive methods of child guidance and engaging in corporal punishment, emotional abuse, physically maltreat or abuse, or humiliation;
36. Employing methods of discipline with the children that involve isolation, the use of food as punishment or reward, binding or tying a child to restrict movement, taping a child's mouth, taking away a child's physical activity/outdoor time, or the denial of basic needs;
37. Failure to conduct himself/herself in a professional and ethical manner with all employees, co-workers, clients and/or program participants;
38. Engaging in sexual or other inappropriate contact or relationships with program participants;
39. Ignoring grantor requirements relating to any program for the Agency;
40. Engaging in actions that reflect adversely upon grantors and/or the families or communities we serve;
41. Other rules or standards implemented by programs or the Agency.

These examples of conduct violations do not affect the at-will status of all employment whereby an employee can be terminated with or without cause or advance notice.

II. CORRECTIVE ACTION PROCEDURE

The level of corrective action used to maintain the standards of performance and conduct will be determined in light of the facts and circumstances of each individual case at the sole discretion of Fresno EOC. Each incident will be considered in light of a variety of factors, including: (1) the seriousness of the incident and the circumstances; (2) the employee's past conduct; (3) the nature of any previous incidents; and (4) the general practice as it relates to the incident (see Policy 5025, Counseling and Corrective Action).

The Agency will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint.

POLICY 5025 COUNSELING AND CORRECTIVE ACTION

PURPOSE: To establish procedures with respect to counseling and corrective action; to assure all employees that basic corrective action procedures will be applied uniformly. To give employees who violate rules the opportunity to improve by advising what specific actions they should take to meet performance and conduct standards unless the employee's misconduct is determined to warrant immediate termination.

POLICY: It is the policy of Fresno EOC that all employees are required to comply with the Agency's standards of performance and conduct and that any noncompliance with these standards must be corrected. Fresno EOC has implemented a progressive corrective action system that supports uniformity, but does not preclude any form being used at any time and in any order deemed necessary under the circumstances. Nothing in this policy modifies Policy 1010 which provides that employment with Fresno EOC is at-will and can be terminated at any time with or without notice or cause.

PROCEDURES:

I. COACHING AND COUNSELING

Fresno EOC is committed to creating an environment where employees can do their best work. Supervisors are expected to regularly coach employees and correct performance issues while they are minor. The goal of coaching is to work with the employee to solve performance problems and to improve the work of the employee and the organization. Employees who fail to respond positively to informal coaching may receive corrective action and/ or be placed on a Performance Improvement Plan (PIP).

II. CORRECTIVE ACTION

The level of corrective action used to maintain the standards of performance and conduct will be determined in light of the facts and circumstances of each individual case at the sole discretion of Fresno EOC. Each incident will be considered based on a variety of factors, including but not limited to: (1) the seriousness of the incident and the circumstances; (2) the employee's past conduct; (3) the nature of any previous incidents; and (4) the general practice as it relates to the incident. Depending on the circumstances and nature of the incident, Fresno EOC may place an employee on paid administrative leave pending the results of an investigation. Paid administrative leave must be approved by the Chief Executive Officer or Chief Programs Officer and may not exceed a maximum of four weeks.

III. PROCESS

A. Verbal Reprimand: If an employee is not meeting Fresno EOC standards of performance or conduct, the employee's supervisor should take the following action:

1. Meet with the employee to discuss the matter;
2. Inform the employee of the nature of the problem and the action necessary to correct it;
3. Complete a Verbal Reprimand form signed by the employee and supervisor indicating that the meeting has taken place; and
4. Route for signatures and forward to the Human Resources Office. This information will be included in the employee's personnel file.

B. Written Reprimand and Warning: If there is a continued breach of performance or conduct standards, or if the situation warrants, the supervisor should hold a meeting with the employee and take the following action:

1. Issue a Written Reprimand and Warning to the employee;

2. Warn the employee that a continued breach of performance or conduct standards will result in more severe corrective action;
3. Require the employee to read and sign the written reprimand, and give the employee the opportunity to provide a written response; and
4. Forward the signed written reprimand to the Human Resources Office along with a summary of previous incidents which gave rise to the written warning and the action taken during the meeting with the employee. This information will be included in the employee's personnel file.

C. Suspension: If there are additional occurrences, and/or depending on the severity of the conduct, the supervisor should take the following action:

1. Recommend suspension to the program manager/director and responsible Officer and obtain approval prior to any action being taken;
2. Issue a written suspension notice;
3. Suspend the employee without pay for up to five working days; or
4. Forward the suspension notice and signed warning form to the Human Resources Office along with any written report describing the occurrences and summarizing all actions taken and justifications.

All suspensions, including those which may lead to termination, must be reviewed by and approved by the program manager/director, and the responsible Officer.

D. Discharge (Involuntary Termination): An employee may be discharged for poor performance, misconduct, or other violations of Fresno EOC's rules of conduct (see Policy 5020, Standards of Performance and Conduct). Discharges must be approved by the responsible Officer with approval by the Head Start Policy Council when applicable. Prior to discharging an employee under this policy, the Human Resources Officer will be consulted to assure proper documentation and procedures have been followed. As required by Federal Head Start rules, if the Head Start Policy Council disagrees as to the discharge of a Head Start employee, a committee shall be established with representatives of the Policy Council, Head Start staff and Fresno EOC. The committee shall meet and confer in an attempt to resolve the difficulty and clarify the termination criteria to be utilized.

IV. PERFORMANCE IMPROVEMENT PLAN

The Performance Improvement Plan (PIP) is a formal process wherein the supervisor meets with the employee to provide structured counseling and feedback regarding performance and conduct. If the employee fails to successfully complete the PIP, the supervisor will follow the corrective action procedures as outlined. An employee may be placed on a performance improvement plan in increments of thirty (30) days, up to a maximum of ninety (90) days. During the performance improvement period, the supervisor must evaluate the employee at the midpoint and at the end of the period. When an employee is placed on a performance improvement plan, a recommendation may be made by the employee's supervisor to seek assistance through the Employee Assistance Program (see Policy 7030, Employee Assistance Program).

The supervisor will review the outcome of the performance improvement plan with the employee. The employee may be terminated at any point during the performance improvement period for failure to demonstrate improved job performance and/or other violation(s) of agency policies.

V. DEMOTION

The program manager, with the approval of the director, may demote an employee for corrective action reasons at any point during the process outlined above. A demotion is a change of any employee from a position of one pay grade to a position in a lower pay grade. The employee must meet the qualifications for the position in the lower grade. Demotions must be documented in writing and specify the cause for such action. Approval must be granted by the responsible Officer. Approval by the Head Start Policy Council, where applicable, is also required.

VI. CONTINUED BREACH OF CONDUCT

The corrective action procedures described above are not intended to apply solely to related problems and will be applied to an employee who is experiencing a series of unrelated problems involving job performance or conduct. Even though incidents may be unrelated, they represent a continuing pattern of policy violations that shall be addressed.

VII. SERIOUS MISCONDUCT

In cases involving serious misconduct, or any time the supervisor determines it is necessary, such as a breach of policy or violation of law, the procedures contained above may be accelerated.

The supervisor, with the concurrence of the program manager/director and responsible Officer, should suspend the employee pending review. An investigation of the incidents leading up to the suspension shall be conducted to determine what further action, if any, should be taken, including termination.

VIII. INVESTIGATORY INTERVIEW

An investigatory interview will be conducted for the purpose of determining the facts involved in any suspected violation of Fresno EOC rules and regulations. A typical investigation consists of interviewing the involved employee and any witnesses, finding and assessing any physical evidence, and evaluating the facts. The Human Resources Manager or Officer may be required to assist with the investigation. The interviewer should advise the employee witness as to the nature of the situation requiring investigation. Confidentiality shall be maintained during the investigations to the extent possible. Only those with a business need-to-know should be told about the allegations and investigation, and participants in the investigation should be requested not to discuss the situation with others in order to preserve the integrity of the investigation.

IX. TIME LAPSE BETWEEN PREVIOUS CORRECTIVE ACTION

If an employee completes twelve (12) months without further corrective action under this policy, any failure to meet performance or conduct may be treated as a first occurrence under this policy. However, Fresno EOC may still consider all past corrective actions in the continuation of employment and/or evaluating the performance of an employee (see Policy 7020, Performance Evaluations). Past corrective action(s) are relevant when making employment decisions and when evaluating an employee's overall performance.

POLICY 5030 ALCOHOL/DRUG FREE WORKPLACE

PURPOSE: It is the intent of Fresno EOC to maintain a workplace that is free of drugs and alcohol.

POLICY: It is the policy of Fresno EOC that the Agency has a vital interest in maintaining safe and efficient working conditions for its employees. Substance abuse is incompatible with the health, safety, efficiency, and success of Fresno EOC. Employees who are under the influence of drug(s) or alcohol on the job compromise Fresno EOC's interests, endanger his/her own health and safety and the health and safety of others.

Fresno EOC has established this policy to further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for employees, and to protect property, equipment, and operations. Each employee must abide by this policy as a condition of continued employment with Fresno EOC.

REFERENCE: Drug-Free Workplace Act of 1988 (DFWA), 41 U.S.C. § 701, et seq.; Drug-Free Workplace Act of 1990 (CDFWA), Gov. Code § 8359 et seq.; Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq.; The Rehabilitation Act, 29 U.S.C. § 701 et seq.; Omnibus Transportation Employee Testing Act (OTETA): Gov. Code § 8350 et seq.; California Confidentiality of Medical Information Act, Civ. Code § 56 et seq.; California Labor Code 1026; Federal Controlled Substances Act.

PROCEDURES:

I. PROHIBITED CONDUCT

Employees are prohibited from using, selling, dispensing, distributing, possessing, or manufacturing illegal drugs, controlled substances, narcotics, legal drugs including marijuana or alcoholic beverages on Fresno EOC premises or work locations, and Agency vehicles. The exception to this policy is agency sponsored events with a special waiver by the Chief Executive Officer for alcoholic beverages.

Supervisors, as well as any other employees, should immediately report any action by an employee who demonstrates an unusual or affected behavior to his/her immediate supervisor and Human Resources Officer. Employees believed to be at work under the influence of illegal drugs, controlled substances, narcotics, legal drugs including marijuana or alcoholic beverages will be approached by the supervisor who will initiate the appropriate action. An employee in a designated safety-sensitive position as described in Section VIII will be subject to drug and/or alcohol testing as described in Section VII (B) of this policy.

II. CORRECTIVE ACTION

A. **Criminal Convictions:** Employees are required by this policy to notify Fresno EOC within five days of any conviction that may impact the employee's: ability to perform his/her position duties, licensing under the program the employee works, insurability by the agency carrier; or as otherwise required by law to be disclosed. Failure to notify Fresno EOC of the above will result in corrective action up to and including termination. When required by federal law, Fresno EOC will notify any federal agency with which it has a contract of any employee who has been convicted under a criminal drug and/or alcohol statute.

B. **Discharge for Violation of Policy:** Employees will be subject to corrective action, up to and including termination, for violations of this policy. Violations include, but are not limited to: possessing illegal drugs, controlled substances, narcotics, legal drugs including marijuana or alcoholic beverages at work; being under the influence of those substances while working; using them while working; or dispensing, distributing, transporting, or manufacturing or selling them on Fresno EOC premises or work locations, and Agency vehicles.

C. **Discretion Not to Discharge:** Fresno EOC may choose not to discharge an employee for a violation of this policy if the employee satisfactorily completes participation in an approved drug or alcohol abuse assistance or rehabilitation program when recommended by Fresno EOC or the employee contacts an Employee Assistance

Program (EAP) and follows the recommendations made by the EAP, including satisfactory completion of or participation in an approved drug or alcohol abuse assistance or rehabilitation program.

D. Effect of Criminal Conviction: An employee who is convicted under a criminal drug/alcohol statute for a violation occurring on work duty will be deemed to have violated this policy.

III. USE OF OTC/PRESCRIBED MEDICATION

Fresno EOC recognizes that an employee may, from time to time, be prescribed medication that, when taken as prescribed or according to the manufacturer's instructions, may result in his/her impairment. Employees must report his/her use of over-the-counter or prescribed medications to his/her supervisor if the use might impair his/her ability to perform his/her job safely and effectively. Employees may not work while impaired by the use of prescribed medication if the impairment might endanger the employee or someone else, pose a risk of significant damage to Fresno EOC property, or substantially interfere with the employee's job performance. To accommodate the absence, the employee may use accrued sick time or vacation benefits. The employee may also qualify for an unpaid leave of absence, such as family care or medical leave. Nothing in this policy is intended to sanction the use of accrued sick time or vacation benefits to accommodate absences due to the abuse of prescribed medication. Further, nothing in this policy is intended to diminish Fresno EOC's commitment to employ or reasonably accommodate qualified disabled individuals. Fresno EOC will reasonably accommodate any qualified disabled employee who must take prescribed medication because of a disability if, with such reasonable accommodation, the employee can perform the essential functions of the position.

IV. UNREGULATED OR AUTHORIZED CONDUCT

A. Customary Use of Over-the-Counter Drugs: Nothing in this policy 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 policy.

B. Off-the-Job Conduct: This policy 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 policy while at work. An employee, while not consuming alcohol at work, may be under the influence from off-duty consumption or have a strong smell of alcohol which affects his/her ability to professionally perform job duties. An employee in a designated safety-sensitive position, as described in Section VIII, will be subject to drug and/or alcohol testing as described in Section VIII (B) of this policy.

V. CONFIDENTIALITY

To safeguard privacy rights, disclosures made by an employee to his/her supervisor concerning his/her use of legal drugs will be treated confidentially and will not be disclosed to any other person 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. For the same reason, disclosures made by an employee to his/her supervisors concerning his/her participation in a drug and/or alcohol rehabilitation program will be treated as confidentially as possible.

VI. COUNSELING/EMPLOYEE ASSISTANCE

Fresno EOC maintains an Employee Assistance Program which provides help to employees who seek assistance for drug and/or alcohol abuse as well as for other personal or emotional problems. An employee who suspects that he/she may have an alcohol and/or drug problem, even in the early stages, is encouraged to voluntarily seek diagnosis and to follow through with the treatment as prescribed by qualified professionals.

Participation in counseling, including Fresno EOC-sponsored or required counseling, is confidential and should not have any influence on performance evaluations. Job performance, not the fact that an employee seeks counseling, is to be the basis of all performance evaluations.

VII. DRUG AND ALCOHOL TESTING

A. Reasonable Suspicion Testing for Current Employees: An employee may be referred by a supervisor or other management to the Agency's Occupational Health provider for evaluation when there is reason to believe that an employee is intoxicated or under the influence of drugs, including controlled substances, during work hours. Evidence of such behavior may include, but is not limited to: slurred speech, uneven gait, mood swings, violent temper, excessive absenteeism and tardiness, a reportable work related accident or injury, or an avoidable accident involving a vehicle or causing property damage.

B. Testing of Applicants for Designated Safety-Sensitive Positions: As part of Fresno EOC's employment screening process, any applicant for a safety-sensitive position to whom an offer of employment is made must pass a test for controlled substances, under the procedures described below. The offer of employment is contingent on a negative test result. Applicants will be informed of Fresno EOC's drug and alcohol testing policy in the employment application. Existing employees who transfer to a safety-sensitive position must comply with the testing requirement for that position.

A safety-sensitive position as referred to in this policy and defined by the Department of Transportation is a commercial driver position which requires the driving of vehicles: (1) with a gross combination weight rating of 26,001 or more pounds; or (2) with gross vehicle weight rating of 26,001 or more pounds; or (3) designed to transport sixteen (16) or more passengers, including the driver. Additionally, a safety-sensitive position includes any employee required to drive an agency vehicle in the course of employment and any position requiring the use of a California Class "A" or Class "B" commercial driver's license.

C. Testing of Employees in Designated Safety-Sensitive Positions

1. Testing for reasonable suspicion: If an employee occupies a designated safety-sensitive position as defined above and the supervisor or manager has a reasonable suspicion that the employee is working in an impaired condition or otherwise in violation of this policy, the employee will be asked about any observed behavior and offered an opportunity to give a reasonable explanation. If the employee is unable to explain the behavior, a drug and alcohol test will be requested in accordance with the procedure outlined below. If the employee refuses to cooperate with the administration of the drug and alcohol test, the refusal will be handled in the same manner as a positive test result
2. Random testing: Employees occupying designated safety-sensitive positions will be subject to random testing. The required selection rate is 10% of the average number of safety-sensitive positions annually for alcohol testing and 50% for drug testing. The selection process will be scientifically valid, that is, each affected employee will have an equal chance of being drawn each time a random selection is made. The testing will be unannounced and will be completed just before, just after, or while on duty.
3. Post-accident testing: Post-accident testing is required where a driver in a safety-sensitive position is involved in a vehicle accident whose performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all accidents involving a loss of life, medical treatment, or vehicle damage, even if the driver is not cited for a moving traffic violation. The driver must be tested as soon as possible after the accident. If the test is not completed within two (2) hours, the department must document in writing why the test was not administered.
4. Return-to-duty and follow-up testing: Return-to-duty and follow-up testing is conducted when an individual who has violated the prohibited drug and alcohol conduct standards returns to

performing safety-sensitive duties, after successfully completing an approved professional substance abuse program. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty. Follow-up testing may be extended for up to sixty (60) months following return to duty.

D. Procedures for Drug and Alcohol Testing: Fresno EOC will refer the applicant or employee to an independent, National Institute on Drug Abuse (NIDA)-certified medical clinic or laboratory, which will administer the test. Fresno EOC will pay the cost of the test. The employee will have the opportunity to alert the clinic or laboratory personnel to any prescription or nonprescription drugs that have been taken that may affect the outcome of the test. All drug testing will be performed by urinalysis. Initial screening will be done by EMIT II. All urine specimens will be analyzed for the following drugs: (1) marijuana (THC metabolite); (2) cocaine; (3) amphetamines; (4) opiates (including heroin); and (5) phencyclidine (PCP). Positive results will be confirmed by gas chromatography/mass spectrometry.

Alcohol testing will be conducted using a calibrated evidential breath testing device (EBT). If the test result is less than .02, the test is negative. If the test result is .02 or greater, a confirmation test will be performed. The clinic or laboratory will inform Fresno EOC as to whether the applicant passed or failed the drug or alcohol test. Failure of the test by the employee will be considered a violation of this policy and the employee will be subject to corrective action up to and including termination.

Employees who have engaged in alcohol or drug misuse as indicated by the above testing procedure will not be permitted to return to safety-sensitive duties until they have been evaluated by a substance abuse professional, have complied with recommended treatment and rehabilitation, and had a negative result on a return-to-duty test. Follow-up testing to monitor continued abstinence may be required.

E. Acknowledgment and Consent: Any employee subject to testing under this policy will be asked to sign a form acknowledging the procedures governing testing, and consenting to (1) the collection of a urine sample for the purpose of determining the presence of alcohol or drugs, and (2) the release to Fresno EOC of medical information regarding test results. Refusal to sign the agreement and consent form, or to submit to a drug and/or alcohol test, will result in the revocation of an applicant's job offer, or will subject an employee to corrective action up to and including termination. Applicants, as a condition of employment, must consent to Fresno EOC obtaining information on his/her drug and/or alcohol test results for the previous two years. The driver's previous employers will be requested to furnish reports on any positive tests and/or refusals to test.

F. Confidentiality: All drug and/or alcohol testing records will be treated as confidential.

G. Fitness for Duty: To protect the health and well-being of our employees, and to maintain a safe work environment for employees and clients, Fresno EOC reserves the right to request a Fitness for Duty evaluation when:

- There is reasonable cause for serious concern about an employee's ability to perform duties safely;
- An employee's behavior is grossly inappropriate for the workplace;
- There is reasonable concern for workplace safety; or
- Medical clarification is needed to support a reasonable accommodation request.

All matters will be treated as confidential.

The Agency will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint.

POLICY 5040 MANDATORY CHILD ABUSE REPORTING

PURPOSE: To inform employees of their responsibility to report known or suspected instances of child abuse.

POLICY: It is the policy of Fresno EOC that employees who work with children are required by law to report any known or suspected child abuse to the appropriate authorities.

REFERENCE: California Penal Code, §§ 11164-11174.4

PROCEDURE:

A mandated reporter is any employee that works with children as defined in Penal Code §11165.7. Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by law is guilty and punishable by law. All Head Start and Early Head Start employees are “mandated reporters.”

A mandated reporter shall make a report to the appropriate authorities whenever, within the employee's professional capacity or within the scope of employment, the employee has knowledge of, observes, or reasonably suspects a child has been the victim of child abuse or neglect. A mandated reporter must make a report if there is a substantial risk that abuse or neglect may occur, either in the care of a Fresno EOC Head Start/Early Head Start center or outside of the program. The mandated reporter shall make a report to the authorities immediately or as soon as is practicably possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any non-privileged documentary evidence relating to the incident. Agency programs and individuals must not attempt to investigate; to do so can jeopardize the accuracy of the official investigation conducted by child protective services. Any employee who is the subject of a reported case of abuse or neglect must be removed from contact with children during the state investigation and until the charge is fully resolved.

POLICY 5050 EMPLOYMENT OF RELATIVES (NEPOTISM) AND PERSONAL RELATIONSHIPS

PURPOSE: To avoid favoritism or the perception of favoritism by related employees and Commissioners or employees involved in a personal relationship with other employees.

POLICY: It is the policy of Fresno EOC to avoid the employment, assignment, transfer, promotion or compensation of relatives of employees or employees involved in a personal relationship into situations where the possibility of favoritism or the perception of conflicts of interest might exist.

REFERENCE: California Government Code § 12940(a) (3) (A).

PROCEDURES:

I. ASSIGNMENTS

Fresno EOC endeavors to avoid situations in which actual or an appearance of a conflict of interest may exist in the employment of relatives or employees involved in a personal relationship. To implement this objective, Fresno EOC will attempt to avoid assignments that involve actual or potential conflicts of interest, as well as working relationships involving relatives or individuals with close personal relationships that may potentially lead to complaints of favoritism, lack of objectivity, or employee morale and dissension problems that can result from such relationships.

In keeping with this policy, relatives of employees and the Board of Commissioners and individuals with whom employees reside will not be eligible for employment with Fresno EOC in any situation where potential problems of supervision, safety, security or morale exist or where personal relationships may create an actual or potential conflict of interest, cause disruption, or create a negative or unprofessional work environment. For example, Fresno EOC may refuse to place one relative under the direct supervision of the other relative for the reasons given above. For the same reasons, Fresno EOC may refuse to place relatives or employees involved in a personal relationship in the same program, component, department, division, or facility if the work involves potential conflicts of interest or hazards that are greater for relatives than for other individuals.

II. DEFINITION OF RELATIVE

For purposes of this policy, relatives include an employee's parent, grandparent, child (natural, foster, or adopted), spouse, domestic partner, brother or sister, stepparent, stepchild, stepbrother or stepsister. Relatives also include any parent, child, brother or sister of an employee's spouse. As noted above, the policy is not limited to relatives and applies to other covered situations involving actual and potential conflicts of interest.

If two employees become subject to the restrictions of this policy after they are hired, one or both of the employees must seek a transfer or reassignment that eliminates the actual or potential conflict of interest as specified in this policy. (For example, if two employees marry, become related, or cohabit as domestic partners, and the potential problems noted above exist, only one of the employees will be permitted to stay within the same program, component, department, division, or facility.) The decision as to which of the individuals will remain must be made by the two employees within thirty (30) calendar days from the beginning of the relationship or potential conflict. If no decision has been made by the employees involved during this time, management reserves the right to make an assignment.

III. DEFINITION OF PERSONAL RELATIONSHIP

For purposes of this policy, personal relationship is defined as a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature.

POLICY 5060 CODE OF ETHICS AND BUSINESS CONDUCT

PURPOSE: Fresno EOC expects employees to adhere to the highest possible standards of ethics and business conduct and to comply with all laws and regulations in relation to the Agency.

POLICY: It is the policy of Fresno EOC to preserve and foster the public's trust and confidence. Employees are expected to be knowledgeable about their job, conduct all aspects of their employment in an ethical and legal manner and in accordance with laws and regulations, and to comply with Fresno EOC policies and procedures.

REFERENCE: Whistleblower Protection Act, California Labor Code 1102.5 (a-c)

PROCEDURES:

I. CONFLICTS OF INTEREST

It is the policy of Fresno EOC to prohibit employees from engaging in any activity, practice or conduct which conflicts with, or appears to conflict with, the interests of Fresno EOC. A conflict of interest exists when the employee's loyalties or actions are divided between Fresno EOC's interest and those of another, such as clients, funding sources, suppliers, personal businesses, or for another employer.

A. Reporting Conflicts of Interest: Employees are expected to use good judgment, to adhere to high ethical standards, and to avoid situations that create an actual or potential conflict between the employee's personal interests and the interests of Fresno EOC. Both the fact and the appearance of a conflict of interest will be avoided. Employees unsure as to whether a certain transaction, activity, or relationship constitutes a conflict of interest should refer questions and concerns to his/her supervisor for clarification.

B. Conflicts of Interest: Conflicts of interest prohibited in this policy are not intended to be exhaustive and only include some of the more common examples. Failure to adhere to this policy, including failure to disclose any conflicts, will result in corrective action up to and including termination.

Some of the more common conflicts from which employees should refrain include the following:

- Engaging in, directly or indirectly either on or off the job, any conduct which is disloyal, disruptive, competitive, or damaging to Fresno EOC.
- Accepting personal gifts, meals or entertainment from clients, funding sources, suppliers, or potential suppliers, except those of nominal value.
- Engaging in outside activity or accepting work in any outside position that interferes with the ability to devote full and best efforts to Fresno EOC's interests.
- Using proprietary or confidential Fresno EOC information for personal gain or to the detriment of Fresno EOC.
- Using Fresno EOC assets or labor for personal use.
- Developing a relationship with a client or an employee that interferes with the exercise of impartial judgment in decisions affecting Fresno EOC or any employees of Fresno EOC.
- Taking positions on behalf of Fresno EOC of a political nature and/or endorsement of a candidate or issue.

II. CONFIDENTIALITY

Confidential information is only to be discussed with those employees who have a business need-to-know.

Confidentiality is an essential part of our Agency. Fresno EOC's clients give us private/personal information about themselves and rightfully trust us to keep this information in confidence. Technology has enabled us to keep

more information about our clients on computer systems. Misuse of information is against Agency ethical standards and business practices.

An employee's role in privacy protection is critical. Employees will have access to confidential information about the Agency, its clients, and co-workers. Such information is intended solely for use within the Agency and is limited to those with a business need-to-know. Confidential information acquired by an employee through employment must be held in confidence and, except for a business reason, must never be discussed outside the scope of the employee's position. Information is to be used solely for Agency purposes.

Employees must not disclose confidential information obtained in the course of employment to any other employee unless the other employee has a business need to know the information for the performance of duties on behalf of Fresno EOC. Except for authorized management personnel, confidential information may not be disclosed to any person outside the Agency except when its disclosure is required by law or has been specifically authorized in writing by the client or employee.

Improper release of confidential information damages trusts in the Agency and can result in loss of business and even legal action. It also reflects employees' abilities to conduct business in the capacity for which they were hired. An employee who violates this policy is subject to corrective action, up to and including termination.

The Agency will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint.

III. WHISTLEBLOWING

It is the policy of Fresno EOC and public policy of the State of California to encourage employees to notify an appropriate government or law enforcement agency when they have reason to believe an employer is violating a state or federal statute, rule, or regulation, or violation of fiduciary responsibility, or violating or not complying with a state or federal rule or regulation. Fresno EOC will not retaliate against any employee for filing a complaint or participating in an investigation related to the complaint. Fresno EOC will not tolerate or permit retaliation. Any possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility should be directed to the Human Resources Officer or the California State Attorney General's Whistleblower Hotline at 1-800-952-5225.

POLICY 5070 SOLICITATION, DISTRIBUTION, AND POSTING

PURPOSE: To establish a policy prohibiting solicitation.

POLICY: It is the policy of Fresno EOC that employees are not to solicit or distribute literature to other employees, clients, and visitors on Agency premises other than for approved work-related business.

PROCEDURE:

Fresno EOC prohibits the solicitation, distribution and posting of materials on or at Agency property by any employee or non-employee, except as may be permitted by this policy. The sole exceptions to this policy are charitable and community activities supported by management and Agency-sponsored programs related to Agency services.

Non-employees may not solicit employees or distribute literature of any kind on Agency premises at any time. Employees may only admit non-employees to work areas with management approval or as part of an Agency-sponsored program. These visits should not disrupt workflow. The employee must accompany the non-employee at all times.

Employees may not solicit other employees during work times, except in connection with an Agency approved or sponsored event.

Employees may not distribute literature of any kind during work times, or in any work area at any time, except in connection with an Agency-sponsored event. "Work time" excludes off duty meal periods and rest breaks.

The posting of materials or electronic announcements is not permitted, except in connection with an Agency sponsored event or approved Intranet announcement.

Violation of this policy should be reported to the Human Resources Office. An employee who violates this policy is subject to corrective action up to and including termination.

POLICY 5080 PRIVACY AND THE USE OF FRESNO EOC RESOURCES

PURPOSE: To establish a policy for privacy and confidentiality in relation to the appropriate use of Fresno EOC resources, particularly the use of computers, electronic devices, telephones, cellular phones, e-mail, the Internet, WiFi, blogging, social media, instant messaging and voice mail.

POLICY: It is the policy of Fresno EOC to endeavor to observe the requirements of all federal and state laws and regulations pertaining to privacy and confidentiality in the workplace.

REFERENCE: United States Constitution, Fourth Amendment. California Constitution, Article I, Section I. Title III of the Omnibus Crime Control and Safe Streets Act of 1968, The Electronics Communications Privacy Act of 1986, California Penal Code §§ 630, 631, 632, and 637, California Private Investigators Act, California Business and Professional Code § 7523 (b), IT Policy Procedures 3010

PROCEDURES:

I. DEFINITION

Agency-owned or administered information technology resources include, but are not limited to: computer system hardware and software, network equipment, servers, software and services, email and instant messaging systems, telephone and voicemail equipment and services, video equipment, printers, scanners, and other imaging systems, fax machines, copiers, other electronic equipment, and all electronic files and storage media.

II. AUDIO AND VIDEO RECORDING

Audio recording or video recording of private conversations and private meetings is prohibited by state law unless all of the parties involved grant permission. Audio recording or video recording of public events is generally permissible.

III. OTHER TECHNOLOGY RESOURCES

Resources including, but not limited to: accessing E-mail, social media, the Internet, WiFi, voice mail, instant messages, blogging, and text messages, stored on, or transmitted by or through, any of the Agency's equipment including laptops and cell phones, or ITs network(s). These resources, regardless of whether used through a third party, are provided to employees by Fresno EOC solely for the purposes of conducting Fresno EOC business and its related activities. These are property of the Agency whether or not the communication concerns the Agency's business, or intended to be private, either during or after the end of employment. Except for occasional and infrequent personal needs, such as briefly contacting a family member, employees will not use Fresno EOC resources for any purposes other than the performance of his/her job duties and responsibilities. Employees are prohibited from using personal service provider accounts to conduct any Agency's business and/or accessing employee accounts on personal or third-party service providers, using Agency resources. Employees are expected to exercise discretion and avoid the use of unnecessary, excessive and inappropriate remarks in e-mail and voice mail messages, and refrain from accessing and using the Internet for non-work-related purposes. Employees should have no expectation of privacy and, in fact, do not have privacy rights in the use of these resources.

Fresno EOC reserves the right to inspect such resources in order to make certain they are being used properly. Fresno EOC may, at its sole discretion, retrieve and examine the contents of e-mail, voice mail, text messages and instant messages, and any other information that is stored on an employee's computer and telephone, as well as the contents of files stored on computer hard drives and disks used by employees.

Desks, file cabinets, and similar Fresno EOC resources used by employees in the performance of his/her duties and responsibilities are subject to search by management personnel or his/her designees when, in Fresno EOC's

sole judgment, it is necessary and reasonable to do so for work-related purposes or for the investigation of suspected employee misconduct.

Employees are advised that e-mail and other stored files deleted by an employee may still be retrieved from the computer network and are subject to subpoena in any legal action in which they are relevant and subject to discovery.

Disclosure: Fresno EOC employees should have no expectations of and have no right to privacy in the use of e-mail, voice mail, and other Fresno EOC resources and will have no right to file a grievance or take any form of legal action against Fresno EOC related to the retrieval, disclosure, and reading of his/her stored messages and files by Fresno EOC management personnel or other designated agents of Fresno EOC.

IV. INFORMATION TECHNOLOGIES AND OTHER DESIGNEES OF THE AGENCY

IT and other designated employees who are able to access messages and information from the computer network or telephone system, or directly from other employees' computers and voice mail, are prohibited from accessing and reading any such messages and information unless it is necessary to do so in the conduct of his/her duties and responsibilities or unless specifically directed to do so by Fresno EOC management.

Employees are prohibited from using Agency owned and grant funded electronic communication systems and/or equipment to engage in behavior that would violate Fresno EOC policies, including but not limited to sending messages that violate Fresno EOC's EEO and anti-harassment policies, including but not limited to those containing racist material of any kind, sexual innuendoes, or inappropriate content.

The following are examples of prohibited activities:

- Viewing, storing, downloading, or forwarding pornographic images or other perceived obscene, racist, or harassing materials.
- Sending electronic mail that is non-business-related, obscene, racist, harassing, contains jokes, violent or otherwise offensive.
- Hacking, including attempting to gain access to restricted information.
- Knowingly or intentionally accessing Agency information technology resources without authorization or exceeding authorized access, including through the unauthorized use of another user's login ID, account, or password.
- Downloading or forwarding electronic games, music, video, or other non-business related materials.
- Participating in non-work-related chat rooms or streaming music online.
- Solicitation or distribution of non-work-related information, such as requests for signatures, charitable contributions, support of political or organizational activities, or requests for donations.
- Bidding/purchasing of non-work merchandise or services.
- Downloading or forwarding chain letters.
- Gambling or any other illegal activity.
- Using Agency property, including computers, for personal use.
- Any other activities that violate Fresno EOC policies.

Engaging in any of these or any other non-business activities will result in corrective action up to and including termination.

Employees will maintain the confidentiality of any messages and information retrieved and read during the course of performing his/her duties and responsibilities and will be disclosed to those who need to know.

Employees are provided an opportunity to establish passwords so that access to business messages can be limited to the intended recipients: password protection capability is not intended to be used by employees to protect the privacy of personal messages and files.

Except as noted above, employees who have been granted appropriate proxy rights will not access messages and files for which they are not the intended recipients.

The Agency will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint.

POLICY 5090 SOCIAL NETWORKING

PURPOSE: To establish a policy for the appropriate use of Fresno EOC resources, particularly the use of Social Networking. Because online postings are a common means of communication and self-expression, they can conflict with the interests of Fresno EOC and its clients, the Agency has adopted the following policy. Breach of this policy may result in counseling and corrective action, up to and including termination.

POLICY: It is the policy of Fresno EOC to endeavor to observe the requirements of all federal and state laws and regulations pertaining to social networking in the workplace. Fresno EOC takes no position on employees' decision to start or maintain a blog or participate in other social networking activities on his/her personal time. However, it is the right and duty of the Agency to protect itself from unauthorized disclosure of information. Fresno EOC's Social Networking Policy includes guidelines for agency-authorized social networking and personal social networking and applies to all executive officers, board members, management and staff.

Nothing in this policy is intended to or will be applied in a manner that limits employees' rights to engage in protected concerted activity as prescribed by the National Labor Relations Act.

REFERENCE: Fair Employment and Housing Council § 11031, National Labor Relations Act

PROCEDURES:

I. DEFINITION

This policy applies to all forms of social media or technology including, but not limited to: video or wiki postings, sites such as Facebook and Twitter, chat rooms, personal blogs or other similar forms of online journals, diaries or personal newsletters not affiliated with Fresno EOC.

II. GUIDELINES

The following guidelines apply to social networking when authorized by Fresno EOC and done on agency time. The guidelines apply to all employer-related social networking entries, including Fresno EOC subsidiaries or affiliates.

Only authorized employees can prepare and modify content located on Fresno EOC's website.

All employees must identify himself/herself as an employee of the Agency when posting comments or responses on the Agency's social networking site.

Fresno EOC reserves the right to remove, without advance notice or permission, all guest bloggers' content considered inaccurate or offensive.

III. CONFIDENTIALITY AND PRIVACY

Employees must not disclose the Agency's confidential or proprietary information including trade secrets, client lists or identifying information, internal reports, policies, procedures or other internal business related, confidential information in online postings or publications (see Policy 5060, Code of Ethics and Business Conduct). Sharing these types of information, even unintentionally, could result in harm to the Agency and legal action against employees and/or the Agency.

IV. EMPLOYEE'S ONLINE IDENTITY

A. An employee is personally liable for all communications and information he/she publishes online. The Agency may be liable for online activity that uses agency assets, an agency e-mail address or any e-mail address

that can be traced back to the Agency's domain, which generally is any internet address affiliated with the Agency. Using an employee's name and an Agency e-mail address may imply that an employee is acting on the Agency's behalf. Because social media and networking activities are public, Agency e-mail addresses and Agency assets should be used only to perform job-related activities, which may include professional networking, but does not include personal social networking.

B. Outside the workplace, employees have a right to participate in social media networks using his/her personal accounts. Employees may repost or forward Agency sponsored events and information on Fresno EOC social media and website. However, information and communications that are published on personal online sites should never be attributed to the Agency or appear to be endorsed by, or to have originated from, the Agency.

C. If an employee chooses to disclose his/her affiliation with the Agency in an online communication, then he/she must treat all communications associated with the disclosure as professional communications governed by this and other Agency Policies.

V. LIMITATIONS ON ONLINE PUBLICATIONS

A. Employees should never identify a client or co-worker in an online posting without his or her prior written permission.

B. Employees may not post any information or engage in any online activity that violates applicable local, state or federal laws, or professional rules of conduct (see Policy 5060, Code of Ethics and Business Conduct).

C. Employees must identify all copyrighted or borrowed material with citations and links. When publishing direct or paraphrased quotes, thoughts, ideas, photos or videos, credit must be given to the original publisher or author.

D. Comments employees post about current and former co-workers can have legal consequences, even if the comments are made personally and not on the Agency's behalf.

E. While using Agency equipment, employees must refrain from publishing comments about controversial or potentially inflammatory subjects with a malicious motive, including, but not limited to: politics, sex, religion or any other non-business related subject in any posts or other online communications involving the Agency.

While using Agency equipment, employees must avoid hostile or harassing communications in any posts or other online communications involving the Agency. Harassment is any offensive conduct based upon a person's race, color, ethnicity, national origin, ancestry, sex, pregnancy, religion, creed, religious dress and grooming practices, age, physical or mental disability, medical condition, marital status, sexual preference, sexual orientation, gender identity, gender expression, sex stereotype, transgender, transitioning or perceived to be, genetic information, immigration status, veteran's status, primary language or because of a person's relationship or association with members of a protected group or associations with organizations established for the preservation of rights protected under the law, or for any other reason prohibited by law or regulation and not work related (see Policy 1030, Policy Against Harassment).

VI. AUTHORIZED SOCIAL NETWORKING

The goal of authorized social networking is to become a part of the industry conversation and promote web-based sharing of ideas and exchange of information. Authorized social networking is used to convey information about the agency's services, promote and raise awareness of the agency, communicate with employees and clients or respond to breaking news or negative publicity, and discuss specific activities and events.

When social networking or using other forms of web-based forums, the Agency must ensure that use of these communications maintains our brand identity, integrity and reputation while minimizing actual or potential legal risks, whether used inside or outside the workplace.

The Executive Office must approve any website, blog, chat room, video-sharing site, bulletin board or other social media that promotes the Agency. No employee may incorporate the Agency's logo or other intellectual property in a website, blog, chat room, video-sharing site bulletin board or other social media without the Agency's written permission.

An employee that maintains a website, blog, chat room, video-sharing site, bulletin board or other social media account that promotes the Agency, is responsible for reviewing responses to online posts and resolving any concerns about the propriety of the responses before they are posted.

VII. USE OF AGENCY INFORMATION

Unless specifically instructed, employees are not authorized and are therefore restricted to speak on behalf of the agency. Employees may not publicly discuss clients, products, employees or any confidential work-related matters, outside agency-authorized communications. Employees are expected to protect the privacy of the Agency and its employees and clients and are prohibited from disclosing personal employee and non-employee information and any other proprietary and nonpublic information to which employees have access. Such information includes but is not limited to client information, financial information and strategic business plans.

Employees are cautioned that they should have no expectation of privacy while using the Internet or WiFi. Employee postings can be reviewed by anyone, including Fresno EOC. Fresno EOC reserves the right to monitor comments or discussions about the agency, its employees, clients and the industry, posted on the Internet by anyone, including employees and non-employees.

Employees are cautioned that they should have no expectation of privacy while using agency equipment or facilities for any purpose, including authorized internet use.

Fresno EOC reserves the right to use content management tools to monitor, review or block content that violates agency policy and procedures, and guidelines.

VIII. REPORTING VIOLATIONS

Fresno EOC requests and strongly urges employees to report any violations or possible or perceived violations to supervisors, managers or the Human Resources Office. Violations include unauthorized discussions of the Agency and its employees and clients, any discussion of proprietary information and any unlawful activity related to social networking.

The Agency will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint.

IX. CORRECTIVE ACTION FOR VIOLATIONS

All reports of violations of this policy and other related policies will be investigated. Any violation may result in corrective action up to and including termination.

X. POSTING COMMENTS

Employees are expected to follow the guidelines and policies set forth to provide a clear distinction between you as the individual and you as the employee.

Fresno EOC does not discriminate against employees who use private social networking accounts for personal interests, personal affiliations and/or other lawful purposes.

All employees and non-employees are personally responsible for his/her comments which are posted on Fresno EOC's websites and may be held personally liable for any comments that are considered defamatory, obscene, proprietary or libelous by any offended party, not just the agency.

Employees cannot use Agency-owned equipment, including computers, WiFi, agency-licensed software or other electronic equipment, facilities, or agency time to conduct personal blogging or social networking activities.

Employees cannot use the Internet or social networking sites to harass, threaten, discriminate or disparage against employees or anyone associated with or doing business with Fresno EOC.

Employees may be viewed by readers as a spokesperson for Fresno EOC. Because of this possibility, employees must state his/her views expressed are his/her own and not those of the Fresno EOC, nor of any person or organization affiliated or doing business with Fresno EOC.

Employees cannot post on personal social networks or other sites the name, logo or any business with a connection to Fresno EOC. Employees cannot post agency-privileged information, including client information or agency-issued documents, photographs of other employees, clients, vendors or suppliers, nor can employees post photographs of persons engaged in agency business or at agency events.

Employees cannot link from a personal social networking site to Fresno EOC's internal website.

If an employee is contacted by the media or press about his/her post that relates to the Agency, the employee is not to respond and must inform his/her supervisor(s) immediately.

POLICY 6010 COMMITMENT TO SAFETY

PURPOSE: To establish Fresno EOC's commitment to safety and to providing a work environment as free as practical from all recognized safety and health hazards.

POLICY: It is the policy of Fresno EOC to be committed to providing and maintaining a healthy and safe working environment for all employees. Accordingly, Fresno EOC has instituted a Safety Program designed to protect the health and safety of all personnel. Employees are expected to comply with all safety and health requirements whether established by Fresno EOC or by federal, state or local laws.

REFERENCE: California Labor Code §§ 6401, 6401.7; 8 Cal. Code Reg. § 3203; California Labor Code § 6404.5.

PROCEDURES:

I. RESPONSIBILITIES

A. All Employees: Every employee should understand the importance of safety in the workplace. By remaining safety conscious, employees can protect their own interests as well as those of their co-workers. Accordingly, Fresno EOC emphasizes "safety first" and expects all employees to take steps to promote safety in the workplace. All employees are encouraged to submit suggestions to their supervisor or the Human Resources Office concerning safety and health matters in the workplace.

Compliance with safety requirements is a condition of employment and will be evaluated, together with other aspects of an employee's performance, as a part of the performance evaluation process. Due to the importance of safety considerations to Fresno EOC, employees who violate safety standards, who cause hazardous or dangerous situations, or who allow such conditions to remain when they could be effectively remedied, may be subject to corrective action up to and including termination.

Therefore, it is essential that all employees comply fully with standards and practices established by Fresno EOC that are designed to promote a safe and healthful working environment. Fresno EOC has established a program to train and retrain employees as appropriate to assist them to avoid dangerous and unhealthful conditions and to remedy problems of hazards before they cause accidents or injuries.

B. Supervision: Supervisors are expected to facilitate compliance with all Fresno EOC safety rules, regulations, and procedures. Supervisors' safety responsibilities include: (1) being familiar with all safety and health procedures relevant to their operation; (2) inspecting their work areas periodically; (3) training their employees in safety matters; (4) identifying unsafe conditions; and (5) reporting accidents and injuries to the Safety Specialist immediately; and (6) ensuring that any injured employee is referred to appropriate medical care.

C. Safety Specialist: The Safety Specialist is located in the Human Resources Office and oversees Fresno EOC's safety policies and procedures. The Safety Specialist's responsibilities include, but are not limited to: (1) monitoring compliance with safety rules and regulations; (2) developing and implementing written safety plans or programs as needed; (3) investigating and ensuring that safety and health hazards are corrected; (4) conducting periodic safety and health inspections; (5) representing Fresno EOC during investigations conducted by Cal OSHA; (6) organizing safety training; (7) monitoring compliance with various requirements established by law or by the workers' compensation insurance carrier; (8) investigating accidents and hazardous incidents when necessary; (9) ensuring that all required notices are posted; and (10) evaluating the effectiveness of Fresno EOC's safety program.

II. REPORTING INJURIES AND UNSAFE CONDITIONS

Employees are required to immediately report all injuries to their supervisor. If an employee identifies an unsafe condition or an occupational safety and health risk, the matter should be immediately reported to the employee's

supervisor. If the supervisor is not readily available, the condition may be reported to the Safety Specialist. Fresno EOC strongly encourages employees to report any situations of this nature.

Fresno EOC will not retaliate, nor will it tolerate retaliation, against any employee who reports any safety issue.

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

III. THE INJURY AND ILLNESS PREVENTION PROGRAM (IIPP)

An Injury and Illness Prevention Program (IIPP) has been developed to comply with state rules and requires safety meetings, training programs, posting safety notices and safety tips, and providing periodic written communications to employees regarding safety matters.

IV. SMOKING

In keeping with the commitment to a philosophy of providing a work environment free of safety and health hazards, smoking is not permitted in the workplace. Accordingly, smoking including cigarettes, e-cigarettes, or other nicotine-delivery devices such as vaporizers, is prohibited inside all Fresno EOC buildings, rented, leased, or owned; transportation vehicles; restrooms; elevators; outside entrances to offices, or any other work areas. Employees who wish to smoke must limit smoking to break and meal periods and only in authorized areas. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of co-workers and the public with regard to the smoking policy.

Employees who violate this policy will be subject to corrective action up to and including termination.

V. FIRST AID

For basic First Aid & Universal Precautions see the Medical Emergency First Aid program on the Safety Section of the Fresno EOC Intranet or contact the Safety Specialist.

VI. WORKER'S COMPENSATION

Worker's Compensation is a system whereby an employer must provide insurance to pay the lost wages and medical expenses of an employee who is injured on the job.

POLICY 6020 WORKPLACE VIOLENCE

PURPOSE: To maintain a safe working environment where employees and nonemployees are free from the threat of workplace violence.

POLICY: It is the policy of Fresno EOC to be committed to providing a safe, violence-free workplace and strictly prohibits employees, Board of Commissioners, consultants, clients, visitors, or anyone else on Fresno EOC premises engaging in a Fresno EOC-related activity from behaving in a violent, intimidating, or threatening manner. As part of this policy, Fresno EOC seeks to prevent workplace violence before it begins and reserves the right to deal with behavior that suggests a propensity towards violence even prior to any violent behavior occurring.

REFERENCE: Cal/OHSA Guidelines for Workplace Security; California Labor Code §§ 6310, 6311; Workplace Violence Safety Act of 1994.

PROCEDURES: Fresno EOC believes that prevention of workplace violence begins with recognition and awareness of potential early warning signs and has established procedures for responding to any situation that presents the possibility of violence.

I. WORKPLACE VIOLENCE DEFINED

Workplace violence includes:

- 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 toward violence, which can include belligerent speech, excessive arguing or swearing, sabotage, or threats of sabotage of Fresno EOC property, or a demonstrated pattern of refusal to follow Fresno EOC policies and procedures;
- Defacing Fresno EOC property or causing physical damage to the facilities; or
- With the exception of public safety personnel, bringing weapons or firearms of any kind on Fresno EOC premises, in Fresno EOC parking lots, or while conducting Fresno EOC business.

II. REPORTING

If any employee observes or becomes aware of any of the above-listed actions or behavior by an employee, commissioner, client, consultant, visitor, or anyone else, the employee's supervisor must be notified immediately. The supervisor will immediately notify the Director or designee, and Human Resources, who will take the necessary action steps to report a potential violence issue. The following contacts should be used to report critical situations.

- Imminent danger – dial 911
- Fresno EOC Operator – 263-1000
- Executive Plaza Site – Downtown Bike Patrol or Fresno Police Department Dispatch 621-7000

AND

- Human Resources – 263-1070

Employees are encouraged to notify their supervisor and the Human Resources Office if any restraining order is in effect, or if a potentially violent non-work-related situation exists that could result in violence in the workplace.

III. INVESTIGATION

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly by the Director or designee. In the appropriate circumstances, Fresno EOC will inform the reporting individual of the results of the investigation. To the extent possible, Fresno EOC will maintain the confidentiality of the reporting employee and of the investigation but may need to disclose results in appropriate circumstances, for example, in order to protect individual safety. Fresno EOC will not tolerate retaliation against any employee who reports workplace violence. A report will be made to law enforcement if a violent act is suspected to be a criminal act or a violation of a restraining order.

IV. CORRECTIVE ACTION

If Fresno EOC determines that workplace violence has occurred, the employee will be subject to corrective action up to and including termination. Fresno EOC may request that the employee participate in counseling as a condition of continued employment. Any employee who may have a problem that could lead to violent behavior is encouraged to use the Employee Assistance Program.

If the violent behavior is that of a non-employee, Fresno EOC will take appropriate action in an attempt to ensure that such behavior is not repeated.

POLICY 7010 LEARNING AND DEVELOPMENT

PURPOSE: To establish Fresno EOC's commitment to learning and development of employees' career and advancement opportunities.

POLICY: It is the policy of Fresno EOC to encourage employees to use the process of learning and development to explore new opportunities in managing career progression. Training will commence with the initial orientation process and may include developmental steps towards a career path and increased responsibilities in a current position. Underrepresented communities will be given opportunities to improve their education and skills to help them compete on level playing grounds with other employees.

PROCEDURES:

The benefits to Fresno EOC of effective and timely employee training and development programs are numerous:

- Confident and satisfied employees who will treat clients and co-workers with care and efficient service,
- Cross-training in other positions,
- Increased competitive advantage and responsibilities in current position,
- Lower employee turnover,
- Employees who follow safe work procedures, and
- Competent, promotable employees.

Training and development opportunities at the Agency may include:

I. EMPLOYEE ORIENTATION

The Agency employee orientation training program provides new employees with information concerning Agency policies, procedures, safety and employee benefits. Supervisors will conduct an initial orientation and training to give an employee the information needed to conduct business in their new position.

II. STAFF AND MANAGEMENT DEVELOPMENT SEMINARS

Management and regular employees are provided periodic training opportunities on a variety of subjects, from personal and professional development topics (customer service, multi-cultural awareness, computer courses, etc.) to informational programs (group insurance, retirement plan updates, etc.).

III. SAFETY TRAINING

Fresno EOC offers training at both the Agency and program level on a variety of safety related topics.

IV. OUTSIDE SEMINARS AND CONFERENCES

The Agency supports employee attendance and participation in professional seminars and conferences offering general topics or specialized information in the employee's field. Each program establishes an annual budget for staff development seminars/conferences, within the program's financial resources.

V. MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

The Agency encourages employee membership in professional organizations. Networking provides a cost-effective opportunity to share knowledge, resources and experiences with professionals.

POLICY 7020 PERFORMANCE EVALUATIONS

PURPOSE: To motivate employees, assess job performance and progress, communicate expected standards of performance, and discuss future objectives and goals.

POLICY: It is the policy of Fresno EOC that the job performance of each employee should be evaluated regularly by his/her supervisor. Performance evaluations are a management tool and provide an objective and consistent process to measure each employee's performance. The evaluation process should inform employee of his/her employment standing and communicate expected standards of performance. It is also used to discuss work standards, areas where improvement is needed, corrective plans, development and growth opportunities.

PROCEDURES:

I. EVALUATION SCHEDULE

A. **Introductory Period and Evaluation:** The introductory period applies to regular full and part-time employees, commences on the date of hire, and lasts twelve (12) months. During this time, supervisors should carefully observe the performance of the employee. Where appropriate, weaknesses in performance and behavior are to be brought to the employee's attention for correction. A formal evaluation will be conducted by the supervisor at the midpoint of the introductory period, and full written performance evaluation will be completed at the end of the twelve (12) month period. The employee will transition from introductory status when he/she has received a satisfactory evaluation and recommendation of status change from his/her supervisor and approval by the Director (see policy 1140, Introductory Period).

B. **Annual Evaluation:** Performance evaluations will occur on an annual (12 month) basis from the date of hire.

II. PERFORMANCE FACTORS TO BE CONSIDERED IN EVALUATIONS

When evaluating employees, supervisors should consider factors such as experience and training, commitment to continuing education, job duties and responsibilities, and attainment of previously set objectives and goals. Other factors to be considered include but are not limited to: knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, and acceptance of responsibility.

III. PERFORMANCE EVALUATION PROCESS

A. **Written Evaluation:** In conjunction with established timelines, supervisors should prepare a written evaluation of each employee's job performance using the approved performance evaluation template. The evaluation should include the supervisor's comments and recommendations, an action plan for both the employee and supervisor, and performance goals for the next evaluation period.

B. **Evaluation Review with Employee:** The supervisor should review the evaluation with the next level of management prior to meeting with the employee to discuss the evaluation. During the meeting the employee and supervisor should assess the employee's strengths and weaknesses in a constructive manner, and set objectives and goals for the period ahead. The employee should be given the opportunity to review the evaluation and make written comments about any aspect of it. The evaluation is signed by the supervisor and employee. A copy of the evaluation will be provided to the employee. The evaluation is forwarded to the Human Resources Office for processing and inclusion in the employee's personnel file. An approved Employee Form should accompany the performance evaluation, if necessary.

An employee who contests the evaluation may file a written response to the performance evaluation within thirty (30) days of receiving the performance evaluation. The response will be attached to the performance evaluation and included in the personnel file.

C. Effects of Performance Evaluations: Information derived from the performance evaluation will be considered when making decisions affecting training, pay, promotion, transfer, or continued employment. An employee will not be eligible for a pay increase if the overall evaluation of an employee is unsatisfactory or improvement is needed. A Performance Improvement Plan (PIP) will be developed by the employee's supervisor, and the employee will be reviewed again within ninety (90) days. If no improvement is shown, the employee will be subject to corrective action up to and including termination in accordance with the corrective action procedure (see Policy 5025, Counseling and Corrective Action).

POLICY 7030 EMPLOYEE ASSISTANCE PROGRAM

PURPOSE: The Employee Assistance Program is a confidential resource that helps employees deal with life's challenges and the demands that come with balancing home and work. The program provides professional counseling and referrals for a wide array of personal and work-related concerns.

POLICY: It is the policy of Fresno EOC to recognize that personal problems may have a negative impact on an employee's attendance, job performance, or behavior at work. Employees may occasionally benefit from professional assistance with personal problems. Accordingly, Fresno EOC provides an Employee Assistance Program (EAP) for all employees.

REFERENCE: California Labor Code §§ 1025-1026, Civ. Code § 56 et seq., California Constitution, Article 1, § 1.

PROCEDURES:

I. EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program is administered by an outside employee assistance firm. The EAP provides confidential and professional counseling and when appropriate, referral to other services to address personal problems. The EAP is offered to enhance personal well-being.

Employees who need assistance with a personal life situation should contact the EAP. Although employees are encouraged to use the EAP, participation in the program does not relieve an employee of his/her obligation to perform his/her work in a satisfactory manner and to comply with other Fresno EOC rules and guidelines including Fresno EOC's Alcohol/Drug-Free Workplace policy.

If a violation of Fresno EOC's Alcohol/Drug-Free Workplace policy occurs, subsequently using the EAP will not necessarily lessen corrective action and may, in fact, have no bearing on the determination of appropriate corrective action (See Policy 5030, Alcohol/Drug-Free Workplace). The employee's decision to seek assistance from the EAP will not be used as a basis for corrective action and will not be used against the employee in any corrective action proceeding. On the other hand, using the EAP will not be a defense to the imposition of corrective action where facts proving a violation of the Alcohol/Drug-Free Workplace policy are obtained outside of the EAP. Accordingly, the purpose and practice of the Alcohol/Drug-Free Workplace policy and an employee's use of the EAP are not in conflict and are distinctly separate in their application.

II. ELIGIBILITY

The EAP is offered to all employees and all household members.

III. COUNSELING AND REFERRAL SERVICES

The EAP program provides for up to three (3) free visits per six (6) month period for problem assessment, professional consultation, counseling, information, and/or referral. EAP counseling is typically a three-stage process that includes (1) clarifying the problem, (2) identifying the possible solutions, and (3) developing an action plan. If the action plan calls for treatment by another resource, participating employees will be responsible for paying those fees or some of the costs may be covered under the group health plan. EAP brochures and information for online resources are available from the Human Resources Office.

IV. USE OF THE EAP

Employees should make every effort to schedule EAP appointments before or after working hours, or during meal periods. EAP appointments scheduled during working hours will be treated the same as medical appointments and may be charged against sick time unless it is employer-mandated.

V. SELF-REFERRAL

Any employee or dependent who desires confidential assistance for a personal problem should call the EAP directly. The EAP will arrange for a counselor to see the individual for confidential consultation.

VI. SUPERVISOR REFERRAL

In collaboration with the Human Resources Office, supervisors may refer an employee to the EAP when the supervisor has reason to believe that an attendance, behavior, or work-performance problem may be the result of a personal problem. Employees may be required to attend the EAP as a condition of employment when deemed necessary. Fresno EOC, however, may take such steps as it deems appropriate in response to the underlying attendance, behavior, or work-performance problem.

VII. CONFIDENTIALITY

All EAP records and services are treated confidentially. The EAP will not share information concerning an individual's involvement in the program without the individual's written permission unless life, safety, or national security is seriously threatened or disclosure is otherwise required by law.

If an employee is referred to the EAP by the employee's supervisor because of an attendance, behavior, or work performance problem, the EAP will confidentially inform Human Resources whether the employee attends the EAP session(s) and cooperates with the counseling plan. However, no further information will be shared by the EAP without the employee's written permission.

VIII. EMERGENCY RESPONSE TO CRITICAL INCIDENTS

In the event of a crisis or a critical incident (e.g. suicide or death of a co-worker, critical accident), the EAP's Critical Incident Response Team responds by debriefing the individuals involved in the traumatic event.

IX. QUESTIONS REGARDING EAP PROGRAM

Questions regarding EAP services should be directed to the Human Resources Office or the EAP.

POLICY 7040 SEPARATION OF EMPLOYMENT

PURPOSE: To define the types of separations of employment from Fresno EOC and the process.

POLICY: Employees separate from employment with Fresno EOC by resignation, discharge, a reduction in the work force, reorganization, or retirement. This policy is only a guideline and shall not be construed to act as or create any type of employment contract with any employee of Fresno EOC. Fresno EOC reserves the right to implement its policies and procedures in the best interest of the Agency.

REFERENCE: California Labor Code §§ 201 and 201; § 227.3; §§ 221, 224, and 225.5.

PROCEDURES:

I. DEFINITIONS

A. Voluntary Separation: Fresno EOC will consider an employee to have voluntarily ended his/her employment if he/she:

1. Elects to resign or retire; or
2. Fails to return from an approved leave of absence on the date specified on the Request for Authorized Absence form and is not otherwise extended as a reasonable accommodation; or
3. Fails to provide the required certification or forms for approval of a leave of absence when such forms are required to be submitted; or
4. Fails to report for work without notice to Fresno EOC for three consecutive days.

B. Involuntary Termination: An employee may be terminated, at-will, with or without cause, with or without notice at any time (see Policy 1010, At-Will Employment).

Notice of termination should be handled carefully and discreetly, preferably in a private meeting including the employee to be terminated, the immediate supervisor, and representative of Human Resources

C. Layoff Due to Reorganization, Job Elimination, or Lack of Work: From time to time, Fresno EOC may need to separate an employee as a result of reorganization, consolidation, job elimination, lack of work, or when funds are withdrawn or reduced (see Policy 7050, Layoffs).

II. VOLUNTARY SEPARATION PROCESS

Employees are encouraged to give two week's written notice prior to resignation. The supervisor or manager will prepare a Personnel Termination Form as the first step in the separation process. The form should be accompanied by supporting documents, such as a letter of resignation and final timesheet. All documents will be forwarded to the Human Resources Office for processing.

III. INVOLUNTARY TERMINATION PROCESS

All terminations must be approved at the executive management level and by the responsible Officer or designee. The supervisor should contact the Human Resources Office to start the termination process.

The supervisor will be required to complete the Personnel Termination Form accompanied with the timesheet, performance evaluation, corrective action or other supporting documentation. All documents will be forwarded to the Human Resources Office for processing. In addition, all terminations of Head Start/Early Head Start

employees must be accepted by the Head Start Policy Council. The Human Resources Officer or Manager should review the termination requests to ensure proper documentation and procedures have been followed and to ensure compliance with any state and/or federal laws.

IV. EXIT PROCESS

Employees must return all Fresno EOC-furnished property, such as uniforms, tools, equipment, I.D. cards, keys, key cards, credit cards, and other Fresno EOC documents. Arrangements for clearing any outstanding debts with Fresno EOC such as travel advances, or petty cash must be made prior to the date of termination.

V. BENEFITS

The Human Resources Office is responsible for notifying employees who are covered by Fresno EOC's group health plan of their right to continue coverage under that plan. Information regarding other benefits such as retirement life insurance conversion, etc. will also be provided.

VI. PAYMENT ON RESIGNATION OR TERMINATION

If an employee resigns, a final paycheck will be available on the final day of work, provided the employee has given at least seventy-two (72) hours' prior notice. If an employee resigns without giving seventy-two (72) hours' notice or fails to return to work, a final paycheck will be made available for the employee to pick up no later than seventy-two (72) hours after the date when an employee is considered to have resigned, unless the employee notifies Human Resources have his/her final paycheck mailed.

If an employee is terminated involuntarily, the final paycheck will be available at the time of discharge.

The employee's final paycheck will include payment for all wages due and for unused vacation time, minus authorized deductions. Sick time is not compensable and will not be paid upon separation of employment.

VII. REQUESTS FOR REFERENCES

Requests for employment references or verifications of employment should be directed to the Human Resources Office.

POLICY 7050 LAYOFFS

PURPOSE: To establish a fair and consistent procedure for determining and notifying employees of pending layoffs.

POLICY: It is the policy of Fresno EOC to recognize that layoffs may become necessary due to (1) job elimination, (2) lack of work, (3) reorganization, (4) consolidation, or (5) when funds are withdrawn or reduced, resulting in the phasing out of positions or programs or (6) budget constraints.

REFERENCE: Worker Adjustment and Retraining Notification Act (WARN Act) (U.S.C. § 2101-2109 et seq.)

PROCEDURES:

I. LAYOFFS

A. **Factors Used to Determine Order of Layoffs:** If a layoff is determined to be necessary, the Director shall consult the Human Resources Office to develop a layoff plan to be approved by the responsible Officer. This plan shall include the anticipated number and classifications of employees to be laid off and a plan for conducting an orderly layoff plan to minimize adverse effect on the employees to be laid off. Once the scope of the layoff is determined, employees will generally be laid off in the following order:

- temporary and on-call employees;
- introductory employees;
- part-time employees; and
- full-time employees

Fresno EOC reserves the right to deviate from this order whenever it concludes that circumstances warrant such a deviation.

Within each of the classifications noted above, employees shall be selected for layoff based on a combination of factors, including, but not limited to, the ability to perform the work required, past performance, qualifications, attendance, punctuality, and length of service with the Agency and the program.

B. **Interview Priority:** An employee who has successfully completed his/her introductory period and who is selected for layoff may apply for any open position for which he/she are qualified. Application must be made no later than ninety (90) days after the date of layoff (see Policy 1090, Recruitment, Selection, and Employment). Affected employees who meet the qualifications for the open positions will be automatically considered a finalist, will be entitled to an interview and will be required to go through the selection process along with other candidates.