Human Resources Committee Meeting

August 25, 2023 at 1:00 p.m.

Fresno EOC Board Room
1920 Mariposa Street, Suite 310
Fresno, 93721

Join By Zoom:
https://fresnoeoc.zoom.us/meeting/register/tZIld-CgrD0jHdaOgs7qfB2nweEhYGXyE6GM
1. CALL TO ORDER

2. ROLL CALL
   A. Monthly Attendance Record

3. APPROVAL OF MARCH 6, 2023, MINUTES
   A. March 6, 2023, Human Resources Meeting Minutes

4. PERSONNEL POLICIES AND PROCEDURES
   MANUAL

5. EMPLOYEE HANDBOOK
   A. Employee Handbook

6. 2023 RISK ASSESSMENT
   A. 2023 Risk Assessment

7. HUMAN RESOURCES FORMS
   A. Human Resources Forms

8. DISTRACTED DRIVING POLICY
   A. Distracted Driving Policy

9. OTHER BUSINESS
   The next meeting is scheduled on Monday, September 11, 2023 at 5:00 p.m.

10. PUBLIC COMMENTS
    (This portion of the meeting is reserved for persons wishing to address the Committee on items within jurisdiction but not on the agenda. Comments are limited to three minutes).

11. ADJOURNMENT
<table>
<thead>
<tr>
<th>Jan.</th>
<th>9-Feb</th>
<th>6-Mar</th>
<th>April</th>
<th>May</th>
<th>5-Jun</th>
<th>July</th>
<th>Aug. 25</th>
<th>11-Sep</th>
<th>Oct.</th>
<th>Nov.</th>
<th>4-Dec</th>
<th>Attended</th>
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</table>

O-Present  X-Absent  T-Teleconference
1. **CALL TO ORDER** The Meeting was called to order at 5:16 PM

2. **ROLL CALL**
   Roll was called and a quorum was established.
   **Commissioners Present**: Barigye McCoy, Sherry Neil, and Alysia Bonner.
   **Teleconference**: Jimi Rodgers
   **Commissioners Absent**: Earl Brown
   **Staff Present**: Emilia Reyes, Karina Perez, Jaysson Zapata-Espinosa, Steven Warnes, Michelle Tutunjian, Jack Lazzarini, Erica Reyes, Kelsie Chaney, Thomas McNeil

3. **APPROVAL OF SEPTEMBER 12, 2022 MINUTES**
   A. September 12, 2022 Meeting Minutes
   
   Public Comment: None heard
   
   **Motion by**: Rodgers  **Second By**: Bonner
   **Ayes**: All in favor.
   **Nayes**: None heard.

4. **HR SCORECARD**
   A. HR Scorecard – Q4 2022
   
   Erica Reyes, Human Resources Manager, presented the 2022 4th Quarter Human Resources Scorecard to the Committee. Commissioner Rodgers requested more in-depth information on future scorecards, as well as a separate scorecard exclusive to Head Start 0 to 5. Report was accepted as presented.
   
   Public Comment: None heard

5. **RETIREMENT PLAN REPORTING**
   
   Steven Warnes, Assistant Finance Director, presented a Fiduciary Investment Review, prepared by Accelerate Retirement, to the Committee. Report was accepted as presented.
Steve also asked the committee members for their preference regarding the type of reporting they would like to see presented at the committee meetings.

Public Comment: None heard

6. **OTHER BUSINESS**
The next meeting is scheduled on Monday, June 5, 2023 at 5:00 p.m.

No action required.

7. **PUBLIC COMMENT**
Public comment: None heard

No action required.

8. **ADJOURNMENT**
The Meeting was adjourned at 6:12 p.m.

Respectfully submitted,

Barigye McCoy
Committee Chair
Recommended Action

Staff recommends review and approval of the Revised Agency’s Personnel Policies and Procedures Manual.

Background

The Personnel Policies and Procedures manual is periodically updated and/or new policies are created to comply with all new state or federal laws, rules and regulations and other recommended changes.

The proposed manual has significant revisions since the last approved policy manual on September 22, 2021.

Standard changes include revising policies to meet legislative requirements. Other changes address performance, conduct, workplace atmosphere and create additional structure in which management and the Human Resources Department can effect changes to the workplace.

Also included is a summary of all major changes that impact how the policies are applied. Global changes, not listed in the summary sheet, include:

- Changing Human Resources Office to Human Resources Department
- Changing wording of “corrective action” to “progressive discipline” in conjunction with changes proposed to policy 5030

The proposed Personnel Policies and Procedures Manual is pending union review.

Fiscal Impact

N/A

Conclusion

If approved by the Committee, this item will move forward for full Board consideration at the August 30, 2023, Commission meeting. If not approved, Personnel Policies and Procedures Manual will remain unchanged and will not comply with recent state or federal laws, rules and regulations or other recommended changes.
<table>
<thead>
<tr>
<th>Policy #</th>
<th>Policy Name</th>
<th>Section</th>
<th>Change</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1010</td>
<td>Employment At-Will</td>
<td>Procedure</td>
<td><em>Nothing in These policies shall not be interpreted to be in conflict with, or to eliminate or modify...</em> in any way</td>
<td>Better flow and readability</td>
</tr>
<tr>
<td>1020</td>
<td>Equal Employment Opportunity Policy</td>
<td>Reference</td>
<td>Fair Chance Act</td>
<td>Moved from Policy to Reference</td>
</tr>
<tr>
<td>1030</td>
<td>Diversity Policy</td>
<td>Procedure</td>
<td>Fresno EOC’s As such, Fresno EOC draws upon the diverse life experiences of our employees and encourages their full and active participation of every employee in the Agency.</td>
<td>Better flow and readability</td>
</tr>
<tr>
<td>1040</td>
<td>Discrimination/Harassment/Retaliation Complaint and Prevention Policy</td>
<td>Entire Policy</td>
<td>Discrimination, Harassment policies combined with retaliation policy.</td>
<td>More clarity and transparency in handling harassment and discrimination investigations and informing the employees of steps taken to protect them from retaliation</td>
</tr>
<tr>
<td>1050</td>
<td>Management Flow, and Open Communication</td>
<td>Section II</td>
<td><em>It is anticipated that the As first point of contact, immediate supervisors are capable of responding promptly and initiating action in order...</em></td>
<td>Better flow and readability</td>
</tr>
<tr>
<td>1060</td>
<td>Personnel Records</td>
<td>Sections I - III</td>
<td>general clarifications</td>
<td>Provide better language and clarification in regards to access to personnel files</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section IV</td>
<td>Verification of Employment requests should be submitted to The Work Number</td>
<td>ADP provides Verification of Employment services in the current contract.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section V</td>
<td>section rewritten</td>
<td>to provide clarification on the agency's position regarding reference checks.</td>
</tr>
<tr>
<td>1090</td>
<td>Recruitment, Selection and Employment</td>
<td>Section I Item C2</td>
<td>added &quot;Requisitions will include...&quot;</td>
<td>Legal compliance with 2023 CA Pay Transparency Act.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section II Item A3</td>
<td>Added &quot;All interview panel members...&quot;</td>
<td>To create policy to support existing practice.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section III - IV</td>
<td>Existing content reorganized</td>
<td>To provide clarification on the order of steps in the recruitment process.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section V</td>
<td>section rewritten</td>
<td></td>
</tr>
<tr>
<td>1120</td>
<td>Transfers and Promotions</td>
<td>Section IV</td>
<td>Moved to Policy 2020 Wage and Salary Administration</td>
<td>Merge with other pay policies</td>
</tr>
<tr>
<td>1130</td>
<td>New Employee Orientation</td>
<td>Entire Policy</td>
<td>added and changed content</td>
<td>To provide better direction on information being provided to staff and timelines to do so.</td>
</tr>
<tr>
<td>1140</td>
<td>Introductory Period</td>
<td>Section I Item A and B</td>
<td>change 12 month introductory period to 6 months</td>
<td>Improve performance management timelines</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section II</td>
<td>change &quot;in a timely manner&quot; to &quot;30 days from the due date&quot;</td>
<td>Improve performance management timelines</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section III</td>
<td>Added language regarding At-Will Terminations due to performance</td>
<td>To provide consistency with Policy 7050 Separations of Employment</td>
</tr>
<tr>
<td>1150</td>
<td>Hours of Work, Rest and Meal Breaks</td>
<td>Entire Policy</td>
<td>Split Attendance into a new policy</td>
<td>To provide clarity and emphasis to attendance policy</td>
</tr>
<tr>
<td>Policy #</td>
<td>Policy Name</td>
<td>Section</td>
<td>Change</td>
<td>Reason</td>
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<tr>
<td>1160</td>
<td>Punctuality and Attendance</td>
<td>Entire Policy</td>
<td>New and revised content including agency's expectation of employees regarding attendance and punctuality issues. Definitions for excessive absenteeism with criteria for disciplinary action. Eliminated unpaid time off for those that accrue benefits, except as protected by law, to reduce abuse of unpaid time while keeping accrued paid time off.</td>
<td>New definition to emphasize the importance of attendance and punctuality</td>
</tr>
<tr>
<td>1170</td>
<td>Lactation Policy</td>
<td>Rest Area Section III</td>
<td>Removed language that allowed employer to deny the right to express breaks and added information on what is considered an approved rest area</td>
<td>Outdated language in the former policy that didn't include state and federal regulation updates.</td>
</tr>
<tr>
<td>1190</td>
<td>Dress and Grooming Standards</td>
<td>Section D</td>
<td>Added language to require employees to wear a Badge while on duty/hours worked.</td>
<td>Employees of EOC can be identified in EOC locations and at public events</td>
</tr>
<tr>
<td>1200</td>
<td>Automobile Insurance and Driver's License</td>
<td>Section I Item C</td>
<td>All individuals operating private vehicles for company use must maintain appropriate insurance coverage as mandated by California state law.</td>
<td>Reduce agency risk and liability</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section I Item F</td>
<td>Added language to require employees to keep their driver license with them while operating an agency vehicle</td>
<td>Legal compliance</td>
</tr>
<tr>
<td>2010</td>
<td>Pay Practices</td>
<td>Section III Item C.</td>
<td>Added content</td>
<td>To clarify floating holidays and double pay on holidays worked.</td>
</tr>
<tr>
<td>2020</td>
<td>Wage and Salary Administration</td>
<td>Section IV</td>
<td>Add language consistent with Agency's $17 minimum wage</td>
<td>To add policy aligning with board resolution</td>
</tr>
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<td></td>
<td></td>
<td>Section V</td>
<td>Added content regarding promotion pay</td>
<td>To provide a higher pay increase to staff promotion to a new role, providing incentive for growth and development within the agency.</td>
</tr>
<tr>
<td></td>
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<td>Section VI Item A.</td>
<td>Added language regarding Merit Increases</td>
<td>To provide incentive to staff to perform well at or above agency standards.</td>
</tr>
<tr>
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<td>Section VI Item B.</td>
<td>Added Cost of Living Adjustment (COLA) language.</td>
<td>To support agency efforts to stay competitive in the market during times of inflation.</td>
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<td>Section VII</td>
<td>Added language to create a second level of temporary pay increase.</td>
<td>To provide staff staff a higher increase when temporarily performing a job in a higher classification</td>
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<tr>
<td></td>
<td></td>
<td>Section X</td>
<td>Moved from Policy 1120 Transfers and Promotions</td>
<td>To have all policies and standards regarding pay in one policy</td>
</tr>
<tr>
<td>2040</td>
<td>Discretionary Bonus Incentive Policy</td>
<td>Eligibility</td>
<td>Removed language</td>
<td>Removed repetitive language</td>
</tr>
<tr>
<td>2060</td>
<td>Pay Scale Information</td>
<td>Entire Policy</td>
<td>New policy added</td>
<td>Legal compliance with 2023 CA Pay Transparency Act.</td>
</tr>
<tr>
<td>3020</td>
<td>Vacations</td>
<td>Section V</td>
<td>Added language to state that employees may use vacation while on protected leave</td>
<td>Employees may use any leave accruals while on protected leave per state and fed law.</td>
</tr>
<tr>
<td>3030</td>
<td>Sick Time</td>
<td>Section V</td>
<td>Language addition of designated person and its definition was added</td>
<td>Changes to California Family Rights Act - State law requirement</td>
</tr>
<tr>
<td>3040</td>
<td>Paid Sick Leave</td>
<td>Section I</td>
<td>Language addition of designated person and its definition was added</td>
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<tr>
<td>Policy #</td>
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<td>3060</td>
<td>Retirement Plans</td>
<td>Section IV</td>
<td>Eligibility language updated to explain who is eligible for the 457B plan.</td>
<td>Clarification of what employees qualify.</td>
</tr>
<tr>
<td>3070</td>
<td>Vaccination Policy</td>
<td>Delete</td>
<td>Recommended the removal of this policy</td>
<td>CA is no longer in a state of emergency. The vaccination policy has decreased the amount of volunteers for programs such as Head Start and Foster Grandparents.</td>
</tr>
<tr>
<td>3080</td>
<td>Health and Wellness Platform</td>
<td>Section III</td>
<td>Deleted, stipend, time off, reduction in insurance premiums, gifts and awards</td>
<td>Removed the language that is no longer applicable incentives.</td>
</tr>
<tr>
<td>4010</td>
<td>Family Medical Leave and California Rights Act</td>
<td>Purpose, Section II, Section III</td>
<td>Separated FMLA/CFRA Policy added military leave to FMLA. Pregnancy Disability and other leaves a stand-alone policy.</td>
<td>Very long policy hard to follow and this provides more clarify and direction to employees.</td>
</tr>
<tr>
<td>4020</td>
<td>Pregnancy-Related Disability, other disabilities, and Accommodations</td>
<td>New Policy</td>
<td>Created standalone policy from FMLA/CFRA. Removed Extended Medical leave - converted this to Interactive Process section.</td>
<td>To provide better guidance and encompass the interactive process as required by Americans with Disabilities Act.</td>
</tr>
<tr>
<td>4030</td>
<td>Leaves of Absence</td>
<td>Section III</td>
<td>Bereavement leave was updated to pay for 5 days as required by the state of CA. Language stating that one occurrence of five days will be paid by Fresno EOC, additional bereavements within the calendar year will be granted however they will be unpaid.</td>
<td>State regulations state that five days unpaid leave are protected leave for bereavement reasons.</td>
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<tr>
<td>4050</td>
<td>Domestic Violence, Sexual Assault, or Stalking Victim Leave</td>
<td>Section II</td>
<td>Crime Victims leave section updated to include the definition</td>
<td>To provide clarification</td>
</tr>
<tr>
<td>5010</td>
<td>Workplace Atmosphere</td>
<td>Section II</td>
<td>Anti-Bullying Policy</td>
<td>Legal compliance</td>
</tr>
<tr>
<td>5020</td>
<td>Standards of Performance and Conduct</td>
<td>Section I A</td>
<td>‘perform the job duties satisfactorily’;</td>
<td>Better flow and readability</td>
</tr>
<tr>
<td></td>
<td>Section I A</td>
<td>‘Excessive absenteeism...’</td>
<td>Moved to Standards - I. B. number 3</td>
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<td>Section I B</td>
<td>‘Discourteous or unprofessional conduct’</td>
<td>Moved to Standards - I. B. number 1</td>
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<td></td>
<td>Section I B</td>
<td>Headstart section moved to the end</td>
<td>Better flow and readability</td>
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<td>Policy</td>
<td>Counseling and Corrective Action changed to Progressive Discipline</td>
<td>Title for disciplinary section changed</td>
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<td>Policy</td>
<td>Circumstances and employee conduct may warrant eliminating one or more steps in the progressive corrective action discipline system, possibly resulting in immediate suspension or termination.</td>
<td>Better flow and readability</td>
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<td>Section I</td>
<td>Coaching and Counseling changed to Coaching</td>
<td>Simplification of titles</td>
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<td>Section II</td>
<td>Corrective Action changed to Progressive Discipline</td>
<td>Corrective Action is now referred to as Progressive Discipline so employees are aware that in most instances, discipline will be progressive and not immediate termination</td>
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<td>Section II Item A</td>
<td>Verbal Reprimand changed to Counseling Memo</td>
<td>This step will be an official memo now that will remain in the employee’s file</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section II Item A</td>
<td>2, 3, 4 - Process outlined better</td>
<td>Consistency in the process</td>
<td></td>
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<tr>
<td></td>
<td>Section II Item B</td>
<td>Reprimand and Warning changed to Written Warning</td>
<td>Simplification of titles</td>
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<tr>
<td>Policy #</td>
<td>Policy Name</td>
<td>Section</td>
<td>Change</td>
<td>Reason</td>
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<tr>
<td>5030</td>
<td>Progressive Discipline (continued)</td>
<td>Section II Item C</td>
<td>Suspension changed to Final Warning or Suspension</td>
<td>Provide the agency with the option to either issue a final warning to the employee or proceed with suspension</td>
</tr>
<tr>
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<td>Section II Item D</td>
<td>Discharge: (Involuntary Termination) changed to Termination</td>
<td>Simplification of titles</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section IV</td>
<td>Performance Improvement Plan moved to Performance Evaluations</td>
<td>PIPs are not disciplinary therefore moved to Performance Evaluation section</td>
</tr>
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<td></td>
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<td>Section IV</td>
<td>The Program Director, with approval from the responsible Officer and Human Resources Director/Officer supervisor, with the concurrence of the program manager/director and responsible Officer, will determine, based on the facts, if the employee will be placed on paid administrative leave or unpaid suspension should suspend the employee pending review. An The Human Resources Department will conduct an investigation of the allegations or misconduct incidents leading up to the suspension shall be conducted to determine what further action, if any, should be taken, including termination.</td>
<td>Clarify the suspension process so that employees are not placed on leave without HR knowledge and so that HR can verify it is the appropriate action to take</td>
</tr>
<tr>
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<td>Section V</td>
<td>Investigatory Interview changed to Incident Review</td>
<td>Management does not complete investigatory interviews, but will be responsible for gathering the facts in the initial intake when they’re informed or discover an issue</td>
</tr>
<tr>
<td></td>
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<td>Section V</td>
<td>An incident review is a process in which minor concerns or incidents will be reviewed by the program before escalation to the Human Resources Department. An incident review investigatory interview will be conducted by program management for the purpose of determining the facts involved in any suspected violation of Fresno EOC rules and regulations, except for allegations of discrimination, harassment, bullying or retaliation. These allegations will be investigated by the Human Resources Department.</td>
<td>Clarity in the process</td>
</tr>
<tr>
<td>5040</td>
<td>Alcohol/Drug Free Workplace</td>
<td>Section II B</td>
<td>Added language to prohibit discrimination of off work use of cannabis in non-safety sensitive positions</td>
<td>Legal compliance</td>
</tr>
<tr>
<td>5070</td>
<td>Code of Ethics and Business Conduct</td>
<td>Section II</td>
<td>Agency employees shall not disclose confidential information without proper authorization from their supervisor, manager and/or Human Resources Office/Human Resources Department</td>
<td>Clarity in the process</td>
</tr>
<tr>
<td>5110</td>
<td>Remote Work and Access Guidelines</td>
<td>Policy</td>
<td>Change from &quot;Human Resources Office&quot; to &quot;Human Resources Department&quot;, Stipend rates</td>
<td>Consistency in language</td>
</tr>
<tr>
<td>5140</td>
<td>Employee Referral Incentive Program</td>
<td>Entire Policy</td>
<td>New policy to provide incentive to staff to make referrals for employment</td>
<td>To provide staff the opportunity to make referrals for employment and receive an incentive for doing so</td>
</tr>
<tr>
<td>6010</td>
<td>Commitment to Safety</td>
<td>Section VII</td>
<td>Added Section VII. Emergency Condition</td>
<td>Legal compliance with SB 1044 impacting Labor Code Section 1139.</td>
</tr>
<tr>
<td>7020</td>
<td>Succession Planning</td>
<td>Entire Policy</td>
<td>New policy added</td>
<td>Establish a succession plan for the agency</td>
</tr>
<tr>
<td>Policy #</td>
<td>Policy Name</td>
<td>Section</td>
<td>Change</td>
<td>Reason</td>
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<td>-------------------------------------------------------------------------</td>
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<tr>
<td>7030</td>
<td>Performance Evaluations</td>
<td>Section I</td>
<td>Introductory period changed from 12 months to 6 months</td>
<td>Management should be able to discern if an employee is a good fit for the agency within the first 6 mos.</td>
</tr>
<tr>
<td>7030</td>
<td>Performance Evaluations</td>
<td>Section I Item B.</td>
<td>Change anniversary based evaluations to a common date evaluation</td>
<td>To simplify evaluation due dates and support program budgets in regards to merit increases</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section IV</td>
<td>Performance Improvement Plan section moved from 5030</td>
<td>Clarity in the process, more appropriate section since PIP's are not disciplinary</td>
</tr>
<tr>
<td>7070</td>
<td>Severance Pay</td>
<td>Entire Policy</td>
<td>New policy added</td>
<td>Establish a severance pay practice for the different levels of staff and the amount of pay they will receive when separated not related to conduct or voluntary resignation</td>
</tr>
</tbody>
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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. The purpose of these rules, policies, procedures, rules and guidelines, and procedures is to establish systematic and uniform procedures for handling personnel matters. It is the duty and responsibility of all employees of Fresno EOC to read, understand, know and comply with and assist in carrying into effect the provisions of these rules as amended from time to time.

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 fully inclusive of every detail 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. These rules and procedures cannot address all possible workplace issues and the absence of a policy to address an issue shall not be construed as prohibiting the Agency from appropriately addressing the matter. Misconduct or inappropriate behavior not addressed in these rules. In instances where the Agency has negotiated collective bargaining agreements, the Personnel Manual shall prevail where the bargaining agreements are silent. Under no circumstances shall these summaries be construed 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, modify, or delete provisions of this Manual at any time, in whole or in part, without advance notice, consent or approval unless otherwise required by law.

Only the Chief Executive Officer (hereafter CEO) 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 are 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 Department Office is responsible for distribution of the Manuals to 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

Directors, department managers, and supervisors should refer to the Manual whenever questions of policy interpretation or implementation arise. Policies needing clarification or interpretation or current information regarding the status of any particular policy, procedure, or practice should be referred to the Human Resources Management Office.
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**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 voluntary 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 not 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.
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 (including hair texture and protective hairstyle), color, ethnicity, national origin, ancestry, sex, pregnancy (including childbirth and related medical conditions), request for pregnancy disability leave, religion, creed, religious dress and grooming practices, age, physical or mental disability, medical condition, request for leave for a serious health condition, marital status, sexual preference, sexual orientation, gender identity, gender expression, sex stereotype, transgender, transitioning or perceived to be, reproductive health decision making, 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, request for family care leave, criminal background (Fair Chance Act), or for any other reason prohibited by law or regulation and not work related. All such discrimination is unlawful.


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 accommodation to perform the essential functions of the job should contact their supervisor or Human Resources and request such accommodation. The individual with the disability or religious belief should specify what accommodations they need to perform the job. Fresno EOC will then evaluate and 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 the health and safety of the employee or coworkers, 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.

Accommodating Religious Beliefs:

Accommodating Religious Beliefs: To comply with applicable laws and ensure equal opportunity to qualified individuals with sincerely held religious beliefs, Fresno EOC will make reasonable accommodations for the known
religious known 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 their supervisor or Human Resources and request such accommodation. The individual with the religious belief should specify what accommodations they need to perform the job. Fresno EOC will then evaluate and 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 the health and safety of the employee or coworkers, 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, issue corrective action, progressive discipline, terminate an employee, or to effectively recommend such action, is responsible for ensuring compliance with this policy.

II. RESPONSIBILITY

A. The Human Resources Director/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’s 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 and qualifications 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 and 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 103025 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. Fresno EOC and aspires to be a workplace that works for everyone. Fresno EOC believes 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, Fresno EOC seeks 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, 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 employees are 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. Fresno EOC As such, Fresno EOC draws upon the diverse life experiences of our employees and encourages their full and active participation of every employee in the Agency.

The Agency has found that success in achieving diversity requires commitment from the organization’s leadership at all 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; and
- achieve the highest level of effectiveness and well-informed decision-making.

IV. RESPONSIBILITY

The Agency will advance these objectives by:

- promoting amongst the Board, Leadership, management and staff 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 include, are applicable, but are not limited, to: the practices and policies regarding 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 engaged in any conduct or behavior in contrast with this diversity policy against others may be subject to corrective action, progressive discipline up to and including termination (see Policy 5030, Progressive Discipline, 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 AGAINST HARASSMENT

PURPOSE: The Agency is committed to providing a work environment free of unlawful discrimination, harassment and retaliation in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment, and retaliation. To provide a work environment free of unlawful harassment.

POLICY: The Agency is committed to preserving a workplace free of discrimination, harassment, retaliation, and inappropriate workplace conduct based on protected classifications and in compliance with state and federal requirements as well as the use of sound management principles. The Agency will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Any employee who has questions or concerns about these policies should communicate them to the Human Resources Department. It is the policy of Fresno EOC to be committed to providing a workplace free of harassment. The Agency is committed to preserving a workplace free of harassment, discrimination, retaliation, and inappropriate workplace conduct based on protected classifications and in compliance with state and federal requirements as well as the use of sound management principles.


PROCEDURES:

I. INDIVIDUALS AND CONDUCT COVERED

These policies apply to all applicants, employees, unpaid interns, volunteers, client, commissioner and/or customer, whether related to conduct engaged in by fellow employees or by someone not directly connected to Fresno EOC (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

II. OVERVIEW

The law and the policies of Fresno EOC prohibit disparate treatment on the basis of any protected characteristic, with regard to terms, conditions, and privileges of employment. The prohibitions against discrimination, harassment and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

All individuals should be afforded the opportunity to participate in business or work-related social activities or discussions without fear of discrimination or harassment.
A. Equal Employment Opportunity

It is the policy of Fresno EOC to ensure equal employment opportunity without discrimination or harassment on the basis of:

- race (including hairstyle/texture);
- ancestry;
- religion or religious creed (including religious dress and grooming practices);
- color;
- age (40 and over);
- sex;
- gender;
- sexual orientation;
- gender identity or expression;
- genetic information;
- national origin (including language use restrictions);
- marital status;
- medical condition (including cancer and genetic characteristics);
- physical or mental disability (including HIV and AIDS);
- military or veteran status;
- pregnancy;
- childbirth;
- breastfeeding and related medical conditions;
- reproductive health decision-making; or
- any other characteristic protected by law as Fresno EOC prohibits any such discrimination or harassment.

B. Prohibiting Retaliation

The Agency encourages reporting of all perceived incidents of discrimination or harassment so that it may promptly and thoroughly investigate such reports. The Agency prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

C. Sexual Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, “sexual harassment” is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment:

- Quid Pro Quo
- Hostile Work Environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender.
Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual’s body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

D. Harassment

For the purposes of this policy, harassment is considered to be verbal, written or physical conduct that denigrates, shows hostility, and/or aversion toward an individual because of the reasons listed under section A. Equal Employment Opportunity and, that of an individual’s relatives, friends or associates, and that:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- has the purpose or effect of unreasonably interfering with an individual’s work performance; or
- otherwise adversely affects an individual’s employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates, shows hostility, and/or aversion toward an individual or group that is placed on walls or elsewhere on the employer’s premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

I. PROTECTED CATEGORIES

Categories protected from harassment include: race (includes hair texture and protective hair styles), color, ethnicity, national origin, ancestry, sex, pregnancy (including childbirth and related medical conditions), request for pregnancy disability leave, religion, creed, religious dress and grooming practices, age, physical or mental disability, medical condition, request for leave of a serious health condition, request for family care leave, 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, criminal background (Fair Chance Act), 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. MANDATORY TRAINING

Fresno EOC requires at least two hours of classroom or other effective interactive training and education regarding sexual harassment and abusive conduct prevention to all supervisory employees and at least one (1) hour of classroom or other effective interactive training and education regarding sexual harassment and abusive conduct prevention to all nonsupervisory employees. Every two years, supervisory employees must receive two (2) hours of training and non-supervisory employees must receive one (1) hour of training. New nonsupervisory employees will be provided one (1) hour of training within ninety (90) days six months of hire. New supervisory employees will be provided two (2) hours of training within thirty (30) days six months of assuming their supervisory position. Fresno EOC may provide this training in conjunction with other training provided to the employees.

IV. REPORTING AN INCIDENT OF DISCRIMINATION, HARASSMENT, OR RETALIATION

The Agency encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the identity or position held by the accused. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, director, or Human Resources management. See the complaint procedure described below.
In addition, Fresno EOC also encourages individuals who believe they are being subjected to such conduct to promptly advise the accused that their behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. The Agency recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

Any person, employee, or manager who has an obligation to report violations of this policy and fails to do so will be subject to progressive discipline, up to or including termination.

V. COMPLAINT PROCEDURE

Individuals who believe they have been the victim of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, director, or Human Resources management.

Any reported allegations of discrimination, harassment or retaliation will be investigated promptly by management staff in the Human Resources Office. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have relevant knowledge.

The Agency will handle all situations with confidentiality, to the extent possible by making every effort to limit both the number of people involved with the investigation and the extent of the discussion with them to a need-to-know basis, while ensuring that the investigation is conducted thoroughly and objectively. Upon completion of the investigation, the investigator will provide an objective decision of the reported claims based on preponderance of evidence.

VI. RETALIATION

The Agency prohibits retaliation against employees who, in good faith, report what they believe to be discrimination, harassment, retaliation, or inappropriate workplace conduct based on a protected classification, or who participates in the investigation of such complaints or other proceeding conducted by the California Civil Rights Department (“CCRD”) or U.S. Equal Employment Opportunity Commission (“EEOC”) or other applicable agency.

Retaliation can include conduct such as termination, demotion, loss of duties, or disadvantageous transfers or assignments as well as expressing hostility, shunning or avoiding an individual, applying unreasonable or unfair job expectations, and real or implied threats or intimidation against the complainant(s) or a participant in the investigation.

Any employee experiencing or witnessing retaliatory conduct should immediately report the conduct consistent with reporting procedures contained within this policy. Any person engaging in retaliatory conduct will be subject to discipline up to and including termination.

VII. RESPONSIVE ACTION

Misconduct constituting discrimination, harassment or retaliation will be addressed appropriately. Responsive action may include but is not limited to, progressive discipline, training, referral for assistance, reassignment, temporary suspension without pay, or termination, as Fresno EOC believes appropriate under the circumstances.

If a party to a complaint does not agree with the resolution, that party may appeal to the Program Director, Human Resources Director/Officer.

False and malicious complaints of discrimination, harassment or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.
Supervisors and managers have a responsibility to the employees and Fresno EOC to report any concerns or complaints of misconduct under this policy to their immediate supervisor (when appropriate) and Human Resources management. Supervisors and/or managers must:

- ensure that their work environment remains free of discrimination, harassment, and retaliation;
- coordinate and cooperate with the Program Director in disseminating this policy to all employees under their management/supervision; and
- cooperate with the Program Director, Human Resources management and/or designated person in the investigation of complaints involving employees under their management/supervision.

When discrimination and/or harassment has occurred, supervisors and managers:

- must take reasonable steps to protect the complainant from further discrimination, harassment or retaliation;
- must take action to remedy the effects of discrimination/harassment/retaliation; and
- may be asked to participate in discrimination and harassment prevention training provided by Fresno EOC.

VIII. INTERACTIONS WITH NON-EMPLOYEES

Employees are also prohibited from engaging in the conduct outlined in this policy with non-employees whom they come into contact with, such as employees of contractors, customers, suppliers, and temporary employment agency employees.

IX. CONTRACTS INVOLVING NON-EMPLOYEES

When programs enter into contracts with independent contractors and persons providing services pursuant to a program grant, the Program Director shall ensure language is provided in the contract requiring those contractors to be responsible for ensuring that effective policies and procedures concerning the prevention of discrimination, harassment, and retaliation exist in their companies/businesses. Appropriate action will be taken if the employee of a customer, vendor, supplier, agency, contractor, or other entity with whom Fresno EOC does business engages in conduct prohibited by this policy.

X. EMPLOYEE RESPONSIBILITY

Employees who were subject to or witnessed a violation of this policy should immediately report the violation to their supervisor or Human Resources management.

Employees shall:

- not violate any provision of this policy;
- participate in anti-discrimination/harassment/retaliation training provided by Fresno EOC;
- cooperate fully with investigations of discrimination, harassment, and retaliation; and
- verify in writing that they have received a copy of this policy.

XI. SUPERVISOR AND MANAGEMENT RESPONSIBILITY

Supervisors and/or managers who knew or should have reasonably known of a violation of this policy and do not report the violation will be subject to progressive discipline, up to and including termination.

XII. ADDITIONAL REPORTING INFORMATION
Anyone who believes that they have been harassed, discriminated or retaliated against may, within three years of the harassment or discrimination, file a complaint of discrimination with the CCRD or within 300 days of the harassment or discrimination file a complaint of discrimination with the EEOC. Employee and applicants for employment may also file discrimination, harassment, and retaliation complaints with the California Civil Rights Department or with the United States Equal Employment Opportunity Commission (EEOC). Information regarding these agencies is available on the internet at the following websites:

- California Civil Rights Department: www.crd.ca.gov

Because complaints made only to outside agencies may prevent Fresno EOC from taking prompt and appropriate action to remedy any situation, Fresno EOC requests, but does not require, that employees who file complaints to outside agencies also submit a complaint to Fresno EOC.

**IV. COMPLAINT PROCEDURE**

An employee who believes they are 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 in order to Fresno EOC to the opportunity to appropriately respond to the complaint, including which includes stopping ensuring the purported harassment is stopped, an investigation is conducted, and monitoring for possible retaliation is implemented.

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 who has been made aware of or has observed any harassment must is required to 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. A prompt and impartial investigation will be conducted, will handle all situations with confidentiality, to the extent possible by making every effort to limit both the number of people involved with the investigation and the extent of the discussion with them to a need-to-know basis, while ensuring that the investigation is conducted thoroughly and objectively.

**IV. REMEDIAL ACTION**

The investigation will provide the complainant(s) and respondent(s) with an opportunity to respond and will reach factual findings based on the information gathered. If determines, based on the investigation findings, that a violation of policy occurred, will take immediate and appropriate corrective action, up to and including
termination of employment, to remedy the situation and to prevent such conduct in the future. 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, objectively, 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 Civil Rights Department (DFEHCCRD), which has the authority to conduct investigations of the facts.

VI. NON-RETALIATION

The Agency prohibits retaliation against employees who, in good faith, report what they believe to be discrimination, harassment, retaliation, or inappropriate workplace conduct based on a protected classification, or who participate in the investigation of such complaints.

Retaliation can include conduct such as termination, demotion, loss of duties, or disadvantageous transfers or assignments as well as expressing hostility, shunning or avoiding an individual, applying unreasonable or unfair job expectations, and real or implied threats or intimidation against the complainant(s) or a participant in the investigation.

Any employee experiencing or witnessing retaliatory conduct should immediately report the conduct consistent with the reporting procedures outlined above. Any person engaging in retaliatory conduct will be subject to discipline, up to and including termination.

VII. ADDITIONAL REPORTING INFORMATION

Employee and applicants for employment may also file discrimination, harassment, and retaliation complaints with the California Department of Fair Employment and Housing (DFEH) or with the United States Equal Employment Opportunity Commission (EEOC). Information regarding these agencies is available on the internet at the following websites:

- U.S. Equal Opportunity Commission,
- California Department of Fair Employment and Housing, www.dfeh.ca.gov

Because complaints made only to outside agencies may prevent the Agency from taking prompt and appropriate action to remedy any situation, the Agency requests, but does not require, that employees who file complaints to outside agencies also submit a complaint to the Agency.
POLICY 105040 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 them and their daily professional responsibilities. An employee who has job-related interests, suggestions or questions is encouraged to initiate discussion with their 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 their 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. This level of supervision generally reports to an Officer or 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 supervisors are capable of responding promptly and initiating action in order to resolve issues, answer questions, and process review suggestions in a timely manner. For these reasons, employees are encouraged to raise and pursue discussions of work-related concerns with their immediate supervisor.

If the employee does not feel comfortable discussing certain issues with their immediate supervisor, then the employee may is encouraged to discuss the issue with their manager, director, officer or with any level of management including with the Human Resources Department or any level of management (see Policy 1040 Discrimination/Harassment/Retaliation Complaint and Prevention Policy50, 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 – DISCRIMINATION/HARASSMENT COMPLAINT POLICY

PURPOSE: Fresno EOC is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment, and retaliation. Therefore, Fresno EOC expects that all relationships among persons in the office will be business-like and free of explicit bias, discrimination, and harassment.

POLICY: Fresno EOC has developed this policy to ensure that all employees can work in an environment free from unlawful harassment, discrimination, and retaliation. Fresno EOC will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Any employee who has questions or concerns about these policies should communicate with Human Resources management.

PROCEDURES:

I. OVERVIEW

The law and the policies of Fresno EOC prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, and privileges of employment. The prohibitions against harassment, discrimination, and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

All individuals should be afforded the opportunity to participate in business or work-related social activities or discussions without fear of harassment or discrimination.

A. Equal Employment Opportunity

It is the policy of Fresno EOC to ensure equal employment opportunity without discrimination or harassment on the basis of race (including hairstyle/texture), ancestry, religion or religious creed (including religious dress and grooming practices), color, age (40 and over), sex, gender, sexual orientation, gender identity or expression, genetic information, national origin (including language use restrictions), marital status, medical condition (including cancer and genetic characteristics), physical or mental disability (including HIV and AIDS), military or veteran status, pregnancy, childbirth, breastfeeding and related medical conditions, reproductive health decision-making, or any other characteristic protected by law. Fresno EOC prohibits any such discrimination or harassment.

B. Prohibiting Retaliation

Fresno EOC encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of Fresno EOC to promptly and thoroughly investigate such reports. Fresno EOC prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

C. Sexual Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, “sexual harassment” is defined, as in the equal employment opportunity commission guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.
Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment:
- quid pro quo;
- hostile work environment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender.

Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual’s body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

D. Harassment

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race (including hairstyle/texture), ancestry, religion or religious creed (including religious dress and grooming practices), color, age (40 and over), sex, gender, sexual orientation, gender identity or expression, genetic information, national origin (including language use restrictions), marital status, medical condition (including cancer and genetic characteristics), physical or mental disability (including HIV and AIDS), military or veteran status, pregnancy, childbirth, breastfeeding and related medical conditions, reproductive health decision making or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that:
- has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- has the purpose or effect of unreasonably interfering with an individual’s work performance; or
- adversely affects an individual’s employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer’s premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

II. INDIVIDUALS AND CONDUCT COVERED

These policies apply to all applicants, employees, unpaid interns, volunteers, client, commissioner and/or customer, whether related to conduct engaged in by fellow employees or by someone not directly connected to the Agency (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

III. REPORTING AN INCIDENT OF HARASSMENT, DISCRIMINATION OR RETALIATION

Fresno EOC encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the accused identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, director, or Human Resources management. See the complaint procedure described below.

In addition, Fresno EOC encourages individuals who believe they are being subjected to such conduct to promptly advise the accused that their behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. Fresno EOC recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

Any person, employee, or manager who has an obligation to report violations of this policy who does not report a violation of this policy will be subject to progressive corrective action, up to or including termination.
IV. COMPLAINT PROCEDURE

Individuals who believe they have been the victim of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, director, or Human Resources management.

Fresno EOC encourages the immediate reporting of complaints or concerns so that prompt constructive action can be taken.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly by Human Resources management or person designated by the human resources office. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Fresno EOC will keep the investigation as confidential as possible to the extent consistent with adequate investigation and appropriate corrective action. Upon completion of the investigation, the investigator will provide an objective decision of the reported claims based on preponderance of evidence.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to corrective action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

V. RESPONSIVE ACTION

Misconduct constituting harassment, discrimination or retaliation will be addressed appropriately. Responsive action may include but is not limited to, progressive corrective action, training, referral for assistance, reassignment, temporary suspension without pay, or termination, as Fresno EOC believes appropriate under the circumstances.

If a party to a complaint does not agree with the resolution, that party may appeal the Program Director, Human Resources Director, or People and Culture Officer.

False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate corrective action.

Supervisors/managers have a responsibility to the employees and the agency to report any concerns or complaints of misconduct under this policy to their immediate supervisor (when appropriate) and Human Resources management; must ensure that their work environment remains free of discrimination, harassment, and retaliation; coordinate and cooperate with the Program Director in disseminating this policy to all employees under their management/supervision; and cooperate with the Program Director, Human Resources management and/or designated person in the investigation of complaints involving employees under their management/supervision.

When discrimination/harassment has occurred, supervisors and managers:
- must take reasonable steps to protect the complainant from further discrimination, harassment or retaliation;
- must take action to remedy the effects of discrimination/harassment/retaliation;
- may be asked participate in discrimination and harassment prevention training provided by the Agency.

VI. INTERACTIONS WITH NON-EMPLOYEES

Employees are prohibited from engaging in conduct prohibited in this policy with non-employees whom they come into contact, such as employees of contractors, customers, suppliers, and temporary employment agency employees.
VII. CONTRACTS INVOLVING NON-EMPLOYEES

When programs enter into contracts with independent contractors and persons providing services pursuant to a program grant, the Program Director shall ensure language is provided in the contract requiring those contractors to be responsible for ensuring that effective policies and procedures concerning the prevention of discrimination, harassment, and retaliation exist in their companies/businesses. Appropriate action will be taken if the employee of a customer, vendor, supplier, agency, contractor, or other entity with whom Fresno EOC does business engages in conduct prohibited by this policy.

VIII. EMPLOYEE RESPONSIBILITY

Employees who were subject to or witness a violation of this policy should report the violation to their immediate supervisor or Human Resources management.

Employees shall:
- not violate any provision of this policy;
- participate in anti-discrimination/harassment/retaliation training provided by Fresno EOC;
- cooperate fully with investigations of discrimination, harassment, and retaliation; and
- verify in writing that they have received a copy of this policy.

IX. SUPERVISOR AND MANAGEMENT RESPONSIBILITY

Supervisors and managers who knew or should have known of a violation of this policy and do not report the violation will be subject to progressive corrective action, up to and including termination.
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 which protects each individual’s employee’s privacy. The personnel record file of any employee is a file used to determine that employee’s qualifications for employment, promotion, additional compensation, termination, or other discipline/corrective action.

II. RESPONSIBILITY

A. Human Resources OfficeHuman Resources Department: The Human Resources OfficeHuman Resources Department 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 OfficeHuman Resources Department 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 their own personnel record file 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 OfficeHuman Resources Department 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 OfficeHuman Resources Department.

An employee has the right to request copies of their 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 their file if they 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 designated staff in the Human Resources Office.

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

IV. RELEASE OF INFORMATION

Requests to verify employment information for current and previous applicants, employees, and past employees shall be submitted to The Work Number at 800.367.5690 using Employer Code 03148505. The Work Number will release personnel information only after obtaining the written or e-signature consent of the individual involved. If The Work Number is unable to provide the information requested, the request may be forwarded to the Human Resources Office. Exceptions may be made to cooperate with investigatory or legal requirements.

V. EMPLOYMENT REFERENCE REQUESTS

Fresno EOC does not authorize any employee or supervisor to complete a reference check on behalf of the Agency. Should an employee or supervisor want to provide a reference, it must be done without appearance of speaking acting on behalf of the agency and cannot be written on agency letterhead. 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—The Human Resources Office is the designated recipient when accepting legal documents regarding Fresno EOC's business and personnel matters. Fresno EOC does not accept subpoenas for personal matters on behalf of employees.
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.


PROCEDURES:

I. FULL-TIME REGULAR EMPLOYEES

An employee who is regularly scheduled to and does 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 (see as defined in Policy 305040, Insurance Benefits).

II. PART-TIME REGULAR EMPLOYEES

An employee who is regularly scheduled to and does 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 (see as defined in Policy 305040, 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, the introductory period will end after one year from the seniority date.

Temporary employees may be eligible to participate in health insurance program benefits as defined in Policy 3040 or other benefits as required by law. 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 305040, 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 they are hired.
Substitute/On-Call employees do not become regular employees as a result of the passage of time. Substitute/On-Call employees are encouraged to apply for open positions, but will not be given special consideration should the substitute/on-call position become a regular full-time or part-time position. If the Substitute/on-call qualifies for a vacant position, the introductory period will end after one year from the seniority date.

On-call employees may be eligible to participate in health insurance program benefits as defined in Policy 3040, Insurance Benefits, or as otherwise required by law. 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 to the same position within thirty (30) calendar days from the employee’s last separation date. The employee will be reinstated with their original date of hire. For purposes of benefits that accrue, entitlement will be restored to original hire date. Director/Manager and higher-level reinstatements must have Human Resources Director/Officer/CEO approval. A reinstated employee may enroll in other benefits based upon eligibility consistent with these policies and as required by law.

VI. REHIRED EMPLOYEES

A rehired employee is an employee who is rehired following a break in service in excess of thirty (30) days from the employee’s last separation date, for other than an approved leave of absence. Director/Manager and higher-level rehires must have Human Resources Director/Officer/CEO approval. A rehired employee is considered a new employee from the effective date of their re-employment for all purposes, including benefit eligibility except Paid Sick Leave (See Policy 304035, Paid Sick Leave).

VII. SENIORITY DATE

Seniority date is defined as the date of hire or rehire date, whichever is later.

VIII. 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.


PROCEDURES:

I. DEFINITIONS

A. Non-exempt: The term “non-exempt employee” means an employee is 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 duties and responsibilities 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 whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight;
   - The employee must customarily and regularly exercise discretion and independent discretion, and independent discretion;
   - 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:

   - 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.
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 their 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 more than 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 they perform any work during a week in which they serve.
- 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.
- Suspension as a result of disciplinary action for violating agency policy.
- 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 the employee 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.
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 OfficeHuman Resources Department 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 their 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, reproductive health decision making, 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.


PROCEDURES:

I. RECRUITMENT

A. General: Agency programs have the primary responsibility of overseeing the recruitment process. The Human Resources OfficeHuman Resources Department is responsible for maintaining the application tracking system. The Human Resources Department may assist programs with guiding the hiring process.

B. Personnel Requisition: Requisitions for additions or replacements to the workforce must be generated by the supervisor in the applicant tracking system and approved by the next level of management, director as required, and the Human Resources Department.

C. Internal/External Recruitment: The Human Resources OfficeHuman Resources Department 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 promotes a diverse workforce. Fresno EOC will establish outreach programs for applicants experiencing poverty 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 70-0650, Layoffs). Fresno EOC maintains sole discretion of all personnel decisions. Veterans will be given preference when filling job openings with qualified applicants. Veterans must provide documents of veteran status at time of interview to be given preference. If no documents are provided at time of interview, no preference will be given.

2. Job 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. Requisitions will include anticipated pay ranges, which will generally be posted from beginning to mid-range of the pay grade. Job postings will be advertised for at least three days and generally normally no more than two weeks. Employees who feel they are qualified for the position must apply for consideration to be considered. 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 to 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) nonprofit and state agencies, (c) government employment services, (d) schools, and (e) 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/Human Resources Department will consider requests for reasonable accommodation of disabilities and religious beliefs and will determine what, if any, accommodations will be made for the application process.

3. The hiring program and/or Human Resources Department 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 with or without reasonable accommodations, of the position to be considered for interview. The hiring program or Human Resources may conduct a phone interview. The program will schedule interviews and may request any supporting documents required for the position at that time.

If the applicant does not provide the required documentation within the time designated, they will be considered as an applicant who has not met the minimum qualifications of the position and will not be eligible to interview.

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. Interview panels should contain a minimum of three interviewers. 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.

2. Rating sheet: The rating sheets are not the sole criteria in determining the best candidate for the position. Other factors as described in items B-D below may contribute to the final decision.

2.3. Panelists: All interview panel members, internal or external, must attend interview process training prior to participating in interviews. This training is conducted by the Human Resources Department to inform interviewers of their responsibilities in conducting a fair, equitable, and legal interview process.

III. EMPLOYMENT

A. Offer of Employment: The Human Resources Department will make a verbal job offer based upon final selection from the hiring program. 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. The Human Resources Department is responsible for generating the official written offer of employment following satisfactory completion of employment requirements.

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. POST OFFER/PRE-EMPLOYMENT

A. B. Reference Checks: All employment is subject to the receipt of two (2) acceptable references. 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. A recommendation letter may be accepted in lieu of a reference check. It is important that backgrounds in employment and education, if necessary, be verified. The hiring program will conduct reference checks, unless otherwise designated.
B. Pre-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 hiring program 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 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 they have 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 hiring manager will make every effort to keep the applicants informed of their status throughout the process.

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, progressive discipline, up to and including termination.
III. EMPLOYMENT

A. Offer of Employment: Following a decision and recommendation of the supervisor to hire the applicant, the hiring program will make a verbal 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. The Human Resources Office is responsible for generating the official written offer of employment following satisfactory completion of employment requirements.

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. NON-COMPETITIVE SELECTION/SUSPENSION OF COMPETITION

In certain circumstances, the CEO may appoint a person to a position so long as they meet the minimum qualifications of the job. 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 0 TO 5

The following personnel procedures relate to the hiring of Head Start 0 to 5 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 0 to 5 County-Wide Personnel Committee (hereafter CWPC) is responsible for reviewing and approving all changes to Head Start 0 to 5 job descriptions initiated by program staff and/or Human Resources.

Head Start 0 to 5 recruits for employees in a variety of ways. Job Fairs are held as needed 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 0 to 5 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 0 to 5 program staff with assistance of the Human Resources Office. The interview panel will be conducted by parents and staff. The Administrative
Assistant/Education Liaison or other designated staff will facilitate the interviews. The interview panel will make a recommendation to the (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) will be presented to the CWPC Executive Board and/or the CWPC for approval as an informational item.

In compliance with the Head Start Act of 2007, the CWPC is to be informed of 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 participating in the hiring and termination of key program staff (i.e. Chief Executive Officer, Chief Financial Officer, Chief Program Officer, Chief Administrative Officer and Head Start 0 to 5 Director).

In filling the position of the Head Start 0 to 5 Director, representatives from the CPWC Executive Board, 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 0 to 5 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, reproductive health decision making, 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.


**PROCEDURES:**

**I. INTERNSHIPS**

Unpaid Internships: Unpaid internships must be in compliance with the Fair Labor Standards Act and California wage and hour laws. The Human Resources Office must be notified in advance of an unpaid internship. All paperwork must be reviewed for compliance and be maintained in the Human Resources Office. The Agency will work to ensure that underprivileged groups are 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 themselves and their 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 internship supervisor will conduct the interview process, and make a recommendation to the next level of management for final selection.

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 of other employment 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, progressive discipline, 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 pursuant to its at-will employment policy.

A transfer can consist of moving an employee from one work location or 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 pursuant to its at-will employment policy. 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 or California Fair Employment and Housing 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 their 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 Department. 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 their 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: corrective action reasons, lack of work, budgetary reasons, reorganization, or at their own request to a job in a lower pay grade will usually be paid at their 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 NEW EMPLOYEE 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; 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 by attending orientation as required.


PROCEDURES:

During the orientation process, each employee will receive an introduction that covers the history and operation of Fresno EOC, mission, vision, values, 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 as outlined in section I and II of this policy. 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 two weeks of 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. Mission, Vision and Values
3. History and overview of Fresno EOC
4. Leadership Team
5. Employment - Performance Expectations

B. Required Forms

1. Withholding Allowance Certificate (W-4)
2. Employment Eligibility Verification - Form I-9
   a. 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.
   b. Employees must submit acceptable documentation within three (3) business days from date of hire to establish identity and authorization to work in the United States as required by USCIS.
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

DB.  Expectations, Rules & Procedures

1.  Personnel Policies & Procedures
2.  Performance Expectations & Evaluations
2.3.  Alcohol/Drug-Free Workplace Policy
3.4.  Diversity Policy and Policy Against Harassment
4.5.  Requirement to Report Suspected Child Abuse
5.6.  Domestic Violence, Sexual Assault or Stalking Victim Leave

EC.  Pay Procedures

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

FD.  Safety

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

CE.  Employee Benefits (based on eligibility)

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

BF.  Required Forms

1.  Withholding Allowance Certificate (W-4)
2.  Employment Eligibility Verification - Form I-9
   a.  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.
   b.  Employees must submit acceptable documentation within three (3) business days from date of hire to establish identity and authorization to work in the United States as required by USCIS.
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. Provide 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. Provide opportunities for regular check-in with the new employee. 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 Three Six Months

1. Conduct check-ins informal evaluations during the first thirty (30) to sixty (60) days of employment to discuss:
2. Conduct a midpoint performance review with the employee at six (6) months. Hold question-and-answer sessions with employee.
3-a. Discuss the employee's goals for the next evaluation period.
   4-b. Attend other training(s) as required.
2. Conduct a midpoint performance review with the employee at three (3) months.
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 six twelve (612) 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, including that employees may resign with or without notice or be discharged with or without notice at any time during or after the introductory period.

B. Reinstatement: An employee that separates employment and is reinstated within 30 days will retain their status. An employee in introductory status at time of separation will need to work the remaining time in the original six (6) twelve (12)-6-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 30 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 no later than 30 days from the due date in a timely manner. The evaluation will be forwarded to the Human Resources Department 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. The responsible or designated Officer has discretion and must approve the recommendation prior to termination occurring. Action to terminate must have the prior approval of responsible Officer. The Human Resources Department 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 their new job may, at the discretion of management, be returned to their previous position, if a vacancy exists, or may be terminated.
POLICY 1150 HOURS OF WORK, REST AND MEAL BREAKS, PUNCTUALITY, AND ATTENDANCE

PURPOSE: To establish general working hours, rest and meal breaks for employees, 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 the Agency to ensure the agency provides rest and meal breaks in compliance with applicable laws. 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 at 12:00 a.m. and ends on Saturday at 11:59 p.m.

II. MEAL BREAK PERIOD

Employee meal break periods are important to productivity and employee health. Employees who work at least five (5) consecutive hours will be provided an unpaid, uninterrupted 30-minute meal break period. Employees may not take their meal break period later than the end of the fifth hour of work or take a meal break period of less than 30 minutes without prior authorization from their supervisor. For example, an employee who begins working at 8 a.m. must begin their meal break period by 12:59 p.m. If the employee’s shift will be completed in no more than six hours, this meal break period may be waived by mutual agreement of the employee and the Agency. In such instances, the employee must stop working and clock out by the end of the sixth hour. Employees are entitled to a second unpaid 30-minute meal break period if they work 10 or more hours in one workday. The second meal break period may be waived if the employee’s shift will be completed in 12 hours and the employee did not waive the first meal break period. The second meal break period must be taken before the end of the 10th hour of work.

Non-Exempt employees are required to clock in and out for meal break periods. The meal break 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 breaks. Employees not relieved of all duties during meal break periods; not provided a timely meal break period; or who received a shortened or missed meal break period will receive a one-hour penalty of one hour of their regular rate of pay for each workday this occurs. Employees must notify their supervisor of any occasion when meal break periods were not provided in accordance with the above policy. Otherwise, Fresno EOC will assume the missed, short, or delayed meal break period was voluntarily taken, and no premium pay will be provided.

The normal meal break 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 break periods.

III. REST BREAK PERIODS

All non-exempt employees are entitled to rest breaks periods during their workday. Non-exempt employees will be paid for all such rest break periods and do not clock out. If an employee works more than six (6) hours in a workday, they will receive one rest break period during the first half of the shift and one rest break period during the second half of the shift. Unless an employee is otherwise advised by their supervisor, the rest break periods should be taken as close to the middle of each work period as possible. The supervisor will advise employees of the time and duration of rest break periods, and employees are expected to return to work promptly at the end of any rest break period. Generally, an employee is entitled to a “net” 15-minute rest break period for every
four (4) hours worked or major fraction thereof, and employees are expected to return to work promptly at the end of any rest break period. However, at the Agency employees are provided 15-minute rest breaks. If an employee works more than six (6) hours in a workday, they will receive one rest break period during the first half of the shift and one rest break period during the second half of the shift. The rest break periods should be taken as close to the middle of each work period as possible. Employees are relieved of all duties during the rest break periods and may leave the premises. If at any time an employee believes they have not been provided with a rest break period or enough time to make a net 15-minute rest break period, they should report this to their supervisor immediately. Rest break periods may not be combined or added to an employee’s meal break period. Employees not relieved of all duties during rest break periods; not provided a timely rest break period; or who received a shortened or missed rest break period will receive a one-hour penalty of one hour of their regular rate of pay for each workday this occurrence occurs. Employees must notify their supervisor of any occasion when rest break periods were not provided in accordance with the above policy. Otherwise, Fresno EOC will assume the missed, short, or delayed rest break period 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 their employees of specific hours, workdays, meal and rest 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 or unauthorized work is permitted by Fresno EOC and employees who do so will be compensated for their time but subject to corrective action, progressive discipline, 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.
POLICY 1160: PUNCTUALITY AND ATTENDANCE

PURPOSE: The purpose of this policy is to set forth the Agency’s policy and procedures for handling employee absences and tardiness.

POLICY: 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 they expect to be absent or tardy.

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:

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 they expect to be absent or tardy.

Punctual and regular attendance is an essential responsibility of each employee of the Agency. 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. Employees are expected to report to work as scheduled, on time and prepared to start working. Employees also are also expected to remain at work for their entire work schedule. Late arrival, early departure or other absences from scheduled hours are disruptive and must be avoided.

This policy does not apply to absences covered by Paid Sick Leave (PSL), the Family and Medical Leave Act (FMLA) or leave provided as a reasonable accommodation under the Americans with Disabilities Act (ADA) (see Policy 4010, Family, Medical, Pregnancy and Other Disability Leaves of Absences).

I. ABSENCES & PATTERNS OF ABUSE

An absence is defined as the failure of an employee to report for work when scheduled to work. The two types of absences are defined below:

A. Excused Absence: An excused absence occurs when all the following conditions are met:
   - The employee provides their supervisor sufficient notice - at least 24 hours in advance of the absence.
   - The absence request is approved in advance by the employee’s supervisor.

B. Unexcused Absence: An unexcused absence occurs when any of the above conditions are not met. An unexcused absence counts as one occurrence for the purposes of discipline under this policy.

C. Patterns of Abuse: 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.
Patterns of abuse count as one occurrence for the purpose of discipline under this policy.

II. INABILITY TO REPORT TO WORK

If it is necessary for an employee to be absent or late for work because of an illness or an emergency, the employee must notify their supervisor no later than the employee’s scheduled starting time on that same day. If the employee is unable to call, he or she must have someone make the call.

At the discretion of the Program Director, an emergency outside the employee’s control, that occurred before the start of the shift, may be considered as an excused absence/tardy. This may include but is not limited to: acts of mother nature, car motor vehicle accidents, or hospitalization.

III. RESPONSIBILITY

Employees are responsible for working all of their scheduled work hours at the scheduled times. Employees are required to be at their assigned workstation during all work hours, except for scheduled rest and meal break periods. No off-the-clock or unauthorized work is permitted by Fresno EOC.

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 workday prior to each scheduled shift they are absent unless a provided doctor’s note indicates the return to work date.

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

IV. RETURN TO WORK

Employees with three or more consecutive days of excused absences because of illness or injury must provide a release to return to work.

V. TARDINESS AND EARLY DEPARTURES

Employees are expected to report to work and return from scheduled breaks on time. If employees cannot report to work as scheduled, they must notify their supervisor no later than their regular starting time. This notification does not excuse the tardiness but simply notifies the supervisor that a schedule change may be necessary.

Employees who must leave work before the end of their scheduled shift must notify a supervisor immediately.

Tardiness and early departures are each one-half an occurrence for the purpose of discipline under this policy.

VI. DISCIPLINARY ACTION

One occurrence is defined as:

- An unexcused absence per Section I.B. of this policy, or
- A pattern of abuse per Section I.C. of this policy.
- Two (2) tardies or early departures per Section III of this policy
Three (3) or more occurrences in a rolling three (3) month period will result in disciplinary action. If an employee incurs an additional occurrence during the subsequent 60 days, the employee will proceed to the next step of the progressive disciplinary process.

Ten (10) occurrences in a 12 month period is subject to termination.

VII. PROGRAM-SPECIFIC ATTENDANCE

The Agency recognizes that some programs may require more strict attendance policies based on the needs of serving clients effectively, efficiently and in compliance with funding guidelines. Any program that requires a more strict attendance policy than outlined in Sections I-V above may implement such standards, once meeting the following:

- Reviewing and receiving approval of the plan with the responsible Officer and Human Resources Department; and
- Ensuring training is provided to all staff subject to the policy prior to implementation; or
- Advising new hires of the program attendance policy during their first week of work.

VIII. TIME OFF FOR ABSENCES

Employees that accrue paid time must use paid time for every absence unless otherwise allowed by agency policy (e.g., leave of absence).

IX. JOB ABANDONMENT

Any employee who fails to report to work for a period of three days or more without notifying their supervisor will be considered to have abandoned the job and voluntarily resigned from the Agency.
III. PUNCTUALITY & ATTENDANCE

Each employee shall be responsible for being present at the assigned workstation at the correct time each day. In the event the employee will be late or absent, they 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 any legal limitations, such as PSL. 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. They are not at their workstation ready to begin work at their assigned start time or at the end of their scheduled rest or meal break period.

2. They leave early for a rest or meal break period, or the end of their scheduled or assigned shift, without authorization from their 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 they are not scheduled to be off work and/or does not work their 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 their 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 workstation during all work hours, except for scheduled rest and meal break periods. No off-the-clock or unauthorized work is permitted by Fresno EOC.

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 workday 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 117065 – LACTATION POLICY

PURPOSE: To inform employees of Fresno EOC's compliance with lactation regulations.

POLICY: It is the policy of Fresno EOC that the Agency will provide sufficient time and space for employees to express breast milk.

REFERENCE: Labor Code 1030-1034, SB142, FLSA

PROCEDURES:

I. REQUEST AND APPROVAL

An employee may request an accommodation for lactation breaks for up to one year after the child's birth by submitting a verbal or written request to employee’s supervisor. The supervisor or program management will respond to the employee’s request. Should the program not have resources to meet the requirements of the law as outlined below, the program will notify the Human Resources Office for assistance in accommodating the request.

II. PERIODS FOR EXPRESSING MILK

Fresno EOC provides a reasonable amount of time during a rest break period to accommodate an employee’s need to express breast milk for the employee's infant child. When an employee is using break time at work to express breast milk, they must be completely relieved from duty or paid for the break time. This time should run concurrently with scheduled rest break periods if possible. Nonexempt employees must clock out for any lactation breaks that do not run concurrently with normally scheduled rest break periods. Any such rest break periods will be unpaid.

The agency reserves the right to deny, in writing, an employee's request for a lactation break if the additional break time will seriously disrupt operations.

III. REST AREA

Fresno EOC will make a reasonable effort to provide the employee with the use of a room or other location in close proximity to the employee’s work area for the employee to express milk in private, free from intrusion of co-workers or the public. The room or location may include an employee's private office if it otherwise meets the requirements of the lactation space. Multi-purpose rooms may be used as lactation space if they satisfy the requirements for space: however, use of the room for lactation takes priority over other uses for the time it is in use for lactation purposes. This may include the place where the employee normally works if it otherwise meets the requirements. The lactation room or location must be safe, clean, and free from hazardous materials, contain a surface to place a breast pump and personal items, contain a place to sit and have access to electricity or alternative devices, including but not limited to, extension cords or charging stations needed to operate an electric or battery-powered breast pump. Fresno EOC will also provide access to a sink with running water and a refrigerator suitable for storing milk, in close proximity to the employee’s workspace. Such space will meet the requirements of the California Labor Code including a surface to place a breast pump and personal items, a place to sit, access to electricity, a sink with running water, and a refrigerator or cooling device for storing breast milk.

Fresno EOC will not tolerate discrimination or retaliation against employees who exercise their rights to lactation accommodation, including those who request time to express milk at work and/or who lodge a complaint related to the right to lactation accommodation. If you believe you have been denied reasonable break time or adequate space to express milk, or have been otherwise been denied your rights related to lactation accommodation, you have the right to file a complaint with the Labor Commissioner.
**POLICY 118060 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 (or similar electronic communications) 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 unless the employee is receiving a technology stipend and utilizing the phone for business purposes. 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 their actions under the Agency's corrective action discipline procedure.
POLICY 119070 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 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.


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 are 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 and neat, following good hygiene practices. Hairstyles that are natural to some individuals or specific cultural practices should be just as well-groomed and tidy as other styles. Facial hair should be kept neatly trimmed. Subject to protections for hair texture and protective hair styles, 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 provides 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.

D. Hygiene: Employees should maintain good personal hygiene. Perfume and cologne, if worn, is not overbearing.

E. Employee ID Badge:

All employees are required to always wear their designated identification (ID) badges visibly and prominently while on Agency premises or engaged in Agency-related activities. ID badges should not be shared.
or transferred to unauthorized individuals. Everyone is responsible for their assigned badge and must report any loss or theft to Human Resources. Individuals may temporarily remove their identification badge in situations where it poses a safety concern. Such exceptions may include, but are not limited to, the following:

- Working with machinery or equipment where the badge could pose a risk of entanglement or other physical hazards.
- Engaging in activities that require wearing specialized protective gear, such as high-temperature environments or cleanrooms, where the badge may interfere with safety protocols.
- Participating in activities involving open flames, high-voltage electrical systems, or other hazardous conditions where the badge may increase the risk of injury.
- In areas where food is being prepared and packaged.

All employees of the Agency are required to wear their ID badge during the workday unless it poses a safety hazard. The Agency provides various options including but not limited to: clips, breakaway lanyards, and arm band holders for ID Badges. Replacement badges can be requested from the Human Resources Department.

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 to corrective action, up to and including termination.

III. ACCOMMODATIONS

Employees requesting accommodations for medical conditions or religious dress and grooming practices should inform their immediate supervisor. Programs should consult with Human Resources to discuss any request. Every effort will be made to accommodate an employee’s request in accordance with applicable State and Federal laws (see Policy 1020, Equal Employment Opportunity Policy and Policy 1030, Discrimination/Harassment/Retaliation Complaint and Prevention Policy/Poicy Against Harassment).
POLICY 1200480 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 at the IRS rate 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.

C. All individuals operating private vehicles for company use must maintain appropriate insurance coverage as mandated by California state law. This includes, but is not limited to, meeting the minimum liability insurance requirements set forth by the California Department of Motor Vehicles (DMV). Covered by liability insurance for at least the minimum amount prescribed by State Law (e.g., minimum $15,000 for personal injury to, or death of one person; $30,000 for injury to, or death of, two or more persons in one accident; $5,000 property damage). Vehicle Code Section 16020 requires all motorists to carry evidence of current automobile liability insurance in their vehicle.

D. 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.

E. Seatbelts: Seatbelts are required to be worn at all times while driving or as a passenger while traveling for agency business, regardless of operating a personal or agency vehicle.

F. Driver’s License: An employee driving for agency business, regardless of personal or agency vehicle, is required to have their driver’s license present on their person while operating a vehicle.
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, and 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.


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. All punches will be paid to the minute, no rounding will occur. 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 their paycheck, lose their paycheck, or have it stolen should notify their supervisor immediately. After proper approval, a paycheck will be reissued within two business days.

Employees should discuss any questions or concerns regarding compensation issues with their 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 their daily work schedule and/or overtime without prior approval of their 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/discipline.

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 their 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 their 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 their 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 who are working during the Fresno EOC holiday may request a floating holiday based on the approval of the program and needs of scheduling. Taking a vacation day and floating the holiday or being paid for both holiday and vacation on the same day, is not allowed.

Exception to holiday pay is if the employee works the holiday, they may receive the holiday pay, and pay for the actual hours they worked (double the pay). If they float the holiday, the employee’s manager must note the date on the employee’s timesheet and the employee will be paid for the hours worked on the holiday.

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 their paycheck deposited directly into their 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. Employees can choose to enroll in paperless statements to receive this same information via email 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 their bank account. All changes, including cancellation of direct deposit, must be submitted in writing to the Payroll Office.
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, coaching, 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. NEW HIRE PAY

A new employee will generally be hired at the minimum of the pay range for the pay grade assigned to their position. While subject to change and consistent with its at-will employment policy, Fresno EOC's lowest wage rate is $17.00 per hour. 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.

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 10% 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. An employee promoted within a series should be moved to the beginning of the pay grade, or receive 5%, whichever is higher. This may be done by recommendation from the supervisor, not subject to the recruitment process.

IV. COMPENSATION INCREASES AND COST OF LIVING ADJUSTMENT

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.

A. MERIT INCREASE: An employee may be eligible for a merit increase once a supervisor has conducted a performance evaluation with the employee. A merit increase cannot be paid more than once every 12 months.

The supervisors are responsible for conducting a performance evaluation with each employee. A pay increase decision will follow program and agency 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.

Merit increases are outlined as follows:

<table>
<thead>
<tr>
<th>Overall Evaluation Rating:</th>
<th>Overall Evaluation Score:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceptional/Exceeds Expectations</td>
<td>4.0</td>
</tr>
<tr>
<td>Above Expectations</td>
<td>3.00-3.99</td>
</tr>
<tr>
<td>Meets Expectations</td>
<td>2.00-2.99</td>
</tr>
<tr>
<td>Below</td>
<td>0-1.99</td>
</tr>
<tr>
<td>Expectations/Unsatisfactory</td>
<td></td>
</tr>
</tbody>
</table>

An employee may be eligible for an annual merit increase following the above evaluation rating and corresponding score. Merit increase amounts may be implemented at proportional rates based upon program budget for personnel costs and salary increases. Program personnel costs and budget for increases should be analyzed prior to the budget year starting to ensure equitable and fair notice to all affected staff.

Additionally, an employee subject to formal disciplinary action (written reprimand, final notice or suspension) subsequent steps) is not eligible for a merit increase.

B. Cost of Living Adjustment (COLA): The Agency recognizes that inflation and increased cost of living impacts employees. Cost of Living Adjustments are not automatic or guaranteed. A proposed COLA amount will be determined based upon availability of funds, increases implemented during the same fiscal year and other factors. A COLA will be implemented agency-wide as recommended by the Chief Executive Officer, with
consideration from the Chief Financial Officer and Human Resources Director/Officer, and with approval of the Board of Commissioners.

C. Other: Recommendations for salary adjustments outside of this policy of an employee's current pay range and/or the approved program's increase structure must be submitted with a letter of justification to the responsible program Officer for approval. Final approval will be issued by the Human Resources Department after being reviewed for equity, impact and overall fairness, 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 their 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 their concern to their supervisor.

Employees who have reached the maximum of the pay range for their job will not be eligible for further salary increases unless the range is adjusted, except for a Cost of Living Adjustment.

Employees covered by a collective bargaining agreement are not eligible for increases outside of the negotiated wages.

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.

VII. TEMPORARY INCREASES/INTERIM ASSIGNMENTS

A. Temporary Increase: An employee who is performing additional work in the same capacity for at least 10 consecutive working days will normally be compensated with a 5% salary increase for the duration of the increased workload. This temporary increase may occur for a variety of reasons including, but not limited to: an employee in the same job title being on vacation, a leave of absence or a vacancy existing. The increased workload should not last for more than four (4) months.

B. Interim Assignment: An employee may be placed on interim assignment to a position that is vacant or created for a temporary need. The employee must meet the qualifications of the position and should be paid the minimum of the new pay grade or receive a 10% increase, whichever is higher.

VIII. 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 employee's current rate exceeds the maximum of the new classification, the rate will be adjusted to the new maximum, subject to program funding.

**IXVII. 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 11020, Transfers and Promotions). An employee transferred to a job within the same pay grade will continue to receive their existing rate of pay.

**X. DEMOTION**

A demotion is the movement from a position in a higher pay grade to a position in a lower pay grade. An employee may be demoted due to: disciplinary action reasons, lack of work, budgetary reasons, reorganization, or at their own request. The employee will usually be paid at their 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.

**VIII. NEW HIRE PAY**

A new employee will generally be hired at the minimum of the pay range for the pay grade assigned to their position. While subject to change and consistent with its at-will employment policy, Fresno EOC's lowest wage rate is $17.00 per hour. 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 Forms:** A formal procedure has been established for recording employment status and changes to an employee's rate, classification, and/or assignment. The Employee Form and Temporary Payroll Notice are the only official methods by which supervisors can be assured that their 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 or Temporary Payroll Notice requesting any change must be completed and signed by the supervisor, program manager and/or director. The signed form will be submitted 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.
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.


PROCEDURES:

I. RESPONSIBILITY

A. Employee: Employees are responsible for managing their personal finances so that they do not adversely impact job performance. The failure of an employee to meet their 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 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 2040 – DISCRETIONARY BONUS INCENTIVE POLICY

PURPOSE: To provide an effective means to motivate and compensate eligible employees through discretionary monetary award bonuses for exceptional performance, significant contributions, and substantial accomplishments well beyond normal or regular work responsibilities. A discretionary bonus does not increase the base salary nor serve as a means to give a larger annual increase. This bonus is given at the discretion of the Program Director with approval from the CEO. Fresno EOC believes that such discretionary compensation can be a highly effective means to enhance the employer-employee relationship. In addition, Fresno EOC hopes that by providing discretionary short-term bonuses, the Agency will motivate and increase the retention rate among its employees, which, in turn, will enhance Fresno EOC’s long-term value.

POLICY: It is the policy of Fresno EOC to provide, at the sole and total discretion of the Program Director and CEO, a discretionary bonus to employees for the exceptional performance, significant contribution, and substantial accomplishments of employees that go well beyond normal or regular work responsibilities. There is no guarantee or promise, whether express or implied, to pay employees a discretionary bonus. No oral promise to award a discretionary bonus by any officer, director, manager, or supervisor is enforceable. Fresno EOC will only honor written bonuses that have been approved by the Program Director and CEO. This discretionary bonus is only applicable when funds are available and cannot be awarded more than once annually.

ELIGIBILITY:
Employees may be eligible for a discretionary bonus, at the sole discretion of the Program Director and CEO, provided the following performance standards are met:

1) Significant and outstanding contribution and effort well beyond normal expectations and day-to-day responsibilities.
2) Contribution is regarded as major, key, or vital.
3) Extraordinary effort to meet quality and quantity requirements while meeting the essential requirements and performance standards of the regular job.

Employees may receive a discretionary bonus only if they are employed on the date the payment is processed and have not indicated an intent to resign.

Employees who terminate their employment before the end of the bonus period are not eligible for any portion of the bonus.

Employees may not be rewarded twice for the same performance standards described in 1-3, above. A discretionary bonus must not be used in place of additional job responsibilities that may be assigned or overtime payment in circumstances where the employee is entitled to such premium wage.

Employees should not receive more than one discretionary bonus within a 12-month period.

The establishment of a discretionary bonus does not constitute a contract for continued employment or alter the at-will relationship between the employee and Fresno EOC.

PROCEDURES:
Appropriate documentation for the discretionary bonus must be in writing and must include the following information:
- Brief and specific description of the bonus plan
- Date or timeframe of contribution or event
- Discretionary bonus amount
- Approval signatures from Program Director and Program Officer.
Programs must ensure that funds are available. If necessary, all formal programmatic recommendations and approvals must be obtained prior to awarding discretionary bonuses. A discretionary bonus must be made as a one-time payment and must not be added to an employee’s base salary.

Fresno EOC will deduct any federal, state, or local income tax withholding requirements or other tax requirements or withholdings applicable to the discretionary bonus, and all such determinations shall be final and conclusive.

A discretionary bonus will not be included in employee benefits-related calculations (i.e. retirement and pension benefits) or regular rate of pay. The discretionary bonus is not measured by or dependent upon hours worked, production or efficiency.

Programs must apply extreme care when awarding a discretionary bonus inasmuch as these awards may give rise to perceptions of favoritism and inequality. Programs must consistently and fairly apply the standards for awarding a discretionary bonus.

Fresno EOC reserves the right to dismiss any employee at-will (at any time, with or without prior notice, with or without cause), or otherwise implement other personnel or corrective actions to the employee to the same extent as though the discretionary bonus had not been adopted.

Fresno EOC (CEO) may terminate or revoke any discretionary bonus, at its sole discretion, at any time and amend, from time to time the discretionary bonus without the approval of any employee.
POLICY 2050 – HAZARD PAY POLICY

PURPOSE: To compensate employees that are required to perform hazardous duties on behalf of the Fresno EOC.

POLICY: It is the policy of Fresno EOC to recognize that employees must be compensated for their willingness to take on hazardous duties. Employees may perform hazardous duties, work in hazardous areas or both.

REFERENCE: Department of Labor

PROCEDURES:

I. DEFINITION

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship. Work duty that causes extreme physical discomfort and distress which is not adequately alleviated by protective devices is deemed to impose a physical hardship.

II. ELIGIBILITY

All employees assigned to positions classified as “hazardous” are eligible for hazard duty pay, regardless of employment status.

III. HAZARD DUTY PAY

Employees assigned to positions eligible for hazard pay will receive a rate pre-determined by the program on a bi-weekly basis. Hazard rates must be applied consistently across all staff within the same position. Hazard pay will be paid as mandated by state or federal laws. Hazard Pay will not be paid when the employee is on a leave of absence.

IV. PAY AND TAX IMPLICATIONS

According to the Internal Revenue Service (IRS), hazard duty pay is considered taxable income. These amounts will be included on the employee’s W-2.
POLICY 2060 – PAY SCALE INFORMATION

PURPOSE: To comply with pay posting requirements and limitations on the ability to require an applicant to provide or rely on salary history information in determining whether to hire an applicant or what salary to offer the applicant.

POLICY: It is the policy of Fresno EOC to comply with pay posting requirements and limitations on its ability to require an applicant to provide or rely on salary history information in determining whether to hire an applicant or what salary to offer the applicant.

REFERENCE: CA Labor Code section 432.2

PROCEDURES:

Fresno EOC does not rely on the salary history of a job applicant in deciding whether to extend an offer of employment or what salary to offer, unless the applicant voluntarily discloses this information. Fresno EOC also does not seek, either personally or through an agent, salary history information about an applicant. Moreover, upon request, Fresno EOC will provide to existing employees the pay scale (defined as “the salary or hourly wage range that the employer reasonably expects to pay for the position”) for the position in which the employee is currently employed. Fresno EOC will maintain records of a job title and wage rate history for each employee for the duration of the employment plus three years after the end of the employment. Pay scales will also be included for a position in any job posting. If Fresno EOC engages a third party to announce, post, publish, or otherwise make known a job posting, it will provide the pay scale to the third party and the third party should include the pay scale in job postings.
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
- Juneteenth
- Independence Day
- Labor Day
- Indigenous People's Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

PROCEDURES:

I. ELIGIBILITY

All regular full-time employees are eligible to receive their regular rate of pay for each observed holiday. Regular part-time employees are eligible to receive holiday pay only for holidays on which they would normally be scheduled to work, and only for their regularly scheduled number of hours.

Temporary and substitute on-call employees are treated the same as full-time or part-time employees for holiday purposes, depending on whether such temporary or substitute 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, respectively.

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 their 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 that 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 they 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 their 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:

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

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 their 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 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 at least 30 minutes.

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 their 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.

**Employees may utilize vacation accruals while on protected leave; however, it is the practice of EOC to utilize employee's sick leave accruals first.**

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 their 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 their supervisor.

All employees are eligible for Paid Sick Leave (PSL) (see Policy 304035, 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 their annual sick time accrual, once it has actually accrued, when they need time to care for themselves 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; and designated person.

A “designated person” is defined as “a person identified by the employee at the time the employee requests paid sick days.” Employees are limited to designating one designated person per 12-month period for sick days. 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 11650 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 they have 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

An Request for Authorized Absence form or timekeeping 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 their 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 304035 PAID SICK LEAVE

PURPOSE: To ensure that all Fresno EOC employees can address their own health needs and the health needs of their family 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 themselves and their 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.

For purposes of sick leave use, employee includes full-time, part-time, and temporary employees, and family member includes child, parent, spouse, registered domestic partner, domestic partner’s child, grandparent, grandchild, and sibling, and designated person. A “designated person” is defined as “a person identified by the employee at the time the employee requests paid sick days.” Employees are limited to designating one designated person per 12-month period for sick days. “Child” is defined as a biological, foster, or adopted child; stepchild; legal ward; or a child for whom you accepted the duties and responsibilities of raising, even if the child is not your legal child. “Parent” is defined as your biological, foster, or adoptive parent; stepparent; legal guardian of the employee or the employee’s spouse or registered domestic partner; or a person who accepted the duties and responsibilities of raising the employee, even if parent is not the employee’s legal parent, when the employee was a minor child. “Spouse” is defined as your legal spouse according to the laws of the State of California, which does not recognize “common law” spouses (a union which has not been certified by a civil or religious ceremony). “Domestic partner” is defined as another adult with whom you have chosen to reside and with whom you have filed a Declaration of Domestic Partnership with the Secretary of State. A “domestic partner’s child” is the biological, foster, or adopted child; stepchild; or legal ward of your domestic partner; or a child for whom your domestic partner has accepted the duties and responsibilities of raising, even if the child is not your domestic partner’s legal child.

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. FRONT LOAD BASIS

Employees 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 their 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 their 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 of Federal law including leave taken pursuant to California Family Rights Act (CFRA) or Family Medical Leave Act (FMLA). Time off for medical and dental appointments will be treated as PSL.

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 11650 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. PSL benefits may be integrated with benefits provided under State Disability Insurance or Workers’ Compensation. In no event shall the combination of disability benefits, plus PSL benefits, exceed regular earnings.

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. Consistent with Labor Code § 233, Employees may designate sick leave as either for the employee’s own health condition, for obtaining relief in the case of crimes or abuse, or for care of family members who have serious health conditions as provided.
POLICY 305040 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.


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 their 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 or as otherwise required by law.

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 their 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 eight (8) 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 their 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 306050 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 their 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: Employees may participate in the plan immediately if they belong to a select group of management or key highly compensated employees. 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 3060 – COVID-19 SUPPLEMENTAL PAID SICK LEAVE

PURPOSE: To provide Supplemental Paid Sick Leave to Fresno EOC employees in compliance with state mandates.

POLICY: It is the policy of Fresno EOC to provide Supplemental Paid Sick Leave to food sector and non-food sector employees. Food sector employees are those that work in the retail food supply chain, including pick-up, delivery, supply, packaging, retail, or preparation. All other employees are considered non-food sector employees.

REFERENCE: Executive Order N-51-20, Labor Code Section 248, 248.2

PROCEDURES:

I. 2020 COVID-19 SUPPLEMENTAL PAID SICK LEAVE

A. DEFINITION(s)
An employee must be unable to work due to one of the following reasons:

1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
2) The employee is advised by a health care provider to self-quarantine or self-isolate due to concerns related to COVID-19.
3) The employee is prohibited from working by the worker’s hiring entity due to health concerns related to the potential transmission of COVID-19.

If an employee lives with another person who is exposed, experiences symptoms or diagnosed with COVID-19 may be eligible for Supplemental Paid sick leave if one of the above listed criteria is in effect.

A general stay-at-home order does not meet the definition of “quarantine” or “isolation order”.

B. ELIGIBILITY
Fresno EOC employees who leave their homes or place of residence to perform work are eligible for 2020 COVID-19 Supplemental Paid Sick Leave.

C. EFFECTIVE DATE
2020 COVID-19 Paid Sick Leave in effect as of April 16, 2020 for food sector employees. It is in effect as of September 19, 2020 for all other Fresno EOC employees in compliance with state and federal law.

2020 COVID-19 Supplemental Paid Sick Leave remains in effect for food sector workers and non-food sector employees until December 31, 2020, the same date that the federal law that provides supplemental paid sick leave is set to expire. However, if the federal law is extended, then COVID-19 Supplemental Paid Sick Leave under California law will be extended to the same end date as the federal law. If the law expires while an employee is taking COVID-19 Supplemental Paid Sick Leave, the employee can finish taking the amount of leave they are entitled to receive.

D. 2020 COVID SUPPLEMENTAL PAID SICK LEAVE USABLE HOURS

Full-time employees are eligible for 80 hours of Supplemental Paid Sick Leave. Part-time, temporary and sub on-call employees are eligible to use the equivalent of two weeks’ work of time in which they are regularly scheduled or scheduled for during an assignment. For part-time, temporary, or sub on-call employees that work variable hours, the employee may take fourteen times the average number of hours the employee worked each day for or through the Agency in the six months preceding the date the employee took COVID-19 Supplemental Paid Sick Leave.
Leave. If the part-time, temporary, or sub on-call employee has worked for Fresno EOC for fewer than six months, this calculation would be done over the entire period that the employee has worked for the Agency. If the variable schedule calculation results in an average work schedule of at least 40 hours per week, the variable-scheduled employee would be considered full time and entitled to 80 hours of leave because the laws require the Agency to pay 80 hours of COVID-19 Supplemental Paid Sick Leave to an employee it properly considers full time, but does not require payment for more than 80 hours. In calculating the average number of hours worked by a part-time employee with a variable schedule over the past six months, the figure is determined based on the total number of days in the 6-month period, not just the number of days worked. An employee who is newly working for Fresno EOC (i.e., connected to the Agency for 14 days or fewer) and works variable hours will be entitled to the number of COVID-19 Supplemental Paid Sick Leave hours that they have worked in the preceding two weeks.

II. 2021 COVID-19 SUPPLEMENTAL PAID SICK LEAVE

A. DEFINITION

The employee must be unable to work or telework due to any one of the following reasons:

1) Caring for Yourself: The employee is subject to a quarantine or isolation period related to COVID-19, or has been advised by a healthcare provider to quarantine due to COVID-19, or is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

2) Caring for a Family Member: The employee is caring for a family member who is either subject to a quarantine or isolation period related to COVID-19 or has been advised by a healthcare provider to quarantine due to COVID-19, or the employee is caring for a child whose school or place of care is closed or unavailable due to COVID-19 on the premises.

3) Vaccine-Related: The employee is attending a vaccine appointment or cannot work or telework due to vaccine-related symptoms.

A general stay-at-home order does not meet the definition of “quarantine” or “isolation order”.

B. ELIGIBILITY

All Fresno EOC employees are eligible for 2021 COVID-19 Supplemental Paid Sick Leave.

C. EFFECTIVE DATE


D. 2021 COVID-19 SUPPLEMENTAL PAID SICK LEAVE USABLE HOURS

Full-time employees are eligible for 80 hours of Supplemental Paid Sick Leave. Part-time, temporary and sub on-call employees are eligible to use the equivalent of two weeks’ work of time in which they are regularly scheduled or scheduled for during an assignment. For part-time, temporary, or sub on-call employees that work variable hours, the employee may take fourteen times the average number of hours the employee worked each day for or through the Agency in the six months preceding the date the employee took COVID-19 Supplemental Paid Sick Leave. If the part-time, temporary, or sub on-call employee has worked for Fresno EOC for fewer than six months, this calculation would be done over the entire period that the employee has worked for the Agency. If the variable schedule calculation results in an average work schedule of at least 40 hours per week, the variable-scheduled employee would be considered full time and entitled to 80 hours of leave because the laws require the Agency to pay 80 hours of COVID-19 Supplemental Paid Sick Leave to an employee it properly considers full time, but does not require payment for more than 80 hours. In calculating the average number of hours worked by a part-time employee with a variable schedule over the past six months, the figure is determined based on the total number of days in the 6-month period, not just the number of days worked. An employee who is newly working
for Fresno EOC (i.e., connected to the Agency for 14 days or fewer) and works variable hours will be entitled to the number of COVID-19 Supplemental Paid Sick Leave hours that they have worked in the preceding two weeks.

III. USE AND APPROVAL OF SUPPLEMENTAL PAID SICK LEAVE

An employee is entitled to take COVID-19 Supplemental Paid Sick Leave immediately upon the worker’s oral or written request. The leave is not conditioned on medical certification.

It is within Fresno EOC’s rights, in certain circumstances, to ask for documentation before paying the sick leave when Fresno EOC has other information indicating that the worker is not requesting COVID-19 Supplemental Paid Sick leave for a valid purpose.

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

IV. SUPPLEMENTAL PAID SICK LEAVE PAY

Employees will be paid their regular rate of pay or minimum wage. This amount is not to exceed $511 per day and $5,110 in total.

V. NOTICE TO EMPLOYEES

A poster describing Supplemental Paid Sick Leave rights shall be located in the break room or other common area frequented by staff.

VI. FOOD SERVICE WORKERS

Any program or department that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level must permit employees working with food, food equipment or utensils, or food-contact surfaces to wash their hands every 30 minutes and additionally as needed.
POLICY 3070 – VACCINATION POLICY

PURPOSE: In accordance with Fresno EOC’s duty to provide and maintain a workplace that is free of known hazards, the Agency strongly encourages employees to receive vaccines that safeguard the health of employees and their families; clients and guests, and community at large from infectious diseases, such as COVID-19 or other illnesses. This policy will comply with all applicable laws and is based on guidance from the Centers for Disease Control and Prevention, California Department of Public Health, Department of Fair Employment and Housing California Civil Rights Department, and local health authorities, as applicable.

POLICY: All employees are strongly encouraged to receive vaccinations as determined by Fresno EOC. Employees may request reasonable accommodations.

PROCEDURES:

1. **Voluntary Vaccination:**

1.1 Vaccination against communicable diseases is no longer a mandatory requirement for employment with the Company. All individuals are free to choose whether to receive vaccinations.

1.2 The Agency strongly encourages employees to consult with their healthcare providers to make informed decisions about vaccination based on their individual circumstances, medical history, and the recommendations of public health authorities.

1.3 Employees who choose to get vaccinated are encouraged to provide documentation of their vaccination status to the designated authority, which will be kept confidential in accordance with applicable privacy laws.

3. **Safety Measures and Mitigation:**

3.1 The Agency will continue to implement and enforce safety measures and protocols to protect the health and well-being of employees, contractors, and visitors, regardless of vaccination status.

3.2 Safety measures may include but are not limited to, practicing good hygiene, maintaining physical distancing where feasible, providing personal protective equipment, and adhering to relevant public health guidelines and regulations.

I. **VACCINATION ACCESS AND APPOINTMENTS**

Fresno EOC will provide onsite access to the vaccine(s) or a list of locations to assist employees in receiving the vaccine on their own.

Employees will be paid for time taken to receive vaccinations. For offsite vaccinations, employees are expected to plan appointment(s) in a manner that minimizes a disruption of the workflow. Employees are required to notify their supervisor of a vaccination appointment as soon as they are aware to ensure proper staffing coverage and to ensure such time spent attending and receiving the vaccination is recorded as time worked on the timekeeping system. Such compensable time shall not result in non-exempt employees working more than eight hours in a day or more than 40 hours in a week. Employees must also make sure meal period and rest breaks are taken in accordance with these policies.

Employees may be required to provide either proof of vaccination or an approved reasonable accommodation based on the needs of the program in serving clients.

II. **REASONABLE ACCOMMODATION**

Employees in need of an exemption from this policy due to a medical reason, or because of a sincerely held religious belief must submit a completed Request for Accommodation form to the Human Resources Office to begin the interactive accommodation process as soon as possible. Accommodations will be granted where they do not cause Fresno EOC undue hardship or pose a direct threat to the health and safety of others. Questions regarding this policy can be directed to the Human Resources Office.
POLICY 3080 – HEALTH AND WELLNESS PLATFORM INCENTIVE POLICY

PURPOSE: Fresno EOC values its employees and their contributions to the success of the Agency. Fresno EOC endeavors to provide employees with a wellness program that protects their health and well-being now and in the future. This health and wellness policy is in conjunction with any agency and program requirements/mandates for vaccinations.

POLICY: It is the policy of Fresno EOC to be committed to the health of its employees.

PROCEDURES:

I. ELIGIBILITY

The employee wellness policy applies to all our employees. However, some specific benefits may be for benefit eligible employees only.

The Agency provides a wellness program that promotes employee health and disease prevention. Each employee can have a personalized wellness plan and a variety of wellness resources.

II. WELLNESS RESOURCES

Fresno EOC provides the following wellness resources, discounts, or other incentives at no cost:

- Access to Health and Wellness Coach
- Wellness Competition Platform
- Discounted Gym Membership
- Fitness Activities
- Employee Assistance Program and wellness website

As part of the wellness program, Fresno EOC may use third-party vendors such as gyms, wellness centers, coaches, physicians and health education providers. Physicians or health experts may ask employees to answer assessment questions and take biometric screenings to determine their health risk and help them follow a suitable program. Participation in and completion of questions and screenings are voluntary and regulated.

III. WELLNESS INCENTIVES

Fresno EOC encourages employees to participate in our wellness programs and provides incentives to do so. Employees may be eligible for rewards for meeting wellness objectives as part of the personalized wellness plan. Incentives and rewards may come in the form of gifts or gift cards:

- A stipend
- Time off
- Reductions in insurance premiums
- Other gifts and awards

Some incentives and rewards may be considered taxable by the IRS. Fresno EOC will follow and process IRS regulations and others that may apply.
IV. EMPLOYEES WITH DISABILITIES

Fresno EOC wants all employees to have access to wellness plans and resources they can use. Fresno EOC will make reasonable accommodations for employees with disabilities, who are pregnant or have other medical restrictions. Physicians and wellness experts may consult with the Human Resources Department to help affected employees have a suitable wellness plan. The Agency will also provide wellness incentives and rewards to employees who participate in the wellness programs without discriminating against protected classes.

Employees are encouraged to reach out to the Human Resources Department to request accommodations. Any information provided will be kept confidential.

III. LEGALITY OF WELLNESS PROGRAM

Fresno EOC will ensure that all information is handled and processed following legal and confidentiality requirements.

IV. GENETIC INFORMATION AND DISABILITY

Any genetic information and disability status information learned by the Agency during this process will not be used to create a disadvantage for employees in any way. Wellness incentives and rewards are not offered in exchange for genetic information or for health/medical information of employees or their family members. Fresno EOC and the providers used in the wellness program will not coerce employees into providing health/genetic information or taking medical examinations.

Fresno EOC and the wellness providers will endeavor to identify what information is needed prior to enrollment or use of the programs. Employees will be able to readily know who has access to this data and why. All data will be kept confidential, and the Agency will be able to access aggregated (summarized) data.

V. VOLUNTARY PARTICIPATION

Fresno EOC encourages employees to participate in the wellness program, but participation is strictly voluntary. There will be no punishment, retaliation, or other adverse action for employees who choose not to use the wellness resources and program.

VI. INCENTIVES

Incentives and rewards given to employees will be issued within legal guidelines. All employees who participate in our wellness program will receive the same incentive or reward, regardless of accommodation status.

V. DESIGN

The wellness program is designed with employee health in mind. The goal for the program to be engaging without being time-consuming or a financial burden for participating employees. Fresno EOC welcomes ideas and suggestions from employees to make it an effective wellness program.
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 absence in accordance with applicable law.


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 their 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 under FMLA, 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-month period; and (3) work at a location where at least 50 employees are employed by Fresno EOC within 75 miles. For eligibility under the CFRA, you must: (1) have worked for Fresno EOC for a total of at least 12 months and (2) have worked at least 1,250 hours during the previous 12-month period.

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. FMLA: To care for the employee’s immediate family member (spouse, registered domestic partner, child, or parent) with a serious health condition and CFRA: To care for the employee’s family member (spouse, registered domestic partner, child, parent, grandparent, grandchild or sibling), or designated person with a serious health condition. A “designated person” is defined as “any individual related by blood or whose association with the employee is equivalent of a family relationship.” Employees shall designate a person at the time the employee requests leave and may limit an employee to one designated person per 12-month period for family care and medical leave 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 (See Section IV):

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 therefrom) 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.

Under most circumstances, leave under federal and state law will run at the same time. However, leave because of the employee's disability for pregnancy, childbirth, or related medical condition is not counted as time used under CFRA. Time off because of pregnancy disability, childbirth, or related medical condition does count as family and medical leave under FMLA. Thus, employees who take time off for pregnancy disability and who are eligible for FMLA will also be placed on family and medical leave that runs at the same time as their pregnancy disability leave. If you are pregnant, please review the pregnancy disability leave policy below and notify the Human Resources Department if you need leave due to your pregnancy.

Leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. CFRA/Baby Bonding leave taken for the birth or placement of a child will be granted in minimum amounts of two weeks. However, Fresno EOC will grant a request for a CFRA leave taken for birth/placement of a child for a period of less than two weeks' duration on any two occasions. Any leave taken must be concluded within one year of the birth or placement of the child with the employee.
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 Intermitte nt FMLA/CFRA, An employee must record intermittent FMLA/CFRA usage on their 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.

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 their 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” or that qualifies as such under Gov. Code § 12945.2 and Unemployment Insurance Code § 3302.2 where applicable.

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.

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. The employee must submit an electronic request, when able. Also a Request for Authorized Absence form must be completed and approved for approval 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 they are 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.

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.

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.

If the leave is under FMLA only, the employee is required to use accrued and unused vacation or sick leave during the otherwise unpaid portion of the leave, unless otherwise prohibited by the law.

If the leave is under FMLA and CFRA, or CFRA only, for the employee’s own serious health condition, the employee is required to use accrued and unused vacation or sick leave during the otherwise unpaid portion of the leave, unless otherwise prohibited by the law.

If the leave is under FMLA and CFRA, or FMLA and PDL, or falls under more than one leave, the laws regarding use of vacation or sick leave that are more favorable to the employee will apply.

If the employee is receiving a partial wage benefit during the family and medical leave (during FMLA only, CFRA only, or FMLA and CFRA leave), the employer and employee may agree to use vacation or sick leave to supplement the partial wage replacement benefit, unless otherwise prohibited by the law.

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: The Agency will maintain, for up to a maximum of 12 workweeks of family and medical leave and 26 weeks for Military Caregiver Leave, any group health insurance coverage that was provided before the leave on the same terms as if the employee had continued to work. 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. However where a CFRA baby bonding leave follows an employee's pregnancy disability leave, Fresno EOC will provide health coverage for the pregnancy disability leave, up to four months, and an additional 12 weeks of CFRA leave.

**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.

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

### III. EXTENDED LEAVE OF ABSENCE FOR MEDICAL DISABILITY, California Fair Employment and Housing Act

#### A. Request: 
If requested by the employee only, they occur on

**Limitations:** 
A temporary light duty assignment for an injured or ill employee shall stop when any of the following occurs: 

1. The employee is medically released to perform the essential functions of their regular position; or
2. A medical provider deems the employee temporarily unable to perform any work in any capacity; or
3. A temporary light duty assignment is no longer available due to operational necessity and/or is otherwise no longer reasonable to provide; or
4. The employee’s temporary medical limitations and/or restrictions render them unable to continue performing the temporary light duty assignment; or
5. The employee is medically determined to have a permanent limitation(s) and/or restriction(s) that prevent them from being able to perform the essential functions of their regular position. When this occurs, Fresno EOC the City will continue the interactive process by engaging in alternative work search and/or through exhaustion of the interactive process.

**Occupational Disabilities:** A temporary disability leave 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)). An
**electronic request** Request for Authorized Absence form must be submitted/completed to 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.

**IV.**

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 their 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 certificate 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 12-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) workdays after the period of the approved leave expired.
POLICY 4020: PREGNANCY-RELATED DISABILITY LEAVE, OTHER DISABILITIES, AND ACCOMMODATIONS (A.D.A)

Purpose: 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.

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.

INTERACTIVE PROCESS/LIGHT DUTY ASSIGNMENTS FOR TEMPORARY DISABLED EMPLOYEES WHO HAVE AMEDICAL DISABILITY

Disability leave as required to reasonably accommodate employees with a qualified disability under the Americans with Disabilities Act (ADA), California Fair Employment and Housing Act, or with a workplace injury.

Request: Extended Medical Leave will be granted and used as a reasonable accommodation during the interactive process if requested by the employee. This leave of absence will only be used to extend the period of absence due to an employee's medical disability. An employee, who qualified for FMLA/CFRA and/or PDL has exhausted their 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. 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.

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 12-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 on 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.

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) workdays after the period of the approved leave expired.

Procedures: When feasible, Fresno EOC will locate and assign temporary light duty work to employees who are temporarily unable to perform the essential functions of their job due to injury.
Limitations: A temporary light duty assignment for an injured or ill employee shall stop when any of the following occurs: a) The employee is medically released to perform the essential functions of their regular position; or b) A medical provider deems the employee temporarily unable to perform any work in any capacity; or c) A temporary light duty assignment is no longer available due to operational necessity and/or is otherwise no longer reasonable to provide; or d) The employee’s temporary medical limitations and/or restrictions render them unable to continue performing the temporary light duty assignment; or e) The employee is medically determined to have a permanent limitation(s) and/or restriction(s) that prevent them from being able to perform the essential functions of their regular position. When this occurs, Fresno EOC will continue the interactive process by engaging in alternative work search and/or through exhaustion of the interactive process.

On the job injury/Occupational Disabilities: A temporary disability leave 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)). An electronic request must be submitted to 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.

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 their 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 a 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” or that qualifies as such under Gov. Code § 12945.2 and Unemployment Insurance Code § 3302.2 where applicable.

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 or 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 leave 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 leave (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 403020 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.


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: An employee must submit a request for Personal Leave Request for Authorized Absence form must be completed in writing, accompanied by electronic time off requests, 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

Active employees who have experienced a death or terminal illness in the immediate family will be granted an emergency paid leave of up to four-five (45) working days per fiscal year. Subsequent bereavement leave is unpaid but the employee can use accrued time. Immediate family is defined as: employee’s spouse, domestic partner as defined by law, child, stepchild, parent, stepparent, parent-in-law, child-in-law, sibling, step-sibling, grandparent, grandchild, or an adult who stood in loco parentis to the employee during childhood.

Active employees who have experienced a death or terminal illness in the extended family will be granted an emergency paid leave of up to one (1) working day. Extended family is defined as: brother-in-law, sister-in-law, aunt, uncle, grandparent, grandchild or spouse’s or domestic partner’s grandparent, grandparent-in-laws, son or daughter-in-law.

The employee will be paid the regular rate for each of the scheduled workdays missed and may be required to furnish satisfactory evidence to support the leave. The employee must request bereavement leave in writing. A Request for Authorized Absence form must be completed and approved by the employee's supervisor and program manager/director. Employees under discipline for attendance issues may be required to provide documentation with regard to their bereavement leave, including but not limited to a death certificate, published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency. The employees asked to submit such documentation must do so within 30 days of the first day leave is used.

The leave need not be consecutive but must be taken. Employees may use paid bereavement leave within for up to one year from the date of loss.

Employees may be allowed up to four hours of bereavement leave to attend the funeral of a fellow regular employee or retiree of the company/agency, provided such absence from duty will not interfere with normal operations of the agency.

An employee who has worked for the employer for at least 30 days prior to the commencement of the leave will be provided one additional day of unpaid bereavement leave upon the death of a family member as defined herein. An employee may use vacation, personal leave, sick leave, or other compensatory time off that is available to the employee.
All documentation and the fact that the employee is utilizing bereavement leave shall be maintained confidentiality. The Agency will not refuse to provide the leave or discriminate/retaliate against an employee who utilizes leave under this policy.

IV. CIVIC RESPONSIBILITIES

Employees who do not have sufficient time outside of their 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 their 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 submit electronic time off requests 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 they are not selected as a juror or they are released from service during normal working hours and must return to work at the completion of their 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 of enrollment within 15 days of the request and successfully complete the program to return to work. 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 their supervisor. To take time off under reason (3), the employee must simply give notice to their 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 their 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

After completing 90 days of employment with Fresno EOC, an employee undergoing an organ donation procedure or treatment related to organ donation may take up to 30 business days of paid leave in a one-year period related to the donation. The one-year period is measured from the date the employee’s leave begins and shall consist of 12 consecutive months. Up to 10 days of an employee’s accrued but unused vacation or sick time (not PSL) available at the time of leave is to be taken and will be credited against the 30 paid business days of donor leave available for organ donation. An additional unpaid leave of absence, not exceeding 30 business days in a one-year period, will be provided to an employee who is an organ donor, for the purpose of donating the employee’s organ to another person.

After completing 90 days of employment with Fresno EOC, any employee undergoing a bone marrow donation procedure or treatment related to bone marrow donation may take up to 5 business days of paid leave in a one-year period related to the donation. The one-year period is measured from the date the employee’s leave begins and shall consist of 12 consecutive months. Up to 2 days of an employee’s accrued but unused vacation or sick time (not PSL) available at the time of leave is to be taken and will be credited against the 5 business days of donor leave available for bone marrow donation.

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 their 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 CIVIL SERVICE LEAVE

Employees who are a volunteer firefighter, a reserve peace officer, or emergency rescue personnel who intend to perform emergency duties during work hours, should notify their supervisor that they may have to take time off to perform emergency duty. The employee should also notify their supervisor prior to leaving the premises in the event they need 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 404030 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.


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 for 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. An employee must submit 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 their same position or one of comparable seniority, status, and pay if they:

1. Have a certificate of satisfactory completion of service;
2. Return 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 their rights are protected by law; and
3. Are qualified to fill their 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 their 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. An employee must submit 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 Department.

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 workday 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 40 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 their health, safety, or welfare, or that of their 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 their health, safety or welfare, or that of their 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. A “victim” for the purposes of this leave is defined as someone who is a victim of stalking, domestic violence, or sexual assault, a victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury, or a person whose immediate family member is deceased as a direct result of a 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. The employee should ask the Human Resources Department about their 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 their health, safety, or welfare, or that of their 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 leave request form must be submitted 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 304035, 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.

Fresno EOC will also provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking who requests an accommodation for the safety of the victim while at work, unless it would constitute an undue hardship on Fresno EOC’s business operations. Upon receiving an employee’s request for accommodation, Fresno EOC shall engage in a timely, good faith interactive process with the employee to determine effective reasonable accommodations.

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.

II. ANTI-BULLYING POLICY

The purpose of this policy is to communicate to all employees, including supervisors, managers, and executives, that Fresno EOC does not in any instance tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

A. Definition

The Agency defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. Such behavior violates the Workplace Atmosphere policy, which clearly states that all employees will be treated with dignity and respect.

B. Employee Responsibility

Each and every employee of the Agency is expected to support the implementation of this policy by:

- Conducting themselves in a manner which demonstrates professional conduct, mutual respect for others and which honors diversity in the workplace;
- not engaging in the bullying and harassment of others;
- participating fully and in good faith in any resolution process or formal complaint and investigation process where they have been identified as having potentially relevant information;
- reporting any bullying and harassing behaviors which they experience or observe in the workplace which may be in violation of this policy; and
C. Management Responsibility
While every employee is responsible for maintaining and contributing to an environment which is free from bullying, those in supervisory positions carry more responsibility with the Agency. Management personnel have additional obligations to make every reasonable effort to establish and maintain a workplace free of bullying or harassment. Related to this policy, their responsibilities include but are not limited to:

- ensuring that employees have full access to information regarding employer policies and standards;
- respecting the rights of all parties to a fair, equitable and confidential process for responding to complaints;
- providing support to all those who participate in a problem-solving process; and
- enforcement of corrective and/or disciplinary measures, where applicable.

Examples of Behavior:

Bullying may be intentional or unintentional. However, it must be noted that when an allegation of bullying is made, the intention of the alleged bully is irrelevant. As in sexual harassment, it is the effect of the behavior on the individual that is important. The Agency considers the following types of behavior examples of bullying:

1. **Verbal Bullying:** Slandering, ridiculing, or maligning a person or their family; persistent name calling that is hurtful, insulting, or humiliating; using a person as butt of jokes; abusive and offensive remarks.
2. **Physical Bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person’s work area or property.
3. **Gesture Bullying:** Nonverbal threatening gestures; glances that can convey threatening messages.
4. **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.
5. **In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:**
   - Persistent singling out of one person.
   - Shouting or raising voice at an individual in public or in private.
   - Using verbal or obscene gestures.
   - Not allowing the person to speak or express themselves (i.e., ignoring or interrupting).
   - Personal insults and use of offensive nicknames.
   - Public humiliation in any form.
   - Constant criticism on matters unrelated or minimally related to the person’s job performance or description.
   - Ignoring or interrupting an individual at meetings.
   - Public reprimands.
   - Repeatedly accusing someone of errors that cannot be documented.
   - Deliberately interfering with mail and other communications.
   - Spreading rumors and gossip regarding individuals.
   - Encouraging others to disregard a supervisor’s instructions.
   - Manipulating the ability of someone to do their work (e.g., overloading, under loading, withholding information, assigning meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
   - Inflicting menial tasks not in keeping with the normal responsibilities of the job.
   - Taking credit for another person’s ideas.
   - Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
   - Deliberately excluding an individual or isolating them from work-related activities, such as meetings.
   - Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual’s property (defacing or marking up property).
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 conduct and demonstrate the highest standards of conduct and professionalism. An employee is expected to conduct themselves in a manner benefiting their 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 and the Agency, 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 necessary changes in order to be in compliance with this policy 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: All agency employees shall perform their duties diligently, thoroughly, and properly. 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 perform the job duties satisfactorily; meet standards of quality and quantity;
2. Failure to perform the job satisfactorily;
3. Discourteous or unprofessional conduct;
4. Failure to maintain meet minimum qualifications of the job;
5. Excessive absenteeism, tardiness, or abuse of break or meal privileges;
6. Failure to follow established safety regulations;
7. Neglect of duty.

B. Conduct: All agency employees are expected to observe and demonstrate the highest standards of conduct and professionalism. An employee may be issued corrective action, up to and including termination, for misconduct including, but not limited to the following:

1. Discourteous or unprofessional conduct;
2. Insubordination, including refusal to comply with reasonable request from supervisor or refusal to perform a job assignment;
3. Excessive absenteeism, tardiness, or abuse of break or meal privileges;
4. Dishonesty, fraud, bribery or gratuity;
5. Violation of safety practices, procedures, rules and regulations;
6. Failure to notify supervisor of any inability to report to work;
7. Unauthorized possession, misuse, defacement, or destruction of Fresno EOC property or the property of another;
8. Theft;
9. Unauthorized removal of Fresno EOC property from its proper location;
10. Violating conflict of interest rules and accepting gratuities;
11. Disclosing or using confidential or proprietary information without authorization;
10.12. Falsifying or altering Fresno EOC’s or another employee’s records or documents, including but not limited to the application for employment and time sheets, etc.;

13. Theft of time


12.15. Threatening, intimidating, coercing, or otherwise interfering with other employees, co-workers, clients, and/or program participants;

13.16. Fighting, or any acts of violence Physical violence;

14.17. Unruly behavior or “horseplay”;

15.18. Use of obscene, abusive, or offensive language;

16.19. Harassment as defined in Policy 1030;

17.20. Being under the influence of, manufacturing, dispensing, distributing, using, or possessing alcohol or illegal or controlled substances on Fresno EOC agency property or while conducting Fresno EOC agency business;

18.21. Gambling on Fresno EOC agency premises or while conducting Fresno EOC agency business;

19.22. Wearing clothing inappropriate for the work being performed;

20.23. Smoking where prohibited by local ordinance or Fresno EOC agency guidelines rule;

24.24. Leaving the job without authorization;

22.25. Sleeping on the job;

23.26. Possessing a firearm or other dangerous weapon on Fresno EOC agency property or while conducting Fresno EOC agency business;

24.27. Failure to report to Fresno EOC within five (5) days any criminal conviction that may impact the employee’s: (1) ability to perform their position duties; (2) licensing under the program the employee works; (3) insurability by the agency carrier; or (4) as otherwise required by law to be disclosed;

25.28. Failure to report an on the job incident or accident;

26.29. Causing an accident as a result of operating an agency Fresno EOC vehicle in a reckless and negligent manner;

27.30. Violating vehicle codes and/or Fresno EOC agency policies which cause an accident, injury, or property damage;

28.31. Failure to comply with Fresno EOC agency policies and procedures;

29.32. Stereotyping any child or family on the basis of gender, race, ethnicity, culture, religion, or disability;

30.33. Violating program confidentiality policies concerning information about children, families, and other staff members;

31.34. Using abusive, profane, sarcastic language or verbal abuse, threats, or derogatory remarks about Fresno EOC, staff, clients or client’s family;

32.35. Using any form of public or private humiliation;

33.36. Leaving children or clients alone or unsupervised while under their care;

34.37. Endangering the health or safety of children;

35.38. Using toilet learning/training methods that punish, demean, or humiliate a child;

36.39. Using any form of emotional abuse, including rejecting, terrorizing, extended ignoring or corrupting a child;

37.40. Failure to use positive methods of child guidance and engaging in corporal punishment, emotional abuse, physically maltreat or abuse, or humiliation;

38.41. 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;

39.42. Failure to conduct themselves in a professional and ethical manner with all employees, co-workers, clients and/or program participants;

40.43. Engaging in sexual or other inappropriate contact or relationships with program participants;

41.44. Ignoring grantor requirements relating to any program for the Agency;

42.45. Engaging in actions that reflect adversely upon grantors and/or the families or communities we serve;

38.46. Other rules or standards implemented by programs or the Agency Act in a manner deliberately contradicting the Agency’s Mission, Vision or Values;

39.47. Violation of any agency rule, policy, or procedure.
40. Stereotyping any child or family on any basis, including gender, race, ethnicity, culture, religion, disability, sexual orientation, or family composition;
41. Leaving children or clients alone or unsupervised while under their care;
42. Use corporal punishment;
43. Use isolation to discipline a child;
44. Bind or tie a child to restrict movement or tape a child’s mouth;
45. Use or withhold food as a punishment or reward;
46. Use toilet learning/training methods that punish, demean, or humiliate a child;
47. Use any form of emotional abuse, including public or private humiliation, rejecting, terrorizing, extended ignoring, or corrupting a child;
48. Physically abuse a child;
49. Use any form of verbal abuse, including profane, sarcastic language, threats, or derogatory remarks about the child or child’s family; or,
50. Use physical activity or outdoor time as a punishment or reward;
51. 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. PROGRESSIVE DISCIPLINE CORRECTIVE ACTION PROCEDURE

The level of discipline corrective action used to correct performance and conduct deficiencies 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 impact to the Agency; (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 5030, Progressive Discipline, Counseling and Corrective Action).

The Agency will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint in good faith.
PURPOSE: To establish procedures with respect to coaching and progressive discipline; counseling and corrective action; to assure all employees that while ensuring basic corrective action, progressive discipline 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 accordingly. Fresno EOC has implemented a progressive discipline system that supports uniformity, but does not preclude any form being used at any time and in any order deemed necessary under the circumstances. Circumstances and employee conduct may warrant eliminating one or more steps in the progressive discipline system, possibly resulting in immediate suspension or termination. 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 and/or conduct issues while they are minor immediately. 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. PROGRESSIVE DISCIPLINE 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 impact to the Agency; (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 program Officer and may not exceed a maximum of four weeks.

III. PROCESS

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

1. Meet with the employee to discuss the matter;
2. Issue a Counseling Memo to the employee;
3. Inform the employee of the nature of the problem and that continued failure to meet Fresno EOC's standards and expectations for performance and conduct will result in more severe discipline up to and including termination; the action necessary to correct it;
3. Require the employee to read and sign the memo. If the employee refuses to sign, witness(es)
will indicate refused to sign on the employee signature line. An employee has up to five (5)
business days to provide a written response; Complete a Verbal Reprimand form that is signed
by both the employee and supervisor indicating confirming that the meeting has taken place;
and

4. Submit the signed memo to the Human Resources Department to be filed in the employee’s
personnel file. A copy of the memo will be provided to the employee Route for signatures and
forward to the Human Resources Office. This information will be included in the employee’s
personnel file.

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

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

2. Warn- Inform the employee that a continued breach failure to meet the Fresno
EOC’sAgency’s standards and expectations for performance and/or conduct standards will
result in more severe corrective action up to and including termination;

3. Require the employee to read and sign the written reprimand. If the employee refuses to sign,
   witness(es) will indicate refused to sign on the employee signature line. The employee will
   have, and give the employee up to five (5) business days the opportunity to provide a written
   response; and

4. Forward Submit the signed Written Warning written reprimand to the Human Resources
   OfficeHuman Resources Department to be filed in the employee’s personnel file. A copy of the
   form will also be provided to the employee. Provide a copy of the signed form to the
   employee 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. Final Warning or Suspension: If there are additional occurrences, and/or depending on the severity of
the performance and/or conduct issues, the supervisor should take the following action:

1. Recommend a Final Warning or Suspension to the program manager/ to the
   Program Director, responsible Officer and Human Resources Departmentdirector and
   responsible Officer and obtain approval prior to any action being taken;

2. Meet with the employee and Human Resources Manager/Director/Officer to issue a Final
   Warning or Suspension (without pay for up to five working days), indicating the next breach
   will warrant termination; Issue a Written Suspension Notice;

3. The Human Resources Office will Suspend the employee without pay for up to five working
days; and

4. Forward the Submit the signed suspension notice and signed warning form to the Human
   Resources OfficeHuman Resources Department along with any written report describing the
   occurrences and summarizing all actions taken and justifications to be filed in the employee’s
   personnel file. A copy of the form will be provided to the employee. Provide a copy of the
   signed notice to the employee.

All suspensions, including those that may lead to termination, must be reviewed by and approved by the program
manager/director, and the responsible Officer and Human Resources Department.
D. **Termination: 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 Director/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 immediate and sustained improvement in job performance and/or conduct other violation(s) of agency policies.

**IIIIV. 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.

**IV. 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 **Program Director**, with approval from the responsible Officer and **Human Resources Director/Officer** supervisor, with the concurrence of the program manager/director and responsible Officer, will determine, based on the facts, if the employee will be placed on paid administrative leave or unpaid suspension should suspend the employee pending review. An **The Human Resources Department** will conduct an investigation of the allegations or misconduct incidents leading up to the suspension shall be conducted to determine what further action, if any, should be taken, including termination.

**VIII. INCIDENT REVIEW INVESTIGATORY INTERVIEW**

An incident review is a process in which minor concerns or incidents will be reviewed by the program before escalation to the **Human Resources Department**. An incident review investigatory interview will be conducted by **program management** for the purpose of determining the facts involved in any suspected violation of Fresno EOC rules and regulations, except for allegations of discrimination, harassment, bullying or retaliation. These allegations will be investigated by the **Human Resources Department**.

A typical **review investigation** consists of interviewing the involved employee(s) and any witnesses, finding and assessing any physical evidence, and evaluating the facts. The **Human Resources Department** Manager or Officer may be required to assist with the **review investigation**. The interviewer should advise the employee witness as to the nature of the situation requiring investigation. Confidentiality shall be maintained during **incident review the investigations** to the extent possible. Only those with a business need-to-know should be told about the allegations and **interviews** investigation, and participants in the investigation should be requested not to discuss the situation with others in order to preserve the integrity of the **review investigation**.

**VIIIX. TIME LAPSE BETWEEN PREVIOUS DISCIPLINE CORRECTIVE ACTION**

If an employee completes twelve (12) months without further **disciplinary 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 **disciplinary corrective actions** in the continuance of employment and/or evaluating the performance of an employee (see Policy 703020, Performance Evaluations). Past **disciplinary corrective action(s)** are relevant when making employment decisions and when evaluating an employee's overall performance.
POLICY 504030 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 their 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.


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 their 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 their 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. However, the Agency will not discriminate against an employee or applicant, or otherwise penalize an employee or applicant, based on the person’s use of cannabis off the job and away from the workplace, or on the basis of an employer-required drug screening that has found the person to have “non-psychoactive cannabis metabolites” in their system unless otherwise prohibited by state or federal law.
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 their impairment. Employees must report their use of over-the-counter medications or prescribed medications to their supervisor if the use might impair their ability to perform their 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 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 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 their 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 their supervisor concerning their 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 their supervisors concerning their 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

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who suspects that they 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.
4.1. 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/discipline 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/discipline up to and including termination. Applicants, as a condition of employment, must consent to Fresno EOC obtaining information on their 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.
H. Testing of Applicants or Employees for Designated Safety-Sensitive Positions are subject to the current Transit Systems Drug and Alcohol Testing Policy.
POLICY 505040 MANDATORY REPORTING OF 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 5045 – CHILD SUPPORT REFERRAL

PURPOSE: To provide guidance on Fresno EOC's responsibility to clients regarding Child Support Services in the state of California.

POLICY: It is the policy of Fresno EOC to comply with the Community Services Block Grant Act Child Support Services regulations regarding referrals to Child Support Services for custodial parents in single-parent families.

REFERENCE: 42 U.S.C. Code § 9919

PROCEDURES:

If a client is a single parent, who has custody of a child under the age of 18, the client may be eligible for help from CA Child Support Services with obtaining child support from the other parent of the child.

I. Eligibility Determination Process for Staff

If the client indicates that they have custody of their child/children on an intake form and:

- The client does not live with the other parent

AND

- The client did NOT indicate that they are receiving child support as a source of income on the Income Verification Form, the procedure below is to be followed:

1. Provide the client with the following information about services provided by CA Child Support Services:

   - Locating a parent
   - Arranging for paternity testing
   - Establishing a support order
   - Enforcing a support order

2. Offer the client additional information such as a copy of the application for such services to be submitted to CA Child Support Services, an informational brochure and/or where someone could obtain additional information.

Enter any applicable tracking codes for the services rendered into Fresno EOC's intake software.
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 romantically involved, become related, or cohabitate 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 507060 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 conduct and/or 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 their supervisor or the Human Resources Office 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 that 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 provide 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. **Agency employees shall not disclose confidential information without proper authorization from their supervisor, manager and/or Human Resources Office**. Misuse of information is against the Agency’s 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 the Agency. 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 disciplinary corrective action, up to and including termination.

The Agency will not tolerate retaliation against any employee for cooperating in an investigation regarding the possible violation of this policy 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 Fresno EOC or 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 Office** or the California State Attorney General's Whistleblower Hotline at 1-800-952-5225.
POLICY 508070 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 509080 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.


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 the 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 their 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 (including desktop, laptops, tablets) and telephone, as well as the contents of files stored on computer hard drives, cloud storage, portable and removable storage and any media used by employees.
Desks, file cabinets, and similar Fresno EOC resources used by employees in the performance of their duties and responsibilities are subject to search by management personnel or their 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 data 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, cloud storage, 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 their 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 their 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 while performing their 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 5100090 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, discipline, 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 their 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, who have received adequate training, and have been approved by the Communications Department, can prepare and modify content located on Fresno EOC's website or social media channels.

All employees who are authorized to post/interact on behalf of the Agency must be logged into their program page to post comments or responses on the Agency's social networking sites. Employees should not be interacting through their personal page as an agency representative.

Fresno EOC reserves the right to remove, without advance notice or permission, all 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 507060, 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 they publish 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. Due to social media and networking being public activities, Agency e-mail addresses and Agency assets/account 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 their personal accounts. Employees may repost or forward Agency sponsored events and information on Fresno EOC social media and website. Information and communications that are published on personal online sites/accounts 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 their affiliation with the Agency in an online communication, then they 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 their 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 507060, 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, Discrimination/Harassment/Retaliation Complaint and Prevention 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 are consistent with our brand identity, integrity and reputation while minimizing actual or potential legal risks, whether used inside or outside the workplace.

The Communications Department must create and continue to have access to any Agency or Agency’s program website, blog, video-sharing site, bulletin board or other social media. 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 is authorized and maintains an Agency or program account(s) including, but not limited to: 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 from communicating 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 Wi-Fi. 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 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 and discipline 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 their 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 their views expressed are their 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.

Other than links to position openings and announcements, 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 their post that relates to the Agency, the employee is not to respond and must inform their supervisor(s) or the Communications Department immediately.

Nothing in this manual prohibits employees from discussing terms and conditions of employment and nothing in this policy is intended to infringe upon employee rights under Section 7 of the National Labor Relations Act ("NLRA").
POLICY 511000 REMOTE WORK AND ACCESS GUIDELINES

PURPOSE: To establish guidelines for remote work, or telecommuting, and access.

POLICY: In the event work functions are disrupted due to a pandemic or other large-scale business disruption, Fresno EOC may find it necessary for employees to work from home or at another designated location. Fresno EOC can provide a variety of services to connect with our employees, consultants, contractors, vendors, clients, funding sources, community advocates, remotely to continue uninterrupted work. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement, it is not an agency-wide benefit, and it in no way changes the terms and conditions of employment with Fresno EOC.

REFERENCE:

PROCEDURES

Telecommuting can be informal, such as working from home for a short-term project, on the road during business travel or a formal, set schedule of working away from the office as described below. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement. Every effort will be made to provide reasonable advanced notice to accommodate commuting, childcare and other issues that may arise from the implementation and/or conclusion of a telecommuting arrangement. There may be instances, however, when no notice is possible.

I. ELIGIBILITY

The employee and supervisor or program manager, with the assistance of the Human Resources Office, will evaluate the suitability of such an arrangement, reviewing the following areas:

A. Employee suitability: The employee and supervisor or program manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.

B. Job responsibilities: The employee and supervisor or program manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.

C. Equipment needs, workspace design considerations and scheduling issues: The employee and supervisor or program manager will review the physical workspace needs and the appropriate location for remote work.

D. Tax and other legal implications: The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

Fresno EOC reserves the right to request a telecommuting agreement that is signed by all parties. Once approved, an appropriate level of communication between the telecommuter and supervisor will be agreed to as part of the discussion process. The supervisor and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

II. USE OF AGENCY AND PERSONAL PROPERTY

Fresno EOC will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, wireless hot spots, phone and data lines and other office equipment) for each telecommuting arrangement. The Human Resources and Information Technology Offices will serve as resources in this matter.

Equipment supplied by the employee, if deemed appropriate by the agency, will be maintained by the employee subject to appropriate reimbursement policies and procedures. Fresno EOC accepts no responsibility for damage caused to the equipment.
or repairs to employee-owned equipment. Fresno EOC reserves the right to make determinations as to appropriate equipment, subject to change at any time.

Equipment supplied by the agency will be maintained by the agency and is to be used for business purposes only. The telecommuter must sign an inventory of all agency property received and agree to take appropriate action to protect the items from damage or theft. Upon separation of employment, all company property will be returned to the agency.

Work Items Should Not Be Unattended: All work items, including documents, files, laptops, tablets, smartphones, and any other sensitive materials, should not be left unattended in public areas, common spaces, or unsecured locations within the workplace. Employees are responsible for safeguarding these items and should keep them within their direct control or secured in a designated storage area when not in use.

Fresno EOC will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. Fresno EOC will also reimburse the employee shipping costs that are reasonably incurred in carrying out the employee's job.

Fresno EOC will provide a reasonable technology stipend for business-related expenses, such as home internet usage and phone calls. Stipend rates will be determined by a number of factors including job duties and responsibilities. Rates will be paid at following the reimbursement categories: minimum, low, medium and high.

The employee will establish an appropriate work environment within their home for work purposes. The employee should test the following equipment, at home to ensure the item can be used as intended:

A. Laptop, Tablet, or Desktop Computer: This device should allow the employee to perform and generate work equivalent to the quality and quantity of work that was being generated in the office.

B. Microphone or Headset: This device may be built into laptop/desktop/tablet, or may be a secondary device that can be connected. The employee should discuss the business need and receive approval from the supervisor prior to purchasing a microphone/headset if one is not available.

C. Webcam: This device may be built into the laptop/desktop/tablet, or may be a secondary device that can be connected. The purpose of the webcam is to provide video conferencing for business needs to help conduct a meeting or discussion that replicates the interactions that would have been obtained in an in-person/office environment. The employee should discuss the business need and receive approval from the supervisor prior to purchasing a webcam if one is not available.

D. Internet: The employee may utilize their personally obtained internet or an agency provided wireless hotspot.

III. TECHNOLOGY SUPPORT

The employee should contact the Information Technology Office if they have any questions or issues. Information Technology staff can setup remote access support sessions. The employee can also bring in their equipment to get questions answered and trained how to work from home. If the employee does not have access to program equipment that meets these standards, please consult with the Program Director.

During a pandemic or other mandated telecommuting event, the IT Office may require an employee to set up an appointment to ensure meeting social distancing or other implemented protocols. Please contact the IT Office at 263-1300 or itoffice@fresnoeoc.org prior to going to the IT Office for support.

IV. TECHNOLOGY AND SOFTWARE RESOURCES

A. Microsoft Office and Office365: Microsoft Office software and web-based Office365 are the productivity suites of choice for Fresno EOC. Office365 accounts are available for free to all Fresno EOC employees.
Microsoft Teams: Microsoft Teams combines modern online meeting technology with real-time chat, file storage, collaboration, and remote support. The full functionality of teams is available to Fresno EOC employees with an agency-provided Office365 account. To get started, log in to Microsoft Teams from a web browser or download the Microsoft Teams app from the app store. Use of Microsoft Teams while logged in with an agency-provided account is intended for business use only.

Microsoft OneDrive and SharePoint: Fresno EOC utilizes OneDrive and SharePoint for Business cloud file storage. Fresno EOC employees working from home are encouraged to save files to the cloud for additional file access. OneDrive is a personal drive in which employees can store files. SharePoint is a shared drive in which employees can store and edit files shared with other staff given access to the drive.

Internet Browsers: Fresno EOC recommends that employees use the Google Chrome browser to ensure compatibility and security regarding access to Fresno EOC resources, including software and hardware.

V. ACCESS TO FRESNO EOC PHONE/VOICEMAIL (EXECUTIVE PLAZA ONLY)

When an employee is out of the office during working hours, there are several options for employees to access their calls and voicemail.

1. The Mobility Extension feature will ring both the employee’s desk phone and alternate number (cell/home phone) allowing the employee to receive calls on and off-site. Alternatively, the office phone can be forwarded so it will only ring to the alternate number provided.

2. The voicemail to email feature, once configured, will forward voicemail messages received at an employee’s desk phone to the employee’s Office365/Outlook email as a sound file attachment. The employee can double-click on the sound file to listen to the voicemail message.

3. Fresno EOC Executive Plaza employees can also check and manage voicemails by calling (559) 263-1399, press *2, and entering their extension/password to access voicemail off-site.

4. Off-site programs must follow their phone system guidelines to forward calls or retrieve voicemail messages. Please contact Information Technology for phone system options.

VI. REMOTE ACCESS SERVICES

Fresno EOC will utilize Virtual Private Network (VPN), Remote Desktop Protocol services (RDP), and other approved platforms such as Microsoft Teams, Zoom and Adobe Sign/HelloSign, to provide online meetings, webinars, access to computers, remote document signing, and remote technical support. Employees needing to access resources that require connecting remotely should contact the IT Office and set an appointment. Program Manager/Director approval is needed.

VII. SECURITY

Consistent with agency expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection and confidentiality of proprietary agency and customer/client information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment. All work items, including documents, files, laptops, tablets, smartphones, and any other sensitive materials, should not be left unattended in public areas, common spaces, or unsecured locations within the workplace. Employees are responsible for safeguarding these items and should keep them within their direct control or secured in a designated storage area when not in use.

VIII. SAFETY
Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by Fresno EOC's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

Telecommuting is not designed to be a replacement for appropriate childcare. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands.

IX. TIME WORKED

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act or California Industrial Wage Orders will be required to accurately record all hours worked using Fresno EOC's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.
POLICY 512010 – REMOTE WORK POLICY

PURPOSE: To define remote work expectations of employees and the Agency.

POLICY: It is the policy of Fresno EOC to provide remote work arrangements, when possible, that would be of mutual benefit to the Agency and the employee.

PROCEDURES:

I. DEFINITION

Remote work (also known as telecommuting) is a business arrangement that allows employees to work from a remote location by virtually linking to Fresno Economic Opportunities Commission whether from home, the road, a client's location, or elsewhere.

II. REQUESTING PERMISSION TO WORK REMOTELY

Employees who would like to explore the option of remote work should communicate with their supervisor and with Human Resources. Fresno Economic Opportunities Commission will consider requests for remote work on a case-by-case basis, taking into account factors including appropriateness of the role for telecommuting, tenure, seniority, employee performance, prior disciplinary action, flexibility, the reason(s) for remote work and the ability to work independently. Employees who are permitted to work remotely must sign a Remote Work Agreement and, if approved to work remotely, will be expected to communicate with the Fresno Economic Opportunities Commission at a level consistent with employees working at the office or in a manner and frequency that seems appropriate for the job and the individuals involved.

III. EQUIPMENT AND SUPPLIES

On a case-by-case basis, and subject to change at any time, Fresno EOC will determine what equipment, if any, to provide to the employee to facilitate the remote working arrangement. The Agency accepts no responsibility for theft, loss, damage or repairs to employee-owned equipment. Any equipment that the Agency provides to an employee as part of a remote working arrangement shall remain the property of the Agency, and the Agency will maintain that equipment. This equipment must be used for business purposes only. Depending on the circumstances, the employee may be responsible for any theft, damage, or loss of property belonging to the Agency. Fresno EOC will supply the employee with appropriate office supplies (e.g., pens, paper, printer ink) for successful completion of job responsibilities. Fresno EOC will also reimburse the employee for certain business-related expenses (e.g., phone plan, shipping costs) that are reasonably incurred in accordance with job responsibilities. Unless otherwise agreed to in advance in writing, the Agency will not be responsible for any other costs the employee may incur while working remotely.

IV. REMOTE WORK SITE

An employee approved to work remotely should designate a workspace, at the off-site work area, for installation of any equipment to be used while working remotely. This workspace should be maintained in a safe condition, free from hazards to people and equipment. The employee will immediately report any injury sustained while working remotely immediately to the employee's supervisor. Prior to granting approval to remote work, Fresno EOC reserves the right to require that the employee provide a floor plan of their remote work sites and/or be subject to a visit by a representative of the Fresno EOC to determine the appropriateness and viability of the remote working space from a technical standpoint. Given a minimum of 24 hours advance notice, a representative of Fresno EOC, trained for the purpose of the visit, may make on-site visits to the remote worker's work site, including residence. The purpose of the visit would be to determine that the work site is safe and free from hazards and, where appropriate, to maintain, repair, inspect or retrieve equipment, software, data and supplies owned by the Fresno Economic Opportunities Commission.

V. ALL OTHER POLICIES APPLY
Fresno EOC’s remote employees must continue to abide by all other policies and procedures including those in regard to computer use, social media and confidentiality. As a condition of remote work, all employees who receive permission to work remotely under this Policy must first sign a remote work agreement.

VI. REQUESTS FOR LEAVE

Unless a flexible schedule is agreed to, employees should not permit non-work-related events and activities to disrupt or interfere with scheduled work time. Requests to use sick leave, vacation or other leave must be approved in the same manner as the employee who does not work remotely. If a non-exempt employee becomes unable to work at an alternate work location due to illness or other reason, the employee must report the hours actually worked and use accrued time for those hours not worked.

VII. NONEXEMPT EMPLOYEES

Employees that are non-exempt under the Fair Labor Standards Act are not exempt from the overtime requirements and therefore must comply with all recordkeeping requirements. Non-exempt remote employees must accurately record and timely report all working time as a condition of continued participation in the remote work program. A supervisor must approve, in advance, any hours worked in excess of those specified per day and per week, in accordance with local, state and federal requirements. Fresno EOC reserves the right to revoke the remote working privileges of any employee failing to comply with this requirement.

VIII. TAX IMPLICATIONS

Employees who work remotely from another state or work in several states are responsible for determining their taxes correctly. Employees are encouraged to consult a tax professional to determine the correct method for withholding income taxes.

IX. DURATION OF THE REMOTE WORKING ARRANGEMENT

All remote working arrangements are granted on a revocable basis. Consequently, in its sole discretion, Fresno EOC may discontinue any remote working arrangement at any time, although reasonable advance notice will be provided where practicable. Unless other arrangements have been made, upon termination of the remote working arrangement or employment, whichever is first, the employee must return all company property to the Fresno EOC in good working order, less any normal wear and tear.

This Policy is not intended to alter the employment at-will relationship in any way. Accordingly, unless an employee has a valid written and signed contract of employment stating otherwise, employment is at-will and can be terminated by the employee or by Fresno EOC at any time.
POLICY 513020 – RETENTION POLICY

PURPOSE: To define strategic actions to keep employees motivated and focused so they elect to remain employed and fully productive for the benefit of the organization.

POLICY: It is the policy of Fresno EOC to show our employees that we care for them and that we are committed to providing a culture that attracts and retains employees.

PROCEDURES:

I. DEFINITION

Employee retention is the number of employees that stay with their company in a given period of time. Typically, these employees only count as retained if they are happy, engaged, productive, and not looking for other work. Employee retention strategies help organizations prevent high turnover, usually through boosting employee engagement and providing competitive benefits.

II. VALUING OUR EMPLOYEES

Fresno EOC understands how internal policies and practices reflect an organization's culture, which in turn can shape turnover. In general, a culture that supports retention employs the following practices:

- Employees are treated with dignity and respect;
- There are open lines of communication among organizational levels;
- Employees can participate in decisions affecting their jobs;
- Policies and rules are applied fairly and consistently;
- There is a shared understanding of how to advance one’s career;
- There is work-life balance; and
- Employees are treated as organizational assets and not costs.

III. POLICIES TO PROMOTE A HEALTHY WORKPLACE

Creating psychologically healthy workplaces, coupled with the ability for employees to perform their jobs successfully and thereby receive ample rewards, results in a high-performance work culture. This, in turn, results in an organization that retains top performers and that replaces those employees who cannot meet its ever-increasing standards.

Fresno EOC is proud that the following policies support a high performance and retention culture:

- Diversity, equity and inclusion;
- Preventing workplace discrimination, harassment and retaliation;
- Pay;
- Open door;
- Professional development
- Sick leave;
- Physical and emotional wellness;
- Flexible work schedules;
- Remote work;
- Accountability; and
- Employee feedback.
POLICY 5140 – EMPLOYEE REFERRAL INCENTIVE PROGRAM

PURPOSE: The purpose of the Employee Referral Incentive Program is to provide an incentive to current employees for referring new talent to Fresno EOC. This policy encourages employees to refer qualified applicants, whom the employee knows personally and/or professionally, will share in Fresno EOC’s values and vision, and will demonstrate the competencies for an opportunity to become employed with Fresno EOC.

POLICY: It is the policy of Fresno EOC to provide an incentive to employees for referring applicant(s) that result in successful hires within the Agency.

PROCEDURES:

I. DEFINITION(S)

A. Referring Employee – the current Fresno EOC employee that completes the referral form (Refer a Friend) providing the name of the applicant referred.

B. Successful Referral/Hire – an applicant who applied to a position at the recommendation of a referring employee, makes it through the recruitment process and becomes hired to fill vacancy. A successful hire/referral cannot be a current or previous employee of the agency.

II. ELIGIBILITY

A. All full-time, part-time, and temporary employees and paid interns are eligible to receive a referral incentive with the exception of the following:
   i. Hiring Managers (including direct reports and anyone with influence in the hiring process) for the position in question
   ii. Human Resources staff with direct involvement or who have staff involved in the recruitment duties for a vacancy.
   iii. Executive level staff are not eligible to participate in the Employee Referral Reward Program.

B. Incentive Eligibility:
   i. In the event more than one employee completes a referral, the first employee to complete the referral and is listed as the referral source on the successful hire’s application will receive the referral incentive.
   ii. The referral incentive reward will be provided to the referring employee following completion of 1,000 hours of employment by the successful hire. Both the referring employee and successful hire must be in the employment of Fresno EOC at the time the referral incentive is awarded.

III. REFERRAL PROCESS

A. Only open positions, which have gone through the approved Fresno EOC recruitment process, will be eligible for the Employee Referral Incentive Program (see Policy 1090, Recruitment and Selection).

B. The referring employee must complete referral electronically by logging into the ADP entering the applicant’s name in the “refer a friend” option in the career center.

C. The applicant must complete the referral section of the employment application with the name of the current Fresno EOC employee to be eligible to participate in the Employee Referral Incentive Program.

IV. INCENTIVE PROCESS AND REDEMPTION

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A. Referral incentive rewards are paid out utilizing a gift redemption method. The referring employee will be notified via email or phone once the incentive has been activated and have 90 days to redeem the gift option of their choice (gifts have a cash equivalent up to $300.00)

V. HUMAN RESOURCES DEPARTMENT ROLE AND RESPONSIBILITY

The Human Resources Department will ensure that this policy is implemented as equally and fairly as possible, and that all employees eligible for the referral incentive are offered the incentive as outlined in this policy.

Any questions or policy clarifications arising from the application or administration of this program will be reviewed by the Human Resources Department.
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.


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 healthy 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 Coordinator: The Safety Specialist Coordinator is located in the Human Resources Office and oversees Fresno EOC's safety policies and procedures. The Safety Specialist Coordinator'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, using dip or chew, 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.

VII. EMERGENCY CONDITION

In the event of an "emergency condition," the Agency will not take or threaten adverse action against any employee for (1) refusing to report to, or leaving, a workplace or worksite within the affected area because the employee has a reasonable belief that the workplace or worksite is unsafe; (2) preventing any employee from accessing the employee’s mobile device or other communication device from seeking emergency assistance, assessing the safety of the situation, or communicating with a person to verify their safety. When feasible, an employee must notify the employer of the “emergency condition” prior to leaving the workplace or refusing to report and, if not feasible beforehand, then the employee must notify the employer as soon as possible. For these purposes, an “emergency condition” means the existence of either of the following: (1) conditions of disaster or extreme peril to the safety of persons or property at the workplace or worksite caused by natural forces or a criminal act; and/or (2) an order to evacuate a workplace, a worksite, a worker’s home, or the school of a worker’s child due to natural disaster or a criminal act.” “Emergency condition” explicitly excludes a health pandemic. “A reasonable belief that the workplace or worksite is unsafe” means that a reasonable person, under the circumstances known to the employee at the time, would conclude there is a real danger of death or serious injury if that person enters or remains on the premises.
POLICY 6020 WORKPLACE VIOLENCE

PURPOSE: To maintain a safe working environment where employees and non-employees 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.


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/Facilities – 559-263-1207 or 559-263-1000
- Executive Plaza Site – building security as contracted by Fresno EOC
- Downtown Bike Patrol or Fresno Police Department Dispatch 621-7000
- 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 appointee, 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. DISCIPLINARY 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 6030 INFECTIOUS DISEASE CONTROL

PURPOSE: To establish guidelines and protocols during an infectious disease outbreak.

POLICY: Fresno EOC will take proactive steps to protect employees and the workplace in the event of an infectious disease outbreak in accordance with local, state, and federal guidelines. It is the goal of Fresno EOC during any such time period to strive to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the workplace.

REFERENCE: Center for Disease Control and Prevention, California Department of Public Health, Fresno County Department of Public Health, Occupational Safety and Health Administration

PROCEDURES:

Fresno EOC is committed to providing authoritative information about the nature and spread of infectious diseases, including symptoms and signs to watch for, as well as required steps to be taken in the event of an illness or outbreak. Violations of this policy may lead to corrective action up to and including termination.

I. PREVENTING THE SPREAD OF INFECTION IN THE WORKPLACE

Fresno EOC will ensure a clean workplace, including the regular cleaning of objects and areas that are frequently used, such as bathrooms, breakrooms, conference rooms, door handles and railings. A committee will be designated to monitor and coordinate events around an infectious disease outbreak, as well as to create work rules and guidelines that could be implemented to promote safety through infection control as outlined by local, state, and federal agencies.

Fresno EOC asks all employees to cooperate in taking steps to reduce the transmission of infectious disease in the workplace. The best strategy remains frequent hand washing with warm, soapy water; covering your mouth whenever you sneeze or cough; and discarding used tissues in wastebaskets. Fresno EOC will also install alcohol-based hand sanitizers throughout the workplace and in common areas.

Unless Fresno EOC communicates otherwise, the normal attendance and leave policies will remain in place. Individuals who believe they may face particular challenges reporting to work during an infectious disease outbreak should take steps to develop any necessary contingency plans. For example, employees might want to arrange for alternative sources of childcare should schools close and/or speak with supervisors about the possibility to work from home temporarily or on an alternative work schedule. An employee may also be eligible for leave as described in Fresno EOC leave policies. (See Policy 4010: Family, Medical, Pregnancy and Other Disability Leaves of Absences; Policy 4020 Leaves of Absences.)

All employees working with clients or the public as part of an essential job function shall ensure to take all necessary precautions as outlined by local, state, and federal agencies. Technology should be optimized to offer clients virtual, telephonic, or other electronic means to continue to seek and/or receive services.

II. PERSONAL PROTECTIVE EQUIPMENT (PPE)

When required, Fresno EOC shall provide personal protective equipment (PPE) to all employees working onsite. Employees are required to use PPE in accordance with established protocols and guidelines of Fresno EOC and local, state, and federal agencies. All employees working with clients or the public as part of an essential job function shall take all necessary precautions.

III. LIMITING TRAVEL

All nonessential business travel shall be immediately suspended until further notice. Employees who travel as an essential part of their job should consult with management on appropriate actions.
Employees should avoid crowded public transportation when possible. Alternative scheduling options should be discussed with the supervisor.

IV. TELECOMMUTING

Requests to work remotely will be handled on a case-by-case basis. While not all positions will be eligible, all requests for temporary telecommuting should be submitted to your supervisor for consideration. (See Policy 511000 Remote Work Access Guidelines)

V. STAYING HOME WHEN ILL

Many times, with the best of intentions, employees report to work even though they feel ill. Fresno EOC provides paid sick time to compensate employees who are unable to work due to illness (See Policy 3030, Sick Time and Policy 3040, Paid Sick Leave).

During an infectious disease outbreak, it is critical that employees do not report to work while they are ill and/or experiencing symptoms such as fever, cough, sore throat, runny or stuffy nose, body aches, headache, chills and fatigue. While subject to change, the Centers for Disease Control and Prevention (CDC) recommends that people with an infectious illness such as the flu remain at home until at least 24 hours after they are free of fever (100 degrees F or 37.8 degrees C) or signs of a fever without the use of fever-reducing medications. Employees who report to work ill will be sent home in accordance with current health guidelines as provided by the CDC, California Department of Public Health or other local health agencies.

VI. REQUESTS FOR MEDICAL INFORMATION AND/OR DOCUMENTATION

It may become necessary to request information from an employee and/or their health care provider if an employee is out sick or shows symptoms of being ill. In general, the supervisor or agency may request medical information to confirm the employee’s need to be absent, to show whether and how an absence relates to the infection, and to know that it is appropriate for the employee to return to work with or without accommodation.

If a national or state of emergency is declared, Fresno EOC reserves the right to request alternative documentation, including if an employee is unable to see a health care provider.

VII. CONFIDENTIALITY OF MEDICAL INFORMATION

It is the policy of Fresno EOC to treat any medical information as a confidential medical record. In furtherance of this policy, any disclosure of medical information is in limited circumstances with supervisors, managers, first aid and safety personnel, and government officials as required by law.

VIII. SOCIAL DISTANCING GUIDELINES FOR WORKPLACE INFECTIOUS DISEASE OUTBREAKS

In the event of an infectious disease outbreak, Fresno EOC may implement social distancing guidelines to minimize the spread of the disease among the staff.

A. During the workday, employees are requested to:

1. Avoid meeting people face-to-face. Employees are encouraged to use the telephone, online conferencing, email, or instant messaging to conduct business as much as possible, even when participants are in the same building.

2. If a face-to-face meeting is unavoidable, limit size of the meeting, minimize the meeting time, choose a large meeting room, and sit at least six (6) feet from each other; avoid any person-to-person contact such as shaking hands.

3. Avoid any unnecessary travel and cancel or postpone nonessential meetings, gatherings, workshops, and training sessions.
4. Do not congregate in break rooms, copier rooms or other areas where people socialize.
5. Consider taking your meal periods and rest breaks away from others (avoid lunchrooms and crowded restaurants).

IX. OUTSIDE ACTIVITIES

A. Employees might be encouraged to the extent possible to:

1. Avoid public transportation (by walking, cycling, or driving a car) to avoid rush-hour crowding on public transportation.

2. Avoid recreational or other leisure classes, meetings, activities, etc., where employees might come into contact with contagious people.
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 SUCCESSION PLANNING

PURPOSE: Recognizing that changes in management are inevitable, Fresno EOC has established a succession plan to provide continuity in leadership and avoid extended and costly vacancies in key positions. Fresno EOC's succession plan is designed to identify and prepare candidates for high-level management positions that become vacant due to retirement, resignation, death, or new business opportunities.

POLICY: It is the policy of Fresno EOC to assess the leadership needs of the company to ensure the selection of qualified leaders that are diverse and a good fit for the organization's mission and goals and have the necessary skills for the organization.

PROCEDURES:

The CEO is responsible for Fresno EOC's succession plan. The CEO chairs the succession planning committee, which also includes the Chief Operation Officer, Chief Program Officer, Chief Finance Officer, and the Human Resources Officer.

A. TIMELINE

Each January, a succession planning committee meeting will be held. At each meeting, each program director will:

- Present to the committee a review of the program succession plan.
- Identify key positions and incumbents targeted for succession planning. This should include an analysis of planned retirements, potential turnover, etc.
- Identify individuals who show the potential needed for progression into the targeted positions and leadership within the company.
- Outline the actions taken in the previous six months to prepare identified individuals to assume a greater role of responsibility in the future.

By the end of February each year, the committee will approve targeted candidates.

By the end of March each year, the committee will approve an outline of actions that will be taken in the following six months to prepare individuals to assume a greater role of responsibility in the future.

The CEO will periodically request updates from senior management on the development process for each targeted candidate.

The committee establishes a succession plan that identifies critical executive and management positions, forecasts future vacancies in those positions and identifies potential managers who would fill vacancies. Vacancies will be filled from within or, in the event no viable candidate is available, on an "acting" basis while an external recruitment effort is conducted.
POLICY 703020 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 their 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 employees of their 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 all employees, commences on the employee's seniority date, and lasts six (6) 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 six (6) twelve (12) month period. The employee will transition from introductory status when they have received a satisfactory evaluation and recommendation of status change from their supervisor and approval by the Program Manager/Director (see policy 1140, Introductory Period).

B. Common Date Annual Evaluation: Performance evaluations will occur on a common date basis, January 1, annually thereafter on an annual (12 month) basis from the employee's seniority date.

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/discipline up to and including termination in accordance with the progressive corrective action/discipline procedure (see Policy 503025, Progressive Discipline Counseling and Corrective Action).

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 discipline procedures. An employee may be placed on a PIP in increments of thirty (30) days, up to a maximum of ninety (90) days. During the PIP, the supervisor must evaluate the employee at the midpoint and at the end of the period.

The supervisor will review the outcome of PIP with the employee. The employee may be terminated at any point during the PIP for failure to demonstrate immediate and sustained improvement in job performance and/or conduct.
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.


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 their obligation to perform their 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 discipline and may, in fact, have no bearing on the determination of appropriate corrective action discipline (See Policy 504030, Alcohol/Drug-Free Workplace). The employee's decision to seek assistance from the EAP will not be used as a basis for corrective action discipline and will not be used against the employee in any corrective action disciplinary proceeding. On the other hand, using the EAP will not be a defense to the imposition of corrective action discipline 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 Employee Assistance Program 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 705040 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 their employment if they:

1. Elect to resign or retire; or

2. Fail to return from an approved leave of absence on the date specified by medical certification paperwork on the Request for Authorized Absence form and is not otherwise extended as a reasonable accommodation; or

3. Fail to provide the required certification or forms for approval of a leave of absence when such forms are required to be submitted; or

4. Fail 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 705050, 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 involuntary 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 Separation Form accompanied with the timesheet, performance evaluation, corrective action/discipline 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 Director/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 that their final paycheck may be 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 706050 LAYOFFS AND FURLOUGHS

PURPOSE: To establish a fair and consistent procedure for determining and notifying employees of pending layoffs or furloughs.

POLICY: It is the policy of Fresno EOC to recognize that layoffs or furloughs 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.


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 effects 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:

1. Temporary and on-call employees;
2. Introductory employees;
3. Regular Part-Time employees; and
4. 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 their introductory period and who are selected for layoff may apply for any open position for which they are qualified. An application must be submitted 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.

II. FURLOUGHS

A. Fresno EOC may initiate and approve furlough leaves of absence when financial conditions make it necessary for the Agency to do so.

A furlough is a temporary period of leave, that places affected employees on a reduced schedule or a leave of absence/non-paid status for a limited and specific period of time. Employee furloughs are subject to the following:

- The employee remains employed with the Agency and maintains their hire/rehire date (see Policy 1070 Employment Classifications).
- The employee may choose to use any accrued vacation or sick time available during this period. If an employee will be on a temporary furlough leave of absence that extends beyond the current payroll
period the furlough is scheduled to begin, the employee will be paid all accrued vacation along with the final paycheck on the date of the furlough. Further, the employee may be eligible for unemployment insurance benefits.

- The Agency shall continue to pay the full employee share of health premiums for those employees and dependents who are enrolled, during the furlough period and the employee shall continue to be eligible for such benefits, not to exceed four months. The employee can remit the monthly insurance premium amount while on furlough or upon returning to work, the premiums shall be reimbursed by payroll deductions. If the furlough leave extends beyond four months, employees will receive notification to elect to continue coverage through Consolidated Omnibus Budget Reconciliation Act (COBRA).

Furlough leave provisions do not apply to employees on worker’s compensation leave due to an industrial illness or injury.
POLICY 707060 – SEVERANCE PAY

PURPOSE: The purpose of this policy is to outline discretionary severance pay benefits that may be implemented at the discretion of Fresno EOC.

POLICY: This policy, when implemented at the discretion of Fresno EOC, applies to all exempt and non-exempt, full-time and part-time employees. Part-time employees may receive severance pay on a pro-rated basis in accordance with their scheduled hours. Severance pay benefits are also subject to program restrictions and funding.

PROCEDURES:

In the event of an involuntary termination due to a reduction in force/downsizing, change in program or agency direction, job elimination, or as otherwise deemed appropriate by Fresno EOC, the Agency may provide a severance benefit for the affected employees. This does not apply to terminations for cause, refusal to be reassigned, or refusal to be relocated.

A. SEVERANCE PRACTICE: An issuance of severance pay by Fresno EOC for a specific event does not guarantee future severance pay or the rate paid for previous or future similar events.

B. SEVERANCE RATES: Criteria for the rate of severance pay are will be determined and agreed upon prior by the CEO, and program management as applicable, prior to issuance of any payments.

1). Non-exempt staff: severance pay equivalent to two weeks’ pay.
2). Exempt management staff: severance pay equivalent to one month’s pay.
3). Exempt director staff: severance pay equivalent to two months’ pay.
4). Officers: severance pay equivalent to three months’ pay.
HUMAN RESOURCES COMMITTEE MEETING

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Recommended Action

Staff recommends review and approval of the proposed Employee Handbook.

Background

Fresno EOC is requesting approval of the proposed Employee Handbook to provide a simplified way for employees to understand agency policies and procedures, as well as expectations.

Fiscal Impact

None.

Conclusion

If accepted by the Committee, this item will move forward for full Board consideration at the August 30, 2023, Commission meeting.
Welcome to Fresno Economic Opportunities Commission,

We are thankful that you have chosen to be a member of our agency and joined our team of poverty fighters.

Established in 1965, Fresno EOC is one of the nation’s largest community action agencies with more than 30 programs dedicated to getting people the help they need to achieve their goals. We provide vital wrap-around services to fulfill our most vulnerable resident’s needs to help lift them out of poverty.

Our organization provides opportunities, strengthens self-sufficiency, and offers support for all people. We listen to the needs of the communities we serve to create effective programs and services.

Our vision at Fresno EOC is a strong Fresno County where people have resources to shape their future. We work together and center our work around equity and inclusion.

Your job is important in continuing our efforts to help low-income communities become self-sufficient. We value each staff member as our most essential resource and asset.

We wish you success in this important endeavor of “Helping People, Changing Lives” as we continue more than fifty years of innovation, commitment and action.

Emilia Reyes, CEO of Fresno EOC
ABOUT THIS HANDBOOK

This handbook is intended for all Fresno EOC employees and has been prepared and presented for informational purposes and guidance. This handbook complements the Personnel Policies and Procedures and is a summary of the policies contained therein. The Personnel Policies and Procedures Manual will take precedence in the event of any conflicting information. In order to retain the necessary flexibility in the administration of policies and procedures, Fresno EOC reserves full discretion to add, modify, or delete provisions of this handbook at any time, in whole or in part, without advance notice, consent or approval unless otherwise required by law.

This handbook supersedes all previous handbooks provided to you relative to your employment by Fresno EOC. This handbook is subject to the laws of the state in which you work.

ABOUT FRESNO EOC PERSONNEL POLICIES AND PROCEDURES MANUAL

The Fresno EOC Personnel Policies and Procedures Manual (policy manual) has been issued to establish policies and expectations of Fresno EOC. This handbook highlights but does not contain all Fresno EOC policies. 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 unless otherwise required by law. The policy manual is available to all employees, and staff can reach out to management and/or the Human Resources Department for clarification on these policies.

DISCLAIMERS

This document is not intended to dissuade an employee from engaging in legally protected activities/activities protected by state or federal law, including the National Labor Relations Act, such as discussing wages, benefits or other terms and conditions of employment, forming, joining or supporting labor unions, bargaining collectively through representatives of their choosing, raising complaints about working conditions for their own and their fellow associates’ mutual aid or protection or legally required activities.

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 handbook.
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The Economic Opportunity Act of 1964 was established to with four main objectives: a) eliminate poverty; b) expand educational opportunities; c) increase financial wealth for the poor and unemployed, and c) tend to the health and financial needs of the elderly. This was to be accomplished by the creation of Community Action Agencies. Fresno Economic Opportunities Commission (Fresno EOC) is one of more than 1,000 locally based Community Action Agencies established throughout the nation to invest financial, social and educational resources and supports in underserved communities, building pathways out of poverty. Fresno EOC.

With an annual operating budget of approximately $130 million and 1,100 staff members, Fresno EOC provides a wide range of human services and economic development activities.

Fresno EOC is a private non-profit 501 (c) (3) corporation governed by a 24-member Board of Commissioners. Eight members are elected public officials or their designees, eight members are from the community sector; and the remaining eight members are elected to represent low-income target areas throughout Fresno County.

Our Mission
We fight to end poverty.

Our Vision
A strong Fresno County where people have resources to shape their future free from poverty.

We Value
Working together to accelerate change, centering our work around equity and inclusion. Trustworthiness and transparency. The community’s voice and direction. Empathy, compassion, and the human connection.

The Promise of Community Action
Community Action changes people’s lives, embodies the spirit of hope, improves communities, and makes America a better place to live.

We care about the entire community, and we are dedicated to helping people help themselves and each other.

Diversity in the Workplace
Fresno EOC welcomes diversity in our workplace by fostering a working environment where all our employees can achieve their goals.
SECTION I
FRESNO EOC
STANDARDS

Our mission, vision and values guide our actions during every client and employee interaction. These standards apply across all programs and describe our service expectations. Program needs may require a higher standard than those listed here. Remember, our client experience begins with you!

PROFESSIONAL APPEARANCE & GROOMING

- Employees represent Fresno EOC and are expected to dress in a manner appropriate for their role. Clothing is clean, well maintained, and fits properly.
- Shoes are clean, safe to work in, and appropriate for the work being performed.
- Athletic clothing, shorts (unless as part of an approved uniform), casual tank tops and flip-flops are not acceptable.
- Uniforms, when required by program or role, must be worn as intended.
- ID badges must be worn at all times during work hours unless it poses a safety hazard.
- Hair, including facial hair, is clean and neat, subject to protections for hair texture and protective hair styles.
- Employees should maintain good personal hygiene. Perfume and cologne, if worn, is not overbearing.

Employees with questions regarding these standards should communicate with management or the Human Resources Department. Violations of these policies will result in, at minimum, the employee utilizing their own time to change the inappropriate item.

CUSTOMER SERVICE

A welcoming attitude, posture and expression are part of creating a positive client experience and working atmosphere.

- We acknowledge each other and our clients as they approach us, or we approach them.
- We maintain friendly eye contact while we are speaking with clients and fellow employees.
- We respond to each person by being polite and speaking in an appropriate tone.
- We do not use profanity, slang or harsh language.

PREFERRED NAMES

Using a person’s preferred or chosen name can significantly impact their experience at Fresno EOC. We introduce ourselves using our name and pronouns and ask the same of those with whom we interact.

THANKING

Thanking is the way that we communicate our appreciation for the opportunity to be of service, provide help or assistance to someone else. We always thank departing clients we’ve served and co-workers who have assisted us.
GREETING
Extending a greeting is one of the many ways that we build great relationships at work.
• We actively greet clients and each other in a polite manner that communicates warmth and hospitality. When meeting someone for the first time, we provide a courteous and professional greeting such as: “Hi, how may I help you?” “How are you today, Bob?” etc.
• When occupied or on the phone, we immediately acknowledge waiting guests or co-workers with eye contact and a physical or verbal acknowledgement, if possible.

TEAMWORK
We understand that experiences are built around the efforts of many people. We display a positive, supporting attitude. We work together in a cooperative manner and demonstrate respect for each other. We are familiar with each other’s roles and responsibilities.

PRIDE IN FACILITY MAINTENANCE AND APPEARANCE
The cleanliness and condition of our facilities affect our work environment and the quality of our services. We contribute to the appearance of our facility by picking up paper and debris. We immediately notify the appropriate departments to address maintenance issues.

PRIDE IN OUR SERVICES
Knowledgeable, well-trained employees are confident and prepared to do their jobs.
• We communicate clear and accurate information to clients and fellow employees.
• We understand and know our program’ services, and amenities.

TELEPHONE COURTESY
Communications courtesy addresses how we handle both internal and external clients on the phone. We offer gracious and friendly service over the telephone when speaking to or in the presence of clients.
• We project a positive and professional demeanor when using communication devices.
• We practice active listening skills, responding by acknowledging, “Yes,” “I see,” and “I understand,” rather than “Uh-huh,” and “Yeah.”
• Calls are answered timely, with a greeting including the program and staff name.
SECTION II
ANTI-HARASSMENT AND NON-DISCRIMINATION POLICIES

Fresno EOC is committed to providing a work environment free of unlawful discrimination, harassment and retaliation in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment, and retaliation. Harassment of any kind by management and employees at any level will not be tolerated.

Fresno EOC ensures staff comply with all federal, state, local, regulatory, funding source and other mandatory trainings as required.

PROHIBITED FORMS OF HARASSMENT

Harassment is verbal, written or physical conduct which makes fun of, belittles or shows hostility or dislike to an individual because of his or her race, color, religion, sex (including, but not limited to, pregnancy, pregnancy-related condition, gender identity, transgender status and sexual orientation), national origin, age, disability or perceived disability, (including, but not limited to, gender dysphoria), marital status, familial status, genetic information or veteran status, or any other basis protected by applicable law, or that of their relatives, friends or employees, and which:

• has the purpose or effect of creating an intimidating, hostile or offensive work environment;

• has the purpose or effect of unreasonably interfering with another individual’s work performance; and

• otherwise adversely affects an individual’s employment opportunities.

Harassing conduct includes, but is not limited to, the following:

• Epithets, slurs, negative stereotyping, degrading comments, threatening, intimidating or hostile acts (even if claimed to be “jokes” or “pranks” and even if not directed at a particular individual) which relate to race, color, religion, sex (including, but not limited to, pregnancy, pregnancy-related condition, gender identity, transgender status or sexual orientation), national origin (including, but not limited to, an individual’s difficulty in speaking the English language), age, disability or perceived disability, (including, but not limited to, gender dysphoria), marital status, familial status, genetic information or veteran status; and

• Written or graphic material (including, but not limited to, computer images) which is displayed, shown or circulated in the workplace.

Any harassment of Fresno EOC employees is a violation of this Policy and is absolutely prohibited and will not be tolerated.
SEXUAL HARASSMENT

Harassment is verbal, written or physical unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- directly or indirectly implied that submission to such conduct is a requirement or condition of an individual’s employment; or
- such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

For example, the following kinds of behavior, or others with a similar harassing effect, are absolutely prohibited:

- abusing an employee through insulting or degrading sexual remarks, jokes, innuendoes, or other sexually oriented conduct, whether directed at a particular individual (including, among other things, graphic or descriptive comments relating to an individual’s body or physical appearance, sexually oriented teasing or pranks, improper suggestion, objects, pictures or computer images, or unwanted physical contact); or
- threats, demands or suggestions that an Associate’s work status depends in any way upon tolerating or accepting sexual advances or sexually oriented conduct.

DISCRIMINATION

Discrimination is adverse treatment of an employee based on his or her race, color, religion, sex, (including pregnancy, gender identity, transgender status and sexual orientation), national origin, age, disability or perceived disability (including gender dysphoria), marital status, genetic information, or veteran status, or any other basis protected by applicable law, or his or her association with someone in such a protected group, rather than on the basis of his or her individual merit, with respect to the terms, conditions, or privileges of employment including, but not limited to hiring, firing, promoting, disciplining, scheduling, training or deciding how to compensate the associate.

ANTI-BULLYING

The Agency defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. Such behavior violates the Workplace Atmosphere policy, which clearly states that all employees will be treated with dignity and respect.

- Verbal Bullying: Slandering, ridiculing, or maligning a person or their family; persistent name calling that is hurtful, insulting, or humiliating; using a person as butt of jokes; abusive and offensive remarks.
- Physical Bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person’s work area or property.
- Gesture Bullying: Nonverbal threatening gestures; glances that to a reasonable person can convey threatening messages.
- Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising their voice at an individual in public or in private.
- Using verbal or obscene gestures.
- Not allowing the person to speak or express themselves (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
• Constant criticism on matters unrelated or minimally related to the person’s job performance or description.
• Ignoring or interrupting an individual at meetings.
• Public reprimands.
• Repeatedly accusing someone of errors that cannot be documented.
• Deliberately interfering with mail and other communications.
• Spreading rumors and gossip regarding individuals.
• Encouraging others to disregard a supervisor’s instructions; or
• Manipulating the ability of someone to do their work (e.g., overloading, under loading, withholding information, assigning meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions).

COMPLAINT PROCEDURE
Fresno EOC does not and will not tolerate harassment or discrimination. Any employee who is subjected to harassment or discrimination or who witnesses harassment or discrimination is expected to report it. If an employee is not sure whether it is harassment or discrimination, the employee should report it. Supervisors and managers are required to immediately report complaints or knowledge of harassment or discrimination to the Human Resources Department. Failure of supervisors or managers to report harassment can result in disciplinary action, up to and including termination.
Employees who believe they have been subjected to harassment or discrimination or witness such conduct can discuss their concerns with the Human Resources Office and any manager or supervisor.
Complaints and the investigatory process will be kept confidential to the extent possible, given the need to conduct an adequate investigation. After initially determining the facts, an investigation will be conducted in a thorough, timely and impartial manner. All investigations will be conducted by Human Resources Professionals. If an employee has been found to have violated this policy, appropriate disciplinary action will be taken, including, but not limited to termination.

RETALIATION
Retaliation against employees for exercising their rights under this policy is also strictly prohibited and will not be tolerated. This would include retaliation against employees for inquiring about their rights or making a good faith report or complaint of a violation or possible violation, or for truthfully assisting in an investigation. Any form of retaliation will be subject to appropriate disciplinary action up to and including termination. Fresno EOC encourages employees to advise their program directors or human resources immediately if there appears to be any form of retaliation because of reporting or participating in the investigation of a harassment or discrimination complaint.
EQUAL EMPLOYMENT OPPORTUNITY

Fresno EOC is committed to the principles of fair employment practices and equal employment in the workplace.

Fresno EOC provides equal opportunity in employment practices for all persons and prohibits discrimination in employment practices because of race, color, religion, age, sex (including, but not limited to, pregnancy, gender identity, transgender status or sexual orientation), disability or perceived disability (including, but not limited to gender dysphoria), national origin, ancestry, marital or veteran status, genetic information, or any other category protected by law.

No employee will aid, abet, compel, coerce or conspire to discharge or cause another employee to resign because of the employee’s race, color, religion, age, sex (including, but not limited to, pregnancy, gender identity, transgender status or sexual orientation), disability or perceived disability (including, but not limited to gender dysphoria), national origin, ancestry, marital or veteran status, genetic information, or any other category protected by law.

Fresno EOC will take such action as is appropriate to ensure that all employees will be employed in positions consistent with their skills, education, experience, and interests. Every employee of Fresno EOC with supervisory responsibilities will be held responsible to ensure that all areas under their control are administered without regard to race, color, religion, creed, age, sex (including, but not limited to, pregnancy, gender identity, transgender status or sexual orientation), disability or perceived disability (including, but not limited to gender dysphoria), national origin, ancestry, marital or veteran status, genetic information, or any other category protected by law.

Any employee who feels that he/she has been or is being subjected to discrimination and any employee having knowledge of conduct that could be considered discriminatory, should report such conduct to his/her manager, or the Human Resources Department. Managers must notify the Human Resources Department of any reports they receive. All reports of discrimination will be investigated promptly by the Human Resources Department in conjunction with Fresno EOC legal adviser. Where necessary, appropriate action will be taken to prevent and remedy any such conduct.

Willful violation of this policy by an employee of Fresno EOC will be cause for disciplinary action, up to and including termination.

The required Equal Employment Opportunity Federal Poster is posted at all worksites.
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 at 12:00 a.m. and ends on Saturday at 11:59 p.m.

WORK CANCELATION

At times, due to circumstances beyond management’s control, a shift may be canceled. When this occurs, management will make every effort to contact employees. It is the employee’s responsibility to provide management with the correct phone number(s) of where they may be reached during non-working hours. The employee is also responsible for ensuring this information is updated in Employee Self Service. Should management be unable to reach the employee due to their negligence the employee is not eligible to be paid for the canceled shift, unless otherwise required by law.

OVERTIME

All overtime must be recorded and approved by management in advance and reflected on timecards.

PAYDAY

Employees are paid bi-weekly on Fridays at 4pm. If the regular payday occurs on a holiday, employees will be paid on the preceding workday.

DIRECT DEPOSIT

Fresno EOC offers all employees the option of direct deposit of payroll checks. Employees who are interested in direct deposit should complete the Direct Deposit Form and attach a copy of a voided check or deposit slip from the appropriate account. Employees enrolled in direct deposit can receive paper or online paystubs.

REMOTE WORK AND SCHEDULE FLEXIBILITY

Fresno EOC understand and supports the need of employees to have a work/life balance. Employees may request remote work or schedule flexibility. Requests should be submitted to their supervisor and must be approved prior to the change.

Fresno Economic Opportunities Commission will consider requests for remote work or schedule flexibility on a case-by-case basis, taking into account factors including appropriateness of the role for telecommuting, tenure, seniority, employee performance, prior disciplinary action, flexibility, the reason(s) for remote work and the ability to work independently. Employees who are permitted to work remotely must sign a Remote Work Agreement and, if approved to work remotely, will be expected to communicate with the Fresno Economic Opportunities Commission at a level consistent with employees working at the office or in a manner and frequency that seems appropriate for the job and the individuals involved.
Fresno EOC supports the breastfeeding needs of our staff and provides a reasonable amount of break time to accommodate the employee’s needs to express breast milk. This break time shall run concurrently with the break time already provided, if possible. Lactation break time that does not run concurrently with rest break time already provided shall be unpaid.

**MEAL BREAKS**

Employees who work at least five (5) consecutive hours will be provided an unpaid, uninterrupted 30-minute meal break period. Employees may not take their meal break period later than the end of the fifth hour of work or take a meal break period of less than 30 minutes without prior authorization from their supervisor. Employees not relieved of all duties during meal break periods; not provided a timely meal break period; or who received a shortened or missed meal break period will receive a one-hour penalty at their regular rate of pay for each workday this occurs.

**REST BREAKS**

Non-exempt employees are required to clock in and out for their shifts and report to their workstation. Employees should work the shift they are assigned unless on approved leave or otherwise informed by management. Under no circumstances can an employee clock in or out for another employee.

An employee is entitled to a rest break period for every four (4) hours worked or major fraction thereof. If an employee works more than six (6) hours in a workday, they will receive one rest break period during the first half of the shift and one rest break period during the second half of the shift. Depending upon the needs of the program, break times may be scheduled.
SECTION IV
EMPLOYEE GROWTH AND DEVELOPMENT

GROWTH OPPORTUNITIES
Fresno EOC makes every effort to promote from within, with due regard for employees' interests, service qualifications, and the needs of the business and without discrimination due to race, color, religion, sex, national origin, age, disability (or perceived disability), marital status, sexual orientation, veteran status, or any other status protected by law. Employees may view and apply for promotion opportunities on the internal career page.

LEARNING AND DEVELOPMENT
Fresno EOC encourages employee learning and development to further opportunities and career progression. Management and regular employees are provided periodic training opportunities on a variety of subjects, from personal and professional development topics. Fresno EOC supports employee attendance and participation in professional seminars and conferences offering general topics or specialized information in the employee’s field. Additionally, Fresno EOC encourages employee membership in professional organizations. Networking provides a cost-effective opportunity to share knowledge, resources and experiences with professionals. Each program establishes an annual budget for staff development seminars/conferences, within the program’s financial resources.

INTRODUCTORY PERIOD
Unless prohibited by a collective bargaining agreement, all newly hired or rehired employees must complete an introductory period for the first six (6) calendar months of employment, not including periods of absences. During this period, an employee’s work performance, conduct and attendance will be evaluated by management. An employee may be terminated at any time during the introductory period, for any reason.

PERFORMANCE EVALUATION
Generally, formal performance reviews are conducted annually. These reviews include a written performance appraisal and discussion between the employee and the supervisor about job performance and expectations for the coming year. Merit increases cannot be processed without a performance evaluation.

REFERRALS
Employees are encouraged to refer candidates for employment and may be eligible to receive a referral bonus of $300.00. Candidates referred by employees will be responded to in a timely manner and, like all other candidates, will receive equal opportunities in the employment process. Referred candidates must work more than 1,000 hours for referral bonus eligibility.

RESIGNATION/RETIREMENT
If an employee decides to resign or retire, it is the employee’s responsibility to notify their immediate manager, in writing, at least two (2) weeks in advance. Fresno EOC requests four (4) weeks’ notice from Director and higher level positions.

Providing appropriate notice allows management to arrange for uninterrupted performance of the employee’s job responsibilities, conduct an exit interview, and arrange for distribution of the employee’s final paycheck.
SECTION V
BENEFITS

HOLIDAYS

Fresno EOC recognizes the following holidays:

• New Year’s Day
• Martin Luther King Jr. Day
• Lincoln’s Birthday
• President Day
• Cesar Chavez Day
• Memorial Day
• Juneteenth
• Independence Day
• Labor Day
• Indigenous People’s Day
• Veterans Day
• Thanksgiving Day
• Day after Thanksgiving
• Christmas Day.

ELIGIBILITY

Employees are paid for their regularly scheduled hours for Fresno EOC observed 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 days because of an illness or injury, Fresno EOC reserves the right to verify the reason for the absence before approving holiday pay.

Exception to holiday pay is if the employee works the holiday, they may receive the holiday pay, and pay for the actual hours they worked. If they float the holiday, the employee’s manager must note the date on the employee’s timesheet and the employee will be paid for the hours worked on the holiday.

Employees on leaves of absence, seasonal breaks, or on lay-off status will not be eligible to receive holiday pay.

PAID VACATION

All full-time and part-time employees who are regularly scheduled to work thirty (30) hours or more per week are eligible to accrue vacation benefits. Vacation accrues according to the following schedule:

• First Two Years: 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.

All requests for vacation must be approved by your supervisor. However, all vacation approvals are subject to the needs of Fresno EOC at that time. Part-time employees accrue vacation time on a pro rata basis.

School of Unlimited Learning Teachers do not accrue vacation benefits.

PAID SICK TIME

All full-time employees who are regularly scheduled to work 37.5 hours or more per week are eligible to accumulate one day of sick time for each full month worked, up to a maximum of 9 days per calendar year. Part-time employees, regularly scheduled to work more than 30 hours per week, are eligible to accumulate sick time on a pro rata basis. Sick time may be accumulated up to a maximum of 60 working days or 450 hours.
An employee may use only one half of his/her annual sick time as Kin Care, once it has accrued, when an employee needs time to care for the illness of a family member.

**PAID SICK LEAVE**

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.

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

**BEREAVEMENT LEAVE**

Active employees who have experienced a death or terminal illness in the immediate family will be granted an emergency paid leave of up to five (5) working days per fiscal year.

Active employees who have experienced a death or terminal illness in the extended family will be granted an emergency paid leave of up to one (1) working day. Extended family is defined as: brother-in-law, sister-in-law, aunt, uncle, or spouse’s or domestic partner’s grandparent.

Subsequent bereavement leave is unpaid, but the employee can use accrued time. Immediate family is defined as: employee’s spouse, domestic partner as defined by law, child, stepchild, parent, stepparent, parent-in-law, child-in-law, sibling, stepsibling, grandparent, grandchild, or an adult who stood in loco parentis to the employee during childhood.

The leave need not be consecutive but must be taken within one year from the date of loss.

**HEALTH INSURANCE**

Fresno EOC provides competitive benefits to full-time and part-time employees regularly scheduled to work 30 or more hours per week. These plans include:

- Medical, Vision, Chiropractor and Pharmacy insurance
- Dental Insurance
- Life Insurance

Additional supplemental benefits may be purchased at a discounted rate by employees.

- Life Insurance
- AD&D Insurance
- Cancer, Critical Illness, Short Term Disability and other insurances.

**RETIREMENT**

Fresno EOC offers two retirement plans: Defined Contribution Plan (401a). The 401a is an agency-sponsored plan in which an employee will become eligible after two years of continuous service, working at least 1,000 hours per year and being at least 21 years of age. Fresno EOC contributes an amount equal to 5% of your pay.

Self-Directed Plan (403b). All employees working 20 hours or more per week are eligible to voluntarily contribute to their own retirement account. Contributions can be made on pre- or post-tax basis and are subject to IRS contribution limits.
Employees will receive additional information about agency-sponsored benefits, such as medical insurance, sick time, vacation, etc. This handbook contains Fresno EOC’s policies regarding Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), Military Duty, and Jury Duty leaves of absence.

**FAMILY MEDICAL LEAVE ACT/ CALIFORNIA FAMILY RIGHTS ACT**

An employee who has been employed for twelve months with at least 1,250 hours of service during the preceding twelve months, may be entitled to a total of up to twelve (12) weeks unpaid leave in a rolling 12-month period under the FMLA for any of the following reasons:

- The birth, placement or adoption or foster care of a child. The leave must be taken within 12 months of the birth or placement.
- The serious health condition of a spouse, child, covered family member or designated person (See Policy 4010).
- An employee must provide certification of the family member’s serious health condition.
- The employee’s own serious health condition. An employee must provide certification of a serious health condition.

Leave may be taken on an intermittent or reduced basis upon approval by management.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

In cases where both spouses both work for Fresno EOC, they are limited to a combined total of 12 weeks of leave in a 12-month period for the following FMLA-qualifying reasons:
- the birth of a son or daughter and bonding with the newborn child;
- the placement of a son or daughter with the employee for adoption or foster care and bonding with the newly placed child; and
- the care of a parent with a serious health condition.

FMLA/CFRA is unpaid. Unless otherwise prohibited or mandated by applicable law, eligible employees will be required to use vacation, paid time off and/or sick hours as well as any other available and applicable paid leave (i.e., disability benefits, worker’s compensation) concurrently with their FMLA leave before the leave can become unpaid.

**MILITARY FAMILY LEAVE**

There are two types of Military Family Leave available under the FMLA: Qualifying Exigency Leave and Covered Servicemember Leave. For purposes of these leaves only, the term “son” or “daughter” includes a biological, adopted, or foster child, a stepchild, a legal ward, or a child for whom the employee/servicemember stood in loco parentis, and who is of any age.

**QUALIFYING EXIGENCY LEAVE**

Employees meeting the eligibility requirements may be entitled to use up to 12 weeks of their Basic FMLA Leave entitlement to address certain qualifying exigencies.

Leave may be used if the employee’s spouse, son, daughter, or parent (the “covered servicemember”) is on covered active duty (or has been notified of an impending call or order to covered active
duty) in the Armed Forces. With respect to a member of a regular component of the Armed Forces, “covered active duty” is defined as duty during deployment to a foreign country. With respect to a member of a reserve component of the Armed Forces (i.e., the National Guard or Reserves), “covered active duty” is defined as duty during deployment to a foreign country under a call or order to active duty as defined in Section 101(a)(13)(B), Title 10 of the United States Code. Qualifying exigencies may include:

- Short-notice deployment (up to 7 days of leave).
- Attending certain military events and related activities.
- Arranging for alternative childcare and attending certain school meetings.
- Addressing certain financial and legal arrangements; and
- Attending certain counseling sessions.
- Rest and recuperation (up to 15 calendar days).
- Post deployment activities.
- Parental care.
- Additional activities as agreed upon by the agency and the employee.

The relevant 12-month period used to determine eligibility for Qualifying Exigency Leave will be calculated on a rolling basis, measured backwards from the date the Associate uses any such leave.

**COVERED SERVICEMEMBER LEAVE (A.K.A. “MILITARY CAREGIVER LEAVE”)**

There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 weeks of unpaid leave during a single 12-month period to care for an immediate family member (spouse, child, parent) or next of kin (nearest blood relative) who is a covered servicemember. A “covered servicemember,” as it applies to this form of leave, is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a Veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces, National Guard or Reserves at any time in the 5 years preceding the date the Veteran undergoes such medical treatment, recuperation, or therapy.

- With respect to members of the Armed Forces, National Guard or Reserves, a “serious injury or illness” is defined as an injury or illness that was either incurred in the line of duty or aggravated by service in the line of duty while on active duty in the Armed Forces that may render member medically unfit to perform the duties of his/her office, grade, rank, or rating.
- With respect to Veterans, a “serious injury or illness” is defined as a “qualifying injury or illness” that was incurred in the line of duty or aggravated by service in the line of duty while on active duty in the Armed Forces and that manifested itself before or after the member became a Veteran.

The relevant 12-month period used to determine eligibility for Qualifying Exigency Leave will be calculated on a rolling basis, measured backwards from the date the Associate uses any such leave entitlement is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason.

In cases where spouses are both employed by Fresno EOC, the combined total of leave
taken to care for a covered servicemember may not exceed 26 weeks in a single 12-month period if each spouse is a parent, spouse, son, or daughter, or next of kin of the servicemember. When spouses who are both employed by Fresno EOC take military leave as well as other FMLA leave in the same leave year, each spouse is subject to the combined limitations for the reasons for leave.

REQUESTING LEAVE
Generally, employees must give 30 days’ advance notice of the need for FMLA/CFRA leave. If it is not possible to give 30 days’ notice, an employee must notify the Human Resources Department as soon as possible. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified. Fresno EOC will require the employee to provide a certification and periodic recertification supporting the need for leave.

WHILE ON FMLA/CFRA
During the time an employee is taking FMLA/CFRA leave, the agency will continue to contribute toward the payment of the employee’s employer-sponsored health insurance premiums under the same terms and conditions as if the employee were on the job. However, the employee must continue paying his/her contribution toward the premium during the period of the FMLA/CFRA leave.

An employee who completes a period of FMLA/CFRA leave generally is to be returned to the same position or to a position equivalent in pay, benefits, and other terms and conditions of employment. If an employee remains on leave beyond the period of time designated as FMLA/CFRA leave or takes leave that does not qualify for FMLA/CFRA leave, the employee will not have any right to job restoration or health insurance maintenance (if any) under the FMLA/CFRA.

INTERPRETATIONS AND GUIDANCE
Whenever there is a question of definition of a term used in this Policy, the definitions used in the Family and Medical Leave Act of 1993, as amended, will apply.

The Human Resources Department shall be responsible for developing directives and guidance necessary to implement this, Policy. In addition, Fresno EOC reserves the right to modify, revoke, suspend, terminate, or change any procedures and terms set forth in this Policy, in whole or in part, at any time, with or without notice, provided such actions do not conflict with the Family Medical Leave Act of 1993, as amended, and/or applicable federal regulations. If applicable, individual states’ family, medical, adoptive, and maternity leave laws will be taken into consideration and the law providing greater employee rights will be followed.

MILITARY DUTY
An employee who is a member of one of the Reserve Units of the Armed Forces of the United States and who is called for a training tour or active duty will be given a military leave of absence. Military service is treated as a leave of absence requiring returning to be granted the same rights and benefits, regardless of seniority, that the agency gives to other employees on leave of absence.

TIME OFF TO VOTE
Employees who do not have sufficient time outside of their 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 their 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.

JURY DUTY
An employee who is called for jury duty will be given a jury duty leave of absence. Employees called for jury duty must notify and keep their manager informed of their status.

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 submit electronic time off requests 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 they are not selected as a juror or they are released from service during normal working hours and must return to work at the completion of their obligation.

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.

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).
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 Department for eligibility and scheduling before taking any leave to attend.

CHILD CARE LEAVE
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.
SECTION VII
EMPLOYEE CONDUCT

As an employee of Fresno EOC, you are expected to adhere to the highest ethical and professional standards of conduct in the performance of your duties. This means always acting honestly and in good faith, striving for excellence in the performance of your duties, observing all laws and regulations governing the agency.

Employees are expected to show consideration toward everyone with whom you interact. Fresno EOC has established standards to maintain an atmosphere of integrity and trust.

The standards as set forth below are intended to provide you with fair notice of performance and conduct considered improper and not acceptable in the workplace. This list does not contain every instance of unacceptable conduct and/or performance (See Policy 5020). Therefore, conduct not specifically listed below but adversely affects or is otherwise detrimental to the interests of Fresno EOC, other employees, or clients and the public, may also result in disciplinary action up to including termination.

These expectations are applied to employees of all classifications, clients, contractors and volunteers. The following behavior and/or actions are prohibited, will not be tolerated, and will result in discipline up to and including termination:

JOB PERFORMANCE

- Failure to perform the job duties satisfactorily.
- Failure to maintain minimum qualifications of the job.
- Failure to follow established safety regulations.
- Neglect of duty.

CONDUCT

- Discourteous or unprofessional conduct.
- Insubordination, including refusal to comply with reasonable request from supervisor or refusal to perform a job assignment.
- Excessive absenteeism, tardiness, or abuse of break or meal privileges.
- Dishonesty, fraud, bribery or gratuity.
- Violation of safety practices, procedures, rules and regulations.
- Failure to notify supervisor of any inability to report to work.
- Unauthorized possession, misuse, defacement, or destruction of agency property or the property of another.
- Theft.
- Unauthorized removal of agency property from its proper location.
- Violating conflict of interest rules and accepting gratuities.
- Disclosing or using confidential or proprietary information without authorization.
- Falsifying or altering Fresno EOC’s or another employee’s records or documents, including but not limited to the application for employment and time sheets, etc.
- Theft of time
- Incurring unauthorized meal premiums.
- Threatening, intimidating, coercing, or otherwise interfering with other employees, clients, and/or program participants.
- Physical violence.
- Unruly behavior or “horseplay.”
- Use of obscene, abusive, or offensive language.
- Harassment as defined in Policy 1040.
• Being under the influence of, manufacturing, dispensing, distributing, using, or possessing alcohol or illegal or controlled substances on agency property or while conducting agency business.
• Gambling on agency premises or while conducting agency business.
• Wearing clothing inappropriate for the work being performed.
• Smoking where prohibited by local ordinance or agency guidelines.
• Leaving the job without authorization.
• Sleeping on the job.
• Possessing a firearm or other dangerous weapon on agency property or while conducting agency business.
• Failure to report to Fresno EOC within five (5) days any criminal conviction that may impact the employee’s: (1) ability to perform their position duties; (2) licensing under the program the employee works; (3) insurability by the agency carrier; or (4) as otherwise required by law to be disclosed.
• Failure to report an on-the-job incident or accident.
• Causing an accident as a result of operating an agency vehicle in a reckless and negligent manner.
• Violating vehicle codes and/or agency policies which cause an accident, injury, or property damage.
• Failure to comply with agency policies and procedures.
• Violating program confidentiality policies concerning information about children, families, and other staff members.
• Using abusive, profane, sarcastic language or verbal abuse, threats, or derogatory remarks about Fresno EOC, staff, clients or clients’ family.
• Failure to conduct themselves in a professional and ethical manner with all employees, co-workers, clients and/or program participants.
• Engaging in sexual or other inappropriate contact or relationships with program participants.
• Ignoring grantor requirements relating to any program for the Agency.
• Engaging in actions that reflect adversely upon grantors and/or the families or communities we serve.
• Acting in a manner deliberately contradicting the Agency’s Mission, Vision or Values.
• Violation of any agency rule, policy, or procedure.
• Stereotyping any child or family on any basis, including gender, race, ethnicity, culture, religion, disability, sexual orientation, or family composition.
• Leaving children or clients alone or unsupervised while under their care.
• Use corporal punishment.
• Use isolation to discipline a child.
• Bind or tie a child to restrict movement or tape a child’s mouth.
• Use or withhold food as a punishment or reward.
• Use toilet learning/training methods that punish, demean, or humiliate a child.
• Use any form of emotional abuse, including public or private humiliation, rejecting, terrorizing, extended ignoring, or corrupting a child.
• Physically abuse a child.
• Use any form of verbal abuse, including profane, sarcastic language, threats, or derogatory remarks about the child or child’s family; or,
• Use physical activity or outdoor time as a punishment or reward.

The above is not an all-inclusive list.
CODE OF ETHICS

As Community Action professionals, we dedicate ourselves to eliminating poverty in the midst of plenty in this nation by opening to everyone the opportunity for education and training; the opportunity for work; and the opportunity to live in decency and dignity; and with respect for cultural diversity, commit ourselves to:

Remain Focused on Mission

Recognize the chief function of the Community Action movement at all times is to serve the best interests of people with lower incomes which, in turn, serves the best interests of the entire community. Seek to empower people and revitalize communities. Engage in activities that move us closer to mission achievement and further our positive outcomes.

Be Outspoken Advocates and Educators

Actively inform the community and decision-makers about issues affecting those with lower-incomes. Courageously confront and dismantle myths about social and economic inequality. Participate in promoting policies that support social and economic mobility, which reinforce the values of an equitable society.

Inspire Confidence and Trust in the Community Action Movement

Lead and serve with professional competence and be up to date on emerging issues in our field. Practice the highest standards of personal integrity, confidentiality, respect, honesty, and fortitude in all we say and do. Bravely confront any behavior or practice that could erode public trust in Community Action or disregard the struggle of people living with low incomes.

Practice Service Above Self

Acknowledge service to the mission, vision and collective values of Community Action is beyond service to oneself. Avoid real and perceived conflicts of interest and ensure undue personal gain is not realized from the performance of professional duties.

Be Leaders, Support Leaders, and Create Leaders

Actively engage people with low incomes in realizing and developing their own leadership skills. Respect and support other leaders, particularly the Community Action board of directors, by providing facts and advice as a basis for policy decisions and upholding and dutifully implementing policies adopted by the board. Personally practice open-mindedness, effective communication, inclusiveness, and self-care. Encourage and facilitate the professional and personal development of associates.

Strive for Performance Excellence

Habitually opt for moving beyond mere compliance. Exercise our influence to inspire excellence through implementation of best practices, maximizing efficiencies, practicing innovation, providing outstanding, trauma-informed customer service, and honestly and robustly evaluating the outcomes of our work.
BUSINESS CONDUCT

For the protection of both you and Fresno EOC, it is essential that you maintain a high standard of business conduct. You are expected to use good judgment and to avoid situations that create potential conflict or the appearance of, between your personal interests and the interests of the agency.

Possible conflicts of interest include, but are not limited to the following:

- Engaging in, directly or indirectly, either on or off the job, any conduct that is disruptive, competitive, or damaging to Fresno EOC.
- Accepting gratuities, favors, or anything of monetary value from contractors or parties to subcontracts with the exception of unsolicited items of nominal value of $25 or less.
- Engaging in outside activity or accepting work in any outside position that interferes with the employee’s ability to devote their 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 employee that interferes with the exercise of impartial judgment in decisions affecting another employee, client of Fresno EOC.

If you are unsure as to whether a certain transaction, activity, or relationship constitutes a conflict of interest, you must discuss it with management or the Human Resources Department.

ATTENDANCE

Attendance is an essential part of total job performance and is critical to the efficient operation of Fresno EOC programs. Absences can create a negative impact in the workplace and place strain on other employees. Employees are expected to report to work as scheduled, on time and prepared to start working.

Unless otherwise protected by law, excessive absences, lack of proper advance notification, unauthorized absence from work, excessive tardiness, leaving work early, excessive breaks and not returning promptly from breaks will result in disciplinary action up to and including termination of employment.

If it is necessary for you to be absent or late for work because of an illness or an emergency, you must notify your supervisor no later than the start of your shift (unless otherwise specified by your program/department). Another employee, friend or relative can notify management under emergency conditions.

Unless otherwise protected by law, if you are absent from work for three (3) consecutive days or more for health-related reasons, you must have a note from your health care provider stating that you can return to work and perform your duties.

Any employee who fails to report to work for a period of three days or more without notifying their supervisor will be considered to have abandoned the job and voluntarily resigned from the Agency.

REASONABLE ACCOMMODATIONS

Fresno EOC will attempt to make disability-related reasonable workplace accommodations consistent with federal and state legal requirements. Any qualified applicant or employee with a disability who requires accommodation to perform the essential functions of their job should
contact either a member of the management staff or the Human Resources Department to request accommodation. After a request for a reasonable accommodation is made, Fresno EOC will discuss the requested accommodation and alternative options with the individual to find a reasonable accommodation that will allow them to continue with the hiring process or perform the essential functions of the job without creating undue hardship for Fresno EOC.

Fresno EOC will also attempt to reasonably accommodate the sincerely held religious beliefs or practices of applicants and employees pursuant to federal and state law. Any individual who requires religious accommodation should notify a member of management or the Human Resources Department. An employee may be required to utilize accrued time, if available, to accommodate a day off for religious observation.

NEPOTISM/CLOSE PERSONAL RELATIONSHIP

For reasons of supervision, safety, security, and morale, immediate family members or individuals involved in a personal relationship will not be employed under either the direct supervision or within the chain of supervision of one another. If employees are or become family members or involved in a personal relationship, reasonable efforts will be made to reassign one or both persons so as to achieve compliance with this policy. A personal relationship is defined as a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature.

PROGRESSIVE DISCIPLINE

Fresno EOC expects employees to comply with the standards of behavior and performance and to correct any noncompliance with these standards. Under normal circumstances, Fresno EOC endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit. This policy does not modify employment at-will or in any way restrict the agency’s right to bypass the disciplinary procedures suggested.

The following steps are suggested in the discipline procedure. All steps should be documented in the employee’s personnel file. Circumstances and employee conduct may warrant eliminating one or more steps in the progressive corrective action system, possibly resulting in immediate suspension or termination.

• Coaching: When a performance problem is first identified, the nature of the problem and the action necessary to correct it should be thoroughly discussed with the employee.
• Counseling Memo: If the coaching provided to the employee has not resulted in correction of the performance or behavior the employee will be issued a formal counseling memo.
• Written Warning: If the employee has not shown immediate, sustained improvement under steps 1 and 2, the employee will receive a written warning.
• Final Warning or Suspension: If the employee has not shown immediate, sustained improvement under steps 1, 2 and 3, the employee will receive a final warning or be placed on suspension without pay depending on the circumstances for corrective action.
• Termination: Failure to improve performance or behavior after the final warning or suspension will result in termination.

SOCIAL MEDIA AND BRANDING

Fresno EOC observes 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 their personal time. However, it is the right and duty of Fresno EOC 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.

Only authorized employees, who have received adequate training, and have been approved by the Communications Department, can prepare and modify content located on Fresno EOC’s website or social media channels. All employees who are authorized to post/interact on behalf of the Agency must be logged into their program page to post comments or responses on the Agency’s social networking sites. Employees should not be interacting through their personal page as an agency representative.

CONFIDENTIALITY AND DISTRIBUTION OF INFORMATION

Your work may bring you into contact with information of a confidential nature, including personal information about clients, co-workers, and staff. You may only discuss confidential information with those employees who have a work-related need to know. An employee who violates this policy is subject to disciplinary action, up to and including termination.

Fresno EOC is concerned about the confidentiality and security of its employees and of Fresno EOC itself. Unless required by law, employees may not provide any of the following information to outside sources:

- Fresno EOC financial, proprietary, or other confidential information not otherwise available to persons or companies outside of Fresno EOC.
- References for current or past employees, verbal or in writing; and
- Credit-related information.

This obligation to preserve confidential information continues even after employment with Fresno EOC ends, unless otherwise allowed by law. Additionally, all documents, inventions, creations, and other work products generated by an employee using Fresno EOC resources during any period of time for which he or she is compensated by Fresno EOC are the property of the Fresno EOC. Any questions regarding the appropriate response to requests for such information should be directed to the Human Resources Department.

VERIFICATION OF EMPLOYMENT

Requests to verify employment information for current and previous shall be submitted to The Work Number at 800.367.5690 using Employer Code 03148505. The Agency will verify a current or former employee’s job title, rate of pay, regularly scheduled hours and dates of employment Fresno EOC with written authorization from the employee.

REFERENCES

Fresno EOC does not provide employment references for its former employees other than stating the employee’s job title and dates of employment. This information will be released by the Human Resources Department. The Work Number at 559-263-1070. Employees are prohibited from providing references on behalf of Fresno EOC.
GAMBLING
Engaging in gambling, games of chance, card playing, or betting on Fresno EOC property during working hours is strongly discouraged. Gambling materials of any kind are not allowed on the premises. Any employee violating this policy may be terminated.

SOLICITATION
While you are on Fresno EOC premises, and on work time, you should not solicit or distribute literature to other employees who are on work time. You should not solicit clients or visitors for any purpose other than approved work-related business. This means you will not ask anyone in the workplace to make purchases from you or become involved in any outside business activities.

TELEPHONE USE
Telephones are to be used for agency business. We realize that there are times when a personal call must be placed or received during business hours. However, the number and duration of these calls should be kept to a minimum.

All personal cellular telephones and other communication devices are required to be kept in silent mode and not used while employees are on duty unless the employee is receiving a technology stipend and utilizing the phone for business purposes.

Visits by friends or relatives can be disruptive to our operation. We strongly discourage such visits during work hours.

UNAUTHORIZED USE OF DRUGS AND/OR ALCOHOL & TESTING
To provide a safe, healthy, and secure work environment, it is the policy of Fresno EOC to prohibit the use and/or possession of: unauthorized drugs, drug paraphernalia, inhalants, and/or alcohol in any amount on Fresno EOC premises during hours the employee is working or expected to be working, including immediately before and after work hours, or during rest or meal breaks.

Employees must report to work sober and free from the influence of illegal drugs and alcohol, and they must remain in that condition while on the job to protect themselves, clients, other employees, and Fresno EOC property.

As of January 1, 2024, Fresno EOC will not discriminate against an employee or applicant, or otherwise penalize an employee or applicant, based on the person’s use of cannabis off the job and away from the workplace, or on the basis of an employer-required drug screening that has found the person to have “non-psychoactive cannabis metabolites” in their system unless otherwise prohibited by state or federal law.

Any employee who is observed engaging in behavior that suggests that the employee may be under the influence of drugs or alcohol while at work will be subject to immediate drug testing. The determination of reasonable suspicion drug testing should be at the direction of supervisors trained in reasonable suspicion. Please notify the Human Resources Department if you suspect someone is under the influence. If the employee is part of a bargaining unit, the manager may also ask a union representative to witness the behavior.

This policy applies to all employees (1) while on the premises, Fresno EOC or during working hours (2) during attendance at any Fresno EOC-sponsored event, and (3) during any Fresno EOC-sponsored travel.
POST-ACCIDENT TESTING

Any employee involved in an on-the-job accident or injury under circumstances that indicate possible use or influence of Unauthorized Drugs (including marijuana or medical marijuana) and/or alcohol in the accident or injury event may be asked to submit to a drug and/or alcohol test. “Involved in an on-the-job accident or injury” means not only the one who was injured, but also any employee who potentially contributed to the accident or injury event in any way.

Employees must notify their supervisors or the Human Resources Department as soon as safely possible after any accident, even if it does not result in a fatality, serious injury to a person, or significant damage to Fresno EOC vehicles, machinery, equipment, or property.

Employees in safety-sensitive positions are subject to DOT regulations and Transit Department Drug and Alcohol Policy.

CONSEQUENCES

Employees have the right to refuse to take a drug and/or alcohol test. Employees who refuse to take a drug and/or alcohol test will be terminated. The following scenarios constitute a refusal to cooperate and/or take a drug test:

- Refusal to comply with fluid collection procedures.
- Failure to appear at the collection site within timeframe directed to report.
- Leaving the collection site before providing a specimen or before testing is complete.
- Failure to report for a second requested test.
- Evidence that employee diluted, adulterated, or substituted the specimen.

Fresno EOC may temporarily suspend an employee pending the outcome of any test if Fresno EOC believes that it is necessary to protect the health of the employee, co-workers, or the public. If the test is negative, Fresno EOC will reinstate the employee with back pay as appropriate.

An employee whose test results are positive, and there are no mitigating circumstances or legal issues, the employee will be terminated for “just cause”—i.e., violation of Fresno EOC’s Unauthorized Use of Drugs and/or Alcohol/Testing Policy. This decision can only be made in cooperation with the Human Resources Department and legal counsel.

UNIFORMS AND PERSONAL PROTECTIVE EQUIPMENT

Employees must wear uniforms if designated by management, which can include food handling/safety equipment and Personal Protective Equipment (PPE). An employee may not be allowed to work if safety equipment/PPE is not used as instructed. Uniforms should be routinely washed or submitted for laundering.

Unless otherwise prohibited by law or prevented by safety guidelines, employees are required to wear identification badges during working hours.

Employees should always be in full uniform during work hours (unless otherwise protected by law). If the employee does not wear the complete uniform, they will not be permitted to work. Uniforms should not be worn outside the premises, except while an employee is commuting to and from work.

It is necessary to return uniforms and badges at the time of termination of employment or layoff. An employee will be required to pay for the replacement cost of the uniform if it is not returned (unless otherwise prohibited by state law).
SECTION VIII
WORK RULES & PROCEDURES

PRIVACY AND THE USE OF FRESNO EOC RESOURCES

Fresno EOC reserves the right to monitor any electronic communication systems and Agency equipment, including but not limited to the agency intranet, telephone, electronic mail, Zoom, Teams, etc. and voice mail. You 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 containing racist material of any kind, sexual innuendoes, or inappropriate content.

The following are example 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, violence, or is otherwise offensive.
- Hacking, including attempting to gain access to restricted information.
- Downloading or forwarding electronic games, music, video, or other non-business-related materials.
- Participating in non-work-related chat rooms or listening to internet music.
- 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.
- Building/purchasing of 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 disciplinary action up to and including termination.

MEDIA

It is the Fresno EOC’s objective to earn, maintain, and enhance public and governmental confidence in Fresno EOC and all its programs as a supplier of quality services, a good place to work, a growing, well-managed, reputable agency and a socially responsible corporate citizen. Information provided to the media through relationships and contacts is of prime importance because public and governmental perception of Fresno EOC is largely gained through what is seen and read in the media.

All contacts with the media, at whatever level and whatever program, must be channeled to the Communications Department for proper handling, unless otherwise protected by law.

INTERNET USE

Internet/Intranet/Extranet-related systems including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail and internet browsing are the property of Fresno EOC. These systems are to be used for business purposes in serving the interests of the agency, and of our clients during normal operations.
ELECTRONIC MAIL (E-MAIL)

Fresno EOC has established a policy regarding electronic mail (e-mail) messages created, sent, or received using Fresno EOC’s electronic mail system and/or any Fresno EOC-provided email service via the Internet.

Fresno EOC maintains an electronic mail system to facilitate business communication within the agency and with outside entities. Only authorized Fresno EOC employees and other persons specifically authorized by the executive in charge of the department or programs in which such person is employed or doing business (“Authorized Users”) may use Fresno EOC’s e-mail system.

The use of the electronic mail system is reserved for conducting Fresno EOC business. It may not be used for personal matters. This policy prohibits the creation, downloading, posting or dissemination of harassing, threatening, discriminatory or defamatory messages or material.

Electronic harassment violates Fresno EOC’s anti-harassment policy. Harassment via the Internet or e-mail will not be tolerated.

If you violate this policy or use the electronic mail system for improper purposes you will be subject to corrective action, up to and including termination of employment.
SAFETY

The safety and health of all employees is important to Fresno EOC. Fresno EOC reserves the right at any time to inspect work areas, desks and workstations. We expect all our employees to be safety conscious and to immediately inform management of any conditions that might cause an accident.

For the protection of all employees, any unsafe conditions, injuries, or accidents must be reported to management as soon as possible, ideally within 24 hours, unless circumstances otherwise prohibit such report. Medical treatment should be obtained for all serious injuries.

In the event of either a major accident or severe illness, individuals should not be moved. In case of an emergency, call 911.

DRIVING FOR AGENCY BUSINESS

All individuals operating private vehicles for company use must maintain appropriate insurance coverage as mandated by California state law. This includes, but is not limited to, meeting the minimum liability insurance requirements set forth by the California Department of Motor Vehicles (DMV). Covered by liability insurance for at least the minimum amount prescribed by State Law.

An employee driving for agency business, regardless of personal or agency vehicle, is required to have their driver’s license present on their person while operating a vehicle.

DISTRACTED DRIVING

The safety of employees is of high importance to Fresno EOC. Fresno EOC prohibits employees from using certain wireless voice/data/texting communication devices when operating agency or privately owned vehicles while conducting official agency business.

SECURITY PRECAUTIONS

It is the objective of Fresno EOC to report and effectively handle any breaches of security in order to protect Fresno EOC’s assets as well as maintain integrity and a good rapport with employees and the public. Any issues surrounding security, including, but not limited to, loss, theft, personal security matters (such as criminal activity, falsification of records), investigations, proprietary information, third-party investigations, and possession of firearms, should be directed, discussed and/or reported to management immediately.

All losses, thefts and unexplained disappearances of property should be immediately reported to the manager having responsibility for the operation involved. The manager shall investigate, if necessary, and report the results to his/her immediate manager, who will contact the Human Resources Department.

Matters of a confidential nature are proprietary information and must be protected against loss, destruction, tampering and unauthorized disclosure. Such information is inclusive of, but not limited to the following: information regarding acquisitions and dispositions of entities...
or assets, financial and operational plans and information, medical records, personnel records, and any records containing personally identifiable information, such as dates of birth, social security numbers, bank accounts, etc.

**UNAUTHORIZED AREAS**

Unless an exception is given by management, employees are prohibited from certain areas, including but not limited to Administrative Offices and Client Rooms.

Only authorized employees are allowed in the office, kitchen, or commissary areas. Non-scheduled or non-working employees should not be in the working areas of the agency during non-working hours for any reason, except with authorization of management.

**WORKERS COMPENSATION**

All work-related injuries should be reported to management immediately. Questions regarding workers’ compensation should be referred to the Human Resources Department.

Employees who miss work due to a work-related injury may be eligible for workers’ compensation payments for hours/days lost at the discretion of the insurance company. Employees will be required to utilize accrued time for subsequent visits or continued care with the Workers’ Compensation Medical Provider as this is not paid time. Workers’ Compensation insurance will pay for all reasonable and necessary medical care for your work injury or illness. Employees cannot receive workers’ compensation payments and state disability insurance payments simultaneously.

**VIOLENCE IN THE WORKPLACE PREVENTION**

Fresno EOC has a zero-tolerance policy for known acts of workplace violence. An employee who engages in any violence in the workplace or threatens violence in the workplace will face disciplinary action up to and including termination. “Violence” includes intentionally shoving or pushing, brandishing weapons, unwanted physical touching, stalking, any conduct that threatens or causes intentional bodily injury, property damage and/or business interruption, and talking or joking of engaging in those activities. “Stalking” means intentionally engaging in a course of conduct directed at a specific person for no legitimate purpose where such conduct is likely to cause fear of harm to the physical health, safety, or property of such person.

**WORKPLACE SECURITY MEASURES**

To maintain workplace security:

- Access to Fresno EOC’s property is limited to those with a legitimate business interest.
- All employees entering Fresno EOC property must display proper identification.
- All visitors must be accounted for when entering Fresno EOC property.

Fresno EOC property includes any space owned, managed or controlled by Fresno EOC or otherwise made available to employees by virtue of their employment by Fresno EOC.
PARKING
Fresno EOC Executive Plaza has multiple options for parking including visitor stalls and parking validation at the City of Fresno Redevelopment parking lot (1129 Broadway St). Additionally, there is one-hour free parking at City of Fresno Parking Garage #4 (1919 Tulare St.). Parking varies from site to site, so check with your supervisor for additional guidance.

REPORTING VIOLENCE
It is everyone’s responsibility to prevent violence in the workplace. You can help by reporting what you see in the workplace that could indicate that a co-worker is in trouble. You are, at times, in a better position than management to know what is happening with your co-workers.

All employees are required to report any incident that may involve the potential for workplace violence. Concerns may be presented to your manager or supervisor or another member of management. If you do not wish to speak to your manager or supervisor, or if it would be inappropriate to follow such a procedure, you may call the Human Resources Department at 559-263-1070.

This policy shall not be interpreted or applied in a way that would interfere with the rights of employees to self-organize, form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, or to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection or to refrain from engaging in such activities.
Due to the nature of Fresno EOC’s business, many of our operations are governed by federal and state laws. This section outlines those laws, as well as other legal guidelines that are standard operating procedures for the Fresno EOC (see 5060 Code of Conduct).

**PERSONNEL FILES**

Exempt and non-exempt employees’ official personnel records are maintained at the Human Resources Department. To protect the employees’ interests, personnel files are strictly confidential and will not be disclosed to persons outside Fresno EOC or to non-management employees except with employee consent, or as may be required by law or legal process. Fresno EOC only collects information that is pertinent to employment and makes every effort to maintain accuracy.

Requests to review personnel files must be referred to the Human Resources Department or as provided by applicable state law. Employees may review certain materials other than certain pre-employment documents in their own file with a representative from the Human Resources Office present upon receiving reasonable notice during normal business hours. Direct line of management also may view an employee’s personnel file. Management employees may review certain materials in the personnel files of their direct reports.

**RECORD-KEEPING PRACTICES**

The maintenance of accurate books and records is fundamental to the protection of the Fresno EOC’s relationships with governmental agencies, suppliers, guests, clients, employees, and prospective purchasers of the agency’s property.

All employees will make every effort to ensure that:

- All transactions of Fresno EOC and all assets of Fresno EOC are recorded and maintained in accordance with Generally Accepted Accounting Principles.
- No assets of Fresno EOC are misappropriated, stolen, misapplied, or used for any unlawful or improper purpose.
- No undisclosed or unrecorded fund or asset of Fresno EOC is established for any purpose.
- No false or misleading entries are made in the books and records of Fresno EOC for any reason, and no Fresno EOC employees or management engage in any arrangement that results in such prohibited acts.
- No payment on behalf of Fresno EOC is approved without adequate supporting documentation or that any payment is made with the intention or understanding that any part of such payment is to be used for any purpose other than that described by the documents supporting the payment.
**FRESNO EOC OWNERSHIP OF WORK PRODUCT**

By accepting and continuing employment, an employee agrees that the Fresno EOC will own, including all rights and title to, any and all inventions or work product that, in Fresno EOC’s opinion are made on agency time or with agency assets, that relate to Fresno EOC’s business, or that are required to meet its obligations, and that the employee will assist Fresno EOC in perfecting and protecting its title, copy rights, patents, etc., to these inventions.

**LEGAL INQUIRIES**

From time to time, an employee, in the course of his/her employment, may become involved in an incident or inquiry having legal or regulatory consequences for Fresno EOC. This could include inquiries by telephone, in writing or in person from a representative of a Federal, State, or local regulatory, law enforcement or other agency, such as a health or fire department, liquor control board or a human rights agency. Unless otherwise prohibited or protected by law, upon receiving such an inquiry and before furnishing any information or documents, or taking any action on behalf of Fresno EOC, or any of its subsidiaries, it is imperative that employees notify and consult the Human Resources Department. This policy does not prohibit employees from seeking legal advice or counsel or responding to legal inquiries on the employee’s own behalf, so long as the employee makes it clear that the employee is not and cannot speak on behalf of Fresno EOC.

**RECORD RETENTION GUIDELINES**

Guidelines have been established for the retention of records and documents necessary for the present and future operation of Fresno EOC. Any record which will be operationally useful, required by contract, needed for tax audits, or necessary for pending or probable litigation or legal proceedings, should be retained until such need is met or passed according to the established guidelines.
Fresno EOC believes strongly in maintaining an open-door approach with its employees. It is critical that management knows and understands the concerns of its employees. Listening to employees and understanding the employees’ perspective helps to create a culture of trust and understanding within the Agency. An employee who brings forth good faith concerns can do so without fear of retaliation and/or discrimination. Fresno EOC will make every effort to address and resolve employee concerns appropriately. An open-door policy means that your issues and concerns can be addressed by all levels of management, including Officers and Leadership Team. However, we strongly encourage employees to address their issues, concerns, and problems with their direct supervisor first.

Employees are encouraged to follow the chain of command when reporting concerns. For issues pertaining to workplace violence, harassment, sexual harassment or discrimination, the employee may seek immediate help from program management or the Human Resources Department at 559-263-1070.

Good communication occurs when all parties work together and use various methods to ensure it is sustained, creating a fruitful and productive open-door atmosphere.
**Full-time or FT** - An employee who works in a year-round position with the expectation of working 35 hours per week and 52 weeks per year (less paid vacations); however, hours per week may vary by program.

**Part-time or PT** – An employee who is regularly scheduled to work less than full-time, hours per week may vary by program.

**Non-Exempt** – An employee who is covered by the minimum wage and/or overtime provisions of the federal Fair Labor Standards Act (FLSA) and similar provisions of applicable state law. A Non-exempt employee must record all time worked on a time record.

**Exempt** – An employee who is not covered by the minimum wage or overtime provisions of the federal Fair Labor Standards Act (FLSA) or similar provisions of applicable state law. An exempt employee is paid an agreed upon bi-weekly salary, regardless of how many hours worked.

**Temporary** – 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.

**Intern** – An employee who is hired for a specific period through Fresno EOC internship program to perform a project related to their course of study usually not to exceed a ninety (90) day period. An intern is not eligible for Agency benefits unless such benefits are required by law.

**Supervisor** – An employee, whether hourly or salaried, who is responsible for providing direction or assigning work to other employees.

**PSL** – Paid Sick Leave, in reference to state-mandated benefits.

**FMLA** – Family Medical Leave Act

**CFRA** – California Family Rights Act

**AD&D** – Accidental Death and Dismemberment
I acknowledge receipt of the Fresno EOC Employee Handbook and that I understand and will adhere to the guidelines therein. I understand that my failure to adhere to these guidelines may result in corrective action, up to and including termination of employment. Furthermore, I understand that these guidelines may be modified at any time under the discretion of Fresno EOC.

I UNDERSTAND THAT THE HANDBOOK IS NOT INTENDED TO NOR DOES IT CREATE A CONTRACT BETWEEN Fresno EOC AND MYSELF.

________________________________________________________________________________________

Name (Please Print)

________________________________________________________________________________________

Signed

________________________________________________________________________________________

Date

To be placed in Employee’s Personnel Folder
Recommended Action

Staff recommends Committee acceptance of the 2023 Risk Assessment to the State of California, Department of Community Services and Development (CSD).

Background

The Risk Assessment Report is a comprehensive evaluation of the agency operational areas, compiled through responses to assessment questions created by the National Association of Community Action Agencies (CAA’s) - Community Action Partnership, in the performance of the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services Grant Number, 90ET0469. This assessment was conducted in compliance with the requirements of the Community Service Block Grant (CSBG) Act, specifically under Organizational Standard Four - Standard 4.6: An organization-wide, comprehensive risk assessment has been completed within the past two years and reported to the governing board.

The report includes input from leadership across departments such as Human Resources, Communications, Equity and Inclusion, Programs, Operations, and the Board Secretary, facilitated by our Chief Executive Officer. Key areas of Fresno EOC’s operations were reviewed, including governance, financial management, contracts and procurement, human resources, communications, service delivery, protecting vulnerable populations, transportation, and property. The agency-wide assessment helps inform Fresno EOC on how to mitigate risk.

Conclusion

If accepted by the Committee, this item will move forward for full Board consideration at the August 30, 2023, Commission meeting.
Fresno Economic Opportunities Commission
Risk Assessment Report

Risk Management Basics

Introduction

Agency leadership teams manage risk in different ways and with different processes and structures. This segment of your Risk Assessment report provides feedback based on your answers to questions related to the assignment of risk responsibilities, whether you have a committee dedicated to risk management, risk oversight by the board, and your confidence with respect to understanding the property & casualty coverage purchased by your agency.

Risk Manager

You indicated that risk management has not been assigned to a key staff person at your agency, such as a risk manager. Designating a full-time risk manager can be an important step in strengthening a risk function. However, the vast majority of community action agencies do not have a risk professional on staff.

If resources do not permit the hiring of a professional risk manager, consider naming one or more 'risk champions'--team members who can champion risk management initiatives at your agency.

Risk champions:

- uplift the notion of 'risk' as something more dynamic than a threat--something that is worth consideration and investment
- cultivate a culture of inquiry and candor among team members who must be willing to openly discuss and deconstruct risks
- drive a holistic or systems perspective that takes into account many diverse perspectives on risks and recognizes how risks intersect and play out across many departments and functions of an organization
- instill productive--not punitive--risk assessment and risk management practices, including honest reflection on past risk events and organizational failures as a platform for collectively doing better next time.

For more information on the risk champion role, see What's in a Word? Risk Management Leaders as Mission Champions.

Risk Management Policy Statement

You indicated that your agency does not have a risk management policy statement, or other document describing the goals and scope of your risk management program. We recommend that you consider drafting such a statement. For example, your statement might explain that risk management is a shared responsibility across the agency, versus something that is the responsibility of a single person or department. Some agencies use a risk management policy statement to convey the importance of prompt reporting of incidents as well as near-misses. If you need help drafting a risk management policy statement, or if you would like someone to review your draft, use the Risk Help option available to your
agency as an Affiliate Member of the Nonprofit Risk Management Center, or simply give us a call at 703.777.3504.

**Relationship with Your Insurance Advisor**

You indicated that although you have had a long-standing relationship with an agent or broker, your advisor has not been as responsive as you would have liked. We recommend that you consider taking the following steps to improve the relationship with your broker:

- Draft a description of the scope of services you expect to receive and need from your broker. For example, quarterly meetings to discuss changes in your agency's operations that might have an implication on coverage, post-claim debriefs to discuss what went well and what didn't, an annual stewardship report describing the parameters of your property and casualty coverage with an updated Schedule of Insurance, responses to questions within 72 hours of receiving an email or call from your agency, etc.
- Share your draft description with your broker in advance of a face-to-face meeting to discuss the document, and also what the agent/broker needs from your agency in order to serve you mission as effectively as possible
- After the meeting send a follow-up summarizing the outstanding action items

If these steps aren't practical or the relationship doesn't improve as a result of your focus on it, reach out to NRMC through complimentary Risk Help. We'll walk you through options for finding a better-suited insurance advisor.
Governance Risk

Introduction

This report section contains recommendations to strengthen your board, including its structure, policies and operations. Like other areas in an agency, governance weaknesses can be addressed with focus, commitment and consideration of the unique circumstances and needs of your agency. Keep in mind that governance should evolve as an agency evolves: the best possible board during a time of growth may not be an effective governing body of an agency that is winding down.

Board Awareness

You indicated that the members of your board understand and are able to convey your organization's mission and purpose. A board that is fluent with regard to an organization's mission and purpose is less likely to take actions that will invite litigation, or otherwise act in a manner that puts the organization's vital assets at risk.

Legal Compliance

You answered that the members of your board are confident that the organization is in compliance with federal, state and local regulations. Every organization board should operate with this high level of confidence with respect to the organization's legal compliance. Organizations are subject to a wide range of regulations and laws issued by various regulatory bodies. Keeping up with these regulations and ensuring compliance is not an easy task, even in an organization that has a large number of paid staff.

Every organization needs professional advisors that it can turn to for assistance on legal, accounting, and insurance matters. These advisors can provide valuable assistance in keeping track of key laws and regulations, and suggesting strategies that ensure compliance.

The board should receive periodic updates from the organization's key staff or professional advisors about changes in laws that apply to the organization. The board should also be kept abreast of the organization's compliance activities. Healthy boards are inquisitive, interested, and engaged in the organization's success. This means asking questions about legal compliance from time to time.

Board Training

You indicated that your organization provides a board orientation in compliance with Standard 5.7, and that you also offer periodic educational session for your governing board. These practices are an excellent way to help a board meet its legal duty of care. Most organizations are dynamic organizations that regularly face new challenges and opportunities. By providing a regular forum in which to keep the board abreast of these changes you are providing the information the board needs to thoughtfully govern the organization.

Providing Timely Materials

You indicated that background materials are distributed to your board well in advance of board meetings. This is an excellent practice. A common complaint among organization CEOs is the time involved in preparing background materials for board meetings. Some argue that the time spent preparing for board meetings leaves little time to accomplish the organization's mission. Yet distributing
thorough and comprehensive materials well in advance of board meetings is essential to managing an organization's governance risks. A board cannot meet its legal duty of care unless it has the opportunity to review information on programmatic activities, the organization's financial position, and current challenges and opportunities in time to formulate thoughtful questions. This review enables members to actively participate in board meetings.

**Board Minutes**

You indicated that the minutes of your board meetings reflect dissenting views and votes on specific issues. This is an excellent practice. Maintaining concise records of board votes and dissenting views could be helpful in defending a challenge or claim of malfeasance by the board.

**Evaluation of the CEO**

You indicated that a committee leads an annual review of the CEO, but that the entire board participates in the process. This is an excellent practice. Evaluating the chief executive's performance is an often neglected, but essential responsibility of a nonprofit board, and one that in NRMC's view, should not be delegated entirely to a committee. Congratulations on your diligence in undertaking this almost always difficult but critically important and valuable task.

**Fiscal Oversight**

You indicated that you have an active board committee that receives periodic financial reports from staff, and that the committee transmits and presents these reports to the full board at regular meetings. Beyond the board's legal responsibilities and pure survival instincts—the desire to keep the organization healthy and focused on its mission—there are additional motivating factors for diligence in the area of financial management. Federal and state governments may impose criminal penalties on organizations and their elected and appointed leaders who misuse funds, allow the waste of charitable assets, or squander donor resources. Also, civil actions may be initiated alleging harm based on the mismanagement of the organization.

An active, engaged finance committee is key to effective fiscal oversight. Congratulations on the work completed to date to ensure a high level of engagement. Consider the following suggestions to sustain your success in this area:

- Consider rotating membership on your Finance Committee, with every board member serving for at least one or two years during their full term on the board
- Include discussion prompts and questions as part of financial presentations, to engage the board around critical financial issues facing the organization; strive to make financial presentations two-way conversations
- Experiment with having members of the Finance Committee present different segments of the report. For example, one member could present an overview of the current financial statements, another could address the year-end forecast, and a third could speak to proposed changes in the organization's fiscal policies or banking relationships.

**Risk Oversight by the Board**

You indicated that your board discharges its responsibility for risk oversight through the work of a board-level committee with risk oversight responsibilities, which reports periodically to the full board. This is an increasingly common practice in nonprofit organizations.
In addition to presenting information about risks, make sure that your board-level committee is engaging the board in conversation about the risks and strategies described in your reports. These conversations can help the board engage with the management team to understand the changing risk landscape and also be assured that top risks have been assessed and addressed.

In a survey of nonprofit organizations conducted by NRMC in 2017, 40% of participants reported that their boards talk about risk management more than once per year, and an additional 15% indicated that the subjects of risk and risk management are discussed at every board meeting.

One helpful tool for risk oversight committees is a charter. A charter describes the purpose and authority of a committee, its composition, and the committee's key goals and objectives. For additional insights on helping the board discharge its responsibility for risk oversight, examples of the types of risk information boards request, or to see sample risk oversight committee charters, see Chapter 9 - Risk Oversight by the Board in the NRMC publication, World-Class Risk Management for Nonprofits. Included in the book, on page 122, are reflection questions for risk oversight. These include:

- Does the board's agenda include consideration of the assumptions that inspire the key objectives of the organization? If not, how can we engage the board to reflect on these assumptions?
- How does the board contribute to our shared understanding of our risk landscape: aspects of the external environment that could cause a key strategy to fail or exceed expectations?

Another potentially helpful resource is the NRMC article: The Garden of Risk Oversight: Positioning the Board to Cultivate Strategic Risk-Taking.

Conflict of Interest Policy

You indicated that your organization has a conflict of interest policy that applies to board members. A conflict of interest policy is a risk management tool that can minimize the likelihood that the board will make a decision that is inconsistent with the best interests of the organization. You have taken an important step to protect your organization. If you haven't already done so, ask your legal counsel to review your policy to make certain that it meets the needs of your organization.

Board Self-Assessment

You indicated that your board of directors periodically assesses its own performance. This is an excellent practice that we encourage you to continue. Through a self-assessment exercise, an organization board can determine how well it is carrying out its responsibilities. A self-assessment also provides an opportunity to identify areas where the board can improve its performance. Self-assessments are often conducted prior to board retreats, and may be a valuable resource to consultants or other outside experts working with the organization to improve its performance.
Facilities and Building Security

Introduction

This section of your report contains recommendations based on your answers to the questions in the Facilities and Building Security Module.

Renting Space

You indicated that your agency rents space to others. Most property owners and landlords appreciate fully the risks and potential liabilities that exist when they operate campgrounds, conference centers, and other facilities open to the public on their property. These same owners and landlords, however, often fail to understand that these risks and potential liabilities still exist when they rent or loan their premises to outside groups.

As an owner or landlord, your agency owes a general duty of care to visitors to your sites, whether they are guests, campers, or outside rental group members. These persons enjoy the legal status of invitee. An owner must use ordinary care to maintain the premises in a reasonably safe condition for invitees. The duty of ordinary care requires an owner to look for unsafe or dangerous conditions on the premises and either remedy the problem or issue an appropriate warning. This duty attaches to both regular invitees and outside rental groups, unless specific affirmative steps are taken to limit that duty.

Limit Liability - There are a number of ways that an agency owner/landlord can limit its liability when dealing with rental groups. First, many states have “Recreational Use” statutes that limit a landlord’s liability for any injuries that may arise if rental groups aren’t charged for use of the property. Check with your legal counsel to see if your state has a “Recreational Use” statute and if it would apply to your situation.

Agreement - An agreement should establish, in clear terms, the duties and responsibilities of the owner/landlord and the group [borrowing the premises]. The following items should be considered for inclusion in the standard rental agreement, depending on the circumstances:

- **Maintenance and Upkeep**: While the owner typically remains responsible for any hazardous condition on the property in existence at the time of the lease, the rental agreement can establish who will be responsible for general upkeep such as trash pickup, repairing broken steps, clearing snow and ice, etc.
- **Indemnification Clause**: The agreement should include a provision holding the owner/landlord harmless for any negligent acts or omissions by the rental group during the term of the lease.
- **Instructions on Use of Property and Facilities**: The owner/landlord should provide detailed instructions on how its facilities operate or what to do if problems arise.
- **Limits on Accessible Areas**: If the group is only using a portion of the premises, or if certain areas are off-limits, those boundaries should be clearly established in the lease. Then, if a group member strays beyond this area, his status will change from an invitee to a trespasser. Once that occurs, the borrower takes the risk of the place as he finds it and the duty of the landowner is greatly reduced.
- **Potential Hazards**: Specific warnings about dangerous or hazardous conditions on the premises should be provided.
- **Delegation of Supervision**: Depending on the situation, the owner/landlord may need to provide its own staff members to assist with supervision. For example, if swimming is available on the premises, additional lifeguards may be required.
• **Alcohol Consumption:** If alcohol is part of the rental group’s activities, it may be necessary to obtain a temporary liquor license. The lease or rental agreement should require the rental group to obtain both the license and, if available, liquor liability insurance, adding the owner/landlord as an additional insured. Finally, the contract should include an acknowledgment by the rental group that no one under the age of 21 will be served alcohol.

**Renting Space for Special Events**

Your agency rents additional space for special events, meetings or field trips. Renting space when needed can be an economical way to manage your agency's assets and fulfill its mission. You might rent a bowling alley for an outing, a room at the town library for a board meeting, an historic mansion for a fundraiser or a campground for an overnight field trip. No matter what the use, it's always wise to put the agreement in writing (even if--and maybe especially if--the property is owned by a "friend" of the agency). The rental agreement spells out the expectations and limits of both parties and thus may defuse many disputes before they occur.

*Rental Agreement* - Under the letter of the law, "rent" refers to property borrowed for a fee or for free. Rental agreements written by the owner/landlord serve the purpose of protecting the landlord. They are contracts and should be reviewed by the agency's attorney before being signed. The attorney can advise you whether or not you are getting the deal you discussed and whether you might protect yourself in other ways.

A rental agreement should establish, in clear terms, the duties and responsibilities of the owner/landlord and the rental group. The following items should be considered for inclusion in the standard rental agreement, depending on the circumstances:

- **Maintenance and Upkeep:** While the owner typically remains responsible for any hazardous condition on the property in existence at the time of the lease, the rental agreement can establish who will be responsible for general upkeep such as trash pickup, repairing broken steps, clearing snow and ice, etc.
- **Indemnification Clause:** The agreement should include a provision holding the owner/landlord harmless for any negligent acts or omissions by the rental group during the term of the lease.
- **Instructions on Use of Property and Facilities:** The owner/landlord should provide detailed instructions on how its facilities operate or what to do if problems arise.
- **Limits on Accessible Areas:** If the rental group is only using a portion of the premises, or if certain areas are off-limits, those boundaries should be clearly established in the lease. Then, if a renter strays beyond this area, his status will change from an invitee to a trespasser. Once that occurs, the renter takes the risk of the place as he finds it and the duty of the landowner is greatly reduced.
- **Potential Hazards:** Specific warnings about dangerous or hazardous conditions on the premises should be provided.
- **Delegation of Supervision:** Depending on the situation, the owner/landlord may need to provide its own staff members to assist with supervision. For example, if swimming is available on the premises, additional lifeguards may be required.
- **Alcohol Consumption:** If alcohol is part of the rental group's activities, it may be necessary to obtain a temporary liquor license. The lease or rental agreement should require the rental group to obtain both the license and, if available, liquor liability insurance, adding the owner/landlord as an additional insured. Finally, the contract should include an acknowledgment by the rental group that no one under the age of 21 will be served alcohol.

**Evacuation Plan**
You indicated that your agency has an up-to-date evacuation plan. This is not only a wise risk management procedure, it is probably a jurisdictional (city, town, parish or county) requirement. If you are concerned that your plan may not be as thorough as it could be, check to make sure it contains the following elements:

- Conditions under which an evacuation would be necessary
- Conditions under which it may be better to shelter-in-place
- A clear chain of command and designation of the person in your business authorized to order an evacuation or shutdown
- Specific evacuation procedures, including routes and exits
- **Specific evacuation procedures for high-rise buildings**
- Procedures for assisting visitors and employees to evacuate, particularly those with disabilities or who do not speak English
- **Designation of what, if any, employees will remain** after the evacuation alarm to shut down critical operations or perform other duties before evacuating
- A means of accounting for employees after an evacuation
- **Special equipment** for employees

Although some agencies are reluctant to test their evacuation plan, not testing it can cause anxiety. Once the plan is complete, conduct evacuation drills no less than annually, and convene your team for a debrief to discuss what when well and how your plan can be improved.

OSHA's helpful publication on evacuation planning is available here: [www.osha.gov/Publications/osha3088.pdf](http://www.osha.gov/Publications/osha3088.pdf)

**Up-to-Date Bomb Threat Policy**

You indicated that your agency does not have an up-to-date bomb threat policy applicable to all locations, or location specific up-to-date policies.

See the following resources for guidance:

- [https://emilms.fema.gov/is906/assets/ocso-bomb_threat_samepage-brochure.pdf](https://emilms.fema.gov/is906/assets/ocso-bomb_threat_samepage-brochure.pdf)

**Sign in/Sign out Log**

You answered that your agency doesn't use visitor sign in/sign out logs. Thus your agency has no idea who has entered your buildings on any given day, or if they ever left the building. For security purposes, anyone who isn't an employee - temporary employees, VIPs, consultants, contractors, volunteers and clients - should sign in upon entering your buildings and sign out when exiting.

**ID Badges**

You answered that visitors aren't required to wear identification badges while in your facilities. A visitor badge program helps quickly legitimize people in the building who aren't staff. The badge says the visitor has signed in at the reception desk or guard station and provided information about who they are and what their business is. All visitors should be instructed to turn in their badges prior to leaving the building.

Badges may be all alike or color-coded to quickly identify various types of visitors and their business
with the organization:

- temporary employees
- general visitors, such as contractors
- clients or volunteers

The word "Visitor" and the date should be readable from several feet away. Some badge systems include a photo of the visitor, and others include a bold expiration date. No matter how simple or fancy, the purpose is to monitor and record the entrance and exit of people who are not employees of your agency.

Visitor Escorts

You indicated that escorts aren’t required for visitors in all of your buildings. It may be helpful to have a consistent procedure for all buildings. Barring that, clearly identifying which buildings require an escort and which buildings don't will emphasize the importance of the procedure in areas where unescorted visitors could be a risk.

This practice, along with visitor logs and visitor badges, provides a level of protection for employees and clients of your agency. Consider instigating this practice if you serve a vulnerable population, or if it would be easy for visitors to get lost or “lose themselves” while navigating your facility. This would be the case if you have many floors or a low building that spreads over a lot of ground or has many wings or corridors. In practice, the receptionist or guard at the building entrance would phone the person being visited and ask the visitor to be seated until the escort arrives. The visitor log could have a space to indicate who the escort is for each visitor.

ADA Compliance

You indicated that your agency's facilities may not be compliant with the Americans with Disabilities Act. Adhering to this law protects you from legal claims under the ADA and makes it easier for your agency to service and employ folks with mental or physical challenges. For more specific information about various aspects of the ADA and how it might apply to your organization and / or facility, visit the ADA Question and Answer page.

Building Codes and Licensing Compliance

You indicated that a facilities team is responsible for making certain the building is up to code, your agency's licenses are up-to-date and your agency complies with federal standards such as the American with Disabilities Act. We recommend that you ensure that the team is monitoring these three areas:

- building codes,
- licensing
- federal and state standards.

Requirements will vary based on the nature and types of services your agency provides. Professional organizations, regulatory agency websites, and colleagues at other agencies are potentially valuable resources in this area. If necessary, the facilities team may need to coordinate this monitoring with other parts of the organization (e.g., if licensing for various services is handled by another business function).

Landscaping
You indicated that there is untrimmed or tall greenery at edge of the property where people can hide. This is a liability. The agency should keep shrubs, hedges and plants trimmed below 3 feet. Tree branches lower than 6 feet should be removed.
Human Resources and Employment Practices

Introduction

This section of your report contains feedback and recommendations based on your answers to questions in the Human Resources and Employment Practices Module.

This report contains recommendations in the area of employment practices. Every agency with paid staff faces the possibility of a claim or lawsuit alleging illegal or unfair employment practices. The financial and other consequences of a claim can be substantial or devastating. Every organization can take steps to reduce the likelihood of a claim, and ensure a strong defense to charges of wrongdoing.

As you review these recommendations, remember that obtaining the assistance and advice of an employment attorney licensed in your state is absolutely essential to protecting your agency's assets and good name. Your mission is too important to risk losing it all in a suit you could have avoided.

Multiple Locations

You indicated that you employ workers at more than one location. While a structured approach to employment practices is advisable for all employers, it is particularly important for agencies with large workforces or workers deployed at more than one location. Multiple locations increase the likelihood that an employee will not be notified in a timely fashion of a new or changed policy. Therefore, it is very important that you commit to developing standardized, written employment policies and identify the most effective methods for ensuring that everyone in the organization receives timely notification of policies and practices.

The Human Resources Function

A cornerstone of effective and legal employment practices is the development and consistent application of sound policies. Unfortunately, some organizations develop and administer employment policies in an ad-hoc fashion. Where practical, it is advisable to centralize the human resources function. You indicated that responsibility for human resources in your organization is centralized in a position or department. This is an excellent first step to ensuring the development of coherent and effective policies.

Periodic Review of Employment Policies

You indicated that you have a process in place to ensure the periodic review of your employment practices. How often you review these practices depends on a number of factors, including your agency's hiring frequency, rate of turnover, employee satisfaction, resource constraints or opportunities, and size. Organizations facing rapid growth or high turnover should review hiring strategies and results semi-annually. All aspects of the recruitment and selection process should be considered in light of the organization's hiring goals and commitment to not pursue strategies that adversely affect a protected group of applicants. Smaller organizations or those with very low turnover may choose a less rigorous schedule, such as annually.

The Board's Role

Nonprofit boards have an important role to play in establishing appropriate employment policies and ensuring that an organization follows its policies.
The board must recognize that the policies included in an Employee Handbook or Personnel Policy Manual - as well as those found in other documents, such as employment letters, and those policies which emerge from practice - not only impose responsibilities or requirements on the employee (such as coming to work on time), but also create promises that the employer must honor and a court may enforce.

In most instances, a nonprofit board should avoid involvement in the day-to-day activities of personnel management - hiring (other than the executive director), promotions, discipline (except when the board has a defined role in a grievance process), and terminations. Overall, the board's main concern is the adoption and implementation of personnel policies and practices of the nonprofit, not its daily personnel actions.

Every board should be confident that the agency's employment policies comply with applicable federal and state laws. The board should seek guidance and assurance on this matter from an employment attorney licensed in the state in which the nonprofit operates. In addition, each board should be confident that the nonprofit's managers and supervisors are applying the policies uniformly. Board members should raise any concerns about special or preferential treatment with the chief executive officer.

For instance, did a manager terminate an entry-level employee for an infraction that he or she would have forgiven in a long-time staff member? This scenario raises the issue that every board should understand the nonprofit's policies concerning termination. Is "gross misconduct" - conduct for which an employee may be subject to immediate dismissal -- specified in the handbook? Is it clear in the handbook that certain policy violations (such as bringing a weapon to work) constitute grounds for immediate dismissal? The board should be informed and educated on these issues to ensure it fulfills its legal responsibilities. This does not mean that the board should review or question every employment action. Board members should, however, raise questions and seek clarification whenever they have reason to believe that the organization's employment policies are not in compliance with legal requirements or have not been followed.

Because termination of an employee raises considerable risk to the nonprofit, the board should know what the nonprofit's procedures are for termination and have total confidence that these procedures are adhered to.

**Legal Review of Written Policies**

You indicated that your Employee Handbook was reviewed by an employment attorney licensed in your state before it was distributed. This is an excellent practice and we urge you to obtain further review and counsel before making any changes to this important document.

You indicated that your Employee Handbook was last reviewed by an attorney more than three years ago. It is very likely that your Handbook is now out-of-date with regard to federal and state employment laws as well as the personnel practices of your organization. We strongly urge you to seek the assistance of an employment lawyer licensed in your state to thoroughly review your Handbook.

**Policy Changes**

You indicated that when a new employment policy is developed, a document explaining the policy is distributed to all staff. Written policies are the cornerstone to effective, defensible employment practices. Communicating the intent and nuances of new policies is essential. If not already your current practice, consider requiring each employee to acknowledge receipt of the written explanation of the policy and retaining these signed acknowledgements in your personnel files. In this way, the nonprofit
will be able to prove that each employee was aware of the changed or new policy.

**Legal Review Prior to Implementing Policy Changes**

You indicated that you consult an employment attorney before revising existing policies or adopting new policies. It is prudent practice to request a legal audit of existing policies and seek an employment lawyer's recommendations for revisions. Another way to approach the review is to meet with key staff and any other personnel-related resources at your disposal and request suggestions on policies that they would like to see changed. With firm objectives in hand, consult legal counsel, who can recommend how to coordinate the nonprofit's objectives with legal obligations.

**Tracking Policy Distribution**

It is prudent to request newly hired employees, whether in the offer letter, during orientation or another time, to sign an acknowledgement of receipt of personnel policies that includes a commitment, signed by the employee, to adhere to the policies. We recommend that you keep these acknowledgements in employee personnel files.

**Confirming Receipt of Revised Policies**

Be sure to keep a copy of each employee's acknowledgement in their personnel file. In one instance an employer could not prove that a particular employee had received the newly revised version of personnel policies and therefore the former version of the policies applied to her termination. The court required the employer to re-hire the employee because her termination, under the prior policies, was found to be invalid.

**Workplace Violence Policy**

You indicated that your nonprofit has a workplace violence policy. This reflects your understanding that violence is a reality in many workplaces today. Nonprofits, like other employers, need to train staff to be aware of the risk of workplace violence. Review your current workplace violence policy to make certain that it includes:

- Zero tolerance for violent, abusive conduct, threats of violence, or violent language;
- A complaint procedure;
- Emergency procedures in the event of any serious act of workplace violence;
- Designation of management personnel and security personnel who will be responsible to investigate complaints of violence and who will be responsible in the event of an emergency;
- Reservation of management's right to review employee e-mail, voice mail, and computer files.

While policies and raising awareness cannot completely insulate any nonprofit from the risk of workplace violence, the fact that the nonprofit has undertaken good faith efforts to educate and prepare staff for emergencies, and has acted promptly to address concerns of the incompetence of staff or threats of workplace violence, conveys the message that safety is a primary concern.

**Technology Policy**

A comprehensive office technology policy should address privacy and appropriate conduct concerns. Consider reviewing your current policy to make certain that it:

- Prohibits or limits personal use of the Internet and e-mail while at work and prohibits personal use
of the nonprofit's hardware and software or copying of the nonprofit's software;
• Defines the systems used at work as the property of the nonprofit;
• Prohibits use of the telephone, facsimile, or e-mail system for the dissemination or solicitation of information about for-profit ventures, religious beliefs or political causes, or any non-job-related business;
• Prohibits use of the telephone, facsimile or e-mail system to create or transmit any offensive, hostile, sexually explicit or suggestive messages, racial slurs, gender-specific comments or any comment that is unprofessional or offensive regarding someone's age, race, color, creed, sexual orientation, religious beliefs, national origin, gender, disability, marital status or any other protected category;
• States that the nonprofit's e-mail system may not be used to upload or download any protected, copyrighted, or proprietary information;
• States that the nonprofit reserves the right to review, audit, intercept, access and disclose all messages created, received, or sent through voice mail, facsimile or the e-mail system for any purpose, and that the content of such communications may be disclosed by the nonprofit for any purpose with or without notice to the employee;
• States that the confidentiality of any message transmitted over the nonprofit's telephone, facsimile or e-mail system should not be assumed;
• States that the use of a password does not indicate that the employee should have any expectation of privacy in computerized communications; and
• States that the nonprofit will discipline any employee who violates the office technology policy, and that violations may result in termination of employment.

Workplace Privacy Policy

You indicated that you currently have a Workplace Privacy Policy. We recommend that you review your policy to make certain that it:

• reminds staff that work areas (including desks, filing cabinets, etc.) are the property of the nonprofit.
• requires that employees consent to monitoring.
• cautions employees not to have an expectation of privacy in voice mail, e-mail or requires consent to monitoring.

Sexual Harassment Policy

You indicated that your Employee Handbook includes a policy specifically prohibiting sexual harassment. As you know, the risk of liability for harassment may also come from outside the organization: clients, vendors, consultants, board members, or a member of the general public could pose a threat of sexual harassment to your staff. Your written policy sends a message to staff that the organization will not tolerate harassment and helps ensure that your staff will know what to do in the event they experience or observe prohibited harassment.

Your policy should also require the reporting of observed or experienced harassment at the workplace. It is to the employer's advantage to have knowledge of alleged wrongdoing. Once the nonprofit knows of allegations of improper conduct, steps can be taken to minimize the potential harm to victims -- and in so doing to minimize potential liability to the nonprofit. By taking swift and effective remedial action, many employers have been able to reduce their liability or eliminate it altogether.

Congratulations on having a written policy in place. We recommend, however, that you review your policy to make certain that it:
1. defines prohibited conduct;
2. encourages reporting of any offensive conduct before it rises to the level of a hostile environment and imposes no barrier on reporting complaints, such as requiring that complaints be in writing;
3. requires the reporting of observed or experienced harassment at the workplace;
4. explains the rights of complainants under the policy (such as not to be retaliated against and to have complaints and the investigation file maintained in confidence);
5. describes procedures for the investigation of complaints;
6. contains a description of the consequences for breach of the policy; and
7. provides at least two persons to whom the employee can report complaints to avoid any claim that the employee is excused from reporting because the person designated to accept complaints was the harasser, or a friend of the harasser.

Internal Complaint Procedure

You indicated that your Handbook describes your internal complaint procedure for sexual harassment. The burden on employers to promptly investigate and respond to complaints has increased in recent years. A well thought-out and prescribed complaint procedure is an excellent risk management tool. It sends a strong message to your employees that you intend to follow-up on any complaints of harassment and takes the guessing out of the process when an actual complaint is received.

Job Descriptions

Job descriptions should be used during the hiring process so that candidates for a position can review the job description and answer the question "Are you able to perform all the functions of this position?" Make sure that your written job descriptions are up to date and describe "essential functions." Identifying the essential functions is necessary in the event that an employee becomes disabled and there are concerns whether the employee is qualified. Essential functions are those tasks which are essential to the job. Examples are: the ability to lift a certain number of pounds, drive a van, carry a child, or raise arms over head. It is also helpful if the job descriptions identify whether the position is "exempt" from overtime or "nonexempt."

Employment Applications

Employment applications are important risk management tools. We suggest that you review your current application to determine if it contains:

- an "at-will employment" disclaimer that expressly states that the applicant understands that employment with the nonprofit is on an at-will basis;
- a truth clause or false information warning;
- an authorization to conduct record checks (criminal history, credit, etc.) - remember that whether to conduct a certain check should be determined by the risks of the position, not the particular applicant; and
- an authorization to check references (it is worthwhile to obtain permission from every applicant to check references, and it is required under the Fair Credit Reporting Act if your nonprofit uses a third-party agency to conduct reference checks).

Reference Checks

You indicated that you always check references, either before making an offer of employment or before a new hire begins work. This is an excellent practice. Reference checks are among the most valuable screening tools at your disposal. Remember that if a candidate does not provide work-related references,
you should press him or her to do so. If you discover a discrepancy between the information provided on an application and the information obtained from a reference, you should always investigate further. This investigation might include asking the candidate to clear up the discrepancy, calling additional references, or verifying credentials directly.

Pre-Employment Tests

Employers in the nonprofit, business and government sectors use a wide variety of pre-employment tests and background checks to obtain information about an applicant's suitability for particular positions. These screening tools are also used to verify factual information provided by an applicant.

The risks of these screening tools fall into two broad categories:

- inappropriate reliance on the information obtained through tests and background checks at the expense of more fundamental screening tools such as written applications, interviews and reference checks; and
- the inappropriate use or interpretation of test/background check results or the violation of an applicant's legal rights.

In the first category, the growing popularity of criminal history background checks as a screening tool for applicants in youth-serving organizations has led to the reliance on these checks as a barometer of suitability. Yet there is no question that these tests cannot be relied on to provide a "clean bill of health" for an applicant. Reliance on a "clean," state-based criminal history records check and discounting other screening tools is an unwise strategy.

In the second category of risk, many employers have rushed to use tests and background checks without first considering the legal limitations on the use of these screening tools or their appropriateness for a particular position. For example, it is unlikely that a credit check would be appropriate for the position of playground supervisor. Before using such tests and background checks, you must determine:

- what if any federal, state and local laws apply to restrict, limit or prohibit the use of these tools;
- whether the potential benefits outweigh the negative affect of the use of tests (for example, one negative effect might be that the use of background checks discourages applicants from a particular group);
- whether the proposed tests or checks offer truly reliable, job-related information;
- how the test/background check results will be evaluated. For example, will certain scores or findings disqualify an applicant? The failure to identify the criteria that will be used to evaluate results in advance increases the likelihood that the process will be a waste of precious resources;
- whether the proposed tests or background checks are clearly job-related and necessary to the thorough screening of applicants for a particular position.

Remember that few, if any tests or background checks are appropriate for every position in an organization.

Using a Hiring Checklist

The reason why a hiring checklist is so important is to ensure that every candidate is subjected to the same level of scrutiny during the screening process. This not only helps guard against charges of discrimination, but provides a procedure so that elements of the screening process do not fall through the cracks. For example, after investigating an allegation of client abuse, a nonprofit discovers that the one employee for whom the nonprofit failed to get a criminal records check had a history of criminal abuse. Hiring checklists help allow the nonprofit to see at a glance if one step in the process has not been
completed.

Offer Letters

A written offer letter is a practical way in which to confirm details about an offer of employment. It also provides an opportunity for an employer to obtain a prospective employee's acknowledgement of the terms of employment. An offer letter may increase the risk of a subsequent employment-related claim, however, if it is worded inappropriately or if it contains promises or commitments the employer is unwilling to live up to.

It is important to make certain that any written offer letters do not needlessly impair the employment-at-will relationship. Review the language of your offer letters and make certain that these letters reiterate the employment-at-will nature of the relationship being offered to the prospective employee. Also, make certain that your discussion of topics such as annual salary, eligibility for benefits, duration of employment, potential for advancement, probationary period or other job rights, does not contravene your written policies. Before mailing the letter, make certain that you are willing to live up to the commitments made in the offer letter.

You indicated that your offer letters do not contain information about any of the following: initial period of employment (introductory period), annual salary, salary review date, eligibility for benefits, duration of employment, potential for advancement, or job rights. While you may have reduced the risk that information contained in an offer letter contravenes established employment policies, the value of an offer letter without any of this information is questionable. Consider asking an employment lawyer to review your offer letters and comment on the advisability of including pertinent details.

Initial Work Review Period

You indicated that new employees serve an initial work review period. Review your policy to make certain that successful completion of the first few months of employment does not ensure job security or in any way conflict with your employment-at-will policy. Make certain that you have defined the purpose of the work review period in your written policies, noting that completion of the work review period does not increase an employee's rights in a job. Consider using language such as:

"An initial work review period is a training and get-acquainted period, completion of which does not guarantee continued employment. Following completion of this period, you still may resign and the organization has the right to terminate your employment at any time, with or without cause."

Rejecting Applicants

All applicants who are considered by your organization but not hired, should be informed of the reason for the rejection. Being truthful is a fundamental tenet of effective and legal employment practices. Applicants should never be given a false reason for rejection. This can lead to costly litigation. Make certain that your decision not to hire an individual is consistent with the reasons contained in your hiring records, and that the reasons and documentation are free from discriminatory bias.

Employee Orientation

You indicated that you have an orientation program for new employees. This is a good risk management strategy, and may help ensure that all new hires receive the same, thorough orientation to the nonprofit's policies. From a legal perspective, a formal orientation program where policies are explained provides a defense to a claim that an employee was not informed about a specific policy. But providing an
orientation with out-of-date, incomplete or inaccurate materials may be more risky that never conducting one in the first place. Review your orientation format and procedures to make certain that all policies distributed and explained to new hires are current.

You indicated that you maintain up-to-date personnel files for each employee. This is an excellent risk management practice.

**Performance Appraisals**

You indicated that you conduct annual performance reviews for each employee. This practice is essential to (1) put employees on notice of unsatisfactory performance, and (2) articulate in an objective manner the goals and objectives for the employee's performance. In this way, employees are aware of their shortcomings and the nonprofit is in a strong position to support a discharge for poor performance. The practice of conducting regular, objective performance appraisals will also ensure that your organization is able to defend itself against charges of discriminatory employment practices.

A growing number of cases have reached the courts in which inadequate or nonexistent performance appraisals were the principal determining factor in a judgment for damages against an employer. Typically the litigation is brought by someone fired or denied a promotion, who then claims to be the victim of race, sex or age discrimination. The employer defends itself by claiming that the plaintiff simply wasn't doing his or her job. The plaintiff easily rebuts the employer's case by showing that his performance appraisals never mentioned any concerns or disappointments with performance. Employers that can present strong performance appraisal documentation are in a good position to defend their actions, whereas those that do not have written support for their position most often face liability. Consequently, evaluating the performance of staff and documenting the process carefully is "where the rubber meets the road" in employment-related risk management. Most often if there is a smoking gun in an employment action, performance appraisals (or the lack thereof) are the weapons of choice.

Evaluating performance is sound management and critical for the long-term health and prosperity of the nonprofit. In most cases the nonprofit's staff members are among the organization's most valuable assets. Staff influence the public's perception of the nonprofit, provide services to clients, and may be responsible for the welfare of vulnerable individuals on a daily basis. When staff can see how their own work successfully supports the achievement of the nonprofit's goals, a more effective organization will result.

If you are not already doing so, consider adding the review of performance appraisals by an administrator one tier above the actual supervisory relationship. This review can expose subjective comments or inconsistent rankings. The objective review is also an opportunity to evaluate how well the supervisors are conducting their roles as job coaches. In order for the objective third-party review to be effective, you need to work out a schedule for annual or six-month reviews which permits an extra period of time for the objective reviews. The objective reviews should occur prior to the employee's receipt of the formal review, in order to allow time in the event the reviewer challenges what is written and the appraisal needs to be revised.

**Narrative Versus Multiple Choice Ratings**

Some experts believe that the most insightful appraisal format is pure narrative because supervisors are then forced to describe the employee's performance and can't make the mistake of checking a box that doesn't apply. However, narrative responses are also legally risky because a supervisor's comments might go off on a tangent that is irrelevant and subjective, or fails to support the rest of the appraisal. Or supervisors may put the nonprofit at risk by writing observations about performance that are not
job-related and therefore inherently inappropriate. Most appraisal forms feature a combination of narrative and rating questions. Often there is a summary statement or rating which is useful when a distinction based on performance is required between similarly situated employees.

Performance appraisal software and human resources consultants are available to help customize appraisal forms. Customization is recommended over simply borrowing a format from another workplace. However, many nonprofits successfully borrow forms developed for another organization, and then customize those forms as they discover what works and what doesn't.

Remember that a senior manager or the executive director should review completed appraisal forms before they are shared with an employee. The purpose of this review is to make certain that the review does not contain inappropriate information or anything that is inconsistent with the organization's policies. For example, a statement on a review indicating, "I'd like to see Mary retire from this organization" could contravene the nonprofit's employment-at-will policy.

**Third Party Review**

The best insurance against any pitfall in the performance appraisal process is an objective review by an administrator one tier above the actual supervisory relationship. This review can expose subjective comments or inconsistent rankings and provide an opportunity to evaluate how well the supervisors are conducting their roles as job coaches. You indicated that a third-party review is not currently part of your process.

In small nonprofits, size alone may prohibit the use of an inside, third-party reviewer described above. Consider using an objective third-party who is not an employee, such as your employment attorney or a board member who serves on the personnel committee. Using an outside person will be far easier if you synchronize reviews for the organization and conduct them all at the same time each year.

The purpose of this review is to make certain that a completed appraisal does not contain inappropriate information or anything that is inconsistent with the organization's policies. For example, a statement on a review indicating, "I'd like to see Mary retire from this organization" could contravene the nonprofit's employment-at-will policy.

In order for the objective third-party review to be effective, you'll need to work out a schedule for annual or six-month reviews which permits an extra period of time for the objective reviews. The objective reviews should occur prior to the employee's receipt of the formal review, in order to allow time in the event the reviewer challenges what is written and the appraisal needs to be revised. The extra time and effort required to adjust your performance review process will be a valuable investment.

**Training Supervisors to Conduct Reviews**

You indicated that persons who conduct performance reviews of staff do not necessarily receive training or coaching on the importance of providing truthful, candid reviews. The tendency of many supervisors in the nonprofit world to provide glowing or neutral reviews for undeserving employees is a highly risky, but common practice. Most often if there is a smoking gun in an employment lawsuit, a favorable or neutral performance appraisal is the weapon of choice.

The reasons for this include: (1) most people find it difficult giving a candid appraisal, (2) many supervisors are unaware of the legal significance of the performance review process, and (3) some supervisors believe that a favorable review can motivate an employee to improve his or her performance.
The reluctance to provide a candid review should be acknowledged in any training or coaching program for supervisors. The organization should suggest strategies for communicating "bad news" in a respectful fashion and explain that an individual who is unable to convey bad news or impose discipline on an employee risks disqualification from supervisory status. Supervisors should be encouraged to provide ongoing feedback and not wait until the annual review to communicate dissatisfaction with an employee's performance. In addition, remind supervisors that they should document any performance counseling sessions with employees, making certain that these reports are signed by the employee and retained in the personnel file. The supervisor's notes - if not signed - may be disputed. The legal significance and importance of candid reviews should be emphasized with anyone required to conduct reviews. Written performance reviews are an organization's best evidence of whether an employee is meeting, surpassing or failing to meet the organization's expectations. Someone who is unwilling or unable to provide candid reviews of performance should not be allowed to continue in a supervisory capacity. The notion that a favorable review will motivate improved performance is untrue. Explaining to an employee why his or her performance falls short of the nonprofit's expectations remains the best strategy to motivating improvement.

We urge you to provide an orientation or training program for all supervisors who conduct performance reviews. Keep in mind that appropriate disciplinary action should be taken against any supervisor who fails to comply with your organization's requirement for timely, candid reviews of performance.

**Multi-Source Assessments**

In theory, the idea of a multi-source assessment system is supposed to provide the highest level of management with a good sense of the effectiveness of the organization's supervisory staff. In practice, collecting such data as part of the formal appraisal system may not yield the most reliable results. Nonprofits must first have a culture of trust and honesty in order for 360-degree evaluations to be taken seriously. Many nonprofits find that facilitating roundtable discussions with staff about effective supervision and in extreme cases, arranging an internal arbitration between supervisors and subordinates is as effective as a formal system of multi-source evaluations.

**Merit Raises**

You indicated that employees at your organization are not eligible for merit raises - salary increases based on performance. Many nonprofits continue to award cost-of-living or COLA increases only, however, the clear trend is to provide merit-based pay raises. There are two major downsides to awarding flat COLA increases. Morale can be negatively affected when employees who are strong receive the same salary adjustment as employees who are less skilled, or less committed to the nonprofit. Second, when employees who are under-performing receive an automatic raise, simply because everyone received the same adjustment, there is a risk that the employee will assume that his performance is satisfactory. More risky still is the fact that juries will make the same assumption, which will undermine an employer's defense that an employee was terminated for poor performance.

A merit raise system provides an incentive for employees to improve performance. It also rewards strong performers, helping with the nonprofit's ability to retain the most effective employees. A common way to structure a merit raise system is to create a salary scale which assigns a certain percentage or range of percentages for salary increases in each of several categories. The categories correspond to the rating system on the performance appraisal instrument. Each employee is eligible for whatever percentage raise is appropriate given the range for the rating assigned to that employee. For example, "Unacceptable" would merit no increase. "Meets expectations" would merit a 1-3% increase, "Exceeds expectations" would earn a 3.5%-4.5% increase, and "Greatly exceeds expectations" would be awarded a 5%+ increase. In this way, the CEO, finance or personnel committee can determine the budget for
salary and compensation for the coming year by looking at historic data on the number of employees in each salary and performance range.

**Identification of Disqualified Persons**

You indicated that your agency has not identified who is a 'disqualified person' under IRS regulations. A disqualified person is any person who was in a position to exercise substantial influence over the affairs of a tax-exempt organization during the 'lookback period.' To learn more about the concept of disqualified person, the definition of lookback period, and what your nonprofit should do to reduce the risk of intermediate sanctions, see:

- Disqualified Person - Intermediate Sanctions - IRS
- How to Stay Exempt - Exemption Requirements for Nonprofits - IRS
- Intermediate Sanctions: A Brief Overview for Tax-Exempt Organizations

**Progressive Discipline Policy**

You indicated that you currently have a Progressive Discipline policy. Remember that in general, only gross misconduct and serious violations of the nonprofit's policies justify skipping the first warning phases of progressive discipline and imposing more serious discipline in the first instance. The progression of disciplinary steps set forth in the nonprofit's Employee Handbook should be followed whenever possible, unless starting with a verbal warning would be illogical, as in a situation where an employee threatens another employee with physical violence.

Progressive discipline, if consistently applied and with flexibility for unusual cases, can be an effective risk management tool because it affords some assurance of fundamental fairness. The downside of progressive disciplinary policies is that they can create contractual obligations. If not carefully drafted, in most states policy language can be binding on the nonprofit under the theory of implied contract. Another downside of progressive discipline is that because the policy lists disciplinary steps in a certain order, the nonprofit's flexibility to select appropriate disciplinary action on a case-by-case basis can be greatly reduced. Even with language that states that the disciplinary policy is not a contract, employees will expect to be treated as described in the policy, so fundamental fairness dictates that the progressive disciplinary procedures be followed unless the employee is given notice otherwise. "Taking the high road" in employment practices requires an employer to live up to its promises, and employees regard policies as promises.

Keep in mind that progressive discipline policies should be carefully drafted and reviewed by an employment lawyer to ensure that the nonprofit will not be needlessly vulnerable to claims of breach of contract. In order to give the nonprofit the most flexibility, it is advisable to draft progressive discipline policies as guidelines, rather than set procedures to be followed in all cases.

**Opportunity to Correct Deficiencies**

It is prudent to provide an opportunity for employees to correct deficiencies before you take adverse action against them. We urge you to continue this practice.

**Third Party Review Prior to Termination**

You indicated that you do not currently require third-party review of the written record before terminating an employee. We urge you to consider doing so. A written record substantiating the legal reasons for a termination is essential to the defense of a wrongful termination claim. An objective third
party who is not directly involved in the matter may be able to spot weaknesses in the written record that can be addressed before adverse action is taken. Consider using a senior manager, the CEO, a board member, or the organization's outside counsel as the reviewer. Make it a practice to obtain this formal review before any employee is terminated.

**Terminating Employees "On the Spot"

Some nonprofit employers continue to terminate employees without notice, believing in their entitlement to do so under the law establishing the "employment-at-will" relationship. Persons who do this argue that keeping poor performers on board longer than necessary is a waste of time and other resources. While it is true that "employment-at-will" status affords the employer (or employee) the right to terminate the relationship at any time and for any reason save an illegal reason, terminating poor performers "on the spot" is risky for many reasons.

First, it undercuts the ability of an organization to substantiate the legal reasons for the termination and effectively defend the organization's employment practices. While an after the fact written record can be hastily assembled following an "on the spot" termination, the desire for expediency typically means that none will be. Then the organization faces a very difficult process of trying to piece together a record when and if the matter is litigated in the future.

Second, nonprofits must compete in the marketplace for employees along with public and private sector employers. An organization that routinely terminates employees on the spot will, over time, gain a reputation as an uncaring workplace. In this era of fierce competition for good people and unprecedented employee benefits, most nonprofits can ill afford to lose the advantage of good will and positive perception.

Do not continue the risky practice of terminating employees "on the spot" or "in the heat of the moment," with the exception of violations that constitute gross misconduct under your personnel policies.
Financial Reporting and Internal Controls

Introduction

This report section contains recommendations based on your answers to the questions in the Financial Reporting and Internal Controls Module. As a reminder, the assessment topics were: Fiscal Oversight, Financial Reporting, Financial Planning and Forecasting, Budgeting, Financial Monitoring, Contracts and Grants Management, Managing Fraud Risk and Internal Controls, Investments, Fiscal Policies and Audits.

As you review and consider these recommendations, keep in mind that some recommendations may need to be revised or tailored to suit your agency's unique structure or circumstances. In addition, remember to ask key advisors for their guidance and insights, including your internal finance team, board-level Finance Committee, Audit Committee, and any external finance advisors or audit firms.

Authorization of Accounts and Check Signers

You indicated that bank accounts and check signers may not be authorized by the board of directors. Keep in mind that the board has fiduciary responsibilities with respect to the operation of your nonprofit. A key responsibility of staff is to support and enable the board to discharge its fiduciary and fiscal oversight responsibilities. This begins with the board authorizing the opening of bank accounts for the nonprofit’s funds, and approving the persons who will sign the nonprofit’s checks. It would be a prudent step to go back and obtain the board’s approval of your accounts and check-signers. Prepare a Resolution describing the accounts and check-signers and present it to the board for its adoption at their next scheduled meeting.

Bank Reconciliations

You indicated that bank reconciliations may not be conducted on a timely basis. This end-of-the-month procedure is an important part of your internal control system. In addition to making certain that these reports are prepared on a timely basis, you should also assign this task to a back-up staff member during periods when the person who conducts them regularly is on vacation. While many nonprofits feel that cross-training is a luxury, doing so in this area is important to testing your systems and detecting any inappropriate practices.

You may also want to verify that your bank reconciliation procedures for all accounts include the following with respect to deposits:

- Comparison of dates and amounts of daily deposits as shown on the bank statements with the cash receipts journal.
- Investigation of bank transfers to determine that both sides of the transactions have been properly recorded on the books.
- Investigation of items rejected by the bank; for example, deposits or collection items subsequently charged back by the bank because of insufficient funds, etc., are investigated by a person independent of those responsible for receipt or recording of cash.

And check to see that your reconciliation procedures for disbursements include:

- Comparison of scanned versions of canceled checks with the disbursement journal as to number, date, payee, and amount.
• An accounting for the sequence of check numbers.
• Examination of canceled checks for authorized signatures.
• Examination of canceled checks for irregular endorsements.
• Examination of canceled checks for alterations.
• Review of voided checks.

Restricted Investments

You indicated that your nonprofit has one or more restricted investments. With respect to these investments, it's important to consider the following:

• Whether all acquisitions and disposals of restricted funds are reviewed by the investment committee or governing board and approved with respect to compliance with restrictions;
• Whether the board, finance committee or investment committee specifically reviews the use of earnings from restricted investments in order to verify compliance with restrictions.

Additional issues to keep in mind are summarized below.

• Remember to segregate restricted and unrestricted investment income in the books of account.
• Segregate aggregate gains from aggregate losses in the books of account and segregate any gains/losses from the sale of fixed assets and from investment gains and losses in the books of account.
• Ensure that gains/losses from the sale of investments are recorded in the proper fund and that capital gains/losses are recorded accurately in the period in which they occur.
• Periodically compare investment income to dividend schedules and interest rates of the underlying investments to determine that all investments income has been received and recorded.
• Prepare a schedule of accrued interest for all interest-bearing notes, loans, and financial instruments as of year-end and reconcile the schedule to the books of account.


Contracts

Introduction

This section of your report contains recommendations on the subject of contracts. Effective contracts help the contracting parties begin an endeavor with a shared vision of desired outcomes and deliverables, options to limit risk and exposure if either party decides to withdraw from the relationship, tools to minimize or prevent surprises with respect to staffing and cost, and a roadmap for winding up or winding down the relationships if warranted by the circumstances of either organization.

Typical Contract Problems

Some of the typical challenges nonprofits encounter with contracting include:

- failing to limit contracting authority to designated persons
- not specifying expectations
- signing contracts that lack sufficient clarity
- not considering the possibility of termination, breach, or the possibility of circumstances that make it impossible to continue
- not realizing they have entered into a contract in the first place
- failing to assign responsibility for harm and the costs of harm
- failing to protect the nonprofit's assets, such as copyrights
- unexpected costs or disagreement about each party's responsibility for project expenses

As you review the recommendations in this report, remember that obtaining the assistance and advice of a lawyer licensed in your state is absolutely essential to protecting your agency's assets and good name. Your mission is too important to risk losing it all in a lawsuit or over unfavorable (and avoidable) terms in a contract.

Indemnification

Incorporated entities answer for their debts and liabilities. When your agency is asked to indemnify another, you are being asked to agree in advance of an incident to pay for the debts or liability of another party. As a general rule, an organization receiving a service should not agree to indemnify (or name as an additional insured) the organization providing a service.

If you are providing goods or services, you may be asked to indemnify another party. The most likely places you will be asked for indemnification are: (1) facility rental agreements or leases; and (2) contracts to provide services to government agencies or other funding sources.

When you are asked to indemnify another, remember:

1. Avoid indemnifying another party for anything that falls outside the control of your agency.
2. The only actions that you should think of as being within your control are the actions of your directors, officers, employees, and, to a lesser extent, your members/attendees.
3. You should never agree to an all-inclusive indemnification provision, such as one requiring that you indemnify “for any and all liability” incurred in the conduct of an event because that would include liability even if it is caused by another organization's staff or negligent conduct, or caused by or to someone in the general public.
4. Try to limit any indemnification that you provide to any claims, losses, or damages to persons or
property due to the negligence or gross negligence of your directors, officers, employees, and (if necessary) your members and attendees.

5. Don't provide indemnification for your contractors. They should indemnify you.

6. **Before you provide any indemnification, check to make sure that you have insurance or other financial means to cover your promise to indemnify.** Agreeing to assume responsibility for another party's debts or liability is foolish unless you have the financial means in place to live up to your promise.

7. If you are asked to indemnify, try to make it reciprocal. Make sure the other party is indemnifying you for at least everything within their control.

8. If you are uncertain that someone who is indemnifying you can pay for the potential costs of indemnification (e.g., an author, an equipment rental company), have them provide evidence (e.g. a certificate of insurance) that they carry insurance that will cover their indemnification, and ask that your agency be named as an additional insured.

**Independent Contractor Agreements**

You indicated that your agency uses written agreements with independent contractors. This is an important risk management practice that can dramatically reduce the risk of a misunderstanding concerning the nature of the appointment and each party's expectations.

As you may know, an effective independent contractor agreement does not have to be lengthy (a page or two can often suffice). You should review your current contract form to make certain that, at a minimum, it contains the following information:

- Name, type of entity (e.g., corporation, limited liability company, partnership, other?), street address, telephone number, and individual contact person of the independent contractor.
- A description of the services being provided and a timetable with measurable mileposts for when specific aspects of the service/work must be completed.
- Compensation (on monthly/work completed basis) based on invoices with dates, hours, and services performed, reports on milestone completion of work, and any out-of-pocket expenses that are necessary for the performance of the services (such as travel, lodging, and meals), but only if approved in advance and supported by appropriate documentation.
- The term of the agreement (beginning when, ending when).
- Provisions for terminating the agreement:
  - How much prior notice is required before termination?
  - How much, if anything, must the parties pay upon termination?
- Statement clarifying that the contractor is an independent contractor solely responsible for determining the means and methods for performing the services and for its own payment of taxes, with no entitlement to workers' compensation, unemployment compensation, or any employee benefits, statutory or otherwise.
- Statement that the contractor shall at all times comply with all laws, rules, regulations, and ordinances applicable to the performance of the services described in the contract.
- Statement that information obtained from you and about your organization and its operations and clients is confidential.
- Statement that the contractor agrees that all creative ideas, developments and creations conceived in the performance of the contract are the property of the Organization and assigns all those rights to the organization.
- Statement that the contractor will not engage in discrimination.
- Statement that the contract is the entire agreement, which cannot be amended except in writing by both parties.
- The State of governing law and forum for any legal action.
• Statement that the work may not be re-assigned by the contractor (e.g., the contractor you choose has to do the work; he cannot have someone else do it).
• The signatures of both parties.
Client and Participant Safety

Introduction

Every nonprofit offering services to children, dependent adults, individuals with disabilities and the elderly should take reasonable steps to protect its clients from foreseeable harm. The risk management tools available to a nonprofit must be evaluated and considered in light of practical, financial, and other considerations. This section of your report contains feedback and recommendations based on your answers to the questions in the Client and Participant Safety module.

Explicit Prohibitions Against Sexual Conduct

You indicated that your organization's guidelines make it clear that any behavior that is sexual in nature -- or that could be interpreted as sexual in nature -- is not permitted. While many organizations assume that such common sense guidance would not be needed, some have discovered that failure to be explicit concerning sexual behaviors has resulted in service recipients being victimized and some organizations subjected to lawsuits. This has been especially true in some programs for adolescents in which staff members may be close in age to the residents of the facility.

Touching and Relationship Rules

You indicated that you do not have guidelines that prohibit touching clients in an area typically covered by a bathing suit, and also prohibit dating or engaging in romantic relationships with clients. Having clear guidelines that explain these expectations is preferable to assuming staff will use appropriate, consistent judgement. Unfortunately, some nonprofits have learned--after a complaint has been made--that some staff did not realize that their behaviors were prohibited, harmful or unwise. It is far better to address these issues up front than to run the risk of allowing staff members to use poor judgement.

Hugging and Other Non-Sexual Contact

You indicated that your organization's guidelines do not specify that, when a hug is appropriate, it should be given from the side, over the shoulders - and not from the front. Hugging and other forms of non-sexual contact are important to the nurturing of most individuals. When hugging is a full frontal embrace, there is a possibility that it will be misinterpreted in a sexualized context. Staff should be admonished to respect the boundaries that are set by clientele and if any resistance to physical contact is sensed, they should refrain from such contact.

Staff Responses to Inappropriate Client Behavior

Staff members must know that it is their responsibility to set the boundaries when service recipients attempt to engage staff or other participants in inappropriate activities. You indicated that you have a policy that instructs staff about how they should respond when a service recipient attempts to initiate inappropriate contact.

Consider reviewing your policy to make sure that it instructs the staff to: confront the service recipient at the first sign of inappropriate behavior, identify the offensive behavior, explain that it is inappropriate, and request the service recipient to stop the behavior and not repeat it. Staff members should be directed to report all incidents to their supervisors. It is possible that service recipients may be attempting the
same kind of boundary violations with other staff members and reporting it ensures that a consistent response is given. Repeat episodes should result in increased sanctions, including suspending the service recipient from the program.

**Ensuring Adequate Staffing**

Adequate staffing of all your organization's services is critical to the effective control of risks of personal injury and harm. Having a minimum of two adults (such as two staff members or a staff member and a parent) accompany all trips and outings helps to ensure that the opportunity for sexual abuse is minimized. Organizations in which one-to-one relationships are important should examine other risk reduction options.

You indicated that your organization does not have a policy that establishes a set ratio of staff/volunteers or parents to number of service recipients, depending on the nature of the activity and the requirements of participants for assistance. *Adequate staffing is a key component of conducting safe activities.* Unless your program is a mentoring program, a minimum of two staff members should be included in all trips and overnight outings. This chaperone requirement may be achieved by including volunteers and parents or adult family members of service recipients and should be supplemented by additional chaperones when members of the group will be involved in activities that require assistance or when the group is likely to become divided. Adequate supervision of an activity also provides protection for the staff and volunteers from false allegations of inappropriate conduct.

**Limiting One-to-One Contact**

You answered that your organization's policies do not limit one-to-one contact between staff members and service recipients. *Many organizations have established strict guidelines for their staff members that, in some cases, prohibit contacts that result in isolation of a staff member with a service recipient.* When such a contact occurs despite the rule, the staff member is required to report it to his or her supervisor. This rule limits the opportunity for sexual molestation of the service recipient and also helps to protect the staff member from false allegations of molestation.

Your organization should also examine the opportunity for one-to-one contact with service recipients in the context of transportation offered by the organization to vulnerable service recipients. When possible, the organization should minimize opportunities for one-to-one contact between vulnerable service recipients and individuals transporting them to and from organization sponsored activities.

When it is not possible to eliminate one-to-one contact when transporting clients, the organization should consider setting up a tracking system similar to that used by police departments when a male officer transports a female prisoner by himself. Generally this involves contacting the dispatcher when the prisoner is picked up and then contacting the dispatcher when the prisoner is dropped-off. The duration of the trip should be only long enough to transport from point A to point B. If an accusation of inappropriate behavior is lodged against the transporting officer, the time log may offer evidence that belies the accusation.

**Protecting Client Privacy**

You indicated that your organization has a written privacy policy that protects service recipients. Having a policy concerning client privacy is an important first step. It is also important to make sure that all staff members - employees and volunteers - understand the policy and are aware of their responsibility to use information about service recipients only as required by the organization for the delivery of its services.
Preventing the Release of Sensitive Information

Service recipients expect that organizations offering them services will not release information about their association with the organization unless the organization received permission from them. By having a policy that provides a reasonable safeguard against the release of sensitive information, you are upholding an important trust.

Nonviolent Conflict Resolution Options

Resorting to violence may be due to frustration -- the feeling that no other options are available. By offering opportunities for nonviolent conflict resolution and stressing the importance of using them, your organization has taken an important step to lessen the level of frustrations that individuals may otherwise experience and thereby avoid violence.

Review of Disciplinary Actions

You answered that you have a review process for disciplinary actions to ensure fair treatment of service recipients. An administrative review process before disciplinary action is taken can prevent unfair and angry reactions by service recipients against staff. Your current practice reduces the risk that service recipients will respond inappropriately to discipline.

Activity Selection Policies

You indicated that your organization does not have specific policies guiding the selection of service offerings. Every nonprofit should periodically examine the programs and services it offers to determine if these services further the organization's mission. When the potential for harm to participants is high, a greater level of scrutiny should apply. An organization should only place the safety of their service recipients at risk to the degree necessary to accomplish its mission. Even then, the risks should be assessed and appropriate risk management strategies employed to lower the risks to an acceptable level.

Activities and services offered by your organization to members of vulnerable populations should be examined for their appropriateness. Appropriateness may be measured in the context of the mental, physical, and emotional requirements for the program. While it may be desirable to challenge participants to achieve more than they thought they could, it is counter-productive - and may be unsafe - to select activities that are inherently dangerous or have risks that cannot be reduced to a safe level due to limitations of your service recipients.

Ensuring That Programs and Services Support the Mission of an Organization

An organization should only place the safety of their service recipients at risk to the degree necessary to accomplish its mission. You indicated that the programs and services offered by your organization are evaluated in terms of their relationship to the mission of your organization. This is an excellent practice that reduces the likelihood that service recipients will be needlessly exposed to risk.

Offering Appropriate Activities

You indicated that the activities and programs offered by your organization are assessed for their appropriateness for the ages and abilities of the intended participants or service recipients. This is an excellent practice. Keep in mind that appropriateness may be measured in the context of the mental, physical, and emotional requirements for the program.
Obtaining Medical Histories

Many organizations that offer services to vulnerable clientele require either the service recipients or one of their family members to complete a medical history form. Information typically collected includes information about chronic conditions such as respiratory or cardiac problems, allergies, contagious diseases, immunizations and other relevant medical facts. Most organizations also obtain the name of the individual's physician or primary care provider and his or her telephone number.

Requiring a Medical Clearance

You indicated that you require a medical clearance before accepting an individual into a program that might require physical exertion or exposure to substances that could cause an allergic reaction. As a reminder, remember that the staff members in charge of the activities need to be informed of the risks and the appropriate responses if any of the risks become realities.

Ensuring the Confidentiality of Medical Information

A policy intended to ensure the confidential handling of medical information obtained from service recipients is an excellent risk management strategy that protects your nonprofit as well as your clients. This policy should be continued and adherence to the policy monitored carefully.

Instructing Trip Leaders

You indicated that you require or provide instruction for leaders of trips and outings concerning the appropriate steps in emergency situations such as medical emergencies, automobile collisions, fatalities, or injuries. Often tragedies can be averted when prompt action is taken. When leaders of an organization's activities know how to respond in the face of an emergency, precious moments can be saved in obtaining the required assistance. While every organization should take reasonable steps to prevent injuries and other kinds of emergencies, every nonprofit and its staff members should be prepared to respond when necessary.

Obtaining Emergency Medical Care

Planning for activities should include the possibility that one or more participants may be injured. Individuals in charge of activities need to know how to respond when a service recipient is injured. Congratulations on your policy of providing instructions to key personnel about obtaining emergency medical care.

Prompt Reporting of Injuries

You indicated that your emergency procedures require staff to promptly report incidents that result in injuries to participants. This is an excellent practice. Reporting incidents involving injuries to participants enables the organization to mobilize its resources to assist the injured parties and their families. It also enables the organization to be prepared for any media attention that the incident generates.

Communicating During an Emergency

In many respects the availability of cellular communications has facilitated ready access to emergency services when a crisis looms. Cell phones are not a total answer, however, as cellular service may not be available in some areas in which your organization conducts its programs. Even when cellular service is
available, batteries go dead and equipment may malfunction. In widespread emergencies, circuits may become overloaded. For these reasons, additional options should be considered.

**Guidelines for Media Relations**

You indicated that your organization has written guidelines governing contact between staff members and media representatives. A media relations policy is an excellent risk management tool that can preserve public support of nonprofit programs while ensuring appropriate and timely responses to inquiries.

**Guidelines Governing Access to Facilities and Clients**

You indicated that your organization requires visitors to report to a central check-in point. A sign-in procedure for visitors enables the organization to identify individuals who visit your location and determine if they have a legitimate reason for visiting by asking them whom they are visiting and the purpose of their visit.

**Physical Barriers to Control Access**

You indicated that your organization employs physical barriers in order to control access to its facilities. Physical barriers can lessen the opportunity for unauthorized persons to gain access to your facilities and clients. Please note: do not create safety hazards by inappropriately locking fire/emergency exits in such a manner as to prevent evacuation in emergency situations. Also, never install or leave bars on windows unless the appropriate panic hardware is also installed.

**Inspecting Facilities and Equipment**

You responded that your organization requires periodic inspections of facilities and equipment used in conjunction with the services you offer. Inspecting program areas is an important risk management tool for identifying hazardous conditions before they injure a program participant.

**Checklists**

You indicated that your organization uses checklists for its inspections. Remember to keep your signed and dated checklists on file as documentation that scheduled inspections were performed.

**Inspecting Equipment**

You indicated that you do not require regular inspections of the equipment used by your organization. Safety inspections of equipment can reduce the risk by identifying hazards before injury occurs. Electrical equipment, mechanical equipment, and athletic/playground equipment used for or by service recipients should all be inspected on a regular basis. Manufacturers' suggestions for inspections should be followed. Some of the general points of inspection include the following:

*Electrical equipment* should be checked for frayed wires -- especially at points of wear by the plug and the entry into the equipment. The plug should be checked to see if it is intact and, if it is a three-prong plug, that the ground (middle prong) is still present and has not been cut off. Switches should be checked to see that they operate smoothly and when in the “off” position stop the operation of the equipment.

*Mechanical equipment* should be checked for ease of operation -- does it operate the way that it was designed to operate? All of the safety devices should be operational -- for example, if the organization
installed an automatic door opener, does it stay open long enough for a person using a wheelchair to clear the door?

*Athletic/Playground equipment* should be inspected for wear and tear as well as for safety. Worn athletic gear can cause injuries to the individuals using it and should be replaced. An issue for some athletic and playground equipment is proper installation. If equipment is improperly installed, it may collapse or malfunction thereby causing injuries. A good source of information concerning safety for playgrounds is the Consumer Product Safety Commission web site: [www.cpsc.gov](https://www.cpsc.gov).

**Making Your Expectations Clear**

You indicated that your organization makes it clear during the screening and selection process what you expect with regard to the behavior of staff towards vulnerable service recipients. This is an important practice that reduces the risk that staff will subsequently act inappropriately.

Managers and board members of some organizations feel that an explicit statement prohibiting sexual acts with service recipients is unnecessary because no one in their right mind would consider such relationships to be proper. Unfortunately, the prevalence of inappropriate sexual conduct involving staff members and vulnerable service recipients gives rise to the need to clearly state what should be obvious. By making these statements during the screening process, you are putting individuals who are seeking a position with your organization in order to gain access to sexual opportunities on notice that the organization does not and will not tolerate such behaviors.

**Position Descriptions for All Staff**

You indicated that your organization uses written position descriptions for paid staff and unpaid volunteer positions. Position descriptions are a valuable risk management tool. Through the use of written position descriptions for all of your organization's employees and volunteers, you may establish the boundaries for the responsibilities that each position has and may even limit the activities of staff members to those that are within the scope of the position. This will help avoid staff members' involvement in activities for which they are not qualified or are outside the scope of your organization's services.

**Use of Criminal History Record Checks**

The most common types of criminal history record checks are state-based checks and federal (FBI) record checks. Generally, checking both state and federal criminal history databases involves two separate processes. State-level criminal history record checks will only reveal convictions for crimes that occurred in the state being checked. If you do not conduct a federal criminal history record check you may miss offenses committed in other states.

**Verifying Required Credentials**

When specific credentials -- degrees, licenses, or certificates -- are required for holding a position, your organization is wise to verify that applicants possess the applicable credentials. According to human resources experts, more than a third of all resumes contain material misstatements.

**Orienting New Staff**

You indicated that your organization provides an orientation session for new staff members. This practice is an important tool for reducing the risk that staff members will behave inappropriately toward
clients, or otherwise violate the organization's rules and procedures. An effective orientation provides a clear explanation of the organization's mission, policies, procedures and expectations, and affords an opportunity for participants to pose questions about specific circumstances.

**Mandatory Reporting**

You responded that you provide information about reporting procedures for suspected abuse of a service recipient during your orientation for new staff. *Vulnerable service recipients, both child and adult, may be targets for abuse.* Staff members need to know what abuse is, red flags of possible abuse, what actions to take when abuse of a service recipient is suspected, and what the staff member's legal responsibilities are.

Most states have laws requiring caregivers of vulnerable individuals to report suspected abuse to either a protective services agency in state or county government or to a law enforcement agency. Failure to report suspected abuse could result in both criminal and civil penalties.

See the following [website](#) for an overview of mandated reporter obligations in New York and basic information about the New York State Child Protective Services (CPS) system.

**In-service Training**

You indicated that your nonprofit provides in-service training for staff who work with vulnerable populations. This is an excellent practice. Congratulations on your efforts to train staff members in order to maintain the quality of your programs and the safety of your service recipients.
Transportation

Introduction

This segment of your report contains feedback and recommendations on the subject of transportation risks. Vehicular accidents are one of the leading causes of injury to nonprofit staff and volunteers and they are a common source of claims filed against nonprofit organizations. A surprisingly high percentage of these claims involve a single vehicle, such as property damage caused by backing into a post in a parking garage. Single vehicle accidents are most likely to occur when a driver is unfamiliar with a vehicle.

The risk of a transportation claim exists whenever a car, truck, bus, or other vehicle is used on behalf of a nonprofit. Many accidents can be avoided through the adoption of policies and procedures concerning drivers, vehicles, and passengers. In some cases, risk can be transferred to or shared with a contract transportation provider. A transportation risk financing strategy that includes automobile coverage is a must for every nonprofit.

Understanding Your Transportation Exposure

You indicated that your organization provides or sponsors transportation services or owns (or leases) one or more vehicles. Transportation is the means for an organization to carry clients, volunteers, employees, goods, or equipment from one place to another. For many nonprofits, transportation services are an integral part of fulfilling the organization's charitable mission. For example, a nonprofit that delivers hot meals to shut-ins cannot operate without volunteers or employees driving either their own or agency vehicles. Many nonprofits that do not provide transportation services overlook their incidental transportation exposures. It is nearly impossible for a nonprofit to operate today and not have some form of transportation exposure. The risks may arise from "incidental driving" such as an employee or volunteer driving his or her own vehicle to attend meetings, or an agency function, or to run an errand to the bank, post office, or office supply store.

While every nonprofit has the possibility of a loss from an automobile claim, the level of risk increases when an organization's core business includes transporting people, materials, or equipment, or when an organization owns or leases vehicles. Therefore, your agency must be diligent in managing the risks associated with your transportation activities as well as the risks from incidental driving.

It is always prudent to consider whether your nonprofit's transportation activities are essential to achieving your core mission, or whether you can transfer or share the risk of loss by engaging a contract provider of transportation services.

Direct Versus Vicarious Liability

Your organization's potential liability can be direct or vicarious. With direct liability, your organization may be responsible for the actions that caused harm to another. These allegations can include failure to screen, select, train, or supervise your drivers. Vicarious liability occurs when responsibility for the actions of your "agents" (drivers) is transferred to your nonprofit. Vicarious liability is the reason why your organization needs to be concerned about who is driving on its behalf - especially when they are driving their own vehicles. To be considered your "agent," the driver or agent must be acting on behalf of the organization and with its authority. Second, the organization must have the right to control the driver's actions. Finally, the incident must have occurred while the driver was acting within the scope of his or her duties.
The following section further explains the conditions needed for your organization to be deemed vicariously liable.

**Organizational Authority**

In order for a nonprofit to be vicariously liable for the actions of its drivers, the drivers must be acting on behalf of the organization and with its authority. Therefore, the driver must be an active part of your program and someone to whom you granted authority to drive on your behalf. Consider the following in determining if your personnel are operating with organizational authority. Did your organization:

- sanction or approve the activity?
- approve either the driver or the transportation activity (either actively or passively)?
- benefit from the approved transportation activities?
- have a formal driver selection and training program?

The issue of organizational authority is related closely to the organization's right to control its personnel and the scope of the person's duties.

**Right to Control**

The organization can also be liable if it had the right to control the driver, even if the organization never exercised its right of control. Consider the following questions when determining control. Did your organization:

- decide to undertake the activity?
- plan the scope and detail of the activity?
- ask the driver to participate?
- supervise driver performance and, if necessary, could it have reassigned the task to someone else?

Under some circumstances, a "yes" answer to any of these questions may prove to be sufficient evidence of the organization's right to control the driver.

**Scope of Responsibility**

Another factor in determining liability is whether or not the person causing the harm was acting within the scope of his or her duties. To determine the scope of the driver's responsibilities, consider:

- Was the activity consistent with your organization's mission?
- Was the activity a regular part of the organization's program?
- Did anyone within your organization authorize the trip?
- Was driving part of the person's position description?
- Was driving related, or incidental, to normal duties?
- Did your organization benefit from the trip?

A "yes" answer to any of these questions may prove to be sufficient evidence that the driver was acting within the scope of his or her duties.

**Exposures for Rented, Hired and Borrowed Vehicles**

You answered that your employees and/or volunteers rent, hire, or borrow vehicles to conduct your organization's business. These actions create the same exposures for your organization as your
employees and volunteers using their own vehicles on behalf of the organization. Your organization can be held vicariously liable for the actions of your employees and volunteers while driving or operating a rented, hired, or borrowed vehicle.

As with non-owned vehicles, the insurance coverage follows the car in that the vehicle owner's insurance policy will pay first. If the owner has no insurance or the limits are inadequate to cover a severe loss, your organization may be expected to pay the difference. Therefore, it is important to determine if the owner has insurance and for what limit. Many rental car companies insure their vehicles only to the level required by your state's financial responsibility law.

Aside from appropriate insurance, your organization should consider having certain policies and practices for the use of these types of vehicles and their drivers. These policies can be part of your policies concerning other non-owned vehicles (employees' and volunteers' vehicles).

**Transportation Risk Management Statement**

You indicated that your organization has a transportation risk management statement. This is an excellent practice. Too often organizations do not state clearly their purpose and goals in providing services to their constituents. If transportation is integral to fulfilling your organization's mission you should state your view on transportation safety and risk management. The most basic risk management statement is that safety is always first and the number one priority within the organization. A "safety first" philosophy simplifies the decision-making process by making it clear that safety is your top priority. Many decisions are easier to make when the first consideration is the effect on the well-being of the people serving and being served by the organization. Putting safety first enables people to make the right decision and not be influenced unduly by other pressures such as quotas or scheduling issues.

The statement can also incorporate your basic driver safety rules. The rules delineate the desired behavior. Suggested rules are to always wear seatbelts, lock car doors, do not play loud music or have other distractions. Other guidelines are to not drive when overly tired or taking medication that impairs your abilities, do not use cell phones while driving, and so on.

**Vehicle Use Policy**

You indicated that you have a policy concerning the use of your organization's vehicles. This is an important risk management tool.

We recommend that you review your policy and consider making sure that it clarifies:

- Who is authorized to drive the agency's vehicles;
- Who is authorized to drive their own vehicles on behalf of the organization;
- The approved uses for the vehicles (transporting clients, materials and equipment, etc.);
- If employees, volunteers, or clients can use the vehicles for personal errands. If yes, the process for requesting and granting permission for personal use of the organization's vehicles;
- If members of the employee's or volunteer's family can drive the organization's vehicles;
- Whether your organization prohibits any uses such as transporting hazardous materials, carrying passengers in an open truck bed, participating in car rallies, or other activities;
- What driving restrictions apply, such as limited night driving, limits on the number of hours someone may drive in one day, or the requirement that drivers take periodic rest breaks.

**Passenger Behavior Policy**

Most people have witnessed drivers coping with mild to severe passenger distractions. From heated
arguments with "back seat drivers" to imposing discipline on children or other passengers within the vehicle, passenger distractions are accidents waiting to happen.

You indicated that you have a policy concerning passenger behavior. This is an important component of a comprehensive transportation program. All passengers transported by your paid and volunteer staff should be required to use basic safety equipment such as seatbelts, child safety seats, and wheelchair tie-downs as needed. Passengers should also adhere to minimum safety procedures, such as not causing distractions to the driver of the vehicle, remaining seated, not playing loud music, and no horseplay while in the vehicle. Drivers and other passengers should be required to report all violations of these rules to the appropriate personnel. The organization should consider taking action with respect to passengers who repeatedly violate the organization's rules, such as suspending future transportation privileges. Passengers should also be encouraged to report any observed unsafe driving practices to the appropriate personnel.

**Accident Reporting Procedures**

Consider reviewing your guidelines to make sure that they:

- Stress the importance of reporting accidents to the organization as soon as practicably possible (after medical assistance has been rendered to victims).
- Clearly delineate the person to whom accidents should be reported.
- Emphasize that the organization's primary concern - and that of its drivers - is the health and well-being of the driver, passengers, the occupants of any other vehicles involved in the accident, and, if applicable, involved pedestrians or bystanders. Instruct the driver to stop at once and give aid to anyone injured in the accident and check for injuries. Drivers should also be told not to move occupants who appear to be seriously injured.
- Emphasize the importance of getting out of harm's way and protecting everyone after the accident. Many secondary accidents occur when drivers involved in a collision fail to pull over and get out of traffic lanes. A growing number of states are adopting fender-bender laws that require motorists involved in accidents to move their vehicles into breakdown lanes.
- Explain the importance of placing warning devices 200 to 300 feet behind the vehicle. Flares or markers should be placed so that traffic has enough warning to react and slow down.
- Instruct drivers and passengers involved in an accident to notify the police or highway patrol immediately, and also, to request a copy of the police accident report.
- Instruct drivers to collect additional information at the accident scene such as the license plate numbers of all involved vehicles, and the names, addresses, and driver's license numbers of all persons involved in the accident, including any witnesses. Require that an Accident Reporting Form be kept in the glove box of a vehicle at all times. Train all personnel in the proper completion and distribution of the form.
- Inform drivers and passengers that they may furnish the name and address of the insurance company that provides your organization's automobile liability insurance coverage to anyone involved in the accident who requests the information. They must also give the name of the organization's local insurance agent. This information should be accessible to all drivers, and may be stored in the glove compartment with blank accident forms. Most states require that every vehicle contain proof of insurance.
- Explain the importance of preserving evidence after a collision. Many organizations keep a disposable camera in their vehicles to use in taking pictures at the accident scene.
- Clarify the importance of avoiding a discussion with persons at the scene about who is to blame for the accident. Drivers should be instructed not to apologize or admit responsibility or guilt for the accident, but express concern without admitting liability.
Require an internal review following an accident to determine if the organization's policies and procedures were followed and if they were effective. Based upon the findings, revise any policies or procedures to more effectively respond to an automobile accident.

**Potential Liability for Damages Caused by an Unpaid Driver**

A nonprofit *can* be held liable for the negligent act of a volunteer whether the volunteer is driving an agency vehicle or his or her own auto on agency business. An organization can be held *directly* liable for actions that cause harm to another. The injured party might assert that the organization failed to screen and select its drivers properly. Another plaintiff might allege that a nonprofit failed to train or to supervise its drivers and other personnel.

A second form of liability is *vicarious* liability where the actions of an organization's agents are transferred to the nonprofit. Vicarious liability becomes important when a nonprofit has employees or volunteers driving their cars or other vehicles not owned by the nonprofit on agency business. Under the theory of vicarious liability, a nonprofit could be responsible for the actions of its drivers and other personnel if three conditions are met. First, the driver or agent must be acting on behalf of the organization and with its authority. Second, the organization must have the right to control the driver's actions. Finally, the incident must have occurred while the driver was acting within the scope of his or her duties.

**Driver Screening**

Screening all drivers makes good sense. Since you are already screening your drivers, you know how important this step can be. However, an effective screening and selection process needs to be quite thorough. Some organizations are casual about screening and selecting their drivers, but if there's an accident involving an "unqualified" driver, the organization's lax attitude toward screening may come back to haunt it.

The establishment of a driver selection process should be a part of your usual employee or volunteer screening program. As a rule of thumb, the greater the transportation exposure, the more extensive the driver screening process should be. First, you should review each employee and volunteer position description to determine if driving is a part of the position. The extent of the transportation exposure will vary by the position. You can view the exposures and appropriate selection process as a continuum. On one end of the continuum are the positions that do not involve any driving. At the other end of the continuum are the most hazardous positions that involve activities such as the use of buses and vans to transport people, handling special materials or equipment, transporting people with special needs such as wheelchair lift vans, or driving large, heavy vehicles. The middle section includes positions with less hazardous exposures such as transporting people in private passenger vehicles or more frequent driving as an essential function of the position that doesn't require any special licenses or training.

A basic screening process might include an application, personal interview, reference checks, verification that the applicant has a valid driver's license, and proof of personal auto insurance. Additional items that might be considered in a more rigorous process include: a statement of driving history, statement of medical condition, motor vehicle record, and a driving test.

A description of some of the tools available for driver screening and selection is provided below:

- *Position Application* - Collect basic personal information and questions regarding the person's driving status.
- *Personal Interviews* - Have someone from your organization interview the applicant to determine their acceptability for the position. Consider requiring the applicant to bring their motor vehicle...
record (MVR) to the interview.

- **Reference Checks** - Contact non-family references to determine the person's suitability for the position.
- **Valid Driver's License** - Confirm that the applicant has a valid driver's license and note any restrictions or limitations placed on their ability to drive (i.e., no night driving, special equipment, corrective lenses, etc.).
- **Statement of Driving History** - For the occasional driver, it may be acceptable to ask the applicant to complete a statement of driving history instead of ordering a copy of his or her motor vehicle record.
- **Proof of Personal Insurance** - If the person will be driving his own vehicle, your organization may want to require proof of personal automobile insurance with stipulated limits.
- **Motor Vehicle Records (MVR) Check** - Look to your state guidelines for how to access DMV records.
- **Special Licenses or Certifications** - Certain sizes and types of vehicles require special driver's licenses such as the Commercial Driver's License. In some jurisdictions drivers who transport persons with developmental disabilities must obtain a special certificate. Determine if there are any special requirements applicable to the types of vehicles your organization operates or the types of passengers served.
- **Statement of Medical Conditions** - Some organizations require their drivers to submit a statement of their medical condition that includes any medications the person is taking.
- **Driving Test** - You may want to work with your local police department to have applicants take an "on-the-road" driving test.
- **Physical Examination** - Some driving positions may require that the person receive a physical medical examination prior to operating the vehicle.
- **Drug and Alcohol Testing** - An organization may decide to implement a drug and alcohol testing program for its drivers. Such a program is mandatory for any position that requires a Commercial Driver's License.

Additional screening tools are available, but this highlights the main methods used by nonprofit organizations.

**Driver Applications and Supplements**

If a person is recruited as a driver or driving constitutes an important or major aspect of the person's position, a specific Driver Application should be used in conjunction with your organization's usual employment or volunteer application. When driving is not a major job function then you can either incorporate driving questions into your standard applications or use a supplemental application.

For positions requiring extensive driving, a Driver Application should request:

- Name
- Address
- Telephone Number
- Date of Birth
- Driver's License Number and State of Issue
- Emergency Contact Name and Telephone
- Current Employer (name and address)
- Position Held
- Dates of Employment
- Reason for Leaving
- Special Certificates: e.g., CPR, Medical Certificate, Defensive Driving, First Aid (indicate
certificate(s) and expiration dates
- Accident Record for the Past Five Years - Consider asking the applicants to list the dates of accidents, describe the nature of each accident (e.g. head-on, rear-end). Also indicate whether the applicant was found to be at fault, and if there were any fatalities or injuries.
- Traffic Violations for the Past Five Years - Moving violations only, but include any cases where the applicant received "probation before judgment." Request the city and state of each violation, date of the violation, and infraction and penalty.
- Have you ever been denied a license, a permit, or the privilege to operate a motor vehicle?
- Has any license, permit, or privilege ever been suspended or revoked?
- Personal Insurance - Do you have an insurance policy for your personal vehicle that meets or exceeds the limits required by state law? If yes, provide the name of your insurance carrier and your policy number.
- Agreement to Abide by the Nonprofit's Policies - The application should include a statement indicating that the applicant has read and agrees to abide by the nonprofit's policies, including its driving policies, will attend any courses or training required by the nonprofit, and will inform the nonprofit of any moving violations or at-fault accidents that occur during the applicant's tenure as a volunteer or staff member, whether or not they occur while working for the nonprofit.
- Seatbelt Warranty - Some nonprofits add language about seatbelt use as a warranty at the bottom of the application. For example, "I also understand it is the policy of [Nonprofit] that all passengers and drivers must at all times wear seatbelts when riding in an organization vehicle. I agree to abide by this policy and will not transport a passenger who refuses to fasten or have his or her seatbelt fastened unless he or she is excused from this requirement by a physician's certificate."
- Truth Clause - Just above the applicant's signature should be a truth clause or false information warning. While there are many reasons for rejecting an applicant for a position at your nonprofit, dishonesty on the application is among the most defensible reasons for rejection. Every nonprofit application for volunteer or paid employment should include a truth clause. A sample is provided below:

"I certify that the answers given by me to all questions on this application and any attachments are, to the best of my knowledge and belief, true and correct and that I have not knowingly withheld any pertinent facts or circumstances. I understand that any omission or misrepresentation of fact in this application or on my resume may result in refusal of or separation from employment/volunteer service upon discovery thereof."

- Applicant's Signature, Date

For those positions with only incidental driving, the driving supplement might include the following:

- Driver's License Number and State of Issue
- Personal Insurance - Do you have an insurance policy for your personal vehicle that meets or exceeds the limits required by state law? If yes, provide the name of your insurance carrier and your policy number.
- Special Certificates - e.g., CPR, Medical Certificate, Defensive Driving, First Aid. Indicate certificate(s) and expiration dates.
- Accident Record for the Past Five Years - Ask the applicant to list the dates of accidents, describe the nature of each accident (e.g. head-on, rear-end), indicate whether the applicant was found to be at fault, and indicate if there were fatalities or injuries.
- Traffic Violations for the Past Five Years (moving violations only, include even if received "probation before judgment") - Request the city and state of each violation, date of the violation, and infraction and penalty.
- Agreement to Abide by the Nonprofit's Policies.
Verifying Licenses

By making certain that all authorized drivers of the organization's vehicles have current, valid drivers' licenses, you are performing a very simple, but important, task. Make sure that each driver is legally licensed to drive the type of vehicle to be used and that no license restrictions affect the person's ability to perform his or her duties. Always make a copy of the license for your files.

It is also a good practice to check for valid driver's licenses for all employees or volunteers that might drive occasionally for the organization. This includes employees and volunteers that use their own vehicles, not just the people driving the organization's vehicles.

You might also consider checking drivers' records through your state Department of Motor Vehicles. Some nonprofits require applicants for volunteer positions to produce a copy of their current Motor Vehicle Record (MVR), while other organizations obtain the applicant's permission to check their motor vehicle records and do so later.

MVR Checks

Checking the driving records of applicants for driver positions of agency vehicles is a reasonable and appropriate risk management procedure. You should consider also checking the records for personnel that may drive their cars on your behalf. Driving records are maintained by the Department of Motor Vehicles (DMV) in each state. These agencies track each licensed driver's traffic violations and vehicle accidents. Like other tools, however, you need to use the information gathered properly to achieve your desired results. Checking official agency records is not a panacea. Do not be lulled into a false sense of security. Conducting a motor vehicle record check is not a substitute for using other screening tools or risk reduction techniques such as closely supervising personnel (employees and volunteers) and monitoring their performance after placement. Moreover, conducting a record check should not lead you to disregard danger signs that appear during other parts of the screening process.

Here's a suggested approach for checking motor vehicle records:

Step 1 - Determine if the position involves driving

The decision to check official agency records - including motor vehicle records - should be based primarily upon the specific responsibilities of the position. If operating a motor vehicle is not part of the position description, then why check driving records?

Step 2 - Decide if an MVR check is necessary

Decide which positions require that each person's MVR needs to be checked. Consider checking the MVRs of persons authorized to drive your nonprofit's vehicles. Remember, it may still be a good idea to check a driver's MVR, even when they will be driving their own vehicle. If the position involves only incidental driving, you may want to consider using a Statement of Driving History as a screening tool.

Some proponents of record checks assert that a check encourages self-screening. They believe that individuals with disqualifying records will be discouraged from applying for driving positions. Using official records as a screening tool may also strengthen your position in litigation. Although the organization is responsible if its driver is at fault (negligent) it can avoid possible allegations of gross negligence by showing that it took proper care in screening its drivers. An organization with access to these records may be subject to criticism if it fails to use it especially if the information is readily accessible and affordable. Both of these reasons for using record checks may be valid. However, every
nonprofit must balance its selection of screening tools against the factors of relevance to the position, availability, usefulness, cost, and legal permissibility.

Step 3 - Establish criteria

Before ordering motor vehicle records on applicants, you must first carefully define your selection criteria that will enable your organization to function while following its policies and procedures on a consistent basis. The selection process should identify traffic violations or accidents that will disqualify someone automatically, establish rating criteria, define judgment factors, and permit the information to be examined in the context of organizational requirements and other life experience factors of the applicants.

For example, what motor vehicle offenses would automatically disqualify an applicant? Would an applicant with a recent moving violation be automatically disqualified? Would an applicant with a moving violation five years ago be disqualified automatically? What was the nature of the moving violation - speeding, running a stop sign or red light or driving under the influence? We suggest starting with a list of offenses that would automatically disqualify any applicant, e.g. any arrest or conviction for driving under the influence or driving while intoxicated, vehicular manslaughter, or reckless driving. Then develop more specific criteria: e.g. two moving violations in the past 5 years, for disqualifying an applicant.

Step 4 - Obtain MVR checks on all applicants for designated positions

If you decide that MVR checks are necessary for specific positions, you should obtain motor vehicle records for all candidates for those positions. Consistency is a key issue in any effective screening and selection process. The failure to conduct record checks on all candidates for a position may be viewed as discriminatory. In addition, it may be hard to explain if your organization placed a person not screened in accordance with your policies in such a position and that person caused an injury or perpetrated a crime.

Step 5 - Provide applicants with disqualifying offenses an opportunity to respond

Unfortunately, states can make errors in recording traffic violations. It is a good risk management practice to allow applicants with disqualifying offenses to confirm if the information is correct. If the information is incorrect, the applicant should have the opportunity to "correct the record."

At a minimum, all of your drivers should have an acceptable driving record as defined by your organization. Your insurance company and agent or broker can assist you in establishing effective guidelines. Remember that checking motor vehicle records must be an on-going process. Depending upon the extent of driving exposure, the MVRs can be reviewed annually. Also be prepared to take the appropriate action if a volunteer or employee develops an unacceptable driving record while working or volunteering for your organization.

NOTE: Under Federal law anyone driving a vehicle that holds sixteen or more people (including the driver), such as vans or buses, must have a valid Commercial Driver's License (CDL). The law also requires the driver of any vehicle over 26,000 pounds to have a Commercial Driver's License. Many states have adopted more stringent requirements for Commercial Driver's Licenses. For example, California requires that anyone driving a vehicle holding ten (10) or more passengers, including the driver, have a Commercial Driver's License (Class "B" License). Check with your state Department of Motor Vehicles or your insurance agent to determine your state's requirements.

The U.S. Department of Transportation's CDL regulations require prospective employers to check,
within thirty days of the date the driver's employment begins, the motor vehicle records for the applicant's driving history. The organization must also conduct an investigation of the driver's employment record for the past three years.

**Driver Training**

You indicated that you train your drivers. This is an important risk management step. Just be sure that you train all drivers - employees and volunteers. In fact, you should provide the same training and risk management procedures for any person holding a specific position whether they are volunteers or employees. One training tool is a driver's handbook that states your policies and expectations clearly.

An effective training program, like the selection process, should be developed based upon the nature and extent of the driving performed for each position. Not everyone needs to be trained to the same level unless they are performing the same tasks.

Consider reviewing your training program to make sure that the topics listed below have been covered.

**New Employee/Volunteer Orientation**

- General Overview of transportation policies and procedures
- Transportation risk management statement including your organization's general driving rules
- Authorized drivers and vehicle use
- Mileage reimbursement policy
- Accident procedures

**Position Specific**

- Any skill requirements or special training or licenses (first aid, CPR, special driver's license, etc.)
- Training on driving certain types of vehicles (i.e., panel trucks, large passenger vans, trucks, or buses)
- Defensive driving and other driver training programs
- Passenger assistance
- Vehicle inspection and maintenance procedures including documentation
- Use of trip logs
- Supervision - chain of command
- Transportation safety program - incentive awards, safety meetings, safety committee, review of transportation issues/problems

**Supervising Drivers**

You indicated that you have someone responsible for overseeing your paid and volunteer drivers. Having a supervisor for driving activities is an important first step in managing transportation risks in your nonprofit. Make certain that this person has the authority to enforce the policies adopted by your organization. Also ensure that the supervisor is well versed on your transportation policies and procedures and can articulate them to all drivers in the program.

**Monitoring Driver Performance**

Monitoring driver performance on an ongoing basis is another effective risk management tool. The proper supervision of drivers requires continuous performance monitoring and evaluation. You indicated that you do evaluate your drivers. This is an important practice that we encourage you to continue. Consider reviewing your process for drivers of agency vehicles to include the applicable following
elements:

- Periodic review of each driver's motor vehicle record
- Periodic road test
- Confirmation of medical condition if applicable
- Written driver safety tests
- Review of accident and incident reports
- Regular performance reviews and conferences
- Review of complaint logs
- Review of transportation program logs and reports (inspections, maintenance reports, trip logs, etc.)
- Verification of position requirements - current and valid driver's license, certificates or special licenses, and personal automobile insurance

**Commercial Driver's License Issues**

Under federal law, the drivers of vehicles holding 16 or more passengers (including the driver) or weighing more than 26,000 pounds must have a Commercial Driver's License (CDL). Aside from the need for a CDL, your organization is subject to numerous Federal and state regulations. The U.S. Department of Transportation's CDL regulations require prospective employers to check, within thirty days of the date the driver's employment begins, the motor vehicle records for the applicant's driving history. The organization must also conduct an investigation of the driver's employment record for the past three years. For additional information on the regulatory requirements, contact the U.S. Department of Transportation ([www.dot.gov](http://www.dot.gov)) or your state Department of Motor Vehicles.

**Owned or Leased Vehicles**

You indicated that your organization owns or leases one or more vehicles. Your organization either provides transportation for your clients or has enough employee or volunteer travel to have its own vehicles.

No matter what type of vehicles you own - private passenger cars, buses, trucks or vans or some combination - your organization is responsible not only for who drives the vehicles but their maintenance and upkeep. Every nonprofit that owns vehicles should have policies and procedures in place to manage the risks of owning and operating motor vehicles.

**Vehicle Selection Policy**

You indicated that you do not have a vehicle selection and replacement policy. Whether your organization has one vehicle or a fleet, it's prudent to have guidelines to govern the selection and replacement of owned vehicles. The following are some factors to consider in establishing your policy.

- *Selection - Type of Vehicle:* Establish specific criteria for selecting the type of vehicle(s) your organization needs to fulfill its mission. The options include private passenger cars ranging from subcompacts up to luxury edition sedans. Consider the model's crash safety rating and reliability in selecting the car right for your organization. If you need trucks, vans or buses, again evaluate how the vehicle will be used. For buses and vans, consider whom you will be transporting and which type of vehicle will meet your needs best. Also, do not forget to determine if any of your selected vehicles will require drivers to hold a Commercial Driver's License.
- *Selection - Safety Equipment:* Once you have selected the types of vehicles you will purchase or lease, determine the type of safety equipment each vehicle must have. Some possible safety
features are airbags, side impact features, anti-lock brakes, four-wheel or all-wheel drive, passenger head restraints, large side mirrors, backup alarms and mirrors, cargo holders and any special mechanical equipment such as lifts.

- **Retirement or Replacement**: Determine when your organization will retire or replace a vehicle. The decision can be based on the vehicle's age, mileage or obsolescence (you do not need it any more), or some combination of these factors.

**Trip Logs**

You indicated that you maintain trip logs for your vehicles. These logs can assist you in evaluating the need for and effectiveness of the various vehicles your organization owns. The logs also can reinforce to personnel that they are driving an agency owned vehicle and that their actions have a direct effect on the organization.

**Inspections**

You indicated that your nonprofit requires pre- and post-trip inspections of your vehicles. Some auto accidents are due to mechanical problems and poorly maintained vehicles. Spending a few minutes inspecting a vehicle before and after a trip can save time, money and energy later.

**Documenting Vehicle Maintenance**

Ensuring proper maintenance and repairs is one of the primary reasons for the pre- and post-trip inspections. However, if a driver does not know how to inspect or how to report problems, the inspection procedures are meaningless. You indicated that your organization has established procedures including documentation for routine and special maintenance. This indicates that you recognize the critical connection between safe equipment and a safe transportation program.

**Controlling the Non- Owned Auto Exposure**

You indicated that your organization does not have an approval process for hiring, renting or borrowing vehicles. An approval process enables your organization to maintain control over its transportation exposures. The process does not have to create a bureaucracy or impose undue burdens on personnel. However, your staff should have some guidance on your policy for renting, hiring and borrowing vehicles. An effective policy can include the following:

- **Authorization** - Identify those positions that have the authority to rent, hire or borrow a vehicle and how other employees or volunteers can receive approval.
- **Acceptable Activities** - List the types of activities or reasons that are acceptable for renting or borrowing a vehicle.
- **Authorized Drivers** - The section should follow your acceptable driver policy. No one that has not been approved to drive either your vehicles or on your behalf should be allowed to drive a rented, hired or borrowed vehicle.
- **Acceptable Vehicles** - List the types of vehicles that can be rented or borrowed. Consider your organization's insurance coverage, especially for physical damage to rented or borrowed vehicles. In some cases it may be prudent to purchase the collision damage coverage, while in other cases this coverage may not be needed.
- **Cost Limitations or Factors** - Provide guidance on the price range for rental vehicles. Some organizations have special arrangements with specific rental car firms and require that personnel use these companies.
- **Vehicle Inspections** - Your personnel should be instructed to conduct pre- and post-trip
inspections of a rented, hired or borrowed vehicle. They should report any noted physical damage or other problems to the vehicle's owner prior to operating the vehicle. The post-trip inspection can verify that the vehicle suffered no damage when being used by your organization. Use the same inspection process if your organization loans vehicles to others.

- **Borrowed Vehicles' Insurance** - Establish a process for verifying that the owner of the borrowed vehicle has adequate auto insurance (liability and physical damage).
- **Your Insurance** - The policy should briefly explain your organization's insurance coverage (if any) for rented, hired, or borrowed vehicles. Your coverage may consist of Hired and Non-owned Auto coverage for the liability exposures and Hired Auto Physical Damage. Your nonprofit can purchase both of these coverages, whether or not you own any vehicles. Also explain any requirements that your insurance company has imposed before you rent or borrow a vehicle.

**Monitoring Transportation Providers**

You indicated that your organization does not monitor and evaluate the performance of its transportation service providers. A performance monitoring and evaluation system is necessary to effective risk management and organizational management. Without carefully monitoring the performance of contractors, your organization will be unable to identify and correct any problems or reward outstanding service.

Here are some features to consider in establishing your monitoring system:

- **Terms of the Contract** - Determine if the vendor is meeting the terms and conditions of the contract. If not, make sure that your organization takes appropriate action. Also evaluate if the vendor is providing the necessary services in a timely manner.
- **Service Evaluation** - Ask the service recipients to evaluate the contractors' performance. Your transportation person can coordinate the evaluation process.
- **Complaint Process** - Set up a process for service recipients to submit and resolve any complaints with the contractor. Also, identify a way for the contractor to submit complaints or problems to your organization.
- **Contract Renewal Process** - The final aspect of a monitoring system is the process of deciding if your organization wants to continue contracting with each transportation service provider. The renewal process may be automatic or you may need to have another competitive bidding process. Review the recent results and modify the contract or specifications as needed.

**Verifying Personal Auto Coverage**

You indicated that you require proof of personal auto insurance from all personnel driving their own vehicles for your organization's benefit. This is an excellent risk management strategy. Some insurance companies require this practice when you have personnel driving their own vehicles on agency business. In the event of an at-fault auto accident, the vehicle owner's insurance policy is the first line of coverage for a liability loss. If the owner does not have auto insurance, the responsibility for the financial consequences of the accident could be shifted to your organization. We encourage you to remind your employees and volunteers that their personal auto insurance will respond to any loss first. You should also tell them that your organization does not have any insurance policy that will reimburse them for any physical damage to their car.

**Cargo Insurance**

You indicated that you transport cargo either in your own vehicles or through transportation companies. If you also have cargo insurance for these goods - well done! Few nonprofits recognize their potential
exposure to loss from transporting goods and materials. Many organizations assume that a transportation company will assume responsibility. However, a company's liability for your cargo is usually very limited. Also, some larger nonprofits have their own trucks and tractor-trailers that they use to haul materials. No auto policy covers the cargo carried by, within or on the vehicle. For this exposure, you need an inland marine policy.
Technology and Privacy Risk Management

Introduction

This section of your report contains feedback and recommendations about managing technology risks based on your answers to the questions in the Technology and Privacy Risk Management module. The suggestions in this report follow the subtopic headings for the module: Technology Policies, Cybersecurity Assessment, Technology Vendors, Sensitive Information, and Cyber Liability Insurance.

Comprehensive Policy

You indicated that your technology policy is comprehensive, and that it addresses all or virtually all of the possible categories of misuse you have experienced in the past or anticipate in the future. The use of technology policies in the nonprofit sector is still an emerging practice. So your use of a policy that you believe is comprehensive is both unusual and commendable from a risk management perspective. As with any risk management tool or employment policy, you have to walk a fine line between presenting a comprehensive policy and formulating policies that are so lengthy or complex that they beg for an "executive summary." You don't want employees to violate your policies because they were hard to understand or took too long to digest. Here are a few questions you might want to ask with respect to your comprehensive technology policy:

- What are the most critical prohibitions or rules outlined in the policy?
- Does the policy place the proper emphasis on the most critical issues?
- Is the policy sufficiently or overly strict?
- How have employees reacted to the policy? Does it enjoy widespread support? Do employees understand the rationale behind the policy?
- Is the policy stated in clear terms that every employee can understand? If not, can technical terms or concepts be rewritten to increase understanding?
- Have any employees been reluctant to agree to the terms of the policy? If so, why? Are changes warranted to ensure greater acceptance of the policy?
- Is there anything about the way in which the policy is disseminated that dissuades employees from reviewing it on a timely basis? (Some nonprofits find that it works more effectively to separate the technology policy from the employee handbook, in order to emphasize its importance.)

BYOD Policy

You indicated that your agency does not have a "Bring Your Own Device" Policy. Many staff simply don't realize the security risks associated with smartphones. We recommend that you adopt a BYOD policy that clarifies what agency information may and must never be accessed on personal devices. For example, the policy may allow employees to retrieve and send email messages from their phones, but strictly prohibit signing on to payroll, human resources or donor databases from a personal device.

As you develop your policy, remember to:

- specify what devices are covered
- make it clear who owns what
- ensure that a plan is in place to disable email and other resources accessible on a personal device at employee separation
- communicate the BYOD policy to employees, including instructions on what type of data may be accessed on personal devices, procedures for accessing data securely (e.g., through a secure
network), and procedures for storing and transmitting data securely (e.g., using encryption).

You might also decide to offer resources to employees such as AT&T Toggle, a BYOD solution that allows employees to switch from ‘work mode’ to ‘personal mode’ on a smartphone. Whatever your BYOD policy is, aim to strike a balance between protecting organizational data and upholding the privacy rights of your employees.

For additional information on BYOD policies, see:

- Personal Devices at Work - NRMC
- BYOD Policies: What Employers Need to Know - SHRM
- 7 Tips for Establishing a Successful BYOD Policy - CIO

Telemarketing Agreements

You responded that your telecommuting employees are required to sign a "Telework Agreement" outlining the restrictions and requirements associated with your telecommuting program. A Telework Agreement can be an effective risk management tool, enabling a nonprofit to reduce the likelihood of surprise in the supervision of telecommuting employees. You might want to review your current Telework Agreement to make certain that it includes the following critical elements:

- An overview of the parameters of the program, and any special requirements that apply (e.g. that telework locations be within the state where the nonprofit operates, or that the nonprofit will be allowed to inspect the work site).
- Information on the nonprofit’s systems security provisions and instructions.
- A restatement of the nonprofit’s applicable code of conduct.
- Information about the required work schedule and means of communications between the employee and the "home office" as well as contact between the employee and the nonprofit’s clients and outside vendors.
- A signed statement that the employee agrees to establish and maintain a safe and secure home workstation and that the employee has read and understands the policy and agreed to abide by its provisions.

Monitoring Employee Use of Technology

You indicated that your nonprofit monitors employee use of technology. Doing so is an important risk management strategy that backs-up any steps you have taken to dispel employees' expectation of privacy while using your systems. In addition, monitoring employee use of technology puts your organization in the best position to detect possible problems before they become catastrophic. As is true with other risk management techniques, it's important to strike a balance. You'll need to balance affordability of monitoring with the potential fallout and benefits of monitoring. You don't want monitoring to seem so invasive to employees that it damages morale in your organization. Nor do you want to spend a disproportionate amount of resources on monitoring compared to the threat of loss to your systems. It's also important to keep in mind that a significant percentage of system misuse is due to ignorance—an employee may not recognize that what he or she is doing violates your policies or poses some risk to your assets. Monitoring can provide a way to detect inadvertent missteps that happen despite the presence of a comprehensive technology policy. As with any risk management strategy, it's important to obtain a broad perspective on the "problem" you're trying to address as well as the "solution." So you might consider asking a group of employees to examine your existing monitoring practices and offer suggestions to improve the policy. This might be particularly important if your monitoring policy has been met with resistance, or you're encountering other difficulties implementing the policy.
Using Vendors

You indicated that your nonprofit uses independent contractors and/or firms to perform various technology-related functions. Vendors can be the source of a variety of risks when implementing changes within your organization. New systems usually mean the involvement of new vendors - companies and individuals with whom you may not have long-standing relationships.

When looking for a new vendor, whether for software, service or a fully outsourced technology operation, the best way to identify prospective providers is through word-of-mouth referrals. Minimize your risk of receiving poor service by asking around at local meetings, conferences, and user groups. People are usually willing to share horror and success stories, so all you have to do is ask. Check the service record of the vendor by requesting a list of references from current nonprofit customers. If the vendor is hesitant to supply references, consider moving on to another provider.

Technology Contracts

You indicated that it is your practice to always use a written contract when hiring technology firms or contractors for specific projects. A contract is beneficial for various reasons. Most importantly, it spells out the expectations and requirements of each party and reduces the risk of surprise and disappointment. It can also provide a helpful roadmap in the event things turn out differently than expected and some deviation in the original plan is required. But a contract is only useful in this regard if it contains a sufficient degree of details and anticipates various contingencies.

Consider reviewing any pending or future technology contracts to make certain that they:

- Are written in language that is understood by both parties. When a technology firm presents a proposed contract for your review, you can expect that it will contain technical language. Make certain you understand the terms and language in the contract, or that they are specifically defined in the contract. Keep in mind that your definition of "database" or "system" may differ from the perspective of the contractor.
- Are explicit about the work the contractor will be performing and your expectations about the final product or system.
- Anticipate changes in technology that may occur during the life of the contract, helping you avoid receiving a product at the end of the process that is obsolete or inappropriate given the availability of newer technology.
- Include appropriate checkpoints in the process. You may require the vendor to provide periodic status reports, or you may agree to a timetable and have your staff responsible for determining if it has been met.
- Clearly and explicitly address the issue of ownership. Who owns what? Will the nonprofit "own" the software it is purchasing or only a license to use the software for a period of years? How will individual contributions of owned material be returned if the contractual parties decide to split? Vague statements about the vendor's obligation to return the nonprofit's property in the event the contract is cancelled are probably insufficient.
- Include a well-defined "exit strategy" in the event either party seeks to end the relationship. Some of the issues that should be addressed include: the length and form of notice required to cancel the contract, how the parting of company will be announced, and what equipment, documentation or other assets will be returned to the parties.
Special Events

Introduction

This section of your report contains recommendations about managing special event risks. The suggestions in this report follow the subtopic headings for the module: Planning Safe Special Events; Key Personnel; Partners, Sponsors and Vendors; Facilities; People; Special Features; Accident and Crisis Management; and Insurance for Special Events.

Most nonprofits conduct special events from time to time. Yet risk management issues are often omitted from the planning process. In the excitement that surrounds various planning and fundraising activities, the possibility of someone getting injured may not be on the radar screen. The risk that the event will generate less than the event goal may be acknowledged, but not addressed.

While most events are delivered without serious harm or injury, an unanticipated accident at an event could be disastrous for your nonprofit. Every nonprofit that conducts special events should integrate risk management into the event planning process.

Hosting Special Events

You indicated that your nonprofit hosts special events. Special events are increasingly popular in the nonprofit sector as organizations look for ways to generate support for programs, raise funds for educational and service delivery initiatives, and raise public awareness about societal problems and issues. For many nonprofits special events are a cornerstone of program and service delivery. While special events can help an organization achieve its goals, they may be undertaken with little thought about the potential downsides or risks. Effective nonprofits cannot operate without risk, nor should they try to do so. However, a critical component of any special event is to identify and manage the risks related to the specific activity.

Documenting Risk Management Activities

You indicated that your nonprofit documents its risk management and safety plans. This is a good business practice. Written plans can assist with training and supervising personnel as well as help ensure that certain actions are taken. The documentation can also be useful if an accident occurs and your nonprofit must defend its actions.

Partnership Risks

You answered that your organization establishes partnerships or collaborations with other nonprofits, businesses, and governmental agencies for special events. Establishing a partnership has its own set of risks that you need to manage before, during, and after you begin the relationship. The first issue is selecting the right partner. This can be accomplished through appropriate research and due diligence. An improper relationship in the eyes of the public can have a devastating public relations effect on your organization. Additionally, the roles and responsibilities of each party must be clear and understood by both parties. Many organizations formalize their relationships with contracts or memoranda of understanding.

Recruitment/Selection Process
You indicated that your nonprofit has a process for recruiting and selecting partners. Well done! Recruiting and selecting partners can be a treacherous endeavor. You need to find another organization that is reflective of your nonprofit's values and mission. The arrangement should make good business sense for all parties. One substantial risk is the public's reaction to the disclosure of inappropriate actions by one of your partners. The partner may use foreign "sweatshops," manufacture a dangerous product, or distribute a product that you do not want associated with your nonprofit (alcohol, guns, cigarettes, etc.). Adverse publicity affecting your partner can influence the public's perception of your organization. Choose your partners and sponsors wisely.

**Accessibility**

The use of facilities that do not meet the accessibility requirements of the Public Accommodations section (Title III) of the Americans with Disabilities Act (ADA) can create a liability for your organization. Refer to the ADA web site ([https://www.ada.gov/ada_title_III.htm](https://www.ada.gov/ada_title_III.htm)) for additional information on meeting the public accommodation requirements of the ADA.

**Security**

You answered that your nonprofit does not provide security services at its special events.

Security personnel can perform a number of valuable services at a large special event. They may be needed to keep unwanted people away from the event as well as deal with the people attending or participating in the special event. You need people trained to deal with an emergency situation such as medical needs, or a fire or other event that requires the facilities to be evacuated. However, security measures have their risks, too. The key to an effective security force is the selection, training and supervision of the security personnel, whether they are independent contractors or volunteers. If your organization does not want to assume the responsibility for providing volunteer security personnel, you should contract with a security firm. When using independent contractors, ensure that the contract requires the contractor to have insurance and to provide a Certificate of Insurance to your organization. Also, have your organization added as an additional insured to the security firm's general liability policy.

**Spectators**

You responded that none of your special events include spectators. Although you may not have spectators watching an event, you may have participants who create similar risks. Issues like crowd control and risks from the event activity itself will still apply to participants in an event, even if there is no one there as a spectator.

**Waivers**

Waivers and releases can be useful risk management tools. In many instances a waiver will hold up in court and insulate a nonprofit from liability. More importantly, however, waivers and releases warn the volunteer or participant about the special risks of an activity and alert the individual to use caution. Although it may not be necessary for all events, you should consider creating a waiver for specific activities. It is recommended that you have your attorney or legal counsel review the waiver before use.

**Food and Beverages**

You responded that food and beverages are furnished at your special events. The first risk management
concern is who is providing and serving the food - a vendor or your employees and volunteers. If you are using vendors, you can transfer most of the financial risk associated with food to the vendor. However, if your organization is providing food and beverages there are few things to consider.

- **Facilities** - Does the premises have adequate preparation, storage, and refrigeration facilities for the type of food served?
- **Health Regulations** - Do you need a health department permit or are you subject to any other health department regulations?
- **Food Spoilage and Contamination** - Are the food handlers trained in the proper handling of the food to be served?

**Entertainment**

You indicated that your organization provides entertainment during some of your special events. Entertainment is a broad term and can include street performers (juggler, clown, mime, etc.), musicians, speakers, athletic events (rodeo, boxing, tennis, etc.), dances, games, and amusement rides. Each type of entertainment may have unique risks that you need to manage. The most significant exposures are bodily injury and damage to property.

Entertainment involving "name" personalities can place extraordinary stress on security and crowd control. The entertainment may also require stages with elaborate (and expensive) sound and light systems and special effects. Stages and bleachers can be extremely hazardous if not properly constructed and maintained.

The financial aspects of many entertainment risks can be transferred to another party. At a minimum, you should require that each entertainer provide you with proof of insurance. However, be aware that many entertainers (bands, street performers, etc.) do not have insurance. Without insurance, the financial consequences for any losses caused by these performers can become the responsibility of your organization. You can decide to assume that risk, or, for a larger event, you may be able to make arrangements for the entertainers to purchase a special event liability policy.

Require a certificate of insurance from each performer, vendor and contractor involved with the special event. Also, ask to have your organization added as an additional insured to their general liability policy. Ideally, each entity should also have workers' compensation insurance. However, many states do not require sole proprietors to purchase workers' compensation coverage.

**Parking**

You responded that your organization offers parking at your special events. The risks associated with event parking depend upon who is running the parking operation. Often the parking lots are a part of the facility you are using and facility personnel handle the parking for the event. If this is the case, you have transferred the risk to the facility; however, review carefully the rental contract to ensure that the facility is responsible for all aspects of the parking operation. If your organization is responsible for operating the parking lot, be careful to whom you assign those tasks. You should train and supervise the parking aides and provide them with the appropriate safety equipment (reflective vests, flashlights, whistles, and radios). Consider posting notices and disclaimers that your organization is not responsible for any damage or loss of property while on the parking lots. If the event is at night or in a dangerous neighborhood, consider hiring a security firm to patrol the lot and assist your guests as needed.

Check the parking lots for smooth, even surfaces and mark any hazardous conditions. Often guests are parking in fields and other unpaved surfaces so be aware of the hazards of uneven surfaces and the possible consequences of inclement weather on the parking area. Also, consider the traffic flow and
work with the local law enforcement agencies to minimize disruptions to traffic.

Transportation

You indicated that you provide transportation services as a part of your special events. One form of transportation service can be a shuttle service between the location and another, such as from the parking lots, airport, hotel, or from venue to venue. Another type of service is transporting people for the event such as a bus trip to a resort area or camp, or a tour to another city or country. There are two risk management strategies for this transportation risk: transfer the risk to another entity or provide appropriate vehicles and suitable drivers.

If you choose to transfer the risk, you need to be diligent in selecting a transportation service provider. If you are chartering the service, request certificates of insurance. When your organization provides the transportation you should take additional precautions. Your transportation service may involve the use of cars, boats or airplanes. In all cases you need to know who is "driving" and whether they are acceptable "drivers." Also, and unless the drivers are using vehicles owned by your agency, confirm that they have the proper insurance. Finally, your organization should purchase insurance coverage for non-owned automobiles. In special circumstances when you may be using non-commercial watercraft and aircraft, make certain that you are properly insured for these special transportation activities.

Cash

You indicated that you do not handle a significant amount of cash, checks, or credit card receipts during your special events. However, you may be surprised how quickly the receipts can add up to a large sum of money. You may collect admission or registration fees, parking charges, or payments for the sale of merchandise, food and beverages. Other sources include auction receipts, pledges and donations, raffles or opportunity drawings, and the money from a casino night. The proper safeguarding of money, especially cash, is difficult and often overlooked when planning a special event. Some activities generate large sums of cash and checks that if lost or stolen can create a financial hardship for your organization.

The main exposure is that the funds are stolen either by an outsider or an employee, client, or volunteer. Here are some techniques for protecting your financial assets.

- **Segregate money handling duties** - A different person should be responsible for each step - receiving the funds, depositing, recording, disbursing funds, recording disbursements and reconciling your accounts. There is a significant chance for fraud if only one or two people handle all of these transactions. The more eyes overseeing the handling of your funds the better. Segregation of duties is difficult for many small nonprofits but can be accomplished with the use of employees and volunteers.

- **Safeguard undeposited receipts** - First, do not forget to stamp checks with a restrictive notice when they are first received. Make deposits frequently and safely. Vary the time of day and routes taken to the bank. If the funds are not deposited on a particular day, take the necessary steps to store the money and checks safely, especially when you are away from your office.

- **Count twice, deposit once** - Money should be collected and counted independently by two people. Many organizations establish a guarded "money room" where all of the cash is taken and counted with several witnesses. Also, when handling cash, use either a cash register or other system for recording all cash transactions. The register tape or other receipts should then be reconciled with the amount of cash collected.

Accident Reporting Form
You answered that your nonprofit uses a standard Accident or Incident Report form during its special events. As you are no doubt aware, it is important for your organization to gather information regarding the accident. The information collected will be critically important in any subsequent investigation of the accident. You can also use the information to learn from the incident and implement changes.

Contact your insurance professional for any recommended or required forms. Train your employees and key volunteers on the proper techniques for completing these forms. The documentation should only include an objective description of the accident and the injuries. The person completing the form should avoid personal opinions and any editorializing. Never admit liability to anyone and do not include an admission of liability in the report. Unless your insurance professional or carrier requires that you use a specific form, review the form that is in use at your organization to make sure that it contains the following information:

- **General Information** - Your organization's name and address plus the name, date and location of the special event.
- **Injured Person(s)** - This section should identify the injured person(s) and provide basic information on the accident. Include the person's name, address, telephone number, age and gender. Note the date, time and location of the accident and a brief description of what happened. Describe the nature of the injury. Indicate how the injured person left the scene (e.g. on foot, in personal vehicle, in an ambulance).
- **Witnesses** - Record the name, address and telephone numbers of any witnesses. Ask each witness for a brief statement or description of the accident. The witnesses' statements should be recorded accurately, reviewed, and signed.
- **Medical Treatment** - Note if any first aid treatment was administered and by whom. Many organizations have their medical volunteers complete this section of the report. Also, document if any professional treatment was performed such as the person being transported to the local hospital.
- **Accident Documentation** - Describe how the accident/injury occurred. Draw a diagram of the accident scene. Many organizations take photographs or use a video camera to document the accident scene. These pictures and diagrams will be helpful in investigating and settling any claim made against your organization.
- **Preparer's Signature** - The person that prepared the form should sign and date the form and include his or her address and telephone number.

It's always a good idea to talk to your insurance professional before you're facing an accident to discuss how your insurance company wants you to report claims. Some insurance companies want you to report every incident so they at least have a file in the event the injured party submits a claim. Other insurers do not want a claims notification form until the injured party seeks compensation. Even if your insurance company does not want immediate notification of any incidents it is prudent for your nonprofit to establish and retain incident report files. After talking with your insurance professional, establish the appropriate accident reporting procedures.

**Notifying Victims' Families**

You answered that you do not have a procedure for notifying the family or caregiver of an injured person. This is an important task that should be done with great compassion. Depending upon the relationship of the person to your organization (employee, volunteer or client), you may have difficulty identifying the people to contact. In some cases you may have to rely on the local authorities to proceed. Whoever notifies the family-organization or the police-compassion is important while conveying your nonprofit's concern for the injured person and his or her family. This is especially true for any follow-up contact with the injured person or their family. While your representative should never make promises to
compensate the victim or accept fault, you may avert legal action simply by demonstrating concern for the individual and their family.
Crisis Management and Business Continuity Planning

Introduction

This section of your report contains feedback and recommendations based on your answers to questions in the Crisis Management and Business Continuity Planning module.

Responses to Common Emergencies

There are some emergencies that are more easily identifiable and allow for the development of a specific plan to address the crisis. A fire in your facility, a medical emergency, a bomb threat, or severe weather incident may feel like they are unlikely but you will be grateful for advance planning should one occur. Use a planning committee to catalog these scenarios and determine what the appropriate response should be. Develop the documentation to outline the plan but remember to keep things brief. In the event of an emergency, it is unlikely that someone would have time to read a long manual to determine what to do. Practice the plans that you develop in order to determine the efficacy of the response. This will help identify gaps in the planning and will provide for a more effective response.

Crisis Communication Plan

You answered that you have some crisis communications pieces developed, but not a full or comprehensive plan. Some agencies integrate crisis communications materials into their overall crisis management plan, while others maintain a separate crisis communications plan. Remember to choose the approach that best suits your agency.

Review the areas identified below as targets for improvement in your crisis communication plan. Gather a diverse group of leaders--with different backgrounds and life experiences--to consider issues such as chain of command, key messages, and strategies to keep key stakeholders informed during a crisis. Remember to review and update your plan regularly.

Business Continuity Plan

You indicated that your agency has elements of business continuity planning in place, but that your plan may not be adequately comprehensive or up-to-date. We recommend that your review the existing pieces to determine whether you have identified:

- mission critical functions--those functions that cannot be curtailed, even during an interruption to normal operations;
- plans for short-term replacement for workspace / equipment / communications if regular resources are not available (e.g., telecommute options, alternate office space, computer equipment rental)
- access to and protection for critical organization data
Volunteer Risk Management

Introduction

This section of your report offers feedback and recommendations based on your answers to questions about volunteer service at your agency.

Staff Volunteering

Although it may be legally permissible for certain paid staff of the organization to volunteer their time as well, there are some guidelines that must be followed depending on the classification of the staff person as exempt or non-exempt.

Non-exempt employees are hourly employees who must be paid for every hour worked. In most states any hours worked in excess of 40 per week entitle the employee to overtime pay. If the duties that a non-exempt staff person is performing when they want to volunteer are similar to those for which other employees are compensated, then it is likely that the time would be considered 'work' time and count toward the hourly total. However, if the volunteer duties are significantly different than the regular capacity of the non-exempt employee, then it is possible for this time to be considered 'volunteer' time. For example, if an employee who otherwise has no responsibilities related to special events or their execution wants to volunteer as support staff during a special event, this would likely be acceptable as volunteer time and would not be counted toward work hours. Finally, it is important for your organization to recognize that when staff also serve as volunteers, volunteer service must always be on a volunteer basis, without coercion on the part of the organization and with no expectation of compensation on the part of the staff member/volunteer.

Exempt employees are typically paid a salary that isn't tied to the number of hours worked in a particular week. Salaried, exempt staff are expected to work as many hours as necessary to perform their duties and responsibilities. Exempt, salaried employees generally receive no additional compensation when they work more than 40 hours in a work week. Additional work requested of a salaried, exempt employee could be considered an extension of their responsibilities. An employer should not describe these additional hours--when the work is substantially similar to or related to the employee's position--as 'volunteer' work. Although there are no federal standards which restrict a nonprofit from asking exempt employees to work extra hours, requiring exempt employees to work excessive amounts of time under the guise of volunteering could have a negative effect on morale and lead to high staff turnover. When an exempt employee is invited to 'volunteer' their time for a different role, make certain that your organization doesn't coerce or require such service. True volunteer service is willingly offered with no expectation of financial or other rewards.

Volunteer Orientation

Orientation is an important part of the onboarding process for your volunteers. Inconsistent participation in your orientation can create gaps in your volunteers' knowledge of your organization and its procedures. Take steps to ensure that all of your volunteers take part in your orientation in your program.

In some cases, a volunteer may not be able to participate in orientation. If this is the case, you could use on-the-job training or other supervisory opportunities to cover the material that would normally be offered in the orientation session. Be sure to document that the volunteer has reviewed the material.
Fundraising and Resource Development

Introduction

This section of your report contains feedback and recommendations based on your answers to questions in the Fundraising and Resource Development module.

Working with Individual Donors

You indicated that you are not currently soliciting support from individual donors but hope to do so in the future. As you plan for this process, consider these risks and recommendations about fundraising from individual donors.

Government Contracts

Many nonprofits look to government contracts as a principal source of funding. According to the National Center for Charitable Statistic, "Fees for Services & Goods from Government" represented 23.1% of nonprofit revenues in 2014, second only to "fees for services and goods from private sources" (50%). (Source: Nonprofit Sector in Brief 2014 - National Center for Charitable Statistics).

Government grants and contracts come with a set of challenges that may differ from the risks associated with other funding sources. If you are relying on government financial support, remember to consider:

- **Underfunding for infrastructure** - Government contracts may not fully cover these costs, but weak infrastructure may make it difficult or impossible to meet the program and service expectations of your funders.
- **Risk of late payment** - Many government contracts are structured on a reimbursement basis, which means that your nonprofit will have to cover costs up front and wait to be reimbursed.
- **Complex reporting requirements** - These requirements will likely put an additional administrative burden on your organization. Try to learn as much as possible about reporting requirements before you bid on or apply for a government contract. Ensure that your organization is in position to comply before you apply.

Celebrity Spokesperson

A high-profile or celebrity spokesperson could bring some much-needed attention and accompanying financial support to your nonprofit. However, it takes effort to establish that relationships and there are potential hazards for your organization to consider along with the benefits.

Before you even initiate contact with a potential spokesperson, you want to thoroughly research them to determine their match to your organization’s mission and values. It’s possible that their past actions or espoused values may not be the best fit for your organization. Aside from uncovering potential issues, the benefit of the research is that it will help you craft your approach to the celebrity in hopes of gaining their support and involvement.

As you look for candidates, there are a few additional points to consider beyond individual background research. First, look for a person who is a good fit based on the size of your audience. Smaller organizations that operate in a local or regional environment may benefit more from having a local celebrity involved. Second, remember that although you benefit from the potential reach of the celebrity, they need to understand how they can benefit from associating with your organization. Finally, start
small and work your way up. It’s possible that a small appeal for support can organically evolve into a more developed relationship with greater support.

**Diversifying Revenue Streams**

You indicated that your nonprofit has not adopted goals with respect to the diversification of funding sources. Perhaps your agency has a single, highly reliable source of funding. Or your revenue streams have been judged adequately diverse. Striving for diversity in revenue streams reduces the risk that your organization will be substantially, negatively impacted by an unexpected shortfall in a single revenue stream. Although fewer revenue streams may be easier to track and administratively support, this situation dramatically increases the risk that you will be negatively impacted when a single revenue stream falls short of expectations. Diversifying your revenue streams minimizes the impact of a single shortfall but having multiple sources also creates additional responsibilities, obligations and risks.

There are many types of revenue sources available to raise funds for your nonprofit. Membership dues, special events and fees for services are just a few examples. Should you decide to adopt goals to increase the diversity of revenue sources, consider the following risk tips:

- Will this method help us to advance our mission? (For example, soliciting individual donations could help increase awareness of your mission.)
- How will various stakeholders perceive this method and how does that perception affect our reputation?
- What are the costs associated with the method and what kind of return can be expected given the costs?
- Is there initial or ongoing infrastructure that would need to be created or maintained to support this method?
- Do we have the infrastructure supports in place to support this new stream of revenue?
- What criteria will be used to determine if the method is successful in raising revenue?
- Have we 'done our homework' with respect to understanding the spectrum of risks and rewards associated with this fundraising strategy?
- Is a gradual ramp up possible versus going 'all in'?
Service Delivery Risks

No action warranted

This report was created by the National Association of Community Action Agencies – Community Action Partnership, in the performance of the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services Grant Number, 90ET0469. Any opinion, findings, and conclusions, or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Health and Human Services, Administration for Children and Families.

End of Report - 8/14/2023 4:42:41 PM
Fresno EOC completed an agency-wide, comprehensive 2023 Risk Assessment report which was presented and discussed at the Fresno EOC Board of Commissioner meeting held on August 30, 2023. This report was created by the National Association of Community Action Agencies (CAA’s)—Community Action Partnership, in the performance of the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services Grant Number, 90ET0469. Any opinion, findings, and conclusions, or recommendations expressed in this material are those expressed by the authors and do not necessarily reflect the views of the U.S. Department of Health and Human Services, Administration for Children and Families.
HUMAN RESOURCES COMMITTEE MEETING

Date: August 25, 2023
Program: Human Resources

Agenda Item #: 7
Director: N/A

Subject: Human Resources Forms
Officer: Nelson Dibie

Recommended Action

Staff recommends review and approval of the following Human Resources Forms:

- Authorization to use Privately Owned Vehicles
- Performance Evaluation
- Note to File
- Disciplinary Action

Background

The Authorization to use Privately Owned Vehicles form is to ensure that the agency is to ensure that employees are aware of their responsibility to notify insurance of their use of a personal vehicle on the job. It also prevents the agency from being liable for employee deductibles for personal insurance.

The Performance Evaluation and Disciplinary Action are revised forms that better align with proposed policies and procedures.

The Note to File form is a form to help track employee coaching before it rises to the need of disciplinary action.

Fiscal Impact

N/A

Conclusion

If approved by the Committee, these forms will create greater accountability and tracking for Human Resources and Fresno EOC purposes. If not approved, Human Resources will continue using current forms, and Fresno EOC will continue to be subject to financial liability for employees that drive for their job.
AUTHORIZATION TO USE PRIVATELY OWNED VEHICLES ON AGENCY BUSINESS

I hereby certify that, whenever I drive a privately owned vehicle on Agency business, I will have a valid driver’s license and proof of liability insurance in my possession, all persons in the vehicle will wear safety belts, all laws will be followed including me not using electronic devices while operating the vehicle, I will not be under the influence of any alcohol or drugs that will impair my ability to operate a motor vehicle, and the vehicle shall always be:

- Covered by liability insurance for at least the minimum amount prescribed by State Law ($15,000 for personal injury to, or death of one person; $30,000 for injury to, or death of, two or more persons in one accident; $5,000 property damage). Vehicle Code Section 16020 requires all motorists to carry evidence of current automobile liability insurance in their vehicle.
- Adequate for the work to be performed.
- Equipped with safety belts in operating condition.
- To the best of my knowledge, in safe mechanical condition as required by law.

I understand while using a privately-owned vehicle on an official Company/Agency business:

- All accidents will be reported as soon as reasonably possible, but no later than within 24 hours to the DMV (Department of Motor Vehicles) and my direct superior.
- In the event of an accident or claim, my personal insurance is primary, including paying for the deductible.
- Any mechanical damage, malfunction, or breakdown (i.e., towing, jumpstart, lockouts, flat tires, etc.) is my responsibility.
- Any parking tickets, moving violations or other fines are my responsibility.

I further certify that the mileage rate I claim is full reimbursement for the cost of operating the vehicle, including fuel, maintenance, repairs, and both liability and comprehensive insurance.

THIS FORM IS ONLY VALID FOR ONE YEAR FROM THE DATE SIGNED.

<table>
<thead>
<tr>
<th>DRIVER’S LICENSE NUMBER</th>
<th>STATE</th>
<th>EXPIRATION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>EMPLOYEE’S SIGNATURE</th>
<th>PRINTED NAME</th>
<th>DATE SIGNED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>
Performance Evaluation Template

Name: ___________________________  Employee ID: ___________________________

Job Title: ___________________________  Evaluation Type: ___________________________

Evaluation Period Start: ___________________________  Evaluation Period End: ___________________________

PERFORMANCE RATING STANDARDS
4 – Exceptional Performance: Performance well exceeds the established performance criteria/standard and is consistently outstanding.
3 – Exceeds Performance: Performance consistently exceeds the established performance criteria/standard.
2 – Effective Performance: Performance consistently meets the established performance criteria/standard.
1 – Inconsistent Performance: Performance does not consistently meet standards. This could include temporary improvement in needed areas, or general overall inconsistency in one or more areas.
0 – Unsatisfactory: Performance consistently does not meet the established performance criteria/standard.

Job Duties and Expectations:

Expectations (Specific to Program/Office):

Job Description:

Duties Performed:

KNOWLEDGE OF JOB AND PROGRAMS’ POLICIES AND PROCEDURES:
Understands the duties and responsibilities of their job. Understands the goals of the program and how to achieve them while performing job duties with minimal assistance, utilizing all available resources, following instructions, applying new skills, and making an efforts to stay current in field.

☐ 4 Expert in job, has thorough grasp of all phases of job.
☐ 3 Very well informed, seldom requires assistance and instruction.
☐ 2 Satisfactory job knowledge, understands and performs most phases of job well, occasionally requires assistance or instruction.
☐ 1 Limited knowledge of job, further training required, frequently requires assistance or instruction.
☐ 0 Lacks knowledge to perform job properly.

Comments:

QUALITY AND QUANTITY OF WORK:
Quantity: Acceptance of the responsibility for completing assigned tasks. Demonstrates dependability by meeting deadlines and performance standards for the assignment. Quality: Minimal errors. Demonstrates organization because work product is clear, neat and complete.

☐ 4 Always does more than is expected or required at highest quality possible.
☐ 3 Produces more than most with very few errors and mistakes.
☐ 2 Handles an acceptable volume of work, occasionally does more than is required.
### Performance Evaluation

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Room for improvement, frequent errors, work requires checking &amp; re-doing.</td>
</tr>
<tr>
<td>0</td>
<td>Extremely low output, excessive errors and mistakes.</td>
</tr>
</tbody>
</table>

**Comments:**

### DECISION MAKING:
Display sound judgement and makes appropriate decisions within the limits of their responsibility. When faced with a problem, utilizes available resources to recommend creative, effective and realistic solutions to the problem(s).

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Constantly expanding skills and capabilities.</td>
</tr>
<tr>
<td>3</td>
<td>Seeks out additional responsibilities.</td>
</tr>
<tr>
<td>2</td>
<td>Undertakes self-development activities.</td>
</tr>
<tr>
<td>1</td>
<td>Rarely takes independent actions or risks.</td>
</tr>
<tr>
<td>0</td>
<td>Does not undertake self-development activities.</td>
</tr>
</tbody>
</table>

**Comments:**

### COMMUNICATION SKILLS
Relay and receive information effectively: Oral, verbal and written communications. Use language that is appropriate to the setting. Keeps management and peers well informed.

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Extremely articulate and persuasive.</td>
</tr>
<tr>
<td>3</td>
<td>Has excellent communication skills.</td>
</tr>
<tr>
<td>2</td>
<td>Presents information clearly and persuasively.</td>
</tr>
<tr>
<td>1</td>
<td>Needs improvement in communication skills.</td>
</tr>
<tr>
<td>0</td>
<td>Communication lacks clarity and has difficulty expressing ideas.</td>
</tr>
</tbody>
</table>

**Comments:**

### TEAMWORK AND INCLUSIVITY:
Ability to work inclusively and respectfully with others. Allows for inclusion of others and their thoughts, experiences and feedback to improve processes, products or output.

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Earned the trust and cooperation of the entire team.</td>
</tr>
<tr>
<td>3</td>
<td>Works very well with employees at all levels.</td>
</tr>
<tr>
<td>2</td>
<td>Works well with others, ready to share ideas.</td>
</tr>
<tr>
<td>1</td>
<td>Difficulty balancing team responsibilities.</td>
</tr>
<tr>
<td>0</td>
<td>Unwilling to share information and ideas.</td>
</tr>
</tbody>
</table>

**Comments:**

### CONDUCT AND CONFLICT RESOLUTION:
Demonstrates professional behavior in the workplace. Remains calm and professional when addressing workplace conflict and seeks constructive outcomes.

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Earned the trust and cooperation of the entire team.</td>
</tr>
</tbody>
</table>

**Comments:**
## TEAMWORK AND INCLUSIVITY:
Ability to work inclusively and respectfully with others. Allows for inclusion of others and their thoughts, experiences and feedback to improve processes, products or output.

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Works very well with employees at all levels.</td>
</tr>
<tr>
<td>2</td>
<td>Works well with others, ready to share ideas.</td>
</tr>
<tr>
<td>1</td>
<td>Difficulty balancing team responsibilities.</td>
</tr>
<tr>
<td>0</td>
<td>Unwilling to share information and ideas.</td>
</tr>
</tbody>
</table>

Comments:

## FLEXIBILITY TO WORK SITUATION AND CHANGE:
Adapts behavior and work methods in response to new information, changing conditions or unexpected obstacles.

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Ability to adapt to change quickly and easily, addresses concerns and leads resolutions</td>
</tr>
<tr>
<td>3</td>
<td>Adapts to change and identifies obstacles, proposes resolution.</td>
</tr>
<tr>
<td>2</td>
<td>Adapts to change and obstacles, but usually needs assistance to do so.</td>
</tr>
<tr>
<td>1</td>
<td>Struggles to adapt to change and identifies obstacles without providing suggestions or resolution.</td>
</tr>
<tr>
<td>0</td>
<td>Unwilling to adapt or challenges changes</td>
</tr>
</tbody>
</table>

Comments:

## CUSTOMER SERVICE:
Is responsive and diligent to internal and external customer needs while being fair and impartial.

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
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<tbody>
<tr>
<td>4</td>
<td>Regularly provides customer service above standards.</td>
</tr>
<tr>
<td>3</td>
<td>Sometimes provide customer service above standards.</td>
</tr>
<tr>
<td>2</td>
<td>Demonstrates acceptable customer service skills.</td>
</tr>
<tr>
<td>1</td>
<td>Struggles with customer service interactions or has inconsistent interactions.</td>
</tr>
<tr>
<td>0</td>
<td>Regularly fails to provide acceptable customer service.</td>
</tr>
</tbody>
</table>

Comments:

## DISCIPLINARY ACTIONS

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>No Discipline</td>
</tr>
<tr>
<td>3</td>
<td>Coaching Only</td>
</tr>
<tr>
<td>2</td>
<td>Counseling Memo</td>
</tr>
<tr>
<td>1</td>
<td>Written Warning</td>
</tr>
</tbody>
</table>

## ATTENDANCE:
Adherence to the Agency’s Attendance Policy (or Program Policy if defined).

- [ ] Adheres to the policy
- [ ] Does not adhere to the policy

Comments:
### Performance Evaluation Template

<table>
<thead>
<tr>
<th>Final Warning or Suspension</th>
<th>0</th>
</tr>
</thead>
</table>

**Comments:**

<table>
<thead>
<tr>
<th>SUPERVISOR GOALS FOR EMPLOYEE</th>
</tr>
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<table>
<thead>
<tr>
<th>COACHING COMMENTS (Attendance, Disciplinary Actions, Goals, etc.)</th>
</tr>
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</table>

<table>
<thead>
<tr>
<th>EMPLOYEE GOALS:</th>
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<table>
<thead>
<tr>
<th>EMPLOYEE COMMENTS:</th>
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</tbody>
</table>

My signature indicates that I have reviewed this document and discussed the contents with my supervisor and does not necessarily imply that I agree with the evaluation.

Employee Signature: ___________________________  Date: ____________

Supervisor: ___________________________  Date: ____________

Program Director: ___________________________  Date: ____________
Date: 

Employee Name: 
Title: 

Supervisor Name: 
Title: 

Incident Date: 
Time of Incident: 

Date of Knowledge: 
Location of Incident: 

Incident Type: ☐ Conduct  ☐ Performance  ☐ Other

Explain Other:  

Other Employees Involved

Employee Name:  
Employee Job Title:  

Employee Name:  
Employee Job Title:  

Employee Receive Oral Coaching:  ☐ Yes  ☐ No

If yes, please list the primary coaching points:

•  

•  

•  

Manager on Duty:  
Job Title:  

Summary of Incident:  

Employee:  
Date:  

Supervisor Name:  

Supervisor Signature:  
Date:  

Note to File
DATE: 

TO: 

TITLE: 

EE ID #: 

FROM: 

TITLE: 

EE ID #: 

SUBJECT: SELECT ONE

PERSONNEL POLICY AND PROCEDURE VIOLATION

State specific policy violation. Quote policy number and policy as stated in the policy and procedure manual.

SUPERVISOR COMMENTS

State specific occurrence(s), including dates and times.

CORRECTIVE ACTION

State specific actions to be taken, including dates and times if needed.

Re-occurrence of this or other violations of company policy constitutes grounds for progressive discipline up to and including termination.

EMPLOYEE COMMENTS

________________________________________________________

________________________________________________________

Employee Signature: _______________________________ Date: ___________

Employee Signature indicates that they had an opportunity to review this form, comment or explain and acknowledge the corrective action was discussed. The employee's signature does not necessarily indicate that they agree with the action taken.

Supervisor: _______________________________ Date: ___________

Approved by Program Director: __________________________ Date: ___________

Cc: Personnel File

HUMAN RESOURCES OFFICE USE ONLY

Reviewed by: ___________________________ Date: 

Processed by: __________________________ Date:
Date: August 25, 2023
Program: Information Technology

Agenda Item #: 8
Director: Ian Matthews

Subject: Distracted Driving Policy
Officer: Greg Streets

Recommended Action

Staff recommends Committee approval for full Board consideration of a new Distracted Driving Policy. This policy protects the agency from accidents caused when using voice/data communications devices while driving.

Background

Distracted driving is a serious and growing problem that affects the safety of all road users. Distracted driving occurs when a driver diverts their attention from the primary task of driving to any other activity, such as texting, talking on the phone, eating, or using a navigation system. These activities can impair the driver's visual, manual, or cognitive abilities and increase the risk of crashes, injuries, and fatalities.

This policy will require employees to refrain from using any electronic devices while operating agency vehicles, agency sponsored rentals, and private vehicles for work purposes. This policy aims to reduce the liability and costs associated with distracted driving accidents, as well as to promote a culture of safety and responsibility among employees.

Fiscal Impact

N/A

Conclusion

If approved by the Committee, this item will move forward for full Board consideration at the August 30, 2023, Commission Meeting.
POLICY NUMBER 5050: DISTRACTED DRIVING POLICY

PURPOSE: To set a policy for the safe use of wireless voice/data communications devices by employees when operating agency vehicles, agency sponsored rentals, or private vehicles while on shift or conducting official agency business.

POLICY: The safety of employees is of high importance to Fresno EOC. The primary responsibility of employees operating agency or privately owned vehicles while conducting agency business is to operate their vehicle safely in all driving conditions and circumstances. To increase employee safety, it is essential to eliminate unnecessary risks and driving distractions behind the wheel and therefore, Fresno EOC has enacted this policy. This policy prohibits employees from using certain wireless voice/data/texting communication devices when operating agency or privately owned vehicles while conducting official agency business.

DEFINITIONS:

Driving Distraction - Distracted driving means any driving activity a person engages in while using wireless voice/data communications device when operating a motor vehicle. Such activities have the potential to distract from the primary task of driving and increase the risk of accident or injury to self, others, and agency property and vehicles.

Wireless Voice/Data Communications Device - any device capable of transmitting and receiving voice and data communications without plugging into a wired land-based phone network. Examples include but not limited to the following:

- Pagers
- PDAs
- Cellular telephones
- GPS devices
- Smartphones and devices for voice/data service (Android, iPhone, etc.)
- Mobile Data Terminals/Computers/Laptops/Tablets/Watches
- Wireless Aircards or routers

Texting - Text messaging or texting means reading from or manually entering or transmitting data into any handheld or other electronic device including but not limited to Short Message Service (SMS), Multimedia Message Service (MMS), and Rich Communication Standards (RCS-chat). Text messaging/texting also includes sending or receiving mail, instant messages, obtaining visually assisted navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

Use – The term “Use” means talking on or listening to or engaging the wireless voice/data/texting communication device for text messaging/texting, email or other similar forms of manual data entry or transmission. “Use” also includes taking photographs, accessing the Internet, reading messages or data files, and any other utilization of the device.

RESPONSIBILITIES: It is the responsibility of each employee of Fresno EOC to be familiar with and adhere to established Fresno EOC policies and state and local laws that deal with computers, telephones and other wireless/voice data devices or inattention while driving, including this policy. Employees who are charged with traffic violations resulting from the use of their wireless voice/data communication device while driving will be solely responsible for all liabilities that result from such actions.

PROCEDURES: To ensure compliance with this policy, employees are not permitted to operate a motor vehicle while performing tasks that may cause distractions. This includes using a wireless voice/data communications device to text, speak, compose, read, or send an electronic message, when the motor vehicle is in motion and while in traffic.
How Devices May Be Utilized - Fresno EOC employees may carry wireless voice/data communications
device purchased at their expense or issued by the agency.

Hand-Free Only - The vehicular use of wireless voice/data communication devices is permitted only
when the device is used with available hands-free listening technology such as a Bluetooth earpiece,
a wired ear bud, or temporary vehicle-mounted hands-free technology. If available, utilization of the
device’s speakerphone capability is acceptable in meeting the intent of this section. If an employee
must make a call, including an emergency call (911), the motor vehicle should first be parked in a
safe location.

Affixation not Permanent - Employees wishing to attach personally owned hands-free accessories or
an antenna to their assigned agency vehicles shall do so in accordance with guidelines established
by the Chief Information Officer, Information Technology Director, or designee.

Manual dialing is prohibited - It is against this policy and prohibited to manually dial calls while
operating a Fresno EOC vehicle or any other vehicle (i.e., personally owned, rented or loaned) is in
motion. To place an outgoing call, employees shall pull their vehicle off the road and stop in a safe
location or use voice speed-dialing features to avoid driver distraction.

Text messaging/Texting prohibited - It is against this policy and prohibited to use wireless voice/data
communication devices, either issued by the agency or personally owned, for text messaging (i.e.,
sending or reading text messages or emails or other manual operation defined by this policy as text
messaging/texting) while an agency owned vehicle is in motion or in any other private vehicle (e.g.,
personally owned, rented, or loaned) while the employee is conducting official agency business.

Voice-Activated Navigation Permitted - Use of voice-activated navigation systems that may or may not
be incorporated into the vehicle are allowed while a vehicle is moving, but the vehicle must be
stopped to enter or modify the system. This type of technology shall be programmed in advance of
driving so that drivers are not manually typing or inputting information while driving. If an employee
must modify navigation, the motor vehicle should first be parked in a safe location.

Employees violating this policy will be subject to discipline, up to and including termination of
employment.

I acknowledge that I have received a written copy of the Distracted Driving Policy. I fully understand
the terms of this policy, agree to abide by these terms, and I am willing to accept the consequences
of failing to follow the policy.

<table>
<thead>
<tr>
<th>Employee Name:</th>
<th>Program:</th>
<th>Emp. ID:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Signature:</td>
<td>Date:</td>
<td></td>
</tr>
</tbody>
</table>