



# Human Resources Committee Meeting

September 11, 2023 at 5:00 p.m.

Fresno EOC Board Room

1920 Mariposa Street, Suite 310

Fresno, CA, 93721

Join By Zoom:

<https://fresnoeoc.zoom.us/meeting/register/tZIsfuqhbjssH9DviihyGd2lrji1pKmilsga>



# HUMAN RESOURCES COMMITTEE MEETING AGENDA

SEPTEMBER 11, 2023 AT 5:00 PM

## 1. CALL TO ORDER

## 2. ROLL CALL

A. Monthly Attendance Record		3
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## 3. APPROVAL OF AUGUST 25, 2023 MINUTES

A. August 25, 2023 Human Resources Meeting Minutes	Approve	4
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## 4. HR METRICS

A. Employee Data and Demographics -Quarter 3	Information	7
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## 5. PERSONNEL POLICIES AND PROCEDURES MANUAL

A. Personnel Policies and Procedures Manual	Approve	23
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## 6. EMPLOYEE HANDBOOK

A. Employee Handbook	Approve	179
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## 7. HUMAN RESOURCES FORM

A. Human Resources Forms	Approve	224
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## 8. FIDUCIARY INVESTMENT REPORT

A. Fiduciary Investment Report	Accept	227
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## 9. INVESTMENT FUND CHANGE

A. Investment Fund Change	Approve	268
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## 10. 403 (B) AUTO-ENROLLMENT

A. 403 B Auto Enrolment	Information	270
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## 11. OTHER BUSINESS

The next meeting is scheduled on Monday, December 4, 2023 at 5:00 p.m.

## 12. 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).

## 13. ADJOURNMENT

## Human Resources Committee Meeting Monthly Attendance Record 2023

Barigye McCoy  
Sherry Neil  
Jimi Rodgers  
Alysia Bonner  
Earl Brown

Jan.	9-Feb	6-Mar	April	May	5-Jun	July	Aug. 25	11-Sep	Oct.	Nov.	4-Dec	Attended
	Cancelled	O			Cancelled No Quorum		O					2/4
		O					X					1/4
		T					O					2/4
		O					T					2/4
		X					O					1/4

O-Present X-Absent T-Teleconference

## HUMAN RESOURCES COMMITTEE

August 25, 2023

5:00 PM

### MINUTES

1. **CALL TO ORDER** The Meeting was called to order at 1:14 PM

2. **ROLL CALL**

Roll was called and a quorum was established.

**Commissioners Present:** Barigye McCoy, Jimi Rodgers, and Earl Brown

**Teleconference:** Alysia Bonner, and Linda Hayes

**Commissioners Absent:** Sherry Neil.

**Staff Present:** Emilia Reyes, Karina Perez, Nelson Dibie, Jay Zapata, Jack Lazzarini, Erica Reyes, Kelsie Chaney, Jennifer Tierce, Ian Matthews, Erin Allen, Andy Arredondo, Matthew Moreno, Amanda Venegas (T), Elionora Vivanco and Anita Zinzun.

3. **APPROVAL OF MARCH 6, 2023, MINUTES**

A. March 6, 2023 Human Resources Meeting Minutes

Public Comment: None heard.

**Motion by:** Rodgers **Second By:** Brown

**Ayes:** All in favor.

**Nayes:** None heard.

4. **2023 RISK ASSESSMENT**

Commissioner Jimi Rogers requested to amend the agenda and move the 2023 Risk Assessment to the top of the agenda for review.

Andy Arredondo, Evaluation Director, provided a presentation on the 2023 Risk Assessment report that meets organizational standards.

Commissioner Jimi Rodgers inquired clarification regarding changes made in separation procedures and requested termination reports be presented during this next committee meeting. Emilia Reyes, Chief Executive Officer, assured the commissioners, reports could be made available during the next HR committee meeting but advised only pertinent information would be made available per the recommendations of employment attorneys. Reyes requested for time and collaboration to compile correct data and finalize reports before they are presented before the committee.



Commissioners Rodgers inquired about the process to insure evaluations are submitted in a timely matter. Nelson Dibie, Human Resources Officer, assured due diligence and outlined the proper steps to hold directors accountable.

Public Comment: None heard.

**Motion by:** Rodgers **Second By:** Brown

**Ayes:** All in favor.

**Nayes:** None heard.

## 5. **PERSONNEL POLICIES AND PROCEDURES MANUAL**

Nelson Dibie, Human Resources Director, provided a detailed overview of the Personnel Policies and Procedures Manual with the recommended changes to be in compliance with all the new state or federal laws, rules and regulation.

Emilia Reyes, Chief Executive Officer, informed the committee, employment attorneys, general counsel for Fresno EOC and union attorneys all reviewed the document to ensure polices in place complied with laws and regulations. Upon multiple concerns from Commissioner Rodgers and Bonner regarding changes and possible implications, commissioner McCoy recommended a labor attorney be present during the next committee meeting to address concerns. Commissioner Earl Brown requested a final draft of the manual be presented during next committee meeting before it is presented to the board.

Commissioner Jimi Rodgers recommended this item to be tabled for further review and presented at the next Human Resources Committee Meeting.

Public Comments: None heard.

No action required.

## 6. **EMPLOYEE HANDBOOK**

This item is to be tabled for further review and presented at the next Human Resources Committee Meeting.

Public Comments: None heard.

No action required.

## 7. **HUMAN RESOURCES FORMS**

Nelson Dibie, Human Resources Officer, provides an overview of the Human Resource form regarding employee use of personal vehicles. This personal evaluation form is to be used as an evaluation rather than a means of disciplinary actions aligning with policies in place and complying with state and federal law. The personal vehicle use form informs

employees of the standards and requirements of utilizing personal vehicles while on the job and absolves the agency from liability of paying insurance deductibles.

Public Comment: None heard.

**Motion by:** Brown **Second By:** Rodgers

**Ayes:** All in favor.

**Nayes:** None heard.

8. **DISTRACTED DRIVING POLICY**

Ian Matthews, IT Director, provides overview of distracted driving policy proposal, providing protection to the agency from accidents caused by utilizing voice or data communication devices while driving. This policy aims to reduce liability and cost associated with distracted driving accidents. Requires employees to refrain from using devices while operating agency vehicles, agency sponsored rentals and personal vehicles used for work purposes.

Commissioner Alysia Bonner inquired about training requirements for employees. Kelsie Chaney, Workers Compensation and Safety Manager, recommends this training be on an annual basis offered during new hire orientation as well as requiring any employee driving agency vehicles or personal vehicles to attend. Chaney recommends employees to sign forms acknowledging their compliance.

Public Comment: None heard.

**Motion by:** Rodgers **Second By:** Brown

**Ayes:** All in favor.

**Nayes:** None heard.

9. **OTHER BUSINESS**

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

No action required.

10. **PUBLIC COMMENT**

Public comment: None heard.

No action required.

11. **ADJOURNMENT**

The Meeting was adjourned at 2:02 p.m.

Respectfully submitted,

Barigye McCoy  
Committee Chair



## HUMAN RESOURCES COMMITTEE MEETING

<b>Date:</b> September 11, 2023	<b>Program:</b> Human Resources
<b>Agenda Item #:</b> 4	<b>Director:</b> N/A
<b>Subject:</b> Employee and Demographics - Quarter 3	<b>Officer:</b> Nelson Dibie

### Background

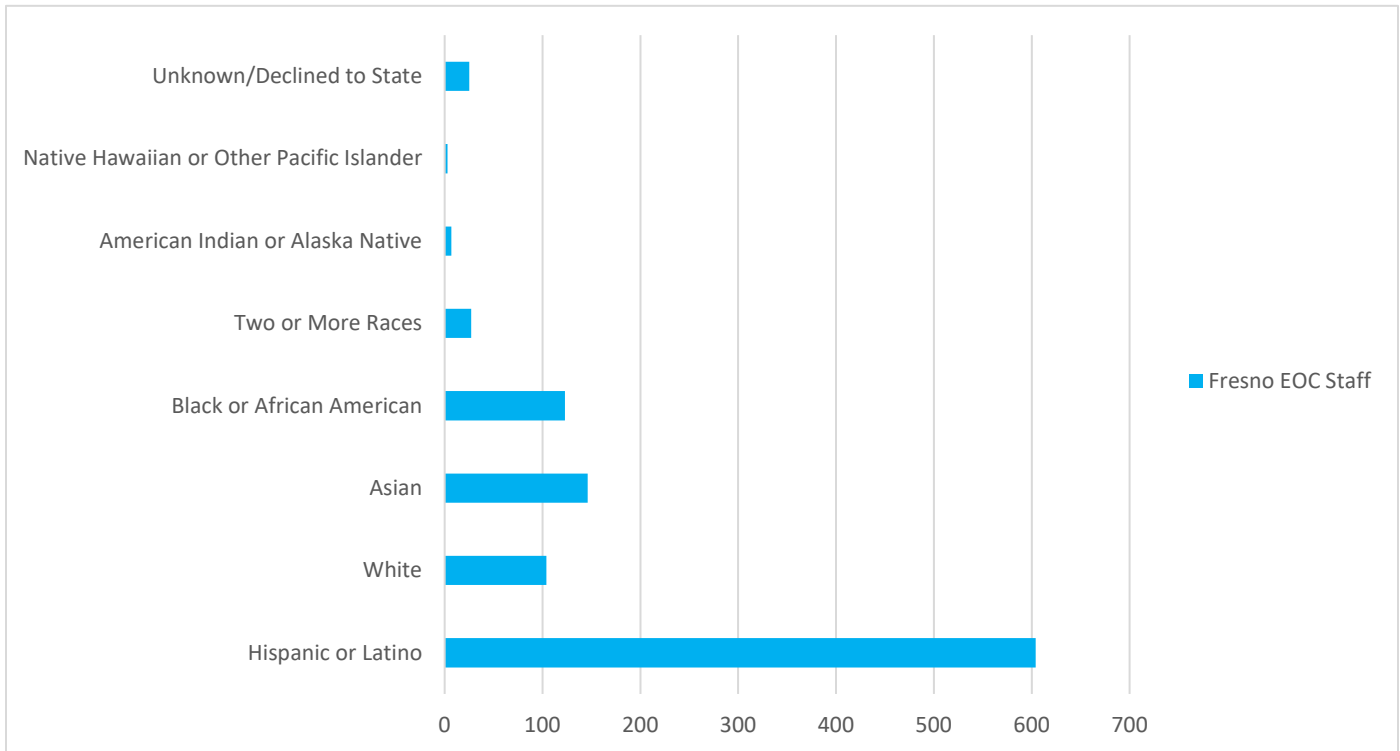
The following information is intended to provide the Committee with a high-level snapshot of Human Resources 2023 3<sup>rd</sup> quarter activity. The information is broken down into the four strategic goal areas that the program has identified:

- Talent Acquisition w/ Demographics
- Separations & Turnover w/ Demographics
- Employee Overview
- Safety & Worker's Compensation

# Fresno EOC Demographics

As of June 30, 2023

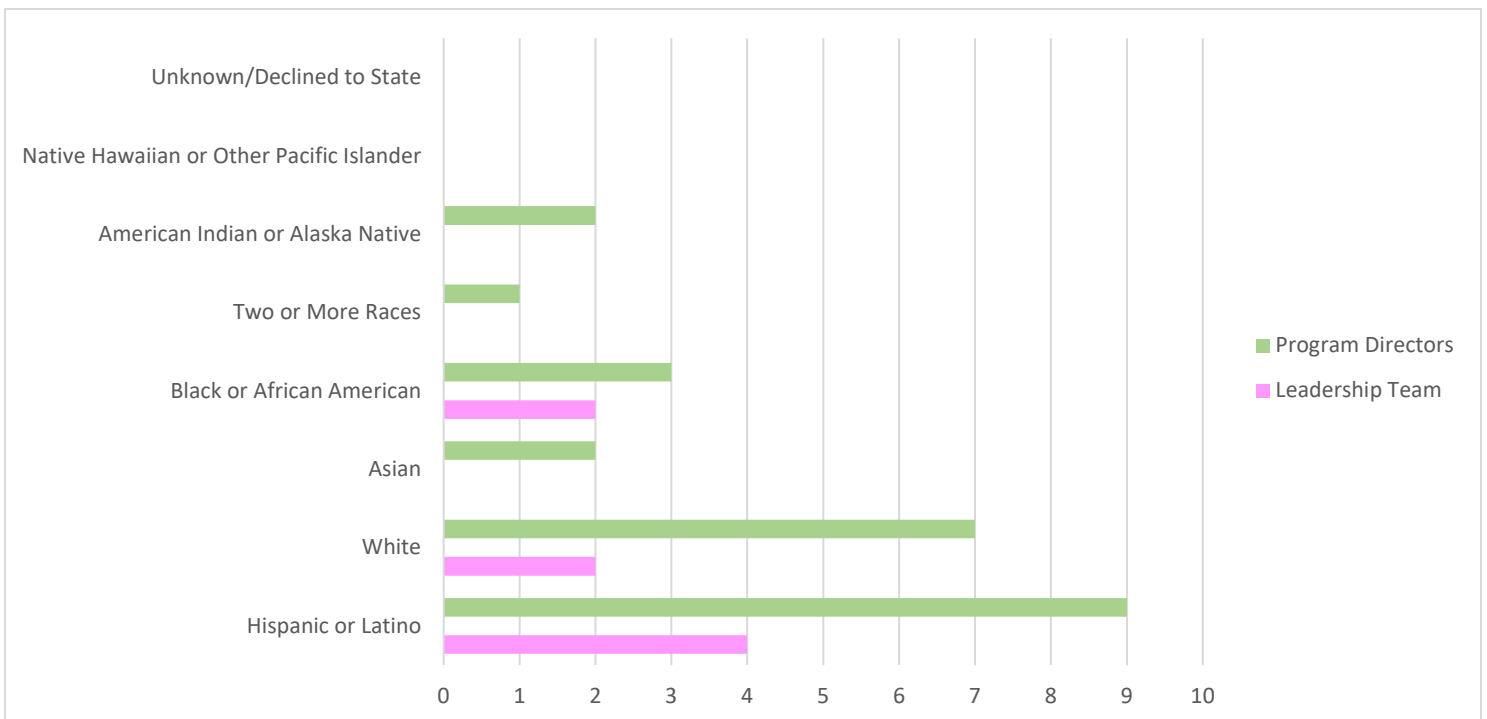
Fresno EOC		
Ethnicity	# of Staff	Percentage
Hispanic or Latino	604	58.1%
White	104	10.0%
Asian	146	14.1%
Black or African American	123	11.8%
Two or More Races	27	2.6%
American Indian or Alaska Native	7	0.7%
Native Hawaiian or Other Pacific Islander	3	0.3%
Unknown/Declined to State	25	2.4%
<b>Total</b>	<b>1039</b>	



# Fresno EOC Leadership Team & Program Director Demographics

As of June 30, 2023

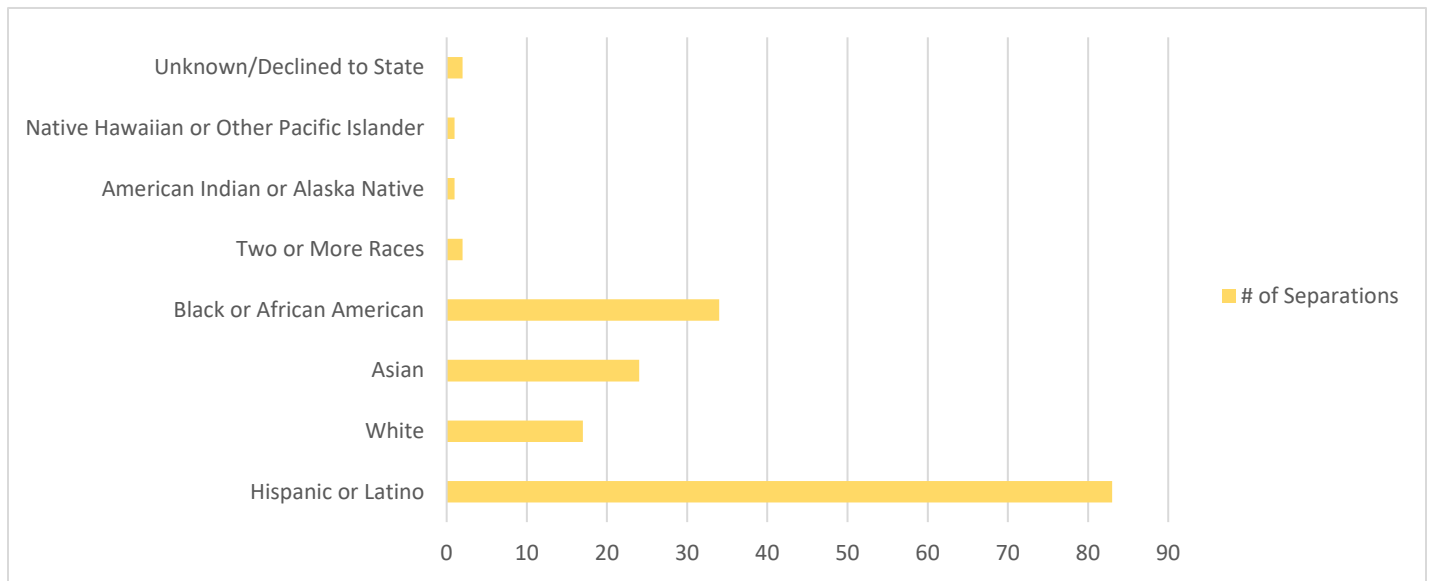
Leadership Team			Program Directors		
Ethnicity	# of Staff	Percentage	Ethnicity	# of Staff	Percentage
Hispanic or Latino	4	50%	Hispanic or Latino	9	37.5%
White	2	25%	White	7	29.2%
Asian	0	0%	Asian	2	8.3%
Black or African American	2	25%	Black or African American	3	12.5%
Two or More Races	0	0%	Two or More Races	1	4.2%
American Indian or Alaska Native	0	0%	American Indian or Alaska Native	2	8.3%
Native Hawaiian or Other Pacific Islander	0	0%	Native Hawaiian or Other Pacific Islander	0	0.0%
Unknown/Declined to State	0	0%	Unknown/Declined to State	0	0.0%
<b>Total</b>	<b>8</b>		<b>Total</b>	<b>24</b>	



# Fresno EOC Separations

January 1, 2023 through June 30, 2023

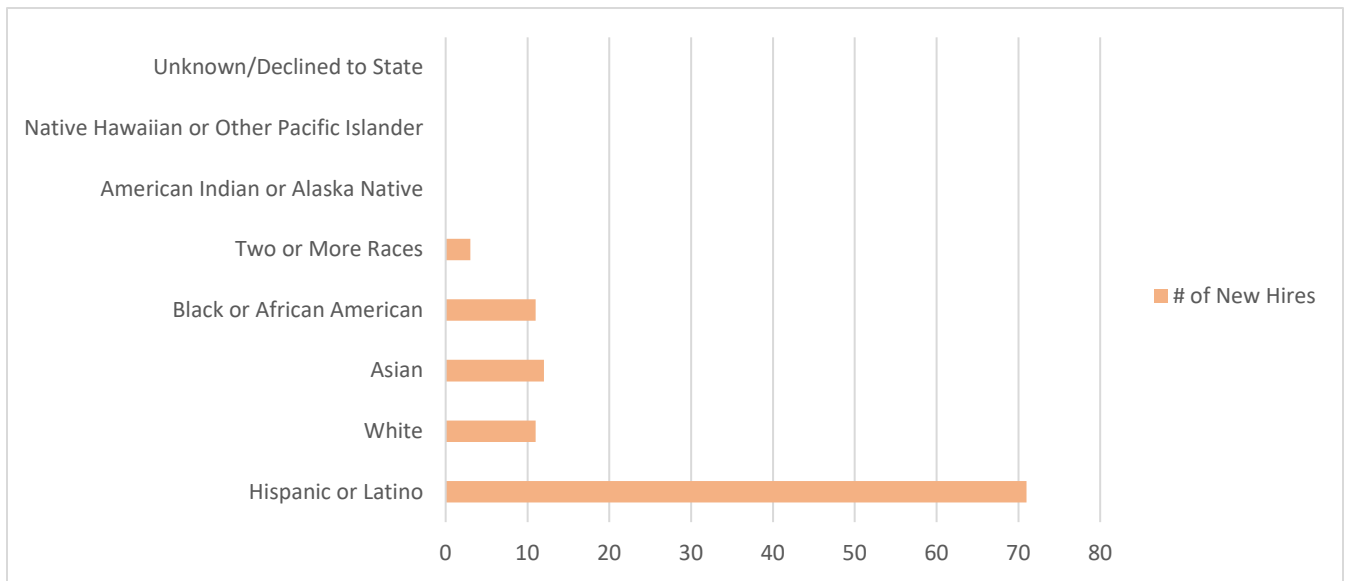
Fresno EOC		
Ethnicity	# of Separations	Percentage
Hispanic or Latino	83	50.6%
White	17	10.4%
Asian	24	14.6%
Black or African American	34	20.7%
Two or More Races	2	1.2%
American Indian or Alaska Native	1	0.6%
Native Hawaiian or Other Pacific Islander	1	0.6%
Unknown/Declined to State	2	1.2%
<b>Total</b>	<b>164</b>	



# Fresno EOC New Hires

January 1, 2023 through June 30, 2023

Fresno EOC		
Ethnicity	# of New Hires	Percentage
Hispanic or Latino	71	65.7%
White	11	10.2%
Asian	12	11.1%
Black or African American	11	10.2%
Two or More Races	3	2.8%
American Indian or Alaska Native	0	0.0%
Native Hawaiian or Other Pacific Islander	0	0.0%
Unknown/Declined to State	0	0.0%
<b>Total</b>	<b>108</b>	

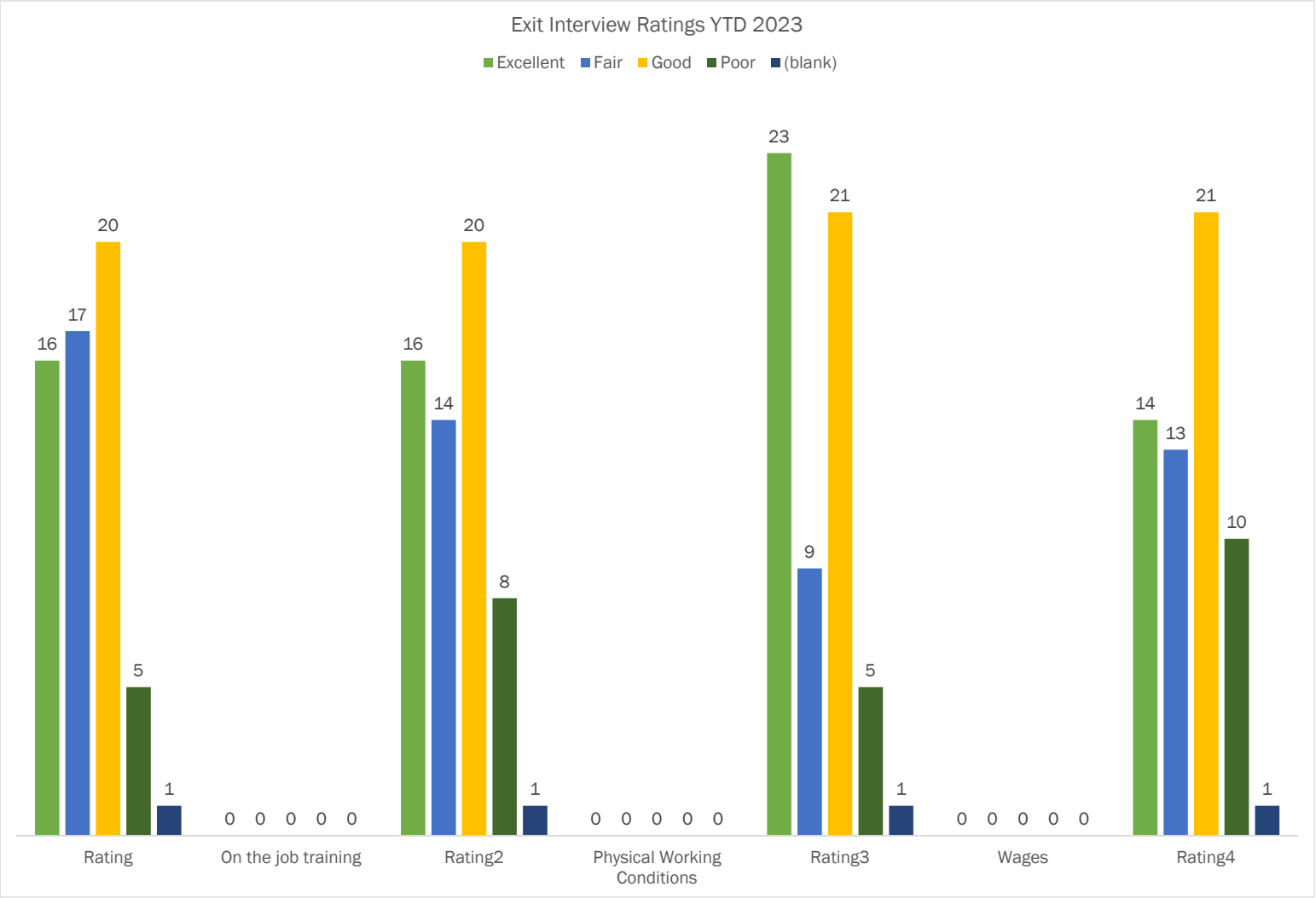


Fresno EOC Performance Evaluation Report  
2nd Quarter 2023

Program/Department	Past Due Evaluations	Total Employees	Percentage of Past Due Evaluations
Advance Peace	3	7	43%
Communications Department	1	7	14%
Community Learning Center	0	2	0%
Energy Services Division	17	58	29%
Equity & Impact Department	3	5	60%
Executive Office	8	11	73%
Facilities Department	3	5	60%
Finance Department	18	26	69%
Food Services	28	111	25%
Head Start 0 to 5	54	486	11%
Health Services Division	31	41	76%
Human Resources Department	6	13	46%
Information Technology Department	7	12	58%
Planning and Development Department	0	2	0%
Sanctuary & Support Services	1	47	2%
School of Unlimited Learning	7	25	28%
Stop the Violence	6	7	86%
Training & Employment Services Division	17	54	31%
Transit Systems	2	89	2%
Women, Infants & Children	8	75	11%
<b>Total</b>	<b>220</b>	<b>1083</b>	<b>20%</b>



Opportunity for Advancement	Rating	On the job training	Rating2	Physical Working Conditions	Rating3	Wages	Rating4
Excellent	16	Excellent	16	Excellent	23	Excellent	14
Fair	17	Fair	14	Fair	9	Fair	13
Good	20	Good	20	Good	21	Good	21
Poor	5	Poor	8	Poor	5	Poor	10
(blank)	1	(blank)	1	(blank)	1	(blank)	1
Grand Total	59	Grand Total	59	Grand Total	59	Grand Total	59



## Fresno Economic Opportunities Commission

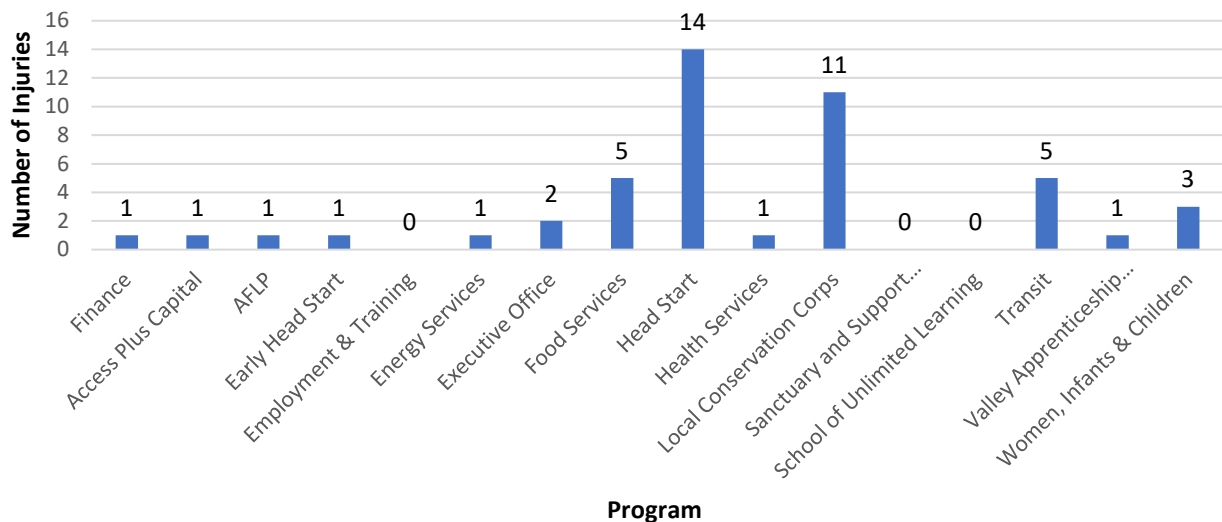
### Workers Compensation Analysis

#### 2023 Quarterly Report

##### Trending Data: By Program

Departments	Injuries/Illnesses
Finance	1
Access Plus Capital	1
AFLP	1
Early Head Start	1
Employment & Training	0
Energy Services	1
Executive Office	2
Food Services	5
Head Start	14
Health Services	1
Local Conservation Corps	11
Sanctuary and Support Services	0
School of Unlimited Learning	0
Transit	5
Valley Apprenticeship Connection	1
Women, Infants & Children	3

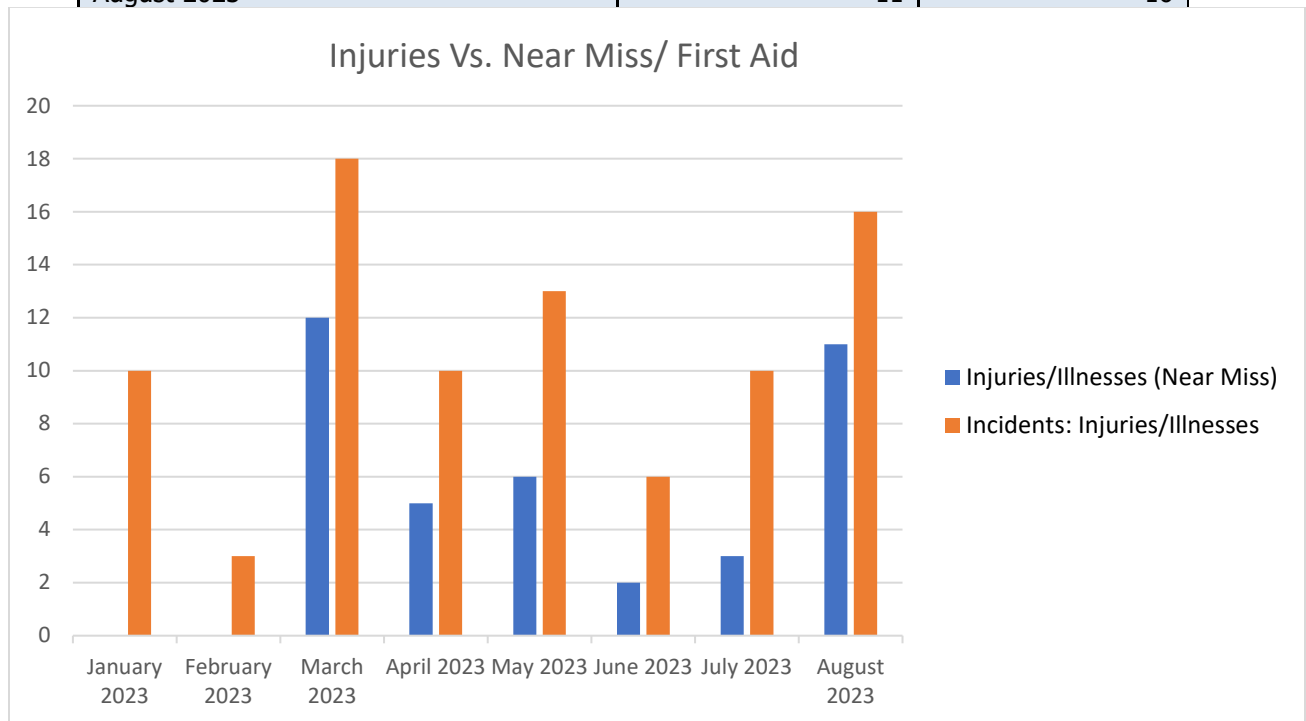
##### Trending Data: Injuries/Illnesses Reported By Program



YTD a total of 47 injuries/illnesses were reported. Head Start with 14 injuries and LCC with 11.

### Injuries by Month Vs. Near Miss

Month	Injuries/Illnesses (Near Miss)	Incidents: Injuries/Illnesses
January 2023	0	10
February 2023	0	3
March 2023	12	18
April 2023	5	10
May 2023	6	13
June 2023	2	6
July 2023	3	10
August 2023	11	16



34% of work-related incidents at Fresno EOC did not result in a claim filed.

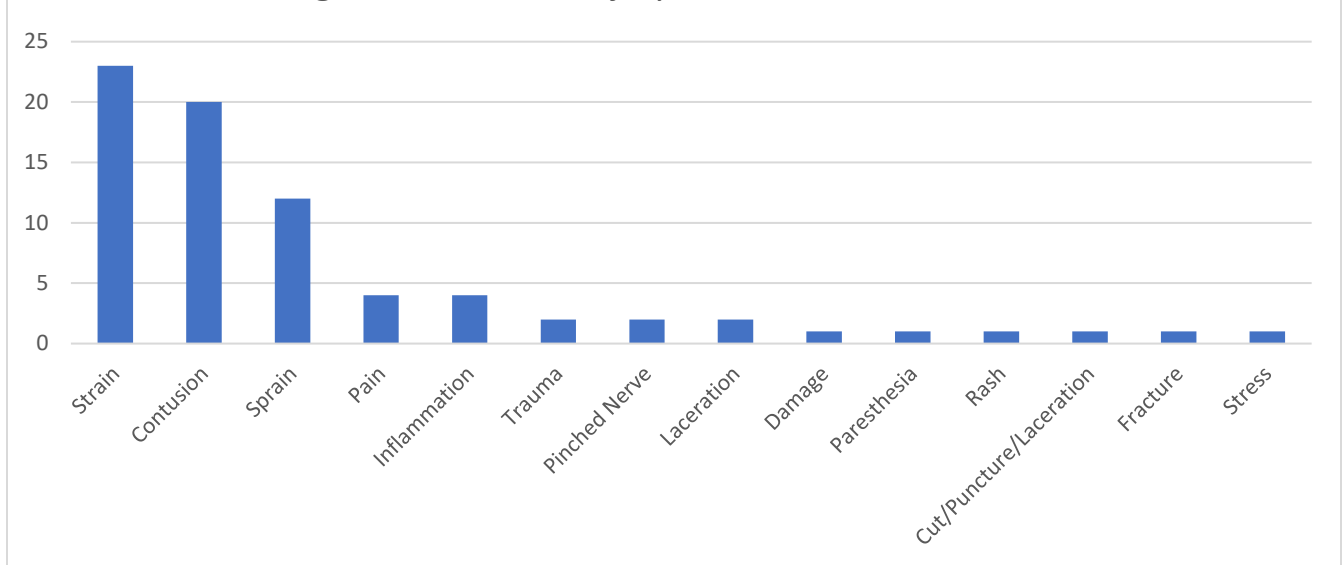
*Near miss: Incident that did not result in a reportable claim, injury, illness, or damage but had the potential to do so.*

## Nature of Injury YTD

**Trending Data: Nature of Injury**

Injury Nature	Occurrences
Strain	10
Contusion	19
Sprain	1
Pain	4
Inflammation	3
Trauma	2
Pinched Nerve	2
Laceration	1
Damage	0
Paresthesia	1
Rash	1
Cut/Puncture/Laceration	0
Fracture	1
Stress	2

**Trending Data: Nature of Injury Occurrences**

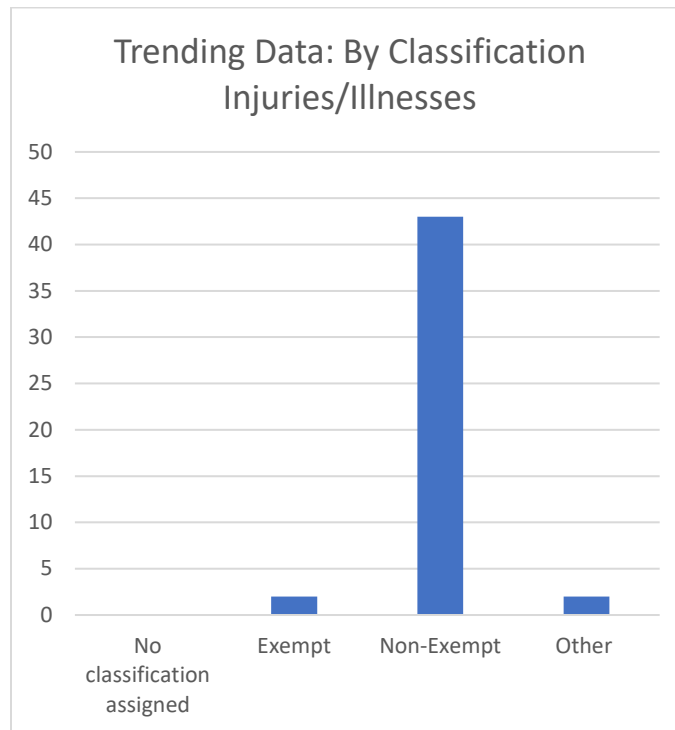


Most injury occurrences are a direct result of contusions, while stress claims filed continue to remain low.

<p align="center"><b>Claims Based on Employee Job Classification</b></p>
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**Trending Data: By Classification**

Classifications	Injuries/Illnesses
No classification assigned	0
Exempt	2
Non-Exempt	43
Other	2



Out of 47 injury/illnesses reported, 91% of workers compensation claims were filed by non-exempt employees.

**Time to Fill: April 2023 - June 30, 2023**

APPLICATION STATUS	AGE	GENDER	RACE	ETHNICITY	REQUISITION	POSTING	Program	HIRING MANAGER	REQUISITION POST DATE	DATE OF HIRE	DAYS TO FILL
New Hire	41	Man / Male	Black or African American	Not Hispanic or Latino	2055	Custodian	Head Start	Uyeda, Helen Reyes	1/4/2023	04/24/2023	110
New Hire	39	Woman / Female	Not Specified	Hispanic or Latino	2121	Para-Transit Driver	Transit	Tsudama, Adam A.	3/20/2023	4/4/2023	15
New Hire	47	Woman / Female	Not Specified	Hispanic or Latino	2142	Family Development Specialist	Head Start	Zuniga, Guadalupe	4/18/2023	6/20/2023	63
New Hire	27	Woman / Female	Not Specified	Hispanic or Latino	2121	Para-Transit Driver	Transit	Tsudama, Adam A.	3/20/2023	04/04/2023	15
New Hire	38	Woman / Female	Not Specified	Hispanic or Latino	2187	Public Information Officer	Executive Office	Reyes, Emilia	04/26/2023	05/15/2023	19
New Hire	22	Woman / Female	Not Specified	Hispanic or Latino	2022	Family Support Assistant I	Head Start	Jalomo-Ramirez, Olga L.	12/5/2022	05/08/2023	154
New Hire	60	Man / Male	Black or African American	Not Hispanic or Latino	2121	Para-Transit Driver	Transit	Tsudama, Adam A.	4/5/2023	6/20/2023	76
New Hire	60	Man / Male	Black or African American	Not Hispanic or Latino	2186	Human Resources Director	Human Resources	Reyes, Emilia	4/26/2023	6/20/2023	55
New Hire	31	Woman / Female	Not Specified	Hispanic or Latino	1951	Teacher Assistant I	Head Start	Carrillo, Ralph	12/5/2022	04/10/2023	126
New Hire	32	Man / Male	Not Specified	Hispanic or Latino	2191	Field Inspector II	Energy Services	Terzulli, Leesa Ann	05/03/2023	05/08/2023	5
New Hire	30	Woman / Female	Asian	Not Hispanic or Latino	2114	Administrative Specialist	Energy Services	Contrestano, Matthew S	03/10/2023	05/22/2023	73
New Hire	54	Man / Male	Not Specified	Hispanic or Latino	2197	Field Supervisor	Energy Services	Terzulli, Leesa Ann	05/09/2023	06/05/2023	27
New Hire	26	Woman / Female	Not Specified	Hispanic or Latino	2064	Site Supervisor - RD	Women, Infants & Children	Buelna, Stephanie Ann	01/13/2023	04/10/2023	87

APPLICATION STATUS	AGE	GENDER	RACE	ETHNICITY	REQUISITION	POSTING	Program	HIRING MANAGER	REQUISITION POST DATE	DATE OF HIRE	DAYS TO FILL
New Hire	35	Woman / Female	Not Specified	Hispanic or Latino	2070	Project Analyst	Energy Services	Barboza, Yvette C	1/23/2023	05/08/2023	105
New Hire	48	Man / Male	White	Not Hispanic or Latino	2055	Custodian	Head Start	Uyeda, Helen Reyes	1/4/2023	04/10/2023	96
New Hire	29	Man / Male	Not Specified	Not Specified	2106	Public Affairs Manager	Executive Office	Moreno, Jose Alfredo	02/22/2023	05/08/2023	75
New Hire	34	Woman / Female	Not Specified	Hispanic or Latino	2014	Food Services Assistant I	Head Start	Toledo, Barbara	1/12/2023	05/08/2023	116
New Hire	19	Man / Male	Not Specified	Hispanic or Latino	2136	Food Distribution Assistant	Community Services	Romero, Gabriela	04/05/2023	05/18/2023	43
New Hire	43	Woman / Female	Asian	Not Hispanic or Latino	2018	Food Services Assistant I	Head Start	Cockheran, Debra D.	12/5/2022	04/24/2023	140
New Hire	32	Man / Male	Asian	Not Hispanic or Latino	2139	Facilities Maintenance Technician I	Facilities Management	Rico, Jenell	4/12/2023	6/23/2023	72
New Hire	34	Woman / Female	Not Specified	Hispanic or Latino	2064	Site Supervisor - RD	Women, Infants & Children	Buelna, Stephanie Ann	1/20/2023	04/24/2023	94
New Hire	32	Man / Male	Not Specified	Hispanic or Latino	2191	Field Inspector II	Energy Services	Terzulli, Leesa Ann	05/03/2023	05/22/2023	19
New Hire	35	Prefer not to say	Not Specified	Hispanic or Latino	2174	Community Care Specialist	African American Coalition	Santana, Marcie	04/10/2023	06/20/2023	71
New Hire	35	Man / Male	Not Specified	Hispanic or Latino	2121	Para-Transit Driver	Transit	Tsudama, Adam A.	3/20/2023	6/12/2023	84
Rehire	41	Woman / Female	Not Specified	Hispanic or Latino	2180	Program Planning and Development Director	Executive Office	Lazzarini, Jack Lee	04/20/2023	04/24/2023	4
New Hire	43	Woman / Female	Not Specified	Hispanic or Latino	2071	Client Services Representative	Energy Services	Goatz, Monica	01/20/2023	05/08/2023	108
New Hire	31	Woman / Female	Not Specified	Hispanic or Latino	2136	Food Distribution Assistant	Community Services	Romero, Gabriela	04/05/2023	05/18/2023	43
New Hire	24	Woman / Female	Not Specified	Hispanic or Latino	2185	Program Assistant	Valley Apprenticeship Connection	Martinez, Amalia	04/26/2023	05/08/2023	12
New Hire	25	Man / Male	White	Not Hispanic or Latino	2174	Community Care Specialist	African American Coalition	Santana, Marcie	04/10/2023	06/20/2023	71
New Hire	37	Woman / Female	Asian	Not Hispanic or Latino	2022	Family Support Assistant I	Head Start	Jalomo-Ramirez, Olga L.	11/23/2022	04/10/2023	138

APPLICATION STATUS	AGE	GENDER	RACE	ETHNICITY	REQUISITION	POSTING	Program	HIRING MANAGER	REQUISITION POST DATE	DATE OF HIRE	DAYS TO FILL
Promotion	33	Female	Not Specified	Hispanic or Latino	2070	Project Analyst	Energy Services	Barboza, Yvette C	01/20/2023	5/22/2023	122
New Hire	33	Woman / Female	Black or African American	Not Hispanic or Latino	2161	Teacher Assistant I	Head Start	Thao, Yer	4/14/2023	6/5/2023	52
New Hire	27	Man / Male	Not Specified	Hispanic or Latino	2120	Community Outreach Specialist	Sanctuary and Support Services	Streets, Chrystal J	03/17/2023	05/08/2023	52
Promotion	31	Woman / Female	Not Specified	Hispanic or Latino	2085	Administrative Assistant (Equity & Impact)		Williams, Kevin	02/01/2023	5/8/2023	96
Promotion	43	Woman / Female	Not Specified	Hispanic or Latino	2140	Sous Chef	Food Services	Escobar, Jon Christopher	04/06/2023	5/22/2023	46
New Hire	35	Man / Male	Asian	Not Hispanic or Latino	2132	Quality Assurance Analyst	Energy Services	Alanis, Adolfo J	03/30/2023	05/08/2023	39
New Hire	31	Woman / Female	Not Specified	Hispanic or Latino	2054	Teacher Assistant I	Head Start	Rubio, Blanca E.	12/23/2022	05/22/2023	150
New Hire	46	Woman / Female	Not Specified	Hispanic or Latino	2101	Communications Specialist II	Executive Office	Moreno, Jose Alfredo	02/16/2023	05/08/2023	81
New Hire	25	Woman / Female	Not Specified	Hispanic or Latino	2082	Account Clerk II	Finance	Harrison, Thelma H.	01/28/2023	04/24/2023	86
New Hire	41	Man / Male	White	Not Hispanic or Latino	2132	Quality Assurance Analyst	Energy Services	Alanis, Adolfo J	03/30/2023	05/08/2023	39
New Hire	44	Woman / Female	Not Specified	Hispanic or Latino	2062	Home Base Educator	Head Start	Zuniga, Guadalupe	01/13/2023	05/08/2023	115
New Hire	54	Woman / Female	Not Specified	Hispanic or Latino	2121	Para-Transit Driver	Transit	Tsudama, Adam A.	3/20/2023	6/26/2023	98
New Hire	39	Woman / Female	Not Specified	Hispanic or Latino	2141	SFSP Monitor	Food Services	Gutierrez, Yer Y	04/12/2023	06/05/2023	54
New Hire	30	Woman / Female	Not Specified	Hispanic or Latino	2103	Breastfeeding Peer Counselor	Women, Infants & Children	Casillas, Julie	02/21/2023	04/10/2023	48
New Hire	25	Woman / Female	Not Specified	Hispanic or Latino	2174	Community Care Specialist	African American Coalition	Santana, Marcie	04/10/2023	06/13/2023	64



APPLICATION STATUS	AGE	GENDER	RACE	ETHNICITY	REQUISITION	POSTING	Program	HIRING MANAGER	REQUISITION POST DATE	DATE OF HIRE	DAYS TO FILL
Rehire	32	Woman / Female	Two or more races (Not Hispanic or Latino)	Not Hispanic or Latino	2173	Site Monitor	Sanctuary and Support Services	Streets, Chrystal J	4/18/2023	6/2/2023	45
New Hire	28	Man / Male	Not Specified	Hispanic or Latino	2114	Administrative Specialist	Energy Services	Contrestano, Matthew S	03/10/2023	05/22/2023	73
New Hire	22	Woman / Female	Not Specified	Hispanic or Latino	2095	Teacher Assistant I	Head Start	Thao, Yer	2/14/2023	5/8/2023	83
New Hire	30	Man / Male	Asian	Not Hispanic or Latino	2134	Executive Coordinator and Board Liaison	Access Plus Capital	Hill, Jim Tate	04/03/2023	05/22/2023	49
New Hire	41	Man / Male	Not Specified	Hispanic or Latino	2191	Field Inspector II	Energy Services	Terzulli, Leesa Ann	05/03/2023	05/22/2023	19
Promotion	38	Male	Not Specified	Not Hispanic or Latino	2076	Accounting Manager	Access Plus Capital	Birk, Baldev Singh	01/23/2023	4/24/2023	91
New Hire	45	Man / Male	Not Specified	Hispanic or Latino	2192	Chef	Food Services	Escobar, Jon Christopher	05/04/2023	06/19/2023	46
Transfer	36	Female	Not Specified	Hispanic or Latino	2089	Teacher I	Head Start	Thao, Yer	02/01/2023	5/8/2023	96
Promotion	45	Female	White	Not Hispanic or Latino	2098	Finance Manager	Head Start	Pineda, Rosa M.	02/16/2023	4/10/2023	53
New Hire	48	Man / Male	Not Specified	Hispanic or Latino	2162	Business Development Manager	Access Plus Capital	Mostert, Pamela	04/13/2023	06/05/2023	53
Internal Hire	29	Woman / Female	Two or more races (Not Hispanic or Latino)	Not Hispanic or Latino	1907	Quality Assurance Technician I	Energy Services	Contrestano, Matthew S	8/31/2022	4/23/2023	235
Internal Promotion	42	Woman / Female	Black or	Not Hispanic or Latino	2090	Program Manager	Access Plus Capital	Nicholson, Cherella J.	02/03/2023	5/22/2023	108

APPLICATION STATUS	AGE	GENDER	RACE	ETHNICITY	REQUISITION	POSTING	Program	HIRING MANAGER	REQUISITION POST DATE	DATE OF HIRE	DAYS TO FILL
New Hire	30	Woman / Female	Black or African American	Not Hispanic or Latino	2058	Site Monitor	Sanctuary and Support Services	Streets, Chrystal J	12/30/2022	04/10/2023	101
New Hire	34	Woman / Female	White	Not Hispanic or Latino	2173	Site Monitor	Sanctuary and Support Services	Streets, Chrystal J	04/14/2023	06/02/2023	49
New Hire	33	Woman / Female	Black or African American	Not Hispanic or Latino	2174	Community Care Specialist	African American Coalition	Santana, Marcie	04/10/2023	06/20/2023	71
Rehire	32	Woman / Female	Asian	Not Hispanic or Latino	2124	Teacher/Caregiver I	Early Head Start	Jones, Cheryl	3/24/2023	6/25/2023	93
New Hire		Woman / Female	Asian	Not Hispanic or Latino	1887	Client Services Representative	Liheap Weatherization	Mireles, Dolores	8/17/2022	04/10/2023	236
New Hire	29	Man / Male	White	Not Hispanic or Latino	2070	Project Analyst	Energy Services	Barboza, Yvette C	01/20/2023	05/08/2023	108
New Hire	27	Man / Male	Not Specified	Hispanic or Latino	2057	Site Monitor	Food Services	Gutierrez, Yer Y	1/18/2023	05/22/2023	124
New Hire	27	Woman / Female	Not Specified	Hispanic or Latino	2112	Administrative Assistant	Human Resources	Tierce, Jennifer	02/28/2023	04/24/2023	55
Average Time to Fill: 78											



## HUMAN RESOURCES COMMITTEE MEETING

<b>Date:</b> September 11, 2023	<b>Program:</b> Human Resources
<b>Agenda Item #:</b> 5	<b>Director:</b> N/A
<b>Subject:</b> Personnel Policies and Procedures Manual	<b>Officer:</b> Nelson Dibie

### 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, the Personnel Policies and Procedures Manual will be updated accordingly. 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.

**Fresno EOC**  
**Proposed Policy Manual Changes**

<b>Policy #</b>	<b>Policy Name</b>	<b>Section</b>	<b>Change</b>	<b>Reason</b>
1010	Employment At-Will	Procedure	<del>"Nothing in These policies shall not be interpreted to be in conflict with, or to eliminate or modify..." in any way t</del>	Better flow and readability
1020	Equal Employment Opportunity Policy	Policy	"reproductive health decision making..."	legal compliance
		Reference	Fair Chance Act	Moved from Policy to Reference
		Procedure	Religious Beliefs separated from Accommodations	Definitions and responses to those requests are different.
1030	Diversity Policy	Procedure	<del>Fresno EOC's</del> As such, Fresno EOC draws upon the diverse life experiences of our employees and encourages their full and active participation of <del>every employee</del> in the Agency.	Better flow and readability
		Section IV	"...amongst the Board, Leadership, management and staff..."	Consistency in Language
1040	Discrimination/Harassment/Retaliation Complaint and Prevention Policy	Entire Policy	Discrimination, Harassment policies combined with retaliation policy.	More clarity and transparency in handling harassment and discrimination investigations and informing the employees of steps taken to protect them from retaliation
1050	Management Flow, and Open Communication	Section II	<del>"It is anticipated that the</del> As first point of contact, immediate supervisors are capable of responding promptly and initiating action <del>in order- ..."</del>	Better flow and readability
1060	Personnel Records	Sections I - III	general clarifications	Provide better language and clarification in regards to access to personnel files
		Section IV	Verification of Employment requests should be submitted to The Work Number	ADP provides Verification of Employment services in the current contract.
		Section V	section rewritten	to provide clarification on the agency's position regarding reference checks.
1090	Recruitment, Selection and Employment	Section I Item C2	added "Requisitions will include..."	Legal compliance with 2023 CA Pay Transparency Act.
		Section II Item A3	Added "All interview panel members..."	To create policy to support existing practice.
		Section III - IV	Existing content reorganized	To provide clarification on the order of steps in the recruitment process.
		Section V	section rewritten	Better flow and readability
1120	Transfers and Promotions	Section IV	Moved to Policy 2020 Wage and Salary Administration	Merge with other pay policies
1130	New Employee Orientation	Entire Policy	added and changed content	To provide better direction on information being provided to staff and timelines to do so.
1140	Introductory Period	Section I Item A and B	change 12 month introductory period to 6 months	Improve performance management timelines
		Section II	change "in a timely manner" to "30 days from the due date"	Improve performance management timelines
		Section III	Added language regarding At-Will Terminations due to performance	To provide consistency with Policy 7050 Separations of Employment
1150	Hours of Work, Rest and Meal Breaks	Entire Policy	Split Attendance into a new policy	To provide clarity and emphasis to attendance policy

**Fresno EOC**  
**Proposed Policy Manual Changes**

<b>Policy #</b>	<b>Policy Name</b>	<b>Section</b>	<b>Change</b>	<b>Reason</b>
1160	Punctuality and Attendance	Entire Policy	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.	New definition to emphasize the importance of attendance and punctuality
1170	Lactation Policy	Rest Area Section III	Removed language that allowed employer to deny the right to express breaks and added information on what is considered an approved rest area	Outdated language in the former policy that didn't include state and federal regulation updates.
1190	Dress and Grooming Standards	Section D	Added language to require employees to wear a Badge while on duty/hours worked.	Employees of EOC can be identified in EOC locations and at public events
1200	Automobile Insurance and Driver's License	Section I Item C	All individuals operating private vehicles for company use must maintain appropriate insurance coverage as mandated by California state law.	Reduce agency risk and liability
		Section I Item F	Added language to require employees to keep their driver license with them while operating an agency vehicle	Legal compliance
2010	Pay Practices	Section III Item C.	Added content	To clarify floating holidays and double pay on holidays worked.
2020	Wage and Salary Administration	Section IV	Add language consistent with Agency's \$17 minimum wage	To add policy aligning with board resolution
		Section V	Added content regarding promotion pay	To provide a higher pay increase to staff promotion to a new role, providing incentive for growth and development within the agency.
		Section VI Item A.	Added language regarding Merit Increases	To provide incentive to staff to perform well at or above agency standards.
		Section VI Item B.	Added Cost of Living Adjustment (COLA) language.	To support agency efforts to stay competitive in the market during times of inflation.
		Section VII	Added language to create a second level of temporary pay increase.	To provide staff staff a higher increase when temporarily performing a job in a higher classification
		Section X	Moved from Policy 1120 Transfers and Promotions	To have all policies and standards regarding pay in one policy
2040	Discretionary Bonus Incentive Policy	Eligibility	Removed language	Removed repetitive language.
2060	Pay Scale Information	Entire Policy	New policy added	Legal compliance with 2023 CA Pay Transparency Act.
3020	Vacations	Section V	Added language to state that employees may use vacation while on protected leave	Employees may use any leave accruals while on protected leave per state and fed law.
3030	Sick Time	Section V	Language addition of designated person and its definition was added	Changes to California Family Rights Act - State law requirement
3040	Paid Sick Leave	Section I	Language addition of designated person and its definition was added	

**Fresno EOC**  
**Proposed Policy Manual Changes**

<b>Policy #</b>	<b>Policy Name</b>	<b>Section</b>	<b>Change</b>	<b>Reason</b>
3060	Retirement Plans	Section IV	Eligibility language updated to explain who is eligible for the 457B plan.	Clarification of what employees qualify.
3070	Vaccination Policy	Delete	Recommended the removal of this policy	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
3080	Health and Wellness Platform	Section III	Deleted, stipend, time off, reduction in insurance premiums, gifts and awards	Removed the language that is no longer applicable incentives.
4010	Family Medical Leave and California Rights Act	Purpose, Section II, Section III	Separated FMLA/CFRA Policy added military leave to FMLA. Pregnancy Disability and other leaves a stand-alone policy.	Very long policy hard to follow and this provides more clarify and direction to employees
4020	Pregnancy-Related Disability, other disabilities, and Accommodations	New Policy	Created standalone policy from FMLA/CFRA. Removed Extended Medical leave - converted this to Interactive Process section.	To provide better guidance and encompass the interactive process as required by Americans with Disabilities Act
4030	Leaves of Absence	Section III	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.	State regulations state that five days unpaid leave are protected leave for bereavement reasons.
4050	Domestic Violence, Sexual Assault, or Stalking Victim Leave	Section II	Crime Victims leave section updated to include the definition	To provide clarification
5010	Workplace Atmosphere	Section II	Anti-Bullying Policy	Legal compliance
5020	Standards of Performance and Conduct	Section I A	"perform the job duties satisfactorily";	Better flow and readability
		Section I A	"Excessive absenteeism..."	Moved to Standards - I. B. number 3
		Section I B	"Discourteous or unprofessional conduct"	Moved to Standards - I. B. number 1
		Section I B	Headstart section moved to the end	Better flow and readability
	Progressive Discipline	Policy	Counseling and Corrective Action changed to Progressive Discipline	Title for disciplinary section changed
		Policy	Circumstances and employee conduct may warrant eliminating one or more steps in the progressive <del>corrective action</del> discipline system, possibly resulting in immediate suspension or termination.	Better flow and readability
		Section I	Coaching and Counseling changed to Coaching	Simplification of titles
		Section II	Corrective Action changed to Progressive Discipline	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
		Section II Item A	Verbal Reprimand changed to Counseling Memo	This step will be an official memo now that will remain in the employee's file
		Section II Item A	2, 3, 4 - Process outlined better	Consistency in the process
		Section II Item B	Reprimand and Warning changed to Written Warning	Simplification of titles

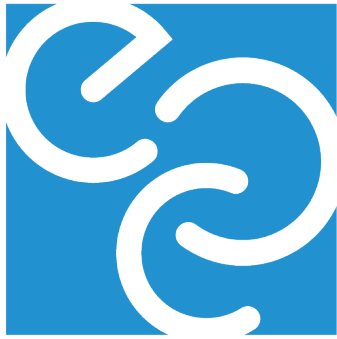
**Fresno EOC**  
**Proposed Policy Manual Changes**

<b>Policy #</b>	<b>Policy Name</b>	<b>Section</b>	<b>Change</b>	<b>Reason</b>
5030	Progressive Discipline (continued)	Section II Item C	Suspension changed to Final Warning or Suspension	Provide the agency with the option to either issue a final warning to the employee or proceed with suspension
		Section II Item D	Discharge: (Involuntary Termination) changed to Termination	Simplification of titles
		Section IV	Performance Improvement Plan moved to Performance Evaluations	PIP's are not disciplinary therefore moved to Performance Evaluation section
		Section IV	<del>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</del> 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.	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
		Section V	Investigatory Interview changed to Incident Review	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
		Section V	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 <del>investigatory interview</del> 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.	Clarity in the process
5040	Alcohol/Drug Free Workplace	Section II B	Added language to prohibit discrimination of off work use of cannabis in non-safety sensitive positions	legal compliance
5070	Code of Ethics and Business Conduct	Section II	Agency employees shall not disclose confidential information without proper authorization from their supervisor, manager and/or Human Resources Office <del>Human Resources Department.</del>	Clarity in the process
5110	Remote Work and Access Guidelines	Policy	Change from "Human Resources Office" to "Human Resources Department", Stipend rates	Consistency in language
5140	Employee Referral Incentive Program	Entire Policy	New policy to provide incentive to staff to make referrals for employment	To provide staff the opportunity to make referrals for employment and receive an incentive for doing so.
6010	Commitment to Safety	Section VII	Added Section VII. Emergency Condition	Legal compliance with SB 1044 impacting Labor Code Section 1139.
7020	Succession Planning	Entire Policy	New policy added	Establish a succession plan for the agency

**Fresno EOC**  
**Proposed Policy Manual Changes**

<b>Policy #</b>	<b><u>Policy Name</u></b>	<b><u>Section</u></b>	<b><u>Change</u></b>	<b><u>Reason</u></b>
7030	Performance Evaluations	Section I	Introductory period changed from 12 months to 6 months	Management should be able to discern if an employee is a good fit for the agency within the first 6 mos.
	Performance Evaluations	Section I Item B.	Change anniversary based evaluations to a common date evaluation	To simplify evaluation due dates and support program budgets in regards to merit increases
		Section IV	Performance Improvement Plan section moved from 5030	Clarity in the process, more appropriate section since PIP's are not disciplinary
7070	Severance Pay	Entire Policy	New policy added	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





Fresno  
**Economic  
Opportunities  
Commission**

## **PERSONNEL POLICIES & PROCEDURES MANUAL**

APPROVED SEPTEMBER 22, 2021  
REVISED AUGUST 24, 2022  
REVISED MAY 10, 2023

## INTRODUCTION TO PERSONNEL POLICIES & PROCEDURES MANUAL

The purpose of these policies, procedures, rules and guidelines 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.

### **I. GENERAL STATEMENTS**

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. 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 policies be constructed to act as or create any type of express or implied employment contract with any employee of Fresno EOC. This manual supersedes and replaces all previous Personnel Policies and Procedures Manuals.

Fresno EOC reserves full discretion to add, 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 CEO. These policies are not 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 Office is responsible for distribution of the manuals to directors and management 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, management and supervisors should refer to the manual whenever questions of policy interpretation or implementation arise. Policies needing clarification or interpretation should be referred to the Human Resources Office.

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DRAFT

<b>POLICY 1010 EMPLOYMENT AT WILL</b>
---------------------------------------

**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. These policies shall not be in conflict with, eliminate or modify 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.

DRAFT

## POLICY 1020 EQUAL EMPLOYMENT OPPORTUNITY POLICY

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

**POLICY:** It is the policy of Fresno EOC to recruit, employ, evaluate, transfer, and promote qualified personnel without distinction to race (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, or for any other reason prohibited by law or regulation and not work related. All such discrimination is unlawful.

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

### PROCEDURES:

#### I. COMMITMENT

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

**Accommodating Disabilities:** To comply with applicable laws and ensure equal opportunity to qualified individuals with disabilities, Fresno EOC will make reasonable accommodations for the known physical and mental limitations 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 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.

**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 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 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, 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.

## **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.

DRAFT

## POLICY 1030 DIVERSITY POLICY

**PURPOSE:** Fresno EOC places a high importance on diversity and inclusion 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 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. As such, Fresno EOC draws upon the diverse life experiences of our employees and encourages their full and active participation in the Agency.

Achieving diversity requires commitment from the organization's leadership at all 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.

#### 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
- 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, 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 may be subject to corrective action up to and including termination (see Policy 5030, Corrective action).

## **POLICY 1040 DISCRIMINATION/HARASSMENT/RETALIATION COMPLAINT AND PREVENTION POLICY**

**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.

**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.

**REFERENCE:** Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.), the Immigration Reform and Control Act of 1986, Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. §§ 793 et seq.), the Vietnam Era Veterans' Readjustment Assistance Act and Uniformed Service Employment and Reemployment Rights Act of 1994 (38 U.S.C. §§ 4211 et seq., 4301 et seq.), the Federal Family and Medical Leave Act of 1993 (29 U.S.C. § 2615), the Equal Pay Act of 1963, the Fair Employment and Housing Act (Gov. Code § 12900 et. seq.), California Labor Code § 1102.1, Title II of the Genetic Information Nondiscrimination Act of 2008, GINA, California AB 887, California SB 600, California SB 358, California AB 987, Gender Nondiscrimination Act. FEHA (Gov. Code § 12940 (h), 29 C.F.R. § 1604.11, §11019(b) and §11009(e), Fair Employment and Housing Council §11031, California AB 1825, Gov. Code §12950.1, 12950

### **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.
- Individuals whose affiliation with or perceived affiliation with any characteristic protected by law including those listed above.

#### 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 and/or that of an individual's relatives, friends or associates, because of the reasons listed under section A. Equal Employment Opportunity 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, including the display of signs or symbols, 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.

#### **III. MANDATORY TRAINING**

Fresno EOC requires interactive training and education regarding sexual harassment and abusive conduct prevention. 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 of hire. New supervisory employees will be provided two (2) hours of training within thirty (30) days 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 corrective action, 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. Fresno EOC will engage in a prompt and impartial investigation. Responsive action may include but is not limited to, 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 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 corrective action, 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. Information regarding these agencies is available on the internet at the following websites:

- U.S. Equal Employment Opportunity Commission: [www.eeoc.gov](http://www.eeoc.gov)
- California Civil Rights Department: [www.crd.ca.gov](http://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.



## **POLICY 1050 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 bylaws, 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. As first point of contact, immediate supervisors are capable of responding promptly and initiating action to resolve issues, answer questions, and 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 is encouraged to discuss the issue with their manager, director, officer or with the Human Resources Department. (see Policy 1040 Discrimination/Harassment/Retaliation Complaint and Prevention Policy).

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.

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## **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 files as required by federal, state, or local law. Personnel records are confidential and employee information will be obtained, used, and retained in a manner which protects each employee's privacy. The personnel file is used to determine employee qualifications for employment, promotion, additional compensation, termination, or discipline.

#### **II. RESPONSIBILITY**

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

B. Employee: Employees have a responsibility to keep their personnel records up to date. The Human 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 file at a reasonable time and with reasonable notice.

An inspection by the employee must be requested in writing to the Human Resources Department and will be scheduled at a mutually convenient time, but no later than 30 calendar days from the date that Fresno EOC received the employee's written request. 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 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 Department.

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 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 Department. 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 acting on behalf of the agency and cannot be written on agency letterhead.

#### **VI. SUBPOENAS**

The Human Resources Department is the designated recipient when accepting legal documents regarding business and personnel matters. Fresno EOC does not accept subpoenas for personal matters on behalf of employees.

## **POLICY 1070 EMPLOYMENT CLASSIFICATIONS**

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

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

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

### **PROCEDURES:**

#### **I. FULL-TIME REGULAR EMPLOYEES**

An employee who is regularly scheduled to and does work thirty-five (35) to forty (40) hours per week, excluding vacation and periods of authorized leave, 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 Policy 3050, 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 Policy 3050, 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..

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 3050, 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 and higher-level reinstatements must have Human Resources Director/Officer 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 and higher-level rehires must have Human Resources Director/Officer 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 3040, 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.

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

### PROCEDURES:

#### I. DEFINITIONS

A. Non-exempt: The term “non-exempt employee” means 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. Employees are also entitled to rest periods and meal periods under California wage and hour laws and/or the Federal Fair Labor Standards Act. 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 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 judgment;
  - The employee must spend more than 50 percent of working hours performing managerial tasks. Exempt duties include interviewing, selecting, and training employees; setting pay rates and work hours, evaluating employees' performance, handling workers' complaints, disciplining employees, planning and distributing work, deciding on types of work materials and supplies to be used and providing for the safety of employees; and
  - The employee's monthly compensation is not less than two times the state minimum wage for full time employment or meets federal exempt status requirements.
2. Administrative Exemption: An employee qualifies for the administrative exemption from overtime when the following conditions are met:

- Customarily and regularly exercises discretion and independent judgment in the performance of “intellectual” work which, in the context of an administrative function, is office or non-manual work directly related to management policies or the general business operations of the Agency, and regularly and directly assists an exempt administrator, or performs under only general supervision, work along specialized or technical lines requiring special training, experience or knowledge, or executes special assignments and tasks under only general supervision;
- Devotes more than 50 percent of work time to the activities described above; and
- The employee's monthly compensation is not less than two times the state minimum wage for full time employment or meets federal exempt status requirements.

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

- a. Executive assistants or administrative assistants to whom executives or high-level administrators have delegated part of 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 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.

## POLICY 1090 RECRUITMENT, SELECTION, AND EMPLOYMENT

**PURPOSE:** To describe the procedure for recruiting and selecting employees for vacant positions at Fresno EOC and to confirm the responsibility of the Human Resources 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.

**REFERENCE:** Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.), the Immigration Reform and Control Act of 1986, Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. §§ 793 et seq.), the Vietnam Era Veterans' Readjustment Assistance Act and Uniformed Service Employment and Reemployment Rights Act of 1994 (38 U.S.C. §§ 4211 et seq., 4301 et seq.), the Federal Family and Medical Leave Act of 1993 (29 U.S.C. § 2615), the Equal Pay Act of 1963, the Fair Employment and Housing Act (Gov. Code § 12900 et. Seq.), California Labor Code § 1102.1, Title II of the Genetic Information Nondiscrimination Act of 2008, GINA, California AB 887, California SB 600, California SB 358, California AB 987, Gender Nondiscrimination Act, California Fair Pay Act (SB 358), Fair Credit Reporting Act, AB1008, CA Pay Transparency Act (SB1162).

### PROCEDURES:

#### I. RECRUITMENT

A. General: Agency programs have the primary responsibility of overseeing the recruitment process. The Human 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 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.

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 7060, Layoffs). Fresno EOC maintains sole discretion of all personnel decisions. Veterans will be given preference when filling job openings with qualified external 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 posts will be advertised for at least three days and generally no more than two weeks. Employees who believe they are qualified for the position must apply 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 Fresno EOC's website, 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 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. All applicants must meet the minimum qualifications with or without reasonable accommodation, 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.
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. 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 Department.

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, up to and including termination.

## **V. NON-COMPETITIVE SELECTION**

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

## **VI. 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 Department. 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 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 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.

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

### **PROCEDURES:**

#### **I. INTERNSHIPS**

Unpaid Internships: Unpaid internships must be in compliance with the Fair Labor Standards Act and California wage and hour laws. The Human Resources Department must be notified in advance of an unpaid internship. All paperwork must be reviewed for compliance and be maintained in the Human Resources Department. The Agency will work to ensure that underprivileged groups be afforded internship opportunities.

#### **II. VOLUNTEERS**

Fresno EOC is committed to involving volunteers directly within the Agency to contribute to the delivery of our services, provide different skills and perspectives, and offer opportunities for participation. A volunteer is a person who freely offers to take part in an enterprise or undertake a task. Volunteering is the practice of a person working on behalf of others to take part in enriching 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.

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## **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, 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 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 Department. No candidate shall be advanced solely based on 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).

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## 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; benefits; performance expectations; rules of conduct; job safety; and policies and procedures.

**POLICY:** It is the policy of Fresno EOC to provide orientation to a new employee as the final step in the hiring process. Employees, interns, and volunteers 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.

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

### PROCEDURES:

During the orientation process, each employee will receive an introduction that covers the history and operation of Fresno EOC, 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 Department 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 DEPARTMENT

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

The Human Resources Department 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
- B. Expectations, Rules & Procedures
  - 1. Personnel Policies & Procedures
  - 2. Performance Expectations & Evaluations
  - 3. Alcohol/Drug-Free Workplace Policy
  - 4. Diversity Policy and Policy Against Harassment
  - 5. Requirement to Report Suspected Child Abuse
  - 6. Domestic Violence, Sexual Assault or Stalking Victim Leave
- C. Pay Procedures
  - 1. Pay schedule & distribution of paychecks
  - 2. Deductions & direct deposit

D. Safety

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

E. 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

F. 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. Personal Vehicle Form
6. Agency Property Agreement, if applicable
7. Acknowledgement of Policies and Procedures
8. Acknowledgement of Requirement to Report Suspected Child Abuse
9. Employee Rights Form
10. Receipt of Job Description
11. Anti-Harassment and Anti-Discrimination Acknowledgement Form
12. Confidentiality Statement Notice to Employee – Labor Code section 2810.5
13. Branding Guidelines
14. Receipt of POLICY 1040 Discrimination/Harassment/Retaliation Complaint And Prevention Policy
15. Disability insurance Pamphlet
16. Sexual Harassment Fact Sheet
17. Domestic Violence Leave Notice
18. Paid Family Leave Pamphlet

**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 tour of the department/program
3. Provide instructions pertaining to the job that may be necessary for getting started.
4. Discuss hours of work and attendance requirements.

5. Provide required safety training and safety equipment.

B. First Week

1. Provide opportunities for regular check-in with the new employee
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 Months

1. Conduct check-ins during the first thirty (30) to sixty (60) days of employment to discuss:
  - a. Hold question-and-answer sessions with employee.
  - b. Discuss the employee's goals for the next evaluation period.
  - c. Attend other training(s) as required.
2. Conduct a midpoint performance review with the employee at three (3) months.

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## **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 (6) 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. 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) 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. 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. 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**

**PURPOSE:** To establish general working hours, rest and meal breaks for employees.

**POLICY:** It is the policy of the Agency to ensure the agency provides rest and meal breaks in compliance with applicable laws.

**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 net 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 net 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-out and clock-in 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 break periods and may leave the premises. Employees not relieved of all duties during meal break periods; not provided a timely meal break period; or who receive a shortened or missed meal break period will receive a penalty payment 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.

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 break 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. 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. 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 or used to arrive late or leave early. 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 penalty payment of one hour of their regular rate of pay for each workday this occurs. Employees must notify their supervisor of any occasion when rest break periods were not provided in accordance with the above policy.

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, 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.

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## 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.

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

### PROCEDURES:

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 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, motor vehicle accidents, or hospitalization.

## **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 unless a provided doctor's note indicates the return to work date.

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

## **III. 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.

## **IV. 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.

## **V. 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.

## **VI. 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.

## **VII. 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).

## **VIII. 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.

## **POLICY 1170 – 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 Department 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.

#### **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. 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.

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 1180 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 an 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 discipline 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 discipline procedure.

## POLICY 1190 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 always 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.

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

### PROCEDURES:

#### I. STANDARDS

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

A. Dress: Employees are expected to dress in a manner that is normally acceptable in similar work environments. The wearing of suggestive or offensive attire is prohibited. Athletic clothing, shorts, T-shirts, tank tops, or similar items of casual attire 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.

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 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.

## **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. ACCOMODATIONS**

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).



## POLICY 1200 AUTOMOBILE INSURANCE AND DRIVER'S LICENSE

**PURPOSE:** To establish 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, 'DUIs, or work-related vehicle accidents must be reported immediately.

**REFERENCE:** California Insurance Code §11580.1b, California Vehicle Code 16020

### 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 Department 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.

#### 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.

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

### **PROCEDURES:**

#### **I. PLACE AND TIME FOR PAYMENT OF WAGES**

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

Employee time sheets/electronic time records must be completed properly and accurately. The time sheet must reflect all hours worked, overtime hours, vacation or sick time, and any other leaves of absences. 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 if the employee submits a written request for the check to be mailed 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 resigned. 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 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 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 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, I 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 Department 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.

## **POLICY 2020 WAGE AND SALARY ADMINISTRATION**

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

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

### **PROCEDURES:**

#### **I. JOB DESCRIPTIONS**

Job descriptions, in addition to summarizing the essential functions and/or responsibilities associated with a job, also include the skills, abilities, and knowledge required for a position. Job descriptions are used for recruiting and evaluating job candidates, coaching and developing current employees, comparing positions and salaries with other employers, and providing an overview of employee job responsibilities. The Human Resources Department 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 Department 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 Department is responsible for coordinating the continuing internal review of all compensation and ensuring that each job is evaluated and assigned a pay grade. The Human Resources Department 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 Department.

#### **IV. NEW HIRE PAY**

A new employee will generally be hired at a competitive rate compared to the market. 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.

## VI. 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 supervisor is 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:

Overall Evaluation Rating:	Overall Evaluation Score:
Exceptional/Exceeds Expectations	4.0
Above Expectations	3.00-3.99
Meets Expectations	2.00-2.99
Below Expectations/Unsatisfactory	0-1.99

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' must be submitted with a letter of justification to the responsible Officer for approval. Final approval will be issued by the Human Resources Department after being reviewed for equity, impact and overall fairness.

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. **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.

## **IX. 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 1120, 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.

## **XI. APPROVAL OF WAGE AND SALARY ADJUSTMENTS**

A. 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 Department 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.

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## **POLICY 2030 GARNISHMENTS**

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

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

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

### **PROCEDURES:**

#### **I. RESPONSIBILITY**

A. Employee: Employees are responsible for managing 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. 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 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.

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## **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 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:

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

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

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

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

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

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

#### III. VACATION APPROVAL AND SCHEDULING

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



B. **Vacation Scheduling:** Scheduling of vacations is to be done in a manner consistent with Fresno EOC's operational requirements. Vacation requests should be submitted by an employee to 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.

#### **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 3040, 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; 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 1160 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**

A timekeeping 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.

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## **POLICY 3040 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, 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, 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, which an employee is eligible to use on or after the 90<sup>th</sup> 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 or 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 1160 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. 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 3050 INSURANCE BENEFITS

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

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

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

### PROCEDURES:

#### I. GROUP INSURANCE BENEFITS

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

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 Department 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 Department 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 Department or online at [www.edd.ca.gov](http://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 Department.

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 3060 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 Department 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 Department 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. Eligibility: Employees may participate in the plan immediately if they belong to a select group of management or key highly compensated employees..

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.

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## **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, California Civil Rights Department, and local health authorities, as applicable.

**POLICY:** All employees are encouraged to receive vaccinations as determined by Fresno EOC.

### **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.

## **POLICY 3080 – HEALTH AND WELLNESS PLATFORM**

**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, or benefit-enrolled 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.

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 accommodation 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.

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## POLICY 4010 FAMILY AND MEDICAL LEAVE AND CALIFORNIA FAMILY RIGHTS ACT

**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:

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

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

### PROCEDURES:

#### I. FAMILY AND MEDICAL LEAVE

Fresno EOC recognizes that employees may need to provide care for their dependent children, elder parents and certain other family members as defined in Section I(A). Fresno EOC also recognizes that family care obligations can, at times, require an employee to be absent from the workplace for an extended period. For that reason, Fresno EOC has established the following Family and Medical Leave Policy. The intent of this policy is to enable employees to attend to serious medical conditions of certain family members, including 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;
- 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 a minimum amount 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 Intermittent FMLA/CFRA. An employee must record intermittent FMLA/CFRA usage on their time sheet. 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.

## **II. 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, 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. INTERACTIVE PROCESS/LIGHT DUTY ASSIGNMENTS FOR TEMPORARY DISABLED EMPLOYEES WHO HAVE A MEDICAL 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. PREGNANCY LEAVE IN ACCORDANCE WITH THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT: AND PREGNANCY-RELATED DISABILITY LEAVE**

##### **A. Eligibility and Duration**

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

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

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

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

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

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



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

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

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

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

#### **V. SAFE HARBOR GENETIC INFORMATION NON-DISCRIMINATION ACT (GINA)**

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

## POLICY 4020 LEAVES OF ABSENCE

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

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

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

### PROCEDURES:

#### I. PERSONAL LEAVE

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

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

A. Requests: An employee must submit a request for Personal Leave 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 five (5) 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, or spouse or domestic partner's grandparent..

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 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 employee 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 within 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 Agency, provided such absence from duty will not interfere with normal operations of the agency.

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 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 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 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 Department 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 4030 MILITARY LEAVES

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

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

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

### PROCEDURES:

#### I. MILITARY SERVICE

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

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

A. Long-term Tour of Duty: An employee who enters into or is called to uniformed service duty shall notify the supervisor immediately and shall be granted a leave of absence not to exceed five (5) years. A 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 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 supporting 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.

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

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

**POLICY:** It is the policy of Fresno EOC to allow employees to take leave for purposes of domestic violence, sexual assault, or stalking to ensure 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 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 3040, 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.

**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 employee;, 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.

### 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. 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, 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 will 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
- respecting the rights to personal dignity, privacy and confidentiality pertaining to this policy.

##### 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 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 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, 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;
  - 2. Failure to maintain minimum qualifications of the job;
  - 3. Failure to follow established safety regulations;
  - 4. 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 agency property or the property of another;
  - 8. Theft;
  - 9. Unauthorized removal of agency property from its proper location;
  - 10. Violating conflict of interest rules and accepting gratuities;
  - 11. Disclosing or using confidential or proprietary information without authorization;
  - 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
  - 14. Incurring unauthorized meal premiums;

15. Threatening, intimidating, coercing, or otherwise interfering with other employees, clients, and/or program participants;
16. Physical violence;
17. Unruly behavior or "horseplay";
18. Use of obscene, abusive, or offensive language;
19. Harassment as defined in Policy 1030;
20. 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;
21. Gambling on agency premises or while conducting agency business;
22. Wearing clothing inappropriate for the work being performed;
23. Smoking where prohibited by local ordinance or agency guidelines;
24. Leaving the job without authorization;
25. Sleeping on the job;
26. Possessing a firearm or other dangerous weapon on agency property or while conducting agency business;
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;
28. Failure to report an on the job incident or accident;
29. Causing an accident as a result of operating an agency vehicle in a reckless and negligent manner;
30. Violating vehicle codes and/or agency policies which cause an accident, injury, or property damage;
31. Failure to comply with agency policies and procedures;
32. Violating program confidentiality policies concerning information about children, families, and other staff members;
33. Using abusive, profane, sarcastic language or verbal abuse or threats, against or about Fresno EOC, staff, clients or client's family;
34. Failure to conduct themselves in a professional and ethical manner with all employees, co-workers, clients and/or program participants;
35. Engaging in sexual or other inappropriate contact or relationships with program participants;
36. Ignoring grantor requirements relating to any program for the Agency;
37. Engaging in actions that reflect adversely upon grantors and/or the families or communities we serve;
38. Acting in a manner deliberately contradicting the Agency's Mission, Vision or Values;
39. 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. CORRECTIVE ACTION**

The level of discipline 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 by 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, Corrective action).

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

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## **POLICY 5030 CORRECTIVE ACTION**

**PURPOSE:** To establish procedures with respect to coaching and corrective action while ensuring corrective action procedures are applied uniformly. To give employees who violate agency policies 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 will be addressed accordingly. Fresno EOC has implemented a corrective action system that supports uniformity. Circumstances and employee conduct may warrant eliminating one or more steps in the corrective action 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**

Supervisors are expected to regularly coach employees and correct performance and/or conduct issues 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. CORRECTIVE ACTION**

The level of discipline 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.

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

1. Issue a Counseling Memo to the employee;
2. 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;
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;
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.

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

1. Issue a Written Warning to the employee;

2. Inform the employee that continued failure to meet the Fresno EOC's standards and expectations for performance and/or conduct will result in more severe corrective action up to and including termination;
3. Require the employee to read and sign the reprimand. If the employee refuses to sign, witness(es) will indicate refused to sign on the employee signature line. The employee will have up to five (5) business days to provide a written response; and
4. Submit the signed Written Warning to the Human Resources Department to be filed in the employee's personnel file. A copy of the form will also be provided to the employee.

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 Director, responsible Officer and Human Resources Department;
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;
3. Submit the signed suspension notice form to the Human Resources Department to be filed in the employee's personnel file. A copy of the form will be provided to the employee.

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

D. 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.

## V. DEMOTION

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

## VI.

## **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 will determine, based on the facts, if the employee will be placed on paid administrative leave or unpaid suspension. The Human Resources Department will conduct an investigation of the allegations or misconduct to determine what further action, if any, should be taken, including termination.

## **VIII. INCIDENT REVIEW**

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

## **IX. TIME LAPSE BETWEEN PREVIOUS DISCIPLINE**

If an employee completes twelve (12) months without further discipline 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 discipline in the continuation of employment and/or evaluating the performance of an employee (see Policy 7030, Performance Evaluations). Past discipline(s) are relevant when making employment decisions and when evaluating an employee's overall performance.

## **POLICY 5040 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.

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

### **PROCEDURES:**

#### **I. PROHIBITED CONDUCT**

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

Supervisors, as well as any other employees, should immediately report any action by an employee who demonstrates an unusual or affected behavior to their immediate supervisor and Human Resources Director/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 discipline 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 discipline, 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 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 using prescribed medication if the impairment might endanger the employee or someone else, pose a risk of significant damage to Fresno EOC property, or substantially interfere with the employee's job performance. To accommodate the absence, the employee may use accrued sick time or vacation benefits. The employee may also qualify for an unpaid leave of absence, such as family care or medical leave. Nothing in this policy is intended to sanction the use of accrued sick time or vacation benefits to accommodate absences due to the abuse of prescribed medication. Further, nothing in this policy is intended to diminish Fresno EOC's commitment to employ or reasonably accommodate qualified disabled individuals. Fresno EOC will reasonably accommodate any qualified disabled employee who must take prescribed medication because of a disability if, with such reasonable accommodation, the employee can perform the essential functions of the position.

### **IV. UNREGULATED OR AUTHORIZED CONDUCT**

A. Customary Use of Over-the-Counter Drugs: Nothing in this policy is intended to prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over-the-counter drugs, so long as that activity does not violate any law or result in an employee being impaired using 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 using 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 VII, will be subject to drug and/or alcohol testing as described in Section VII (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 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.

### **1.**

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 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 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.

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<b>POLICY 5050 MANDATORY REPORTING OF CHILD ABUSE</b>
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**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 5060 EMPLOYMENT OF RELATIVES (NEPOTISM) AND PERSONAL RELATIONSHIPS**

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

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

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

### **PROCEDURES:**

#### **I. ASSIGNMENTS**

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

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

#### **II. DEFINITION OF RELATIVE**

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

If two employees become subject to the restrictions of this policy after they are hired, one or both of the employees must seek a transfer or reassignment that eliminates the actual or potential conflict of interest as specified in this policy. (For example, if two employees marry, become 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 5070 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/ 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 Department 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 discipline 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; and
- taking positions on behalf of Fresno EOC of a political nature and/or endorsement of a candidate or issue.

#### II. CONFIDENTIALITY

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 Department. 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. An employee who violates this policy is subject to disciplinary 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.

### **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 Director/Officer or the California State Attorney General's Whistleblower Hotline at 1-800-952-5225.

<b>POLICY 5080 SOLICITATION, DISTRIBUTION, AND POSTING</b>
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**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 Department. An employee who violates this policy is subject to discipline up to and including termination.

## **POLICY 5090 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, Wi-Fi, blogging, social media, instant messaging and voice mail.

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

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

### **PROCEDURES:**

#### **I. DEFINITION**

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

#### **II. AUDIO AND VIDEO RECORDING**

Audio recording or video recording of private conversations and private meetings is prohibited by state law unless all the parties involved grant permission or are notified that they are being recorded. 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, Wi-Fi, 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 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, and 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 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.

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## **POLICY 5100 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 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 5070, 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 5070, 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).

## **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 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 or perceived violations to supervisors, managers, or the Human Resources Department. 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 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, Wi-Fi, 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, or discriminate, 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 5110 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 Department, 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

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.

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](mailto: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.
  - 1. 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.

2. 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.

- B. 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, 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.

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 5120 – 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 is 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 5130 – 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 improving 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 is 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**

- 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.

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## **POLICY 6010 COMMITMENT TO SAFETY**

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

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

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

### **PROCEDURES:**

#### **I. RESPONSIBILITIES**

A. All Employees: Every employee should understand the importance of safety in the workplace. By remaining safety conscious, employees can protect their own interests as well as those of their co-workers. Accordingly, Fresno EOC emphasizes "safety first" and expects all employees to take steps to promote safety in the workplace. All employees are encouraged to submit suggestions to their supervisor or the Human Resources Department 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 discipline 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 Coordinator: The Safety Coordinator is in the Human Resources Department and oversees Fresno EOC's safety policies and procedures. The Safety Coordinators 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 regarding the smoking policy.

Employees who violate this policy will be subject to discipline 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 Coordinator.

### **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.

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

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

### I. WORKPLACE VIOLENCE DEFINED

Workplace violence includes:

- Threats of any kind.
- Threatening, physically aggressive, or violent behavior, such as intimidation of or attempts to instill fear in others.
- Other behavior that suggests a propensity toward violence, which can include belligerent speech, excessive arguing or swearing, sabotage, or threats of sabotage of Fresno EOC property, or a demonstrated pattern of refusal to follow Fresno EOC policies and procedures.
- Defacing Fresno EOC property or causing physical damage to the facilities; or
- With the exception of public safety personnel, bringing weapons or firearms of any kind on Fresno EOC premises, in Fresno EOC parking lots, or while conducting Fresno EOC business.

### II. REPORTING

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

- Imminent danger – dial 911
- Facilities – 559-263-1207
- Executive Plaza Site – building security as contracted by Fresno EOC or Fresno Police Department Dispatch 621-7000

AND

- Human Resources – 263-1070

Employees are encouraged to notify their supervisor and the Human Resources Department 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.. 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 ACTION**

If Fresno EOC determines that workplace violence has occurred, the employee will be subject to discipline 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 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 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 discipline 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 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 5110 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, e-mail, 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 encounter contagious people.

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## **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 7030 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) 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) 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 Evaluation:** Performance evaluations will occur on a common date basis, January 1, annually thereafter.

#### **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 Department 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 discipline up to and including termination in accordance with the corrective action procedure (see Policy 5030, 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.

## **POLICY 7040 EMPLOYEE ASSISTANCE PROGRAM**

**PURPOSE:** The Employee Assistance Program is a confidential resource that helps employees deal with life's challenges and the demands that come with balancing home and work. The program provides professional counseling and referrals for a wide array of personal and work-related concerns.

**POLICY:** It is the policy of Fresno EOC to recognize that personal problems may have a negative impact on an employee's attendance, job performance, or behavior at work. Employees may occasionally benefit from professional assistance with personal problems. Accordingly, Fresno EOC provides an Employee Assistance Program (EAP) for all employees.

**REFERENCE:** California Labor Code §§ 1025-1026, Civ. Code § 56 et seq., California Constitution, Article 1, § 1.

### **PROCEDURES:**

#### **I. EMPLOYEE ASSISTANCE PROGRAM**

The Employee Assistance Program is administered by an outside employee assistance firm. The EAP provides confidential and professional counseling and when appropriate, referral to other services to address personal problems. The EAP is offered to enhance personal well-being.

Employees who need assistance with a personal life situation should contact the EAP. Although employees are encouraged to use the EAP, participation in the program does not relieve an employee of 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 discipline and may, in fact, have no bearing on the determination of appropriate discipline (see Policy 5040, Alcohol/Drug-Free Workplace). The employee's decision to seek assistance from the EAP will not be used as a basis for discipline and will not be used against the employee in any disciplinary proceeding. On the other hand, using the EAP will not be a defense to the imposition of 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 Department.

#### **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 with 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 Department, 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 Department or the EAP.

## **POLICY 7050 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 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 7060, Layoffs).

#### **II. VOLUNTARY SEPARATION PROCESS**

Employees are encouraged to give two weeks' 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 Department 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 Department to start the termination process.

The supervisor will be required to complete the Personnel Separation Form accompanied with the timesheet, performance evaluation, discipline or other supporting documentation. All documents will be forwarded to the Human Resources Department 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 Department 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 consents to 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 Department.

## **POLICY 7060 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.

**REFERENCE:** Worker Adjustment and Retraining Notification Act (WARN Act) (U.S.C. § 2101-2109 et seq.), Consolidated Omnibus Budget Reconciliation Act of 1985

### **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 Department 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 is 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.

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## **POLICY 7070 – 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:

- 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

<b>Date:</b> September 11, 2023	<b>Program:</b> Human Resources
<b>Agenda Item #:</b> 6	<b>Director:</b> N/A
<b>Subject:</b> Employee Handbook	<b>Officer:</b> Nelson Dibie

### 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

N/A

### Conclusion

Human Resources is recommending the handbook be approved as it sets clear expectations for employees while also stating the legal obligations of the agency and defining employee rights. The employee handbook can help protect the agency against employee lawsuits and claims, such as wrongful termination, harassment, and discrimination.



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Fresno  
Economic  
Opportunities  
Commission

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# EMPLOYEE HANDBOOK





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.

A handwritten signature of Emilia Reyes in white ink. The signature is written in a cursive, flowing style, with the first name 'Emilia' and last name 'Reyes' clearly legible.

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 compliments 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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# AGENCY BACKGROUND

## FRESNO ECONOMIC OPPORTUNITIES COMMISSION BACKGROUND

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.

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's 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;
  - Written or graphic material (including, but not limited to, computer images) which is displayed, shown or circulated in the workplace; and
  - Displaying of slogans or symbols that show hostility towards an individual because of their protected characteristic or their association with someone with a protected characteristic.

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).

## 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.

## 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.

## 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, pregnancy-related condition, gender identity, transgender status or sexual orientation), disability or perceived disability (including, but not limited to gender dysphoria), national origin, marital, familial 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.

## SECTION III

# HOURS OF WORK AND PAY PRACTICES

### 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 CANCELCATION

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.

In addition to remote work and schedule flexibility, Fresno EOC recognizes that emergencies happen and an employee may need to bring child(ren) to work due to extenuating circumstances. Employees should ensure that this is not a regular occurrence or cause a disruption to the workplace.

### **MEAL BREAKS**

Non-exempt Employees who work at least five (5) consecutive hours will be provided and are required to take an unpaid, uninterrupted net 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.

A non-exempt employee is to have 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

The rest break period should be taken as close to the middle of each work period as possible.

All work time must be recorded. "Off-the-clock" work is prohibited.

### **LACTATION BREAKS**

Fresno EOC supports the breastfeeding needs of our staff. Fresno EOC provides a reasonable amount of break time to accommodate an employee who wants to express breast milk for the employee's infant child within the first year of birth and a private place to do so. 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.

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. For more information on referral bonuses, please refer to the Policy Manual or contact the Human Resources Department.

### 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.

taken within one year from the date of loss.

### **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, that can be used 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

## 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.

## SECTION VI

# LEAVES OF ABSENCE

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

- 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:

- 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.

## SECTION IX

# HEALTH, SAFETY & SECURITY

### 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.

### 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.

## 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.

## **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.

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## SECTION X

# LEGAL AND AGENCY GUIDELINES

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.



## SECTION XI

# OPEN-DOOR

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.



# Fresno EOC

**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

# ACKNOWLEDGMENT

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.**

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Name (Please Print)

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Signed

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Date

**To be placed in Employee's Personnel Folder**

## FRESNO EOC

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1920 Mariposa St. Suite 111  
Fresno, CA 93721

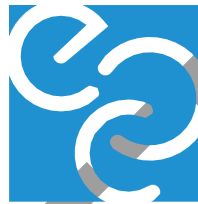


(559) 263-1070



hroffice@fresnoeoc.org

**FRESNOEOC.ORG**



Fresno  
**Economic  
Opportunities  
Commission**



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Action**  
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AMERICA'S POVERTY FIGHTING NETWORK



## HUMAN RESOURCES COMMITTEE MEETING

<b>Date:</b> September 11, 2023	<b>Program:</b> Human Resources
<b>Agenda Item #:</b> 7	<b>Director:</b> N/A
<b>Subject:</b> Human Resources Forms	<b>Officer:</b> Nelson Dibie

### Recommended Action

Staff recommends review and approval of the following Human Resources Complaint Form.

### Background

The Complaint form is a form to help track employee complaints and allow the agency to review for patterns and systematic concerns within the agency.

### Fiscal Impact

N/A

### Conclusion

If approved, these forms will create greater accountability and tracking for Human Resources and Fresno EOC purposes. If not approved, Human Resources will continue to utilize other agency forms to receive complaints, and Fresno EOC will not have a formal process to receive complaints.

Fresno EOC takes all concerns and complaints submitted in good faith seriously. Concerns may be issues that can be resolved at a program level or do not substantiate policy violation.

This form is to be used to submit formal complaints to the Human Resources Department. These complaints will be evaluated, addressed and responded to appropriately based on the severity of the incident.

<b>Name of Complainant:</b>	
<b>Job Title:</b>	
<b>Department:</b>	
<b>Contact Number:</b>	
<b>Email:</b>	
<b>Date Form Submitted:</b>	

<b>Name of Accused:</b>	
<b>Job Title:</b>	
<b>Department:</b>	
<b>Contact Number:</b>	
<b>Email:</b>	
<b>Relationship of Accused to Complainant:</b>	<i>(Manager, coworker, client, etc.)</i>
<b>Date of Incident:</b>	<i>(If more than one event, please report each event on a separate form.)</i>
<b>Location of Event:</b>	

Please explain the events that occurred and why (if known).

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How did you react to the situation? Did you take any action to stop the perceived inappropriate behavior?

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Describe the policy violation or harm you have suffered as a result of the event.

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Were there any witnesses to this specific event? (If yes, please provide their names, job titles, and department.)

1).

2).

3).

Is there any physical evidence that supports your complaint? If so, please describe or attach a copy of the evidence.

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What is your desired resolution for this incident?

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The information provided in this complaint is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my complaint and provide whatever evidence Fresno EOC deems relevant.

Complainant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

This form is to be forwarded to the Human Resources Department or [employeerelations@fresnoeoc.org](mailto:employeerelations@fresnoeoc.org)



## HUMAN RESOURCES COMMITTEE MEETING

<b>Date:</b> September 11, 2023	<b>Program:</b> Retirement Benefits
<b>Agenda Item #:</b> 8	<b>Director:</b> Jay Zapata
<b>Subject:</b> Fiduciary Investment Report	<b>Officer:</b> Emilia Reyes

### Recommended Action

Trustees recommend Committee acceptance for full Board consideration of the retirement plan financial and investment reports for the period ending June 30, 2023.

### Background

In accordance with the Agency's bylaws, the Committee will review and approve quarterly financial reports and investment performance reports of the retirement plans. Additionally, the Committee is to provide employees with a diversified slate of investment options and make changes to the funds offered as needed. As such, the below financial reports pertaining to the retirement plans are presented for acceptance.

### Fiscal Impact

The following reports are compiled from information made available by Transamerica and RBG:

- A. Quarterly Activity Reconciliation
- B. Annual Activity Reconciliation
- C. Plan Diversification Report

### Conclusion

The Committee's review of the financial reports and Investment summary is part of the Committee duties and with acceptance by the Committee, this item will move forward for full Board consideration.



# Fiduciary Investment Review™

*Prepared by:*



CONFIDENTIAL



## Q3 2022 Meeting Minutes

### Fresno County Economic Opportunities Commission Fresno County Economic Opportunities Commission Retirement Plan

Meeting Date: 11/01/2022

#### Attendees

Committee Members	Erica Reyes Steve Warnes	Jim Rodriguez
Accelerate Retirement- Lloyd Engleman	Angel Rodas Pablo	Lloyd Engleman
Other	Fred Hamsayeh, PensionMark	

#### Administrative Review

Reviewed Prior Meeting Notes ☒

Reviewed Service Plan ☒

Signed IPS on file ☒

Notes: Discussed the SECURE ACT 2.0 will allow for 403b plans to use a Pooled Employer Plan (PEP)  
Expected approval is year-end  
We will conduct provider RFP once it's approved  
If for some reason it's not approved, we will conduct the RPF and use the PEP availability as a qualifier.

Jim asked about disadvantages to a PEP-other than custom fund lineups, there are none.  
No audit no 5500 complete Fiduciary Solution  
Only responsible for submission of timely payroll

403b Changes  
Auto-Enroll at 4% Proposed  
Match would be 25% up to 4%

401a Changes  
EOC contribution would start at 90 days vs current 2 years

#### Investment Due Diligence

#### Investment Analysis Summary

- Accelerate Retirement- Lloyd Engleman provided an economic and market commentary for Q3 2022.

## Q3 2022 Meeting Minutes

- Accelerate Retirement- Lloyd Engleman reviewed the investment scoring methodology and criteria for monitoring, watchlisting and removing investments from the fund menu.
- Accelerate Retirement- Lloyd Engleman reviewed plan asset balances across all investment options.
  - Assets of the Plan as of 09/30/22 were \$30,040,748.34
  - 89.80% in Asset Allocation
  - 2.07% in Cash Alternatives
  - 1.42% in Fixed Income
  - 2.50% in International/Global Equity
  - 4.22% in U.S. Equity
- Accelerate Retirement- Lloyd Engleman reviewed the Plan's investment scorecard covering available funds as well as their current scores and performance metrics, scoring history, asset class coverage, as well as other key metrics.
  - All funds were reviewed from a quantitative and qualitative perspective.
  - 23 funds are acceptable:
    - Vanguard LifeStrategy Risk-Based Series Inv (7)
    - T. Rowe Price Personal Risk-Based Series (8)
    - PIMCO RealPath Blend Target Date Series Instl (8)
    - Calvert US Large Cap Core Rspnb Idx I, CISIX (9)
    - Calvert Small-Cap I, CSVIX (8)
    - Eaton Vance High Income Opportunities I, EIHIX (10)
    - Fidelity Total Bond Fund, FTBFX (10)
    - JPMorgan Mid Cap Growth R6, JMGMX (10)
    - PIMCO International Bond (USD-Hdg) Instl, PFORX (9)
    - PIMCO Income Instl, PIMIX (9)
    - PIMCO StocksPLUS Small Institutional, PSCSX (7)
    - American Funds American Balanced R6, RLBGX (9)
    - American Funds New Perspective R6, RNPGX (10)
    - American Funds New World R6, RNWGX (9)
    - Vanguard Equity-Income Adm, VEIRX (9)
    - Vanguard 500 Index Admiral, VFIAX (10)
    - Vanguard Growth Index Admiral, VIGAX (10)
    - Vanguard Mid-Cap Value Index Admiral, VMVAX (9)
    - Vanguard Small Cap Value Index Admiral, VSIAX (10)
    - Vanguard Total Intl Stock Index Admiral, VTIAIX (9)
    - State Street Instl US Govt MMkt Premier, GVMXX
    - iShares Russell Small/Mid-Cap Idx K, BSMKX (10)
    - The Standard Stable Asset Fund II, SSAFIL.Stan

## Q3 2022 Meeting Minutes

- 4 funds are on watchlist:
  - American Beacon International Eq R5, AAIEX (6)
  - Goldman Sachs Intl Sm Cp Insights Instl, GICIX (5)
  - Pax Global Environmental Markets Instl, PGINX (6)
  - T. Rowe Price QM US Small-Cap Gr Eq, PRDSX (7)
- Potential Replacements:

### Market Summary - Q1 2023

U.S. equity markets rallied in the first quarter, rising 7.2% (Russell 3000) on continued moderating inflation. The Consumer Price Index (CPI) peaked last June and has seen steady improvement since. International equities rose to a lesser extent, posting a 6.9% gain over the quarter (MSCI ACWI ex U.S.). The broad U.S. fixed income market showed continued improvement, up 3% (Bloomberg Barclays Aggregate). Despite cooling economic growth, the U.S. labor market remained tight during the quarter with unemployment at 3.5% in March. Large cap growth stocks had a strong quarter, with the Russell 1000 Growth up 14.4% and outperformed the Russell 1000 Value by over 13 percentage points. The Federal Reserve raised interest rates 50 basis points during the first quarter. The Fed will continue to analyze incoming data on inflation in deciding whether to continue its interest rate hiking regime. (All data from MPI) ACR# 5629420 04/23

### Scorecard Methodology

The Scorecard Methodology supports upholding the impartial conduct standards as the scores and analytics do not include any adviser compensation components and are calculated incorporating all investment fees and revenue sharing. Any and all compensation earned by the adviser (if any) is explicitly disclosed and reasonable given services provided. All information to any investment consideration has been disclosed and no misleading information has been provided to fiduciaries in their determination of action.

### Fund Review

#### Global Equity

Pax Global Environmental Markets Instl (PGINX) (Recent Scores: 6,7,6,9) is on the watchlist

Asset Value: \$25,493.30

#### International Large Cap Value

American Beacon International Eq R5 (AAIEX) (Recent Scores: 6,8,7,9) is on the watchlist

Asset Value: \$81,252.10

#### International Small-Mid Cap Blend

Goldman Sachs Intl Sm Cp Insights Instl (GICIX) (Recent Scores: 5,8,5,7) is on the watchlist

Asset Value: \$577.05

#### Small Cap Growth

T. Rowe Price QM US Small-Cap Gr Eq (PRDSX) (Recent Scores: 7,7,7,6) is on the watchlist

Asset Value: \$17,496.60

## Q3 2022 Meeting Minutes

### Fiduciary Governance Fiduciary Governance Summary

Reviewed Fiduciary Education Module/s <input checked="" type="checkbox"/>	Modules Reviewed: Module 4: Selecting and Monitoring Investments
Reviewed Fiduciary Documentation Module/s <input checked="" type="checkbox"/>	Modules Reviewed:

### Education Modules

- Module 4: Selecting and Monitoring Investments - This module covered the selection and monitoring of plan investments since this is a frequent source of litigation for plan fiduciaries. This included, not only appropriateness of the investments, but also the reasonableness fees charged to the plan participants.

### Legislative Update - Q1 2023

The advisor provided an update on developments in the legal and regulatory landscape, including a discussion about new plan audit requirement thresholds and proposed regulation for forfeiture use timing from the IRS. Highlights include:

- Generally, the requirement to do a plan audit is measured based on the total number of participants in the plan plus the number of eligible non-participating employees.
- The new rule excludes the eligible non-participating employees from the count so an audit requirement will generally be determined by the total number of account balances only.
- This is in effect for plan years beginning on or after January 1, 2023.
- Regarding forfeitures, the IRS released proposed regulations that plan sponsors must use forfeitures within 12 months of the end of the plan year in which the forfeitures are incurred.
- This is a proposed formalization of informal positioning from both the DOL and IRS.
- The new rule would be effective for plan years beginning on or after January 1, 2024.

ACR# 5629420 04/23

## Q3 2022 Meeting Minutes

### Reviewed Plan Limits

	2023	2022	2021
401(k), 403(b), 457 Elective Deferral Limit	\$22,500	\$20,500	\$19,500
Catch-Up Contribution Limit (age 50 and older)	\$7,500	\$6,500	\$6,500
Annual Compensation Limit (Plan year BEGIN)	\$330,000	\$305,000	\$290,000
Defined Contribution Limit	\$66,000	\$61,000	\$58,000
Defined Benefit Limit	\$265,000	\$245,000	\$230,000
Definition of Highly Compensated Employee	\$150,000	\$135,000	\$130,000
Key Employee Compensation Threshold			
5% Owner	All	All	All
Officer	\$215,000	\$200,000	\$185,000
IRA Contribution Limit	\$6,500	\$6,000	\$6,000
IRA Catch-Up Contributions	\$1,000	\$1,000	\$1,000

### Demographics

#### 401a Executive Summary

	2022 Q2	2022 Q3	Change
Assets	\$33,120,432	\$30,040,648	-\$3,079,784
Participants	1,015	996	-19403B

403B Executive Summary	2022 Q2	2022 Q3	Change
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## Q3 2022 Meeting Minutes

Assets	\$6,105,881	\$5,863,028	-\$242,853
Participants	380	366	-14
Participation Rate	26.6%	24.8%	-1.8%
Avg Deferral	6.7%	6.8%	+0.1%

### Plan Fees

#### Plan Fees Summary

- Fee Summary
  - Weighted average fund expense – 0.27%
  - Total annual recordkeeping and administration expense – 0.59%
  - Average recordkeeping and administration expense per participant – 0.00%
  - Total advisory fee – 0.15%.
  - Total fees .86%

## Disclosures

This material contains an assessment of the market and economic environment at a specific point in time and is not intended to be a forecast of future events, or a guarantee of future results. Forward-looking statements are subject to certain risks and uncertainties. Actual results, performance, or achievements may differ materially from those expressed or implied. Information is based on data gathered from what we believe are reliable sources.

It is not guaranteed as to accuracy, does not purport to be complete and is not intended to be used as a primary basis for investment decisions. It should also not be construed as advice meeting the particular investment needs of any investor. The indices mentioned are unmanaged and cannot be directly invested into. Past performance does not guarantee future results.

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# Service Plan 2023

Service	Description	Target Month	Month Delivered
<b>Investment Review</b>	Market review, investment policy statement, Scorecard Methodology™, fund scores and considerations	June August November February	June 5 - - -
<b>TDF Suitability Review</b>	Thorough process to identify a “best fit” target date fund series based on participant demographics, as per DOL guidance	-	June 5, 2024
<b>Cash-Equivalent Review</b>		January	June 5, 2024
<b>Annual Fee Benchmarking</b>		June	June 5
<b>Live-Bid RFP</b>	Executive summary, fee summary, administrative fee detail, total cost analysis, investment comparison and plan service highlights	Ongoing	Ongoing
<b>Fiduciary Education and Best Practices</b>	Guidance to navigate the legal and compliance landscape and reduce fiduciary liability exposure	June August November February	June 5 - - -
<b>Plan Governance Review</b>		January	June 5, 2023
<b>Employee Education Sessions</b>	Highly customized individual and group participant content structured to optimize outcomes for plan fiduciaries and participants	Ongoing	Ongoing

# Service Plan 2023

Service	Description	Target Month	Month Delivered
Participant Helpline		Ongoing	Ongoing
Newsletters and Memos	Plan sponsor newsletters and employee memos	Monthly	Monthly
Client Advocacy	Based on our strong relationships with service providers and our plan management acumen, we are positioned to promote positive relations and outcomes between the plan and their service providers	Ongoing	Ongoing
Plan Design Analysis	High-impact plan design scenarios to maximize participant retirement income potential while minimizing employer cost	Upon Request	Upon Request
Fee Structure Review		Ongoing	Ongoing



# Scorecard System Methodology

The Scorecard System Methodology incorporates both quantitative and qualitative factors in evaluating fund managers and their investment strategies. The Scorecard System is built around pass/fail criteria, on a scale of 0 to 10 (with 10 being the best) and has the ability to measure active, passive and asset allocation investing strategies. Active and asset allocation strategies are evaluated over a five-year time period, and passive strategies are evaluated over a three-year time period.

Eighty percent of the fund's score is quantitative (made up of eight unique factors), incorporating modern portfolio theory statistics, quadratic optimization analysis, and peer group rankings (among a few of the quantitative factors). The other 20 percent of the score is qualitative, taking into account things such as manager tenure, the fund's expense ratio relative to the average fund expense ratio in that asset class category, and the fund's strength of statistics (statistical significance). Other criteria that may be considered in the qualitative score includes the viability of the firm managing the assets, management or personnel issues at the firm, and/or whether there has been a change in direction of the fund's stated investment strategy. The following pages detail the specific factors for each type of investing strategies.

Combined, these factors are a way of measuring the relative performance, characteristics, behavior and overall appropriateness of a fund for inclusion into a plan as an investment option. General fund guidelines are shown in the "Scorecard Point System" table below. The Scorecard Point System is meant to be used in conjunction with our sample Investment Policy Statement, in order to help identify what strategies need to be discussed as a "watchlist" or review candidate; what strategies continue to meet some minimum standards and continue to be appropriate; and/or identify new top-ranked strategies for inclusion into a plan.

<b><i>Scorecard Point System</i></b>	
<b>Acceptable:</b>	<b>7-10 Points</b>
<b>Watchlist<sup>1</sup>:</b>	<b>5-6 Points</b>
<b>Review<sup>2</sup>:</b>	<b>0-4 Points</b>

1 Funds that receive a watchlist score four consecutive quarters or five of the last eight quarters should be placed under review status.

2 Review status necessitates documenting why the fund/strategy remains appropriate or documenting the course of action for removal as an investment option.

# Scorecard System Methodology

## Target Date Fund Strategies

Target Date Fund strategies are investment strategies that invest in a broad array of asset classes that may include U.S. equity, international equity, emerging markets, real estate, fixed income, high yield bonds and cash (to name a few asset classes). These strategies are managed to a retirement date or life expectancy date, typically growing more conservative as that date is approached). For this type of investment strategy, the Scorecard System is focused on how well these managers can add value from asset allocation. Asset allocation is measured using our Asset allocation strategies methodology and manager selection is measured using either our Active and/or Passive strategies methodologies, depending on the underlying fund options utilized within the Target Date Fund strategy.

Risk-based strategies follow the same evaluation criteria and are evaluated on both their asset allocation and security selection.

Weightings	Target Date Fund Strategies	Maximum Points
<b>Asset Allocation Score (Average) 50%</b>	<p>The individual funds in this Score average require five years of time history to be included. See Asset Allocation strategies methodology for a detailed breakdown of the Scoring criteria. Funds without the required time history are not included in the Score average.</p> <p>The Funds included in this average are from the Conservative, Moderate Conservative, Moderate, Moderate Aggressive and Aggressive categories, where Funds (also referred to as “vintages”) are individually Scored according to their standard deviation or risk bucket.</p>	5
<b>Selection Score (Average) 50%</b>	<p><b>Active strategies:</b> The individual active funds in this Score average require five years of time history to be Scored. See Active strategies methodology for a detailed breakdown of the Scoring criteria. Funds without the required time history are not included in the Score average.</p> <p><b>Passive strategies:</b> The individual passive funds in this Score average require three years of time history to be Scored. See Passive strategies methodology for a detailed breakdown of the Scoring criteria. Funds without the required time history are not included in the Score average.</p>	5
	<b>Total</b>	<b>10</b>

# Scorecard System Methodology

## Asset Allocation Strategies

Asset allocation strategies are investment strategies that invest in a broad array of asset classes that may include U.S. equity, international equity, emerging markets, real estate, fixed income, high yield bonds and cash (to name a few asset classes). These strategies are typically structured in either a risk-based format (the strategies are managed to a level of risk, e.g., conservative or aggressive) or, in an age-based format (these strategies are managed to a retirement date or life expectancy date, typically growing more conservative as that date is approached). For this type of investment strategy, the Scorecard System is focused on how well these managers can add value, with asset allocation being the primary driver of investment returns and the resulting Score. Multisector Bond (MSB) asset class follows the same evaluation criteria with some slightly different tolerance levels where noted. These managers are also evaluated on both their asset allocation and security selection.

Weightings	Asset Allocation Strategies	Maximum Points
<b>Style Factors 30%</b>	<b>Risk Level:</b> The fund's standard deviation is measured against the category it is being analyzed in. The fund passes if it falls within the range for that category.	1
	<b>Style Diversity:</b> Fund passes if it reflects appropriate style diversity (returns-based) among the four major asset classes (Cash, Fixed Income, U.S. & International Equity) for the given category. <i>MSB</i> funds pass if reflect some level of diversity among fixed income asset classes (Cash, U.S. Fixed Income, Non-U.S. Fixed Income and High Yield/Emerging Markets).	1
	<b>R-Squared:</b> Measures the percentage of a fund's returns that are explained by the benchmark. Fund passes with an R-squared greater than 90 percent. This statistic measures whether the benchmark used in the analysis is appropriate.	1
<b>Risk/Return Factors 30%</b>	<b>Risk/Return:</b> Fund passes if its risk is less than the benchmark or its return is greater than the benchmark. Favorable risk/return characteristics are desired.	1
	<b>Up/Down Capture Analysis:</b> Measures the behavior of a fund in up and down markets. Fund passes with an up capture greater than its down capture. This analysis measures the relative value by the manager in up and down markets.	1
	<b>Information Ratio:</b> Measures a fund's relative risk and return. Fund passes if ratio is greater than 0. This statistic measures the value added above the benchmark, adjusted for risk.	1
<b>Peer Group Rankings 20%</b>	<b>Returns Peer Group Ranking:</b> Fund passes if its median rank is above the 50 <sup>th</sup> percentile.	1
	<b>Sharpe Ratio Peer Group Ranking:</b> Fund passes if its median rank is above the 50 <sup>th</sup> percentile. This ranking ranks risk-adjusted excess return.	1
<b>Qualitative Factors 20%</b>	Two points may be awarded based on qualitative characteristics of the fund. Primary considerations are given to manager tenure, fund expenses and strength of statistics, however, other significant factors may be considered. It is important to take into account nonquantitative factors, which may impact future performance.	2
<b>Total</b>		<b>10</b>

# Scorecard System Methodology

## Active Strategies

Active strategies are investment strategies where the fund manager is trying to add value and outperform the market averages (for that style of investing). Typically, these investment strategies have higher associated fees due to the active involvement in the portfolio management process by the fund manager(s). For this type of investment strategy, the Scorecard System is trying to identify those managers who can add value on a consistent basis within their own style of investing.

Weightings	Active Strategies	Maximum Points
<b>Style Factors</b> 30%	<b>Style Analysis:</b> Returns-based analysis to determine the style characteristics of a fund over a period of time. Fund passes if it reflects the appropriate style characteristics. Style analysis helps ensure proper diversification in the Plan.	1
	<b>Style Drift:</b> Returns-based analysis to determine the behavior of the fund/manager over multiple (rolling) time periods. Fund passes if the fund exhibits a consistent style pattern. Style consistency is desired so that funds can be effectively monitored within their designated asset class.	1
	<b>R-Squared:</b> Measures the percentage of a fund's returns that are explained by the benchmark. Fund passes with an R-squared greater than 80 percent. This statistic measures whether the benchmark used in the analysis is appropriate.	1
<b>Risk/Return Factors</b> 30%	<b>Risk/Return:</b> Fund passes if its risk is less than the benchmark or its return is greater than the benchmark. Favorable risk/return characteristics are desired.	1
	<b>Up/Down Capture Analysis:</b> Measures the behavior of a fund in up and down markets. Fund passes with an up capture greater than its down capture. This analysis measures the relative value by the manager in up and down markets.	1
	<b>Information Ratio:</b> Measures a fund's relative risk and return. Fund passes if ratio is greater than 0. This statistic measures the value added above the benchmark, adjusted for risk.	1
<b>Peer Group Rankings</b> 20%	<b>Returns Peer Group Ranking:</b> Fund passes if its median rank is above the 50 <sup>th</sup> percentile.	1
	<b>Information Ratio Peer Group Ranking:</b> Fund passes if its median rank is above the 50 <sup>th</sup> percentile. This ranking ranks risk-adjusted excess return.	1
<b>Qualitative Factors</b> 20%	Two points may be awarded based on qualitative characteristics of the fund. Primary considerations are given to manager tenure, fund expenses and strength of statistics, however, other significant factors may be considered. It is important to take into account nonquantitative factors, which may impact future performance.	2
Total		10

# Scorecard System Methodology

## Passive Strategies

Passive strategies are investment strategies where the fund manager is trying to track or replicate some area of the market. These types of strategies may be broad-based in nature (e.g., the fund manager is trying to track/replicate the entire U.S. equity market like the S&P 500) or may be more specific to a particular area of the market (e.g., the fund manager may be trying to track/replicate the technology sector). These investment strategies typically have lower fees than active investment strategies due to their passive nature of investing and are commonly referred to as index funds. For this type of investment strategy, the Scorecard System is focused on how well these managers track and/or replicate a particular area of the market with an emphasis on how they compare against their peers.

Weightings	Passive Strategies	Maximum Points
<b>Style &amp; Tracking Factors</b> 40%	<b>Style Analysis:</b> Returns-based analysis to determine the style characteristics of a fund over a period of time. Fund passes if it reflects the appropriate style characteristics. Style analysis helps ensure proper diversification in the Plan.	1
	<b>Style Drift:</b> Returns-based analysis to determine the behavior of the fund/manager over multiple (rolling) time periods. Fund passes if the fund exhibits a consistent style pattern. Style consistency is desired so that funds can be effectively monitored within their designated asset class.	1
	<b>R-Squared:</b> Measures the percentage of a fund's returns that are explained by the benchmark. Fund passes with an R-squared greater than 95 percent. This statistic measures whether the benchmark used in the analysis is appropriate.	1
	<b>Tracking Error:</b> Measures the percentage of a fund's excess return volatility relative to the benchmark. Fund passes with a tracking error less than 4. This statistic measures how well the fund tracks the benchmark.	1
<b>Peer Group Rankings</b> 40%	<b>Tracking Error Peer Group Ranking:</b> Fund passes if its median rank is above the 75 <sup>th</sup> percentile.	1
	<b>Expense Ratio Peer Group Ranking:</b> Fund passes if its median rank is above the 75 <sup>th</sup> percentile.	1
	<b>Returns Peer Group Ranking:</b> Fund passes if its median rank is above the 75 <sup>th</sup> percentile.	1
	<b>Sharpe Ratio Peer Group Ranking:</b> Fund passes if its median rank is above the 75 <sup>th</sup> percentile.	1
<b>Qualitative Factors</b> 20%	Two points may be awarded based on qualitative characteristics of the fund. Primary considerations are given to fund expenses and strength of statistics, however, other significant factors may be considered. It is important to take into account nonquantitative factors, which may impact future performance.	2
<b>Total</b>		<b>10</b>

# Scorecard System Methodology

## Beyond the Scorecard

The Scorecard System uses an institutional approach which is comprehensive, independent, and utilizes a process and methodology that strives to create successful outcomes for plan sponsors and participants. The Scorecard helps direct the additional research the Investment team conducts with fund managers throughout the year. Three of the primary factors that go into the fund manager research are people, process and philosophy.

PEOPLE	PROCESS	PHILOSOPHY
<p>Key Factors:</p> <ul style="list-style-type: none"><li>• Fund manager and team experience</li><li>• Deep institutional expertise</li><li>• Organizational structure</li><li>• Ability to drive the process and performance</li></ul>	<p>Key Factors:</p> <ul style="list-style-type: none"><li>• Clearly defined</li><li>• Consistent application</li><li>• Sound and established</li><li>• Clearly communicated</li><li>• Successfully executed process</li></ul>	<p>Key Factors:</p> <ul style="list-style-type: none"><li>• Research and ideas must be coherent and persuasive</li><li>• Strong rationale</li><li>• Logical and compelling</li><li>• Focus on identifying skillful managers</li></ul>

# Scorecard Disclosures

Investment objectives and strategies vary among fund, and may not be similar for funds included in the same asset class.

All definitions are typical category representations. The specific share classes or accounts identified above may not be available or chosen by the Plan. Share class and account availability is unique to the client's specific circumstances. There may be multiple share classes or accounts available to the client from which to choose. All recommendations are subject to vendor/provider approval before implementation into the Plan. The performance data quoted may not reflect the deduction of additional fees, if applicable. If reflected, additional fees would reduce the performance quoted.

Performance data is subject to change without prior notice.

Performance of indexes reflects the unmanaged result for the market segment the selected stocks represent. Indexes are unmanaged and not available for direct investment.

The information used in the analysis has been taken from sources deemed to be reliable, including, third-party providers such as Markov Processes International, Morningstar, firms who manage the investments, and/or the retirement plan providers who offer the funds.

Every reasonable effort has been made to ensure completeness and accuracy; however, the final accuracy of the numbers and information is the responsibility of the investment manager(s) of each fund and/or the retirement plan providers offering these funds. Discrepancies between the figures reported in this analysis, and those reported by the actual investment managers and/or retirement plan providers, may be caused by a variety of factors, including: Inaccurate reporting by the manager/provider; Changes in reporting by the manager/provider from the time this report was prepared to a subsequent retro-active audit and corrected reporting; Differences in fees and share-classes impacting net investment return; and, Scriveners error by your advisor in preparing this report.

The enclosed Investment Due Diligence report, including the Scorecard System, is intended for plan sponsor and/or institutional use only. The materials are not intended for participant use.

The purpose of this report is to assist fiduciaries in selecting and monitoring investment options. A fund's score is meant to be used by the Plan sponsor and/or fiduciaries as a tool for selecting the most appropriate fund.

Fund scores will change as the performance of the funds change and as certain factors measured in the qualitative category change (e.g., manager tenure). Fund scores are not expected to change dramatically from each measured period, however, there is no guarantee this will be the case. Scores will change depending on the changes in the underlying pre-specified Scorecard factors.

Neither past performance nor statistics calculated using past performance are guarantees of a fund's future performance. Likewise, a fund's score using the Scorecard System does not guarantee the future performance or style consistency of a fund.

This report was prepared with the belief that this information is relevant to the Plan sponsor as the Plan sponsor makes investment selections.

Fund selection is at the discretion of the investment fiduciaries, which are either the Plan sponsor or the Committee appointed to perform that function.

Cash Equivalents (e.g., money market fund) and some specialty funds are not scored by the Scorecard System.

The enclosed Investment Due Diligence report and Scorecard is not an offer to sell mutual funds. An offer to sell may be made only after the client has received and read the appropriate prospectus.

For the most current month-end performance, please contact your advisor.

The Strategy Review notes section is for informational purposes only. The views expressed here are those of your advisor and do not constitute an offer to sell an investment. An offer to sell may be made only after the client has received and read the appropriate prospectus.

For funds that do not have a score, one of the following will be shown: HIS, SPC, or OTH.

HIS- fund does not have enough performance history to Score.

SPC- fund is in a specialty category that does not Score.

OTH- fund may no longer be active, not in database or available to Score

Carefully consider the investment objectives, risk factors and charges and expenses of the investment company before investing. This and other information can be found in the fund's prospectus, which may be obtained by contacting your Investment Advisor/Consultant or Vendor/Provider. Read the prospectus carefully before investing.

For a copy of the most recent prospectus, please contact your Investment Advisor/Consultant or Vendor/Provider.

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# Scorecard™

Total Plan Assets: \$34,307,268.11 as of 6/30/2022

## Target Date Series

Asset Allocation	Assets	Asset Class	Risk Index	Allocation Score (Series Funds)		Selection Score (Underlying Funds)		Blended Score			
				# of Funds	Avg Score	# of Funds	Avg Score	Q2 2023	Q1 2023	Q4 2022	Q3 2022
PIMCO RealPath Blend Target Date Series Instl	\$30,314,694.75	AGG	70	10	9.4	12	8.4	9	9	9	8

## Risk-based Series

Asset Allocation	Assets	Asset Class	Risk Index	Allocation Score (Series Funds)		Selection Score (Underlying Funds)		Blended Score			
				# of Funds	Avg Score	# of Funds	Avg Score	Q2 2023	Q1 2023	Q4 2022	Q3 2022
T. Rowe Price Personal Risk-Based Series	\$1,561.90	N/A	N/A	3	7.3	7	7.2	7	7	7	8

## Risk-based Series

Asset Allocation	Assets	Asset Class	Risk Index	Allocation Score (Series Funds)		Selection Score (Underlying Funds)		Blended Score			
				# of Funds	Avg Score	# of Funds	Avg Score	Q2 2023	Q1 2023	Q4 2022	Q3 2022
Vanguard LifeStrategy Risk-Based Series Inv	\$1,415.79	N/A	N/A	4	4.3	4	9.0	7	7	7	7

## Core Lineup

Asset Allocation	Assets	Asset Class	Ticker/ ID	Style			Risk/Return			Peer Group		Qual	Score			
				Risk Level	Style Diversity	R <sup>2</sup>	Risk/ Return	Up/ Down	Info Ratio	Return Rank	SR Rank		Q2 2023	Q1 2023	Q4 2022	Q3 2022
American Funds American Balanced R6	\$218,744.86	MOD	RLBGX	1	0	1	1	1	1	1	1	2	9	9	9	9
				11.7	59.5/ 40.5	96.9	11.7/ 7.1	102.4/ 99.3	0.28	10	7	- 0.25	MOD	MOD	MOD	MOD



# Scorecard™

continued



Asset Allocation	Assets	Asset Class	Ticker/ ID	Style			Risk/Return			Peer Group		Qual	Score			
				Risk Level	Style Diversity	R <sup>2</sup>	Risk/ Return	Up/ Down	Info Ratio	Return Rank	SR Rank		Q2 2023	Q1 2023	Q4 2022	Q3 2022
PIMCO Income Instl	\$140,159.28	MSB	PIMIX	1	0	1	1	1	1	1	1	2	9	9	9	9
				6.1	48.0/ 52.0	91.9	6.1/ 2.6	106.0/ 93.3	0.49	25	19	- 0.51	MSB	MSB	MSB	MSB

Active	Assets	Asset Class	Ticker/ ID	Style			Risk/Return			Peer Group		Qual	Score			
				Style	Style Drift	R <sup>2</sup>	Risk/ Return	Up/ Down	Info Ratio	Return Rank	Info Ratio Rank		Q2 2023	Q1 2023	Q4 2022	Q3 2022
Vanguard Equity-Income Adm	\$349,334.60	LCV	VEIRX	1	1	1	1	1	1	1	1	1	9	9	9	9
				-88.7/ 89.2	3.6	97.4	17.1/ 9.4	93.1/ 88.1	0.35	28	29	T 0.19	LCV	LCV	LCV	LCV
JPMorgan Mid Cap Growth R6	\$85,555.26	MCG	JMGMX	1	1	1	1	1	1	1	1	2	10	10	10	10
				94.8/ -12.4	4.5	98.0	21.8/ 11.7	102.4/ 96.3	0.62	9	3	- 0.70	MCG	MCG	MCG	MCG
Calvert Small-Cap I	\$308.52	SCB	CSVIX	0	1	1	1	1	1	1	0	2	8	8	8	8
				-32.7/ -30.5	24.4	90.8	20.1/ 6.8	85.5/ 80.0	0.33	50	58	- 0.94	SCB	SCB	SCB	SCB
PIMCO StocksPLUS Small Institutional	\$4,227.07	SCB	PSCSX	1	1	1	0	0	0	0	0	2	5	5	7	7
				-5.1/ -99.8	3.7	99.5	26.1/ 2.9	105.3/ 107.8	-0.47	77	87	- 0.70	SCB	SCB	SCB	SCB
TRP Integrated US Small-Cap Gr Eq	\$109,421.69	SCG	PRDSX	0	1	1	1	1	1	0	0	2	7	7	7	7
				41.2/ -25.1	10.8	93.8	21.5/ 7.0	89.4/ 83.3	0.43	72	71	- 0.80	SCG	SCG	SCG	SCG
American Beacon International Eq R5	\$149,006.66	ILCV	AAIEX	1	1	1	1	1	1	0	1	2	9	9	6	6
				-79.8/ 82.1	16.1	95.9	21.4/ 3.5	107.2/ 106.1	0.01	56	48	- 0.72	ILCV	ILCV	ILCV	ILCV

# Scorecard™

continued

Active	Assets	Asset Class	Ticker/ ID	Style			Risk/Return			Peer Group		Qual	Score			
				Style	Style Drift	R <sup>2</sup>	Risk/ Return	Up/ Down	Info Ratio	Return Rank	Info Ratio Rank		Q2 2023	Q1 2023	Q4 2022	Q3 2022
Goldman Sachs Intl Sm Cp Insights Instl 	\$62,709.55	ISMB	GICIX	1	1	1	0	0	0	0	0	2	5	5	5	5
				1.4/ -77.9	20.2	96.0	19.8/ 1.2	100.5/ 101.8	-0.1	61	59	- 0.87	ISMB	ISMB	ISMB	ISMB
American Funds New World R6	\$96,767.24	EME	RNWGX	0	0	1	1	1	1	1	1	2	8	9	9	9
				41.1/ 17.0	20.3	84.0	18.0/ 5.9	101.1/ 82.7	0.66	8	11	- 0.57	EME	EME	EME	EME
American Funds New Perspective R6	\$134,623.36	GE	RNP GX	1	1	1	1	1	1	1	1	2	10	10	10	10
				56.1/ 57.8	22.6	96.1	19.6/ 10.2	112.0/ 104.6	0.51	9	7	- 0.41	GE	GE	GE	GE
Impax Global Environmental Markets Instl 	\$95,965.17	GE	PGINX	1	1	1	1	1	1	1	1	2	10	10	10	6
				49.6/ 28.7	20.7	90.2	21.1/ 9.1	116.3/ 112.8	0.15	24	25	- 0.91	GE	GE	GE	GE
Fidelity Total Bond Fund	\$397,391.50	CFI	FTBFX	1	1	1	1	1	1	1	1	2	10	10	10	10
				-19.2/ 27.9	7.2	88.2	5.7/ 1.7	108.6/ 96.4	0.45	12	10	- 0.45	CFI	CFI	CFI	CFI
Eaton Vance High Income Opportunities I	\$276.39	HY	EIHIX	1	1	1	1	1	1	1	1	2	10	10	10	10
				97.1/ -92.5	6.9	97.5	9.3/ 4.1	99.0/ 91.6	0.48	5	3	- 0.66	HY	HY	HY	HY
PIMCO International Bond (USD-Hdg) Instl	\$22,877.53	GFI	PFORX	1	1	0	1	1	1	1	1	2	9	9	9	9
				-51.2/ 7.6	7.7	65.0	4.3/ 1.1	54.1/ 38.7	0.51	18	14	- 0.51	GFI	GFI	GFI	GFI
The Standard Stable Asset Fund II	\$529,379.45	SV	SSAFII.Stan										-	-	-	-
													-	-	-	-
State Street Instl US Govt MMkt Premier	\$129.77	MM	GVMXX										-	-	-	-
												0.12	-	-	-	-

# Scorecard™

Passive	Assets	Asset Class	Ticker/ ID	Style				Peer Group				Qual	Score			
				Style	Style Drift	R <sup>2</sup>	Tracking Error	TE Rank	Expense Rank	Return Rank	SR Rank	2pt Max/ Expense	Q2 2023	Q1 2023	Q4 2022	Q3 2022
Vanguard 500 Index Admiral	\$737,986.83	LCB-P	VFIAX	1	1	1	1	1	1	1	1	2	10	10	10	10
				0.7/ 99.5	1.0	99.7	1.1	29.0	13.0	12	12	- 0.04	LCB-P	LCB-P	LCB-P	LCB-P
Calvert US Large Cap Core Rspnb Idx I	\$17,105.29	LCB-P	CISIX	1	1	1	1	0	1	1	0	2	8	9	9	9
				20.5/ 87.9	3.2	99.4	1.6	81.0	35.0	70	77	- 0.24	LCB-P	LCB-P	LCB-P	LCB-P
Vanguard Growth Index Admiral	\$72,359.22	LCG-P	VIGAX	1	1	1	1	1	1	1	1	2	10	10	10	10
				99.9/ 99.4	0.9	99.3	2.2	60.0	11.0	53	60	- 0.05	LCG-P	LCG-P	LCG-P	LCG-P
Vanguard Mid-Cap Value Index Admiral	\$61,425.46	MCV-P	VMVAX	1	0	1	1	1	1	1	1	2	9	9	9	9
				-98.9/ 18.3	9.3	98.6	2.4	31.0	2.0	49	49	- 0.07	MCV-P	MCV-P	MCV-P	MCV-P
Vanguard Small Cap Value Index Admiral	\$133,696.50	SCV-P	VSIAX	1	1	1	0	1	1	1	1	2	9	9	9	10
				-99.7/ -56.3	3.5	96.8	4.1	59.0	9.0	14	18	- 0.07	SCV-P	SCV-P	SCV-P	SCV-P
iShares Russell Small/Mid-Cap Idx K	\$203,017.87	SMCB-P	BSMKX	1	1	1	1	1	1	1	1	2	10	10	10	10
				-23.1/ -57.0	7.1	100.0	0.1	14.0	54.0	18	15	- 0.08	SMCB-P	SMCB-P	SMCB-P	SMCB-P
Vanguard Total Intl Stock Index Admiral	\$367,126.60	IE-P	VTIAX	1	1	1	1	1	1	1	1	2	10	10	10	9
				10.9/ 46.6	7.9	98.9	1.9	52.0	33.0	23	23	- 0.11	IE-P	IE-P	IE-P	IE-P
Vanguard FTSE All-Wld ex-US SmCp Idx Ins	\$62,709.55	ISMB-P	VFSNX	1	1	1	1	1	1	1	1	2	10	9	9	9
				20.0/ -22.9	15.4	96.2	3.7	62.0	38.0	23	23	- 0.11	ISMB-P	ISMB-P	ISMB-P	ISMB-P

Disclosure

\* Strategy Equivalent Score

The CIT exclusively available to RPAG utilizes the same manager and strategy as the Scored fund equivalent, which is highlighted and shown below the CIT option. The Scored fund equivalent generally has a higher fee and is shown for CIT investment due diligence purposes only. The average score includes Strategy Equivalent scores where utilized. For Group Series funds, if Strategy Equivalents are included, the specific Strategy Equivalent(s) within each given series will be indicated in the Allocation (Series Funds) and/or Selection (Underlying Funds) section(s) within the detailed report. ACR#5821538 07/23

# Score History

## Target Date Series

Asset Allocation	Asset Class	Risk Index	Allocation Score (Series Funds)		Selection Score (Underlying Funds)		Blended Score							
			# of Funds	Avg Score	# of Funds	Avg Score	Q2 2023	Q1 2023	Q4 2022	Q3 2022	Q2 2022	Q1 2022	Q4 2021	Q3 2021
PIMCO RealPath Blend Target Date Series Instl	AGG	70	10	9.4	12	8.4	9	9	9	8	9	9	9	9

## Allocation (Series Funds)

Asset Allocation	Asset Class	Ticker/ ID	Score							
			Q2 2023	Q1 2023	Q4 2022	Q3 2022	Q2 2022	Q1 2022	Q4 2021	Q3 2021
PIMCO RealPath Blend 2025 Institutional	MOD	PPZRX	9	9	9	9	9	9	9	9
			MOD	MOD	MOD	MOD	MOD	MOD	MOD	MOD
PIMCO RealPath Blend Income Instl	MOD	PBRNX	8	8	9	9	9	9	9	9
			MOD	MOD	MC	MC	MC	MC	MC	MC
PIMCO RealPath Blend 2030 Institutional	MA	PBPNX	8	8	9	9	9	9	9	9
			MA	MA	MOD	MOD	MOD	MOD	MOD	MOD
PIMCO RealPath Blend 2035 Institutional	MA	PDGZX	9	9	9	9	9	9	9	9
			MA	MA	MA	MA	MA	MA	MA	MA
PIMCO RealPath Blend 2040 Institutional	MA	PVPNX	9	9	9	8	9	9	9	9
			MA	MA	MA	MA	MA	MA	MA	MA

# Score History

continued

## Allocation (Series Funds)

Asset Allocation	Asset Class	Ticker/ ID	Score							
			Q2 2023	Q1 2023	Q4 2022	Q3 2022	Q2 2022	Q1 2022	Q4 2021	Q3 2021
PIMCO RealPath Blend 2045 Institutional	AGG	PVQNX	9	8	9	7	9	9	9	8
			AGG	AGG	AGG	AGG	AGG	AGG	MA	MA
PIMCO RealPath Blend 2050 Institutional	AGG	PPQZX	9	9	9	8	9	9	9	8
			AGG	AGG	AGG	AGG	AGG	AGG	AGG	AGG
PIMCO RealPath Blend 2055 Institutional	AGG	PRQZX	9	9	9	7	9	9	9	8
			AGG	AGG	AGG	AGG	AGG	AGG	AGG	AGG
PIMCO RealPath Blend 2060 Institutional	AGG	PRBMX	-	-	-	-	-	-	-	-
			-	-	-	-	-	-	-	-

## Risk-based Series

Asset Allocation	Asset Class	Risk Index	Allocation Score (Series Funds)		Selection Score (Underlying Funds)		Blended Score							
			# of Funds	Avg Score	# of Funds	Avg Score	Q2 2023	Q1 2023	Q4 2022	Q3 2022	Q2 2022	Q1 2022	Q4 2021	Q3 2021
T. Rowe Price Personal Risk-Based Series	N/A	N/A	3	7.3	7	7.2	7	7	7	8	7	9	9	9

## Allocation (Series Funds)

Asset Allocation	Asset Class	Ticker/ ID	Score							
			Q2 2023	Q1 2023	Q4 2022	Q3 2022	Q2 2022	Q1 2022	Q4 2021	Q3 2021
T. Rowe Price Spectrum Mod Gr Allc	MA	TRSGX	8	8	8	8	7	9	9	9
			MA	MA	MA	MA	MA	MA	MA	MA

# Score History

## Risk-based Series

Asset Allocation	Asset Class	Risk Index	Allocation Score (Series Funds)		Selection Score (Underlying Funds)		Blended Score							
			# of Funds	Avg Score	# of Funds	Avg Score	Q2 2023	Q1 2023	Q4 2022	Q3 2022	Q2 2022	Q1 2022	Q4 2021	Q3 2021
Vanguard LifeStrategy Risk-Based Series Inv	N/A	N/A	4	4.3	4	9.0	7	7	7	7	7	7	8	8

## Allocation (Series Funds)

Asset Allocation	Asset Class	Ticker/ ID	Score							
			Q2 2023	Q1 2023	Q4 2022	Q3 2022	Q2 2022	Q1 2022	Q4 2021	Q3 2021
Vanguard LifeStrategy Cnsvr Gr Inv	MC	VSCGX	6	7	7	7	7	7	8	8
			MC	MC	MC	MC	MC	MC	MC	MC

## Core Lineup

Asset Allocation	Asset Class	Ticker/ ID	Score							
			Q2 2023	Q1 2023	Q4 2022	Q3 2022	Q2 2022	Q1 2022	Q4 2021	Q3 2021
American Funds American Balanced R6	MOD	RLBGX	9	9	9	9	9	9	9	9
			MOD	MOD	MOD	MOD	MOD	MOD	MOD	MOD
PIMCO Income Instl	MSB	PIMIX	9	9	9	9	9	9	9	9
			MSB	MSB	MSB	MSB	MSB	MSB	MSB	MSB

# Score History

Active	Asset Class	Ticker/ ID	Score							
			Q2 2023	Q1 2023	Q4 2022	Q3 2022	Q2 2022	Q1 2022	Q4 2021	Q3 2021
Vanguard Equity-Income Adm	LCV	VEIRX	9	9	9	9	8	10	10	10
			LCV	LCV	LCV	LCV	LCV	LCV	LCV	LCV
JPMorgan Mid Cap Growth R6	MCG	JMGMX	10	10	10	10	10	10	10	10
			MCG	MCG	MCG	MCG	MCG	MCG	MCG	MCG
Calvert Small-Cap I	SCB	CSVIX	8	8	8	8	8	8	8	9
			SCB	SCB	SCB	SCB	SCB	SCB	SCB	SCB
PIMCO StocksPLUS Small Institutional	SCB	PSCSX	5	5	7	7	7	7	10	10
			SCB	SCB	SCB	SCB	SCB	SCB	SCB	SCB
TRP Integrated US Small-Cap Gr Eq	SCG	PRDSX	7	7	7	7	7	7	6	7
			SCG	SCG	SCG	SCG	SCG	SCG	SCG	SCG
American Beacon International Eq R5	ILCV	AAIEX	9	9	6	6	8	7	9	9
			ILCV	ILCV	ILCV	ILCV	ILCV	ILCV	ILCV	ILCV
Goldman Sachs Intl Sm Cp Insghts Instl	ISMB	GICIX	5	5	5	5	8	5	7	7
			ISMB	ISMB	ISMB	ISMB	ISMB	ISMB	ISMB	ISMB
American Funds New World R6	EME	RNWGX	8	9	9	9	9	9	9	9
			EME	EME	EME	EME	EME	EME	EME	EME
American Funds New Perspective R6	GE	RNPGX	10	10	10	10	10	10	10	10
			GE	GE	GE	GE	GE	GE	GE	GE

# Score History

continued

Active	Asset Class	Ticker/ ID	Score							
			Q2 2023	Q1 2023	Q4 2022	Q3 2022	Q2 2022	Q1 2022	Q4 2021	Q3 2021
Impax Global Environmental Markets Instl	GE	PGINX	10	10	10	6	7	6	9	9
			GE	GE	GE	GE	GE	GE	GE	GE
Fidelity Total Bond Fund	CFI	FTBFX	10	10	10	10	10	9	9	9
			CFI	CFI	CFI	CFI	CFI	CFI	CFI	CFI
Eaton Vance High Income Opportunities I	HY	EIHIX	10	10	10	10	10	10	7	6
			HY	HY	HY	HY	HY	HY	HY	HY
PIMCO International Bond (USD-Hdg) Instl	GFI	PFORX	9	9	9	9	9	9	8	8
			GFI	GFI	GFI	GFI	GFI	GFI	GFI	GFI
The Standard Stable Asset Fund II	SV	SSAFII.Stan	-	-	-	-	-	-	-	-
			-	-	-	-	-	-	-	-
State Street Instl US Govt MMkt Premier	MM	GVMXX	-	-	-	-	-	-	-	-
			-	-	-	-	-	-	-	-

Passive	Asset Class	Ticker/ ID	Score							
			Q2 2023	Q1 2023	Q4 2022	Q3 2022	Q2 2022	Q1 2022	Q4 2021	Q3 2021
Vanguard 500 Index Admiral	LCB-P	VFIAX	10	10	10	10	10	10	10	10
			LCB-P	LCB-P	LCB-P	LCB-P	LCB-P	LCB-P	LCB-P	LCB-P



# Score History

continued

Passive	Asset Class	Ticker/ ID	Score							
			Q2 2023	Q1 2023	Q4 2022	Q3 2022	Q2 2022	Q1 2022	Q4 2021	Q3 2021
Calvert US Large Cap Core Rspnb Idx I	LCB-P	CISIX	8	9	9	9	9	9	9	9
			LCB-P	LCB-P	LCB-P	LCB-P	LCB-P	LCB-P	LCB-P	LCB-P
Vanguard Growth Index Admiral	LCG-P	VIGAX	10	10	10	10	10	10	10	10
			LCG-P	LCG-P	LCG-P	LCG-P	LCG-P	LCG-P	LCG-P	LCG-P
Vanguard Mid-Cap Value Index Admiral	MCV-P	VMVAX	9	9	9	9	9	9	10	10
			MCV-P	MCV-P	MCV-P	MCV-P	MCV-P	MCV-P	MCV-P	MCV-P
Vanguard Small Cap Value Index Admiral	SCV-P	VSIAX	9	9	9	10	10	10	10	9
			SCV-P	SCV-P	SCV-P	SCV-P	SCV-P	SCV-P	SCV-P	SCV-P
iShares Russell Small/Mid-Cap Idx K	SMCB-P	BSMKX	10	10	10	10	10	10	10	9
			SMCB-P	SMCB-P	SMCB-P	SMCB-P	SMCB-P	SMCB-P	SMCB-P	SMCB-P
Vanguard Total Intl Stock Index Admiral	IE-P	VTIAX	10	10	10	9	9	9	9	9
			IE-P	IE-P	IE-P	IE-P	IE-P	IE-P	IE-P	IE-P

Disclosure

\* Strategy Equivalent Score

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# Style Box

Asset Allocation - Conservative	Asset Allocation - Moderate	Asset Allocation - Aggressive
	American Funds American Balanced R6 T. Rowe Price Personal Risk-Based Series Vanguard LifeStrategy Risk-Based Series Inv	PIMCO RealPath Blend Target Date Series Instl
Large Cap Value	Large Cap Blend	Large Cap Growth
Vanguard Equity-Income Adm	Vanguard 500 Index Admiral Calvert US Large Cap Core Rspnb Idx I	Vanguard Growth Index Admiral
Mid/Smid Cap Value	Mid/Smid Cap Blend	Mid/Smid Cap Growth
Vanguard Mid-Cap Value Index Admiral	iShares Russell Small/Mid-Cap Idx K	JPMorgan Mid Cap Growth R6
Small Cap Value	Small Cap Blend	Small Cap Growth
Vanguard Small Cap Value Index Admiral	Calvert Small-Cap I PIMCO StocksPLUS Small Institutional	TRP Integrated US Small-Cap Gr Eq
International Equity	Global Equity	Cash Alternatives
Vanguard Total Intl Stock Index Admiral American Beacon International Eq R5 American Funds New World R6 Goldman Sachs Intl Sm Cp Insghs Instl	American Funds New Perspective R6 Impax Global Environmental Markets Instl	State Street Instl US Govt MMkt Premier The Standard Stable Asset Fund II
Fixed Income	Specialty/Alternatives	Notes
Eaton Vance High Income Opportunities I Fidelity Total Bond Fund PIMCO Income Instl PIMCO International Bond (USD-Hdg) Instl		1. Target Date Fund series show the series name, glidepath risk posture and the average score. 2. Risk based funds are grouped into either conservative, moderate or aggressive style boxes. 3. Only the top 5 scoring funds in each asset class are shown due to spacing concerns.

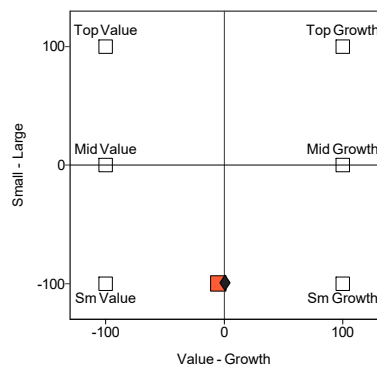
\*Strategy Equivalent Score

Returns Analysis	QTR	YTD	1 Yr	3 Yr Ann.	5 Yr Ann.	10 Yr Ann.	Since Inception	Manager Tenure (Years)	Fund Inception	Net Exp. Ratio	Net Exp. Ratio Rank	Gross Exp. Ratio
■ PIMCO StocksPLUS Small Institutional	5.16	7.78	11.38	9.57	2.92	8.16	9.12	4.95	03/31/2006	0.70	11	0.70
◆ Russell 2000 Index	5.21	8.09	12.31	10.82	4.21	8.26						
Small Cap Blend Average	3.97	7.38	12.83	13.55	4.96	8.05					56	1.40

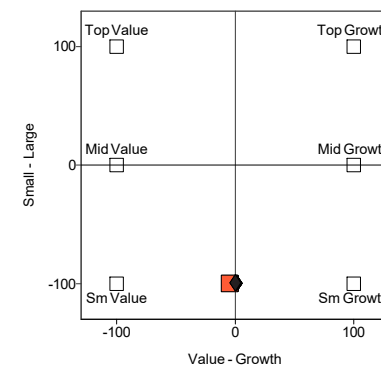
Calendar Year Returns	2014	2015	2016	2017	2018	2019	2020	2021	2022	YTD
■ PIMCO StocksPLUS Small Institutional	6.29	-6.64	24.98	17.63	-12.16	26.76	19.76	14.08	-23.90	7.78
◆ Russell 2000 Index	4.89	-4.41	21.31	14.65	-11.01	25.52	19.96	14.82	-20.44	8.09
Small Cap Blend Average	5.26	-4.43	20.02	12.89	-13.04	24.66	13.18	23.11	-17.13	7.38

Scorecard - Active	Ticker/ ID	Style			Risk/Return			Peer Group		Qual.	Score			
		Style	Style Drift	R <sup>2</sup>	Risk/ Return	Up/ Down	Info Ratio	Return Rank	Info Ratio Rank	(2pt. max)	06/30 2023	03/31 2023	12/30 2022	09/30 2022
PIMCO StocksPLUS Small Institutional	PSCSX	1	1	1	0	0	0	0	0	2	5	5	7	7
		-5.06/ -99.82	3.67	99.52	26.14/ 2.92	105.27/ 107.76	-0.47	77.00	87.00		SCB	SCB	SCB	SCB

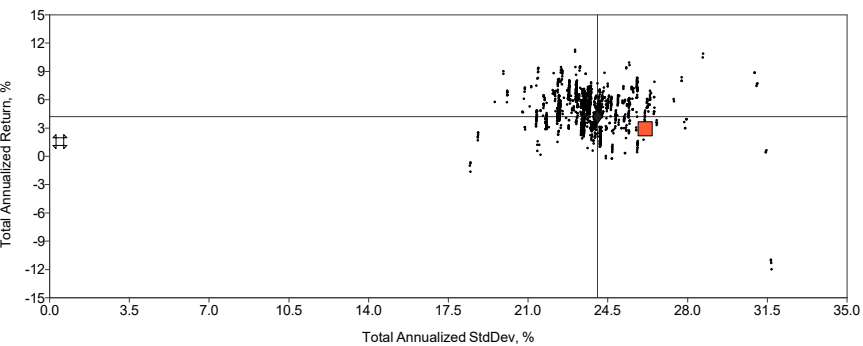
Average Style Jul 18 - Jun 23



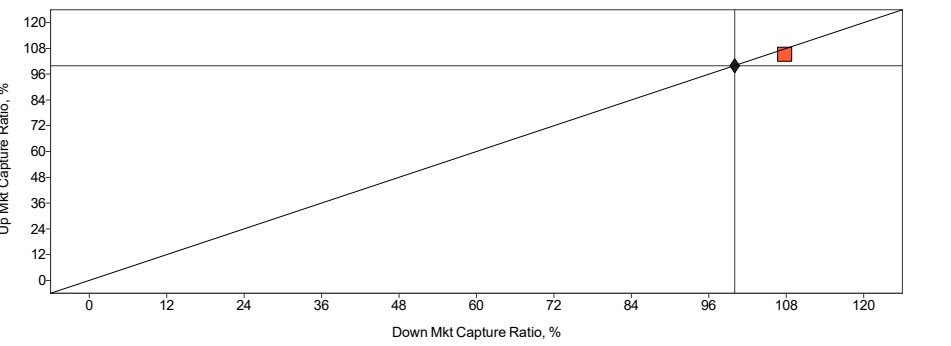
Style Drift 36 Month rolling windows, Jul 18 - Jun 23



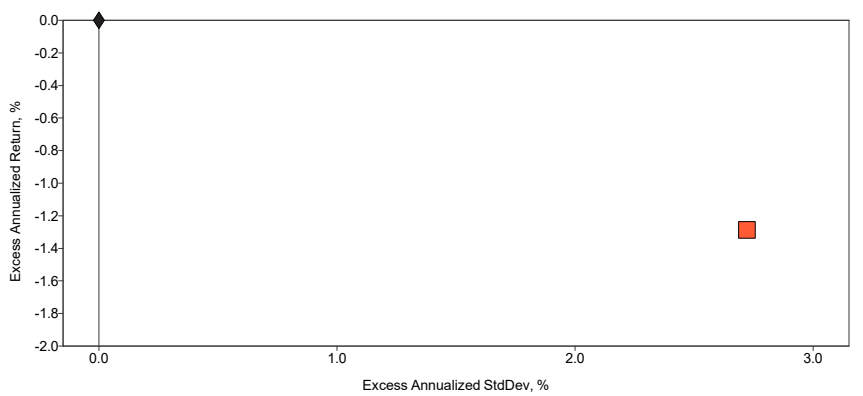
Risk / Return *Single Computation, Jul 18 - Jun 23*



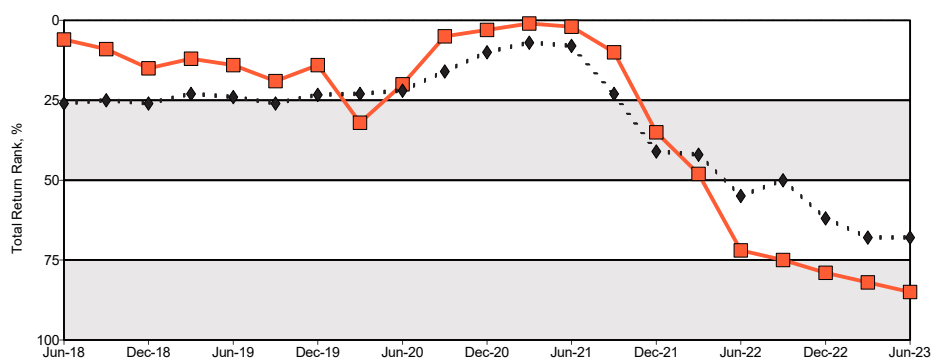
Up/Down Capture *Jul 18 - Jun 23*



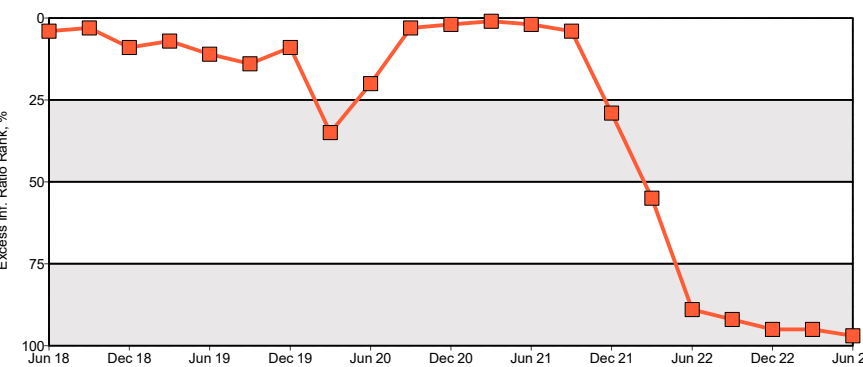
Relative Risk Return *Jul 18 - Jun 23*



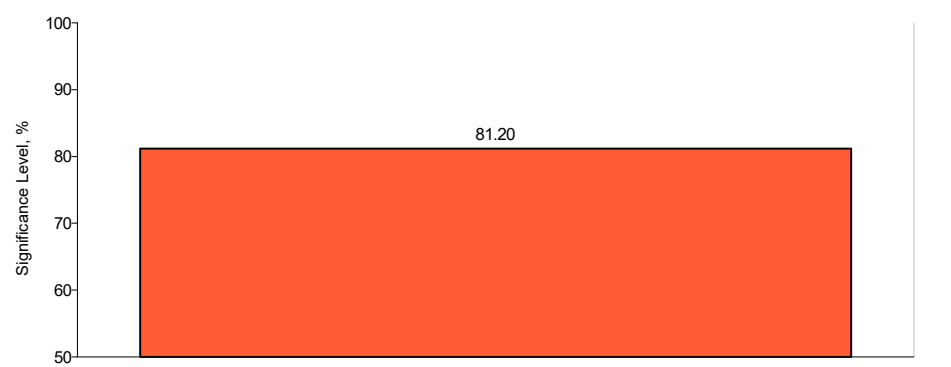
Rolling 5 Year Return Rank *20 quarter rolling windows, Jul 13 - Jun 23*



Rolling 5 Year Information Ratio Rank *20 quarter rolling windows, Jul 13 - Jun 23*



Significance Level *Jul 18 - Jun 23*



Investment objectives and strategies vary among fund, and may not be similar for funds included in the same asset class. All definitions are typical category representations. Please note that all investments are subject to market and other risk factors, which could result in loss of principal. Fixed income securities carry interest rate risk. As interest rates rise, bond prices usually fall, and vice versa. The specific share classes or accounts identified above may not be available or chosen by the plan. Share class and account availability is unique to the client's specific circumstances. There may be multiple share classes or accounts available to the client from which to choose. All recommendations are subject to vendor/provider approval before implementation into the plan. The performance data quoted may not reflect the deduction of additional fees, if applicable. If reflected, additional fees would reduce the performance quoted. Performance data is subject to change without prior notice.

Performance of indexes reflects the unmanaged result for the market segment the selected stocks represent. Indexes are unmanaged and not available for direct investment. The performance of an index is not an exact representation of any particular investment, as you cannot invest directly in an index. The information used in the analysis has been taken from sources deemed to be reliable, including, third-party providers such as Markov Processes International, Morningstar, firms who manage the investments, and/or the retirement plan providers who offer the funds. Every reasonable effort has been made to ensure completeness and accuracy; however, the final accuracy of the numbers and information is the responsibility of the investment manager(s) of each fund and/or the retirement plan providers offering these funds. Discrepancies between the figures reported in this analysis, and those reported by the actual investment managers and/or retirement plan providers, may be caused by a variety of factors, including: Inaccurate reporting by the manager/provider; Changes in reporting by the manager/provider from the time this report was prepared to a subsequent retro-active audit and corrected reporting; Differences in fees and share-classes impacting net investment return; and, Scriveners error by your advisor in preparing this report.

The enclosed Investment Due Diligence report, including the Scorecard System, is intended for plan sponsor and/or institutional use only. The materials are not intended for participant use. The purpose of this report is to assist fiduciaries in selecting and monitoring investment options. A fund's score is meant to be used by the plan sponsor and/or fiduciaries as a tool for selecting the most appropriate fund. Fund scores will change as the performance of the funds change and as certain factors measured in the qualitative category change (e.g., manager tenure). Fund scores are not expected to change dramatically from each measured period, however, there is no guarantee this will be the case. Scores will change depending on the changes in the underlying pre-specified Scorecard factors.

Performance data quoted represents past performance and does not guarantee future results. The investment return and principal value of an investment will fluctuate so that an investor's shares, when redeemed, may be worth more or less than their original cost. Current performance may be lower or higher than the performance data quoted. Likewise, a fund's score using the Scorecard System does not guarantee the future performance or style consistency of a fund. This report was prepared with the belief that this information is relevant to the plan sponsor as the plan sponsor makes investment selections. Fund selection is at the discretion of the investment fiduciaries, which are either the plan sponsor or the committee appointed to perform that function. Cash Equivalents (e.g., money market fund) and some specialty funds are not scored by the Scorecard System. The enclosed Investment Due Diligence report and Scorecard is not an offer to sell mutual funds. An offer to sell may be made only after the client has received and read the appropriate prospectus. For the most current month-end performance, please contact your advisor. The Strategy Review notes section is for informational purposes only. The views expressed here are those of your advisor and do not constitute an offer to sell an investment. An offer to sell may be made only after the client has received and read the appropriate prospectus.

**Mutual funds are sold by prospectus only. Before investing, investors should carefully consider the investment objectives, risks, charges and expenses of a mutual fund. The fund prospectus provides this and other important information. Please contact your Investment Advisor/Consultant or Vendor/Provider to obtain a prospectus. Please read the prospectus carefully before investing or sending money.**

**For a copy of the most recent prospectus, please contact your Investment Advisor/Consultant or Vendor/Provider.**

#### Notes

1. All statistics calculated over a five year time period.
2. Style analytics reflect the parameters on a returns-based style map (on a scale of 100 to -100 for each axis.) Fund passes if it plots out in the appropriate section of the style map, representing the fund's stated style.
3. Style drift is measured by the style drift score, which is a statistic measuring the rolling style-based analysis for a fund.
4. Risk is measured as the fund's standard deviation of returns.
5. R-squared measures the percentage of the fund's movement that is explained by the fund's benchmark (market).
6. Up/Down capture statistics measure the percentage of performance the fund/strategy is capturing versus the benchmark (market).
7. Information Ratio is a risk adjusted performance statistic measuring relative return over relative risk.
8. Peer group ranking statistics measure the funds median rank versus the applicable peer group universe.
9. Qualitative Detail: T = Tenure (qualitative score impacted negatively due to low manager tenure); E = Expenses (qualitative score impacted negatively due to higher than average expense ratio); and S = Statistics (qualitative score impacted negatively due to weak/poor strength of statistics).

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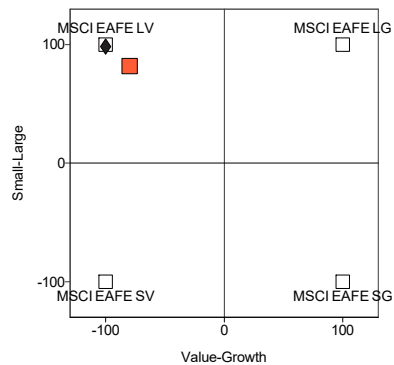
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Returns Analysis	QTR	YTD	1 Yr	3 Yr Ann.	5 Yr Ann.	10 Yr Ann.	Since Inception	Manager Tenure (Years)	Fund Inception	Net Exp. Ratio	Net Exp. Ratio Rank	Gross Exp. Ratio
American Beacon International Eq R5	3.58	16.24	22.67	12.39	3.50	4.68	6.69	29.35	08/07/1991	0.72	13	0.72
◆ MSCI EAFE Large Value ND USD	3.91	10.13	18.91	12.21	3.44	4.10						
International Large Cap Value Average	2.92	11.51	17.57	11.03	3.01	4.03					54	1.38

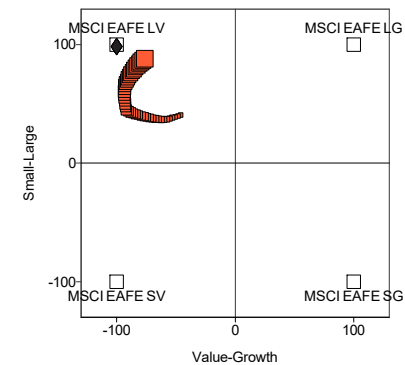
Calendar Year Returns	2014	2015	2016	2017	2018	2019	2020	2021	2022	YTD
American Beacon International Eq R5	-7.02	-1.75	0.27	24.83	-16.37	19.45	1.06	9.63	-10.85	16.24
◆ MSCI EAFE Large Value ND USD	-6.34	-6.89	5.19	20.54	-15.02	15.50	-3.10	11.75	-3.71	10.13
International Large Cap Value Average	-6.77	-4.11	4.00	22.40	-16.80	17.53	1.72	10.06	-9.17	11.51

Scorecard - Active	Ticker/ ID	Style			Risk/Return			Peer Group		Qual.	Score			
		Style	Style Drift	R <sup>2</sup>	Risk/Return	Up/Down	Info Ratio	Return Rank	Info Ratio Rank	(2pt. max)	06/30 2023	03/31 2023	12/30 2022	09/30 2022
American Beacon International Eq R5	AAIEX	1	1	1	1	1	1	0	1	2	9	9	6	6
		-79.77/ 82.05	16.13	95.86	21.37/ 3.50	107.20/ 106.05	0.01	56.00	48.00		ILCV	ILCV	ILCV	ILCV

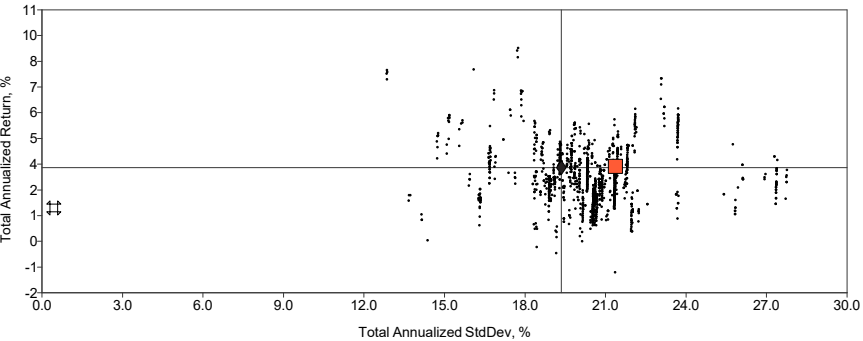
Average Style Jul 18 - Jun 23



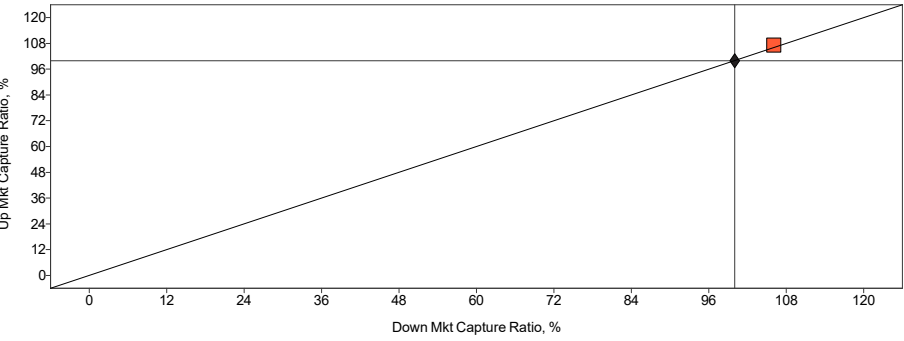
Style Drift 36 Month rolling windows, Jul 18 - Jun 23



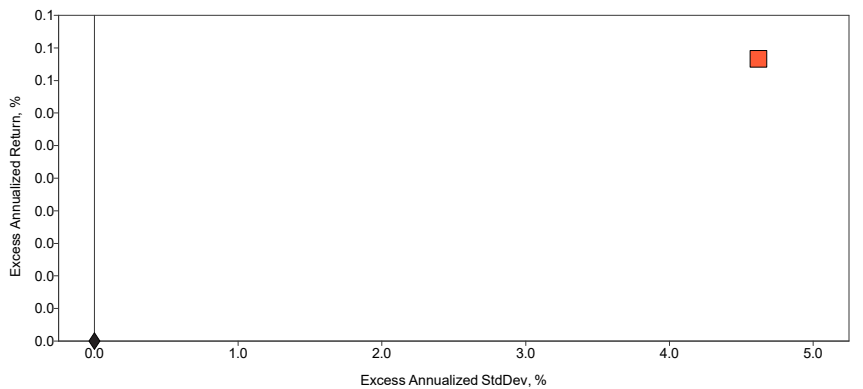
Risk / Return *Single Computation, Jul 18 - Jun 23*



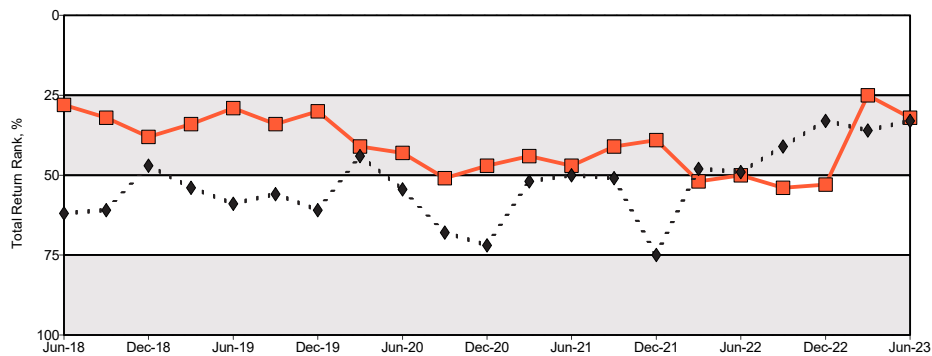
Up/Down Capture *Jul 18 - Jun 23*



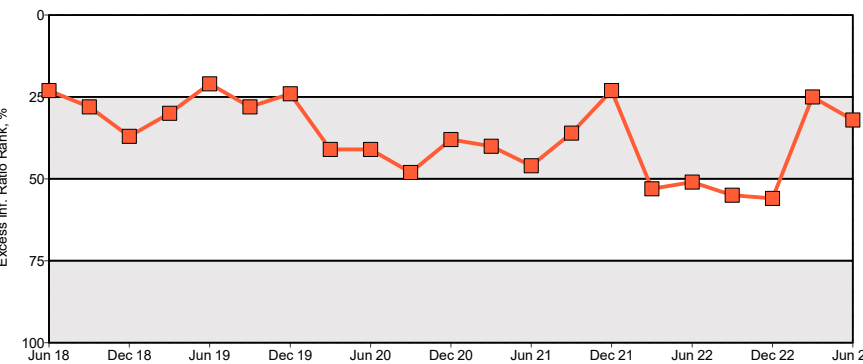
Relative Risk Return *Jul 18 - Jun 23*



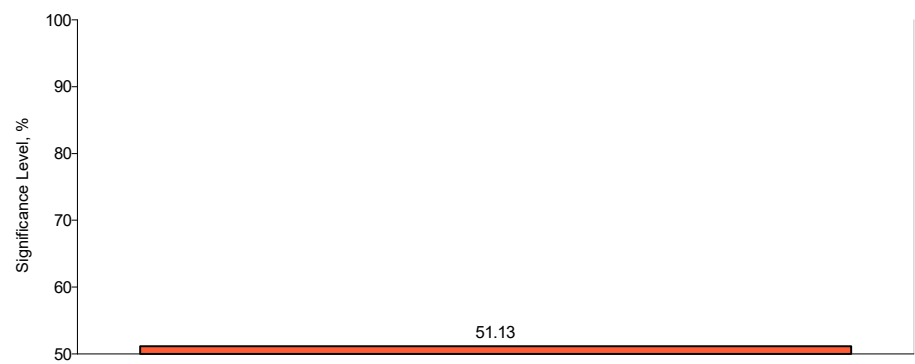
Rolling 5 Year Return Rank *20 quarter rolling windows, Jul 13 - Jun 23*



Rolling 5 Year Information Ratio Rank *20 quarter rolling windows, Jul 13 - Jun 23*



Significance Level *Jul 18 - Jun 23*



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Performance of indexes reflects the unmanaged result for the market segment the selected stocks represent. Indexes are unmanaged and not available for direct investment. The performance of an index is not an exact representation of any particular investment, as you cannot invest directly in an index. The information used in the analysis has been taken from sources deemed to be reliable, including, third-party providers such as Markov Processes International, Morningstar, firms who manage the investments, and/or the retirement plan providers who offer the funds. Every reasonable effort has been made to ensure completeness and accuracy; however, the final accuracy of the numbers and information is the responsibility of the investment manager(s) of each fund and/or the retirement plan providers offering these funds. Discrepancies between the figures reported in this analysis, and those reported by the actual investment managers and/or retirement plan providers, may be caused by a variety of factors, including: Inaccurate reporting by the manager/provider; Changes in reporting by the manager/provider from the time this report was prepared to a subsequent retro-active audit and corrected reporting; Differences in fees and share-classes impacting net investment return; and, Scriveners error by your advisor in preparing this report.

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#### Notes

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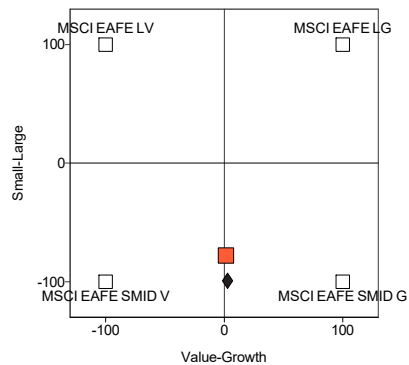


Returns Analysis	QTR	YTD	1 Yr	3 Yr Ann.	5 Yr Ann.	10 Yr Ann.	Since Inception	Manager Tenure (Years)	Fund Inception	Net Exp. Ratio	Net Exp. Ratio Rank	Gross Exp. Ratio
■ Goldman Sachs Intl Sm Cp Insights Instl	-0.26	6.33	10.05	6.39	1.15	6.28	4.36	15.76	09/28/2007	0.87	15	0.91
◆ MSCI EAFE Smid Cap ND USD	0.60	7.03	11.67	5.44	1.55	5.64						
International Small-Mid Cap Blend Average	0.49	7.33	11.42	7.01	1.38	5.37					52	1.47

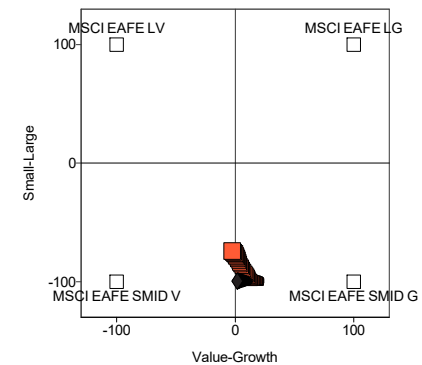
Calendar Year Returns	2014	2015	2016	2017	2018	2019	2020	2021	2022	YTD
■ Goldman Sachs Intl Sm Cp Insights Instl	-5.78	10.23	2.32	33.02	-18.77	21.59	7.69	13.05	-18.55	6.33
◆ MSCI EAFE Smid Cap ND USD	-3.31	6.61	1.32	30.78	-16.95	24.37	11.34	8.76	-20.82	7.03
International Small-Mid Cap Blend Average	-6.25	6.59	0.66	33.27	-20.25	22.94	10.23	11.93	-19.79	7.33

Scorecard - Active	Ticker/ ID	Style			Risk/Return			Peer Group		Qual.	Score			
		Style	Style Drift	R <sup>2</sup>	Risk/Return	Up/Down	Info Ratio	Return Rank	Info Ratio Rank	(2pt. max)	06/30 2023	03/31 2023	12/30 2022	09/30 2022
Goldman Sachs Intl Sm Cp Insights Instl	GICIX	1	1	1	0	0	0	0	0	2	5	5	5	5
		1.35/ -77.88	20.15	95.98	19.79/ 1.15	100.45/ 101.77	-0.10	61.00	59.00		ISMB	ISMB	ISMB	ISMB

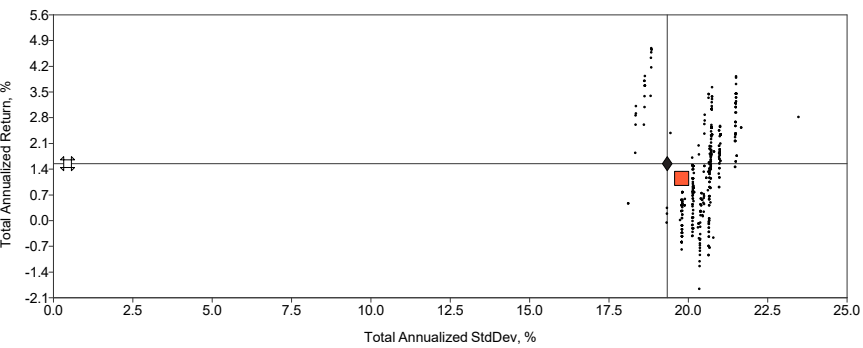
Average Style Jul 18 - Jun 23



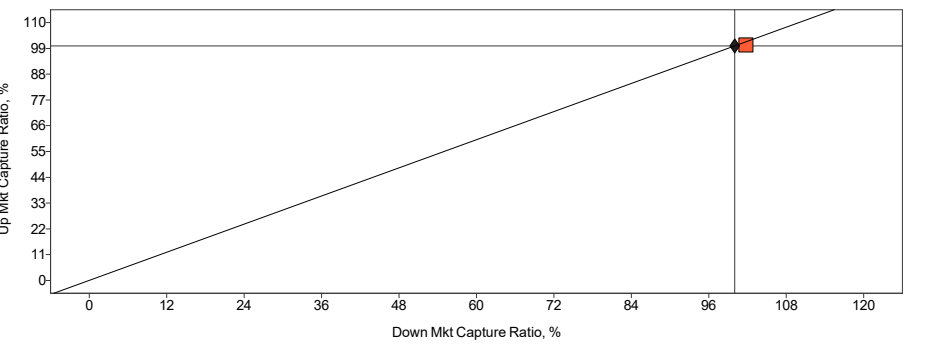
Style Drift 36 Month rolling windows, Jul 18 - Jun 23



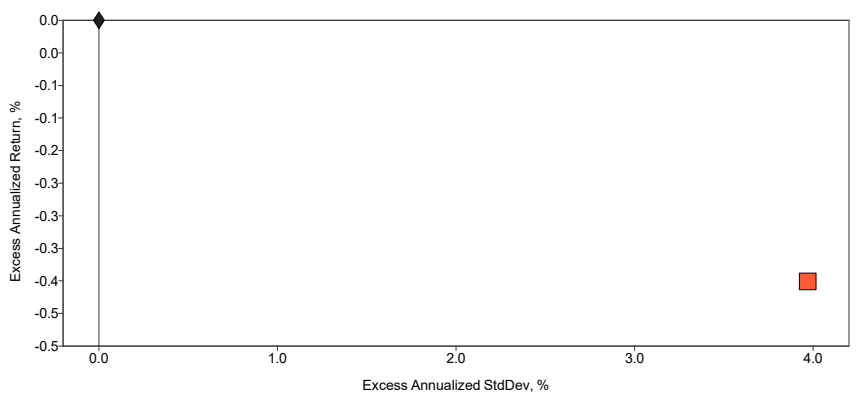
Risk / Return *Single Computation, Jul 18 - Jun 23*



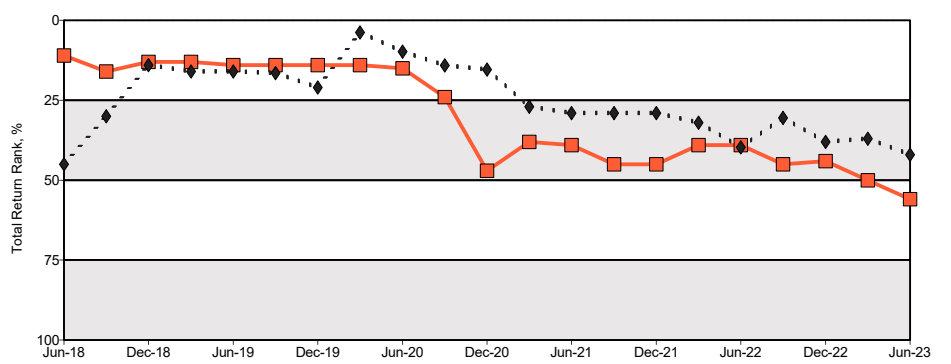
Up/Down Capture *Jul 18 - Jun 23*



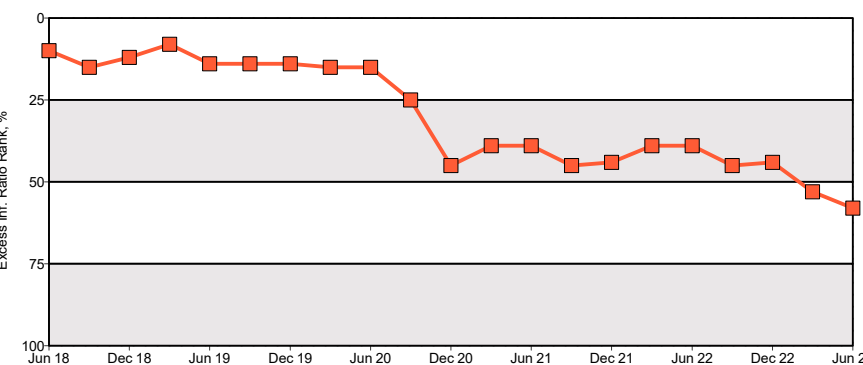
Relative Risk Return *Jul 18 - Jun 23*



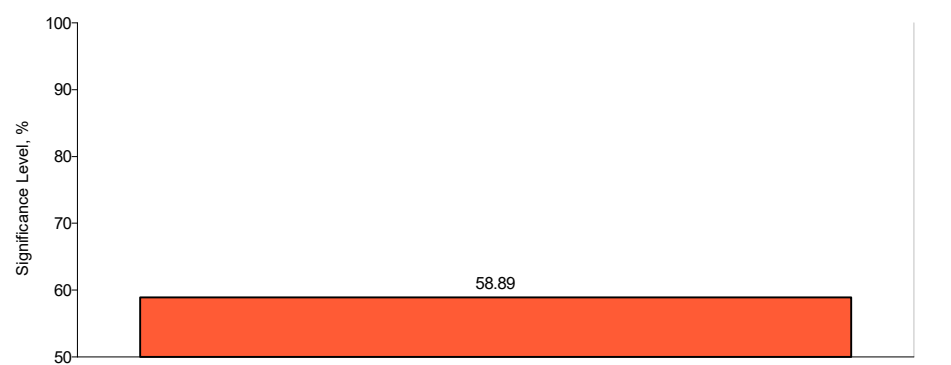
Rolling 5 Year Return Rank *20 quarter rolling windows, Jul 13 - Jun 23*



Rolling 5 Year Information Ratio Rank *20 quarter rolling windows, Jul 13 - Jun 23*



Significance Level *Jul 18 - Jun 23*

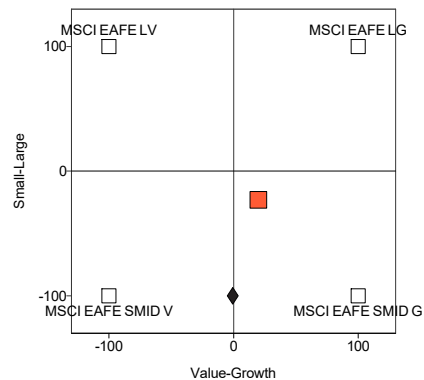


Returns Analysis	QTR	YTD	1 Yr	3 Yr Ann.	5 Yr Ann.	10 Yr Ann.	Since Inception	Manager Tenure (Years)	Fund Inception	Net Exp. Ratio	Gross Exp. Ratio
■ Vanguard FTSE All-Wld ex-US SmCp Idx Ins	1.88	7.97	10.04	7.14	1.77	4.97	8.29	7.84	04/02/2009	0.11	0.11
◆ MSCI EAFE Smid Cap ND USD	0.60	7.03	11.67	5.44	1.55	5.64					
International Small-Mid Cap Blend Passive Average	1.26	6.80	10.50	7.10	2.04	5.60				0.17	0.20

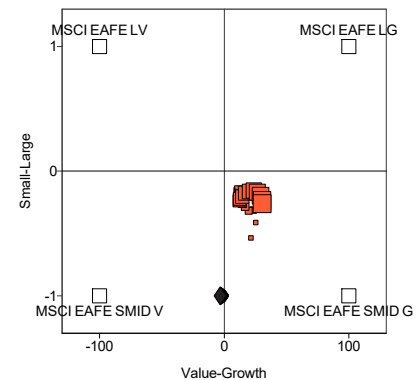
Calendar Year Returns	2014	2015	2016	2017	2018	2019	2020	2021	2022	YTD
■ Vanguard FTSE All-Wld ex-US SmCp Idx Ins	-4.65	-0.18	4.35	30.30	-18.43	21.73	11.93	12.76	-21.25	7.97
◆ MSCI EAFE Smid Cap ND USD	-3.31	6.61	1.32	30.78	-16.95	24.37	11.34	8.76	-20.82	7.03
International Small-Mid Cap Blend Passive Average	-5.02	4.23	4.05	30.77	-17.75	23.70	11.60	12.09	-19.74	6.80

Scorecard - Passive	Ticker/ ID	Style				Peer Group				Qual.	Score			
		Style	Style Drift	R²	TE	TE Rank	Expense Rank	Return Rank	SR Rank	(2pt. max)	06/30 2023	03/31 2023	12/30 2022	09/30 2022
Vanguard FTSE All-Wld ex-US SmCp Idx Ins	VFSNX	1	1	1	1	1	1	1	1	2	10	9	9	9
		19.98/-22.86	15.42	96.15	3.67	62.00	38.00	23.00	23.00		ISMB-P	ISMB-P	ISMB-P	ISMB-P

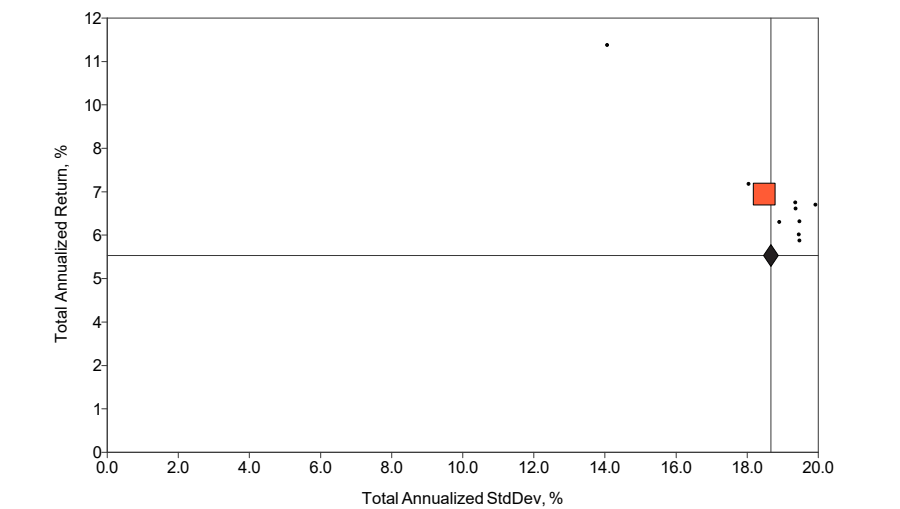
Average Style Jul 20 - Jun 23



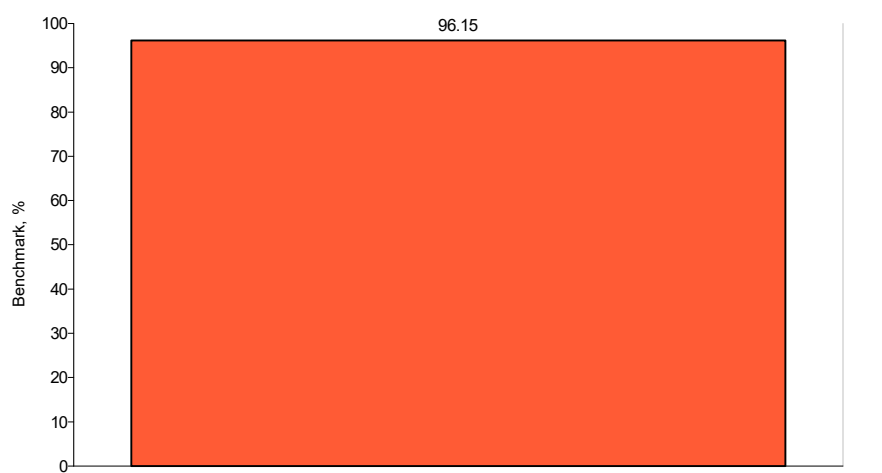
Style Drift 36 Month rolling window Jul 20 - Jun 23



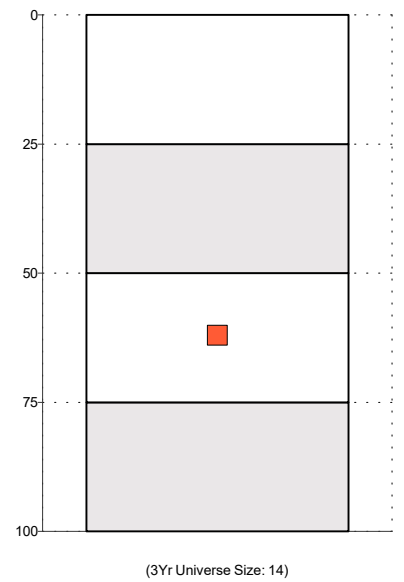
Risk / Return *Single Computation, Jul 20 - Jun 23*



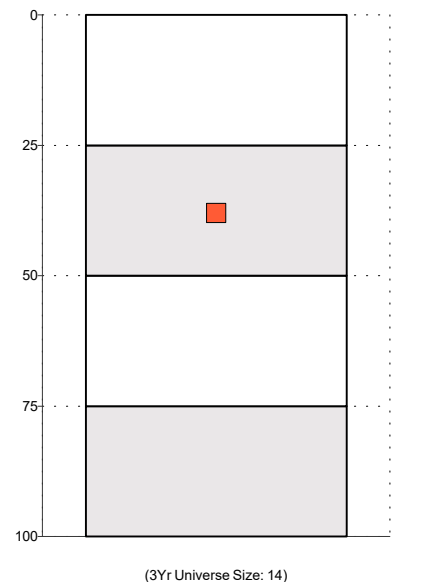
R-Squared *Jul 20 - Jun 23*



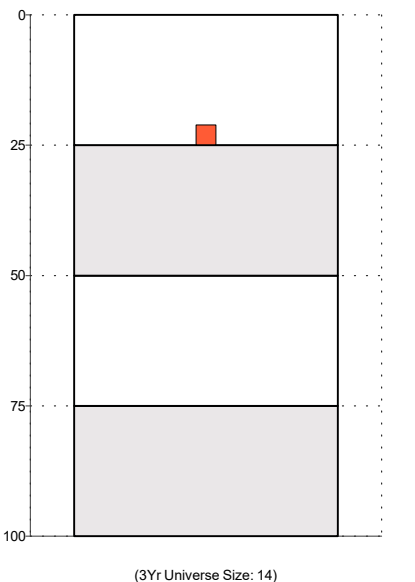
Tracking Error Rank *Jul 20 - Jun 23*



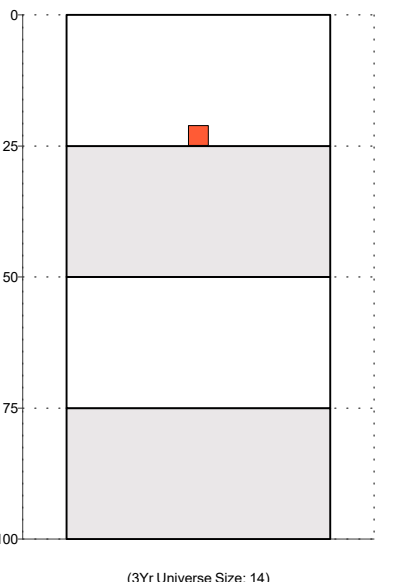
Expense Rank *Jul 20 - Jun 23*



Return Rank *Jul 20 - Jun 23*



Sharpe Ratio Rank *Jul 20 - Jun 23*



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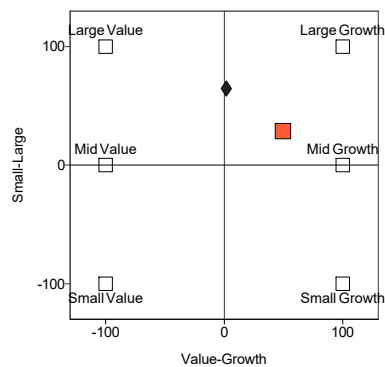
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Returns Analysis	QTR	YTD	1 Yr	3 Yr Ann.	5 Yr Ann.	10 Yr Ann.	Since Inception	Manager Tenure (Years)	Fund Inception	Net Exp. Ratio	Net Exp. Ratio Rank	Gross Exp. Ratio
■ Impax Global Environmental Markets Instl	2.59	11.81	22.23	11.77	9.14	9.19	6.96	10.17	03/27/2008	0.91	26	0.91
◆ MSCIACWINR	6.18	13.93	16.53	10.99	8.10	8.75						
Global Equity Average	5.18	13.33	16.34	9.19	6.62	8.09					55	1.49

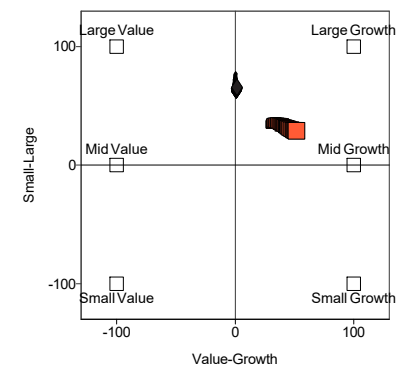
Calendar Year Returns	2014	2015	2016	2017	2018	2019	2020	2021	2022	YTD
■ Impax Global Environmental Markets Instl	-2.53	-1.21	10.91	26.79	-14.17	28.17	26.00	22.23	-22.39	11.81
◆ MSCIACWINR	4.16	-2.36	7.86	23.97	-9.42	26.60	16.25	18.54	-18.36	13.93
Global Equity Average	2.87	-0.18	5.79	25.37	-10.80	26.80	19.62	15.63	-20.42	13.33

Scorecard - Active	Ticker/ ID	Style			Risk/Return			Peer Group		Qual.	Score			
		Style	Style Drift	R <sup>2</sup>	Risk/ Return	Up/ Down	Info Ratio	Return Rank	Info Ratio Rank	(2pt. max)	06/30 2023	03/31 2023	12/30 2022	09/30 2022
Impax Global Environmental Markets Instl	PGINX	1	1	1	1	1	1	1	1	2	10	10	10	6
		49.61/ 28.71	20.67	90.17	21.14/ 9.14	116.34/ 112.77	0.15	24.00	25.00		GE	GE	GE	GE

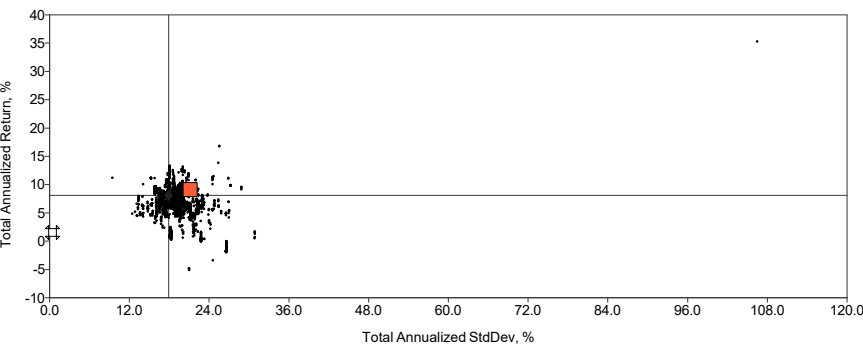
Average Style Jul 18 - Jun 23



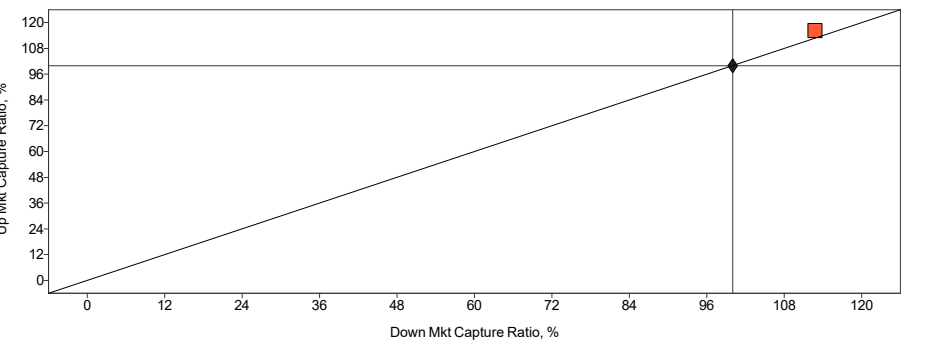
Style Drift 36 Month rolling windows, Jul 18 - Jun 23



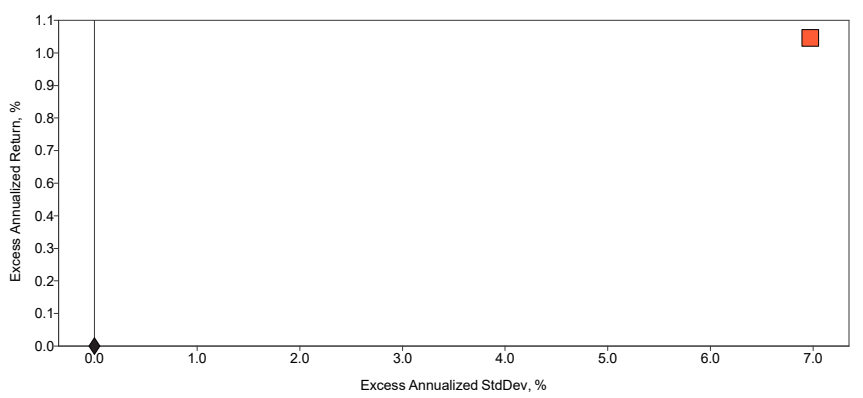
Risk / Return Single Computation, Jul 18 - Jun 23



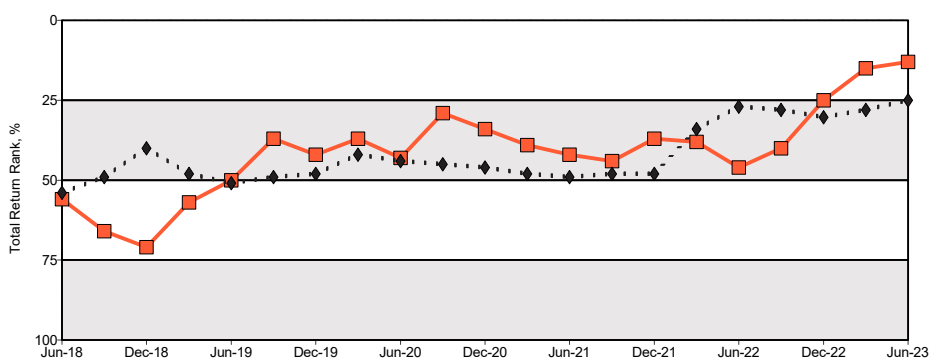
Up/Down Capture Jul 18 - Jun 23



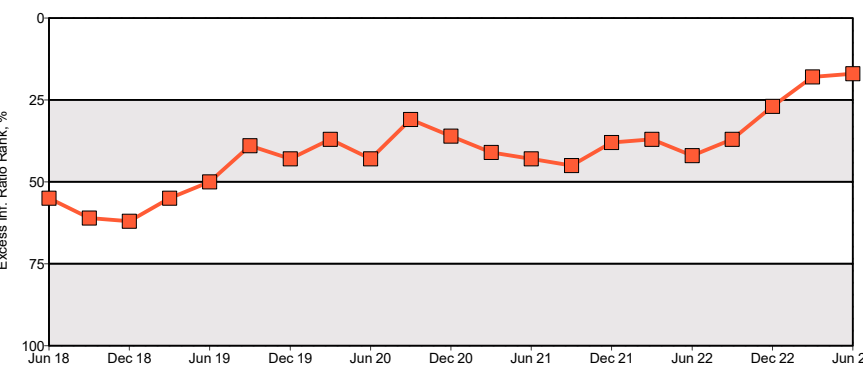
Relative Risk Return Jul 18 - Jun 23



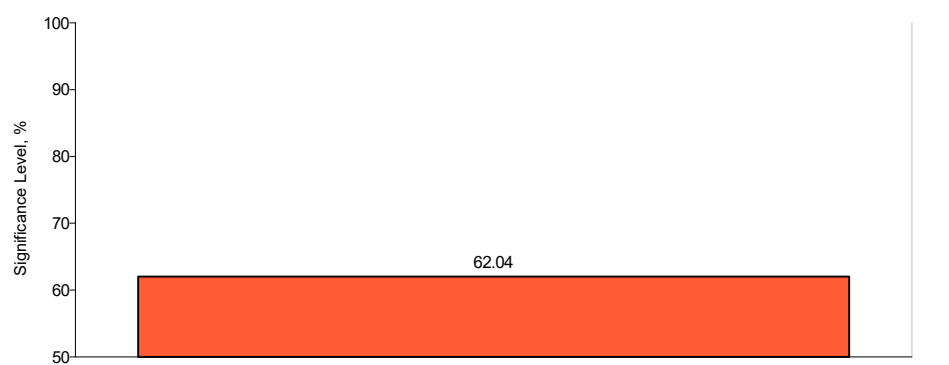
Rolling 5 Year Return Rank 20 quarter rolling windows, Jul 13 - Jun 23



Rolling 5 Year Information Ratio Rank 20 quarter rolling windows, Jul 13 - Jun 23



Significance Level Jul 18 - Jun 23





## HUMAN RESOURCES COMMITTEE MEETING

<b>Date:</b> September 11, 2023	<b>Program:</b> Retirement Benefits
<b>Agenda Item #:</b> 9	<b>Director:</b> Jay Zapata
<b>Subject:</b> Investment Fund Change	<b>Officer:</b> Emilia Reyes

### Recommended Action

Staff recommends review and approval of Investment Fund Change.

### Background

Our investment advisors routinely monitor and evaluate the various investment options contained within the retirement plan fund lineup. This review is shared with the Agency on a quarterly basis. This review uses a scoring matrix to compare each fund's management and performance against industry benchmarks.

### Fiscal Impact

Fund lineup selection is a critical fiduciary duty for our retirement plans. Funds are being recommended for replacement based on constant monitoring by our contracted investment advisory advisors, with the goal of including funds with a documented history of strong and stable performance over time that are appropriate for the demographics of our plan participants.

### Conclusion

If approved by the Committee, this item will move forward for full Board consideration at the October 5, 2023, Commission meeting.



## Fresno EOC Investment Summary Fund Replacement.

International Small/Mid Blend: Goldman Sachs International Cal Insights Instl. GICIX scored 5 out of 10 on our Scorecard.  
\$62,709.55

Returns Analysis	QTR	YTD	1 Yr	3 Yr Ann.	5 Yr Ann.	10 Yr Ann.	Since Inception	Manager Tenure (Years)	Fund Inception	Net Exp. Ratio	Net Exp. Ratio Rank	Gross Exp. Ratio
Goldman Sachs Intl Sm Cp Insghts Instl	-0.26	6.33	10.05	6.39	1.15	6.28	4.36	15.76	09/28/2007	0.87	15	0.91
MSCI EAFE Smid Cap ND USD	0.60	7.03	11.67	5.44	1.55	5.64						
International Small-Mid Cap Blend Average	0.49	7.33	11.42	7.01	1.38	5.37					52	1.47

Returns Analysis	QTR	YTD	1 Yr	3 Yr Ann.	5 Yr Ann.	10 Yr Ann.	Since Inception	Manager Tenure (Years)	Fund Inception	Net Exp. Ratio	Gross Exp. Ratio
Vanguard FTSE All-World ex-US SmCap Idx Ins	1.88	7.97	10.04	7.14	1.77	4.97	8.29	7.84	04/02/2009	0.11	0.11
MSCI EAFE Smid Cap ND USD	0.60	7.03	11.67	5.44	1.55	5.64					
International Small-Mid Cap Blend Passive Average	1.26	6.80	10.50	7.10	2.04	5.60				0.17	0.20

Following our Investment Policy Statement after 4 quarters not meeting our criteria, the committee has concluded to complete a review of additional fund. We have decided to add a Blended Index to reduce expense ratio all with better returns.

Fund was not passing criteria in some key data points. Risk/Return, Up/down capture, information Ratio, Return Rank, and Information ratio ranking.

<b>Scorecard Point System</b>	
<b>Acceptable:</b>	<b>7-10 Points</b>
<b>Watchlist<sup>1</sup>:</b>	<b>5-6 Points</b>
<b>Review<sup>2</sup>:</b>	<b>0-4 Points</b>



## HUMAN RESOURCES COMMITTEE MEETING

<b>Date:</b> September 11, 2023	<b>Program:</b> Retirement Benefits
<b>Agenda Item #:</b> 10	<b>Director:</b> Jay Zapata
<b>Subject:</b> 403 B Auto Enrolment	<b>Officer:</b> Emilia Reyes

### Background

The Board in 2021 felt there should be 70%+ employee participation in the retirement plan (403b). There was a consensus agreement that it should increase because anyone who does not participate will likely not have enough for retirement. The auto-enrollment solution has been proven to have a 90%+ enrollment rate of up to 10%. (See the attached Voya study on Auto-Enrollment and how it benefits underserved communities).

Auto-enrollment was approved in 2021, though, there was a delay due to the ADP system compatibility. This has now been resolved however with the long delay in implementation and subsequent turnover change in the board and EOC staff, there were many who were unaware of the details.

Fresno EOC has agreed to an effective date of January 1, 2024. This will give Fresno EOC approximately 6 months to notify employees. Since it takes place at the beginning of the year, we can use the eligible automatic contribution arrangement (EACA). An EACA can allow automatically enrolled participants to withdraw their contributions within 30 to 90 days of the first contribution – there will be neither penalty nor charge from Transamerica to the participant.

# Plan design during challenging times:

7 Actionable Insights from  
Behavioral Finance

By Shlomo Benartzi

Professor Emeritus, UCLA Anderson School of Management  
and Senior Academic Advisor at Voya Financial®

# Introduction

These are extremely challenging times for employees and employers. According to Voya surveys of plan participants, the percentage of participants with a positive retirement sentiment fell by 13 points in March, from 74% to 61%.<sup>1</sup> Surveys of companies from the spring reflected a similar trendline, as approximately 20% of plans with a match said they were considering eliminating or suspending their match to cut costs.<sup>2</sup> While the outlook has since improved—75% of participants reported a positive retirement sentiment in August<sup>3</sup>—the crisis may have a lasting impact on retirement outcomes due to increased withdrawals during the Covid-19 crisis.

Given these difficult economic conditions, it's important to provide workers with the flexibility to withdraw savings. (For example, the CARES Act, enacted in the aftermath of the Covid-19 pandemic, eliminated early withdrawal penalties and increased the loan amounts for workers dealing with a Covid-related hardship.<sup>4</sup>) However, this additional flexibility raises a larger issue for plan sponsors: **if we make it easy to draw down savings, how can we make it even easier to accumulate savings once the hardship is over?** It's an especially crucial question given that policy makers also made it easier for workers to pull out savings during the Great Recession of 2008-2009. If workers pull money out of their savings every decade or so, this will make it much harder to accumulate a sufficient amount. Participants might need money now, but withdrawing funds means they'll need to save even more for a successful retirement.

This whitepaper proposes changes to plan design that can boost savings once the economy recovers.

This whitepaper proposes changes to plan design that can boost savings once the economy recovers. It's a subject that's especially important and timely given current economic challenges. But, if these changes cannot be implemented now, in the midst of a recession, they can be re-evaluated as soon as possible.

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<sup>1</sup> Voya internal data, March 2020

<sup>2</sup> 2020 PSCA Survey [https://www.pscs.org/press-room/CARES\\_snapshot](https://www.pscs.org/press-room/CARES_snapshot)

<sup>3</sup> Voya internal data, August 2020

<sup>4</sup> Benartzi, Shlomo. "How to tap a retirement account in a crisis," *The Wall Street Journal*. May 2, 2020.

# Starting to save

In December 2019, right as the Covid-19 pandemic began spreading widely in Wuhan, China, Congress passed the SECURE Act. The legislation was designed to boost retirement savings, and offers plan sponsors additional tools to help participants. In this section, we'll describe how provisions in the SECURE Act can be combined with behavioral insights to improve retirement outcomes. Although the pandemic and ensuing recession have largely led people to neglect the SECURE Act, it does contain important provisions that can be used to help workers save more, at least after the economy returns to full strength.

**Let's start with auto-enrollment, a proven idea that can be used to reduce racial and demographic inequalities exacerbated by the pandemic. Research on auto-enrollment finds that it can dramatically increase participation.** Brigitte Madrian and Dennis Shea studied the impact of auto-enrollment at a large, Fortune 500 company with a match of 50% on the first 6% of pay. Before the nudge was implemented, the participation rate in the plan was 37.4% for a new cohort of workers. However, auto-enrollment boosted participation rates to 85.9% for a follow-up cohort of eligible workers.<sup>5</sup> Auto-enrollment even led to higher participation rates among new employees than among employees with more than twenty years of tenure.<sup>6</sup>

Research suggests that auto-enrollment seems to be even more beneficial for women and minorities, equalizing participation across demographic groups.

What's more, research suggests that auto-enrollment seems to be even more beneficial for women and minorities, equalizing participation across demographic groups and dramatically reducing longstanding racial and gender gaps in enrollment. While Madrian and Shea found that auto-enrollment doubled the participation rates of men, it increased the participation rates of women by a factor of nearly 2.5, from 35 to 86%. The results were even more dramatic for African Americans and Hispanics, as auto-enrollment nearly quadrupled the participation rates of both groups. (African-American participation increased from 21.7% to 81.3%, while Hispanic participation increased from 19% to 75%).<sup>7</sup>

<sup>5,6,7</sup> Madrian, Brigitte C., and Dennis F. Shea. "The power of suggestion: Inertia in 401(k) participation and savings behavior." *The Quarterly Journal of Economics* 116.4 (2001): 1149-1187.

## Automatic Enrollment

	Pre-auto-enrollment	Auto-enrollment
Overall Race/Ethnicity	37.4%	85.9%
White	42.7	88.2
Black	21.7	81.3
Hispanic	19.0	75.1
Other	46.2	85.2

**The SECURE Act encourages plan sponsors to broaden the use of auto-enrollment**, as it requires employers to give certain part-time employees better access to retirement plans. Given recent shifts in the labor force, including the growth of gig and part-time workers, this provision can ensure that more workers benefit from auto-enrollment, and can participate in their company's retirement plan. It can also increase access to retirement plans among African Americans, as they are significantly more likely to be employed as part-time workers.<sup>8</sup>



Implement a holistic plan to enroll and re-enroll all employees

But companies shouldn't stop with part-time employees. **Given the effectiveness of auto-enrollment, we should apply the nudge to all employees using re-enrollment, and not just new hires.** In the United Kingdom, for instance, plan providers are required to **automatically re-enroll workers every three years, including those who have opted out or stopped saving.**<sup>9</sup> While workers can quickly opt-out again if they so desire, it's important to offer people repeated opportunities to make saving as easy as possible. A recurring re-enrollment process can ensure that, after the pandemic is over, many more employees, regardless of race, will begin saving and be on the path to a successful retirement.

<sup>8</sup> <https://www.bls.gov/cps/cpsaat08.htm>

<sup>9</sup> <https://www.nestpensions.org.uk/schemeweb/helpcentre/workers/enrolling-workers/how-can-i-enrol-workers.html>

# Saving more

**While enrolling employees in a plan is a crucial first step, we also have to ensure they are saving enough for a successful retirement.** Unfortunately for many plan participants, that's often not the case. For example, when employees are automatically enrolled into a 401(k) plan, nearly forty percent are enrolled with a default savings rate of three percent or less.<sup>10</sup> That's well below the savings rate that most employees will need to achieve financial security in retirement.<sup>11</sup>

To help employees save more, researchers at Harvard, UCLA, the Wharton School and City, University of London, in collaboration with The Voya Behavioral Finance Institute for Innovation, have studied the impact of suggested savings rates on employee decisions.<sup>12</sup> To explore the potential benefit of these higher suggested rates, the researchers conducted a field experiment looking at enrollment status and savings rate of employees who are assigned different savings rates when enrolling online.



Boost auto-enrollment deferral rate to 7%

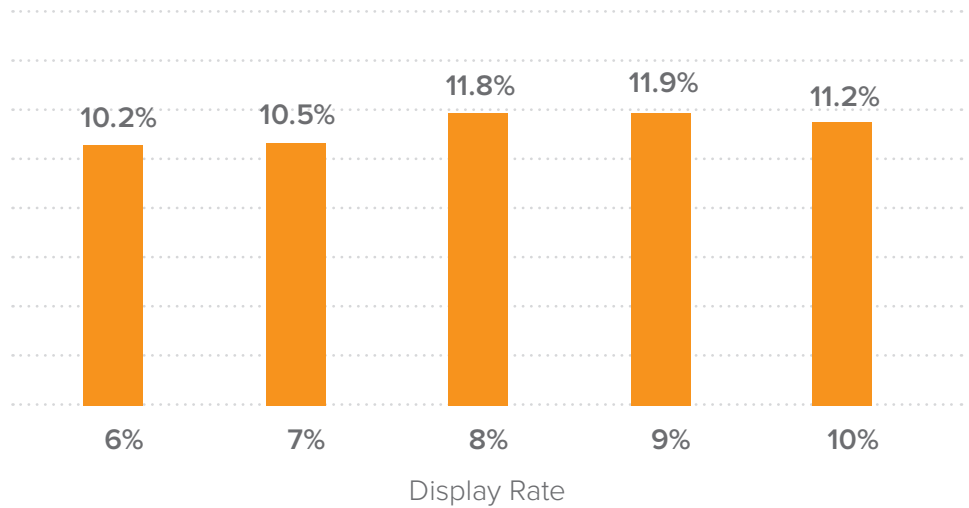
According to the data, **it's possible to significantly increase the suggested savings rates *without* increasing the number of participants opting out of the retirement plan.** Specifically, suggesting rates between 7 and 10 percent did not result in lower enrollment when compared to a 6 percent control rate. (We used 6 percent as a control rate, and not the more common 3 percent, because previous research has already shown that 6 percent doesn't increase opt-out rates.)

<sup>10</sup> Plan Sponsor Council of America. 62nd Annual Survey, 2019.

<sup>11</sup> Benartzi, Shlomo. Save More Tomorrow. Penguin, 2012.

<sup>12</sup> Beshears, John, Shlomo Benartzi, Richard T. Mason, and Katherine L. Milkman. "How Do Consumers Respond When Default Options Push the Envelope?" (SSRN #3050562) 2017.

## Percentage dropping out and not saving



Most importantly, these higher suggested rates can lead to improved retirement outcomes, boosting the retirement income of the workers in the study by nearly ten percent. **The biggest increase in savings came from raising suggested rates from 6 to 7%, which is why 7% is our recommended display rate.**

In addition to auto-enrolling workers with a higher suggested default rate, plan sponsors should also pay attention to the design of their enrollment websites. According to a recent study, **even relatively small design changes can have a significant impact on the enrollment decisions of workers.**<sup>13</sup>

Researchers from Carnegie Mellon University, City, University of London and UCLA, in collaboration with The Voya Behavioral Finance Institute for Innovation, looked at the enrollment choices of more than 8,500 employees across 500 workplace retirement plans. The employees, who were scheduled to be auto-enrolled into their employer-sponsored 401(k) plan, were visiting their online enrollment website to either confirm, decline or make personal adjustments to their deferral rates.

According to a recent study, even relatively small design changes can have a significant impact on the enrollment decisions of workers.<sup>13</sup>

<sup>13</sup> Bhargava, Saurabh, Lynn Conell-Price, Richard Mason, and Shlomo Benartzi. "Save (d) by Design." (2018).



The study examined how the following digital design changes affected financial decision-making: 1) Simplifying and standardizing the language describing the enrollment alternatives, 2) Changing from a single color design on all buttons to a three “traffic light” colors intended to encourage higher savings, and 3) Displaying important plan information, such as the plan’s default deferral rate or match, closer to where the enrollment decision is actually made.



## Rethinking online enrollment architecture

These minor design changes shaped the ensuring choices of employees. The most notable changes involved an increase in the fraction of employees who personalized their enrollment by 9 percentage points, from 60 to 69 percent. While those who accepted auto-enrollment had an average contribution rate of 3.4%, these “personalizers” had a savings rate of 7.8%, or more than twice as high. For the overall population, these design changes boosted the average saving rate from 6.00 to 6.62%. That might not seem like a big increase, but it’s equivalent to boosting savings rate by more than 10%.



## Boost annual auto- escalation rate to 2%

So far, we’ve focused on plan design changes during the initial enrollment process that can lead to higher savings for workers. However, those initial choices are often just the start of the savings process. **To help employees reach a savings level required for a successful retirement, plan sponsors should also consider putting employees on a path to gradually save more over time.** When implemented as part of Save More Tomorrow, a savings program created by Richard Thaler and I, these so-called savings “escalators” automatically increased the savings rates of workers by a small percentage every year, at least until a recommended cap was reached.<sup>14</sup> They have proven to be extremely successful, and have already helped more than 15 million Americans increase their savings.<sup>15</sup>



## Boost the escalator cap to 15%

The potential of the auto-escalator nudge was enhanced by recent regulatory changes in the Secure Act, which encourages raising the cap on auto-escalated savings rates from 10% to 15%, thus allowing workers to save at a higher level when necessary.

**Financial security is the work of a lifetime. It won’t happen all at once, especially when the economy has been held back by a pandemic, which is why gradually raising rates in the future can be so important.**

<sup>14</sup> Despite the industry typically using 1% annual increases, we recommend 2% increments. One issue with 1% increments is that, if participants enroll at a 3% default savings rate, it would take them 7 years to reach the recommended savings rate of at least 10%. Since the tenure of an average employee is less than 7 years, if 1% increments are used, then many will never reach the 10% savings rate. Benartzi, Shlomo. *Save More Tomorrow*. Penguin, 2012. P. 116-118

<sup>15</sup> <https://hbr.org/2017/12/how-digital-tools-and-behavioral-economics-will-save-retirement>

# The Smarter Match

We understand that these changes to plan design can be expensive, and thus challenging given our current difficult economic conditions. **To help employers improve the effectiveness and efficiency of their matching dollars, and potentially reduce short-term costs, it's important to consider matching alternatives that reflect the latest behavioral science.**<sup>16</sup>



## Consider the stretch match

One relevant option is the **stretch match**. In a typical stretch match, **companies reduce their match rate while increasing their match cap**. For example, instead of offering **50 cents on the dollar up to 6% of pay**, employers could offer **25 cents up to 10% or 15% of pay**. Although the stretch match is not a new idea, it's a timely solution as it enables employers to shift a portion of their matching costs into the future, after the economy recovers. In addition, **the stretch match can encourage higher savings rates among workers**, helping them accumulate additional savings for retirement.

To understand why the stretch match can be effective, it's important to review the research. The first relevant finding is that the level of the match cap influences the savings choices of workers. For example, James Choi and colleagues studied a company that introduced an employer match with a cap of 4%. Nearly a third of new plan participants chose 4% as their savings rate, a nearly six-fold increase from before. Among Voya plans, those offering a 5% cap have an average savings rate of 6.9%, while those plans offering a 6% cap have a 7.8% savings rate. This suggests that raising the match cap can encourage workers to save more for retirement.<sup>17</sup>

**However, while workers are sensitive to the match cap, they are generally insensitive to the match rate.** One study followed a plan in which the match rate varied widely over several years, oscillating between 25% and 150%. Despite these changes, the different match rates had little effect on worker participation or contribution rates.<sup>18</sup>

<sup>16</sup> <https://hbr.org/2020/10/employers-need-to-reinvent-retirement-savings-match>.

<sup>17</sup> Choi, J. J., Laibson, D., Madrian, B. C., & Metrick, A. (2005). Saving for retirement on the path of least resistance. *Rodney L. White Center For Financial Research-Working Papers*.

<sup>18</sup> Kusko, Andrea L., James M. Poterba, and David W. Wilcox. "Employee Decisions with Respect to 401(k) Plans." *Living with Defined Contribution Pensions* (1998): 98.

Why is that? One explanation is that people have few expectations when it comes to the match rate. They don't know if it should be 25% or 150%, which reduces the likelihood that the match rate will be used to inform their savings decisions. Additional research confirms that, when there's no intuitive benchmark to judge numbers, or the numbers require effort to interpret, we tend to ignore them.<sup>19</sup>

The stretch match uses these findings to create a more effective and efficient match. **In addition to raising the saving rates of workers, the stretch match is likely to save companies money in the short term, as not all workers will immediately adjust their savings rate to the new cap.**

One potential issue with the stretch match is that a high match cap could discourage workers for whom putting 10% or 15% of their salary toward retirement seems impossible, especially in the midst of a recession. This is why **it's important for companies to encourage participation by using savings escalators, which automatically increase savings rates by 2 percent each year until workers reach a recommended level.** It's much easier for many workers to start low and save more over time than it is to start right away with a high savings rate.

In addition to considering the stretch match, companies might want to think broadly about other match options. Although the match is typically expressed as a percentage of salary, research suggests that many people struggle to understand percentages. Research by Ellen Peters and others, for instance, suggests that percentages often feel abstract, and thus fail to influence the decision-making process.<sup>20</sup>



## Consider the fixed dollar match

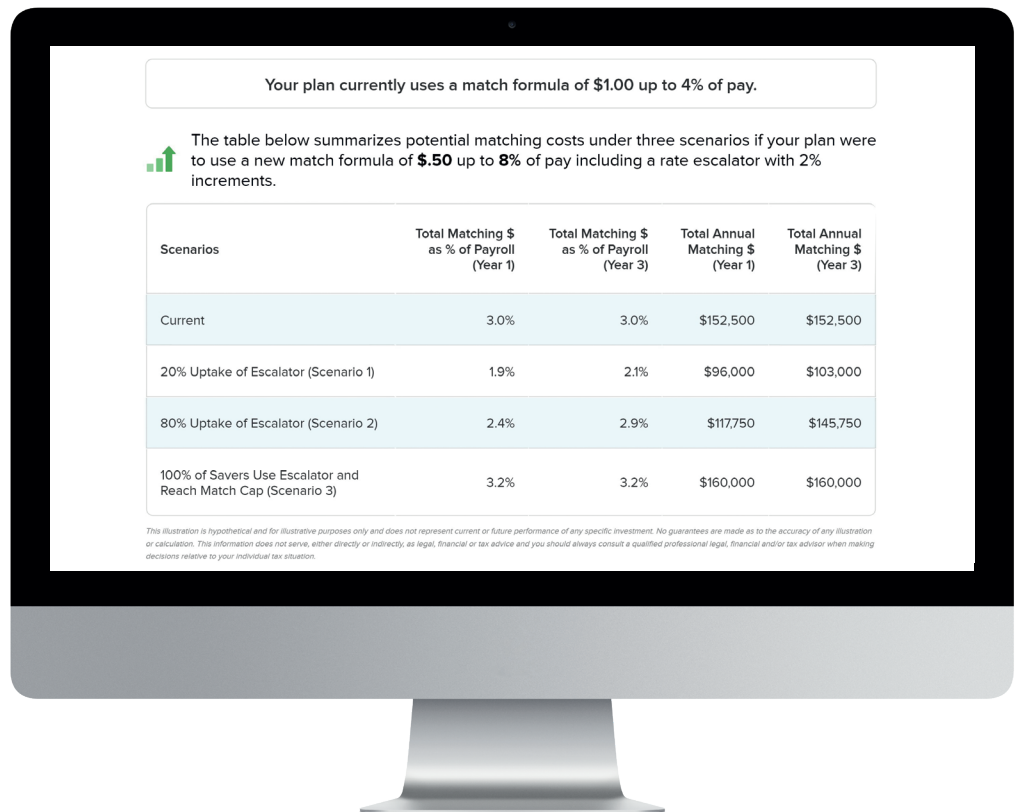
**To make the benefits of the match easier to comprehend, companies should also consider the fixed dollar match, which converts the match into a lump sum rather than a percentage of pay.** For example, a company could give every worker an annual \$1,200 "match" if they keep saving. This is equivalent to a 50 cents on the dollar match up to six percent of pay for a \$40,000 income, which is less than the typically match cost, thus helping companies reduce matching costs during the recession. Because a fixed dollar amount can lead people to think about comparable purchases, or what else they could buy with an equivalent amount of money, it might make it harder for employees to leave "money on the table" and stop contributing in the presence of a fixed dollar match. Psychologically, it's easy to give up a six percent match, but it's hard to let go of a \$1,200 lump sum.

Of course, changing the match can potentially introduce uncertainty into a plan. In particular, a new match formula creates two practical questions: 1) how plan participants will react to the new match formula and 2) the potential cost of changing the match.

<sup>19</sup> Johnson, Eric J., John W. Payne, and James R. Bettman. "Information displays and preference reversals." *Organizational Behavior and Human Decision Processes* 42.1 (1988): 1-21.

<sup>20</sup> Peters, Ellen, P. Sol Hart, and Liana Fraenkel. "Informing patients: the influence of numeracy, framing, and format of side effect information on risk perceptions." *Medical Decision Making* 31.3 (2011): 432-436.

To help companies evaluate this uncertainty, The Voya Behavioral Finance Institute for Innovation recently introduced **The Smarter Match tool**. The tool **offers different match formulas and provides assumptions about uptake rates and the resulting cost to the employer**. By implementing a match that reflects the latest behavioral science, it's possible to create a more cost-effective match that will also make it easier for employees to save more.



Given the importance and cost of the match, we should conduct a wide variety of experiments to ensure that matching dollars are spent as effectively as possible.

In the future, plan sponsors might want to consider additional matching options. For instance, should the match be personalized for different people? While the stretch match can help enrolled workers save more, the fixed dollar match might be ideal for those workers who are at high-risk for not participating in their plan. Are other incentives, such as lotteries, more salient for encouraging participation? Peter Tufano, for instance, has shown that lottery-linked savings programs can significantly increase the use of savings accounts, especially among low-income households.<sup>21</sup> Given the importance and cost of the match, we should conduct a wide variety of experiments to ensure that matching dollars are spent as effectively as possible.

<sup>21</sup> Tufano, Peter. "Saving whilst gambling: An empirical analysis of UK premium bonds." *American Economic Review* 98.2 (2008): 321-26.

# Summary

**Taken together, these plan design changes have the potential to significantly improve the financial security of American workers.** Every worker deserves to benefit from these behavioral insights, which can make it easy to save more for retirement. Plan Sponsors should apply these design changes holistically, and include both full and part-time, and new and existing employees. They should also utilize periodic re-enrollment to ensure that no workers are left behind.

What's more, many of these plan changes anticipate proposed legislative reforms. A new bi-partisan bill, the Secure Act 2.0, was recently introduced in the United States House Ways & Means Committee. This bill also expands auto-enrollment by automatically enrolling employees whenever a new plan is created and encouraging the use of savings escalators. It also allows plan sponsors to broaden their behavioral economics toolkit. For instance, plan sponsors can now experiment with small financial incentives, such as gift cards, to encourage enrollment and higher savings rates, especially among lower income workers. By implementing these plan design changes now, plan sponsors can ensure they are enhancing the financial security of their workers while implementing actions that are consistent with the goals of many legislators.

These insights are especially important during challenging economic times, when the budgets of employees and employers are constrained. We recognize there will be pressure for people to withdraw money to deal with hardships, and that companies may face significant pressure to reduce their matching costs. However, as people cash out their savings, we should also think about how plan design can help support future retirement security while simultaneously increasing the efficiency of employer matching costs. This whitepaper outlines the following recommendations for improving plan design:

- 1 Boost auto-enrollment deferral rate to 7%
- 2 Boost annual auto-escalation rate to 2%
- 3 Boost the escalator cap to 15%
- 4 Enrolling and re-enrolling all employees holistically
- 5 Rethinking the online enrollment architecture
- 6 Consider the stretch match
- 7 Consider the fixed dollar match

**For plan sponsors, the current crisis should serve as an opportunity to improve plan design.** By implementing these seven actionable insights, retirement plans can make it as easy as possible for employees to accumulate the assets they need.

Difficult economic times are a reminder that financial security is an essential goal, helping us cope with uncertainty and unforeseen risks.

There is a larger lesson here, which is that difficult economic times are a reminder that financial security is an essential goal, helping us cope with uncertainty and unforeseen risks. While retirement savings is a key component of financial security, we should also encourage workers to boost their emergency savings. Voya and The Voya Behavioral Finance Institute for Innovation are currently launching research projects designed to make it easier for workers to save for emergencies, with the goal of helping people navigate future downturns without needing to withdraw funds from their retirement accounts.