

NORTHWEST CALIFORNIA RESOURCE CONSERVATION & DEVELOPMENT COUNCIL

PERSONNEL POLICY & EMPLOYEE HANDBOOK

Mission Statement

The mission of the Northwest California RC&D Council is to conserve natural resources and promote resource based economic development that improves the standards of living for current and future generations in Trinity, Humboldt and Del Norte Counties by working collaboratively with Council partners to promote projects for the benefit of all communities.

Vision Statement

To provide leadership and support to achieve a vigorous economy, a happy community, and a healthy natural environment.

Originally Adopted By:

Trinity Resource Conservation & Development Council
December 19, 2001

Revised By:

The Northwest California Resource Conservation & Development Council
Revision #11-12 – March 2November 9^[SP1], 2022

."The Northwest California RC&D Council prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. To file a complaint of discrimination write to Northwest California RC&D Council, P. O. Box 2183, Weaverville, CA 96093-2183."

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Note that formatting throughout the document and page numbers will be corrected for consistency after revisions considered and approved by Council

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I. Organizational Structure

The Northwest California Resource Conservation & Development Council, hereinafter referred to as Council, serves the counties of Trinity, Humboldt and Del Norte. The Council is a non-profit public benefit corporation and is not organized for the private gain of any person. It is organized under the Non-profit Public Benefit Corporation Law for public and charitable purposes.

The Council's, objectives and purpose is the promotion of environmentally and economically sustainable healthy communities and forests through resource development, coordination and implementation of economic development and other opportunities for the people of Trinity County, Humboldt County and Del Norte County and to recruit and administer financial capital for such purposes.

The founding sponsors of the Council are the Resource Conservation Districts and the Boards of Supervisors from Trinity, Humboldt and Del Norte Counties. In addition to the two sponsoring members and their alternates, there are three at-large Council director positions available from each county. Directors elect Council Officers from the complete roster of Directors in good standing. To carry out specified work, the Council may establish needed advisory committees, who shall report their findings to the full Council.

Regular meetings of the Council are held in April in Eureka, in July in Crescent City and in October in Weaverville on the 2nd Wednesday of the month at 1:00 PM. The Annual meeting of the Council is held concurrently with the regular October meeting. Meeting Agendas are finalized up to two weeks prior to each meeting and complete agenda packets are mailed to each Director seven to ten days prior to each meeting. The Board of Directors functions as the final administrative authority and as the policy making body for the Council. Refer to the Council's bylaws, available upon request from the Office Manager, for more information.

II. Introduction

A. Purpose of the Handbook

This Personnel Policy & Employee Handbook is intended to provide a comprehensive description of the Council's personnel policies. It summarizes Council policies and procedures. Each employee is required to read this handbook and sign a statement that they have received a copy of this handbook and understand the implications of the policies contained in it. Each employee is responsible for becoming familiar with its contents so that they have a basic understanding of the Council's programs, policies and work procedures. All employees will receive a copy of any revisions to this handbook that may occur from time to time.

This handbook is based upon federal and state law and Council administrative policies and may be revised from time to time. Council and their employees shall conform to pertinent provisions of federal and state laws, and all subsequent changes or amendments.

Providing quality services requires positive relationships and goodwill between the Board of Directors and staff. The Personnel Policies are developed to define elements of these relationships in the belief that clear statement of rights and responsibilities will produce positive associations and understanding. The Council is committed to providing a work environment in which employees and clients are treated with respect and courtesy. Such an environment is free from negative or disrespectful comments directed toward others. It is expected that all Council employees will promote a productive work atmosphere. This policy ensures that all employees will enjoy a safe work place, free from unreasonable interference, intimidation, hostility or offensive behavior on the part of anyone.

B. Administration and Implementation

The Board of Directors represents the Council's interests, purpose and leadership, and functions as the final administrative authority and as the policy making body for the Council.

C. Revisions to the Personnel Policies

1. The Personnel Policies and Employees Handbook will be reviewed annually, with employee and Personnel Committee input and Board of Directors approval of any proposed revisions.
2. The Board of Directors, Personnel Committee or an employee may request revisions to the Personnel Policies and Employee Handbook.
3. Proposed revisions will be submitted in writing to the Office Manager who will forward the request to the Personnel Committee requesting that the Personnel Committee review the proposed revision(s) and provide a written recommendation regarding any such proposed revision(s). The request, along with the recommendation of the Personnel Committee, will be placed on the Agenda for the next scheduled Board meeting. The Board of Directors must approve any revisions or changes to this Handbook.

III. Classification of Employees [sp2]

- Student Intern
- Office Assistant I
- Garden Coordinator I/Account Clerk I
- Skilled Intern I/ Office Assistant II
- Account Clerk II/ Garden Coordinator II
- Resources Technician I/ Skilled Intern II
- Resources Technician II
- Office Manager/ Bookkeeper
- Engineer Technician
- Resources Specialist/ Project Coordinator I
- Accountant I
- Project Coordinator II/Resources Specialist II
- Assistant Engineer
- Forester/ IT Technician
- Program Manager
- Engineer I
- Executive Director
- Engineer II
- Archaeologist/ IT Specialist
- Engineer III

IV. Employment Terms and Conditions

A. Purpose and General Provisions.

1. **General Statement of Intent.** The Personnel Committee shall be responsible for hiring, promotion, transfer, discharge or layoff of employees and all such other matters of personnel administration. Creation of any new positions within the organization must be authorized by the Personnel Committee. The Personnel Committee shall act as the

supervisor for management employee(s). Any reference in this handbook to supervisor shall be deemed to refer to the Personnel Committee in so far as management employee(s) are concerned.

The Personnel Committee shall review all employee evaluations prior to signing the evaluation. The objective of this Personnel Policy & Employee Handbook is to facilitate effective and economical service to the public and to provide for a fair and equitable system of personnel management in the work environment.

2. Equal Treatment. The terms and conditions presented in this Handbook set forth those procedures which insure similar treatment for those who compete for employment and promotion, and defines the obligations, rights and privileges of employees in the service of the Council.

3. Eligibility and Selection. The Personnel Eligibility and Selection Policy of the Council shall be based upon the following:

a. Selection. Employment by Council shall be based on the qualifications, merit and fitness of the applicant. Selection methods are based solely on job-related knowledge, skills, abilities, experience, education and when appropriate, prior demonstrated performance, aptitude and adaptability. If the Council offers a position to an employee, the compensation is to be negotiated, but consistent with the adopted salary schedule.

4. Employment. The following outlines the process of initial and continued employment with the Council.

a. Hiring: Once an employee accepts the position and negotiated compensation, they must complete required and vital paperwork before employment can begin. Required vital paperwork will not be considered complete until it has been filled out, signed, submitted, and accepted by the Council. Required vital paperwork consists of:

1. I-9 form. Note that the Council may require this form to be renewed when an employee is re-hired after being separated. One or two documents proving identity and employment eligibility are required in order to complete the I-9 form, as specified on the form. Original documents must be presented (copies, scans, or other reproductions are not acceptable) and must be inspected by the Council before employee starts employment. The Council will make a copy of the I-9 documents to be filed in a secured location.

2. Emergency Contact information.

3. CA Driver's license (which will be copied by the Council and filed in a secured location with the employee's personnel file). If a new out of state employee is hired, compliance with CA law and rules is required. Per CA DMV requirements, new residents must transfer their out of state license to a CA DMV license to drive within 10 days of becoming a CA resident. If a new out of state employee doesn't obtain a CA license within a 10 day period of becoming a resident, (s)he shall not drive for the Council until the Council obtains a copy of her/his CA driver's license.

4. Driving record by the CA DMV. One of the following is considered acceptable:

a. Either an original printout on DMV issued paper with logos, etc. OR

b. An internet printout accompanied by a screenshot of the DMV report showing the DMV site and web address.

c. If a new out of state employee doesn't have a CA driving record or that record is very new (less than 12 months), (s)he would have to provide the Council with a copy of her/his out of state driving record.

5. Driving insurance declarations copy^[sp3].

6. Signed Personnel Policy & Employee Handbook Signature Page.
7. Signed Council Employment Application.

Other paperwork is required, but can be completed within a week of the start of employment. Those documents include, but are not limited to:

1. Form W-4
2. Designation of Beneficiary
3. Worker's Compensation Insurance Information
4. Drug-Free Workplace Policy
5. Privacy Policy

b. Evaluations. Appointments, promotions, and other actions requiring the application of the merit principle shall be based on evaluations.

c. Continued employment. Continued employment shall be subject to good behavior, satisfactory work performance, and the availability of funds and work requirements.

V. Job Description

Each employee will be provided with a written job description of his or her position. The job description will be reviewed from time to time, as needed, by the Personnel Committee for any changes in duties. The job description may be amended upon approval of the Personnel Committee.

VI. Basis of Employment

The Council is an "At Will" employer meaning that an employee or the Council can terminate an employment arrangement at any time.

Exempt Employees: Exempt employees are paid on a salary basis and may not have their guaranteed minimum pay reduced for variations in the quantity or quality of work performed. Exempt employees are guaranteed a minimum salary each work week, said amount to be determined by the employee's supervisor and the Personnel Committee, but must be more than or equivalent to the minimum for the applicable exemption category specified by the Fair Labor Standards Act. For purposes of this salary pay policy, a week is Sunday 12:01 a.m. through Saturday midnight. An exempt employee's salary may be reduced for complete days of absence due to vacations, holiday, or personal business before paid leave benefits accrue or after they are exhausted, and for incomplete initial and final weeks of work. Paid leave will be charged for partial days off when time off equals a full work day and the employee has such paid leave available at the time of the absence. Exempt employees are not eligible for overtime. Exempt employees must keep accurate time records of their day-to-day activities, including the use of paid leave, holidays and compensatory time used or earned, on time sheets in order to track time by program and/or project.

Non-Exempt Employees Non-exempt employees are paid on an hourly basis at their current hourly rate for actual hours worked. Non-exempt employees are eligible for overtime. All overtime work must be previously authorized by the employee's supervisor. Hours worked in excess of eight hours in one workday or 40 hours in one workweek will be treated as overtime. A workday begins at 12:01 a.m. and ends at midnight 24 hours later. Workweeks begin each Sunday at 12:01 a.m. and end the following Saturday at 12 midnight. Overtime pay for approved hours in excess of 40 hours

in the workweek, or in excess of 8 and not more than 12 for the workday, and for the first 8 hours on the 7th consecutive day of work in one workweek, shall be paid at a rate one and one-half times the employee's regular rate of pay or compensating time off shall be calculated at 1 ½ times the overtime hours worked. Compensation for approved hours in excess of 12 in one workday and in excess of 8 on the 7th consecutive workday in a workweek shall be paid at double the regular rate of pay. Non-exempt employees must keep accurate time records of their day-to-day activities, including the use of paid leave and holidays used or earned, on time sheets in order to track time by program and/or project.

Employee Categories:

A. Temporary Employee. Any employee hired for a definite (limited) period of time as specified at the time of employment. Compensation will consist of an hourly rate of pay.

1. A temporary employee is not eligible for benefits contained in Section XIII_[sp4] except Social Security and Worker's Compensation Insurance. However, a temporary employee becomes eligible for Sick Leave after working 90 hours per California law.
2. If a temporary employee acquires 1 year of work with the Council, the position will be reviewed by the employee's supervisor and/or Personnel Committee to determine employee's eligibility for a regular position. Status of the position and the availability of funding will be reviewed at this time for continued employment.

B. Probationary Employee. A new employee hired to fill a regular full-time, seasonal or part-time position; or existing employee, promoted or transferred to a new position, will serve a six (6) month probationary period from the date of hire or date of promotion.

Each new employee will be hired on a probationary basis lasting as many compensable work hours from the date of hire as the position would require for a working period of six months. For example, the probationary period for a full-time position would be 1040 compensable hours while the probationary period for a part-time position of 20 hours per week would be 520 compensable hours. Upon successful completion of the probationary period, the employee's supervisor will evaluate the employee and sign the evaluation. The employee evaluation will be forwarded to the Personnel Committee for their review and once signed by a member of the Personnel Committee, the employee will receive a written copy of the evaluation and those deemed satisfactory will become regular or part time employees. Should the employee's supervisor and/or the Personnel Committee or the employee conclude that employment should be terminated during the probationary period either may terminate without prior notice.

An employee may be placed on probation, without loss of benefits accrual, for disciplinary action. Such disciplinary probation shall be for a length of time as determined by the employee's supervisor and/or Personnel Committee. During the probationary period, the employee may be terminated at any time.

The probationary period will be used to evaluate the new employee's ability to perform the duties for which she/he has been hired. Upon successful completion of the probationary period, an employee will receive regular or part-time status. For those not successfully completing this probationary period, employment will cease.

If an employee has earned regular status and reduces to part-time status, and then returns to regular status, no probationary period would be necessary for benefits received by full-time and regular employees, as it was earned through the initial promotion to full-time or regular status.

C. Full-time Employee. An employee hired for an indefinite period of time, who has successfully passed his or her probationary period, in a regular position and is scheduled to work 40 hours per week, shall be termed a Full-time Employee and will be entitled to all the rights and privileges granted to Full-time Employees. Full-time Employees must work a minimum of 40 hours a week 52 weeks per year, with the exception of approved paid or unpaid leave. A Full-time Employee who works 40 hours a week shall accrue pay, paid leave, holidays, and other benefits at a rate proportionate to the hours worked. Full-time Employees are eligible to receive overtime, based on hours in excess of 40 hours per week, but must receive approval in advance. Full-time employees that have less than 60 compensable hours per pay period for more than two consecutive pay periods shall become part-time employees until approved by their supervisor to return to Full-time employee status. The Council does not guarantee employment for any specific time period, nor any specific hours in a day or week. Termination of Full-time Employees shall be in accordance with applicable personnel policies.

D. Regular Employee. An employee hired for an indefinite period of time, who has successfully passed his or her probationary period, in a regular position and is scheduled to work 30 hours or more per week, shall be termed a Regular Employee and will be entitled to all the rights and privileges granted to Regular Employees. Regular Employees must work a minimum of 60 hours a pay period for 28 pay periods per year, with the exception of approved paid or unpaid leave. A Regular Employee who works 30 hours a week or more shall accrue pay, paid leave, holidays, and other benefits at a rate proportionate to the hours worked. Regular Employees are eligible to receive overtime, based on hours in excess of 40 hours per week, but must receive approval in advance. Regular employees that have less than 60 compensable hours per pay period for more than two consecutive pay periods shall become part-time employees until approved by their supervisor to return to regular employee status. The Council does not guarantee employment for any specific time period, nor any specific hours in a day or week. Termination of Regular Employees shall be in accordance with applicable personnel policies.

E. Part Time Employee. Any probationary, seasonal, regular, or full-time employee, regularly scheduled to work less than 30 hours within the workweek for a definite or indefinite period of time.

1. A part-time employee is not eligible for benefits contained in Section XIII except Social Security and Worker's Compensation Insurance.

F. Seasonal Employee. Any probationary, full-time, regular, part-time employee scheduled to work only within a specified date range each year.

1. A seasonal employee is not eligible for benefits contained in Section XIII except Social Security and Worker's Compensation Insurance.

VII. Workweek, Office Hours and Workday Breaks, Pay Periods and Pay Days

A. Workweek. A workweek is defined as 40 hours and holiday and paid leave benefits are pro-rated on a 40-hour workweek basis. The workweek is from Sunday through the following Saturday. The Council does not guarantee a 40-hour workweek. The number of hours an employee works in a week is determined by their Employee Category as well as the schedule approved by their supervisor.

B. Normal Office Hours and Workday Breaks. The normal workweek coincides with the normal office hours of either Monday through Friday from 8:00 AM to 4:30 PM, with one unpaid half-hour (1/2) hour off for lunch or 8:00 AM to 5:00 PM with one unpaid hour off for lunch. These start and end times could be subject to change depending on whether the employee is working in the field or has a modified schedule that has been approved in advance by the employee's supervisor. Workdays are roughly divided into two four-hour periods with a one-half hour or one-hour break for lunch. Within each four-hour period, each employee is entitled to a 15-minute rest break. Lunch breaks are uncompensated time. Rest breaks are compensated time. Each employee is tasked with scheduling his or her own rest breaks. An employee may not work more than 6 consecutive hours without taking a minimum unpaid half-hour lunch break.

C. Alternative Workweek. At the request of the employee, with approval of the immediate supervisor and/or the Personnel Committee, an employee may be authorized to work an alternative workweek, if agreed to in advance. The flexible schedule may allow up to 10 hours per day as long as the 40 hours per week is not exceeded in accordance with the provisions of the State of California Industrial Work Code Order 4-2001, et seq. Alternative workweek hours must be balanced within the workweek.

D. Pay Period A pay period is a two week period from Sunday through the second Saturday following. There are 26 pay periods per year. Pay period hours will be reported on a time sheet and submitted to the Office Manager. Paydays will be on alternating Fridays. A Pay Day Schedule will be published at the beginning of each calendar year and may be obtained from the Office Manager. In the event checks are issued prior to Friday at close of business, they may not be cashed prior to Thursday at 6pm.

VIII. Time and Attendance Records

Time Sheets cover a two-week period that coincides with pay periods.

All employees, Non-Exempt and Exempt, shall keep accurate records of their day-to-day activities using two components to record time for the Council. There is a form for documenting start time, lunch break and end times. Along with this form, employees will be required to enter their hours and description of work performed by project into the Time By Grant module of the Council's Access database. This task is critical as it used for grant invoicing and analyzing activity within a grant in between invoices. The Director has discretion to allow an employee(s) to have a modified timeframe for submission of Time By Grant with advance approval.

It is the responsibility of the employee to record hours worked and the use of Paid Leave, Sick Leave, and Holidays. All time entered on time sheets shall be rounded to the nearest ¼ hour. Part-time, seasonal, or temporary employees working very few hours may opt to submit a timecard once per month if they receive approval to a written request from their supervisor and make arrangements in advance with accounting staff.

Time sheets shall be submitted to the Accountant in the early part of the week following the end of a pay period as follows:

1. 4:00 pm on Monday for staff members working:
 - a. on 4 grants or less in the pay period OR
 - b. 20 hours or less in the pay period.
2. 1:00 pm on Tuesday for staff members working on 5 or more grants in the pay period.

It is important to adhere to these guidelines to allow all staff member's sufficient time to enter their hours and work descriptions into the Access database as described above.

IX. Overtime & Long Work Days

A. Definition. Overtime is defined as any time worked in excess of forty (40) hours in any given work week as provided by state law. The work week is 7 days from Sunday to Saturday. Where an alternative workweek has been requested by the employee and agreed to by the employee's supervisor, all hours in excess of 40 hours per week shall be considered overtime. Alternative workweek schedules shall not be used to avoid overtime compensation for more than 40 hours per workweek. Note that employees eligible for Holiday pay may choose to, but cannot be required to, work on a Holiday at a regular rate of pay provided the total worked hours are not in excess of the 40 hours in a week as described in this paragraph. Long Work Days are defined as those in excess of the amount of hours an employee is typically scheduled to work.

B. Authorization. All overtime work must be approved in advance in writing by the employee's supervisor. Employees of the Council are not allowed to work more than six days in a row. Exempt employees are not eligible for overtime.

Although not considered overtime, work in excess of 10 hours per day – regardless of the employee's typical work schedule – is considered to be a Long Work Day and must be approved in writing by the employee's supervisor. Employees shall not be authorized to work more than 12 hours per day.

C. Method of Compensation. Overtime shall be compensated at the rate of 1 ½ times the employee's regular rate of pay for all worked hours over 40 hours per workweek.

X. Compensation

A. General Plan

1. The Salary Table Schedule is established by job title by the Personnel Committee.
2. Employees shall receive the compensation provided in the Salary Table Schedule according to the classification and step of the position in which they are employed.
3. Changes to an employee's step will be made only upon the recommendation and approval of the employee's supervisor and/or the Personnel Committee.
4. Newly hired employees shall be compensated at step one (1) in the Salary Table Schedule of the job class for which they are hired. When economic conditions and exceptional qualifications of a candidate for employment indicate that hiring at a higher step in the salary range schedule would be in Council's best interest, the Personnel Committee may approve doing so.
5. Re-employed or reinstated employees shall be compensated at the salary step of the job class last paid by Council provided they are re-hired in the same job class.

B. Increases & Adjustments

1. Full-time and Regular Employees shall be granted advancement to the next step within their salary schedule after successful completion of their probationary period and annually thereafter based upon a current satisfactory personnel evaluation and recommendation of the employee's supervisor and the availability of funds.

2. Scheduled salary adjustments such as step advances will be made in addition to any non-scheduled adjustments such as Cost of Living Adjustments and shall be reviewed as separate regardless of the timing of the occurrence.
3. Employees in Step 7 (at the end of their range) for 1 year and having completed a satisfactory employee evaluation will receive a 1% salary increase each year, for a maximum of 10 years.
4. Anniversary dates for salary adjustments will coincide with the date an employee has successfully completed the mandatory probation period or is promoted or transferred to the new position. In the case of a demotion, an employee's anniversary date will not be adjusted. If an employee is separated from the Council for more than 30 consecutive calendar days, then the anniversary date will be pushed to a later date correspondingly. For example if an employee is separated from the Council for 2 months, then his/her anniversary date is two months later than the original anniversary date. For the purposes of salary adjustments, anniversary dates will be set to the beginning of the month closest to the hire/start date. For example, an employee hired on April 5th would have an anniversary date of April 1st but another employee hired on April 20th would have an anniversary date of May 1st. Temporary employees do not have an anniversary date.
5. An employee promoted to a position will be placed at a step within the appropriate range that represents a minimum pay increase of 5 percent.
6. Cost of Living Adjustments may be established and effective each January 1, dependent upon availability of funds, as approved by the Council on the recommendation of the Personnel Committee.
7. The Personnel Committee may adjust the Salary Table Schedule based on the availability of funds and changes in prevailing wages.

XI. Performance Evaluation

A. Employee performance will be evaluated, utilizing a standardized written format, at the end of the probationary period and then as needed thereafter. Each promotion and/or step increase will be accompanied by an evaluation.

The evaluation will inform employees of their contributions to the Council and communicate expected standards of performance in several areas including knowledge of the job and basic skills, quality of work, quantity of work, problem solving skills, planning, & organization, adaptability to work situations, attendance and punctuality, use of materials and equipment, safety, communication, interpersonal skills, cooperation, teamwork, customer service, general compliance with council policy, and, if applicable, management factors. The employee performance evaluation plays an important part in determining eligibility for salary step increases, promotions, position transfers and re-employment. Performance will be rated descriptively with one of the following: Role Model, Above Target, On Target, Development Opportunity, and Needs Improvement.

B. Employee salary increases and promotions are granted as a result of demonstrated performance, documented by job-related performance evaluation. An employee must have a minimum composite performance evaluation of "On Target" in the most recent evaluation to obtain a step increase in the employee's salary schedule. That evaluation must reflect the recent period prior to the proposed increase.

C. Performance ratings may also be used as a basis for writing references for former employees if agreed upon in writing by the former employee.

D. Employee performance evaluations shall be completed by the employee's immediate supervisor. The employee's immediate supervisor will prepare a written evaluation and forward it to the Personnel Committee for review. Once the review is completed and any necessary changes made to the evaluation, a member of the Personnel Committee will sign or approve in writing the evaluation and return it to the employee's supervisor who will discuss the evaluation with the employee. The written evaluation will be signed by the supervisor and the employee to indicate that the evaluation has been discussed with the employee. A copy of the evaluation will then be provided to the employee and a copy will be placed in the employee's personnel file.

The Personnel Committee shall act as the immediate supervisor of management employee(s) and as such, shall perform management employees' performance evaluations. A member of the Personnel Committee will prepare a written evaluation and discuss the evaluation with the management employee. The written evaluation will be signed by a member of the Personnel Committee and the management employee to indicate that the evaluation has been discussed with the management employee. A copy of the evaluation will be provided to the management employee and a copy will be placed in the management employee's personnel file.

E. Formal employee performance evaluations will be made of the employee's performance at the following times:

1. At the end of the probationary period for probationary employees, which includes existing employees promoted to another position.
2. Annually prior to the anniversary date of the end of the probationary period for an employee's most recent position.
3. Additional performance evaluations may be requested by the employee, the employee's immediate supervisor or the Personnel Committee.

F. If the evaluation is "On Target", appropriate action may be taken to effect a salary adjustment or to grant regular status. A copy of the performance evaluation will be placed in the employee's personnel file.

G. In times of budgetary restriction, a 0% salary increase with adequate performance ratings shall not be deemed a reflection of the employee's performance and shall be noted as a "budgetary restriction only" in the employee's personnel file.

H. Performance evaluation of temporary employees is at the discretion of the employee's supervisor and/or at the end of their term of employment.

I. If an employee is dissatisfied with his or her performance evaluation and wishes to dispute the finding of the evaluation, it is the employee's responsibility to advise the Personnel Committee in writing within twenty (20) working days after the employee and their supervisor have jointly reviewed and discussed the evaluation. The Personnel Committee has the option to re-evaluate the employee's performance. Their decision is final. A copy of the employee's written dispute will be placed in the employee's personnel record along with the evaluation.

XII. Personnel Records

An individual personnel record will be maintained by the Office Manager for each staff member. Personnel records will include the employment history of each employee including, but not limited to the following:

1. Resume/Employment Application
2. Emergency Contact Information
3. Designation of Beneficiary
4. Signed Personnel Policy & Employee Handbook Signature Page
5. Signed Job Description
6. Personnel Action Form(s)
7. Performance Evaluations
8. Commendations
9. Disciplinary Actions
10. Memorandums & Other Pertinent Information
11. Signed Drug Free Workplace Policy
12. Signed Privacy Policy
13. Copy of Current Driver's License
14. DMV Print Out
15. Current Driving/Automobile Insurance Information
16. Worker's Compensation Insurance Information

Copies of Forms W4, I9, fingerprints, drug screening, SSI information and health records shall be kept in a separate file for each employee.

All information contained in an employee's personnel file is confidential and will be kept in a locked file. Release of any information contained in the personnel record will be provided only with the consent of the employee. However, the employee's immediate supervisor, for the purpose of personnel related issues, may have access to the personnel file through the Office Manager. The Personnel Committee will have access to personnel files as necessary.

It is the responsibility of each employee to report all changes of address, telephone numbers, emergency contact information or other pertinent information to the Office Manager immediately in order for the Council to maintain accurate records. The employee must verify their withholding allowance annually.

Any employee whose position requires a specific license(s) and/or certification(s) shall immediately notify the Council if any such license and/or certification is investigated, suspended, revoked, voluntarily surrendered or placed under conditional status and shall provide Council with information about the nature of the inquiry or action taken in regards to the license and/or certification. Council retains the right to review the information and take any action(s) deemed necessary to ensure that: 1) the employee is meeting the requirements of their position and performing only work that the employee is qualified to do; and 2) the Council is not exposed to liability claims resulting from the scrutiny, conditional nature, or lack, of the license(s) and/or certification(s).^[SP5]

During regular working hours, employees will be allowed to review their complete personnel record, at a time mutually agreeable to the employee, the employee's immediate supervisor and the Office Manager.

In the event an employee believes material in their file is erroneous in nature, they will provide documentation of the facts to the Personnel Committee who may direct that any such material be corrected or removed from the personnel record. If such material is not removed from the personnel

file, the employee may attach to the material in question a written explanation describing why said material is alleged to be erroneous.

XIII. Benefits

A. *Holidays.*

Full-time and Regular employees earn Holiday hours proportionately to their scheduled hours worked during the Holiday pay period. For example, a Full-time employee who worked 72 hours in the pay period would earn 8 hours of Holiday pay. A Regular employee who worked 54 hours during the Holiday pay period would receive 6 hours Holiday pay. Under no circumstances is any single Holiday to be compensated at more than eight (8) hours for Full-time employees or more than six (6) hours for Regular employees. For example, if a Full-time employee has a four day schedule of ten hour days, they can only earn up to eight hours for any given Holiday in that week.

The following paid holidays are observed as days off, during which time the office will be closed:

PAID HOLIDAYS

New Year's Day (Jan. 1)
Martin Luther King Day
President's Day
Memorial Day
Juneteenth
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Friday after Thanksgiving
Christmas Day

- 1. Application.** When an official holiday falls on a Sunday, the following Monday shall be observed as a holiday. When an official holiday falls on a Saturday, the proceeding Friday shall be observed.
- 2. Holiday Schedule.** The Office Manager will publish a holiday schedule, noting the calendar date for each holiday, at the beginning of the calendar year.
- 3. Eligibility.** Full-time and Regular Employees are eligible for holiday pay, pro-rated to the amount of hours they are normally scheduled to work, with the limits described in paragraph XIII.A above. Temporary, part time and seasonal employees are not eligible for holiday pay.
- 4. Reporting.** Holidays are to be recorded as such on the daily time sheet.
- 5. Other Declared Holidays.** Any day designated a holiday by proclamation of the Governor of the State of California or the President of the United States and specifically approved in advance by the Personnel Committee.

B. *Paid Leave*

- 1. Eligibility and Use.** All Full-time and Regular Employees shall accrue paid leave. Paid leave is to be used by the employee for vacation, sick leave, bereavement leave, or any other personal activities deemed necessary at the employee's discretion.

Each employee is responsible for having leave approved in advance by their supervisor. Extended periods of leave shall be referred to the employee's immediate supervisor and/or Personnel Committee for approval. For periods of leave longer than 5 work days within a single pay period, employee must notify accounting staff of the specific dates and total hours requested within 2 days of receiving the leave approval.

2. Rate of Earning – Full-time and Regular Employees (Exempt and Non-Exempt)

<u>Duration of Employment</u>	<u>Paid Leave Accrual Rate</u>	<u>Earned per Year Based on 40 Hr. Work Week</u>
0 to 5 Years	0.07695 per Compensated Hour	160 Hrs/ 20 Days
5 to 10 Years <u>and</u> >7,800 to 15,600 Compensated Hours	0.09615 per Compensated Hour	200 Hrs/ 25 Days
10+ Year <u>and</u> >15,600 Compensated Hours	0.1154 per Compensated Hour	240 Hrs/ 30 Days

a. Paid leave is calculated per compensated hour, but banked as dollars immediately using gross pay. Paid leave hours available to each employee shall be determined by taking the total accrued leave dollars balance and dividing that balance by the employee's hourly rate, which includes the employee's base hourly pay rate, payroll tax, worker's comp insurance and benefits. Employees need to understand that a raise in salary will result in a corresponding reduction of calculated leave earned prior to said raise.

b. Paid leave accrues during the probationary period and vests upon successful completion of the probation period when the employee becomes a full-time or regular employee. However, employees eligible to accrue paid leave but who have not yet completed their probationary period may utilize up to 48 hours of accrued paid leave exclusively for sick leave purposes upon working 90 days for the Council.

c. An employee who is promoted may use paid leave while serving his or her probationary period.

d. Paid leave is not accrued on overtime hours exceeding 40 hours per week.

3. Reporting of Absence. An employee who cannot report to work on any given day will make every reasonable attempt to contact their supervisor and/or the Office Manager. An employee who must leave work is to report to their immediate supervisor prior to leaving work. If the employee's supervisor is not available, the employee should report to the Office Manager.

4. Planned Paid Leave. Planned paid leave must be approved in advance by the employee's immediate supervisor.

a. If the request for paid leave is denied, the employee making the request for paid leave will be given the reason for the denial.

b. In the event a holiday falls within the paid leave period, that day shall not be charged against the employee's paid leave time, nor shall the employee be doubly compensated for that day.

5. Recording Use of Paid Leave. Employees taking leave of any kind are required to record such leave on the daily time sheets documenting the contract/project being charged. These documents serve as official records of actual hours worked and actual time taken as leave, and to calculate leave balances.

6. **Termination.** Upon termination, resignation or retirement, a regular employee will be compensated for all unused paid leave time accrued through the employee's last day on the payroll.

C. Sick Leave

1. **Eligibility and Use.** All Full-time and Regular Employees accrue sick leave as part of the Paid Leave described in section XIII.B above. Per California state law, as of July 1, 2015, all other employees shall accrue and become eligible to use this Sick Leave benefit upon working 90 days for the Council. If mandated by state law (e.g., in response to pandemic declaration), additional sick leave benefits may be available on a temporary basis. Accrued Sick Leave remaining at the time of separation from Council is not paid to employees.
2. **Rate of Earning.**
 - a. For every 30 hours worked, eligible employees will accrue one hour of sick leave. Sick leave is calculated per compensated hour, but banked as dollars immediately using gross pay. Sick leave hours available to each employee shall be determined by taking the total accrued sick leave dollars balance and dividing that balance by the employee's hourly rate, which includes the employee's base hourly pay rate, payroll tax, worker's comp insurance and benefits. Employees need to understand that a raise in salary will result in a corresponding reduction of calculated sick leave earned prior to said raise.
 - b. Sick leave will carry forward to the following year if not used and will cap at the equivalent of 48 hours.
 - c. Sick leave accruals can be reinstated if the employee is re-hired within 1 year of the accrual.
 - d. Sick Leave will not accrue on any hours exceeding 40 hours per week.

D. Leave of Absence Without Pay

1. Leave of absence without pay may be available upon approval of the employee's immediate supervisor. It is the Council's policy that leaves of absence shall not exceed 20 working days in any given fiscal year, except for unique circumstances as approved by the Personnel Committee.
2. Employees on approved leave of absence without pay for a period of 10 or more consecutive working days will not be eligible for medical insurance, dental insurance, vision insurance or retirement benefits. Employees may continue their insurance coverage(s) by reimbursing the prorated cost of the policy or policies to the Council. Arrangements to continue insurance coverage(s) must be made in advance of starting the approved leave of absence.
3. Employees on an approved leave of absence without pay for a period of 22 or more working days during the fiscal year will have their anniversary date adjusted to compensate for the amount of time which was not spent as a paid employee. Anniversary dates subject to these adjustments will coincide with the first day of the next occurring pay period.
4. An employee on leave of absence without pay will not accrue paid leave during the period of absence. Any absence without pay in excess of a total of 5 working days shall not be counted in meeting a probationary period.

Note: The Family Care and Medical Leave Act is not applicable. This Act pertains to employers with 50 or more employees and public agencies only.

E. Pregnancy Disability Leave

Under the California Fair Employment and Housing Act (FEHA), if an employee is disabled by pregnancy, childbirth or related medical conditions, the employee is eligible to take a pregnancy disability leave of up to four (4) months (88 work days) per pregnancy. Pregnancy disability leave does not need to be taken in one (1) continuous period of time, but can be taken on an as-needed basis. Employee's supervisor or the Personnel Committee may require employee to obtain a certification from employee's health care provider.

Employee may use any accrued vacation or other accrued time off as part of the pregnancy disability leave before taking the remainder of the leave as an unpaid leave. An employee on pregnancy disability leave without pay will not accrue paid leave or be eligible for medical, dental and vision insurance or retirement benefits during the period of absence. Employees may continue their insurance coverage(s) by reimbursing the prorated cost of the policy or policies to the Council. Arrangements to continue insurance coverage(s) must be made in advance of starting the approved pregnancy disability leave.

F. Educational Leave

Educational leave of up to four months without pay may be approved by the Personnel Committee for employees wishing to improve their education or skills in areas directly related to their jobs. Such leave will be subject to those requirements and limitations outlined in the section "Leave of Absence Without Pay".

G. Military Leave

Any person who is called to duty while an employee of the Council will be given preference for a vacant equivalent position if an application is filed within 45 days of separation from active duty.

Any employee who is a member of the military reserve will be granted military leave without pay for two weeks per year. Such leave will be subject to those requirements and limitations outlined in the section "Leave of Absence With Out Pay".

H. Jury and Witness Duty

In the event an employee is duly summoned to any court for the purpose of performing jury services or serving as a witness, the employee shall not receive regular compensation for any regularly scheduled working hours spent in the actual performance of such service. Leave without pay will be granted to employees selected to serve jury duty. The employee may retain money received from the court.

I. Social Security

All employees are covered for Social Security benefits. The Council and the employee each contribute at the rate specified by law.

J. Group Insurance

The Council's Health Insurance includes medical, dental, and vision plan(s) as approved by the Council. The components of the Council's Health Insurance are as follows:

Medical Insurance Policy

The employer contribution to medical insurance is currently capped at \$600750.00^[SP6] per month per employee for health care. -Employer's health care insurance plan and contributions will be re-negotiated annually and the employer contribution cap will be reviewed each year.

Dental/Vision Insurance Policy

The Employer is currently paying 100% of the employee costs for Dental and Vision Insurance. Employer's dental and vision insurance contributions will be reviewed annually.

1. **Eligibility.** New Full-time or Regular Employees (scheduled to work 30 hours or more per week) become eligible for whichever Health Insurance plans are in effect, if any, for themselves, their spouse and/or their dependents the first day of the month following ninety (90) days of continuous employment. This 90 day period is inclusive of a thirty (30) day orientation and a sixty (60) day waiting period as mandated by the Affordable Care Act. Health Insurance benefits become effective the first day of the month following satisfaction of the 90 day period, assuming an application is completed in a timely manner.

Eligibility for existing Part-time and/or Seasonal employees that have been promoted to Regular employment status differs in that these employees must satisfy only the 60 day waiting period at Regular status before becoming eligible for Health Insurance. Thus for these employees, Health Insurance benefits become effective the first day of the month following satisfaction of the 60 day waiting period, assuming an application is completed in a timely manner.

2. **Premium Payments.** Employee insurance premiums, if any, will be funded by the Council at an amount up to 100% of employee's monthly premium not to exceed the cap currently in place. The amount the Council will contribute towards employee's monthly premiums will be announced annually. Spousal and dependent insurance premiums shall be funded by the employee and shall be deducted from the employee's paycheck as a payroll deduction. In the event that an eligible employee works less than the minimum hours (s)he is scheduled to work, that employee is responsible for paying a pro-rated portion of the health insurance premium for that period. The portion to be paid by the employee is calculated according to the percentage of hours worked of the minimum hours scheduled to work, as applied to the premium due for the period. For example, if a Regular employee scheduled to work a minimum of 60 hours per pay period works 10 hours less than that, then that employee would have to pay 16.67% of the premium due for that pay period. Payment would be taken as a deduction to the paycheck for the same period.
3. **Alternative Insurance Options.** If an insurance option other than the one offered by the Council is used by an eligible employee, the employee will need to present invoices to the Council. The Council will pay directly to the alternative insurance company the amount of the invoice up to the amount that would be paid if the employee were enrolled in the Council's insurance plan.

K. Worker's Compensation Insurance

All employees of the Council are covered by Worker's Compensation Insurance for accidents sustained in the performance of their duties on or off the premises. Each employee will receive a copy of the Employee's Guide to Workers' Compensation and the Employee's Guide to the State Fund Medical Provider Network along with the Council's Worker's Compensation Insurance billing information.

All injuries must be reported to the employee's immediate supervisor and/or the Office Manager as soon as practical but no later than 5 hours after the injury.

In the case of injury, the injured employee is advised to immediately seek the medical attention of either an emergency room physician or a private physician. The immediate supervisor (or if the immediate supervisor is not available another employee) should, if at all possible, accompany the injured employee to the emergency room or physician's office.

An employee who has been injured on the job and is receiving Worker's Compensation shall retain their usual employee benefits as long as employment, or likelihood of, continues.

L. Retirement Benefits

Retirement benefits are not guaranteed and are subject to the availability of funds.

A Retirement Plan has been established with Social K via Retirement Plan Consultants, LLC ("RPC"). Council will pay a 17% employer contribution to staff retirement benefits to "RPC". Employee contribution is not required for eligible employees to receive Council contributions. Payment will be calculated on eligible employee's gross pay, excluding bonus and commissions paid.

1. **Eligibility.** Current eligibility rules for the Retirement Plan require that all employees hired on or after 4/1/15 to meet all three of these requirements before becoming eligible to receive Retirement Benefits:
 - a. Be at least 21 years of age.
 - b. Work at least one (1) continuous calendar year; and
 - c. Work at least 1,000 compensated hours within that continuous year.
2. **Separation.** Once enrolled in the retirement plan, if employee separates from Council employment, employee is immediately eligible to participate in it upon re-hire; regardless of their re-hired employment status as long as the separation has not been longer than five years.
3. **Fees.** When the Council approved the retirement plan and benefits for employees, it directed that the 17% contribution rate would cover any fees associated with administering the plan. Therefore, the annual fee charged by the retirement plan administrator for administering the Council plan will be borne by all current employees enrolled in the plan. This will be done by distributing the cost of the annual fee among all current employees enrolled in the plan, proportional to each employee's total contributions for the year. The recovery of these annual fees will be shown as a deduction in each affected employee's paycheck. Fees associated with administering individual employee plans will be borne by each employee. The fees associated with individual plans are typically recovered by the retirement plan administrator directly from each participating employees' plan.
4. **Employee Contributions.** Employee paid contributions are not required. If an employee chooses to contribute, they:
 - a. Must go to the retirement plan website to specify the amount of the contribution(s) and the type (i.e., Roth and/or traditional) they would like to make with each payroll as well as the selected funds.
 - b. Must notify Council accounting staff of the requested change(s) by type (i.e., Roth and/or traditional) before the timecard submission due date of the payroll period in which the employee would like to begin making elective contributions.
 - c. Can make changes no more frequently than each payroll.

XIV. Recruitment, Promotions, Transfers & Training

A. Recruitment

It is the policy of the council to recruit the best-qualified candidate available for all positions.

1. Vacancies for positions where there is funding and work available will be advertised by in-house posting of a position announcement and/or public advertisement, for a minimum of ten (10) days.

- a. An employee who wishes to be considered for an available position will apply in writing prior to the closing date noted in the position announcement.
2. Based on the position being filled, public advertisement of a position includes posting in one or more, but not limited to, the following: local newspaper, regional newspapers, EDD Office, trade journals, newsletters and bulletins.
3. Only the most qualified candidates will be interviewed.
4. The Personnel Committee can authorize the hiring of necessary temporary employees to fill in as needed in an emergency or urgent situation without posting or advertising for the position.
5. In lieu of advertising, the Personnel Committee may elect to consider a recent applicant(s) for similar positions where the qualifications of a recent applicant(s) are suited for the open position.
6. The Personnel Committee may, based on the programmatic needs, appoint a temporary supervisor to fill a vacated supervisory position. In such cases, the employee temporarily filling the position will receive an increase in wages commensurate with the added responsibilities to be determined by the Personnel Committee.

B. Employee Training

All new employees will receive job orientation training as determined by the immediate supervisor and the Office Manager.

If an employee becomes aware of a training opportunity that would substantially benefit his or her ability to perform their job, employee may submit a written request for said training to employee's immediate supervisor. The request to attend the training must include all costs associated with the training which the Council will be asked to pay. Dependent upon the availability of funding, the Council may pay per diem, travel, registration fees, and other actual costs involved in any training as deemed appropriate and beneficial to the Council. Approval must be received from the employee's immediate supervisor and/or the Personnel Committee prior to attending any outside training.

In-service training may be offered to employees when a significant number of employees show a need for such training. Sufficient in-service training will be provided to new and promoted employees to assure the opportunity for success in their new position.

XV. Employment and Resignation of Employees

A. The Personnel Committee will be responsible for authorizing the hiring, promotion, transfer discharge or layoff of employees and all other action regarding personnel administration.

B. Each new employee, with the exception of temporary employees, will serve a six-month probationary period.

1. The probationary period is used to evaluate the new employee's ability to perform the duties for which he or she has been hired. Upon successful completion of the probationary period, an employee will receive regular status. For those not successful in completing this period, employment will cease.
2. An employee terminated during the probationary period will not be compensated for paid leave accrued.

C. Employees will not be considered completely separated until the following has been completed:

1. Notice of intent of job termination. Employees are expected to give at least two (2) weeks written notice of intent of job termination.
2. Return of property including, but not limited to, keys and equipment.
3. Brief exit interview has either been conducted or declined by the employee.

XVI. Outside Employment

Outside employment is acceptable when there is no conflict of interest and it does not interfere with work efficiency of the particular employee.

XVII. Conflict of Interest

Employees may not serve as a member of the Board of Directors of the Council.

Employees may not serve as an employee, hold office, or receive any benefit from any organization, association or other group which is certified as a vendor for the Council.

Employees are prohibited from using their position in such a way as to receive discounts or financial favors from Council vendors.

Whenever an employee believes he or she may be in a position of conflict or whenever there is an appearance of conflict of interest, the minimum responsibility is to fully disclose the situation to the Board of Directors. Non-disclosure of conflict may be cause for immediate dismissal.

XVIII. Disciplinary Action and Dismissal

A. Corrective discipline is a sequential process that will be used when it becomes necessary to address an employee's work performance or behavior. Normal steps in the disciplinary process are outlined here. However, based on the situation and seriousness of the problem, the employee's immediate supervisor, the Personnel Committee and/or the Board of Directors may enter into any level of disciplinary action or termination.

1. **Verbal Counseling/Education.** Exploration of the problem including clear statements by the employee's immediate supervisor explaining the employee's substandard work performance or behavior problem. A written record will be noted by the supervisor in the employee's personnel file and a copy of the record will be provided to the employee.
2. **Written Correction.** If the employee does not correct his or her behavior, the supervisor will consult with the Personnel Committee and prepare a written correction memo. The employee will be asked to sign the memo indicating receipt of a copy, and a copy will be placed in the employee's personnel file.
3. **Administrative Leave.** If the written correction does not correct the problem, an employee may be placed on administrative leave without pay up to fifteen (15) days. Administrative leave must have the approval of the Personnel Committee.
4. **Termination.** When all other means of corrective discipline has been used, or when the offense justifies such action, the employee may be terminated. This action will be

determined by the Personnel Committee. A Personnel Action Form will be served to the employee, signed by a member of the Personnel Committee, stating when the dismissal is to be effective.

Immediate dismissal of an employee or disciplinary action may be made for, but is not limited to, any of the following:

- Absence without approved leave for a period of 3 days or longer.
- Conviction of a felony or an act that demonstrates jeopardy to the Council or the public.
- Controlled substance or alcohol use or impairment during work.
- Providing false information to attain employment.
- Refusal to comply with reasonable instructions.
- Willful infractions of stated policies and procedures.
- Unsatisfactory work performance.
- Other circumstances and/or actions which are of sufficient severity to warrant immediate dismissal or disciplinary action as determined by the immediate supervisor and the Personnel Committee.

- B.** An appeal of any disciplinary action in Section XVIII may be made pursuant to Section XIX.
1. Dismissal or disciplinary action that includes reduction or loss of pay or combinations thereof will be in effect during the grievance process.
 2. Any non-probationary employee, within five working days of receipt of the notice of disciplinary action or immediate dismissal, may submit a grievance in accordance with the procedure in these Personnel Policies.

XIX. Grievances

A. A grievance is defined as an expressed dissatisfaction by an employee pertaining to any condition of their employment. Note that dissatisfaction expressed by a former employee after their separation from the Council will be handled at the discretion of the Council because the procedure outlined for employees does not apply.

B. Procedure. In the event an employee feels they have a grievance; the employee should begin the procedure with an informal discussion with their immediate supervisor. If the employee and supervisor cannot resolve the issue, the grievance will follow the steps outlined below.

1. The grievance, in written form, will be presented by the employee to the immediate supervisor. The immediate supervisor will meet with the employee and take action necessary to resolve the grievance within five working days. The supervisor will give the employee a written statement of resolution. If the employee is not satisfied with the supervisor's resolution, the employee may appeal to the Personnel Committee.
2. The grievance and reasons for dissatisfaction with the prior resolution in step XIX.B.1. will be submitted in written form to the Personnel Committee. The Personnel Committee will hear the grievance no later than 30 working days after receipt of notification. At the hearing the employee will present the grievance and requested resolution. The immediate supervisor will present the Council's position. Within ten working days of the hearing, the Personnel Committee will issue a written report detailing their decision and findings of facts in support of that decision. The decision of the Personnel Committee is final and binding. There is no further administrative remedy available to the employee or the immediate supervisor. A copy of the report of the Personnel Committee will be placed in the employee's personnel file.

3. Per mutual agreement between the employee and the individual or body hearing the grievance, the time allotted for rendering a decision as stated in Sections XIX. B. 1. through XIX. B. 2. may be extended to allow for additional fact finding, evaluation and analysis.

C. Representation. The employee and the Personnel Committee may be represented by parties of their choice in sections XIX.B.2. Any costs of representation to the employee will be borne by the employee, and any costs of representation for the Personnel Committee will be borne by the Council.

1. **Access to information.** The employee and any designated representatives of either party may have access to all relevant information maintained by the Council with the exception that confidential information regarding other employees may not be utilized during the procedure without the specific written consent of the effected employees.

D. Witnesses - During phase XIX. B. 2. of the grievance procedure, either or both parties will be allowed to call upon no more than two witnesses during any particular phase unless mutually agreed otherwise.

1. Employees called as witnesses by either side will do so on Council time with any travel expenses from their normal job site paid by the Council.

E. It is expected that an employee fulfill all requirements associated with their job throughout all phases of grievance proceedings.

F. A grievance signed by two or more employees concerning the same issue will be directed to the Personnel Committee. The Personnel Committee may choose to hear the grievance, initiating the process at section XIX.B.2.

XX. Termination of Employee Services

A. Resignation: See Section XV.B.3.

B. Discharges for Cause: See Section XVIII.A.4.

C. Discharge Due to Lay-off.

1. In the event it is necessary to terminate employees due to dissolution of the Council's economic inability to continue employing staff, or any other reasons not for "cause", the Council will furnish as much notice as possible to the employees concerned, but reserves the right to request immediate termination.
2. Supervisors will make recommendations to the Personnel Committee concerning the number and/or percentage of the work force to be reduced or eliminated by lay-off. The Personnel Committee also retains the right and option to re-classify or eliminate specific positions based upon budgetary and programmatic considerations.
3. The Personnel Committee will retain the authority to identify any classifications and/or position that may remain immune from any lay-off procedure, in order to continue any functions deemed essential to the Council in a particular circumstance. Such immunity can be revoked at any time by the Council, depending upon economic considerations and programmatic priorities.

4. The voluntary lay-off procedure will be as follows:
 - a. Voluntary work force reductions may consist of the following:
 - 1) Voluntary demotion to a lower-level position.
 - 2) Job sharing with another employee.
 - 3) Voluntary reduction in hours with corresponding reduction in pay.
 - b. Any of the above options chosen by employees in lieu of involuntary lay-off or termination must be approved by the Personnel Committee, which will consider job compatibility and job effectiveness in each situation.
5. The involuntary lay-off procedure will be as follows:
 - a. Involuntary demotions of persons to lower-level job classifications to achieve the elimination of one or more positions within a job classification or unit. The Personnel Committee will ascertain that there is sufficient job compatibility so that a person transferred to a lower-level position is capable of performing the duties of that position.
 - b. Lay-offs, within a particular grouping of job classifications deemed to be compatible, or within the entire staff, will be determined and approved by the Personnel Committee.
 - c. Reinstatement will be made either by job classification or program, or for the entire staff affected, as determined and approved by the Personnel Committee.

D. Temporary reduction of hours due to lack of funds

The Personnel Committee may recommend the continuance of partial benefit payments (based upon hours actually worked) to full-time or regular employees when an unanticipated loss of funding requires a reduction in hours. It will be the employee's responsibility to pay the difference between the partial benefit payment and the total amount due.

XXI. Safety Policy & Procedures

Employees shall adhere to all policies of the Council as outlined in "Safety Policies & Procedures". In addition, employees shall immediately report to the most senior Council staff member present, their supervisor, and the Office Manager any complaints received by the public, private landowners, contractors, consultants, or other parties about a project, work undertaken to complete a project, or routine Council operations – even if the nature of the complaint is thought to not be safety related. Such reports shall be made first verbally – either in person if other staff are present and available or via voicemail – and in writing via email and shall include the date and location of the complaint, parties involved, and as much detail about the situation as possible. Council Office Manager shall: 1) keep records of all complaints reported; 2) discuss with the Council Executive Director and at least one member of the Council Board of Directors as soon as possible; and 3) review reports at least once per year when reviewing Council policies.^[sp7]

XXII. Financial Policy

Employees shall adhere to all fiscal policies of the Council as outlined in "Fiscal Policies & Procedures". This includes, but is not limited to, cash handling procedures.

XXIII. Technology & Resources Policy

Use of Council computers, printers, server, copiers, phones, field equipment, mobile devices, email, internet, communications networks, and office supplies is made to facilitate efficient completion of tasks, duties, and projects. All technology provided by Council including computer systems, communication networks, company-related work records and other information stored electronically, is the property of Council and not the employee.

Employees shall use Council computers, mobile devices, and information technology only in the performance of their work during compensated work time. To minimize distractions and ensure effective use of paid time, employees are prohibited from enabling desktop notifications from social or other media on their work devices – computers or mobile. Streaming video or other high bandwidth content during compensated time is restricted to only that which is necessary to the performance of work. Computers may be used for personal and recreational use on work breaks and lunch breaks or after work during uncompensated time (hereinafter referred to as “Personal Use”) as long as users: 1) do so responsibly; and 2) do not visit taboo or dangerous sites that can compromise the safety of Council’s network and computers. Dangerous sites are defined as those that are at-risk for viruses, malware, worm, Trojan horse, trap-door program code, or other code or file designed to disrupt, disable, impair, or otherwise harm either the visitor’s networks or systems or those of any other individual or entity. Employees are prohibited from downloading software or other program files or online services from the Internet without prior approval from the IT Manager. Downloading of memory intensive content, regardless of file type, that is not required to perform work onto computers or mobile devices is prohibited. All files or software should be passed through virus-protection programs prior to use. Failure to detect viruses could result in corruption or damage to files or unauthorized entry into company systems and networks. Any employee found knowingly exposing Council’s devices, communications networks, or technological resources to such risks will be subject to disciplinary action and may be held personally liable for the cost of repairing said resources. Council shall not assume any responsibility if employee devices are infected by malicious software, or if their personal data are compromised as a result of inappropriate employee use. During approved Personal Use of Council technological resources, when more than one employee is present at the same location or utilizing the same communications network, streaming video or other high bandwidth content for personal use is strictly prohibited as it compromises the speed available to the other employee(s) who is/are performing work.

Employees shall not at any time, paid or unpaid, use Council's devices, Internet, e-mail or other electronic communications to transmit, retrieve, view, or store any communications or other content of a defamatory, discriminatory, harassing, pornographic, spamming, or illegal nature.

Council reserves the right to examine, monitor and regulate e-mail and other electronic communications, directories, files and all other content, including Internet use, transmitted by or stored in its technology systems, whether onsite or offsite. Internal and external e-mail, voice mail, text messages and other electronic communications are considered business records and may be subject to discovery in the event of litigation. Employees must be aware of this possibility when communicating electronically within and outside the Council. Any employee who abuses the Council-provided access to e-mail, the Internet, or other electronic communications or networks, including social media, may be denied future access and, if deemed appropriate by Council, be subject to disciplinary action up to and including termination.

Much of the Council’s work consists of developing products, or data that is necessary to produce deliverables, which are stored on the Council server. In most cases, more than one employee accesses or edits any given file on the same day or within a very short period of time. It is imperative that a single master version of each file be kept exclusively on the server so that any employee may work directly within each file without creating multiple versions. Work outside of the Council server –

for example on a single individual computer's hard drive or an employee's personal computer during trips or while telecommuting – requires advance written permission of employee's immediate supervisor as well as the IT Manager and must adhere to best practices for version tracking and data backup in order to maintain the integrity of both the server and project file(s). It is also imperative that employees are conscientious about regularly saving intermediate and final work products regardless of where they are working to avoid a loss of data and compensated work time. The frequency with which files must be saved and backed up depends on the nature of the work. However, it must be done weekly at a minimum when working off-site and each day that more than one hour of time is invested in making edits. The Council cannot afford to pay an employee to re-create work that was lost due to a lack of compliance with these policies.

Use of Council technological resources requires that all employees adhere to the following confidentiality and data protection practices. Every employee shall:

- Keep their passwords secret at all times. This includes ensuring that passwords are not left on sticky notes or paper posted on, under, or near a computer, or in any other easily accessible or visible location. Transmission of passwords via methods that are easily intercepted or compromised, such as email, is not permitted.
- Log into their Council accounts only from safe devices.
- Use strong passwords to log into work-related websites and services.

Employees must respect and protect Council equipment and supplies and use them judiciously in adherence to all policies of the Council as outlined in "Council Office Conservation Procedures". Equipment for use outside the office must be approved by the employee's supervisor in advance and must be recorded on the equipment use log kept by the Office Manager. Equipment and supplies must be properly secured when not actively being used. Office water and energy resources and consumable supplies are to be used for efficient completion of work related duties; thus waste of these resources is not tolerated.

XXIV. Meal & Travel Expense Reimbursement Guidelines

Travel, meal, and accommodation costs while attending meetings and conferences on Council business, that have been pre-approved by Council management staff, will be paid in accordance to the following guidelines:

- Mileage will be reimbursed at the IRS rate in effect at the time the travel occurred, unless the funding source reimbursement rate is less.
- Meals and lodging will be reimbursed based on actual cost, as documented by itemized receipts, at rates not to exceed either the Federal Domestic Per Diem or the funding source reimbursement rates in effect. Travel must occur at least 50 miles from the duty station in order for meals and lodging to be reimbursable. Reimbursements for meals are based on actual documented costs and are limited to the Federal Domestic per diem rates allowed per eligible meal. Eligibility of meals is determined based on length of travel and specific times of travel.
- For meal reimbursements, the receipt must be specific enough to identify what was purchased and verify that no ineligible costs are being requested for reimbursement (e.g., alcohol or tips). For lodging reimbursements, the supporting receipts must indicate the specific basis of the cost incurred (i.e., number of rooms and nights). Credit card receipts that show a total amount expended but do not show specific items purchased are not accepted as the only documentation for reimbursement.

- If the Council provides lodging to an employee(s) stationed remotely for more than one day and said lodging includes a kitchen, kitchenette, or other fixed meal preparation facility, said employee(s) are not eligible for meal reimbursement.

A current Federal Domestic Per Diem Rate list will be maintained by the administrative staff and made available to all employees at the Council Office.

If the mileage, travel and/or per diem rates set forth in any contract or grant (funding) agreement used to fund the project work are less than the above provisions, those lower funding agreement rates prevail. If a funding source reimbursement rate is more than the IRS rate, the Council will not pay more than the IRS rate because it will have to be reported as extra income to the employee on the form W-2.

Employees assigned to a duty station shall not be reimbursed for mileage for their travel to and from that duty station. The employee's supervisor must communicate to employees assigned to a duty station about the location of said duty station and the approximate duration of the assignment in advance of the assignment to said duty station.

Prior to incurring any travel expenses to be submitted for reimbursement, all employees must communicate in writing to the Accountant and/or Office Manager that they have read and understand this section. Reimbursements cannot be made without the supporting documentation described above.

A current version of the Council's Travel Expense Report must be submitted covering each reimbursement request to receive payment. Expense claim forms or check requests must be submitted to the Accountant when time sheets are submitted which cover the period the expenses were incurred. However, if a reimbursement is a nominal amount, the employee may choose to wait to submit reimbursements on a monthly basis.

XXV. Guidelines for Reimbursement of Expenses Other Than Meal and Travel

An employee may incur expenses on behalf of a project and are reimbursable provided such expenses are provided for in the project budget, approved by the lead project staff, and adhere to the funding source requirements. Receipts documenting such expenses must be submitted to the administrative staff in order to receive payment. Any receipt that does not show what was purchased must be accompanied by an itemized listing of the items purchased. A list does not need to be on the vendor's letterhead, but it must be signed by an employee of the vendor. For example, a hand written list signed by the vendor's employee is fine. When purchased items are to be delivered to the Council, the receipt to request reimbursement must show that the status of the purchase is "shipped" rather than just "ordered".

Some employees will utilize electronic equipment (e.g., iPad) and/or may have access to Council accounts (e.g., website) that are tied to Council staff members' personal credit cards. This is because the Council does not have its own credit card, which is required to facilitate certain functions for some vendors. Employees must exercise discretion and care in using any devices and/or accessing Council accounts that are tied to any other staff members' personal credit card(s). In the event that an employee is found to have accidentally or knowingly used devices or accounts to make unauthorized purchases, said employee is subject to disciplinary action, including immediate termination.

XXVI. Automobile Insurance

The Council shall maintain automobile insurance on all vehicles belonging to the Council that are operational and being used by employees in the course of their regular duties. Insurance will not be carried on vehicles that are placed in non-operational status through the Department of Motor Vehicle.

Those employees required to use an automobile to perform their job duties must show evidence of possessing the minimum amounts of insurance as specified by California law and a valid California Driver's License. In addition, the Council will annually request a DMV driving record printout for each employee who will use a vehicle to perform their job duties. Employees will be responsible for obtaining the printout at their own expense. No mileage reimbursement will be provided without this documentation. Copies of the employee's driver's license, DMV driving record and vehicle insurance will be kept in their personnel file and updated annually.

Employees renting a vehicle for business use must do so in the name of the Council in order to be covered by the Council's General Liability Insurance Policy. When renting a vehicle, always get the rental agency insurance coverage. Employees need to be aware that rental agency insurance does not cover damage to the rental vehicle. In the event an accident is the fault of the employee, the employee will be responsible for paying their own insurance deductible. In the event of an accident with a non-insured motorist, the Council will pay the employee's deductible up to \$ 1,000.00.

In the event an employee is involved in an automobile accident, regardless of how minor it may seem, the employee must call, or have someone call, the California Highway Patrol and request an officer. Once that CHP officer arrives at the scene ask or have someone else ask the officer to write up an "accident report". This report may not be immediately available at the scene, but if it is written up, the Office Manager can obtain a copy of the accident report.

XXVII. Political Activity Policy

A. General Statement. This policy in no way prohibits membership in any political organization, expression of views on neither political matters nor voting with complete freedom.

B. Conformance to Federal and State Law. The handling of federal monies and federal contracts and the 501(C)(3) status of the Council requires that certain political activities be limited on behalf of the organization and its employees. Employees acting on behalf of the Council shall conform to pertinent provisions of federal and state laws, and the subsequent changes and amendments.

XXVIII. Equal Opportunity Employment Policy

A. General Statement. The Northwest California Resource Conservation & Development Council (Council) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status.

The Council is committed to ensuring adequate employment opportunities for all minorities, including but not limited to employee recruiting, hiring, placement, compensation, benefits, promotion, transfer, seniority, training and development, discipline, termination and all other terms and conditions of employment.

Council condemns and strictly prohibits discrimination toward any employee because of the employee's sex, race, religious creed, color, age, national origin, ancestry, marital status, medical condition, sexual orientation, physical or mental handicap or any other protected class under applicable law. Council will not tolerate any such discrimination of its employees and will take affirmative steps to stop it.

B. Reporting Procedure. If an employee believes that he or she is the victim of discrimination, or has knowledge of any such incident, that employee should immediately report the incident to a member of the Board of Directors or its designee.

C. Investigation and Action. The Council will investigate any such report and will take whatever corrective action is deemed necessary, including disciplining or discharging any individual who is believed to have violated this prohibition against discrimination of any kind.

D. Confidentiality and Non-Retaliation. Complaints of discrimination, information relating to the investigation of a discrimination claim and related information shall be maintained in strict confidence. No employee will be disciplined or otherwise retaliated against for reporting such harassment, regardless of the outcome of such action.

XXIX. Policy Prohibiting Unlawful Harassment

A. General Statement. NW CA RC&D Council fully supports efforts to protect and safeguard the rights and opportunities of all people to seek, obtain and hold employment without harassment or discrimination in the workplace. The Council does not accept, tolerate or permit any form of harassment to or by any employee.

The Council is committed to providing a work environment free of unlawful harassment. Council policy prohibits sexual harassment and harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, gender, national origin or ancestry, physical or mental disability, medical condition, marital status, registered domestic partner status, age, sexual orientation or any other basis protected by federal, state or local law or ordinance or regulation. All such harassment is unlawful. This anti-harassment policy applies to all persons involved in the operation of the Council and prohibits unlawful harassment by any Council employee, including supervisors, managers, vendors, clients, and other persons. It prohibits unlawful harassment based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. Prohibited unlawful harassment includes, but is not limited to:

1. Verbal- such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments; visual- such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures,
2. Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis,
3. Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors
4. Retaliation for reporting or threatening to report harassment.

If you believe that you have been unlawfully harassed, submit a written complaint to your own or any other Council supervisor, the Personnel Committee or a member of the Board of Directors of the Council as soon as possible after the incident. You will be asked to provide details of the incident, names of individuals involved and names of any witnesses. Supervisors will refer all harassment complaints to the Personnel Committee. The Council will immediately undertake an effective,

thorough and objective investigation of the harassment allegations. If the Council determines that unlawful harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by the Council to be responsible for unlawful harassment will be subject to appropriate disciplinary action, up to, and including termination. A Council representative advises all parties concerned of the results of the investigation. The Council will not retaliate against you for filing a complaint and will not tolerate or permit retaliation by management, employees or co-workers against you. The Council encourages all employees to report any incidents of harassment forbidden by this policy immediately so that complaints can be quickly and fairly resolved. Employees also should be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment in employment. If you think you have been harassed or that you have been retaliated against for resisting or complaining, you may file a complaint with the appropriate agency. The nearest office is listed online (<https://www.eeoc.gov/employees/charge.cfm> or <http://www.dfeh.ca.gov>) or in the telephone book.

XXX. Drug-Free Workplace Policy

A. General Statement. NW CA RC&D Council recognizes that the use of drugs or alcohol in the workplace can create health and safety problems for employees and the public they serve. Therefore, the Council certifies that it provides a drug-free workplace policy.

It is the policy of the Council to prohibit in the workplace or while on duty alcohol intoxication or the unlawful possession, use, dispensation, distribution, or manufacture of controlled substances. Violation of this policy will result in disciplinary action up to and including termination of employment. Depending upon the circumstances, other action, including notification of appropriate law enforcement agencies, may be taken against any violator of this policy. In accordance with the Drug-Free Workplace Act of 1988, as a condition of employment, staff members must comply with this policy and notify management within five (5) days of a conviction for any criminal drug violation occurring in the workplace. Failure to do so will result in immediate termination of employment.

Any staff member arrested in connection with a criminal drug violation occurring in the workplace may be placed on personal leave of absence with or without pay and could face termination of employment pending the outcome of any legal investigation and conviction. Any conviction for driving while “under the influence of alcohol or drugs” will be considered prima facie evidence of alcohol or drug abuse and may result in termination of employment.

1. The Council has a specific tobacco-free policy. Northwest CA Resource Conservation and Development Council acknowledges the hazards arising from the use of tobacco products and the serious health risk associated with exposure to secondhand smoke. A. The Council shall maintain a work environment free of all above listed tobacco products, including outside area on contractor property, within a reasonable distance (20 feet at minimum) of exits, entrances, windows, air intakes of buildings, agency vehicles, outdoor community areas or playgrounds, and any area where children are present.
2. The use of any tobacco products as listed above by staff, clients and visitors is only allowed in designated outdoor smoking areas that meet fire code, state and local laws, ordinances or other regulations. Designated areas for tobacco use are for adults only and are out of sight of children.
3. Council complies with applicable federal, state, county, and local ordinances and codes, including AB -13 and the State of California Labor Code Section 6404.5 (California Work Place Smoking Restrictions).

4. Council does not accept any funds from a tobacco company, its subsidiaries, or parent company, including in-kind donations and event sponsorships; nor any funds from agencies that are sponsored by or receive donations from a tobacco company, its subsidiaries, or parent company.
5. Council's Tobacco Free Environment policy complies with the specifications of the California Health and Safety Code.
6. Council agrees to have tobacco education and cessation materials visibly available and accessible to staff and clients participating in activities funded by grants that require it.

B. Testing. At the present time, random drug tests are only done when the safety of staff members may be in question. Such tests may be deemed necessary based on observed inconsistent or erratic behavior that constitutes a health or safety hazard to other employees or the personal safety of the employee displaying the behavior. The Board of Directors may require mandatory and/or random drug testing for all employees working on or around any equipment or driving vehicles on Council business. Any offer of employment to any individual who has been selected for employment may be contingent upon passing a pre-employment drug testing, to be conducted at the option of the Council.

C. Information and Support. Information on the dangers of drug abuse in the workplace will periodically be posted on the bulletin boards or be made available directly to staff members. The RC&D Council is aware of public and private agencies that provide support or programs in treating drug-related problems and should be contacted if information or assistance is needed. In some circumstances, the Council's health insurance plan, if any, may provide some financial benefit in support of counseling or rehabilitation programs. In order to determine specific benefit levels that may apply, the employee needs to deal directly with the insurance company, if any, at the time of treatment.

D. Documentation. Because the Drug-Free Workplace Act requires this corporation to be able to document the notification and receipt of its policy by each staff member, personnel will be asked to sign a copy of this statement and return it to the Office Manager for inclusion in their personnel file. In this way, we can fully document our compliance with the notification process.

XXXI. Work Involving Children

The Council sponsors some projects that are geared toward serving children and their families. To ensure that a healthy and safe environment is provided to them as well as to employees, the Council requires the following of all employees working with these sensitive populations:

1. Ensure that conditions of the project work site within the control of the Council are safe and provide a welcoming space to children of all ages and their families.
2. Clearly convey to all public participants that children are always to be supervised and accompanied by a parent, guardian, teacher, or other care provider in order to participate in the program being offered.
3. Dress appropriately for the situation to ensure that safety, comfort, modesty and discretion are always achieved.

Personnel Policy & Employee Handbook Signature Page

Acknowledgement and Receipt of NW CA RC&D Council Personnel Policy & Employee Handbook

I, the undersigned, do certify that I have received a copy of the NW CA RC&D Personnel Policy & Employee Handbook. By accepting employment with NW CA RC&D I agree to read and abide by the policies and procedures and their revisions, which may be adopted from time to time, contained in this handbook. I agree to read the entire handbook at the very start of my employment, prior to starting any project specific work, and prior to incurring any costs that may be reimbursed by Council. All requirements outlined in this handbook for incurring and documenting reimbursable costs must be met in order for an employee to receive reimbursement.

Per section XXIV^[sp8] of this handbook specifically, I understand that prior to incurring any travel expenses to be submitted for reimbursement, I must communicate in writing (by email or letter) to the Accountant and/or Office Manager that I have read and understand the travel reimbursement guidelines.

I understand that this signed receipt of the handbook will be placed in my permanent personnel file.

Signature

Printed Name

Date _____