

**SECTION 2: ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT  
POLICY MANUAL**

Table of Contents

	<u>Pages</u>
Chapter 100. THE BOARD OF TRUSTEES POLICIES.....	1-1 to 1-16
Chapter 200. FINANCIAL .....	2-1 to 2-22
Chapter 300. SALARIES AND WORKING CONDITIONS OF EMPLOYEES.....	3-1 to 3-36
Chapter 400. OPERATIONS .....	4-1 to 4-12
Chapter 500. HIRING AND EQUAL EMPLOYMENT OPPORTUNITY .5-1 to 5-4	
Chapter 600. HARASSMENT AND DISCRIMINATION .....	6-1 to 6-6
Chapter 700. GRIEVANCE AND DISCIPLINARY PROCEDURES ..7-1 to 7-8	
Chapter 800. MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS.....	8-1 to 8-9

POLICIES SET FORTH IN THIS HANDBOOK REFLECT THE REQUIREMENTS OF CURRENT EMPLOYMENT LAWS. THESE LAWS AND THE ASSOCIATED REGULATORY REQUIREMENTS ARE SUBJECT TO CHANGE. CHANGES IN LAW MAY NOT BE REFLECTED IN THE STAFF POLICIES, BUT WILL BE IN FULL EFFECT. IF THERE IS A CONFLICT BETWEEN THE STAFF POLICY AND THE LEGAL REQUIREMENTS, THE LEGAL REQUIREMENTS SHALL CONTROL.



**CHAPTER 100. THE BOARD OF TRUSTEES  
ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT**

Section 100. Definitions

- 100.1 **District** means the Alameda County Mosquito Abatement District.
- 100.2 **Mosquito** means any insect of the family Culicidae (excluding the subfamilies Dixinae and Chaoborinae) capable of transmitting human disease or causing human annoyance.
- 100.3 **Jurisdiction** means within the boundaries of the District or in proximity close enough so that mosquitoes produced outside of the District may affect people within the District.
- 100.4 **Board member** and **Trustee** are references used interchangeably within these Policies. Both terms mean individual members of the Alameda County Mosquito Abatement District Board of Trustees.

Section 101. Enabling Legislation

- 101.1 This District was formed under the Mosquito Act, California Government Code Title 3, Division 2, Part 2, Chapter 8, Section 25842.5 and sections 2000-2093, inclusive, of the California Health and Safety Code, and therefore the rules and regulations of this Code shall be the rules by which this District operates. Minutes of 02-24-65.

Section 102. Code of Ethics

- 102.1 The Board of Trustees of the Alameda County Mosquito Abatement District is committed to providing excellence in legislative leadership that results in the provision of the highest quality services to its constituents and complies with State and Federal laws. Consistent with this commitment, this Code of Ethics sets forth expectations regarding behavior between and among members of the Board of Trustees and District staff.
- 102.2 The dignity, style, values and opinions of each Trustee shall be respected.
- 102.3 Responsiveness and attentive listening in communication is encouraged.
- 102.4 The needs of the District's constituents should be the priority of the Board of Trustees.
- 102.5 The primary responsibility of the Board of Trustees is the formulation and evaluation of policy. Routine matters concerning the operational aspects of

the District are to be delegated to the District Manager and the professional staff members of the District.

102.5.1 Board members should follow the guidelines set forth below relative to interactions with District staff:

- (a) Board members should develop a working relationship with the District Manager wherein current issues, concerns, and District projects can be discussed comfortably and openly.
- (b) Board members should contact the District Manager before approaching District staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
- (c) If approached by District personnel concerning a specific District policy, Board members should direct inquiries to the District Manager. The chain of command should be followed.
- (d) Issues related to safety, concerns for safety or hazards should be reported to the District Manager. Emergency situations should be dealt with immediately by seeking appropriate assistance.
- (e) Clarification on policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming should be referred directly to the District Manager or legal counsel.

102.6 Trustees should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged.

102.7 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but should do so in a respectful manner. Once the Board of Trustees takes action, Trustees should commit to supporting said action and not to create barriers to the implementation of said action.

102.8 When responding to constituent requests and concerns, Board members should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

- (a) Complaints from residents and property owners of the District should be referred directly to the District Manager.

- 102.9 Board members should function as a part of the whole, in accordance with the Brown Act. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.
- 102.10 The Board of Trustees is responsible for monitoring the District's progress in attaining goals and objectives, while fulfilling its mission.

### Section 103. Code of Conduct

- 103.1 This Code of Conduct shall govern the conduct of the Board of Trustees of the Alameda County Mosquito Abatement District.
- 103.1.1 The purpose of this Code of Conduct is to:
- (a) Protect the integrity of the Alameda County Mosquito Abatement District Board of Trustees and sustain the confidence of the people of the District by articulating specific standards and guidelines to assure that those entrusted with the public authority avoid conduct that undermines respect for the District.
  - (b) Provide a comprehensive statement of pertinent laws and regulations, considerations, and obligations governing the conduct of the Board members to provide a transparent framework and enhance the public trust in the District.
  - (c) Enhance the understanding of laws and principles that create the obligations of Board members.
- 103.1.2 Pursuant to section 2022(d) of the State Health and Safety Code, "It is the intent of the Legislature that persons appointed to boards of trustees have experience, training, and education in fields that will assist in the governance of the districts"; and section (e) "...The trustees shall represent the interests of the public as a whole and not solely the interests of the board of supervisors or the city council that appointed them."
- 103.1.3 The public served by the District need and deserve an agency whose commitment to pursuing public interest outweighs any competing personal or political considerations.
- 103.1.4 Board members are expected to exercise discretion and judgment to adhere to the spirit of this Code of Conduct. It is essential to recognize that an act is not ethical simply because it is legal, and conduct is not proper simply because it is permissible. Board members should be willing to do more than the law requires and less than it allows. Strict compliance is not necessarily enough, and

attempts to evade or circumvent ethics, laws, and rules are improper.

103.1.5 All actions, decisions, and votes should be made on their merits, objectively and without party, regional, or ideological partnership.

103.1.6 Confidential information, particularly investigative reports from the District Manager, District Counsel, and personnel matters, shall not be disseminated to any party except as specifically authorized.

### 103.2 Board Roles and Responsibilities

103.2.1 The Board has duties distinct from those of management. The Board oversees and provides counsel and direction to management and should not be involved in the day-to-day affairs, function, or activities of the District.

103.2.2 The role of the Board shall principally be to:

- (a) Set District policy;
- (b) Hire the District Manager; and
- (c) Retain legal counsel as necessary.

103.2.3 The Board is responsible for policy-level direction and control that:

- (a) Ensures that the District is able to fulfill its statutory obligations;
- (b) Ensures the financial stability of the District;
- (c) Supports collaboration and building communications “bridges” between communities, regions, and districts; and
- (d) Values constructive employer-employee relationships.

103.2.4 Board members do not have individual power or authority, and it is improper for any Board member to exercise such authority. The power and decision-making authority resides with the full Board.

103.2.5 Board members shall not be involved in employee matters (i.e., hiring, firing, discipline, etc.) or other personnel action unless required by provision within the “Policy Handbook” or advice by District counsel.

### 103.3 Board Member Norms

103.3.1 Board members shall understand the authoritative limits and responsibilities allowed them and the Board under the provisions of

the State Health and Safety Code and conduct themselves accordingly.

103.3.2 Proper parliamentary conduct is expected during Board meetings. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules (e.g., Robert's Rules of Order).

(a) If a Board member believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order – not requiring a second – to the President. If the ruling of the President is not satisfactory to the Board member, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.

(b) Any Board member desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.

(c) Any Trustee, including the President, may make or second a motion. A motion shall be brought and considered as follows:

(1) A Trustee makes a motion; another Trustee seconds the motion; and the President states the motion.

(2) Once the motion as been stated by the President, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the President will call for the vote. The motion must be made, seconded and approved by a majority vote of the Board to pass.

(3) Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular Board meeting on any subject that lies within the jurisdiction of the Board of Trustees shall be as follows: Three (3) minutes may be allotted to each speaker. Speaking times may be adjusted at the discretion of the Board President.

(4) No oral presentation shall include charges or complaints against any District employee, regardless of whether or not the employee is identified in the presentation by name or by any other reference which tends to identify.

103.3.3 Board members shall treat each other and District staff at all times and in all situations professionally, with respect and courtesy.

- 103.3.4 Board members shall not publicly engage in personal attacks on one another, District staff, or the District.
- 103.3.5 Any concerns regarding an employee's performance shall be communicated in writing to the District Manager. Any concerns regarding the District Manager's performance shall be communicated in writing to the President. Any concerns regarding a Board officer's performance shall be communicated, in writing, to the affected officer. Nothing in this Section shall affect the right of the Board to evaluate Board officers.
- 103.3.6 The President of the Board may call for an action of Board censure against any Board member who fails to comply with any provision of this Section.

#### Section 104. Required Board Training

##### 104.1 Ethics Training (AB 1234 Compliance)

- 104.1.1 All Trustees and designated executive staff of Alameda County Mosquito Abatement District shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of appointment to the Board of Trustees and at least once every two years thereafter.
- 104.1.2 This policy shall also apply to all staff members that the Board of Trustees designates, and to members of all committees and other bodies that are subject to the Ralph M. Brown Open Meeting Act.
- 104.1.3 Ethics training shall be provided by entities whose curriculum has been approved by the California Attorney General and the Fair Political Practices Commission.
- 104.1.4 District staff shall provide the Board of Trustees with information on available training that meets the requirements of this policy at least once every year.
- 104.1.5 If a Trustee attends ethics training not directly provided by the District, the Trustee shall provide proof of participation to the District after completing the training. Applicable costs for attending the training will be reimbursed by the District.
- 104.1.6 District staff shall maintain records indicating both the dates that Trustees completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five years after Trustees receive the training, and are public records subject to disclosure under the California Public Records Act.



104.2 Sexual Harassment Prevention and Response Training (AB 1825 Compliance)

- 104.2.1 All members of the Board of Trustees and supervisors of the Alameda County Mosquito Abatement District shall receive two hours of training in sexual harassment prevention and response (AB 1825) within six months of appointment to the Board of Trustees and at least once every two years thereafter.
- 104.2.2 This policy shall apply to Trustees, the District Manager, and any other staff member that meets the definition of a “supervisor” as set forth under Government Code section 12926(r) (“Supervisor” means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment).
- 104.2.3 All sexual harassment prevention and response training shall be provided by entities whose curriculum has been approved by the California Attorney General.
- 104.2.4 District staff shall provide the Board of Trustees with information on available training that meets the requirements of this policy at least once every year.
- 104.2.5 If a Trustee attends sexual harassment prevention and response training not directly provided by the District, the Trustee shall provide proof of participation to the District after completing the training. Applicable costs for attending the training will be reimbursed by the District.
- 104.2.6 District staff shall maintain records indicating both the dates that staff and Board members completed the sexual harassment prevention and response training and the name of the entity that provided the training. These records shall be maintained for at least five years after Trustees receive the training, and are public records subject to disclosure under the California Public Records Act.

Section 105. Board Meetings

- 105.1 Regular meetings of the Board of Trustees shall be held on the second Wednesday of each month, at the District Headquarters. The public sessions of meetings begin at 5:00 p.m. Board members should inform the District

Manager as soon as possible if they intend to be out of town on a set meeting date.

- 105.1.1 The District Manager shall mail or email a notice of the meeting, including a copy of the agenda together with his/her notice of meeting on the Friday preceding the regular meeting, and shall give the Board members thirty days' notice of matters pending involving a policy change or adoption of any new policy deviating from that of the County or cities within the District.
- 105.2 Special meetings of the Board of Trustees may be called by the Board President or by a majority of the Board.
  - 105.2.1 All Trustees shall be notified of the special Board meeting and the purpose or purposes for which it is called. Said notification shall be in writing, received by them at least 24 hours prior to the meeting.
- 105.3 Emergency Meetings. In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Trustees may hold an emergency special meeting without complying with the 24-hour notice required in 105.2.1, above. An emergency situation means a crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the Board.
- 105.4 Each year the Board, at its January meeting, shall elect a President, Vice President and Secretary for the calendar year.
- 105.5 Attendance – Officers of the Board (President, Vice President and Secretary) with three consecutive unexcused absences from Board meetings will be subject to removal from the Board position by a majority vote of the Board members present.
- 105.6 Nominating Committee – A nominating committee, consisting of the Board President and two Trustees appointed by the President, will meet in December of each year to nominate new officers. Nominations will also be taken from the floor.
- 105.7 In lieu of actual costs, the members of the Board shall receive an allowance not to exceed \$100 dollars per month per member for expenses incurred in attending meetings of the Board.
- 105.8 The District Manager's monthly report shall be presented at the Board meeting (of the following month).
- 105.9 The District's Biennial Report shall be made on a fiscal year basis.

### Section 106. Conflict of Interest

- 106.1 State laws are in place to control actions by a Board member which may result in a conflict of interest. The purpose of such laws and regulations is to ensure that all actions by the Board are taken in the public interest. State conflict law is complex; consultation with legal counsel is encouraged.
- 106.2 At any point a Board member believes there is a potential for a conflict of interest between actions he or she may take as a Trustee of the District and his/her personal interest, he/she is encouraged to consult with the Attorney for the District or private legal counsel for advice.
- 106.3 While not inclusive, a general summary of Conflict of Interest rules is provided below.
- (a) In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official; Government Code section 1090 prohibits a public official from having a financial interest in government contracts.
  - (b) The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official positions to influence a governmental decision in which they know, or have reason to know, that they have a financial interest.
  - (c) The public official has a financial interest if “it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally...” on a financial interest of the official or a member of the official’s immediate family.
  - (d) Determining whether a Board member has a financial interest is very complicated and fact specific. Financial interests include interests in leases worth \$1,000 or more, and gifts of \$250 or more provided to or received within one year of the decision.
  - (e) Effective January 1, 2003, a Board member must take the following steps after he or she has determined that a conflict of interest exists under the Political Reform Act:
    - (1) Publicly identify the financial interest. This must be done in enough detail for the public to understand the financial interest that creates the conflict of interest.
    - (2) Recuse his or herself from both the discussion and the vote on the matter. The Board member must recuse his or herself from all proceedings related to the matter.

- (3) Leave the room until the matter has been completed. The matter is considered complete when there is no further discussion, vote or any other action.

Exception: If the matter is on the consent calendar, the Board members does not have to leave the room.

- (f) The Fair Political Practices Commission (FPPC) has published lengthy regulations and opinions on conflicts of interest that are useful in determining whether a particular financial interest or decision could give rise to disqualification based on a potential conflict of interest. The FPPC also puts out informational pamphlets to assist public officials in determining what types of situations may give rise to prohibited conflicts of interest.
- (g) Government Code section 1090 is similar to the Political Reform Act, but applies only to contracts in which a public official has a financial interest. The financial interests covered by section 1090 are different from those in the Political Reform Act. Having an interest in a contract may preclude the Board member from entering into the contract at all. In addition, the penalties for violating section 1090 are severe. If a Board member believes that he or she may have any financial interest in a contract that will be before the Board, the member should immediately seek advice from the District's Attorney or the member's personal attorney.
- (h) There are a number of other restrictions placed on Board actions, such as prohibitions on secrecy and discrimination as well as assurance that all District funds are spent for public purposes.
- (i) Violations of these restrictions may result in personal liability for individual Board members.

#### Section 107. Awards

- 107.1 Awards to the employees and Trustees for five, ten, twenty and thirty years of service will be as follows: pewter belt buckle (5 year), bronze belt buckle (10 year), silver pin (20 year), and gold pin (30 year). All are to be engraved with the District logo. Res. #689-1.
- 107.2 A retiring employee will be presented a certificate of recognition with the District seal.
- 107.3 Presentation of awards to employees or Trustees will occur at a regular staff or Trustee meeting.
- 107.4 Trustees will be awarded a gavel/plaque following their Presidency and a certificate of commendation upon retirement.

### Section 108. State Requirements for Reporting

- 108.1 Designated positions within the District, including members of the Board of Trustees, that are authorized to make, or participate in the making of, decisions that may foreseeably have a material effect on any personal financial interest, are required to report those interests to the Fair Political Practices Commission in accordance with the terms of Title 2 California Code of Regulations, Section 18730. Appendix 100-1 sets forth the District positions so designated, and documents the required disclosure categories.
- 108.1.1 Designated employees shall file their statements with the Alameda County Board of Supervisors as stated in Government Code section 87500(j). Statements for all designated employees will be retained by the agency.
- 108.2 Pursuant to the Political Reform Act and its regulations, all designated employees shall file statements of economic interests with the Alameda County Mosquito Abatement District Board Clerk, which shall be the filing officer. The Alameda County Board of Supervisors shall be the code reviewing body.

### Section 109. Board Standing Committees

- 109.1 The Board may, by resolution, create such standing or special committees as it determines are necessary or useful for the conduct of District business. The Board President shall, at the start of his/her term, appoint the following standing committees:
- 109.2 Finance Committee. There shall be a Board Standing Committee on Finances. The Finance Committee members shall serve terms that are coterminous with that of the Board President. The duties of the Finance Committee are:
- (a) to review the annual budget and make recommendations to the Board;
  - (b) to review the annual audit and recommend any changes in policy as necessary;
  - (c) to review long-term capital needs and make recommendations for designating reserves and allocation of the OPEB Trust to the Board; and
  - (d) to handle additional related responsibilities as the Board may assign.
- 109.3 Personnel Committee. There shall be a Board Standing Committee on Personnel. The Personnel Committee members, who are officers of the Board, shall serve terms that are coterminous with that of the Board President. The duties of the Personnel Committee are:

- (a) to meet as needed if personnel issues rise to the level of an appeal to the Board; to make recommendations to the full Board regarding the adjustment of an appeal; and
  - (b) to serve as the Salary Committee during labor negotiations.
- 109.4 Policy Committee. There shall be a Board Standing Committee on Policy. The Policy Committee members shall serve terms that are coterminous with that of the Board President. The duties of the Policy Committee are:
- (a) to review District policies for compliance with current regulatory requirements, existing agreements, and relevance in supporting the goals of the District;
  - (b) to make and/or approve policy amendments for submission to the full Board for approval and ratification; and
  - (c) to handle additional related responsibilities as the Board may assign.
- 109.5 District Manager Evaluation Committee. There shall be a Board Standing Committee to review the performance of the District Manager. The Committee members, who are traditionally the past, present, and future Board Presidents, shall serve terms that are coterminous with that of the Board President. The duties of the Manager Evaluation Committee are:
- (a) to set performance expectations, goals and measures for the District Manager;
  - (b) to review the performance of the District Manager in June of each year;
  - (c) to recommend compensation changes and contract adjustments for the District Manager to the full Board based on the Manager's performance over the review period; and
  - (d) to coordinate and oversee the recruitment of a District Manager should a vacancy occur in that position.
- 109.6 Public Health Emergency Committee. There shall be a Board Standing Committee to address current Public Health threats. The Public Health Committee members shall serve terms that are coterminous with that of the Board President. The duties of the Public Health Emergency Committee are:
- (a) to meet with the District Manager and/or staff to review District surveillance and treatment information pertaining to current or emerging public health threats and make recommendations to the Board if necessary; and
  - (b) to perform additional related responsibilities as the Board may assign.

### Section 110. Open Meeting Laws (“The Brown Act”)

- 110.1 The District conducts its business in compliance with the Ralph M. Brown Act, State Government Code section 54950. The intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in the open and at public meetings. The law provides for misdemeanor penalties for members of a body who violate the Act (Cal. Gov. Code § 54959). In addition, violations are subject to civil action (Cal. Gov. Code § 54960). A current copy of the Act will be provided to all Board members when assuming office.
- 110.2 The Act applies to the Board and all committees and task forces that advise Board. Staff cannot promote actions that would violate the Act.

### Section 111. Non-Discrimination/Anti-Harassment

- 111.1 State and Federal law prohibit, and the District has policies and procedures which prohibit, any form of illegal discrimination or sexual harassment. Board members should be familiar with, and are expected to comply with the District’s non-discrimination and sexual harassment policies. Violations of such policies could result in Board members being personally exposed through legal action

### Section 112. Policy Review

- 112.1 Board Policy Review. At least every four years, the Board, or a designated Board committee, shall review District policies.

**APPENDIX 100-1**  
**CONFLICT OF INTEREST CODE, DESIGNATED POSITIONS**  
**AND DISCLOSURE STATEMENTS**

---

**Designated Position.** The positions listed below include those persons who are deemed to make, or participate in the making of, decisions that may foreseeably have a material effect on any financial interest. The persons holding the designated positions listed shall disclose interests and investments in accordance with the corresponding disclosure categories, which are defined below.

<b><u>Designated Positions</u></b>	<b><u>Disclosure Category</u></b>
Members of the Board of Trustees	1, 2, 3 & 4
District Manager	1, 2, 3 & 4
Office Assistant/Office Administrator	1, 2, 3 & 4
Field Operations Supervisor	1, 2, 3 & 4
Lab Director	1, 2, 3 & 4
Maintenance/Equipment Specialist	1, 2, 3 & 4
Environmental Specialist	1, 2, 3 & 4
IT Administrator	1, 2, 3 & 4
*Consultants	

**Disclosure Categories**

1. A designated official or employee assigned to Category 1 is required to disclose direct or indirect investments in any business entity that may be affected materially by any decision made or participated in by the designated official or employee by virtue of his/her position.
2. A designated official or employee assigned to Category 2 is required to disclose interests in real property, which is located in whole or in part either within the boundaries of the District, or within two miles of the boundaries of the District, that may be affected materially by any decision made or participated in by the designated official or employee by virtue of his/her position.
3. A designated official or employee assigned to Category 3 is required to disclose any source of income that may be affected materially by any decision made or participated in by the designated official or employee by virtue of his/her position.
4. A designated official or employee assigned to Category 4 is required to disclose any business entity in which the designated official or employee is a director, officer, partner, Trustee, employee, or holds any position of management that may be



affected materially by any decision made or participated in by the designated official or employee by virtue of his/her position.

\*Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation.

The District Manager may determine in writing that a particular consultant, although a “designated position” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The District Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.



## **CHAPTER 200. FINANCIAL**

### Section 201. Expenditures

By resolution of the Board of Trustees the Board established the following policy to more efficiently review and approve District expenditures.

- 201.1 The District budget will be reviewed, approved and modified as necessary by the Board, consistent with existing District policies, procedures and state law.
- 201.2 The Board authorizes the manager to issue warrants that are consistent with the objectives of the budget.
- 201.3 The District Manager shall act as Purchasing Agent unless the Board of Trustees designates another employee. The District Manager may delegate purchasing authority to other personnel in accordance with work functions and operational feasibility.
- 201.4 Any designated Purchasing Agent, within the intent and limits of the District budget, can purchase all materials, supplies, equipment, furnishings and other property for the District. No purchase of property by any person other than the District Manager or his/her designated Purchasing Agent shall be binding upon the District or constitute a lawful charge against any District funds.

### Section 202. Bidding Policies

- 202.1 Less Than \$1000. Bidding is not required when the item or service to be purchased is less than \$1000 in value.
- 202.2 \$1,000 to \$7,500. Informal bidding shall be required when the item or service to be purchased costs between \$1,000 and \$7,500. Such bidding may be accomplished by written request for bids sent to selected bidders; by telephone survey of prices; by electronic requests for bids or surveys of prices; or by such other efforts directed towards obtaining a minimum of three bids. The Purchasing Agent shall award the bid to the lowest responsible bidder, unless the Purchasing Agent determines that the public interest requires a different action. The Board will receive a report of all purchases in this cost range. The Board of Trustees authorizes the Purchasing Agent to purchase items described by this policy, provided they do not exceed \$7,500 and do not exceed the District's total budget amount.
- 202.3 Above \$7,500. When the cost of the item or service to be purchased exceeds \$7,500, formal bidding shall be required. Such bidding process shall require that a notice be posted at the District office at least ten (10) days prior to the bid opening and that formal requests for bids be solicited either by newspaper

publication, trade journal publication, use of a bid service, or other reasonable solicitation. Solicited sealed bids shall be reviewed by the Board and awarded to the lowest responsible bidder based on the Purchasing Agent's analysis and recommendation, unless the Board makes a determination that it would be in the public's best interest to do otherwise. All bids will be retained as part of the District's official record.

202.4 Bidding is Not Required for the Following:

- (a) when an emergency situation exists – Designation of an emergency shall be determined by District Manager with the consent of the Board President or available Board officer;
- (b) when requiring the services of specialized professionals, such as scientists, engineers, attorneys, or accountants;
- (c) when the item or service can only be obtained from one vendor; or
- (d) when the public interest may otherwise require that bidding be dispensed with, provided that the facts constituting the basis for the exception are documented by the Board or Manager as appropriate. Documentation for exceptions shall be retained as part of the District's official records for at least two years.

Any warrant issued under this Section 202.4 shall indicate on the warrant list the specific exemption relied upon.

202.5 The Manager shall first review all bids received to determine if they are responsive to the bid request. The Manager is authorized to waive minor deviations and irregularities in the bids.

202.6 The Manager shall also have the authority to inspect and test products for quality and fitness described or identified in any bid to determine its appropriateness, and further, may investigate the character and reputation of any bidder to determine responsibility and capability. The Manager's analysis of these factors shall be used in the determination and recommendation of the lowest responsible bidder.

202.7 The District contract shall be awarded to the lowest responsible bidder, except as otherwise provided above. If two or more bids are substantially identical, the District may accept any such bid. In its sole discretion, the District may reject any and all bids received, and it may re-advertise for additional bids, have District staff perform such work, or negotiate with the lowest bidder.

### Section 203. Contracts

203.1 The District Manager is hereby authorized to sign and enter into contracts on the District's behalf when the dollar value of the contract is \$7,500 or less.

- 203.2 The Board authorizes the District Manager to enter into contracts that are consistent with the objectives of the budget upon receiving approval from the Board.

#### Section 204. Warrants

- 204.1 The Board shall review warrants at each business meeting to ensure expenditures are within the limitations of the budget, and to raise questions, when appropriate, about any of the listed expenditures.
- 204.2 The Board hereby authorizes the withdrawal of funds from the County treasury upon a warrant signed by one member of the Board and the District Manager.

#### Section 205. Meeting Stipends

- 205.1 Consistent with Health and Safety Code section 2030, the members of the Board of Trustees may receive their actual and necessary traveling and incidental expenses incurred while on official business. In lieu of paying for actual expenses, the Board of Trustees may by resolution provide for the allowance and payment to each Trustee a sum not to exceed one hundred dollars (\$100) per month for expenses incurred while on official business. A Trustee may waive the payments permitted by this subdivision. Such compensation is in addition to any reimbursement for meals, lodging, travel and expenses consistent with this policy. (Health & Saf. Code § 2051.)
- 205.2 Meetings and Service Subject Monthly In Lieu of Allowance. To be entitled to the monthly In Lieu Allowance under this policy, the official business in question must constitute one of the following:
- (a) A meeting of the District Board of Trustees within the meaning of Government Code section 54952.2(a);
  - (b) A meeting of a District committee within the meaning of Government Code section 54952(b);
  - (c) An advisory body meeting within the meaning of Government Code section 54952(b);
  - (d) A conference within the meaning of Government Code section 54952.2(c)(2);
  - (e) A meeting of any multi-jurisdictional governmental body on which the District Manager serves as the District's designated representative; or
  - (f) Any meeting attended or service provided on a given day at the formal request of the District Board of Trustees and for which the District Board of Trustees approves payment of In Lieu of Allowance stipend.

## Section 206. Travel and Payment of Expenses While on Official Business

206.1 Travel and Payment of Expenses While on Official Business will be approved if:

- (a) There is a substantial benefit to the citizens of Alameda County;
- (b) It includes discussion of the community's concerns with local, regional, state and federal officials;
- (c) There is participation in local, regional, state and national organizations whose activities affect the District;
- (d) Educational seminars are attended designed to improve officials' skill and information levels; and
- (e) Public service and moral is promoted with service to ACMAD.

## Section 207. ACMAD Expense Policy

The following policy governs expenditures of District funds and reimbursement of expenses:

207.1 Authorized Expenses. District funds, equipment, supplies (including letterhead), titles and staff time must only be used for authorized District business. The following types of expenses generally constitute authorized expenses, as long as the other requirements of this policy are met:

- (a) Expenses associated with communicating with representatives of regional, state and national government on District adopted policy positions;
- (b) Expenses associated with attending educational seminars designed to improve officials' skill and information levels;
- (c) Expenses associated with participating in regional, state and national organizations whose activities affect the District's interests;
- (d) Expenses associated with recognizing service to the District (for example, thanking an employee with a retirement gift or celebration of nominal value and cost);
- (e) Expenses associated with attending District events;
- (f) Expenses associated with meetings, such as those listed above for which a meeting stipend is expressly authorized under this policy, or

- (g) Expenses associated with legislative and other District-related local, regional, state and federal agency business, conducted over meals, where each meal expenditure must also comply with the limits and reporting requirements of local, regional, state and federal law.

207.2 All other expenditures require approval by the District Board of Trustees.

The following expenses specifically require Board approval if not included in the budget:

- (a) International and out of state travel; and/or
- (b) Expenses exceeding \$200 per trip.

207.3 Examples of personal expenses that the District will not reimburse include, but are not limited to:

- (a) The personal portion of any trip;
- (b) Political or charitable contributions or events;
- (c) Family expenses, including partner's expenses when accompanying official on District-related business, as well as children- or pet-related expenses;
- (d) Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
- (e) Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
- (f) Personal losses incurred while on city/County/District business.

Any questions regarding the propriety of a particular type of expense should be resolved by the approving authority before the expense is incurred.

207.4 Expense Report Content and Submission Deadline. Expense reports must document that each expense claimed has met the requirements of the policy. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the District's adopted legislative positions and priorities. Trustees and employees must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the required documentation. Receipts for gratuities and tolls under \$5 are not required. Inability to provide such documentation in a timely fashion may result in the expense being borne by the individual.

- 207.5 Reports to Governing Board. At the following District Board meeting, each official shall provide a brief oral or written report on meetings or functions attended at District expense. If multiple District representatives attended, a joint report may be provided.
- 207.6 Compliance with Laws. District officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.
- 207.7 Violation of this Policy. Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: (1) loss of reimbursement privileges, (2) demand for restitution to the District, (3) the District's reporting the expenses as Trustee or employee income to state and federal tax authorities, and (4) prosecution for misuse of public resources.

#### Section 208. Cost Control

To conserve District resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines.

- 208.1 Transportation. District personnel are expected to use the most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements, using the most direct and time-efficient route. In the event that a more expensive transportation mode or route is used, the cost borne by the District will be limited to the cost of the most economical, direct, efficient and reasonable mode of transportation. District personnel are encouraged to use public transit when available and feasible and to carpool when several people are traveling to the same event by automobile. Automobile mileage is reimbursable at Internal Revenue Service prevailing rates in effect. These rates are designed to compensate the driver for gasoline, insurance, maintenance and other expenses associated with operating the vehicle. Parking, tolls and other similar expenses relating to travel by auto are reimbursable if necessarily incurred in connection with a meeting or function authorized under this policy.
- 208.2 Lodging. Lodging costs will be reimbursed or paid for by the District when travel on official District business reasonably requires an overnight stay. If such lodging is in connection with a conference, lodging costs should not exceed any group rate published by the conference sponsor for the meeting in question. In any event, lodging expenses should be moderate, taking into account community standards and prevailing lodging costs for the area.
- 208.3 Meals. Meal expenses and associated gratuities should be moderate, taking into account community standards and the prevailing restaurant costs of the area. A helpful source of guidance is Internal Revenue Service per diem rates for meals and incidental expenses, which include adjustments for higher cost



locations. Alcohol/personal bar bills are not an appropriate use of District resources.

- 208.4 Telephone/Fax/Cellular. Individuals will be reimbursed for actual telephone and fax expenses incurred on District business. Telephone bills should identify which calls were made on District business.
- 208.5 Airport Parking. Long-term parking should be used for travel exceeding 24 hours.
- 208.6 Cash Advance Policy. From time to time, it may be necessary for a District representative to request a cash advance to cover anticipated expenses while traveling or doing business on the District's behalf. Such request for an advance should be submitted to the District Manager at least 14 days prior to the need for the advance with the following information:
- (a) The purpose of the expenditure(s);
  - (b) The benefits of such expenditure to the residents of District;
  - (c) The anticipated amount of the expenditure(s) (for example, actual or expected hotel rates, meal costs, and transportation expenses); and
  - (d) The dates of the expenditure(s).

Any unused advance must be returned to the District treasury within two business days of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

- 208.7 Credit Card Use Policy. The District does not issue credit cards to individual Trustees, but does have credit cards for selected District expenses. Trustees may use the District's credit card for such purposes as airline tickets and hotel reservations by following the same procedures as for cash advances. Receipts documenting expenses incurred on the District credit card and compliance with this policy must be submitted within five business days of use. District credit cards may not be used for personal expenses, even if the Trustee or employee subsequently reimburses the District. Purchasing agents have a credit card. Employees can purchase items approved in the budget. Receipts are given to the Office Assistant or Administrator. The receipts are reconciled to the statements and then recorded to the general ledger. Disbursement goes through the warrant process noted above
- 208.8 In the event circumstances should arise appearing to warrant deviation from these policies, the District Manager shall secure the approval of the Board before making any changes.

### Section 209. Conference Policy

- 209.1 Out of State National Mosquito Control Conference. The District Manager or his/her delegate, trustees, and limited staff may be permitted to attend.
- 209.2 Mosquito and Vector Control Association of California Conference - Outside of the Bay Area. The District Manager may require the Field Operations Supervisor, the Lab Director, and the community education staff to attend, or their designees. Any additional staff or Trustees may request approval, and this approval will be based on workload and conference involvement.
- 209.3 Mosquito and Vector Control Association of California Conference - Within the Bay Area. The District Manager may select any number of District personnel to attend such sessions as he or she may designate from which, in his/her opinion, the employees and the District would derive the most benefit.
- 209.4 Mosquito and Vector Control Association of California (MVCAC) Seminars and Workshops. Trustees are encouraged to represent the District at MVCAC seminars, workshops, committee meetings and regional meetings.

### Section 210. Loss or Damage to Personal Property

The District will not be responsible for loss or damage to personal items when the loss or damage incurred was not worked related. Each occurrence of loss or damage to the employee's personal property will be reviewed by the Board on a case-by-case basis.

### Section 211. Policy for Disposition of Fixed Assets

- 211.1 A fixed asset is defined as an item with a purchase price or current value of \$50 or greater and an expected useful life of three years or greater. Fixed assets of \$5,000 or greater current value are considered Capital Assets and must have Board approval before disposal. Disposal of other fixed assets must be approved by the Manager.
- 211.2 Disposition of fixed assets may be initiated by a Purchasing Agent. A disposal form must be completed by the initiator and approved by the Manager and Board, consistent with District policy, before the item is disposed of, salvaged or sold. Money received through the disposition of fixed assets shall be deposited in the County treasury in the District fund.

### Section 212. Policy on Petty Cash

The District shall maintain a petty cash fund of \$100 to be used for incidental District expenditures. All reimbursements to employees must be approved by the District Manager, and the transaction documented by pre-numbered voucher with attached

receipt of purchase and signed employee request for reimbursement form. The fund disbursements shall be reviewed by the Board.

### Section 213. Fraud Policy

- 213.1 District Management is responsible for the detection and prevention of fraud, misappropriations, and other irregularities. “Fraud” is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his/her injury. Each member of the management team will be familiar with the types of improprieties that might occur within his/her area of responsibility and be alert for any indication of irregularity. Any fraud that is detected or suspected must be reported to the District Manager or alternatively, to the Chair of the Finance Committee, who coordinates all investigations.
- 213.2 Actions Constituting Fraud. The terms “fraud,” “embezzlement,” “misappropriation,” and other fiscal irregularities refer to, but are not limited to:
- (a) Any dishonest or fraudulent act;
  - (b) Forgery or alteration of any document or account belonging to the District;
  - (c) Forgery or alteration of a check, bank draft, or any other financial document;
  - (d) Misappropriation of funds, securities, supplies, equipment, or other assets;
  - (e) Impropriety in the handling or reporting of money or financial transactions;
  - (f) Disclosing confidential and proprietary information to outside parties;
  - (g) Accepting or seeking anything of material value from contractors, vendors, or persons providing goods or services to the District;
  - (h) Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment; or
  - (i) Any similar or related irregularity.
- 213.3 Investigation Responsibilities. The District Finance Committee has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. The Finance Committee may utilize whatever internal and/or external resources it considers necessary in conducting an investigation. If an investigation substantiates that fraudulent activities have occurred, the Finance Committee will issue reports to the appropriate

personnel, and if appropriate, the District Board of Trustees. Decisions to prosecute or refer the investigation results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel and senior management, as will final dispositions of the case.

- 213.4 Confidentiality. The Finance Committee will treat all information received confidentially. Any employee who suspects dishonest or fraudulent activity will notify the District Manager or the Finance Committee Chair immediately, and should not attempt to personally conduct investigations or interviews related to the suspected fraudulent act. (See Reporting Procedures in Section 212.6, above.) Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the District from potential civil liability.
- 213.5 Investigation Authority. Members of the District Finance Committee will have free and unrestricted access to all District records and premises and authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises, without the prior knowledge or consent of any individual who may use or have custody or any such items or facilities, when it is within the scope of the Committee's investigations.
- 213.6 Reporting Procedures. Care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is underway.

An employee who discovers or suspects fraudulent activity will contact the District Manager or the Chair of the Finance Committee immediately. Alternatively, the employee may use the Employee Risk Management Authority (ERMA – this is a part of the VCJPA self-insurance group coverage) Employee Reporting Line at 1-877-651-3924 to make an anonymous report. This line is monitored 24 hours a day.

The employee or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual(s), his/her/their legal counsel, or any other inquirer should be directed to the Finance Committee or District legal counsel. No information concerning the status of an investigation will be given out. The proper response to any inquiry is, "I am not at liberty to discuss this matter."

The individual making the report should be counseled to not contact the suspected individual in an effort to determine facts or demand restitution and to not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the District legal counsel or the Finance Committee.

### Section 214. Security

- 214.1 Accounting Security. Petty cash is stored in a locked file cabinet. The Office Assistant or Administrator and the District Manager will be the only employees with keys to the petty cash cabinet.
- 214.2 Access to Electronically Stored Accounting Data. It is the policy of the District to utilize passwords to restrict access to accounting software and data. Only duly authorized accounting personnel with data input responsibilities will be assigned passwords that allow access to the system.
- 214.3 Storage of Backup Files. It is the policy of the District to maintain back-up copies of electronic data files. Access to back-up files shall be limited to individuals authorized by management.
- 214.4 General Office Security. During normal business hours, all visitors are required to check in at the front counter. After hours, a key and security passcode are required for access to the District's office. Keys are issued only to employees (and janitorial services).

### Section 215. Financial Transactions

- 215.1 Warrant Authorization Signers. Warrant Requests require two signatures from the following group: Board Members and the District Manager or his/her designee.
- 215.2 Electronic Funds Transfers. The District Manager is authorized to transfer funds between LAIF, the County account and VCJPA. District manager will get pre-approval from the Board at the previous meeting. Approval will be noted in Board Minutes.
- 215.3 Cash Receipts. When miscellaneous checks come in the mail, the Office Assistant or Administrator will prepare a County deposit form and mail to the County with the check. The District keeps a copy of the check for records. All revenue shall be entered into the accounting software once a year.
- 215.4 Bank and Cash Account Reconciliations. LAIF and VCJPA statements shall be reconciled once a year at the end of the year. The County cash general ledger detail is reconciled as soon as it is received. The Payroll imprest account is reconciled monthly.

### Section 216. Liabilities and Assets

- 216.1 Pension Liability. The District's retirement fund shall be at least 80% funded.
- 216.2 Capital Assets. The Office Assistant or Administrator maintains a capital depreciation schedule. Items valued over \$5000 are placed on the

depreciation schedule. Disposal or sale of capital assets must have Board approval.

### Section 217. Payroll and Benefits

- 217.1 The District uses a third party administrator (TPA) for payroll. Payroll is paid bi-monthly. The TPA prepares 941 and DE6 forms. The TPA delivers payroll checks to the District. Employees have the option to have direct deposit handled by the TPA.
- 217.2 The Office Assistant or Administrator records payroll to the general ledger twice a month. Payroll is paid out of a separate imprest bank account. Employees enter time into the District database. The reports are reviewed monthly by the management staff.
- 217.3 Administrative/Finance Manager prepares a payroll spreadsheet that is approved and signed by the District Manager. This report is support for the transfer of funds from the County cash account to the payroll account.

### Section 218. District Fund Policy

#### 218.1 Policy Statement

218.1.1 The District recognizes the importance of adopting policies for financial reserves and reserve funds. Written, adopted financial policies regarding designated reserves are a critical element of sound fiscal management. The designation of funds for long-term financial goals is an important element of prudent fiscal management and a cornerstone of long-term financial planning. A written and adopted policy on these funds facilitates the attainment of program goals. This policy was developed to clearly identify specific, designated funds. It is the intent of this policy to clearly identify funds, articulate the purpose of each fund, designate the way the funds are replenished and set target levels that are consistent with the District's mission, and the philosophy of its Board of Trustees. This policy shall be known, and may be cited as, the Alameda County Mosquito Abatement District Fund Policy.

218.1.2 Objectives: This policy has been developed to provide for the following:

- (a) To assure continued operation and solvency of the District for carrying out its stated mission;
- (b) To maintain a financially-viable District that can preserve adequate levels of service;

- (c) To maintain financial flexibility in order to continually adapt to change and permit orderly adjustment to unanticipated events;
- (d) To maintain a diversified, financial flexibility and a stable long-term financial plan;
- (e) To facilitate the accumulation and preservation of District funds in an amount equal to the stated target fund level for each specific fund created by the District; and
- (f) To provide information to the citizens of Alameda County on how tax revenues are used and managed.

218.1.3 This policy will be reviewed on an annual basis in order to incorporate appropriate changes, additions and/or deletions.

## 218.2 Fund Policy

218.2.1 This policy follows the guidelines set in the Governmental Accounting Standards Board (“GASB”) Statement No. 54, regarding Fund Balance Reporting and Governmental Fund Type Definitions.

218.2.2 In order to achieve the objectives of this policy, the Board of Trustees shall adhere to the guidelines as set forth herein.

218.2.3 Funds may be established from time to time by the Board of Trustees as an important component of sound financial management to meet both short- and long-term financial objectives, and to ensure prudent financial management practices.

218.2.4 Classification of Funds. Funds may be designated by the Board of Trustees as “restricted” or “non-restricted.” These classifications are defined under GASB 54 as follows:

- (a) Restricted Funds shall be segregated, and limited in use to specific and designated purposes as defined and established by the Board of Trustees. According to GASB 54, Restricted Funds are those that are constrained to specific purposes by the constitution, external resource providers (such as grantors, bondholders, and higher levels of government), or through enabling legislation. The District currently has no Restricted Funds.
- (b) Non-restricted Funds may be classified as “Committed” or “Assigned.” These funds do not require the physical segregation of funds, but maybe segregated if desirable.

(c) Committed Funds are defined by GASB 54 as those that are constrained to specific purposes by a formal action of the agency's highest level decision-making authority (the District's Board of Trustees). Committed Funds cannot be used for any other purpose, unless the District takes the same highest level action to remove or change the constraint. The District's Committed Funds include the Capital Improvement Fund and the Public Health Emergency Fund.

(d) Assigned Funds are defined as those that are intended for a specific purpose, but do not meet the criteria to be classified as Restricted or Committed. Intent can be expressed by the Board of Trustees or by an official or body to which the Board of Trustees delegates the authority. The District's Assigned Funds include the Working Capital Fund.

218.2.5 Investment earnings from Restricted and Non-restricted Funds shall be credited to the District General Fund, unless otherwise stated herein.

218.2.6 Approval by the District's Board of Trustees shall be required prior to the expenditure of Restricted or Committed Funds. Approval shall be determined by action at a public meeting of the Board.

218.2.7 The Board of Trustees shall maintain a written Fund Policy.

218.2.8 The Board of Trustees shall annually review the District Policy at a public meeting in order to determine appropriate changes, additions, and/or deletions.

### 218.3. Funds

218.3.1 The Board of Trustees hereby establishes and designates the following funds:

(a) Public Health Emergency Fund. Appendix 200-1

(b) Capital Improvement Fund. Appendix 200-2.

(c) Working Capital Fund. Appendix 200-3.

### 218.4. Target Fund Levels

218.4.1 The Board of Trustees shall establish a stated target fund level for each designated fund.

### 218.5 Annual Evaluation



218.5.1 The District Manager shall perform a review and analysis of each designated fund for presentation to the Board of Trustees at a public meeting upon the occurrence of the following:

- (a) Upon consideration by the Board of Trustees of the annual budget;
- (b) Upon any significant change to and/or expenditure(s) from a designated fund; or
- (c) Upon determination that a fund balance is less than the established target fund level for a designated fund.

## APPENDIX 200-1

### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT PUBLIC HEALTH EMERGENCY FUND

#### **Purpose of Fund:**

The purpose of the Public Health Emergency Fund is to mitigate the financial impact of unusually high levels of vector-borne disease activity or prevent a future threat to public health from a newly detected invasive mosquito species. The primary role of the District is to prevent and manage threats to public health as they relate to vectors and vector-borne diseases. Due to a wide range of dynamic biological and environmental factors, the abundance and disease levels of vectors and vector borne disease can vary from year to year. In addition, three new species of mosquitoes have entered California in recent years, and have brought with them the potential for the transmission of human disease not previously endemic to California. In either case, an increased threat to public health is possible, and the District has the duty to respond according to its Integrated Pest Management program and to obtain guidance from the California Department of Public Health as stated in the “Invasive Aedes Response Plan in California” and the “California Mosquito-Borne Virus Response Plan.”

#### **Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

1. This fund shall be known as the “Public Health Emergency Fund.”
2. The Public Health Emergency Fund shall be designated as a Committed Fund.
3. These funds will be used to replenish operating cash flow in the General Fund should circumstances cause the District to incur greater than normal expenses to prevent or manage an imminent threat to public health from vectors and vector-borne disease.
4. Expenditure of Public Health Emergency Funds must be authorized by the Board of Trustees at a publicly noticed meeting.
5. Expenditures from this designated fund that are subsequently recovered, either partially or fully, from State sources, shall be utilized solely for the purpose of refunding the Public Health Emergency Fund.
6. Investment earnings from the Public Health Emergency Fund may be credited to the District’s General Fund.

7. The Public Health Emergency Fund may be invested in financial institutions and instruments that maintain the highest level of liquidity, such as checking, savings, and LAIF.
8. Annual replenishment will vary, depending upon other designation requirements and current year expense requirements.
9. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

**Target Fund Level:**

The target balance of this fund is \$500,000. This target is based on an estimate of likely operational needs should the most likely public health threat scenario become reality. This target balance will be reviewed annually and adjusted as needed to remain current.

## APPENDIX 200-2

### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT CAPITAL IMPROVEMENT FUND

#### **Purpose of Fund:**

The purpose of the Capital Improvement Fund is to set aside sufficient financial resources to ensure timely replacement and upgrade of the District's vehicles, mobile equipment, laboratory equipment, operational equipment, administrative equipment (CPU's, PC's, laptops, etc.) and facilities. Safe, reliable and up-to-date vehicles and equipment, which are in good working order, are essential for the District to meet our mission of providing public health services in a timely and professional manner. The Capital Improvement Fund will allow for the replacement of vehicles, and equipment if lost due to a disaster. In addition, this fund will allow for the renovation and/or Improvement of the District's Office and garage facilities as they age. The recommended maximum funding for this item is also an amount equal to the accumulated amount of depreciation for all capital items.

#### **Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

1. This fund shall be known as the "Capital Improvement Fund."
2. The Capital Improvement Fund shall be designated as a Committed Fund.
3. These funds will be used to pay for capital assets according to the District budget and purchasing policies.
4. Each year, funds can be transferred from the Capital Improvement Fund to the General Fund to cover the cost of capital purchases designated and approved during the annual budgeting process.
5. Funds transferred from the Capital Improvement Fund shall be expended solely for the purpose of replacement and upgrade of existing District vehicles and equipment, or for renovations or replacement of District facilities.
6. The Capital Improvement Fund may be invested in financial institutions and instruments that maintain the highest level of liquidity, such as checking, savings, and LAIF.
7. Investment earnings from the Capital Improvement Fund may be credited to the District's General Fund.
8. Annual replenishment will vary, depending upon other designation requirements and current year expense requirements.

9. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

**Target Fund Level:**

The target balance for this fund will be the total cumulative depreciation for the District's capital assets as stated in the District's Basic Financial Statements prepared by the auditor each year. This target will be reviewed annually and adjusted as needed.

### APPENDIX 200-3

## ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT WORKING CAPITAL FUND

### **Purpose of Fund:**

The Working Capital Fund is necessary because the District receives the majority of its funding from the property taxes and a benefit assessment collected by the Alameda County Treasurer/Controller. These revenues are not transmitted to the District until December, six months after the beginning of the fiscal year. Therefore, it is imperative that the District have funds available to cover general operating costs from the beginning of the fiscal year (July 1) to the time that revenues are received in December. Mosquitoes develop in Alameda County throughout the year, and in the absence of working capital would inhibit the District's ability to provide service to the residents of Alameda County. This fund will preserve District's credit worthiness, ensure adequate financial resources are available for timely payment of District obligations, and provide liquidity throughout the fiscal year.

### **Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

1. The fund shall be known as the "Working Capital Fund."
2. The Working Capital Fund shall be designated as an Assigned reserve fund.
3. The District Manager is authorized to approve the expenditure of Working Capital Funds, without prior approval of the Board of Trustees, in response to day-to-day cash flow requirements.
4. The Working Capital Fund will be held in the District's account in the County Treasury.
5. Investment earnings from the Working Capital Fund may be credited to the District's General Fund.
6. Annual replenishment will vary, depending upon other designation requirements and current year expense requirements.
7. This policy shall be reviewed on an annual basis for long-term adequacy and use restrictions.

### **Target Fund Level:**

The target fund level for the Working Capital Fund is to maintain a minimum of Capital Funds for operations equal to 60% of discretionary General Fund revenues, as of July 1st of each fiscal year. This target fund level was established based upon the following

general guidelines:

1. The District shall maintain a balance in the General Fund equal to approximately 60% budgeted expenditures for the fiscal year.
2. For the purpose of this policy, budgeted expenditures shall include all expenditures associated with the following:
  - (a) Salaries and Employee Benefits; and
  - (b) Services and Supplies.





## CHAPTER 300. SALARIES AND WORKING CONDITIONS OF EMPLOYEES

### Section 301. Salaries

#### 301.1 Compensation Plan

301.1.1 The District has developed a compensation plan that is intended to achieve and support the following goals and objectives:

- (a) The plan enables the District to recruit and retain highly qualified employees;
- (b) The plan provides equitable salaries within a structure where positions are paid in appropriate relationship to each other in the organization and comparable agencies;
- (c) The plan recognizes employee performance and motivates employees to improve their level of performance on the job and
- (d) The plan is flexible in administration.

301.1.2 Salaries, benefits and working conditions are subject to the meet and confer process with recognized employee bargaining units. In establishing a framework for review of compensation, the District takes into account compensation in place in Alameda County as well as adjacent mosquito abatement districts, unless otherwise modified through the bargaining process.

301.1.3 The salary of the District Manager shall be considered independently of other District positions.

#### 301.2 Salary Steps

301.2.1 Entry-level field personnel shall be hired at the position of Assistant Mosquito Control Technician for a minimum of six months and until certification as a Mosquito Control Technician is received, at which time they shall advance to the position of Mosquito Control Technician. The salary for the position of Assistant Mosquito Control Technician is 5% below that of Mosquito Control Technician step 1.

301.2.2 The recommended plan for the positions of Mosquito Control Technicians and Administrative Assistant, Entomologist, and Field Operations Supervisor consists of a series of salary ranges, each containing five steps. Each step is 5% above the preceding step in that range.

- 301.2.3 For each salary range, the first step is considered the entrance rate and the top step the maximum, unless the District Manager finds merit in a candidate's related work experience and training. Ordinarily, new employees would be started at the minimum rate and progress to the second step after six months of satisfactory service. The third step is achieved after an additional six months of satisfactory service. Each remaining step is reached after one year of satisfactory service at the preceding step. This provision applies to all represented employees.
- 301.2.4 The position of Vector Biologist consists of two steps. Vector Biologist step 2 is 5% above the salary range of step 1 and can be achieved after one year of satisfactory service.
- 301.2.5 The positions of Administrative Assistant, Environmental Specialist, Mechanical Specialist, Information Technology Coordinator, and Biological Specialist consist of a series of salary ranges, each containing five steps. Each step is 2.5% above the preceding step in that range. Progression from step 1 through step 5 follows the plan described in 301.2.3, above.
- 301.2.6 If an employee is promoted or changes position in the District service to another position of a higher salary schedule, the salary received shall be the amount provided in the schedule step for the latter position, which is at least one step higher than the amount received in the former position. Such salary will be pro-rated from the effective date of promotion to the end of the subject pay period. The date of promotion or advancement will be the new anniversary date established for the employee for purposes of evaluation and advancement in the salary range.
- 301.2.7 The Board may provide for longevity pay as agreed upon in the Employees' Association Memorandum of Understanding.
- 301.3. Workweek and Pay Days
- 301.3.1 The standard workweek as used herein is hereby defined as any consecutive seven-day period commencing at 12:00 a.m. of any Sunday and ending at 11:59 p.m. the following Saturday.
- 301.3.2 Established paydays for the District are the 15th and last working day of the month. Employees will be paid for time worked from the 1st through the 15th on the 15th of the month; time worked between the 16th and the end of the month will be paid on the last working day of the month.

#### 301.4. Alternate Workweek

- 301.4.1 The District Manager may approve an alternate work schedule (including a 9/80 schedule, a 4/10 schedule, or some other alternate schedule based on a 40 hour workweek) for individual employees based on staffing needs, the employee's performance and the nature of the position. An alternate work schedule for an employee may be implemented at the sole discretion of the District Manager and may be thereafter modified or eliminated as needed, at any time by the District Manager.
- 301.4.2 Employees approved to work an alternate 9/80 work schedule will work nine (9) hours for four fixed days in each one workweek, and eight (8) hours the remaining day of one workweek. The employee will be off work on the corresponding fifth day in the following workweek. As such, during the two-week work period, the employee will work a total of 44 hours one calendar week and 36 hours the following calendar week, with the hours worked split between two workweeks as defined in Section 301.4.3, below.
- 301.4.3 The Fair Labor Standards Act (FLSA) workweek for employees on the 9/80 schedule will begin at "mid-day of an employee's scheduled 8 hour workday" and end "mid-day of the employee's scheduled workday on the same day of the following week." Using this method, an employee will work a total of 40 hours during each scheduled workweek. Overtime and compensation time apply to non-exempt employees for hours worked beyond 40 in any established workweek.
- 301.4.4 The employee will be eligible to request a 9/80 work schedule following at least six months of employment, subject to the recommendation of his/her supervisor, and the approval of the District Manager. Employees must complete a signed agreement approved by their supervisor and the District Manager, to be eligible for the 9/80 work schedule.
- 301.4.5 The employee will continue accruing vacation and sick leave hours at the same rate as before being assigned to an alternative work schedule. An employee who is using vacation or sick leave will be charged the number of hours of use.
- 301.4.6 Compensation for holidays will change when assigned to an alternative work schedule. Employees normally receive 8 hours of holiday pay when assigned to a regular 40-hour per week work schedule. Under the 9/80-schedule option, an employee will continue to receive 8 hours of holiday pay, even if the holiday falls on a day when the employee is scheduled to work 9 hours. The employee will use his/her accrued compensatory time off time or vacation time to make up the one-hour difference.

### 301.5 Working Hours

- 301.5.1 Established hours of District operation are between 7 a.m. and 5:30 p.m. each day. Reporting times, defined as the time when employees are expected to be present and ready to start work, may vary based on the specific job requirements. The supervisor will establish the reporting times for each group of employees.
- 301.5.2 Employees must be present at their job during the “core hours” of 8 a.m. to 11 a.m. and 1:30 p.m. to 3:30 p.m., unless modified by their supervisor and/or the District Manager. For employees approved to use an alternate work schedule, the employee and the employee’s supervisor will establish the work hours for the employee based on established guidelines and as determined by the supervisor and District Manager.
- 301.5.3 Each employee is required to take a 30-minute unpaid lunch break on any workday that he or she works longer than 6 hours.
- 301.5.4 Employees are entitled to take one 10-minute break for every four hours of work. Breaks may not be combined with the 30-minute lunch period.
- 301.5.5 Employees are expected to arrive at work at their regularly-scheduled reporting time.
- (a) If an unforeseen delay results in arrival to work 15 minutes or less past the regularly-scheduled reporting time, the employee is expected to make that time up at the end of the work shift.
  - (b) If an unforeseen delay results in arrival to work more than 15 minutes past the regular reporting time, the period of absence is to be charged to the employee’s accrued vacation balance or compensatory time off.

### 301.6 Overtime

- 301.6.1 “Overtime work” as used herein is hereby defined as all time that a non-exempt employee of the District is required to work in excess of 40 hours in any one workweek, except that, in any workweek in which a holiday or holidays occur, all time worked in excess of 40 hours in a workweek, less the number of hours (but not to exceed 8 hours in any one day) normally worked by such employee on such day or days if they were not holidays shall be considered as overtime. Overtime service must be for definite work performance and ordered and approved by the supervisor or District Manager. The District Manager or authorized designee may authorize overtime work during Saturdays, Sundays or holidays for any or all personnel.

301.6.2 Overtime work shall be compensated at the rate of one and one-half times the regular hourly rate for each hour worked in excess of 40 hours in a workweek, and two hours for each hour worked on a holiday that is recognized by the District. Overtime may be paid in cash, or accrued as compensatory time as set forth in Section 301.7, below.

### 301.7 Compensatory Time Off

301.7.1 Compensatory time off may be granted to those non-exempt employees who work overtime as provided in Section 301.6, above, and with whom the District has a prior agreement or understanding that the employee will accept compensatory time in lieu of cash payment for overtime.

301.7.2 Compensatory time is earned at the overtime rate (one and one-half hour for each hour worked in excess of 40 hours in a workweek and two hours for each hour worked on a holiday that is recognized by the District).

301.7.3 Employees are encouraged to use their accrued compensatory time, and the District will make every effort to grant reasonable requests for the use of compensatory time when sufficient advance notice is given and the workplace is not unduly disrupted.

301.7.4 The maximum number of compensatory time hours that an employee may accrue is eighty (80) hours. Any employee who has reached this maximum shall not work any additional overtime until the employee's accrued compensatory time has fallen below the maximum allowed, unless the employee receives advance written authorization and receives payment in cash for any such additional overtime.

301.7.5 The District reserves the right at any time to pay an employee in cash for any or all accrued compensatory time and/or to require the employee to use accumulated compensatory time.

301.7.6 Employees who separate from District service for any reason shall be paid for accrued and unused compensatory time off.

### 301.8 Uniform Allowance

301.8.1 The District shall grant designated employees a sufficient number of uniforms to maintain an adequate supply for the changes necessary to keep same clean and in good condition, and also supply a laundry service for said uniforms, the color and type to be determined by the District Manager with the cooperation of the employees.

(a) The District uniforms will include the District's insignia, to be placed on the shirts and jackets selected.

(b) The District shall also furnish each employee with name patches, to be placed on the front of the shirt or jacket so as to be visible at all times. This clothing shall be worn during working hours unless specifically exempted by the District Manager. Uniforms shall not be modified without permission from the District Manager.

301.8.2 The District, in order to reduce injuries to workers, will provide an allowance not to exceed the limits set by the Board of Trustees to purchase safety boots that meet Cal/OSHA standards for toe and penetration protection. Safety shoes are to be above ankle height. Employees are to be reimbursed up to the allowance set by the Board upon presenting a receipt of purchase to the District. Employees may have the option of purchasing safety boots at an approved supplier that will then bill the District.

(a) All employees of the District working outside of the office are required to wear approved safety boots or other approved footwear. Safety boots are not required for attending meetings or continuing education training.

### 301.9 Professional Development

301.9.1 It is the policy of the District to encourage participation by all employees in continuing education. The District Manager is authorized to reimburse employees for job-related education and training.

301.9.2 District Manager approval is required for any educational or training course work for which an employee will be seeking reimbursement. Such approval must be granted before the course begins.

301.9.3 Reimbursement for approved job-related education and training will be processed following successful completion of the course or training, upon presentation of documentation of successful completion and all associated receipts.

301.9.4 Training should be scheduled so that it is not disruptive to the employee's normal job duties.

## 302. Health and Welfare Benefits

### 302.1 Health, Dental, and Vision Benefits

302.1.1 Health Insurance is available to full-time employees of the District, as well as eligible members of the employee's family as defined in plan documents. Dental, and Vision Benefits are available to full-time employees after six months of satisfactory service. The District reserves the right to select and contract with Health, Dental and Vision

Insurance providers, and to change providers and plans. Impacts associated with changes in Health, Dental and Vision Insurance coverage or carriers will be negotiated with affected employee bargaining groups.

- 302.1.2 District contributions to health, dental, and vision insurance premiums are negotiated as a part of the bargaining process, and are documented in the relevant Memoranda of Understanding and/or Compensation Agreements. Health Plan summaries and specific plan information are available from the District Manager or designee.

### 302.2 Group Term Life Insurance

Full-time regular employees are provided, at District cost, group term life insurance coverage. The District Manager or designee can provide additional information, plan documents and literature regarding this benefit.

### 302.3 Unemployment Insurance

Unemployment insurance provides compensation payable to individuals unemployed through no fault of their own who are actively seeking employment and are available and able to work. The District Manager or designee can provide additional information regarding this benefit.

### 302.4 Consolidated Omnibus Budget Reconciliation Act (COBRA)

- 302.4.1 Employees and dependents who lose group health coverage due to termination of employment or other “qualifying events” (i.e., death of employee, divorce or separation) may continue health and dental coverage on a self-pay basis under the COBRA option for eighteen (18) months, or the limits specified by law.
- 302.4.2 Upon an employee’s termination of employment, the District will issue a Notice of Right to Elect COBRA Continuation Coverage for health care coverage. To continue health care coverage under COBRA, the employee will fill out and sign forms provided by the District. The terminating employee must pay the full cost of coverage, plus the allowable administrative fee, by the deadlines set forth in the Notice.

### 302.5 Retirement Plan

- 302.5.1 The District offers a retirement benefits package to all eligible full-time employees through the California Public Employment Retirement System (CalPERS). Full-time employees hired prior to January 1, 2013 will be covered under the 2% @ age 55 formula in CalPERS; full-time employees hired on or after January 1, 2013 will be covered under the 2% @ age 62 formula in CalPERS.

- 302.5.2 In accordance with California Public Employees' Pension Reform Act of 2013 (CalPEPRA), as lawfully applicable, employees hired after January 1, 2013 will contribute 50% of the cost of the CalPERS contribution rate. Service credit will be credited in accordance with CalPERS plan guidelines. More information on the retirement program can be obtained by contacting the District Manager or designee.

### 302.6 Social Security

Employees are not covered under the full federal Social Security program. The District participates in the federal Medicare portion of Social Security for all employees. The employee and the District contribute the mandatory 1.45% each into Medicare.

### 302.7 Workers' Compensation

- 302.7.1 Employees who are injured on the job, no matter how slightly, must report the incident immediately to their supervisor. Failure to follow District procedures may affect eligibility to receive Workers' Compensation benefits.
- 302.7.2 If an employee has an illness or injury that is either caused by his/her job, or incurred within the course and scope of his/her employment, the employee may be entitled to medical care and industrial leave (time away from the job based on doctor's orders). These benefits are administered by the District's workers' compensation carrier.
- 302.7.3 Following the required three (3)-day waiting period, the employee may be entitled to partial wage continuation during time he or she is off work due to a work-related illness or injury. This partial wage continuation will be in the form of temporary disability payments through the District's workers' compensation carrier.
- 302.7.4 The injured employee will be allowed to integrate any accrued and unused sick leave, vacation, and compensatory time off with the workers' compensation temporary disability payment to retain the full regular rate of pay. After the employee has exhausted available accrued leave the sole source of income will be the temporary disability payments through the workers' compensation carrier.
- 302.7.5 The District provides a temporary light duty program for employees who sustain a workplace injury or illness.
- (a) The District will provide a temporary modified or light duty assignment, as available, to an employee with an approved workers' compensation claim, once the employee has been released to temporary modified/restricted work by his/her treating physician.



- (b) Placement into a light duty position is on a temporary basis and should never become permanent. In no event shall a temporary light duty assignment exceed six (6) months.
  - (c) Light duty is not guaranteed and may be modified, or ended, at any time, even if the employee's physician has not released him/her to regular duty.
- 302.7.6 If the treating physician has not cleared the injured employee to return to full duty the end of the light duty assignment or by the conclusion of the maximum period of industrial leave, the employee may be entitled to the reasonable accommodation processes set forth under the provisions of the Americans with Disabilities Act.
- 302.7.7 The District will not allow any form of retaliation against individuals who file a workers' compensation claim.

### Section 303. Leaves

#### 303.1 Holidays

- 303.1.1 The District shall provide full-time employees time off with pay for the following recognized holidays:
- (a) January 1<sup>st</sup>, known as New Year Day;
  - (b) The third Monday in January, known as "Dr. Martin Luther King Jr. Day";
  - (c) February 12<sup>th</sup>, known as "Lincoln's Birthday";
  - (d) The third Monday in February, known as "President's Day";
  - (e) The last Monday in May, known as "Memorial Day";
  - (f) July 4<sup>th</sup>, known as "Independence Day";
  - (g) The first Monday in September, known as "Labor Day";
  - (h) September 9<sup>th</sup>, known as "Admission Day";
  - (i) The second Monday in October, known as "Columbus Day";
  - (j) November 11<sup>th</sup>, known as "Veterans Day";
  - (k) Thanksgiving and the day after Thanksgiving;
  - (l) December 24<sup>th</sup>, known as "Christmas Eve";
  - (m) December 25<sup>th</sup>, known as "Christmas"; and
  - (n) Other or alternate holidays agreed upon between the District and employee bargaining groups, as documented in the Employees' Association Memorandum of Understanding.
- 303.1.2 In the event that any of the holidays provided for herein shall fall on Sunday, the Monday following will be observed, and in the event any

of the holidays provided for herein shall fall on a Saturday, the Friday preceding will be observed.

- 303.1.3 A day off with pay for full-time employees under this Section shall be recognized as eight (8) hours.

### 303.2 Vacation Leave

- 303.2.1 Accrual of vacation leave under the District's vacation plan will be administered as stated below, unless modified by Employees' Association Memorandum of Understanding:

<u>Years of Employment</u>	<u>Days Vacation Accrued/Month</u>
Beginning of 1 <sup>st</sup> year through end of 3 <sup>rd</sup> year	1 day/month =12 days/year
Beginning of 4 <sup>th</sup> year through end of 7 <sup>th</sup> year	1 1/4 days/month = 15 days/year
Beginning of 8 <sup>th</sup> year through end of 12 <sup>th</sup> year	1 day/month = 20 days/year
Beginning of 13 <sup>th</sup> year and after	2 1/12 days/month =25 days/year

- 303.2.2 Vacation leave accrued and taken in any calendar year may not exceed the number of days the employee would be entitled to for the number of years of service they have accumulated with the District.
- 303.2.3 If the District Manager determines that the best interest of the District will be served by delaying all or part of the vacation leave due such employee, unused vacation leave so accumulated shall be added to leave subsequently due, not to exceed a maximum of two years' vacation allowance in the case of any employee in a calendar year.
- 303.2.4 An employee who has reached the maximum vacation accrual level of two years allowance will cease accruing vacation until sufficient vacation is taken that the accrual balance is less than the stated maximum, unless otherwise approved by the District Manager.
- 303.2.5 Vacation credit shall begin on the first day of the month if employment began on that date, or the first business day following the first of the month; otherwise it shall begin on the first day of the succeeding calendar month.
- 303.2.6 Employees who separate from District service for any reason will be paid for accrued and unused vacation.

### 303.3 Sick Leave

- 303.3.1 Paid sick leave provides time off without loss of pay for reasons, and under the conditions, specified in this policy, as may be modified by MOU or applicable law. Every employee should use sick leave with respect for the intent of the policy and the impact on fellow employees. All employees are responsible for the proper administration of the sick leave provision.

- 303.3.2 Accrual of paid sick leave is set forth below, as may be amended or modified by specific provisions in relevant Memoranda of Understanding and/or adopted Compensation Resolutions.
- (a) Regular Full-time Employees: Sick leave with pay shall accrue to regular full-time employees at the rate of one work day for each calendar month of service, or according to current Memoranda of Understanding or Compensation Agreements. Sick leave credits shall accrue only while an employee is in paid status with the District.
  - (b) Part-time and Seasonal Employees: After working a minimum of 30 calendar days for the District, 3 days (24 hours) of paid sick leave shall accrue to part-time, seasonal and temporary employees. The accrual will be capped at 3 days or 24 hours.
- 303.3.3 Approved Sick Leave may be granted to all full-time employees for the following reasons:
- (a) For the diagnosis, care or treatment of an existing health condition, or preventive health care for the employee or a member of the employee's immediate family.
  - (b) Enforced quarantine of the employee in accordance with community health regulations.
  - (c) To allow a victim of domestic violence and/or a victim of sexual assault to obtain relief or attempt to obtain relief to help ensure his/her health, safety, or welfare, or that of his or her child(ren).
  - (d) To allow a victim of domestic violence and/or a victim of sexual assault to seek medical attention, to obtain services from a domestic violence program or psychological counseling, or to participate in safety planning.
  - (e) Complication or disability resulting from or contributed to any pregnancy, termination of pregnancy, or recovery therefrom.
- 303.3.4 One-half (50%) of the Sick Leave accrued by a full-time employee in any one year shall be granted if needed for the reasons cited in 303.3.3(a),(c),or (d).
- 303.3.5 After meeting the eligibility and waiting period requirements set forth in this policy, accrued Sick Leave can be taken by eligible part-time, seasonal and temporary employees for the following reasons:
- (a) The diagnosis, care or treatment of a health condition or for preventive care of the employee or a member of the employee's immediate family.

- (b) For specified purposes when an employee is a victim of domestic violence, sexual assault or stalking.
- (c) Sick Leave under this Section can only be taken for an absence from a previously scheduled work shift.

303.3.6 Supervisory personnel are charged with the responsibility for reviewing and evaluating sick leave usage.

- (a) Sick leave misuse or abuse is generally defined as use of sick leave for reasons other than are set forth in this policy. Potential indicators of abuse are set forth below:
  - (1) A pattern of sick leave use involving days adjacent to scheduled days off and holidays.
  - (2) Refusal or inability to provide medical substantiation when requested.
  - (3) Frequent absences with vague or questionable substantiation.
  - (4) Frequent or recurring exhaustion of sick leave soon after it is earned (unless for substantiated medical reasons).
  - (5) Other evidence of employee activity that is inconsistent with the legitimate use of sick leave, such as usage higher than the District average for the previous calendar year (deduct serious illness or injury) and two or more indicators above.
- (b) When it is determined, by investigation, that sufficient evidence exists to demonstrate that an employee has abused or is abusing or misusing the sick leave privilege, the District Manager may cause such disciplinary action to occur as deemed appropriate to deter future misuse. If it is found that the claim for sick leave was fraudulent, the claim for sick leave will not be paid. **Sick leave taken under Sections 303.3.4 and 303.3.5, above, shall not be considered in determining abuse or misuse of the sick leave privilege.**

303.3.7 Except for sick leave taken under Sections 303.3.4 and 303.3.5, above, the District may require a physician's certificate for absences due to illness when the employee has been put on notice of being suspected of misuse of sick leave and that future absences will require a physician's certificate. The physician's certificate shall be requested at the earliest possible time and prior to the employee's return to work, whenever possible.

- (a) Any employee may be required by the District Manager to submit to an examination by a licensed physician or psychologist at any

time, subject to sufficient cause existing, by the District at its expense in order to determine the state of the employee's health and fitness to perform assigned tasks.

- (b) Privacy laws restrict employers from requesting certain medical or health information. Therefore, if asking for a physician's certification or other verification of absence due to illness, a supervisor may ask when the employee is anticipated to return to work, with or without restrictions, but cannot ask for a diagnosis or prognosis.

303.3.8 Paid sick leave provides time off without loss of pay for qualifying reasons. It is a non-vested benefit which carries no cash value. Except as may be provided as Accrual Incentives or Retiree Service Credit in designed Memoranda of Understanding or Compensation Resolutions, there is no provision for a pay-out of accrued and unused sick leave upon separation from District employment.

- (a) If a part time, seasonal or temporary employee separates and returns within one (1) year of separation, unused sick leave hours shall be restored to the employee. If the employee returns after one (1) year of the previous separation, the sick leave hours shall not be restored to the employee.

#### 303.4 Voting Time Off

303.4.1 In the event an employee does not have sufficient time outside of working hours to vote in an election, the employee may take a limited amount of time off without loss of pay to vote.

303.4.2 Voting time off should be taken at the beginning or end of the regular work schedule, whichever allows the most free time for voting and the least time off from work. An employee will be allowed a maximum of two (2) hours of voting leave on Election Day.

303.4.3 Employees should notify their supervisor of the need for time off to vote at least three (3) working days prior to Election Day.

#### 303.5 Military Leave

303.5.1 The District provides paid and unpaid military leave in accordance with provisions of federal and state laws. Should this policy be in conflict with applicable laws, rules, regulations or agreements, those laws, rules, regulations or agreements shall control. Rights and obligations that are not specifically set forth below are set forth in the Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA).

- 303.5.2 Military Leave is available to all District employees, including part-time and seasonal employees who receive duly executed orders for active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and for examination to determine the fitness of a person to perform any such duty.
- 303.5.3 Temporary Military Leave is available to all District employees, including part-time and extra-help employees who receive duly executed orders for temporary military duty for purposes of active military training, encampment, navel cruises, special exercises or like activity as a member of the reserve corps or force of the Armed Forces of the United States, or the National Guard, or the Navel Militia.
- 303.5.4 Qualifying Exigency Leave is available to District employees when an immediate family member of the employee is a military member and is deployed or has been notified of an impending deployment to a foreign country. Details regarding eligibility for and limitations of Qualifying Exigency Leave are set forth in the District Family and Medical Care Leave Policy.
- 303.5.5 Military Caregiver Leave is available to District employees when the employee's immediate family member has a qualifying serious injury or illness. Details regarding eligibility for and limitations of Military Caregiver Leave are set forth in the District Family and Medical Care Leave Policy.
- 303.5.6 Employees requesting a Military Leave of Absence must provide advance notice of their intent to take military leave and provide copies of their orders (or provide other appropriate documentation to substantiate the need for military leave if orders are not available, (i.e., Special Operations) to their supervisor, unless doing so is unreasonable or is precluded by military necessity. This request must identify the type of leave, anticipated dates and duration of the leave.
- (a) In an emergency situation, if orders are not available at the time of the ordered leave, oral notice should be given as soon as possible, with a copy of the military orders to be provided to the District as soon as it is available.
- 303.5.7 Employees ordered into active federal military duty as a member of the National Guard or Naval Militia will be granted military leave for a period not to exceed five (5) years, unless there is an authorized exemption. Authorized exemptions to the five-year limit include: initial enlistments lasting longer than five years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls.

- 303.5.8 Employees ordered to temporary active duty, or for training, will be granted military leave for a period not to exceed 180 calendar days, including time spent traveling to and from such duty.
- 303.5.9 Employees will receive District pay while on military leave as set forth below:
- (a) Employees employed by the District for a period of not less than one year are entitled to pay for the first 30 days of military leave.
  - (b) National Guard members on military leave are entitled to receive pay for the first 30 days of leave, regardless of length of service with the District.
  - (c) The aggregate of payments for reserve training leave, temporary military leave, and military leave shall not exceed thirty (30) calendar days in any one fiscal year.
  - (d) If an employee's military leave exceeds 30 days in any fiscal year, the employee will have the option of using available vacation, compensatory time, or to move to military leave without pay (MLWOP) status.
- 303.5.10 The District will continue to pay the District's portion of the cost of Health Insurance for an employee while he or she is on any military leave to the same extent it would if the employee were working, regardless of pay status, for a maximum of thirty (30) days. "Health Insurance" is defined as medical, vision, and dental insurance. The employee must continue to pay his/her employee contribution to Health Insurance either through payroll deduction while using leave balances, or by direct payment to the District.
- 303.5.11 Employees on temporary military leave and who have at least one year of service with the District or at least one year of combined military/District employment service, continue to accrue the same vacation, sick leave, and holiday benefits for up to a maximum of 180 days. This provision also applies to employees who are members of the National Guard.
- (a) Employees on active military leave are not entitled to accrue sick leave or vacation during the period of Military Leave.
  - (b) Employees who are members of the National Guard and are on active military leave accrue vacation and holiday benefits, but not sick leave, for the first 30 days of active service.
- 303.5.12 An employee returning from active duty after serving in time of war or national emergency must seek reemployment within six months after

completing military service, but not later than six months after the end of the war or national emergency. Reemployment rights do not extend to an employee who fails to return to his/her position within 12 months after the first date on which he or she could terminate active military service.

- (a) An employee on military leave for reasons other than war or national emergency must return to work or seek reemployment as set forth below:
  - (1) An employee whose military leave lasted from 1 to 30 days must report to the District by the beginning of the first full regularly scheduled work day on the first full calendar day following the completion of the period of service.
  - (2) An employee whose military service lasted from 31 to 180 days must submit a reemployment application (verbally or in writing) with the District no later than 14 days after the completion of the period of service.
  - (3) An employee whose military leave lasted more than 180 days must submit a reemployment application (verbally or in writing) with the District no later than 90 days after the completion of the period of service.
- (b) An employee who fails to report to work or submit a reemployment application as set forth in this Section may be deemed to be on Unauthorized Leave from the District.

### 303.6 Family and Medical Care Leave

- 303.6.1 The District will provide up to twelve (12) weeks of Family and Medical Care Leave in a twelve- (12) month period for eligible employees as required by State and Federal Law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations that are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 ("FMLA"), and the regulations of the California Family Rights Act of 1993 ("CFRA"), as amended.
- 303.6.2 District employees who have been employed by the District for twelve (12) months and have worked one thousand two hundred and fifty (1,250) hours or more in the twelve (12) months immediately preceding the request for leave are eligible to take Family and Medical Care Leave.
- 303.6.3 Leave is only permitted for the following reasons:



- (a) The birth of a child or to care for a newborn of an employee;
- (b) The placement of a child with an employee in connection with the adoption or foster care of a child;
- (c) Leave to care for an immediate family member, as defined in Section 303.15, below, who has a serious health condition;
- (d) Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position;
- (e) Leave for a “qualifying exigency” arising out of the fact that an employee’s immediate family member is on active duty or is called to active duty status in the regular Armed Forces, National Guard or Reserves who is deployed by the military to a foreign country; or
- (f) Leave to care for an immediate family member of the service member or veteran within five years of discharge from the military of the United States Armed Forces, National Guard or Reserves who has a serious injury or illness incurred in the line of duty while on active military duty.

303.6.4 An eligible employee may be granted up to a total of twelve (12) work weeks of Family and Medical Care Leave in a rolling twelve- (12) month period. This rolling twelve-month period will be measured forward from the date an employee uses any Family and Medical Care Leave. In the case of a serious health condition of an employee or an employee’s family member, adequate medical certification is required.

- (a) An eligible employee may be granted up to a total of twenty six (26) work weeks of Military Caregiver Leave during a single 12-month period to care for a covered service member or veteran within five years of discharge from the military who has a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy; or otherwise in an outpatient status; or otherwise on the temporary disability retired list. The single 12-month period shall be measured forward from the date an employee’s first FMLA leave to care for the covered service member begins. During the single 12-month period, an eligible employee’s FMLA leave entitlement is limited to a combined total of 26 workweeks of FMLA leave for any qualifying reason.
- (b) Where FMLA leave qualifies as both Military Caregiver Leave and care for a family member with a serious health condition, the leave will be designated as Military Caregiver Leave first.

- 303.6.5 If leave under this Section is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks duration on any two occasions.
- (a) If leave is requested to care for an immediate family member or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the employee must comply with the notice and medical certification provisions of this policy.
- 303.6.6 Family and Medical Care Leave may be taken on an intermittent basis as separate blocks of time or on a reduced leave schedule due to a single qualifying event if it is medically necessary for medical treatment of a serious health condition, for recovery from treatment or recovery from a serious health condition, or in conjunction with a chronic serious health condition of the employee or a member of the employee's immediate family.
- (a) The employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. It may also be taken to provide care or psychological comfort to an immediate family member with a serious health condition.
- (b) Intermittent or reduced schedule leave after the birth or placement of a child for adoption or foster care may be taken only if the District agrees, unless the intermittent or reduced schedule leave is due to the mother's serious health condition or the baby's serious health condition. Intermittent leave must be taken in increments of at least one-half hour.
- (c) An employee taking intermittent leave or leave on a reduced schedule for planned medical treatment or recovery from a serious health condition, or an employee permitted to take intermittent leave or reduced schedule leave for the birth or placement of a child, may be temporarily transferred to an available alternative position for which the employee qualifies which better accommodates recurring periods of leave than the employee's regular position. Although the alternative position may or may not have equivalent duties, the employee will receive equivalent pay and benefits during the time he/she works in the alternative position.

- (d) Leave due to a qualifying exigency may be taken on an intermittent or reduced schedule basis.

303.6.7 Employees on approved Family and Medical Care Leave will be required to exhaust accumulated leave balances before being placed on unpaid leave, as provided below:

- (a) If the need for leave is in conjunction with employee's own serious health condition, the employee must first exhaust accrued sick leave balances, then other leave balances including vacation, compensatory time off, and holiday time prior to moving to unpaid Family and Medical Care Leave.
- (b) If the need for leave is in conjunction with the care of an immediate family member who has a serious health condition, the employee may use the limited allowance of sick leave hours and then must use other leave balances including vacation, compensatory time off, and holiday time prior to moving to unpaid Family and Medical Care Leave.
- (c) If the leave is requested for a non-medical reason such as bonding after the birth of a child, the employee must exhaust accrued vacation and other leave balances exclusive of sick leave prior to moving to unpaid Family and Medical Care Leave. (Compensatory time may be voluntarily elected.)
- (d) An employee on leave that is qualifying under the California Family Rights Act (CFRA) and who is receiving either disability or paid family leave benefits through the State of California is not required to use leave accruals prior to moving to unpaid Family and Medical Care leave.

303.6.8 If an employee takes a leave for any reason that is FMLA/CFRA qualifying, the District may designate the requested leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement. Upon District designation of leave as FMLA/CFRA qualifying, written notice of such shall be provided to the employee.

303.6.9 The District will continue to pay the District's portion of the cost of "Health Insurance" for an employee while he/she is on an approved Family and Medical Care Leave to the same extent it would if the employee were working, regardless of pay status.

- (a) "Health Insurance" is defined as medical, vision, and dental insurance.

- (b) The employee must continue to pay his/her employee contribution to Health Insurance” either through payroll deduction while using leave balances, or by direct payment while on unpaid leave.
  - (c) Coverage on a particular plan may be dropped if the employee is more than 30 days late in making a premium payment. However, the employee shall receive a notice at least 15 days before coverage is to cease, advising that he/she will be dropped if the premium payment is not paid by a certain date.
  - (d) Contribution amounts for all employees are subject to any change if changes in rates occur while the employee is on leave.
  - (e) If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the District shall have the right to recover its share of Health Insurance premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee’s control.
- 303.6.10 An employee disabled by pregnancy is eligible for up to four (4) months of leave for medical disability related to pregnancy under State law. This leave may be in addition to up to twelve (12) weeks of Family and Medical Care Leave. Family and Medical Care Leave available under the California Family Rights Act will not run concurrent with Pregnancy Disability Leave.
- (a) The total combined duration of District contribution toward Health Insurance available during unpaid leaves due to any combination of pregnancy disability, the employee’s serious health condition, and family care purposes under this Section will not exceed twenty-nine and one-third (29.33) weeks in a twelve (12)-month period.
- 303.6.11 Although the District recognizes that emergencies arise that may require an employee to request immediate leave, the employee is required to give as much notice as possible of his/her need for leave.
- (a) Except for qualifying exigency leave, if leave is foreseeable, at least 30 days written notice is required. If an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g., for the birth of a child or to take care of a newborn), the employee is to inform his/her supervisor as soon as possible that such leave will be needed; this notice may be given orally.

- (b) In the case of a qualifying exigency, the employee shall provide the District with a copy of the covered service member's active duty orders or other documentation issued by the military that indicate that the service member is on, or has been called to, active duty for deployment by the military to a foreign country and the dates of the active duty service. In addition, the employee will provide documentation that the leave is for a qualifying exigency listed in this policy and the anticipated length of the leave.
- 303.6.12 Following receipt of a Request for Medical Leave of Absence Form the District shall, within five (5) business days, send the employee a Notice of Eligibility and Rights and Responsibilities. At that time the employee will be given at least 15 calendar days to return to the District a completed Certification of Health Care Provider, either for the employee's own serious health condition or for the serious health condition of an immediate family member.
- 303.6.13 An employee requesting Family and Medical Care Leave due to his or her own the serious health condition, or the serious health condition of a family member shall provide certification from the health care provider treating the individual.
  - (a) When a leave is requested for the serious health condition of a family member, the certification must include the date, if known, on which the serious health condition commenced; the probable duration of the condition; an estimate of the time the health care provider believes the employee needs to care for the individual; and a statement that the serious health condition warrants the participation of the employee to provide care during treatment.
  - (b) When a leave is requested for the serious health condition of the employee, the certification shall include the information included above, and a statement that, due to the serious health condition, the employee is unable to perform any one or more of the essential functions of the position.
  - (c) If the District has a good faith, objective reason to doubt the validity of a certification provided by the employee for his or her own serious health condition, the District may require a medical opinion of a second health care provider chosen and paid for by the District. If the second opinion is different from the first, the District may require the opinion of a third provider jointly approved the District and the employee, but paid for by the District. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a second or third medical opinion sought.

- (d) Medical certification for a Military Caregiver Leave shall be from a United States Department of Defense, Department of Veteran's Affairs, or other authorized medical provider. It shall indicate:
  - (1) whether the service member has incurred a serious injury or illness;
  - (2) whether the injury or illness renders the service member medically unable to perform the duties of the member's position;
  - (3) whether the injury or illness was incurred in the line of duty while on active duty;
  - (4) whether the service member is undergoing medical treatment, recuperation, or therapy, or is otherwise on outpatient status, or is otherwise on the temporary disability retired list;
  - (5) the probable duration of the injury or illness;
  - (6) the frequency and duration of leave the family member requesting leave will require; and
  - (7) the family relationship of the eligible employee to the covered service member.
- (e) When an employee's leave is foreseeable and at least 30 days' notice has been provided, if medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to the District within the timeframe requested by the District (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.
- (f) If an employee provides an incomplete medical certification the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established by this policy, the District may delay the taking of Family and Medical Care Leave until the required certification is provided.
- (g) Recertification of the serious health condition may be requested upon the expiration of the time period the health care provider originally estimated. Re-certification from a health care provider may only be requested after the first certification has expired.

- (h) Upon receipt of the Certification of Health Care Provider, the District will send the employee a Family and Medical Care Leave Designation memo, indicating if the leave is approved, not approved or if additional information is needed to make a determination. If the leave is approved, the Family and Medical Care Leave Designation memo will set forth any conditions of the leave that may exist beyond what are provided in the Notice of Eligibility and Rights and Responsibilities.
- 303.6.14 An employee granted Family and Medical Care Leave in accordance with this policy shall, upon returning to work, generally be reinstated to the position of employment held before the leave commenced, or, if such a position is not available, to an equivalent position with equivalent employment benefits, pay, and terms and conditions of employment.
  - (a) Employees have no greater rights to reinstatement, benefits, and conditions of employment than if the employee had been continuously employed during the leave period.
- 303.6.15 It is against District policy and State and Federal law to discriminate against any individual because that individual has exercised his or her right to Family and Medical Care Leave or leave taken under the California Family Rights Act.
- 303.6.16 An employee who fraudulently obtains or uses leave under the California Family Rights Act is not protected by job restoration or maintenance of health benefit provisions of that Act.
- 303.7 Pregnancy Disability Leave
  - 303.7.1 The District will provide up to four months, or seventeen and one-half (17.5) weeks of Pregnancy Disability Leave to eligible employees as required by State law.
  - 303.7.2 An employee who has been advised by her health care provider that she is disabled due to pregnancy or a pregnancy-related condition, and who has provided timely notice of this determination to the District, is entitled to Pregnancy Disability Leave. There is no minimum service requirement for eligibility.
  - 303.7.3 Pregnancy Disability Leave is available when a woman is actually disabled by her pregnancy, childbirth, or a related medical condition. The reasons for leave include:
    - (a) time off needed for prenatal care;
    - (b) severe morning sickness;

- (c) doctor-ordered bed rest; and/or
- (d) childbirth, recovery from childbirth, and any related medical condition.

A woman does not have to be completely incapacitated or confined to her bed to qualify as being disabled by pregnancy. However, as a general rule, a woman must be, in the opinion of her physician, unable to perform one or more essential functions of her job without undue risk to herself or to other persons, or without undue risk to successful completion of her pregnancy.

- 303.7.4 The duration of Pregnancy Disability Leave is limited to four months (17.5 weeks) during the period the employee is disabled by pregnancy or a pregnancy-related condition.
- 303.7.5 Pregnancy Disability Leave may be accounted for in increments of no greater than one hour, or the increment utilized to account for use of other forms of leave (if the same is less than one hour).
- 303.7.6 An employee disabled by pregnancy is eligible for intermittent or reduced schedule leave if recommended by her treating physician.
  - (a) If intermittent leave is medically advisable, it may be necessary to temporarily transfer the employee to an available alternative position with an equivalent rate of pay and benefits.
  - (b) The employee must be qualified for the available alternative position.
  - (c) The equivalent position must better accommodate recurring periods of leave than the employee's regular job.
  - (d) If there is no available alternative position, the District may consider altering the employee's existing position on a temporary basis to accommodate intermittent leave or reduced schedule.
- 303.7.7 The District will consider temporary reasonable accommodations that are determined to be medically advisable by the employee's health care provider, and reasonable by the District. Temporary accommodations may include:
  - (a) Additional leave after the employee has exhausted her right to four months of Pregnancy Disability Leave;
  - (b) Transfer to a less strenuous or hazardous position if the employee's health care provider states that it is medically advisable and the employee is qualified for the position;



- (c) Creation of a temporary light-duty assignment, or modification of current job on a temporary basis;
  - (d) Modifying the work schedule on a temporary basis; and/or
  - (e) Allowing more frequent restroom breaks.
- 303.7.8 An employee seeking a temporary accommodation in conjunction with pregnancy or a pregnancy-related condition shall provide notice of the need for such an accommodation in advance of the needed accommodation, unless such notice is not possible.
- (a) The request for accommodation must include Medical Certification that documents the specific limitations the health care provider has set forth for the employee, as well as the anticipated duration of those limitations.
  - (b) The District shall engage in an interactive process with an employee seeking a temporary accommodation in conjunction with pregnancy or a pregnancy-related condition to identify, discuss, evaluate, and implement accommodations that are consistent with the recommendations of the health care provider.
- 303.7.9 Employees on approved Pregnancy Disability Leave will be required to exhaust accumulated leave balances before being placed on unpaid leave. However, if the employee is receiving either disability or paid family leave benefits, the employee is not required to use any of her paid time off, sick leave or accrued vacation during the qualifying leave.
- 303.7.10 The District will continue to pay the District's portion of the cost of "Health Insurance" for an employee while she is on an approved Pregnancy Disability Leave to the same extent it would if the employee were working, regardless of pay status, for a maximum of four (4) months.
- (a) "Health Insurance" is defined as medical, vision, and dental insurance. The employee must continue to pay his/her employee contribution to Health Insurance either through payroll deduction while using leave balances, or by direct payment to the District while on unpaid leave.
  - (b) Coverage on a particular plan may be dropped if the employee is more than 30 days late in making a premium payment. However, the employee shall receive a notice at least 15 days before coverage is to cease, advising that she will be dropped if the premium payment is not paid by a certain date.

- (c) Contribution amounts for all employees are subject to any change if changes in rates occur while the employee is on leave.
  - (d) The total combined duration of District contribution toward Health Insurance available during unpaid leaves due to any combination of pregnancy disability, the employee's serious health condition, and family care purposes will not exceed twenty-nine and one-third (29.33) weeks in a twelve- (12) month period.
- 303.7.11 Leave available under the California Family Rights Act will not run concurrent with Pregnancy Disability Leave. An employee may have separate eligibility for "bonding" leave following the birth of a child under the California Family Rights Act. Refer to the District Family and Medical Care Leave policy for information about eligibility requirements.
- 303.7.12 Employees must provide at least thirty (30) days' advance notice of the need for Pregnancy Disability Leave, or the need for a temporary reasonable accommodation, or transfer in conjunction with pregnancy, if the need is foreseeable. If such notice is not possible due to a change in circumstances, medical emergency, or other good cause, the employee is required to provide notice as soon as practicable.
- 303.7.13 Medical certification will be required to support the need for Pregnancy Disability Leave or other reasonable accommodation in conjunction with pregnancy or a pregnancy-related condition.
- (a) Medical certification is to be provided by the employee's health care provider, and must include:
    - (1) the date on which the employee became disabled due to pregnancy;
    - (2) the anticipated duration of the period of disability; and
    - (3) an explanatory statement that, due to the disability, the employee is unable to work at all, or is unable to perform any one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.
- 303.7.14 An employee returning from Pregnancy Disability Leave or temporary accommodation shall be reinstated to the same position she held prior to taking leave or undertaking a temporary accommodation in conjunction with pregnancy or a pregnancy-related condition, except as provided below.

- (a) The employee may not be reinstated to the exact same position if the employee would not have been employed for reasons unrelated to the leave, such as a layoff.
- (b) If the exact same position is not available, the employee will be reinstated to a comparable position. A comparable position is one that is virtually identical to the employee's previously held position, including wages, benefits, working conditions, and shift.

### 303.8 Bereavement Leave

- 303.8.1 A leave of absence with pay because of death in the immediate family of a person in the District employ, as defined in Section 303.15, below, may be granted by the District Manager for a period not to exceed three days.
- 303.8.2 For out-of-state funerals the Board authorizes an additional day (for a total of four days).
- 303.8.3 Entitlement to a leave of absence under this Section shall be in addition to any sick leave, emergency leave, or any other leave to which the employee may be entitled.

### 303.9 Jury Duty

- 303.9.1 The District will grant time off in conjunction with service on a jury, or serving as a witness in response to a subpoena pursuant to the requirements of the Federal Jury System Improvement Act of 1978 and California Labor Code section 230. Compensation during authorized jury or witness duty will be provided pursuant to the terms of this policy, as may be modified by relevant Memoranda of Understanding or approved Compensation Agreements.
- 303.9.2 In the event an employee is called for jury duty, no deduction from salary will be made for the absence while serving as a juror or in answering the call for jury duty; provided, however, that the employee shall endorse payments from the Courts for jury duty to the District.
- 303.9.3 Employees may retain any reimbursement for mileage issued by the Courts in conjunction with jury service.
- 303.9.4 Unless otherwise provided for in the relevant Memoranda of Understanding, employees called to jury duty must report to work before or return to work following their service whenever practical.
  - (a) If an employee does not have to report to the jury room/court for full days in the midst of their service, he or she is expected to report to work whenever practical.

- (b) An employee's failure to report to work may be considered to be an absence without leave and could be subject to disciplinary action.
- (c) Employees who must report for jury duty on their regular days off will not be eligible for jury duty pay. Such service is considered to be a civic duty and not compensable by the District.

303.9.5 In the event an employee is subpoenaed to appear as a witness in a trial for which the employee is not a party of interest, no deduction from salary will be made for the absence while serving as a witness or in answering the subpoena; provided, however, that the employee shall endorse all payments, if any, for witness duty to the District.

### 303.10 School Activities Leave

303.10.1 Parents, guardians, grandparents, or individuals serving as parents with custody of minor children are entitled to take up to forty (40) hours of time off work each year to attend school-related activities for the following reasons:

- (a) when a student has been suspended and the parent, guardian or grandparent is required to appear at the school pursuant to the school's request; and/or
- (b) to attend designated Child-Related activities. Child-Related activities include: attending school functions, activities and programs; finding, enrolling or reenrolling a child in a school or with a licensed child care provider; addressing a child care or school emergency, including closure or unexpected unavailability of the school (excluding planned holidays) or a natural disaster.

303.10.2 Except for the need to address a child care provider or school emergency, the use of School Activities Leave is limited to 8 hours per month.

303.10.3 The District may require proof of an employee's participation in these activities.

303.10.4 The employee must provide reasonable advance notice to his or her supervisor before taking any time off under this policy.

303.10.5 Employees must use accrued paid time off for the absence. If the employee does not have any accrued paid time off, the absence will be unpaid. However, exempt employees will be paid their full salary for any week in which they perform any work for the District that is interrupted by the need for time off under this policy.

### 303.11 Time Off for Crime Victims

- 303.11.1 Employees who have been victims of serious or violent felonies, as specified under California law, or felonies relating to theft or embezzlement, may take time off work to attend judicial proceedings related to the crime.
- 303.11.2 Employees also may take time off if an immediate family member has been a victim of such a crime and the employee needs to attend judicial proceedings related to the crime.
- 303.11.3 Employees must give their supervisor a copy of the court notice given to the victim of each scheduled proceeding before taking time off, unless advance notice to the District of the need for time off is not feasible. When advance notice is not feasible, the employee must provide the District with documentation evidencing the judicial proceeding, within a reasonable time after the absence. The documentation may be from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim.
- 303.11.4 Employees will be paid under this section only to the extent they have accrued vacation or compensatory time off available.

### 303.12 Catastrophic Leave

- 303.12.1 A leave of absence with pay for up to five days annually may be granted in the case of a catastrophic event (such as earthquake, flood or fire) that directly impacts the employee or a member of the employee's immediate family as defined in Section 303.15, below. Employees must request and receive approval from the District Manager to receive paid Catastrophic Leave. Catastrophic Leave shall be in addition to any other entitled sick, vacation or other leave benefit.

### 303.13 Medical Leave Donation Program

- 303.13.1 Any District employee who accrues vacation credit may voluntarily donate those credits to any other District employee if the recipient employee experiences a catastrophic illness or injury and has exhausted all accrued leave credits, i.e. sick leave, vacation, compensatory time off, due to illness or injury, including pregnancy and maternity leave.
- 303.13.2 Employees may donate a maximum of forty (40) hours of vacation per fiscal year in increments of eight hours in support of fellow employees who experience a catastrophic illness or injury. Unused donated time will be returned proportionally to the donors.

- 303.13.3 Donated time will be “banked,” using the value of each hour of donated time as the basis for credit.
- 303.13.4 An employee may request a grant of donated time under the program when he/she has a catastrophic illness or injury, and has exhausted all accrued paid leave benefits. Grants may be requested when the employee must care for a member of his/her immediate family under the same conditions. The request must include documentation of the catastrophic illness or injury, the limitations of that condition, and the anticipated duration of the condition.
- 303.13.5 A request for donated time under this program may be submitted by the legal representative or an employee’s immediate family member with the employee’s authorization. The request must include documentation of the catastrophic illness or injury, the limitations of that condition, and the anticipated duration of the condition.
- 303.13.6 Grants of donated time will be approved by the District Manager, with consideration being given to the amount of available donated time and the demonstrated need of the employee. In no event will a grant of donated time be approved for an employee who has a history or record of sick leave abuse or failure to responsibly use accrued leave benefits.
- 303.13.7 Grants will be awarded as hours from the leave bank. Donated vacation credit may not exceed continuance of the employee’s regular rate of compensation.

#### 303.14 Leave Without Pay

- 303.14.1 A leave of absence without pay may be granted by the Board of Trustees upon the request of a District employee and recommendation of the District Manager, but such leave shall not be for longer than six months. Nothing herein contained shall limit or prevent the granting of a leave of absence without pay for a period longer than six months to any employee who is injured on the job or has a serious illness, or mental or physical impairment. However, such occurrence may result in the initiation of a reasonable accommodation evaluation under the Americans with Disabilities Act.
- 303.14.2 Unless otherwise specifically provided in the policies in this Chapter, or set forth in provisions of the Employee’s Memorandum of Understanding, the District Manager is directed NOT to pay the health benefits of employees at any time that they are on leave from the District.

#### 303.15 Definition of Immediate Family

- 303.15.1 The definition of “Immediate Family” shall be consistently applied to all leave policies set forth in this Chapter. The District purposefully elects a broad and consistent definition which may, in some circumstances, be beyond what is required by law and regulation, to ensure efficient and consistent administration of leave policies.
- 303.15.2 For purposes of leave administration in this Chapter, “Immediate Family” is defined as an employee’s: Spouse (including a lawfully married same-sex spouse), registered domestic partner, child, child of registered domestic partner, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, stepfather, parent-in-law, grandparent and grandchild.

### Section 304. Probation and Performance Management

#### 304.1 Probationary Period

- 304.1.1 The probationary period is regarded as a part of the selection process for regular employees and shall be utilized for the purpose of determining the employee’s ability to satisfactorily perform the essential job duties, with or without reasonable accommodations, prescribed for the position, and determining the employee’s ability to work with other employees. All probationary employees are considered to be “at-will.” The probationary period policy does not apply to temporary, part-time, seasonal or at-will management employees.
- 304.1.2 All initial and promotional appointments shall be tentative and subject to a probationary period of actual District service in the new position. The probationary period shall not include time served under any temporary or provisional appointment. The length of the initial and promotional probationary period shall be six (6) months for all full-time employees.
- 304.1.3 The probationary period of an individual employee may be extended by the District Manager prior to the expiration of probation, upon the request of the supervisor and approved by the District Manager, for a period not to exceed an additional six (6) months.
- (a) Probation may be extended if there has been insufficient opportunity to fully evaluate the employee’s ability to perform the duties prescribed for the regular position. Such an extension must be approved by the District Manager, and the employee shall be notified in writing of the extension of the probationary period.
- (b) If the number of leaves of absences (paid or unpaid) totals thirty (30) or more days, it will automatically extend the probationary

period the equivalent amount of time the employee was absent from work.

- 304.1.4 A supervisor may determine that a probationary employee should not pass probation at any time during the employee's probationary period or extension thereof. When the supervisor makes such a determination, he/she shall notify the District Manager in writing. Upon approval of the District Manager, the supervisor shall terminate employment of the probationary employee by written notice prior to the expiration of probation.
- 304.1.5 Probationary employees serve in an at-will capacity. Any release from probation shall not be for cause but rather, because the employee failed to meet the standards of the class/position. The employee shall have no right of appeal of failure to pass probation.
- 304.1.6 An employee who fails to pass probation following a promotional appointment shall be reinstated to his/her former position or to a vacant position in the same classification, if said employee held regular status in the classification.
- 304.1.7 If an employee is promoted during a probationary period, the employee shall serve the probationary period in the new position. If the employee does not pass the probationary period of the promotion, there are no specific employee rights to return to his/her previous job, since regular status was not obtained.

## 304.2 Performance Evaluations

- 304.2.1 The performance management system at the District is designed to motivate, recognize and reward employees' efforts and achievements. The District strives to create a work environment in which employees are recognized and rewarded for their contributions and where employees understand, contribute and help meet the District's overall goals.
- 304.2.2 Goal-oriented performance objectives should be established and clearly communicated for each employee. Both performance and behavioral objectives may be established. It is important that employees understand the District's expectations.
- 304.2.3 The District encourages individual feedback to employees on a regular basis. The District's performance management system is designed so that each permanent employee will be evaluated at least annually, and quarterly while the employee is on probation.
- 304.2.4 Employees will be eligible for consideration of a salary step increase in conjunction with the annual evaluation. The first increase will be



considered with the evaluation at the employee's six-month anniversary.

- 304.2.5 All employee evaluations shall be prepared in written form and shall be signed by the employee's supervisor. (The District Manager's supervisor is the Board of Trustees or its chosen representatives.)
- 304.2.6 For each evaluation, there shall be a performance evaluation review meeting between the employee and the employee's supervisor, during which the written evaluation shall be presented and discussed.
- (a) Upon completion of the performance evaluation review meeting, the employee shall sign the evaluation to show that the interview was completed.
  - (b) The employee shall have the opportunity to provide written comments regarding the evaluation within seven days of the interview.
  - (c) The District Manager shall review the performance evaluation and employee comments. He/she shall sign the performance evaluation to indicate that the process was completed. A copy of the completed performance evaluation, and the employee's comments, shall be provided to the employee. The original copy shall be kept in the employee's personnel file.
- 304.2.7 An employee evaluation that is less than satisfactory shall require preparation of a remedial plan to be signed by the employee, and a follow-up evaluation within six months.
- 304.2.8 The performance evaluation is not subject to the grievance process set forth in Chapter 700 of this Policy Manual.

### Section 305. Drug Free Workplace

- 305.1 The Alameda County Mosquito Abatement District is committed to providing a work environment that is safe, healthy, and free of any adverse effects caused by alcohol or controlled substances. The District is concerned about employees or other persons working, contracting, or volunteering with the District being under the influence of alcohol, drugs, and/or controlled substances at work or while on District premises. The purpose of this policy is to promote a drug and alcohol-free workplace and to eliminate substance abuse and its effects in the workplace.
- 305.2 A District employee is prohibited from working or being subject to call-in if impaired by alcohol or any controlled substance.
- 305.3 An employee must notify his/her supervisor before beginning work when taking medications or drugs that could interfere with the safe and effective performance

of duties or operation of District equipment. If there is a question regarding an employee's ability to perform assigned duties safely and effectively while using prescribed medications, the District may require medical clearance.

- 305.4 Compliance with this policy is a condition of District employment. Disciplinary action will be taken against those who violate this policy.
- 305.5 In order to promote a safe, productive, and efficient workplace, the District has the right to search and inspect all District property, including but not limited to lockers, storage areas, furniture, District vehicles, and other places under the common or joint control of the District and employees, without prior notice. No employee has any expectation of privacy in any District building, property, or communications system. No personal property items, such as purses, backpacks, briefcases, etc., will be searched under this policy.
- 305.6 Except as provided otherwise in a Memorandum of Understanding, the District has discretion to test a current employee for alcohol or drugs following any work-related accident or any violation of safety precautions or standards.





## CHAPTER 400. OPERATIONS

### Section 401. District Policy General

The following goals and guidelines have been adopted by the Board of Trustees of the Alameda County Mosquito Abatement District to be used by management in the formulation and implementation of District programs:

- (a) The District shall carry on a mosquito control program to provide an acceptable level of comfort and to protect the public from mosquito-borne disease.
- (b) The control program shall be consistent with prevailing land-use planning, comply with the California Environmental Quality Act of 1970 (adopted February 28, 1973), and be appropriately integrated with environmental management plans.
- (c) The mosquito control program shall emphasize environmental management techniques that reinforce already operating forces of natural control. Control agents and/or methodologies shall be selected on the basis of human and environmental safety and efficiency.

401.1 Other Pertinent Legislation and Cooperative Agreements Providing Constraints on the Operations of the Alameda County Mosquito Abatement District:

- (a) California Department of Agriculture Pesticide Worker Regulation;
- (b) Cooperative Agreement, State Department of Public Health; and/or
- (c) Occupational Safety and Health Act.

401.2 Source Reduction Policy

401.2.1 It shall be the overall goal of the Alameda County Mosquito Abatement District to provide for the public's health and comfort by carrying on a program of mosquito source abatement that is responsive to the public, cost effective, compatible with the natural environment and consistent with prevailing land-use planning or zoning.

401.2.2 The primary objective of the District shall be the progressive elimination and/or management of mosquito breeding sources. This shall be accomplished through District review of local government planning processes, by educational means, by public projects accomplished by the District or in cooperation with

regulatory agencies, by legal abatement procedures, or by other means.

- 401.2.3 When it is determined by the District that a mosquito source will require a continuing program of maintenance and/or water management, the District objective shall be to educate landowners and land managers to fully accept the responsibility for managing the mosquito source in a manner that will reduce mosquito production to a level determined to be satisfactory to the District.

### 401.3 Legal Abatement Procedures

- 401.3.1 Under the following circumstances, the District shall initiate legal procedures to abate a mosquito source, and/or gain repayment of the costs of temporary control incurred by the District:

- (a) A landowner, corporation, public agency, etc., has not made a reasonable effort to abate, or cooperate in the abatement of, a mosquito source as recommended by the District.
- (b) A landowner, corporation, public agency, etc., has not made a reasonable effort to take the responsibility for maintenance and management of a long-term mosquito source.
- (c) During the interim period before a source is eliminated, or before a mosquito control management program can be implemented by the landowner or land manager, the District shall, within the limits of its resources and legal authority, make physical modification, introduce biological controls, and/or apply approved pesticides to provide temporary control in order to maintain a satisfactory level of public health and comfort.

The District shall initiate legal action to abate the source, or to gain repayment of costs incurred by the District, when the conditions specified above prevail.

## Section 402. Injury and Illness Prevention Program

- 402.1 **Policy Statement.** The Alameda County Mosquito Abatement District will institute and administer a comprehensive and continuous occupational Injury and Illness Prevention Plan (IIPP) for all employees. The health and safety of the individual employee, whether in the field, shop, or office, takes precedence over all other concerns. Management's goal is to prevent accidents, to reduce personal injury and occupational illness and to comply with all safety and health standards.

- 402.2 **Program Administration.** Overall responsibility for the development, implementation, and monitoring of the IIPP shall be vested with the District

Manager. Day-to-day responsibility for the IIPP shall be assigned to the District Mechanical Specialist (IIPP Administrator). Duties of the IIPP Administrator include but are not limited to:

- (a) Ensuring that all supervisors are trained in workplace safety and are familiar with the safety and health hazards to which employees under their immediate direction may be exposed, as well as applicable laws, regulations, and the District's safety rules and policies;
- (b) Ensuring that employees are trained in accordance with this program;
- (c) Inspecting, recognizing, and evaluating workplace hazards, including repetitive stress, on a continuing basis;
- (d) Developing methods for abating workplace hazards;
- (e) Ensuring that workplace hazards are abated in a timely and effective manner;
- (f) Maintaining current certification in CPR and first aid training; and
- (g) Maintaining the District's Safety Binders, which include safety information on equipment and materials used at the District. A copy of the Safety Binder will be located in the Tech room for employee use.

#### 402.3 Employee Compliance

- 402.3.1 All employees are responsible for carrying out the IIPP in their work areas. A copy of the IIPP shall be available from the IIPP Administrator or the District Manager, who shall be able to answer employee questions about the program.
- 402.3.2 Employees who follow safe and healthful work practices will have this fact recognized and documented on their performance reviews.
- 402.3.3 Employees who are unaware of correct safety and health procedures will be trained or retrained by the IIPP Administrator and/or their supervisor and this training will be documented in the IIPP Training Log.
- 402.3.4 Willful violations of safe work practices may result in disciplinary action in accordance with District policies set forth in Chapter 700, below.

#### 402.4 Communication

- 402.4.1 Matters concerning occupational safety and health will be communicated to employees by means of written documentation, staff meetings, formal and informal training and posting.

- 402.4.2 Communication from employees to the IIPP Administrator about unsafe or unhealthy conditions is encouraged and may be verbal or written, as the employee chooses. The employee may use the Unsafe Condition form and remain anonymous.
- 402.4.3 No employee shall be retaliated against for reporting hazards or potential hazards, or for making suggestions related to safety.
- 402.4.4 The results of the investigation of any employee safety suggestion or report of hazard will be distributed to all employees affected by the hazard, or posted on appropriate bulletin boards.

#### 402.5 Inspections

- 402.5.1 The IIPP Administrator will conduct monthly inspections to identify unsafe work conditions and practices. The monthly inspection will also include all safety items such as fire extinguishers, eye wash stations, fire/smoke alarms and wash facilities. (See Emergency Equipment Maintenance Check Form.)
- 402.5.2 Employees are required to inspect equipment and the work site for unsafe conditions before beginning work each day.
- 402.5.3 The IIPP Administrator is also required to inspect new substances, processes, procedures, or equipment introduced into the workplace for occupational safety and work hazards.

#### 402.6 Accident and Incident Investigation

- 402.6.1 All work-related accidents shall be investigated by the District in a timely manner. Reported minor accidents and near misses shall be investigated as well as serious incidents. A “near miss” is an incident which, although not serious in itself, could have resulted in serious injury or significant property damage.
- 402.6.2 The investigation must obtain all the facts surrounding the occurrence including, but not limited to: what caused the situation to occur; who was involved; was/were the employee(s) qualified to perform the functions involved in the accident or near miss; were they properly trained; were proper operating procedures followed, and if not, why not; where else this or a similar situation might exist, and how it can be corrected. A written report of the investigation shall be prepared and submitted to the District Manager.
- 402.6.3 The accident and incident investigator (IIPP Administrator or person designated by the District Manager) must determine which aspects of the operation or process require additional attention to eliminate the cause of the accident or near miss.



- 402.6.4 Actions already taken to reduce or eliminate the exposures being investigated should be noted, along with those remaining to be addressed. Any interim or temporary precautions should also be noted. Any pending corrective action and reason for delaying its implementation shall be identified.
  - 402.6.5 Corrective action shall be identified in terms of how it will prevent a recurrence of the accident or near miss in the future.
- 402.7 Correction of Unsafe or Unhealthful Conditions
- 402.7.1 Whenever an unsafe or unhealthful condition, practice or procedure is observed, discovered, or reported, the IIPP Administrator will take appropriate corrective measures in a timely manner based upon the severity of the hazard. Employees will be informed of the hazard, and interim protective measures taken until the hazard is corrected.
  - 402.7.2 Employees may not enter an imminent hazard area without appropriate protective equipment, training, and prior specific approval given by the IIPP Administrator.
- 402.8 Training
- 402.8.1 The IIPP Administrator or designee shall assure that the supervisors receive training on recognizing the safety and health hazards to which employees under their immediate direction may be exposed.
  - 402.8.2 Supervisors are responsible for seeing that those under their direction receive training on general workplace safety and specific instructions regarding hazards unique to any job assignment.
  - 402.8.3 This safety training will be provided:
    - (a) To all employees and those given new job assignments for which training was not previously received;
    - (b) Whenever new substances, processes, procedures or equipment introduced to the workplace present a new hazard; and/or
    - (c) Whenever the employer is made aware of a new or previously recognized hazard.
  - 402.8.4 When supervisory staff are unable to provide the required training themselves, they shall request that the training be given by others or designees.

- 402.8.5 A specific list of training requirements for employee instruction is contained in the California Code of Regulations, Title 8, Section 1510, "Safety Instructions for Employees."

#### 402.9 Record Keeping

- 402.9.1 The IIPP Administrator or designee shall keep records of inspections, including the name of the person(s) conducting the inspection, the unsafe conditions and work practices identified, and action taken to correct those identified unsafe conditions and work practices. The records shall be maintained for three years.
- 402.9.2 The IIPP Administrator or designee shall also keep documentation of safety and health training attended by each employee, including employee name or other identifier, training dates, type(s) of training, and training providers. This documentation shall be maintained for three years.
- 402.9.3 The IIPP Administrator or designee shall keep records of all employees' safety and health-related certifications, including specifically certifications for pesticide application, first aid, and cardiopulmonary resuscitation. The IIPP Administrator or designee shall advise employees of the expected expiration of certifications in a timely manner so that certifications can be kept current. The IIPP Administrator or designee shall notify the District Manager immediately of the expiration of any employee's required certification.
- 402.9.4 The District Manager shall ensure that all required employee certifications are maintained.

#### 402.10 Hazard Communication Program

- 402.10.1 The Alameda County Mosquito Abatement District has developed a Hazard Communication Program to enhance our employees' health and safety.
- 402.10.2 As a District we shall provide information about hazardous chemicals and the control of hazards via our comprehensive Hazard Communication Program, which includes container labeling, Safety Data Sheets (SDS), and training.
- 402.10.3 It is the policy of the District that no container of hazardous substances will be released for use until the following label information is verified:
- (a) Containers are clearly labeled as to the contents;
  - (b) Appropriate hazard warnings are noted; and

(c) The name and address of the manufacturer are listed.

402.10.4 The container labeling responsibility is assigned to the IIPP Administrator. All secondary hazardous material containers will be labeled.

402.10.5 Employees are responsible for ensuring that all secondary hazardous material containers are labeled with either an extra copy of the original manufacturer's label or with a generic label blocking the original while clearly identifying the contents, including safety hazard information.

#### 402.11 Safety Data Sheets (SDS)

402.11.1 Copies of the Safety Data Sheets (SDS) for all hazardous substances to which employees of this District may be exposed will be kept in the Technician Room, and the IIPP Administrator will be responsible for obtaining and maintaining the SDS information for the District.

402.11.2 The IIPP Administrator shall review incoming SDS for new and significant health/safety information. Any new information shall be provided to the affected employees.

402.11.3 SDS will be reviewed for completeness by the IIPP Administrator. If an SDS is missing or obviously incomplete, a new SDS shall be requested from the manufacturer. Cal/OSHA shall be notified if a complete SDS is not received.

402.11.4 SDS shall be available to all employees in their work area for review. If SDS are not available or new hazardous substance(s) in use do not have SDS, contact the IIPP Administrator.

402.11.5 Employees are to attend a health and safety orientation set up by the IIPP Administrator prior to starting work to receive information and training on the following:

(a) An overview of the requirements contained in the Hazard Communication Program, including their rights under the regulation;

(b) Operations in their work area where hazardous substances are present;

(c) Location and availability of the written Hazard Communication Program;

(d) Physical and health effects of the hazardous substances;

- (e) Methods and observation techniques used to determine the presence or release of hazardous substances in the work area;
- (f) How to lessen or prevent exposure to these hazardous substances;
- (g) Steps the District has taken to lessen or prevent exposure to these substances;
- (h) Emergency and first aid procedures to follow if employees are exposed to these substances; and
- (i) How to read labels and review SDS to obtain appropriate hazard information.

402.11.6 When new hazardous substances are introduced, the IIPP Administrator will review in a safety meeting the above items as they are related to the new material.

#### 402.12 Hazardous Non-Routine Tasks

402.12.1 Periodically, employees are required to perform hazardous non-routine tasks. Prior to starting work on such projects, each affected employee will be given information by the IIPP Administrator or person in charge of the project about hazards to which they may be exposed during such an activity. This information will include:

- (a) Specific hazards;
- (b) Protective/safety measures which must be utilized; and
- (c) Measures the District has taken to lessen the hazards.

402.13 Outside Contractors. To ensure that outside contractors work safely at our District, it is the responsibility of the IIPP Administrator to provide contractors the following information:

- (a) Hazardous substances to which they may be exposed while on the job site; and
- (b) Precautions the contractor's employees may take to lessen the possibility of exposure by usage of appropriate protective measures.

402.14 Plan Questions. Questions about this plan should be directed to the IIPP Administrator. The plan will be monitored by the IIPP Administrator to ensure that the policies are carried out and that the plan is effective.

#### 402.15 ACMAD Safety Committee

402.15.1 The Safety Committee is to be made up of the District Manager, the IIPP Administrator, and two other employees representing the lab and field operations. The “two other employees” will serve on the committee for a one-year period (calendar year). All employees are to be rotated through the Safety Committee so that they might benefit from an increased awareness of safety at the District. At any time, a supervisor may attend a meeting. The Safety Committee is to meet at least quarterly.

The standing charges for the Safety Committee include:

- (a) Review all unsafe conditions reports to insure appropriate action has been taken. File reports with the IIPP Administrator.
- (b) Review all accident reports to make sure that such accidents are avoided in the future. Make recommendations for corrective action.
- (c) Review current safety record to determine trends.
- (d) Review new equipment to develop procedures for safe operation.
- (e) Review any new working procedures to modify as necessary to be safe.

#### Section 403. Computer, E-Mail, and Voice Mail Policy

403.1 The District’s computer, network, electronic data, e-mail, Internet access, voice mail, facsimile and telephone systems (“information systems”) are business tools made available to District employees in order to enhance efficiency in job performance, and are provided for the transmission of District business and information. These systems are to be used for District business only and not for personal purposes.

403.2 Personal telephone calls and/or e-mail during business hours, both incoming and outgoing, shall be confined to those which are absolutely necessary, and should be kept to a minimum.

403.3 The District owns the rights to all data and files in any computer, network, or other information system used in the District and to all data and files sent or received using any District system or using the District’s access to any computer network, to the extent that such rights are not superseded by applicable laws relating to intellectual property. The District also reserves the right to monitor electronic mail messages and their content, as well as any and all use by employees of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Employees must be aware

that the electronic mail messages sent and received using District equipment or District-provided Internet access, including web-based messaging systems used with such systems or access, are not private and are subject to viewing, downloading, inspection, release, and archiving by District officials at all times. The District has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with District policies and State and Federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate District official.

403.4 The District's information systems may not be used in any way that may be disruptive, offensive to others, or harmful to morale.

#### 403.5 Use of Social Media

403.5.1 Social Media sites may be used by the Alameda County Mosquito Abatement District as an additional means of conveying District information to its residents, constituents, and community members, and maximizing the promotion of District programs and services.

403.5.2 The intended purpose of establishing social media pages for the District's use is to establish an interactive communication platform with local residents and to disseminate information from the District and about the District. This policy is also intended to mitigate associated risks from use of social media technology, where possible.

403.5.3 The District has an overriding interest and expectation in protecting the integrity of information posted on its social media pages and deciding what is "said" on behalf of the District. This policy applies wholly to the District and all District Trustees, employees or officials who use social media sites and/or technology on behalf of the District. Further, the District's social media presence is intended to serve only as a limited public forum.

403.5.4 All official District presences on social media sites are considered an extension of the District's information networks and are governed by District policies, including e-mail, Internet usage, and use of electronic media policies. In addition, the District's presence on social media sites is also subject to the District's policies on harassment, discrimination, political activity, and customer relations.

403.5.5 Employees representing the District via social media sites must conduct themselves at all times as representatives of the District. Employees who fail to conduct themselves in an appropriate manner shall be subject to appropriate disciplinary actions.

- 403.5.6 Content posted on social media sites may be considered public records subject to disclosure under California's Public Records Act ("PRA" – Government Code §§ 6250, et. seq.). Any content maintained on any Approved District Social Media Site that is related to District business, including a list of subscribers, posted communication, and communication submitted for posting, as well as any deleted content, may be a public record subject to disclosure. All such content must be retained pursuant to the Public Records Act and the District's retention policy. PRA requests for the production of posts or deleted content on an Approved District Social Media Site shall be referred to the District Manager for review and response.

#### Section 404. Policy for District Vehicle Use

- 404.1 The District Manager may grant temporary use of a District vehicle to an employee for use after regular District work hours when it proves to be more efficient in the completion of District work.
- 404.2 No employee will be granted temporary use of a District vehicle under this policy who has not provided the District with proof of: (1) valid automobile insurance with coverage that meets current State minimums, and (2) a current DMV printout which documents that the employee has a valid California Driver's license, and an acceptable driving record.
- 404.3 At no time shall the District Manager grant use of a District vehicle to anyone other than a District employee or Trustee, and at no time shall the vehicle be used for any other purpose than District business.





## **CHAPTER 500. HIRING AND EQUAL EMPLOYMENT OPPORTUNITY POLICIES**

- 501 Hiring
- 501.1 All District recruitments shall be conducted on a merit-based, competitive basis. There is not an established minimum number of days set for an open recruitment; the number of days a recruitment is open will depend upon an analysis of the current labor market for that job class.
- 501.2 The job announcement and other advertisement materials will state the application process and timeline. An applicant's failure to provide a completed application by the filing deadline or failure to follow instructions may disqualify the applicant from further consideration.
- 501.3 Staff assigned by the District will review all application materials and determine those applicants who present qualifications that most closely match the requirements of the position, and who should be further considered for employment. After such review, applicants will be notified of their status and/or next steps in the selection process.
- 501.4 Applicants may be required to participate in a variety of selection processes that may include an interview panel and/or written examination, physical ability or skills testing, or any combination of valid and job-related assessments designed to evaluate an applicant's possession of the knowledge, skills and abilities relevant to the position. Performance in the selection processes will identify those applicants qualified to proceed further in the hiring process.
- 501.5 Applicant screening will include a review and confirmation of the applicant's employment history, education, professional credentials and/or certification, and criminal records (after the applicant is determined to be qualified for the position). If applicable to the position, the applicant's driving record and credit record may also be reviewed. Appropriate authorization from the candidate will be obtained before the background checks are initiated.
- 501.6 The District Manager or designee will be responsible for verifying references. An offer of employment shall not be made until the reference checking is completed.
- 501.7 Only the District Manager is authorized to approve an offer of employment to a candidate. The initial verbal offer of employment

may be made on a contingent basis, based on successful completion of further steps of the screening process. Contingencies may include a pre-placement medical exam. Candidates failing to meet the requirements of the contingent offer are subject to a withdrawal of the offer of employment.

- 501.8 The employee's first day of work is considered the employee's anniversary date for purposes of service start date and benefits determination. An employee's anniversary date may change if the employee becomes permanent from a temporary or seasonal classification. Employee performance evaluations and step increases fall on the anniversary day unless the employee's classification changed or he/she took a leave of absence that required bridging two periods of uninterrupted employment.

## 502 Equal Employment Opportunity

- 502.1 It is the District's policy to provide equal employment opportunity to all applicants and employees in accordance with applicable equal opportunity laws, directives and regulations of Federal, State and local governing bodies and agencies thereof. The District will base all of its employment decisions on job-related standards and its commitment to equal employment opportunity, and will employ, retain, train, promote, terminate and otherwise treat any and all employees and job applicants on the basis of merit, qualifications, and competence.
- 502.2 The District does not discriminate against its employees or applicants on the basis of race, religion, color, sex (including gender, gender identity, gender expression, pregnancy, and breastfeeding), sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, marital status, age, medical condition, genetic characteristics or information, and physical or mental disability, or any other category protected by law.
- 502.3 Non-Discrimination/Equal Opportunity applies in all areas of District operations, including recruitment, hiring, promotion, compensation, benefits, work assignments, performance evaluation, disciplinary actions, layoffs, and employee development, along with District educational, social, and recreational programs.

503 Reasonable Accommodation

- 503.1 The District provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the Americans with Disabilities Act.
- 503.2 An otherwise qualified candidate for employment who needs a reasonable accommodation to participate in a selection process should make such a request, preferably in writing, to the District Manager. The request must identify: (a) the presence of a disability as set forth in the California Fair Employment and Housing Act and/or the Americans with Disabilities Act, (b) the element(s) of the selection process for which an accommodation is requested, and (c) the requested accommodation.
- 503.3 An employee seeking a reasonable accommodation to perform the essential job functions of his/her job should make such a request, preferably in writing, to the District Manager. The request must identify: (a) the job-related functions at issue; and (b) the desired accommodation(s).
- 503.4 Following receipt of a request for accommodation, the District Manager may require additional information, such as reasonable documentation of the existence of a disability.
- 503.5 The District may require an employee to undergo a fitness for duty examination at the District's expense to determine whether the employee can perform the essential functions of the job with or without reasonable accommodation. The District may also require that a District-approved physician conduct the examination.
- 503.6 After receipt of reasonable documentation of a disability and/or a fitness for duty report, the District Manager will arrange for an interactive discussion, in person or via telephone conference call, with the employee and his/her representative(s), if any. The purpose of the discussion is to work in good faith to fully consider all feasible potential reasonable accommodations.
- 503.7 Following the conclusion of the interactive discussion, the District Manager will determine whether reasonable accommodation(s) can be made, and the type of accommodation(s) that will be offered. The District may not provide accommodation(s) that would pose an undue hardship upon District finances or operations, or that would endanger the health or safety of the employee or others. The District Manager will inform the applicant or employee of his/her decision as to reasonable accommodation(s) in writing.



## **CHAPTER 600. HARASSMENT AND DISCRIMINATION**

### Section 601. Policy

- 601.1 The District prohibits any form of discrimination or harassment on the basis of membership in one or more protected classifications as defined in Section 601.2, below, as may be amended by State and Federal law. District employees have a grave responsibility for maintaining high standards of honesty, integrity, impartiality and conduct to assure proper performance of the District's business and the maintenance of confidence of the people it serves.
- 601.2 Protected classifications include race, religion, color, sex (including gender, gender identity, gender expression, pregnancy, and breastfeeding), sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, marital status, age, medical condition, genetic characteristics or information, and physical or mental disability, or any other classification protected by law.
- 601.3 The District, elected or appointed officials, officers, employees, or contractors are prohibited from harassing or discriminating against applicants, officers, officials, employees, or contractors because of: (1) an individual's membership in a protected classification; (2) the perception that an individual is a member of a protected classification; or (3) the individual associates with a person who has or is perceived to be a member of a protected classification.
- 601.4 This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.
- 601.5 Disciplinary action or other appropriate sanctions up to and including termination will be instituted for prohibited behavior.
- 601.6 Any form of retaliation against a person for filing a complaint or participating in the complaint resolution process is prohibited. Individuals found to be retaliating in violation of this policy will be subject to appropriate sanction or disciplinary action up to and including termination.

### Section 602. Definitions

- 602.1 Harassment is unwelcome conduct based on membership in a protected classification that unreasonably interferes with an employee's job performance, or creates an intimidating, hostile or offensive work environment. Behavior that constitutes harassment may include, but is not limited to:

- (a) Unwanted sexual advances, requests for sexual favors and other acts where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions.
  - (b) Behavior that interferes with an employee's work performance or creates an intimidating, hostile or offensive working environment, including but not limited to:
    - (1) Speech, such as epithets, derogatory comments or slurs, on the basis of a protected classification. This might include inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification, or race-oriented stories and jokes.
    - (2) Physical acts, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement. This includes pinching, grabbing, patting, propositioning, or leering.
    - (3) Visual acts, such as displaying derogatory posters, or cartoons, or sending emails, pictures or drawings which are derogatory or sexually explicit.
- 602.2 Discrimination is treatment or consideration of, or making a distinction in favor of or against, an applicant or employee based on membership in a protected classification. Discrimination in employment applies to all aspects of employment, including hiring; firing; compensation; transfer; promotion or layoff; recruitment and testing; training and apprenticeship programs; fringe benefits; pay, retirement plans and disability leave; as well as other terms and conditions of employment.
- 602.3 Retaliation is any adverse conduct taken because an applicant, employee, or contractor has reported harassment or discrimination, or has participated in the complaint and investigation process described herein, and is prohibited. "Adverse conduct" includes but is not limited to: taking sides because an individual has reported harassment or discrimination, spreading rumors about a complaint, shunning and avoiding an individual who reports harassment or discrimination, real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination, or taking negative employment action.

### Section 603. Policy Dissemination

- 603.1 All employees shall be informed of the District's harassment and discrimination policy and complaint process prior to their need to know, and on a regular biennial basis. Also, said policy and complaint process shall be readily

available to the Board of Trustees, all employees, and members of the general public utilizing the District's facilities and services. All employees of the District shall receive training on harassment and discrimination prevention in the workplace.

- 603.2 All new employees shall be given a copy of the harassment and discrimination policy and complaint process upon hire.
- 603.3 Employees promoted into supervisory positions shall be given another copy of the District's harassment and discrimination policy, as well as training on the supervisor's role in preventing harassment and discrimination in the workplace.

#### Section 604. Complaint Process

- 604.1 An employee, job applicant or contractor who believes he or she is a victim of harassment or discrimination may make a complaint verbally or in writing with an incumbent in any of the following District positions without fear of reprisal. It is not necessary to follow the chain of command:

Immediate supervisor;  
Any supervisor; or  
District Manager or designee.

If the complaint of harassment or discrimination is the result of direct action or inaction on the part of the District Manager, the complaint should be filed directly with the President of the Board.

- 604.2 Any supervisor who receives a complaint of harassment or discrimination shall notify the District Manager or designee immediately.

#### Section 605. Complaint Response Process

- 605.1 Upon receipt of notification of a harassment or discrimination complaint, the District Manager or designee shall:
- (a) Authorize and supervise the timely investigation of the complaint and/or investigate the complaint. The investigation will include interviews with: (a) the complainant; (b) the accused harasser, or the individual alleged to have committed discriminatory action(s); and (c) other persons who have relevant knowledge concerning the allegations in the complaint.
  - (b) Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, discrimination, or retaliation giving consideration to all factual

information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.

- (c) Report the findings as to whether harassment or discrimination occurred to appropriate persons, including the complainant, the alleged violator, and the direct supervisor of the alleged violator as appropriate. Limitations on information released are set forth under Section 606, below.
- (d) If the allegations are sustained, take appropriate immediate remedial action, including imposition of discipline at a level appropriate to the circumstances, and sufficiently severe to ensure that the behavior does not continue. If discipline is imposed, the level of discipline will not be communicated to the complainant.

605.2 The person initiating the complaint has the right to be accompanied by an advocate(s) when discussing alleged incidents, or participating in investigatory interviews. Said person shall be advised of this right prior to the commencement of such discussions.

605.3 The District takes a proactive approach to potential policy violations and will conduct an investigation of its employees, supervisors, managers or Board members if it becomes aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

#### Section 606. Confidentiality

606.1 Every possible effort will be made to ensure the confidentiality of complaints made under this Policy. Complete confidentiality cannot be guaranteed, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible.

606.2 An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a supervisor or the District Manager. Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate sanction.

606.3 The District will not disclose or release a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.



Section 607. Disciplinary Procedures and Sanction

- 607.1 If conduct in violation of this Policy is found to have occurred, the District Manager or the President of the Board of Trustees shall take prompt and effective remedial action against the individual found to have committed the harassment or discrimination. The remedial action will be commensurate with the severity of the offense.
- 607.2 Action taken to remedy a harassment or discrimination situation shall be done in a manner so as to protect employees from future occurrences of harassment or discrimination. A confidential written record of the District's investigation and action shall be maintained by the District Manager.
- 607.3 The District shall take all reasonable steps to protect the complainant from retaliation and further harassment or discrimination.



## **CHAPTER 700. GRIEVANCE AND DISCIPLINARY PROCEDURES**

### Section 701. Grievance Procedures

701.1 The purpose of this grievance procedure is to promote communication and improve employer-employee relations by establishing a procedure for further consideration of alleged violations of the specific provisions of the Employee Association's Memorandum of Understanding and District policies that impact working conditions. These procedures are not applicable to actions taken pursuant to Section 304.2, above (Employee Evaluations) or Section 702, below (Employee Disciplinary Procedures).

The District's objective is to encourage settlement of disputes as near as possible to the point of origin, and as informally as possible.

701.2 Definitions – As used in this Chapter, the following definitions shall apply:

- (a) A "grievance" is a formal written allegation by an employee who believes he/she has been adversely affected by an alleged violation of the specific provisions of the Employee Association's Memorandum of Understanding and District policies that impact working conditions.
- (b) A "grievant" is any employee adversely affected by an alleged violation of the specific provisions of the Employee Association's Memorandum of Understanding and District policies that impact working conditions, or is the Employee Association if grieving its rights on behalf of represented employees under any of the above.
- (c) A "day" is any day in which the District offices are open for business.

701.3 General Provisions

701.3.1 All documents dealing with the processing of a grievance shall be filed separately from the personnel files of the participants.

701.3.2 Failure of the grievant to adhere to the time deadlines set forth in this policy shall mean that the grievant is satisfied with the previous decision and waives the right to further appeal. Failure of the District to adhere to the time deadlines at any level shall mean that the grievance is automatically appealed to the next level, if any.

701.3.3 The grievant and the District may extend any time deadline by mutual agreement.

701.3.4 Every effort will be made to schedule meetings for the processing of grievances at times that will not interfere with the regular workday of the participants. If any grievance meeting or hearing must be

scheduled during the workday, any employee required by either party to participate as a witness or grievant in such meeting or hearing shall be released from regular duties for a reasonable amount of time without loss of pay.

- 701.3.5 Either party to the grievance may be represented at any step of the grievance procedure by an individual or organization of that party's choice.
- 701.3.6 Until final disposition of a grievance, the grievant shall comply with the directions of the District Manager.
- 701.3.7 No party to a grievance shall take any reprisals against the other party to the grievance because the party participated in an orderly manner in the grievance procedure.
- 701.3.8 Grievances of a similar or like nature may be joined as a single grievance by the District. The final decision in such cases shall be binding upon all parties to the consolidated grievance.

#### 701.4 Procedure

Grievances will be processed in accordance with the following procedures:

- (a) Level I – Informal Resolution. Any employee or an individual or organization of that party's choice who believes he/she has a grievance shall present the grievance orally to the District Manager within ten (10) business days after the grievant knew, or reasonably should have known, of the circumstances which form the basis for the grievance. The District Manager shall meet with the employee and attempt to resolve the matter.
- (b) Level II – Formal Written Grievance.
  - (1) If the grievance is not settled within ten (10) business days of oral presentation to the District Manager as set forth in Level I of this procedure, and the grievant wishes to pursue the matter, the grievant shall present the grievance in writing on the appropriate form to the District Manager within ten (10) business days after the oral decision by the District Manager. The written information shall include:
    - (A) A description of the specific grounds of the grievance, including names, dates, and places necessary for a complete understanding of the grievance;
    - (B) A listing of the specific rule, regulation or provision which is alleged to have been violated;

- (C) A listing of the reasons why the District Manager's proposed Level I resolution of the problem is unacceptable to the grievant; and
    - (D) A listing of the specific actions requested of the District which will remedy the grievance.
  - (2) The District Manager shall review the Written Appeal and shall communicate his/her decision on the Formal Written Grievance to the grievant in writing within ten (10) business days after receiving the grievance.
  - (3) Within the above time limits, either party may request a personal conference.
- (c) Level III – Appeal to President of the District Board of Trustees
- (1) If the grievant is not satisfied within the decision at Level II, the grievant may, within ten (10) business days of the receipt of the decision at Level II, appeal the decision to the Board President on the appropriate form. This statement shall include a copy of the original grievance and appeal along with a clear, concise statement of the specific basis for the appeal.
  - (2) The Board President shall review all of the submitted documentation and communicate his/her decision to the grievant within ten (10) business days of his/her review.
  - (3) The decision of the Board President shall be final and binding.

## Section 702. Employee Disciplinary Procedures

702.1 The District has adopted a progressive discipline policy to ensure a fair and consistent method of disciplining employees. The progressive discipline policy is intended to give employees advance notice, whenever possible, of problems with their conduct or performance in order to provide them an opportunity for improvement or correction.

### 702.2 Disciplinary Action Defined

702.2.1 As used in this Chapter, "Disciplinary Action" shall mean written or oral reprimand, suspension without pay, reduction in salary, demotion and/or termination.

702.2.2 The procedures set forth in this Chapter shall not apply to probationary employees or to any employee hired on a temporary basis.

702.2.3 The provisions of this Chapter shall not apply to reductions in force, and/or in pay which are part of a general plan to reduce or adjust salaries and wages.

702.2.4 The procedures set forth in this Chapter shall not preclude an employee from entering into a written agreement with the District to settle a pending disciplinary matter, and further shall not preclude an employee from waiving any of the provisions provided for in this Chapter, as part of that written settlement agreement.

### 702.3 Causes for Disciplinary Action

702.3.1 Rules outlining impermissible conduct of employees are necessary for the orderly operation of any business and for the benefit and protection of the rights and safety of all employees.

702.3.2 Examples of impermissible or unacceptable conduct that may lead to disciplinary action are identified below. The following list contains examples of conduct that may lead to imposing disciplinary action, and this list should not be considered exhaustive:

- (a) Fraud in securing appointment;
- (b) Inexcusable neglect of duty;
- (c) Insubordination by refusal or willful failure to obey any lawful and reasonable order or directive made or given by any supervisor or the District Manager;
- (d) Dishonesty by any misuse or misappropriation or attempted misuse or misappropriation of District funds or District property, by the rendering of any false statement or report to the District or District Manager, or by the willful omission to report information or to disclose facts which the duties of the position require to be reported or disclosed;
- (e) Reporting to work under the influence of alcohol, restricted substances or drugs, or buying, selling, or using same on District property or at a worksite. Employees taking prescription or over-the-counter medication which may affect their ability to perform must advise the District Manager so that he/she can evaluate whether the employee will be able to safely work;
- (f) Failure to competently perform the duties of the position;
- (g) Unexcused absences, tardiness, or persistent absenteeism;

- (h) Discourteous treatment of the public or other employees;
- (i) Violation of District safety rules or other failure to perform work in a safe manner;
- (j) Misuse of District property;
- (k) Violation of any of the provisions of the Alameda County Mosquito Abatement District Policy Manual or other District rules, policies, and regulations;
- (l) Refusal to take or subscribe to any oath or affirmation which is required by law in connection with his/her employment;
- (m) Discrimination or harassment as defined by law and in the Alameda County Mosquito Abatement District Policy Manual, Chapter 600;
- (n) Initiating a physical altercation during work hours or on a worksite;
- (o) Carrying and/or using firearms or any other weapon while on duty or on District property;
- (p) Failure to maintain required licenses and/or certifications; and/or
- (q) Conviction of a felony, or of a misdemeanor involving moral turpitude, or which is in conflict with the position held.

#### 702.4 Written Notice of Intended Disciplinary Action

702.4.1 The District Manager may take disciplinary action against an employee for one or more of the causes specified in this Chapter. Normally, progressive discipline involves one or more written or oral reprimands, suspension without pay, reduction in salary, demotion and/or termination. Circumstances may warrant that one or more steps in the process be omitted.

Prior to disciplinary action being taken, a Written Notice of Intended Disciplinary Action will be served on the employee and shall include:

- (a) A statement of the nature of the disciplinary action;
- (b) A statement of the causes thereof;
- (c) The effective date of penalty;

- (d) A statement in ordinary and concise language of the acts or omissions upon which the causes are based;
- (e) A statement advising the employee that files and records bearing on the matter are available for the employee's inspection; and
- (f) A statement advising the employee of his/her right to respond in writing to the District Manager.

702.4.2 The Written Notice of Intended Disciplinary Action will either (a) be mailed to the employee at his/her last known address by Certified Mail, postage prepaid, or (b) be personally served by the District Manager or his/her designee. If the Notice is personally served, the employee will sign and date the Written Notice of Intended Disciplinary Action to acknowledge receipt. If the employee refuses to sign the Notice, the individual serving the Notice will document the time and date of service, and will document that the employee refused to sign the Notice.

## 702.5 Employee Response

702.5.1 Employees shall have the right to respond in writing to the District Manager and have the response considered prior to the discipline being imposed. Such a response must be submitted in writing to the District Manager within five (5) business days after receipt of the written notice of the proposed disciplinary action. Failure to submit a response within such period constitutes a waiver of the right to respond; however, a failure to respond shall not affect the employee's right to appeal the disciplinary action.

702.5.2 Upon receipt of a timely response filed by the employee, and after giving consideration to the response, or upon expiration of the response period if the employee has not filed a response, the District Manager may dismiss the pending disciplinary action or proceed to impose or modify the original disciplinary action by serving the employee with an amended, written Notice of Disciplinary Action.

702.5.3 The Written Notice of Disciplinary Action will either (a) be mailed to the employee at his/her last known address by Certified Mail, postage prepaid, or (b) be personally served by the District Manager or his/her designee. If the Notice is personally served, the employee will sign and date the Written Notice Disciplinary Action to acknowledge receipt. If the employee refuses to sign the Notice, the individual serving the Notice will document the time and date of service, and will document that the employee refused to sign the Notice.



## 702.6 Right of Appeal

702.6.1 If, after the final dispensation of the Employee Response procedure (Section 702.5, above), the employee is unsatisfied, the employee shall have the right to request a hearing before the Board President or his/her designee to determine the appropriateness of the proposed disciplinary action. A written request must be submitted to the District Manager by the employee or his/her representative within three (3) business days of receipt of the Written Notice of Disciplinary Action (Section 702.5.2, above). The Board President or his/her designee will hear the appeal within ten (10) business days of receipt of the employee's written request, unless both parties agree to a delay. The Board President shall evaluate both sides and will make a decision whether to uphold the disciplinary action as proposed, to reduce the recommended disciplinary action, or to revoke the proposed disciplinary action.

702.6.2 An employee who has been suspended for more than three (3) working days, terminated, demoted, or has had a disciplinary reduction in salary has the right to appeal the disciplinary action to the District Board of Trustees, rather than to the Board President as provided in Section 702.6.1, above. A request for such an appeal must be filed in writing with the District Manager within ten (10) business days from the date of receipt of the Written Notice of Disciplinary Action under Sections 702.5.2 and 702.5.3, above. The employee will be provided a copy of the signed and dated "Right of Appeal" form. Failure to file an appeal within the specified time period constitutes a waiver of the right of appeal.

## 702.7 Hearing

702.7.1 The Board shall appoint a three-member committee of Trustees to hear the appeal within thirty (30) business days after receipt thereof. The Committee shall set a date for hearing the appeal within ten (10) business days of receipt of the appeal. The Committee may continue the hearing either for the convenience of the Committee or upon written application from the appellant for good cause. Written notice of the time and place of the hearing, and any continuance thereof, shall be given to the appellant and his/her representative, if applicable. The parties may submit all proper and pertinent evidence against or in support of the causes in advance of the hearing. The hearing shall be closed except to necessary parties, unless the employee requests in writing that the hearing be open to the general public. The Board may elect to contract with an independent hearing officer to conduct the hearing. The opinion rendered by the Committee or hearing officer shall be advisory only and not binding on the Board. Upon receipt of an advisory opinion, the Board shall render a final decision to adopt,

reduce, or reject the disciplinary action. The decision of the Board shall be final and binding. The President of the Board of Trustees or his/her designee will provide a written report to the employee and the employee's representative, if applicable, of their findings and final decision.

- 702.7.2 The Board shall issue subpoenas for the appearance of witnesses for the appellant upon his/her written request and at the appellant's cost. The Board may require such costs to be prepaid.
- 702.7.3 Failure of the appellant to appear at the hearing shall be deemed a withdrawal of his/her appeal, and the action of the Board shall be final.
- 702.7.4 The Board may affirm, reduce, reduce with conclusions or revoke the Disciplinary Action. The decision of the Board shall be final for all purposes.
- 702.7.5 In the event that an employee is unavailable for personal service of the hearing notice, such notice may be served upon the employee by Certified Mail, postage prepaid. Such notice shall be effective upon proof of delivery.

## **CHAPTER 800. MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS**

### Section 800. Records Management

The purpose of this policy is to provide guidance and direction to staff regarding the maintenance, release, and disposal of Alameda County Mosquito Abatement District records, including: identification, maintenance, safeguarding, and releasing official records pursuant to the Public Records Act; ensuring proper retention and disposal of official records in the normal course of business; and ensuring compliance with legal and regulatory requirements. See Appendix 800-1 for all definitions for the following referenced sections. The Public Records Request Form is available in electronic format on the District's website, and in paper form in the District Documents file.

- 800.1 Vital and important records, regardless of recording media, are those having legal, financial, operational, or historical value to the District.
- 800.2 The District Manager is authorized by the Board of Trustees to interpret and implement this policy, and to cause to be destroyed or retained any or all such records, papers and documents that meet the policies governing the retention and disposal of records, specified below.
- 800.3 Pursuant to the provisions of California Government Code sections 60200 through 60203, California Health and Safety Code section 2043, and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following policies will govern the retention, release and destruction of records of the Alameda County Mosquito Abatement District.

### Section 801. Retention and Destruction

- 801.1 Duplicate records, papers and documents may be destroyed at any time without the necessity of Board authorization or copying to photographic or electronic media.
- 801.2 Originals of records, papers and documents more than three (3) years old that were prepared or received in any manner other than pursuant to State or Federal statute may be destroyed without the necessity of copying to photographic or electronic media.
- 801.3 In no instances are records, papers or documents to be destroyed where there is a continuing need for such records for such matters as pending litigation, special projects, etc.

- 801.4 Records, papers or documents that are not expressly required by law to be filed and preserved may be destroyed, if all of the following conditions are met:
- 801.4.1 The record, paper, or other document is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, reproduced on film or other medium that is a trusted system; and
  - 801.4.2 The device used to reproduce such record, paper or document on film, or to retrieve and print the document from the electronic media, is one which accurately reproduces the original thereof in all details and that does not permit additions, deletions, or changes to the original document; and
  - 801.4.3 The photographs, microphotographs, or other reproductions on film are placed in conveniently accessible files, and provisions is made for preserving, examining, and using the same, together with documents stored via electronic media.
- 801.5 Any accounting record, except the journals and ledgers which are more than seven years old and which were prepared or received in any manner other than pursuant to State statute, may be authorized for destruction provided that:
- 801.5.1 There is no continuing need for said record, i.e., long-term transactions, special projects, pending litigations, etc., and;
  - 801.5.2 There exists in a permanent file, an audit report or reports covering the inclusive period of said record, and;
  - 801.5.3 The audit report or reports were prepared pursuant to procedures outlined in Government Code section 26909 and other State or Federal audit requirements.
- 801.6 Any accounting record created for a specific event or action may be destroyed upon authorization five years after the event has in all respects terminated. Any source document detailed in a register, journal, ledger or statement may be authorized for destruction seven years from the end of the fiscal period to which it applies.
- 801.7 The following may be destroyed at any time: Duplicated originals (subject to aforementioned requirements); rough drafts, notes or working papers (except audit); cards, listings, nonpermanent indices; and other papers used for controlling work or transitory files.
- 801.8 All payroll and personnel records shall be retained seven years from the date of separation. Originals may, upon authorization, be destroyed after seven years of retention, provided records have been copied pursuant to

Sections 801.4.1 and 801.4.2, above, and qualify for destruction. Payroll and personnel records include the following:

- (a) Accident reports, injury claims and settlements;
- (b) Medical histories;
- (c) Injury frequency charts;
- (d) Applications, changes and terminations of employees;
- (e) Insurance records of employees;
- (f) Time sheets;
- (g) Classification specifications (job description);
- (h) Performance evaluations forms;
- (i) Earnings records and summaries; and/or
- (j) Retirement records.

801.9 All assessing records may upon authorization be destroyed after seven years of retention from lien date; however, these records may be destroyed three years after the lien date when records are copied pursuant to Sections 801.4.1 and 801.4.2, above.

801.10 Records of proceedings for the authorization of long-term debt, bonds, warrants, loans, etc., after issuance or execution may be destroyed if copied pursuant to sections 801.4.1 and 801.4.2, above. Terms and conditions of bonds, warrants, and other long-term agreements should be retained until final payment, and thereafter may be destroyed in less than ten years if copied pursuant to sections 801.4.1 and 801.4.2, above. Paid bonds, warrant certificates and interest coupons may be destroyed after six months if detailed payment records are kept for ten years.

801.11 Minutes of the meetings of the Board of Trustees are usually retained indefinitely in their original form. However, they may upon authorization be destroyed if said minutes are copied pursuant to sections 801.4.1 and 801.4.2, above. Recording tapes (or other media) of Board meetings will be kept until approved by Board of Trustees at a regular scheduled meeting, after which they will be destroyed.

801.12 Construction records, such as bids, correspondence, change orders, etc., need not be kept in excess of seven years unless they pertain to a project which includes a guarantee or grant and, in that event, they shall be kept for the life of the guarantee or grant plus seven years. As-built plans for any public facility or works shall be retained as long as said facility is in existence.

801.13 A contract should be retained for its life plus seven years. Any unaccepted bid or proposal for the construction or installation of any building, structure or other public work, which is more than two (2) years old, may be destroyed.

- 801.14 Property records, such as documents of title, shall be kept until the property is transferred or otherwise no longer owned by the District.
- 801.15 All documents beyond the current fiscal year are recorded in the Archive Database, filed and boxed up. The database consists of the following information:
- (a) Box Number;
  - (b) Contents;
  - (c) Proper Date of Contents;
  - (d) Department; and
  - (e) Date of Destruction, if any.
- 801.16 A master listing of all archive box contents is kept up to date and located in a binder in the Administrative Assistant's office. The boxes are placed in the Archive Storage area and are kept numerically by department.
- 801.16.1 Once a file is to be destroyed, the date of destruction is recorded. The documents are then shredded and removed for disposal. The archive master listing is then updated and reprinted with the updated information.

### Section 802. Public Record Requests

- 802.1 "Public records" include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any State or local agency, regardless of physical form or characteristics.
- 802.1.1 "Writing" means any recording upon any form of communication or representation including tapes, photos, films, magnetic mediums, discs, drums or other documents. According to Government Code section 6254, nothing in the Public Records Act shall be construed to require the District to disclose exempt records including: personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.
- 802.2 Any person who wishes to receive or inspect a public record of the District must present his/her request to the District Manager's Office on the District's designated Public Information Request Form. The request may be submitted in person, or by mail, fax, or email. The requestor must identify the requested records by providing a detailed description and the approximate date of the records. In order to respond to the request, the District must have contact information for the requestor.
- 802.3 A determination will be made by the District Manager whether the requested record is a public document within 10 days after receipt of a request for a public

record. The District Manager will then notify the person making the request of that determination and the reasons therefore. In unusual circumstances, the time limit for a determination may be extended by written notice of the District Manager setting forth the reasons for the extension and the estimated date and time when the records will be made available. This extension will not exceed an additional 14 days.

802.4 Public records authorized for release by the District Manager will be made promptly available upon payment of a fee covering the direct cost of duplication, or a statutory fee, if applicable. An exact copy will be provided unless it is impracticable to do so. Computer data will be provided in a form determined by the District.

802.5 Any reasonably segregable portion of a record will be made available for inspection after deletion of the portions that are exempted by law. On-site review of records may only be undertaken in a designated area, one file at a time.

- (a) No purses, briefcases, bags, binders, or other items will be allowed in the record review area that would allow concealment of removed records. No record may be removed from the office.
- (b) The requestor will be allowed to have one paper pad and writing utensil with him/her when reviewing records.
- (c) Records shall not be marked, highlighted, creased, folded, or otherwise defaced in any way.
- (d) Records shall remain in their original order and grouping, whether loose, stapled, or bound.
- (e) The requester may obtain a copy of a specific identifiable public record, which is subject to disclosure.
- (f) A reproduction charge will be assessed prior to production of the requested records based upon the amount of material requested and the District's current fee schedule.

802.6 To avoid the risk that any information could be sent to an individual or entity other than is authorized by the release, the requested the information will not be distributed or returned via facsimile.

### Section 803. Health Insurance Portability and Accountability Act (HIPAA) Compliance

Protected health information (PHI) of District customers or employees that is gathered in conjunction with service requests and/or pre-employment physical examinations,

required drug testing, medical leaves of absence, fitness for duty examinations, workers' compensation claims, or any other job-related purposes will be maintained in confidential files, separate and apart from customer service or employee personnel files. Such information will be released on a strict need-to-know basis, in conformance with requirements of the Health Insurance Portability and Accountability Act (HIPAA).



## **APPENDIX 800-1**

### **Definitions for Records Retention and Disposal Policy**

**1. AUTHORIZATION:** Approval from the Manager, as authorized by the District's Board of Trustees.

**2. ACCOUNTING RECORDS:** Include but are not limited to the following:

#### **a. SOURCE DOCUMENTS**

- 1) Invoices
- 2) Warrants
- 3) Requisitions/Purchase Orders (attached to invoices)
- 4) Cash Receipts
- 5) Claims (attached to warrants in place of invoices)
- 6) Bank Statements
- 7) Bank Deposits
- 8) Checks
- 9) Bills
- 10) Various accounting authorizations taken from Board minutes, resolutions, or contracts

#### **b. JOURNALS**

- 1) Cash Receipts
- 2) Accounts Receivable or Payable Register
- 3) Check or Warrant (payables)
- 4) General Journal
- 5) Payroll Journal

#### **c. LEDGERS**

- 1) Expenditure
- 2) Revenue
- 3) Accounts Payable or Receivable Ledger
- 4) Construction
- 5) General Ledger
- 6) Assets/Depreciation

#### **d. TRIAL BALANCE**

#### **e. STATEMENTS (Interim or Certified – Individual or All Fund)**

- 1) Balance Sheet
- 2) Analysis of Changes in Available Fund Balance
- 3) Cash Receipts and Disbursements
- 4) Inventory of Fixed Assets (Purchasing)

**f. JOURNAL ENTRIES**

**g. PAYROLL AND PERSONNEL RECORDS**

- 1) Accident reports, injury claims and settlements
- 2) Applications, changes or terminations of employees
- 3) Earnings records and summaries
- 4) Fidelity Bonds
- 5) Garnishments
- 6) Insurance records of employees
- 7) Job Descriptions
- 8) Medical Histories
- 9) Retirements
- 10) Time Cards

**h. OTHER**

- 11) Inventory Records (Purchasing)
- 12) Capital Asset Records (Purchasing)
- 13) Depreciation Schedule
- 14) Cost Accounting Records

**3. LIFE.** The inclusive or operational or valid dates of a document.

**4. RECORD.** Any paper, bound book or booklet, card, photograph, drawing, chart, blueprint, tape, microfilm, or other document, issued by or received in a department, and maintained and used as information in the conduct of its operations.

**5. RECORD COPY.** The official District copy of a document or file.

**6. RECORD SERIES.** A group of records, generally filed together, and having the same reference and retention value.

**7. RECORDS CENTER.** The site selected for storage of inactive records.

**8. RECORDS DISPOSAL.** The planning for and/or the physical operation involved in the transfer of records to the Records Center, or the authorized destruction of records pursuant to the approved Records Retention Schedule.

**9. RECORDS RETENTION SCHEDULE.** The consolidated, approved schedule list of all District records, which timetables the life and disposal of all records.

**10. RETENTION CODE.** Abbreviation of retention action which appears on the retention schedule.

**11. VITAL RECORDS.** Records that, because of the information they contain, are

essential to one or all of the following:

- a) The resumption and/or continuation of operations;
- b) The recreation of legal and financial status of the District, in case of a disaster; and/or
- c) The fulfillment of obligations to bondholders, customers, and employees.

**Vital records include but are not limited to the following:**

- |                                     |                                      |
|-------------------------------------|--------------------------------------|
| 1) Agreements                       | 21) Individual water rights          |
| 2) Annexations and detachments      | 22) Individual claims                |
| 3) As-built drawings                | 23) Inventory                        |
| 4) Audits                           | 24) Ledgers                          |
| 5) Contract drawings                | 25) Journal vouchers                 |
| 6) Customer statements              | 26) Licenses and permits             |
| 7) Deeds                            | 27) Loans and grants                 |
| 8) Depreciation schedule            | 28) Maps                             |
| 9) Disposal of surplus property     | 29) Minutes of Board meetings        |
| 10) Disposal of scrap materials     | 30) Payroll register                 |
| 11) District insurance records      | 31) Policies and Procedures          |
| 12) District water rights           | 32) Purchase orders and requisitions |
| 13) Employee accident reports, etc. | 33) Restricted materials permits     |
| 14) Employee earning records        | 34) Rights of ways and easements     |
| 15) Employee fidelity bonds         | 35) Spray permits                    |
| 16) Employee insurance records      | 36) Statements of Economic Interest  |
| 17) Encroachment permits            | 37) State surplus acquisitions       |
| 18) Facility improvement plans      | 38) Warehouse requisitions           |
| 19) Improvement districts           | 39) Warrant/Voucher register         |
| 20) Mosquito control history        |                                      |