



# HCAOG Personnel Policies & Procedures

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# **SECTION I: LEGAL**

## **SUBJECT: INTRODUCTION/RIGHT TO REVISE**

### **POLICY #101**

This Personnel Policies and Procedures Handbook contains the human resources policies, practices, guidelines and procedures that the Humboldt County Association of Governments (HCAOG) has in effect at the time of publication. All employees should read, understand, and comply with all provisions of the handbook. It describes many of the responsibilities as an employee and outlines the programs developed by HCAOG to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth while delivering high-quality plans, projects, and programs to the public.

All previously issued human resources handbooks, manuals, resolutions, and/or policy statements or memoranda are superseded by this policy handbook.

HCAOG reserves the right to revise, modify, delete or add to any and all policies, procedures, work rules or benefits stated in this handbook or in any other document. Any changes must be in writing and must be signed by the Executive Director of HCAOG or authorized designee. Any such written changes to this handbook will be generally distributed so that supervisors and employees will be aware of the new policies or procedures. No oral statements or representations can in any way change or alter the provisions of this handbook.

The policies and practices set out in this handbook or in any other personnel document, including benefit plan descriptions, are not intended to imply a contractual relationship, nor are they intended to create a promise or representation of continued employment for any employee.

Nothing in this at-will statement is intended to interfere with an employee's right to work with others towards altering the terms and conditions of their employment.

Reference to HCAOG throughout this handbook refers to the organization, Humboldt County Association of Governments, and its staff. It is intended that wherever reference is made in this handbook to decisions/recommendations being made or actions taken by HCAOG, those decisions/recommendations are being made by the Executive Director or authorized designee.

This handbook will specifically reference HCAOG's Governing Board of Directors when decisions/recommendations are referred to that level.

## **SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY**

### **POLICY #102**

HCAOG is an equal employment opportunity employer and makes employment decisions on the basis of merit. We want to have the best qualified persons in every position. Agency policy prohibits unlawful discrimination based on race, color, creed, gender (including gender identity and gender expression), religion (all aspects of religious beliefs, observance or practice, including religious dress or grooming practices), marital status, registered domestic partnership status, age,

national origin or ancestry, physical or mental disability, medical condition (including cancer, or a record or history of cancer, and genetic characteristics), sex (including pregnancy, childbirth, breast feeding, or related medical conditions), genetic information, military and veteran status, sexual orientation, or any other consideration made unlawful by Federal, State, or local laws. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics or is associated with a person who has or is perceived as having any of those characteristics. Discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship.

All such discrimination is unlawful. HCAOG is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in Agency operations and prohibits unlawful discrimination by any employee of HCAOG, including supervisors and coworkers. HCAOG considers the attainment of equal employment a major Agency objective and is committed to providing equal employment opportunities to all qualified persons.

HCAOG will not discriminate with respect to recruitment, hiring, training, promotion, and other terms and conditions of employment. All other personnel actions or programs such as compensation, benefits, transfers, layoffs, recalls, Agency-sponsored training, education, tuition assistance, social and recreational programs will be administered in a non-discriminatory manner. All employment decisions will be consistent with the principle of equal employment opportunity (EEO).

## **RESPONSIBILITY AND PROCEDURE**

If an employee believes that they have been subjected to any form of unlawful discrimination, they should submit a written complaint to their supervisor or the Executive Director or authorized designee. The complaint should be specific and should include the names of the individuals involved and the names of any witnesses and the dates. If the employee needs assistance with their complaint, or if they prefer to make a complaint in person, they should contact the Executive Director or authorized designee. HCAOG will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation.

If HCAOG determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future discrimination. HCAOG will not retaliate against the employee for filing a complaint and will not knowingly permit retaliation by management employees or the employee's coworkers.

An applicant or employee who requires accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles) should contact the Executive Director or authorized designee and discuss the need for an accommodation.

## **PURPOSE**

The purpose of these is to provide fair and systematic procedures for administering all matters

affecting the status and activities of employees of HCAOG. These Policies are adopted in the belief that the procedures it contains are in the best interest of all HCAOG employees and is provided to assist employees in rendering their most effective service to the organization and to the public, and for their professional development.

## **EMPLOYEES**

All employees are required to comply with the applicable mandates of these Policies as well as all other HCAOG policies and procedures. Employees shall acknowledge receipt of Policies by reading and signing at the time of hire and whenever revisions are authorized by the Board of Directors.

## **SUBJECT: UNLAWFUL HARASSMENT**

### **POLICY #103**

HCAOG is committed to providing a work environment that is free of unlawful harassment, disrespectful, or other unprofessional conduct. HCAOG's policy prohibits disrespectful or other unprofessional conduct, as well as harassment based on sex (including pregnancy, childbirth, breast feeding, or related medical conditions), race, religion (including religious dress and grooming practices), color, gender (including gender identity and gender expression), national origin or ancestry, physical or mental disability, medical condition, genetic information, marital status, registered domestic partnership status, age, sexual orientation, or any other basis protected by Federal, State or local law, ordinance, or regulation. This policy also prohibits unlawful harassment based on the perception that anyone has any of the above-mentioned characteristics or is associated with a person who has or is perceived as having any of those characteristics. It is intended that any applicable change or modification to existing law will become part of HCAOG's policy.

All such harassment is unlawful and violates Agency policy.

In keeping with its anti-harassment principle, HCAOG strictly prohibits an employee from engaging in any such harassment, including but not limited to ethnic slurs, racial epithets, derogatory jokes, physical intimidation, threats of violence or bodily harm, and sexual harassment.

HCAOG's anti-harassment policy applies to all persons involved in the operation of HCAOG, including Board of Directors Members and consultants working on Agency-related projects, and prohibits unlawful harassment by any employee of HCAOG, including supervisors and coworkers. This policy also applies to and is meant to protect Agency employees from harassment by non-employees, vendors and other third parties who may come in contact with employees in the course of their work for HCAOG.

## **DEFINITION**

Prohibited harassment, disrespectful or other unprofessional conduct includes, but is not limited to, the following behavior:

1. Verbal conduct such as derogatory comments; epithets; slurs; sexual innuendos; jokes or comments that make another employee uncomfortable; slurs or unwanted sexual advances, invitations or comments.
2. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures.
3. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work because of sex, race, or any other protected basis.
4. Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors.
5. Retaliation for having reported or threatened to report harassment.
6. Communication via electronic media of any type that includes any conduct that is prohibited by State and/or Federal law, or by Agency policy.
7. Hostile treatment of another that amounts to unlawful sexual harassment regardless of whether the treatment was motivated by any sexual desire.

## **RESPONSIBILITY AND PROCEDURE**

If an employee believes that they have been unlawfully harassed or subjected to other prohibited conduct, they should provide a complaint to the employee's own supervisor, or the Executive Director or authorized designee, as soon as possible after the incident. If the complaint concerns the employee's own supervisor, then the employee should provide the complaint to the Executive Director or authorized designee. If the complaint concerns the Executive Director, the employee should provide the complaint to the Chair of the HCAOG Board of Directors. The employee is encouraged to submit the complaint in writing, but this is not a requirement. The employees' complaint should include details of the incident or incidents, names of individuals involved and names of any witnesses and the dates. Supervisors will refer all harassment complaints to the Executive Director, authorized designee or the Chair of the HCAOG Board of Directors. The Executive Director, authorized designee or the Chair of the HCAOG Board of Directors will immediately undertake an effective, thorough and objective investigation of the harassment allegations. Confidentiality will be maintained to the fullest extent possible under the circumstances.

If the investigating official determines that unlawful harassment or other prohibited conduct has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by HCAOG to be responsible for unlawful harassment or other prohibited conduct will be subject to appropriate disciplinary action, up to and including termination of employment. HCAOG will advise all parties concerned of the results of the investigation. HCAOG will take appropriate action to remedy any loss to the employee resulting from harassment. HCAOG will not retaliate against the employee for filing a complaint and will not tolerate or permit retaliation by management, employees or coworkers. Disciplinary action may also be taken against any supervisor or manager who condones or ignores unlawful harassment or otherwise fails to take appropriate action to enforce this unlawful harassment policy.

HCAOG encourages all employees to report any incidents of harassment or other prohibited conduct forbidden by this policy immediately so that complaints can be quickly and fairly resolved. The employee should also be aware that the Federal Equal Employment Opportunity Commission



(FEEOC) and the California Department of Fair Employment and Housing (DFEH) may investigate and prosecute complaints of prohibited harassment in employment. If an employee thinks that they have been harassed or retaliated against for resisting or complaining about harassment, the employee may file a complaint with the appropriate agency. More information can be found on the DFEH's website at [www.dfeh.ca.gov](http://www.dfeh.ca.gov).

## **SUBJECT: EMPLOYMENT ELIGIBILITY**

### **POLICY #104**

In accordance with The Immigration and Control Act of 1986, HCAOG hires only those individuals who are lawfully authorized to work in the United States.

Each new employee must provide original and current documentation to HCAOG to establish employment eligibility and identification. A completed Employment Eligibility Verification Form I-9 must be furnished to HCAOG within seventy-two (72) hours of date of hire. Providing false documentation or making false statements on the verification form will be grounds for immediate termination.

## **SUBJECT: BUSINESS ETHICS**

### **POLICY #105**

It is the policy of HCAOG to conduct business in accordance with the letter and the spirit of the law and in conformity with ethical standards.

Accordingly, employees must not take any action on behalf of HCAOG that violates any law or regulation. Employees must adhere to high moral and ethical standards in the conduct of business. Employees may not engage in activity that results in a conflict of interest with HCAOG or that reflects unfavorably on its integrity. Employees violating these standards are subject to disciplinary action, up to and including termination of employment.

In situations and on issues involving ethical or moral judgments, employees may sometimes have difficulty determining the correct course of action. In such situations, employees are urged to discuss the matter with the Executive Director of HCAOG or authorized designee.

Employees are subject to HCAOG's Conflict of Interest Code disclosure.

## **GUIDELINES**

The following are guidelines for ethical conduct that HCAOG employees are expected to practice.

1. While employed by HCAOG, employees are expected to devote their energies to their jobs with HCAOG. Employees are expected to adhere to high ethical standards and avoid situations that create an actual or potential conflict between the employee's personal interests and the interests of HCAOG. A conflict of interest exists when the employee's loyalties or actions are divided between HCAOG's interests and those of another, such as a competitor or supplier. Both the fact and the appearance of a conflict of interest should be avoided. Regular full-time employees may not hold an outside job salaried or fee-based

job without the approval of the Executive Director or authorized designee. The Executive Director or authorized designee may provide written approval of the outside employment, either upon hire by HCAOG or when an employee requests additional employment so long as the outside job will not interfere with the employee providing satisfactory performance of their job responsibilities for HCAOG. Outside employment will present a conflict of interest and be prohibited if it has an actual or potential adverse impact on HCAOG. The following types of employment elsewhere are strictly prohibited:

- A. Additional employment that conflicts with an employee's work schedule, duties, and responsibilities at HCAOG;
- B. Additional employment that creates a conflict of interest or is incompatible with the employee's position with HCAOG;
- C. Additional employment that impairs or has a detrimental effect on the employee's work performance with HCAOG;
- D. Additional employment that requires the employee to conduct work or related activities on Agency property during the employee's working hours or using Agency facilities and/or equipment; and
- E. Additional employment that directly or indirectly competes with the business or the interests of HCAOG.

Employees who wish to engage in additional employment that may create a real or apparent conflict of interest must submit a written request to the Executive Director or authorized designee explaining the details of the additional employment. If additional employment is authorized, HCAOG assumes no responsibility for it. HCAOG shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of additional employment. Authorization to engage in additional employment can be revoked at any time.

2. Agency funds and property may not be used for any unlawful purpose. This prohibition includes but is not limited to: (i) unlawful political contributions, (ii) payments to governmental officials or employees, (iii) illegal rebates or refunds and (iv) payments or commitments made with the understanding or under circumstances that would indicate that these payments are kickbacks, bribes or to obtain influence.
3. No unrecorded fund shall be established or maintained for any purpose.
4. All financial transactions shall be promptly recorded on the books of HCAOG. No false or misleading entry shall be made for any reason. All substantive commitments and agreements must be documented, properly authorized and disclosed to the Board of Directors.
5. Employees shall not make commitments or agreements beyond what is authorized by the Board of Directors. This authorization may be in the budget document or by explicit policy or resolution, or minute order.
6. No payments shall be made with the understanding that any part is to be used for any purpose other than that described by the records supporting the payment.

7. The highest standards of honorable and ethical conduct must be observed in all relationships with other agencies and the public. It is prohibited to make disparaging statements, take any other unfair actions, or participate in any activity intended to damage HCAOG, other agencies or the public.
8. If an employee is asked by another employee or supervisor to (a) perform any act that appears unlawful, (b) make any unlawful entry on HCAOG's records or reports, (c) omit any entry that should lawfully be made, (d) suppress or hide any information that may result in detriment to HCAOG or be in violation of the law or (e) disclose information of a confidential nature except when legitimately required, it is that employee's duty and responsibility to bring the matter to the attention of the Executive Director or authorized designee. An employee who files a grievance of this nature will not be retaliated against.
9. Agency letterhead/stationery may be used only for Agency matters and not for personal or non-official correspondence.
10. Employees are expected to treat each other with courtesy, honesty, respect and understanding. Job-related problems should be discussed openly, and differences resolved fairly, professionally and promptly. Confidential matters pertaining to employees will be respected.
11. Employees are expected to be polite, courteous, prompt and attentive to every person who calls or visits HCAOG's offices and to each other. When a situation arises where the employee does not feel comfortable or capable of handling an issue from the public, the employee's supervisor should be contacted for assistance.
12. Employees are responsible for safeguarding confidential information obtained during employment. In the course of the work, employees may have access to confidential information regarding HCAOG, its elected officials or fellow employees. It is the employee's responsibility to protect and in no way reveal any such information, including to any media, unless it is necessary for the employee to do so in the performance of duties or required by law.

It would be virtually impossible to cite examples of every type of activity that might give rise to the question of unethical conduct. Therefore, it is important that employees rely on their own good judgment in the performance of their duties and responsibilities. When those situations occur where the proper course of action is unclear, employees are to request advice and counsel from their supervisor or the Executive Director or authorized designee. The reputation and good name of HCAOG depends upon the honesty and integrity of each employee.

## **SECTION II: EMPLOYMENT PRACTICES**

**SUBJECT: EMPLOYMENT STATUS**

**POLICY #201**

HCAOG employs people in one of seven different kinds of status: Probationary, Regular Full-Time, Regular Part-Time, Extra Help/Intern, Grant Appointment, Substitute Appointment, and Work Experience Appointment.

### **GUIDELINES**

The Executive Director is authorized to fill vacancies with qualified persons.

### **COMPETITIVE RECRUITMENT**

The general policy of HCAOG is to ensure that recruitment, selection, and hiring of Regular employees is accomplished in an open competitive, and objective manner, and in a fully documented and timely fashion.

### **COMPETITIVE RECRUITMENT – EXCEPTIONS**

Vacancies for Regular employee positions shall be filled via competitive recruitment process.

Exceptions to this requirement include:

1. When the Executive Director determines that it is in HCAOG's best interest to promote an existing HCAOG employee.
2. When the Executive Director determines that it is in HCAOG's best interest to appoint a particular, qualified individual to ensure continuity of work.
3. When a vacancy occurs, ~~and a qualified candidate is on one of HCAOG's recruitment list and if~~ within one year of hiring an employee for a position, ~~that position, or a position with similar qualifications, becomes vacant,~~ acceptable and qualified candidates from the previous recruitment for that position, or a position with similar qualifications, may be considered to interview for the available position.
4. When an entity provides funding to HCAOG and such funding is conditioned upon, or the continuity of the work is dependent upon, a particular individual continuing to perform the work supported by that funding.

### **CONTINGENT WORKFORCE**

In order to meet short-term increases in agency workload demands, the Executive Director may approve Limited Term, Retired Annuitant, or independent contract positions in addition to the

approved Regular employee positions. The Executive Director may fill Limited-Term, Retired Annuitant or independent contract positions without unitizing HCAOG's standard competitive recruitment process.

## **REHIRING TERMINATED EMPLOYEES**

It is against HCAOG policy to rehire any person who was formerly employed by HCAOG if that person was terminated for a cause subject to discipline.

## **EMPLOYMENT CATEGORIES**

### **1. Probationary Employee**

- A.** The probationary period is an intrinsic part and extension of the employee selection process during which the employee will be considered in training and under careful observation and evaluation by supervisory personnel. Generally, this period will be utilized to train the employee for their job responsibilities and to determine whether there is a fit between HCAOG's business needs and the qualifications of the employee. During the probationary period, employment may be terminated with or without cause and with or without notice by either HCAOG or the employee.
- B.** With the exception of temporary employees, all other newly appointed employees will serve a probationary period of six (6) months. This period can, with notice, be extended up to one additional year at the recommendation of the supervisor and the approval of the Executive Director or authorized designee.
- C.** During the probationary period, the Executive Director may dismiss an employee for any reason, with or without cause and with or without notice, at the Executive Director's sole discretion.
- D.** A new employee terminated during the probationary period needs to be told only that the probationary period was not satisfactorily completed, and the employee is terminated.
- E.** Probationary employees will receive a performance evaluation prior to the first six (6) months of employment. At the time of the appraisal, it will be determined if the employee's probation will be extended up to one additional year. A work plan establishing employee goals and objectives for the remaining probationary period is to be developed. The evaluation of these goals and objectives will occur prior to or at the time of the annual evaluation.
- F.** Employees promoted, transferred, laterally reassigned, or demoted to a new position will serve a probationary period of twelve (12) months before obtaining regular status in the position to which the employee was assigned.
- G.** Probationary employees will accrue benefits, such as vacation and sick leave at the designated accrual rate.

### **2. Regular Full-Time Employee**

Employees in this category are those who regularly work thirty-four (34) hours per week on a continuous scheduled basis following satisfactory completion of a probationary period. Employees in this category are eligible to participate in all benefit programs offered by HCAOG, subject to the terms, conditions, and limitations of each benefit program. Employees in this category are required to participate in HCAOG's Public Employees Retirement System (PERS) program.

### **3. Regular Part-Time Employee**

Employees in this category are those who complete a satisfactory probationary period and regularly work less than thirty-four (34) hours per week on a continuous basis. Employees in this category are required to participate in HCAOG's Public Employees Retirement System (PERS) program, if they work at least 1,000 hours or more per calendar year and may participate in some other benefit programs on a pro-rated basis. Employees who work less than 1,000 hours per calendar year are not eligible for PERS.

### **4. Extra Help/Intern Position**

Employees in this category are those holding jobs of limited or specified duration of less than a year-round basis to cover seasonal peak workloads, unanticipated workloads of a limited duration, normal vacation and sick leave relief, position vacancies pending appointment, the absence of a position incumbent, emergencies, or other reasons established by HCAOG. Extra Help employees and Interns are paid on an hourly basis and are not eligible to participate in any benefits other than those that are mandated by State and/or Federal laws and regulations. Extra Help employee and Intern status is not considered for seniority or benefit longevity purposes if the employee is subsequently hired as a regular full-time or part-time employee. (See Policy #301, *Health and Welfare*, for additional information.)

### **5. Grant Appointment**

A position which has been authorized by the Board of Directors as a direct result of grant funding (Federal or State) or other subsidy becoming available to HCAOG for the budgeting of additional positions for a specific period of time, except for work experience positions as defined in Paragraph (G) below. Grant employees in full-time and part-time grant positions have all the rights and privileges of employees in regular full-time and regular part-time positions; however, some grant appointments may carry with them a higher or lower level of benefits, depending upon the regulations governing the administration of the specific grant program.

### **6. Substitute Appointment**

The appointment of a person to a regular full-time or regular part-time position which is filled by a regular employee who is expected to be on an authorized leave of absence without pay for more than sixty (60) continuous working days. A substitute appointment may also be made to fill the position of a regular employee who is working in a grant-funded position. Substitute employees have all the rights and benefits of the regular employee they are replacing. In all cases, the duration of a substitute appointment shall be determined by the length of time the regular employee is absent from the position.

### **7. Work Experience Position**

A full-time or part-time position that is designed to provide job training to persons who might not otherwise be able to compete in the labor market for regular positions. Work experience programs are normally supported by Federal or State grant funding with the condition that positions in the programs do not replace regular positions in the workforce. Work experience positions shall be identified by the name of the program, and incumbents in the positions shall have such benefits, rights and privileges as may be due to them under the applicable program guidelines.

## **EMPLOYMENT CLASSIFICATIONS**

All Agency positions are classified as either exempt or nonexempt according to Federal and State legal guidelines. For more information on these guidelines visit <https://www.calchamber.com/california-labor-law/exempt-nonexempt-employees>

### **A. Exempt Positions**

1. If a position is classified as exempt as defined by applicable Federal laws, no overtime compensation will be paid to employees occupying that position.

### **B. Nonexempt Positions**

2. Employees designated as nonexempt are paid on an hourly basis with compensatory time earned for working more than 40 hours in one week depending on work schedules.

## **SUBJECT: JOB CLASSIFICATION ADMINISTRATION**

## **POLICY #202**

The goal of HCAOG's classification specifications is to develop a system that supports employee development, provides opportunities for career advancement, and creates an understanding of the roles, responsibilities and relationships of each position within HCAOG.

## **GUIDELINES**

Classification and compensation practices are reviewed periodically to ensure internal and external comparability and competitiveness of pay practices. When a new classification is created or when a position's duties, functions and/or responsibilities change significantly, a job analysis or classification re-evaluation is conducted. Positions are classified/reclassified and assigned/reassigned to a salary grade on the basis of the classification review.

## **POSITION CLASSIFICATION**

The regular classification of each position shall be consistent with the duties performed and the position classification title approved by HCAOG for inclusion in HCAOG's budget. The Executive Director may temporarily reclassify or add positions to meet unanticipated operational requirements, within approved policy authorization and subject to appropriate funding source availability. All temporary reclassifications as additions to regular staffing will be reported by the Executive Director or authorized designee to the Board of Directors during proposed budget discussions.

## **CLASS SPECIFICATION**

The Executive Director or authorized designee shall be responsible for the preparation of a class specification for each classification in the Salary and Benefit Resolution adopted by the Board of Directors. The class specifications shall describe common distinguishing characteristics for each classification such as title, nature of work, supervision received and exercised, examples of typical and related duties, qualifications, requirements, and relationship to other classifications in the

career series, if applicable. Class specifications shall be updated, maintained, or may be created on a temporary basis as the Executive Director or authorized designee determines necessary to properly describe the work performed and to accomplish HCAOG's mission, purpose and programs. Class specifications for newly created regular classifications and substantive revisions to current specifications will be approved by the Board of Directors for development by the Executive Director or authorized designee resulting from the budget approval process. Class specifications shall be made available to the employees of each classification as a general description of the work performed.

## **CLASSIFICATION PAY PLAN**

The Executive Director or authorized designee is responsible for the classification of individual positions and the assignment of classes to salary ranges within currently approved salary schedules as may be required to accomplish HCAOG's mission, purpose and programs, provided that such actions are consistent with policy and will not exceed the approved budget for personnel expenses.

## **SUBJECT: COMPENSATION**

## **POLICY #203**

HCAOG's compensation program is designed to attract, retain, motivate and reward the best possible workforce in an equitable manner. To accomplish this, HCAOG has established the following plan, provisions and standards for employee compensation.

## **GUIDELINES**

### **1. Salary and Wage Plan**

HCAOG's salary program is designed to pay each employee a salary determined by the competitive job market, job responsibilities, and the required level of expertise. The compensation of employees shall be in accordance with the Salary Range Schedule that has been approved and adopted by the Board of Directors.

Each pay increase in the salary range will not be automatic but based on merit. Salary advancements for personnel who are on a range and step basis are predicated on length of service as follows: All ~~such~~ employees shall be eligible for consideration of a ~~receive an automatic increase of merit increase of~~ one (1) ~~step on the salary scale~~ step on the first day of the pay period following the date that the employee's total actual hours in paid status equals thirteen (13) pay periods of full-time service rendered by him/her to HCAOG in the same class after six (6) months of employment in the same job class. Thereafter, each ~~such~~ employee shall ~~receive an automatic~~ be eligible for a one-step merit increase up to and including Step "5" upon the employee's anniversary date while occupying the ~~when their total hours in a paid status at each step equals twenty-six (26) pay periods of full-time service rendered by him/her to HCAOG in the same job~~ class. The effective dates of each step increase will be the anniversary date of such employee. ~~Employees who are paid on an hourly basis will receive an automatic increase on the first day of the pay period following the date that the employee's total actual hours in a continuous paid status equals thirteen (13) pay periods of full-time service rendered by him to HCAOG in the same class.~~ Other than for the purpose of computing salary, the starting date of an employee's employment,



~~promotion, reclassification or demotion occurs during the first half of said pay period, or the first day of the next succeeding pay period if the initial employment, promotion, reclassification or demotion occurs during the last half of said pay period shall occur at the beginning of a pay period.~~

Each merit increase shall be accompanied by an evaluation of the employee, or a written recommendation for a pay increase from the employee's supervisor or the Executive Director. If a pay increase is not recommended for an eligible employee during their evaluation, a specific time not-to-exceed three (3) months will be established for a re-evaluation of the employee's performance. At the time of the re-evaluation, the employee may be reinstated as eligible to receive a merit increase. The merit increase may be applied retroactively to the employee's anniversary date, with approval from the employee's supervisor and the Executive Director.

The Board of Directors annually authorizes the Overall Work Program and Budget Resolution which includes salaries and benefits. The Executive Director or authorized designee has overall responsibility for recommending, interpreting, and monitoring the salary and performance management systems.

Supervisors are responsible for participating and providing input in the performance management program. The Executive Director or authorized designee discusses performance and salary-related issues with all employees.

## **2. Salary Structure**

The salary structure assigns each Agency position to a salary range that identifies minimum and maximum rates, based on comparable positions at other public sector agencies, according to the skills, responsibilities, and qualifications that the position requires, rather than individual job performance or qualifications of the incumbent in that position. Each position is then assigned an appropriate salary range.

Periodically, prior to the Board of Directors' review and adoption of the Salary and Benefits Resolution, the Executive Director or authorized designee will review the compensation plan to evaluate current market value and labor market inflation. If appropriate, the Executive Director or authorized designee will recommend that ranges be adjusted to reflect market changes.

## **3. Start Salary**

The start rate of pay for a newly hired employee will be determined and/or recommended by the Executive Director. The decision as to where to place the newly hired employee within the pre-determined salary range is made according to the experience, competence, knowledge, skills and abilities the employee brings to HCAOG. Any recommended appointment of a new employee above the third step in the salary scale shall require approval from the HCAOG Board.

## **4. Appointment Prior to Vacancy**

Upon the recommendation of the Executive Director or authorized designee, a person may be employed for training purposes for a period of time not to exceed two (2) weeks prior to the

termination of services of the employee being replaced. The employment may be in the same position as the person being replaced.

## **5. Promotions**

If a higher-level position is vacant, any HCAOG employee who meets the qualifications for the higher-level position may be considered for promotion to the vacant position. Promotions within flexibly staffed groups of positions are approved by the Executive Director.

When an employee is promoted to a position with a pay range higher than that of the position previously occupied, the employee will receive at least ~~the minimum amount~~ Step 1 of the new classification pay range. If ~~that the new pay~~ rate is equivalent to or less than the employee's ~~present~~ pay before said promotion, the pay rate may be set at the discretion of the Executive Director, at an amount that is higher than the former pay (if possible). Employees promoted to higher level classifications may be subject to a probationary period.

The effective date for the reclassification shall be the first day of the pay period following approval of the reclassification by the Board of Directors.

## **6. Reclassification**

When a position is reclassified to a classification having a higher pay range and the incumbent employee is appointed to the reclassified position, the pay rate the employee may be placed at is at least Step 1 ~~the minimum amount~~ of the new classification pay range, which will be an amount that is equal to or higher than the former pay.

When a position is reclassified to a classification having a lower pay range and the incumbent employee is appointed to the reclassified position, the pay rate of the employee may remain at their current rate. If the current rate exceeds the maximum amount of the new class pay range, pay may be frozen at its current level until the incumbent leaves the position or the position rate catches up to the current class pay rate.

## **7. Demotions**

Demotions for employees are to be handled as follows:

### **A. Voluntary or Involuntary Demotions**

The salary of such an employee shall be adjusted to the step in the new range that would have been attained if the total service of said employee in the class from which the demotion is made (if any) were combined and full credit given for step increases. The employees' anniversary date will remain unchanged.

### **B. Downward Reclassification**

When an employee's position is reclassified to a class having a lower salary range, the employee shall be placed on the salary level in the new range that is equivalent to the salary received under the old range.

The employee's salary shall remain unchanged (Y-rated) if the salary on the old range is higher than the maximum of the new range and shall remain unchanged until such time as the general salary range adjustments increase the salary for the new classification to a level which encompasses the Y-rated salary.

## **SUBJECT: PERFORMANCE MANAGEMENT**

## **POLICY #204**

The performance management process at HCAOG is designed to motivate, recognize, and reward employees' efforts and achievements. HCAOG strives to create a work environment in which employees are recognized and rewarded for their contributions and where employees understand, contribute, and help meet HCAOG's overall goals.

Supervisors are encouraged to give individual feedback to and solicit feedback from employees on a regular basis. HCAOG's performance evaluation process is designed so that each employee will be evaluated formally at least once a year.

### **GUIDELINES**

#### **1. Informal Feedback**

Supervisors will give feedback throughout the year regarding an employee's success in achieving job expectations and job requirements.

New employees, or employees who are not performing as well as expected, should receive more frequent feedback to provide additional guidance. Disciplinary action may be needed for an employee who is not performing at a satisfactory level.

Employees are also welcome to provide feedback to their supervisor to help them understand how they could better support the employee or what is working for the employee.

#### **2. One-on-One Check in (aka "Walk and Talk")**

Twice per year the HCAOG Executive Director conducts a one-on-one check-in with each employee for an open discussion about what is working, what is not working, and ideas for improvement. These meetings are generally conducted off-site and include a shared meal or a walk (hence the term "Walk and Talk"). The focus is on the big picture rather than project specific work activities and gives both the Executive Director and the employee a chance to communicate openly.

#### **3. Formal Evaluation of Job Performance**

Performance evaluations ~~may be~~ are used as one of many tools to assess an employee's ability to perform the required duties in their current position. Probationary performance evaluations are completed at the employee's 3-month and 6-month anniversary dates, and at six (6) month intervals, up to one year, if an employee's probationary period is extended per Policy #201.

Performance evaluations are required to be completed by all regular, non-probationary employees at the end of the employee's anniversary month and are required annually for all employees who are not at the top of the pay scale for their job class– Performance evaluation for employees who are at the top of the pay scale for their job class may vary in frequency~~frequency may vary~~, depending upon the length of service, job position, past performance, changes in job duties, or recurring performance issues.

Performance evaluations are intended to guide supervisors in assisting employees to meet the essential functions of their position and/or to improve their job skills. Evaluations may be one source upon which the determination shall be made as to whether an employee's performance has been fully satisfactory.

#### **4. Performance Evaluation Form Processing**

After the performance evaluation is completed, a copy of the completed performance evaluation form will be provided to the employee. The employee may submit a written response or written comments, which will be attached to the form for retention in the employee's personnel file. After the supervisor and the employee have signed the form, the form will be submitted for review and signature to the Executive Director or authorized designee. An employee's signature on their performance evaluation only means that they acknowledge that they have received it but does not necessarily mean that they agree with everything that is contained in the evaluation.

After all signatures are affixed, a copy will be made for the employee and the supervisor, and the original will be retained in the employee's personnel file. Performance evaluations shall be treated in a confidential manner.

### **SUBJECT: PERSONNEL RECORDS**

#### **POLICY #205**

Personnel files are the property of HCAOG. They are confidential and HCAOG will restrict access to and disclosure of personnel files to authorized individuals within HCAOG who have a legitimate business reason to see such files. Personnel files are located in the Executive Director or authorized designee's office and individuals with a legitimate business reason can request access from the Executive Director or authorized designee. Employees' medical information and health records will be kept in a separate confidential file in accordance with Health Insurance Portability and Accountability Act (HIPAA) regulations.

### **GUIDELINES**

#### **1. Maintenance of Records**

Personnel records are confidential documents maintained in accordance with State and Federal laws and regulations. All personnel evaluations, as well as other forms, letters, and memorandums are to be addressed to or signed by the employee, acknowledging receipt of a copy prior to being placed in the employee's personnel file. If an employee refuses to sign a form or letter, the

supervisor will sign as a witness to the fact that the employee has refused to sign, and the document will then be placed in the employee's personnel file.

## **2. Update**

Each employee is responsible for notifying the Executive Director or authorized designee of changes in name, address, telephone number, driver's license, number of dependents, marital or registered domestic partnership status, beneficiary, education certificates or any other pertinent information.

## **3. Access/Confidentiality**

Each employee has a right to inspect their own personnel file and is entitled to make notes. An employee does not have an absolute right to a copy of the file, except for documents which the employee has previously signed. Employees may review their own file upon request by scheduling an appointment with the Executive Director or authorized designee.

Any request to inspect or copy personnel records must be made in writing to the Executive Director or authorized designee.

The employee may designate a representative to conduct the inspection of the record or receive a copy of the records. However, any designated representative must be authorized by the employee in writing to inspect or receive a copy of the records. HCAOG may take reasonable steps to verify the identity of such representative.

Files must be reviewed in HCAOG's office in the presence of a supervisor or the Executive Director or authorized designee during normal office hours. Supervisors may review the personnel file of those employees they supervise. HCAOG will also disclose personnel files to law enforcement agents if required by law.

## **4. Employment Reference/Credit Inquiries**

HCAOG is authorized to verify position and employment dates only. No other reference information will be released. Any other information, including address and phone numbers, may be released only with written authorization from the employee. All reference inquiries regarding Agency employees will be referred to the Executive Director or authorized designee.

## **SUBJECT: OVERTIME PAY**

## **POLICY #206**

All Agency positions will be classified as either exempt or non-exempt in accordance with the Federal Fair Labor Standards Act (see Policy #201: Employment Status).

## **GUIDELINES**

### **1. Non-Exempt Employees**

For employees working a regular workweek (defined in Policy #207(1)), all hours worked in excess of 40 hours per week will be treated as overtime and compensation time will be accrued at

a rate one-and-one-half times the employee's regular rate. However, a workday shall not exceed 12 hours inclusive of two 30-minute unpaid breaks.

An employee may accumulate a maximum of forty-five (45) hours of compensatory time per year. Those hours reflect thirty (30) hours of overtime worked per calendar year. Compensatory time off has a maximum accrual of ~~68~~ 80 hours.

For non-exempt employees who are on an approved Flexible Work Hours Plan, as defined under *Guidelines 3. Establishment of Alternative Work Schedule* (Policy #207), overtime is defined as time worked in excess of 40 hours within a seven-day period beginning at 12:01 a.m. Sunday and ending at midnight the following Saturday.

All overtime must be formally requested and approved in advance by the supervisor or the Executive Director or authorized designee. If a non-exempt employee foresees overtime, a written request must be made by the employee specifying the reason for the overtime and the anticipated amount of overtime. The supervisor/Executive Director or authorized designee must evaluate alternatives to the overtime prior to approving the request in writing, and prior to the employee's incurring the requested overtime.

For the purposes of calculating overtime, paid time taken off for vacation, sick leave, and/or holidays are counted as hours worked.

## **2. Exempt Employees**

Under federal and state law, HCAOG is not required to pay exempt employees for any hours worked over 40 in a work week. The law recognizes that exempt employees are expected to work more than 40 hours on an as-needed basis due to their higher level of responsibility and pay compared to non-exempt employees. HCAOG's exempt employees will receive administrative leave per Policy #305. ~~will receive 80 hours of Administrative Leave per fiscal year.~~

## **SUBJECT: HOURS OF WORK**

### **POLICY #207**

The Executive Director or authorized designee establishes working hours that are consistent with the operating requirements and responsibilities of HCAOG. Work shifts, days, hours, and periods can be established and modified by the Executive Director or authorized designee within the limits prescribed by law, based on operating conditions and requirements of HCAOG. Employees may not change their own work schedule without the written approval of their supervisor and/or the Executive Director or authorized designee.

The supervisor and/or Executive Director or authorized designee may require an employee to work overtime, which may occur any time before or after the standard workweek including weekends, evenings, and/or holidays. The supervisor will attempt to provide advance notification, if possible.

## **GUIDELINES**

## **1. Regular Workweek**

Beginning July 1, 2023, a regular work week for HCAOG employees is defined as thirty-four hours between 12:01 a.m. Sunday and 12:00 midnight the following Saturday, inclusive. HCAOG's standard office hours are 8:30 a.m. to 5:00 p.m. Monday through Thursday.

## **2. Work Schedules**

All employees will be assigned to a work shift with regular start and stop times, although the actual start and stop times may be different between employees based upon employer/supervisor and employee needs.

## **3. Establishment of Alternative Work Schedule**

HCAOG supports the concept of an alternative work schedule as a means of providing work/life balance. HCAOG reviews an alternative work schedule as one that permits flexible starting and ending times within limits set by management. These schedules generally adhere to the agency's core work hours.

A flexible program can maximize employee productivity, improve morale, provide opportunities for employees to conduct personal business without taking either paid or unpaid time off, allow greater employee participation in family and community activities, and increase flexibility in meeting irregular scheduling needs while still being a productive employee. Alternative work schedules are subject to approval by both HCAOG and the employee as it may not be appropriate for some employees and some jobs. Approval is at management's option; it is not a benefit to which employees have any vested right. Approval of an alternative work schedule can be revoked at the discretion of the Executive Director.

## **4. Part-Time Work Schedule**

Regular employees holding full-time positions may request a temporary part-time work schedule in order to achieve work life balance needs. Such requests shall be made in writing to the employee's supervisor and Executive Director and should include a justification and proposed length of time for the temporary part-time work schedule, in addition to a plan for how workload responsibilities will be covered during the temporary part-time schedule period. Temporary part-time work schedules are approved by the Executive Director and if granted, will be granted for a specific period of time based on HCAOG needs, employee performance, and other factors. Employee benefits and compensation may be reduced, and the employee will be required to sign an agreement. The Executive Director has the right to revoke their approval of a temporary part-time schedule based on agency needs.

Temporary employees shall work a part-time schedule of less than 20 hours per week on average (calculated using a 12-month initial and/or Standard Measurement period) and no more than 1,000 hours in a fiscal year, unless a written waiver of the part-time work schedule requirement has been signed by the Executive Director and is in effect for a specific period of time.

## **5. Start Time**

Employees are required to be at their assigned work locations and ready to begin work at their designated start time.

## **6. Rest Breaks**

For non-exempt employees, two paid rest breaks of ten (10) minutes each are scheduled in an eight and a half (8.5) hour day, one during the first four (4) hours of a shift and one again during the last four (4) hours of a shift. To the extent possible, rest periods should be taken in the middle of work periods. Break periods cannot be added to the lunch hour, nor taken at the end of the workday, nor saved for use at another time.

If the employee's shift is less than eight and a half (8.5) hours, they will be authorized and permitted one (1) 10-minute rest break for every four (4) hours worked (or major fraction thereof, which is defined as any amount of time over two (2) hours). Employees who work less than three and one-half (3.5) hours in a day will not receive a paid rest period.

If an employee works a shift from three and one-half (3.5) to six (6) hours in length, they will be entitled to one (1) 10-minute rest break. If the employee works more than six (6) hours and up to ten (10) hours, they will be entitled to two (2) 10-minute rest breaks. If the employee works more than ten (10) hours and up to fourteen (14) hours, they will be entitled to three (3) 10-minute rest breaks.

## **7. Meal Periods**

All non-exempt employees will be provided with an uninterrupted, unpaid meal period of at least thirty (30) minutes no later than after each five (5) hours in any one shift with one exception. Employees may voluntarily agree to waive rights to a meal period, provided they do not work more than six (6) hours in the workday. This cannot be done without the mutual consent in writing of the employee and their supervisor.

A second meal period of at least thirty (30) minutes will be given for all workdays on which an employee works more than ten (10) hours. The second meal break may be waived only if:

- A.** The total hours worked on that workday is not more than twelve (12); and
- B.** There is mutual consent between the employer and employee; and
- C.** The first meal break of the workday was not waived.

Employees cannot work "off the clock." All work must be accurately reported on the employees' timesheet.

Any time an employee misses a meal period that was provided to them, they will be required to report to their supervisor and document the reason for the missed meal period or time worked.

## **8. Lactation**

HCAOG will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time should coincide, to the extent feasible, with the employee's paid rest period. The employee may choose to use their lunch break time to express breast milk as well.



HCAOG will make reasonable efforts to provide employees who need a lactation accommodation with the use of a room or other private location, other than a toilet stall, that is located close to the employee's work area. Employees with private offices, i.e., with a door that can be locked and without visibility to passers-by, will be required to use their offices to express breast milk.

Employees who desire lactation accommodations should contact their supervisor or the Executive Director or authorized designee to request accommodations.

## **9. Make-up Time**

Non-exempt employees may request make-up time by working fewer hours on one day and extra time on a different day within the same pay period. This has to be requested in writing each time an employee wants to make up time. A supervisor must approve the written and signed request before make-up time can be used. However, the request can be denied for business reasons. The make-up hours must not result in working more than eleven (11) hours in the workday. Employees cannot make up for time taken off in a different pay period and cannot accumulate make-up hours to take time off later.

## **10. Teleworking Outside of Office**

HCAOG supports teleworking as an innovative work option benefiting HCAOG employees and the region. Teleworking is an opportunity for employees to establish an alternate work arrangement that allows them to work at home or at another location for part of their regular workweek.

A teleworking program can maximize employee productivity, improve employee morale and motivation, and reduce traffic congestion during peak travel periods. Teleworking is subject to approval by both HCAOG and the Teleworker as it may not be appropriate for some employees and some jobs.

Teleworking cannot interfere with the accomplishment of HCAOG business nor can teleworking cause a reduction in the levels or service presently being provided. Approval of teleworking is at management's option; it is not a benefit to which employees have any vested right. Approval of a teleworking schedule can be revoked at the discretion of the Executive Director.

A telework arrangement may be informal, such as working from home for a short-term project or during business travel, or formal, as described below. Other informal, short-term arrangements may be made for employees on family or medical leave, to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate. All informal telecommuting arrangements will be made on a case-by-case basis, focusing first on the business needs of the organization.

### **A. Responsibilities and Expectations**

- i. In establishing a telework arrangement, both management and employees recognize that teleworking cannot prevent or interfere with the accomplishment of HCAOG business, nor can an arrangement cause a reduction in the level of service expected to be provided by the employee or their team.
- ii. A Teleworking Outside of the Office (Telework) Agreement and the Home Office

Safety Checklist are required to be approved, in advance, before an employee begins to work from home or at another location on a regular basis. A Telework Agreement is not required when an employee wants to work from home or at another location on an occasional basis; such arrangements should be coordinated between an employee and their supervisor.

- iii. The schedule for work performed at the telework site is subject to negotiation with, and approval by, the employee's supervisor and the Executive Director.
- iv. The teleworker must make themselves accessible during their assigned work shifts for meetings via telephone or other technology and also must have access to the Agency email, file server, and calendar system via the Internet.
- v. Meetings and work assignments may require employees to be physically present in the office on certain days that may have been scheduled for teleworking. On these occasions, it is the employee's responsibility to make every effort possible to come into the office and ensure agency business is not disrupted.
- vi. The teleworker is expected to establish and maintain, at their expense, an appropriate work environment within their home or other remote location for work purposes. The designated work area must be professionally appropriate, maintained in safe conditions, free from hazards and other dangers to employees and equipment.
- vii. The teleworker is expected to establish and maintain, at their expense, equipment and services such as ~~a computer~~, telephone, Internet access, and other related equipment and resources needed to support the telework arrangement.
- viii. ~~On any personal computer(s) used to perform work for HCAOG, the teleworker must, at a minimum, enable and keep up to date a commercially available firewall, install and keep up to date a commercially available anti-virus product, and maintain current security (patch) levels for the computer's operating system and any application software. Remote access to HCAOG electronic resources is accomplished through the HCAOG virtual private network (VPN). HCAOG VPN users may be required to allow security scans of their computers to confirm the presence of up to date firewall, anti-virus, and security patches. Questions regarding the suitability of software to meet HCAOG security requirements can be posed to the information technology support staff. All work performed under an approved telework arrangement shall be on a designated HCAOG computer. HCAOG shall provide the employee with access to any required software or subscriptions to complete the work outlined in the telework agreement.~~
- ix. Storing (saving) HCAOG electronic documents and files on non-agency computers is discouraged. Documents and files accessed in the course of teleworking should be saved on a HCAOG network drive. Should connectivity issues or other circumstances necessitate temporarily saving an HCAOG document or file on the teleworker's computer, the teleworker must save the document or file on an HCAOG network drive at the earliest opportunity and delete all copies of the document or file from the

teleworker's computer.

- x. Any work that is work performed on personal devices while teleworking may subject those devices to review by HCAOG authorized staff in order to comply with public records requests, litigation holds, or in situations in which HCAOG is legally required to store or provide access to its records.
- xi. Coverage under the HCAOG worker's compensation insurance policy for job-related accidents will continue to exist during the employee's scheduled telework hours. This liability is limited to injuries resulting directly from work and only if the injury occurs in the designated work area. Teleworking employees are responsible for notifying of such injuries in accordance with HCAOG accident and injury reporting procedures. The employee is liable for injuries to third persons and/or members of the employee's family on the employee's premises.
- xii. Teleworking is not a substitute for childcare. Teleworkers must make alternative arrangements for childcare during designated work hours.
- xiii. Employees must ensure they have access to all appropriate work-related information. Teleworking should not reduce the productivity of onsite employees by asking them to find or email information maintained at the office.
- xiv. Teleworkers are subject to the HCAOG Employee Handbook and all supplemental policies.

## **B. Casual Teleworking**

Employees who telework on an informal or casual basis or perform HCAOG work from a remote location outside of business hours, are subject to the responsibilities and expectations described in this policy as applicable to their situation.

## **C. Teleworking Request Procedures and Approval Process**

An employee and supervisor may propose teleworking as a possible work arrangement. Prior to approving a Telework Agreement, the employee and Executive Director will evaluate the suitability of such an arrangement. Attention will be paid to:

- i. **Employee Suitability:** The employee and supervisor will assess the needs and work habits of the employee compared to traits customarily recognized as appropriate for successful teleworkers. Employees must be able to complete tasks efficiently and effectively while teleworking. The employee must at a minimum, have a good overall performance rating on their most recent Performance Evaluation.
- ii. **Job Responsibilities:** The employee and supervisor will discuss the job responsibilities and determine if the job is appropriate for a teleworking arrangement. Certain jobs may not lend themselves to teleworking, such as jobs requiring teamwork, access by the public, supervision, or use of information and materials that cannot be taken from the office.

- iii. Equipment Needs and Workspace Considerations: Telework applicants must complete the Home Office Safety Checklist to confirm that the appropriate equipment and resources are available, and that the condition of the proposed work site environment is considered safe.

## **SUBJECT: PAYMENT OF WAGES**

## **POLICY #208**

HCAOG pays its employees on a biweekly basis. The following are the guidelines used for payment of wages.

### **GUIDELINES**

#### **1. Pay Dates/Pay Periods**

The pay period for all HCAOG employees shall be a fourteen (14) consecutive calendar day period commencing at 12:01 a.m. Sunday and ending at midnight the second Saturday thereafter.

Paydays are on the first Friday following the end of each pay period. A yearly pay date calendar will be distributed to all employees prior to the first pay period in the calendar year. The pay dates will also be posted in the office.

Employees are paid for work performed during the previous pay period. When payday falls on a legal holiday, employees shall receive their payroll warrants on the day preceding the normal payday.

By law, required deductions must be made in each pay period for Federal and State income taxes, and State disability insurance.

If there is a discrepancy in pay or the employee feels that payroll made a mistake, they should notify Accounting the Executive Director or designee, who will address the issue within a reasonable amount of time.

#### **2. Timekeeping Requirements**

Accurate recording of time worked is the responsibility of every employee. Federal and State laws require HCAOG to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is time actually spent on the job performing assigned duties. Employees are not allowed to work "off the clock". Working off the clock violates Agency policy.

Both exempt and non-exempt employees must indicate the allocation of their hours worked to the appropriated work elements and tasks identified in the overall work program.

It is the responsibility of all employees to record their time accurately on their timesheet in a timely manner.

The Executive Director is responsible for ensuring the work and leave time reported by an employee is accurate for the pay period and validating this by approving the employee's timesheet

in a timely manner. In the event an employee is unable to complete their timesheet, it is the supervisor's responsibility to complete it on the employee's behalf.

Timesheets are due to be submitted and approved by the end of each pay period deadline. Changes to the submission and approval deadline due to holidays or other circumstances will be communicated in a timely manner. Corrections to previously reported time must be submitted as soon as the discovery is made.

Any falsification or misrepresentation of time and attendance information may result in disciplinary action, up to and including termination.

### **3. Automatic Payroll Deposit**

HCAOG offers automatic payroll deposits for all employees.

## **SUBJECT: ATTENDANCE AND TARDINESS**

### **POLICY #209**

Consistent attendance and punctuality are required standards for HCAOG's business operation, and therefore an integral part of each employee's performance standard. Poor, uncertain, or irregular attendance produces disruptive results for operations, lowers overall productivity and continuity of work, and is burdensome to other employees.

Employees are expected and required to report to their designated work location at the prescribed time work activity is to commence. Tardiness, un-excused absences, and/or failure to report as required is/are not acceptable.

In all cases of an employee's absence, the employee should provide the supervisor with a truthful reason for the absence and, if applicable, the probable duration of the absence. Employees unable to adhere to HCAOG's attendance policy will be subject to disciplinary action, up to and including termination of employment.

### **GUIDELINES**

1. If an employee is unable to report to work on time due to illness, injury, or any other reason, the employee should notify the office by email and or phone call as soon as reasonably possible. (See Policy #304, *Sick Leave*, for additional information.)
2. Excessive or repetitive tardiness or absenteeism, regardless of reason(s), which renders an employee insufficiently available for work or negatively impairs the operations of HCAOG, will be evaluated on a case-by-case basis to determine the merits of disciplinary action, up to and including termination of employment.

3. Employees absent for three consecutive workdays without calling in to report the absence are considered to have voluntarily resigned from employment with HCAOG as of the first day of absence. This “no call/no show” policy applies to all situations other than extreme emergencies.

## **SUBJECT: EDUCATION AND TRAINING**

## **POLICY #210**

HCAOG may, subject to budgetary limitations, provide reimbursement for courses, certification exams, and maintenance of certifications which are related to the employee’s present position or promotion with the Association.

1. Reimbursement which will be provided to full-time employees for tuition, fees, and materials costs directly related to the approved course shall be limited to \$300 per course or \$100 per semester or quarter unit, whichever amount is greater, not to exceed \$600 per individual per fiscal year.
2. Reimbursements shall include fifty percent (50%) reimbursement for the costs of required textbooks and one hundred percent (100%) reimbursement for the costs of certification examinations.
3. To further encourage career development, employees may be allowed to use vacation or holiday and compensation time off for attendance at regularly scheduled classes. Departments are additionally encouraged to allow employees flexible and temporarily reduced work hours for such purposes.
4. Continuing education shall be offered subject to budget approval by the Executive Director.

## **MANDATORY MEETINGS/TRAINING**

HCAOG pays employees for attendance at meetings, seminars and training programs under the following conditions:

1. HCAOG requires attendance.
2. The meeting or seminar is directly related to the employee’s job.
3. The employee who is required to attend such meetings, seminars or training programs will be notified of the necessity for such attendance by their supervisor.

For non-exempt employees only:

1. Any hours in excess of the employee’s normal 40-hour work week will be paid in compensatory time off at the appropriate overtime rate. Use of compensation time requires the supervisor’s approval.

## **GUIDELINES**

If an employee voluntarily schedules to attend a one-day seminar or conference on their regularly scheduled day off, the employee will not receive compensation overtime for attendance.

Employees requesting approval to attend a budgeted seminar or conference in excess of two (2) days should complete a written request, including estimated expenses. The request should be submitted to the supervisor and must be approved before attending. The Per Diem will be reimbursed after submitting an employee expense form, with attached receipts.

If the employee uses their own car, mileage reimbursement will be made at the current IRS rate. Travel expenses will be reimbursed upon presentation of receipts and an employee expense form. Approval of reimbursement must be provided by the employee's supervisor or by the Executive Director or authorized designee. Advances for reimbursable expenses may be made for one-day seminars or workshops on a case-by-case basis.

## **SUBJECT: STANDARDS OF CONDUCT**

### **POLICY #211**

Like all other organizations, HCAOG requires order, discipline, and performance to succeed and to promote efficiency, productivity, and cooperation among employees. It is not possible to list all forms of behavior that are considered unacceptable in the workplace. Examples of conduct that is prohibited and will not be tolerated by HCAOG are listed below. This list is illustrative only, other types of conduct that threaten the security, personal safety and welfare of employees and/or HCAOG's operations are also prohibited.

### **GUIDELINES**

Any actions such as the examples of misconduct listed below will be cause for HCAOG to discipline the employee, up to and including termination of employment.

1. Absence from duty of failure to attend specified employee training without leave or reasonable cause;
2. Abuse of leave privileges;
3. Unexpected or excessive absence or tardiness;
4. Failure to report for duty after a leave of absence has expired or after a leave of absence has been disapproved;
5. Incompetence (i.e., inability to meet the minimum standards or essential functions of an employee's position for a significant period of time);
6. Unwillingness to perform the normal quality or quantity of assigned work;
7. Failure to obey a reasonable oral or written order;
8. Discourteous treatment of the public or other employees;
9. Actions which constitute an unwholesome influence on other employees, such as harassment or discrimination, which includes sexual harassment;
10. Using, possessing, dealing, distributing, or being under the influence of intoxicating beverages, un-prescribed narcotics, or unlawful drug while on duty or at work locations, or reporting to work;
11. Fraud or dishonesty in securing employment or promotion;
12. Deliberate or willful falsification, alteration, destruction, or removal of HCAOG records including, but not limited to, employment applications, personnel records, timesheets, or other confidential records;

13. Theft or any other improper or authorized use, removal, or destruction of HCAOG property or property belonging to someone other than the employee subject to discipline;
14. Improper use of HCAOG's technological property, such as access to inappropriate Web sites or illegal activities that violate HCAOG's Technology and Electric Resource Policy;
15. Violation of HCAOG ordinances, resolutions, policies, rules, or regulations;
16. Conviction of a felony or conviction of a misdemeanor involving moral turpitude;
17. Dishonesty involving employment;
18. Bringing or possessing a weapon, such as an explosive, firearm, or a knife, that is of no reasonable use to an employee on HCAOG's property;
19. Acceptance, from any source other than HCAOG, of one or more gifts from a particular person or agency (with an aggregate value in excess of \$50 annually), or other form of remuneration (except jury duty pay). In addition to regular compensation to an employee for the performance of their official duties. Honorariums or other payments received by an HCAOG employee for speaking engagements while acting in their official capacity as an HCAOG employee must be remitted to HCAOG;
20. Unapproved outside employment or ~~endeavor, paid or unpaid, not specifically authorized by the Executive Director~~ activity that violates HCAOG's outside employment policy or other enterprise that constitutes a conflict of interest with service to HCAOG;
21. Any willful act or conduct, either during or outside of duty hours, which is of such a nature that it causes discredit to HCAOG;
22. Violation of any federal, state, or local law directly impacting the employee's fitness for employment;
23. Poor attitude or conduct that disrupts the working environment at HCAOG by causing disruption in workflow, distress to another person, or disharmony among co-workers;
24. Unauthorized disclosure of confidential or trade secret records or information to third parties, including but not limited to personal social security numbers, medical records, and records relating to a lawsuit, investigation, procurement negotiation, or release of any other records as may be prohibited;
25. Failure to pay debt owed to HCAOG in a timely manner;
26. Failure to pass an employment-related background check, screening, or verification;
27. Loss of legal authorization to work in the United States;
28. Violation of HCAOG policies, rules or regulations.

## **SUBJECT: PROGRESSIVE DISCIPLINE**

## **POLICY #212**

Each Agency employee should perform his or her own work for HCAOG in compliance with high standards of performance and behavior required in a professional workplace and consistent with HCAOG's Business Ethics Policy (see Policy #106). Each employee is responsible for correcting any unsatisfactory performance or behavior in order to maintain high workplace standards.

### **1. GUIDELINES**

If an employee's performance or behavior is unsatisfactory or deficient, the employee may face disciplinary action. The Executive Director or authorized designee has the right to determine what



disciplinary action is appropriate based on the facts of each case. Any disciplinary action will be related to the severity of the performance or behavioral deficiency, its frequency, its consequences and the employee's record of prior performance and behavior.

The Executive Director may take disciplinary actions regarding an employee's unsatisfactory or deficient performance or behavior and propose corrective actions which the employee should take to bring performance or behavior to expected standards including, but not limited to:

- A. Verbal counseling;
- B. Written notice or reprimand;
- C. Suspension of employee from work with or without pay;
- D. Demotion of employee from current position to lower-paid position or class; and/or
- E. Termination of employment.

HCAOG is not required to treat each form of discipline as a step in a series to be followed with an employee before termination of employment. A serious or major performance or behavioral deficiency may result in a more severe disciplinary action, including immediate termination of employment, and may not necessarily be preceded by less severe forms of disciplinary action.

## **2. Disciplinary Actions**

Nothing in these Policies requires HCAOG to impose disciplinary action in any progressive fashion, particular order, or in relation to the number of prior disciplinary infractions. Rather, HCAOG reserves the right to impose any form of discipline it deems appropriate in any given circumstance. HCAOG reserves the right to deviate from its disciplinary policies when circumstances warrant such a deviation. The Executive Director is vested with authority to determine the appropriate course of action. This section does not apply to at-will Probationary, Limited-Term, temporary and annuitant employees, who can be terminated at any time with or without cause and are not entitled to a disciplinary process; it applies only to Regular employees. The following list includes some, but not all, of the forms of disciplinary measures HCAOG may impose:

- A. **Counseling:** Disciplinary counseling is any informal discussion with an employee designed to help the employee remedy identified problems in skills, abilities, or work performance. Supervisors are responsible for noting the date and content of the discussion, but no record needs to be placed in the employee's personnel file. Counseling should be used whenever possible before taking more severe action and as a follow-up after formal action.
- B. **Oral Reprimand:** Oral reprimand is an informal verbal notice to an employee that their behavior or performance must be improved. It defines areas where improvement is needed, set goals, and informs the employee that failure to improve may result in more serious action. Oral reprimands usually are given by the supervisor when counseling has failed to produce desired change. The supervisor shall note the date and content of the oral reprimand, but no record needs to be placed in the employee's personnel file. Should further disciplinary action be required, supervisors may refer to these notes as part of written documentation that goes in the personnel file.
- C. **Performance Evaluation:** Behavior, attitude, and/or performance problems may be noted in written disciplinary evaluation at any time. The evaluation should define areas where

improvement is needed, set goals, and inform the employee that failure to improve may result in more serious action.

- D. Written Reprimand:** Written reprimand is a formal notice to an employee that further disciplinary action will be taken unless their behavior or performance improved, a copy of which is placed in the employee's personnel file. The employee will be requested to execute the written document as acknowledgement of the discussion. Signed copies will be provided to the employee. The written reprimand should be specific and contain information regarding what occurred; the date and time; which rule; policy, etc., was violated; and what the employee is directed to do to correct the situation. The employee shall be notified of their rights to provide a written response within five working days or receiving the reprimand, which will be included in the personnel file, along with the written reprimand.
- E. Suspension:** Suspension is the temporary removal of the employee from the employee's duties without pay. Both exempt and nonexempt employees may be suspended in partial workweek increments for disciplinary purposes. An employee on suspension without pay shall not accrue benefits that normally accrue based upon time worked.
- F. Reduction In Pay:** Reduction in pay shall be a decrease in salary to lower pay within the salary range for disciplinary purposes.
- G. Demotion:** Demotion is the transfer of an employee to a lower classification, provided they meet the minimum qualification for the lower-level position and HCAOG can accommodate the demotion. A demotion also may include a reduction in pay as discussed above.

### **3. Disciplinary Procedures**

Disciplinary actions may range from informal conversations to dismissal. Counseling and oral reprimands are considered informal. Written reprimands are more formal, and the employee is given the opportunity to respond in writing, with the comments placed in their personnel file along with the reprimand. This section applies to Regular employees only. All other employees are employed at will and can be terminated at any time, with or without cause, and are not entitled to a disciplinary process.

### **4. Failure or Refusal of Employee to Sign Written Form of Discipline**

When an employee's discipline is documented in written form, whether as a reference in a Performance Evaluation, a written reprimand, or any other document, the employee will be asked to acknowledge receipt of the document referencing the discipline by signing or initialing the document. A signed copy will be furnished to the employee. If the employee is unavailable or fails or refuses to sign the document acknowledging receipt, the supervisor or other person dispensing the discipline shall document the circumstances of the refusal on inability, and this documentation shall be placed in the employee's personnel file.

### **5. Grievance Procedure**

Prior to imposing any disciplinary action, except verbal counseling or written notice or reprimand, HCAOG will meet with the employee to inform them about the proposed disciplinary action, the basis for the disciplinary action, including the employee's unsatisfactory or deficient performance or behavior, the severity, frequency and/or consequences of such performance or behavior and any

other reasons why such disciplinary action is being imposed. The employee will be given a reasonable opportunity to respond orally and/or in writing.

After consideration of the employee's response, the Executive Director or authorized designee will give the employee written notice of the disciplinary action, including the reasons for the action and any facts relevant to unsatisfactory or deficient performance or behavior. The employee will also be notified of their right to appeal the disciplinary action.

Any employee suspended without pay, involuntarily demoted or terminated may submit a written appeal of such action to the Executive Director or authorized designee, within five (5) days after written notice of disciplinary action. Failure to request an appeal within five (5) days terminates the right to a hearing and the disciplinary action will be final.

Within five (5) days of HCAOG's receipt of the written notice of appeal, or as soon as is reasonably possible, a hearing will be conducted to examine all the facts and available evidence regarding the disciplinary action, and to question witnesses. At the end of the hearing or within three (3) days of such hearing, the Executive Director or authorized designee will determine whether the disciplinary action should be upheld or revoked.

The findings and recommendations of the Executive Director or authorized designee will be submitted to the appellant. If the complaint is against the Executive Director, it can be presented to the Board of Directors. The appellant will have the right to appear before the Board of Directors before the Board makes a decision. The Board's decision will be final and binding.

## **SUBJECT: TERMINATION OF EMPLOYMENT**

### **POLICY #213**

The Executive Director or authorized designee may separate employees from employment as necessary and as provided by these policies. Reasons for employee termination from employment include dismissal by disciplinary action, resignation, unexcused absence or disability, retirement, and layoff, or death.

All employees will be paid in full for accrued and unused vacation and compensatory time off on the last day of employment or within the appropriate timeframe based on Federal and State laws.

Employees will be advised of the Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Health Insurance Portability and Accountability Act (HIPAA), if applicable. (See Policy #301 for an explanation of these options.)

## **GUIDELINES**

### **1. Resignation**

An employee who desires to terminate their employment is encouraged to submit a written resignation at least two (2) weeks before the intended resignation date. Supervisors are encouraged to give thirty (30) days' notice of intent to resign.

## **2. Non-disciplinary Separation from Employment**

- A.** The Executive Director or authorized designee may initiate non-disciplinary separation from employment of an employee for reasons of job abandonment, failure to return to work following an approved leave, enforcement of the Employment of Relatives policy (Policy #401), physical or mental disability that cannot be reasonably accommodated, or other similar non-disciplinary reasons. Employees in positions which require driving as an essential duty may be subject to non-disciplinary separation from employment in the event of denial/exclusions of coverage by the insurance carrier or failure to maintain a valid driver's license.
- B.** The Executive Director or authorized designee will provide written notice to any regular status employee separated from employment for non-disciplinary reasons. The effective date of employment termination may be determined by the Executive Director or authorized designee to be the last actual day at work or the date the written notice is signed or a future date. Upon receipt of notice of non-disciplinary separation from employment, the employee may accept the decision or within five (5) days submit a written request to the Executive Director or authorized designee for informal reconsideration of the employment separation decision. Such requests must include a statement of facts or information which the employee believes will give the Executive Director or authorized designee good reason to change the termination decision. The Executive Director or authorized designee will respond to any such request for informal reconsideration.

## **3. Organizational Changes**

HCAOG exercises complete control and discretion over its organization and the methods of performing its work. Whenever in the judgment of the Executive Director or authorized designee it becomes necessary in the interest of economy and efficiency or because the need for the performance of duties no longer exists, the Executive Director or authorized designee may eliminate or consolidate any positions.

## **4. Reduction in Force**

At times, HCAOG may need to restructure or reduce its workforce. If it becomes necessary to restructure operations or reduce the number of employees, HCAOG will attempt to provide advance notice, if possible, so as to minimize the impact on affected employees.

## **5. Retirement**

An employee planning to retire shall submit a written notice at least thirty (30) days before the effective date of retirement.

## **6. Final Paycheck**

Although it is requested that an employee give two (2) weeks' notice before resigning, if an employee provides seventy-two hours (72) notice, the employee will receive the final paycheck on the last day of work. If less than seventy-two (72) hours' notice is given, HCAOG shall release the final check within seventy-two (72) hours of when notice is given.

If the employee is terminated involuntarily, a final paycheck will be provided on the day of termination.

### **7. Return of Agency Property**

Upon termination of employment, employees are required to return all equipment, keys, ID cards, emergency passes, equipment, laptops, and other Agency property prior to leaving HCAOG.

### **8. Continuation of Group Health Benefits – C.O.B.R.A.**

In accordance with Federal and State law, employees and their families, at their expense, may have a temporary extension of health coverage at group rates plus applicable administrative fees in certain instances where coverage under the plan would otherwise terminate. The employee may contact the Executive Director or authorized designee for more information regarding this benefit.

## **COMPLAINT RESOLUTION**

### **POLICY #214**

HCAOG recognizes the benefit of providing an orderly and expeditious method for resolving problems which may arise from working relationships and conditions. It is HCAOG's policy to provide an orderly method for handling problems and complaints in the interest of obtaining fair and equitable solutions.

Employees shall be advised that using this process shall not affect their job status, security or relationship. Employees can exercise this complaint resolution process without retribution.

## **GUIDELINES**

1. Any employee has the right to present a problem or complaint arising from their employment in accordance with the rules and regulations of this policy.
2. All parties involved in the problem-solving process must act in good faith and strive for objectivity, while attempting to reach a solution at the earliest possible step of the procedure. Employees shall have the assurance that bringing forward a problem or complaint will not result in reprisal of any nature.
3. HCAOG is committed to ensuring a prompt and fair problem resolution process, including any necessary investigation process. At the discretion of the Executive Director or authorized designee and/or the employee's supervisor (unless otherwise required by law), the employee may be allowed to use Agency facilities and work time to deal with their problem or complaint and to go through the complaint resolution process. The use of any office time for this purpose shall not be excessive, nor shall this privilege be abused.
4. In gathering information on a problem or complaint, the employee may discuss the problem or complaint with employees immediately after obtaining permission from their immediate

supervisor; and review all documents, records or data related to the situation. A list of such employees must be submitted to the Executive Director or authorized designee in advance.

5. Upon obtaining permission from their immediate supervisor, the employee shall be permitted to leave the normal work area during on-duty time for such time as is necessary to prepare a written complaint.
6. If an involved supervisor feels that the time requested would unduly interfere with an adequate level of service, alternative arrangements may be made.
7. Certain time limits in the problem-solving procedure are designed to settle the problem or complaint. HCAOG realizes, however, that occasionally the parties concerned may be unable to comply with the established limitations. In such instances, the limitations may be extended upon the mutual agreement of all parties concerned.
8. When two or more employees experience a common problem, they may initiate a single problem-solving process. If the employees do not have a common supervisor, the problem or complaint shall be presented to the Executive Director or authorized designee.

#### **Complaint Resolution Procedures:**

Step 1: When an employee becomes aware that a problem exists, the employee shall discuss the matter informally with their immediate supervisor to try to resolve the problem.

An employee who believes that they have been subject to any form of unlawful discrimination or harassment, whenever possible, should confront the harasser or the person discriminating against them, and tell the person to stop. If the employee does not feel comfortable doing this, they should follow step 2 immediately.

Step 2: If a mutually acceptable solution cannot be reached in Step 1, the employee shall submit a formal complaint in writing to the immediate supervisor and the Executive Director or authorized designee. The immediate supervisor will try to address and resolve the problem with the assistance of the Executive Director or authorized designee. The complaint should be specific and should include date(s) and time(s) of any incident(s), if applicable, details on the incident(s), names of individuals involved, and the names of any witnesses, if applicable.

If the complaint is related to any claims of unlawful discrimination or harassment, the complaint should also be submitted in writing, but this is not required.

The supervisor (or the Executive Director or authorized designee, depending on the severity of the complaint or any alleged offense) will immediately undertake an effective, thorough and objective investigation and attempt to resolve the situation. If it is determined that unlawful discrimination or harassment has occurred, effective remedial action will be taken commensurately with the severity of the offense. Appropriate action will also be taken to deter any future discrimination or harassment. Whatever action is taken will be made known to the affected employee and HCAOG will take appropriate action to remedy any loss to the employee as a result of discrimination or harassment.

Step 3: If the problem cannot be resolved in Step 2 or the employee does not agree with their immediate supervisor's decision or if the complaint is against the immediate supervisor, they can file a formal written complaint to be reviewed by an individual or individuals, designated by the Executive Director or authorized designee. Within a reasonable timeframe, the designated individual(s) will investigate the complaint, confer with persons affected to the extent deemed necessary and meet with the employee in an attempt to resolve the complaint and make a decision in writing. The decision will be given to the employee.

Step 4: If the employee is dissatisfied with the decision by the designated individual(s), they may request a review by the Executive Director or authorized designee. The Executive Director or authorized designee shall review the complaint and render a written decision within a reasonable period of time.

If the complaint is against the Executive Director or authorized designee, the complaint shall be filed with the Chair of the Board of Directors. The Chair of the Board may either review the complaint and conduct such investigation as they deem appropriate or, in their discretion refer the matter to the full Board or Executive Committee for its review of the complaint and determination of appropriate action.

At any time throughout the complaint process, the employee may withdraw their complaint, if they so choose. HCAOG will not encourage, discourage, or solicit the withdrawal of a complaint.

HCAOG will not retaliate against the employee for filing a complaint and will not knowingly permit retaliation by management employees or coworkers.

If an employee has any questions regarding HCAOG's policy against unlawful discrimination or harassment or the procedure for filing complaints, they should contact their supervisor.

## SECTION III BENEFITS

### SUBJECT: HEALTH AND WELFARE BENEFITS

POLICY #301

HCAOG provides its eligible employees with access to comprehensive health and welfare insurance protection including medical, dental, vision, life, workers' compensation and unemployment insurance protection. The enrollment and/or cancellation date for all insurance coverage is the 1<sup>st</sup> of each month, unless otherwise indicated. For example, if an employee's first day of employment is January 15, the first possible enrollment date for the above-mentioned insurance plans is February 1.

HCAOG also provides retirement benefits and other optional benefit plans as outlined below.

### GUIDELINES

#### 1. Health Benefits

- A. Since January 2001, HCAOG offers medical insurance through California Public Employees' Medical and Hospital Care Act (PEMHCA). Employees may enroll their spouse, eligible children or registered domestic partners and eligible children of registered domestic partners, according to the PEMHCA Law. The employer contribution for each employee or annuitant shall be for two individuals as described in 1B.
- B. Tier 1: For employees hired prior to January 1, 2021, the cost of providing health benefit coverage for the active employee and one eligible dependent will be paid 100% by HCAOG. Under Tier 1, HCAOG employees hired on or before January 1, 2021, who later retire under these Personnel Policies, and qualify as an "annuitant" according to PEMHCA, HCAOG will contribute directly to CalPERS on behalf of each annuitant the PEMHCA statutory minimum monthly employer contribution. In addition, HCAOG will contribute to a health savings or reimbursement account maintained by HCAOG and in the name of the annuitant, an amount equal to the difference between HCAOG's PEMHCA statutory minimum contribution and the cost of healthcare insurance through CalPERS for the employee plus one dependent. Once eligible, a retiree and/or their dependent under Tier 1 may enroll in a Medicare or Medicare supplemental Health Care plan offered through CalPERS to be paid for by HCAOG in lieu of the Medical Healthcare Insurance.

Tier 2: For employees hired by HCAOG after January 1, 2021

For employees hired on or after January 1, 2021 the cost of providing health coverage for the active employee will be paid 100% for the employee and 33% for one eligible dependent. The employee will be responsible for paying excess premiums for dependent health benefits that will be deducted from their paycheck pre-tax. Under Tier 2, HCAOG will contribute directly to CalPERS on behalf of each annuitant the PEMHCA statutory minimum monthly employer contribution amount set annually by CalPERS.



- C. HCAOG employees may take a cash in lieu of medical benefits option. Employees hired prior to January 2023 who choose to opt out of receiving medical insurance coverage will be compensated at 75% of the healthcare cost. For employees hired after January 1, 2023 the option pays a monthly benefit of \$500. Any regular full-time employee that is eligible and chooses the cash in lieu option must provide evidence that they have current medical coverage elsewhere. Proof of coverage must be provided annually. Should medical coverage lapse, the employee shall immediately forfeit their cash in-lieu option and will be enrolled in the HCAOG medical benefits.
- D. Employees must be regular full-time employees to qualify for health benefits

## 2. Dental Benefits

Dental benefits are offered to both the employee and ~~one~~their dependents. ~~The cost for any additional dependents shall be paid for by the employee and will be deducted from their paycheck.~~ Any questions on dental coverage can be answered by calling the insurance carrier or contacting HCAOG's Executive Director or authorized designee.

## 3. Vision Care

HCAOG provides vision care through an independent carrier as a part of the employee benefit program. Vision benefits are offered to both the employee and their dependents. Any questions on vision coverage can be answered by calling the insurance carrier or contacting HCAOG's Executive Director or authorized designee.  
~~An explanation of the plan can be provided by HCAOG's Executive Director or authorized designee.~~

## 4. Group Term Life Insurance

HCAOG provides group term life insurance for its employees, with the following coverage:

- A. ~~\$25,000~~20,000 for Management and Confidential Employees (exempt)  
B. ~~\$15,000~~10,000 for ~~regular~~ (non-exempt) full-time employees

The benefits of this program can be explained in more detail by Executive Director or authorized designee.

## 5. Consolidated Omnibus Budget Reconciliation Act (COBRA)

Employees and dependents who lose group coverage due to voluntary or involuntary termination of employment (except due to "gross misconduct") 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.

Upon an employee's termination of employment, the Executive Director or authorized designee will issue a Notice of Right to Elect COBRA Continuation Coverage for dental, vision, and life coverage. Continuation of coverage is paid by the terminating employee directly to the health plan carrier.

## **6. Paid Family Leave (PFL)**

Paid Family Leave (PFL) is a State-sponsored insurance program within the State Disability Insurance (SDI) program. Through PFL, employees receive partial wage replacement for up to six (6) weeks in any twelve (12)-month period while on leave from work to care for a seriously ill or injured family member or to bond with a child.

Leave for bonding with a child must occur within one year of:

- A.** The birth of a child; or
- B.** Placement of a child in the employee's home for foster care or adoption.

Employee must use accrued sick leave and vacation leave balances while on PFL. Sick leave and vacation credits cease to accrue effective the beginning of the pay period after the leave time has been exhausted.

## **7. Unemployment Insurance**

Unemployment insurance provides compensation payable to people unemployed through no fault of their own, who are actively seeking employment and are available and able to work. HCAOG pays the entire cost of unemployment benefits for former employees through taxes paid to the State. To receive more detailed information regarding the coverage, please contact the Executive Director or authorized designee.

## **8. Retirement Benefits**

Fulltime employees are required to participate in the California Public Employees Retirement System (CalPERS). Part-time employees participate in CalPERS if consistently employed 20 hours per week for one year or longer. Temporary employees are required to participate after being employed by HCAOG for more than one thousand hours (1,000) annually. The benefit formula for retirement is 2% at age 60 (unless considered a new employee under the Public Employees' Pension Reform Act of 2013 (PEPRA), then the formula rate is 2% @ 62). HCAOG contributes the employer portion and each HCAOG employee contributes the employee portion as determined by CalPERS.

## **9. Deferred Compensation Plan**

As part of the benefits program, HCAOG offers its employees a 457b deferred compensation plan through Voya. Employees may contribute to the plan on a voluntary basis. HCAOG does not contribute any funds on behalf of the employee.

To receive more detailed information, please contact the Executive Director or authorized designee.

## **SUBJECT: HOLIDAYS**

## **POLICY #302**

The following fourteen (14) paid holidays shall be observed by HCAOG:

1. January 1, New Year's Day
2. The third Monday in January, Martin Luther King Day
3. February 12, Lincoln's Birthday

4. The third Monday in February, President's Day
5. March 31, Cesar Chavez Day
6. The last Monday in May, Memorial Day
7. June 19, Juneteenth
8. July 4, Independence Day
9. The first Monday in September, Labor Day
10. November 11, Veteran's Day
11. The fourth Thursday in November, Thanksgiving Day
12. The Friday after Thanksgiving Day
13. December 24, Christmas Eve
14. December 25, Christmas Day

Employees shall be entitled to the paid scheduled holidays listed above provided they are in a paid status during any portion of the working day immediately preceding and the one succeeding the scheduled holiday. A new employee whose first working day is after a paid scheduled holiday shall not be paid for the holiday, and an employee who is terminated and whose last day is the day before a paid scheduled holiday shall not be paid for that holiday.

## **GUIDELINES**

### **1. Holidays Falling on Weekend Days**

When any of the holidays identified above fall on a Sunday, the following Monday will be deemed to be the holiday in lieu of the day normally observed. When any of the holidays above fall on a Saturday, the preceding Friday will be deemed to be the holiday in lieu of the day normally observed.

### **2. Floating Holiday**

In addition to the paid scheduled holidays above, those eligible employees will receive two (2) additional holidays per year that may be taken at the option of the employee after receiving approval by their supervisor. At least one of these holidays must be taken in the fiscal year in which the holiday units are credited. On the first pay day in July of every year all eligible employees will be credited with the appropriate number of holiday units that equal their regular workday (to a maximum of 8 holiday units).

### **3. Holiday Time**

Regular full-time employees shall receive eight (8) hours of holiday pay for each of the above holidays at their regular base rate. Regular part-time employees shall receive paid holiday time prorated based on actual hours worked should their regular work schedule fall on one of the above listed holidays.

### **4. Administrative Procedure**

The Executive Director or authorized designee shall establish holiday procedures governing all employees.

### **5. Employees Required to Work on a Holiday**

If an employee is required to work on a holiday, the employee can select another day to be taken in lieu of the holiday and that day should be taken off within thirty (30) days of the worked holiday.

Exempt employees will receive their regular rate of pay and non-exempt employees will receive regular straight time pay for the holiday worked. If working on the holiday results in working more than 40 hours per week, non-exempt employees will be compensated at appropriate overtime rates.

#### **6. 34-hour work week and holidays**

On weeks with one paid holiday, 32 productive hours are required unless an employee chooses to use other benefit time off during that week. On weeks with two holidays, such as Thanksgiving, 24 productive hours are required unless an employee chooses to use other benefit time off during that week.

### **SUBJECT: VACATION**

### **POLICY #303**

Regular full-time employees (including probationary employees) working thirty-four (34) hours per week accrue vacation in accordance with the table below. Vacation leave earned shall accrue upon completion of each pay period starting the first of the pay period following completion of two (2) pay periods of continuous full-time employment. Vacation may not be taken until the employee has successfully completed three (3) months of employment. Exceptions may be granted by the Executive Director when vacation plans are disclosed prior to accepting employment, or in other unusual circumstances. No vacation shall be allowed to any employee until such vacation has been earned as provided herein. No vacation will be credited for any pay period in which an employee is absent for more than one-half (1/2) of such month on leave of absence without pay.

### **GUIDELINES**

#### **1. Vacation Accrual**

<b>Years of Service</b>	<b>Vacation Days Accrued Per Year</b>	<b>Maximum Hours Accrued Per Year</b>
0-3 Years	12 Days or 96 Hours	24 Days or 192 Hours
3.1-10 Years	15 Days or 120 Hours	30 Days or 240 Hours
10.1-15 Years	20 Days or 160 Hours	40 Days or 320 Hours
15.1-20 Years	25 Days or 200 Hours	50 Days or 400 Hours
20.1+ Years	30 Days or 240 Hours	60 Days or 480 Hours

Regular part-time employees shall earn vacation leave on a pro rata basis based on actual hours worked, but in no case shall a regular part-time employee be allowed benefits until the employee has completed an aggregate of one hundred fifty (150) hours worked. The maximum accrual will also be prorated based on actual hours worked.

#### **2. Scheduling & Usage**

Scheduling for vacations should be made in such a manner as to ensure continuous and efficient operations for HCAOG. All vacations are subject to cancellation in case of emergency conditions.

A written request for vacation time of at least three (3) consecutive days should be presented for approval at least one (1) week prior to the time requested and the request must be approved by the employee's supervisor before the time can be taken.

If an Agency holiday occurs during vacation leave, the employee's vacation accrual will not be charged for that day.

If an employee or their immediate family member suffers an illness or injury during a vacation and is able to provide a doctor's certification regarding that illness or injury, the employee may request that sick leave be substituted for vacation leave. Granting sick leave in lieu of vacation is at the discretion of the Executive Director or authorized designee.

### **3. Maximum Vacation Accrual**

Once an employee reaches the maximum vacation accrual (see table above), the employee will cease accruing any additional vacation leave until such time as the accrued unused vacation is below the maximum vacation accrual hours allowed.

### **4. Vacation Pay-Out**

- A. HCAOG employees in positions that have been designated as "Management" or as "Confidential" shall have the option to convert up to two (2) 34-hour work weeks of vacation credit to cash one time per calendar year.
- B. The Executive Director may convert up to three (3) 34-hour work weeks of vacation to cash one time per calendar year.
- C. Employees may request to convert vacation credit during the month of November, on a form provided by Payroll.
- D. In case an employee dies while employed by HCAOG with earned vacation to their credit at the time they die, their legatees shall be paid the monetary value of such accrued vacation time computed upon the base pay of the employee at the time of death.

### **5. Paid Leave Time May be Donated to an Employee**

Conditions Under Which Paid Leave Time May Be Donated to an Employee:

- A. Any employee may donate accumulated vacation, compensatory time or holiday time to an eligible employee. Sick leave cannot be donated.
- B. Donations must be made in increments of four (4) hours from the donating employee.
- C. The donation of paid leave time is irreversible. Should the employee receiving the donated hours not use all donated leave for the catastrophic illness/injury, any balance will remain with that employee or will be converted to cash upon the employee's separation from employment. Donated paid leave time shall be converted to its cash value and then credited to the recipient in hours at the recipient's base hourly rate.
- D. Employees donating paid leave time shall do so in writing on a form developed by HCAOG. All donation transactions shall be credited effective the pay period following submittal of the form requesting the paid time donation.

- E. **Conditions Under Which Paid Leave Credits May Be Used:** The employee requesting to use "catastrophic leave" shall submit a written request to their appointing authority for review. The request must include a written statement from a licensed physician verifying the illness or injury. The affected employee must have exhausted any accumulated paid leave time for which they are eligible (sick, vacation, compensatory, holiday) prior to utilizing catastrophic leave. Any paid leave time accrued by the affected employee while using donated time must be used during the next pay period. Only employees who accrue vacation are eligible to receive donated paid leave time. The use of donated paid leave time shall not exceed three months for any one catastrophic illness/injury. In no event shall a leave for the recipient employee be granted for longer than one year from the time the employee is in an unpaid status.

## **6. Use of Vacation Time While on an Unpaid Leave**

Employees can take accrued and unused paid leave before taking unpaid leave or having unpaid absences. This includes Family Care, Medical, and Pregnancy Disability Leave. If the employee is receiving wage replacement through a disability leave plan (such as State Disability Insurance or Paid Family Leave), accrued and unused vacation time can be integrated with disability benefits.

Employees who are absent because of their own disability may be eligible for State Disability Insurance (SDI) benefits. SDI payments do not begin until after an employee has been absent from work for seven (7) calendar days. If the employee has accrued vacation time, vacation can be used for the first seven (7) days before SDI payments begin.

SDI benefits do not replace all usual wages. The employee may choose to supplement SDI benefits with vacation time. If the employee is absent for a reason that qualifies for Paid Family Leave (PFL) payments, the employee may choose to supplement PFL benefits with vacation time.

Paid vacation time is a benefit that can also cover absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers' compensation insurance. However, workers' compensation benefits usually do not cover absences for medical treatment. When an employee reports a work-related illness or injury, they will be sent for medical treatment, if treatment is necessary. The employee will be paid regular wages for the time spent seeking initial medical treatment. Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other prescribed appointments will not be paid as time worked. If the employee has accrued unused vacation time, the additional absences from work can be paid with the use of vacation time. If the employee does not have accrued vacation time or has used all vacation time, they may choose to substitute other paid time off for further absences from work, related to the illness or injury.

## **7. Vacation Relief Employment**

Vacation relief employment may not begin more than one regular working day prior to the beginning of the vacation of the regular employee or continue beyond such vacation.

## **8. Temporary Employee Appointed to Regular Position**

If a temporary employee has been working full-time and is appointed to a regular position without a break in service, the hours of continuous service as a temporary employee shall be recognized in the computation of vacation benefits provided by this section.

## **SUBJECT: SICK LEAVE**

## **POLICY #304**

Sick leave with pay is protection granted in circumstances of adversity to promote the health of the individual employee. It is not an earned right to time off from work and is not to be confused with vacation or other types of leave. Sick leave with pay can be granted only for bona fide illness or injury, exposure to contagious disease, or dental, eye or other physical, psychiatric or medical examination or treatment by a licensed practitioner. When an employee needs to take time off for bona fide illnesses or injury any accrued sick leave must be used. If there is no accrued sick leave then other unused leave can be taken in its place.

Excessive or repetitive absenteeism, regardless of reason(s), which renders an employee insufficiently available for work will be evaluated on a case-by-case basis to determine the merits of disciplinary action, up to and including termination of employment.

## **GUIDELINES**

### **1. Accrual and Usage of Sick Leave**

Regular full-time employees accrue sick leave at the rate of 8-hours ~~one-day~~ for each full month of active employment, upon the completion of two (2) pay periods of continuous full-time employment. No sick leave shall be accrued for a month wherein the employee is on leave of absence without pay for more than one-half (1/2) of that month.

For any HCAOG employee hired prior to October 15, 2015, covered under the provisions of CalPERS, or upon death, the employee (or the employees' beneficiary) may receive a maximum cash equivalent of up to five hundred (500) hours of their accumulated unused sick leave. All remaining unused hours will be converted to CalPERS service credit upon retirement or separation from HCAOG. This will apply in all cases, except for termination with cause.

For any HCAOG employee hired after October 15, 2015, separation of an employee's service shall abrogate all sick leave accrued to the time of termination, regardless of whether or not such a person subsequently re-enters HCAOG's employment.

### **2. Definitions**

#### **A. Personal Sick Leave**

Sick leave is the absence from duty of an employee because of the employee's own illness, injury, or exposure to a contagious disease that incapacitates the employee and prevents the employee from performing assigned duties. Employees cannot call in sick and work from home without approval from the Executive Director.

## **B. Family Sick Leave**

An employee may use their accrued sick leave to care for an immediate family member who is ill and requires the employee's personal attention. Employees are encouraged to make arrangements for other care as soon as possible in order to return to work.

## **C. Immediate Family Members**

Immediate family members are a spouse, parent, child, stepchild, mother/father-in-law, ~~registered~~-domestic partner, or other person who is living within the household and is in a dependent category according to IRS regulations.

## **D. Medical Appointments**

Employees may use earned sick leave for routine physical checkups, medical and dental procedures for themselves and their family members. Whenever possible, requests for preventative sick leave usage should be made sufficiently in advance to provide the employee's supervisor with proper notification for scheduling considerations.

# **3. Administration**

## **A. Notice of Illness**

It is the responsibility of the employee to personally notify their immediate supervisor before 9 a.m. of illness or injury. If the supervisor is not available, the employee should leave a voice mail message and inform another Agency employee, or the Executive Director or authorized designee that they will not be in. Failure to provide proper notification may result in the denial of sick leave with pay.

## **B. Documentation**

The employee's supervisor or the Executive Director or authorized designee may request a doctor's certification for any illness for which an employee requests sick leave, including family sick leave for absences more than three (3) days. ~~Absences of three (3) or more days require a doctor's certification when returning to work.~~

## **C. Denial of Sick Leave Benefits**

Sick leave with pay may be denied if it is substantiated that the employee's absence did not meet the definitions as specified in Section 2, *Definitions*, of this Sick Leave Policy and may be grounds for disciplinary action, up to and including termination of employment.

An employee who is on unscheduled sick leave and has no sick leave accrual in their account and who has been counseled and noticed for sick leave abuse, may not use vacation for that time off. The employee will be on a leave of absence without pay.

## **D. Sick Leave Abuse Review**

In reviewing each employee's sick leave usage, the supervisor and/or the Executive Director or authorized designee will pay particular attention to specific indicators to determine if abuse of sick leave may be occurring. The indicators to be reviewed include, but are not limited to:



- i. Patterns of sick leave usage (including Monday/Friday absences, absences occurring in conjunction with authorized days off or in conjunction with pay days);
- ii. Unscheduled sick leave usage;
- iii. Demonstrated use of sick leave when neither employee nor family member is ill.

Based upon a review of the above indicators, the supervisor and the Executive Director or authorized designee will determine if counseling and/or disciplinary action is appropriate.

#### **4. Retirement**

~~For detailed information on retirement, refer to the PERS booklet or contact the Executive Director or authorized designee.~~

#### **5. Use of Paid Sick Leave While on an Unpaid Leave**

Employees can take accrued and unused paid leave before taking unpaid leave or having unpaid absences. This includes Family Care, Medical, and Pregnancy Disability Leave. If the employee is receiving wage replacement through a disability leave plan (such as State Disability Insurance or Paid Family leave), accrued and unused sick leave can be integrated with disability benefits.

Employees who are absent because of their own disability may be eligible for State Disability Insurance (SDI) benefits. SDI payments do not begin until after an employee has been absent from work for seven (7) calendar days. If the employee has accrued sick leave, sick leave can be used for the first seven (7) days before SDI payments begin.

SDI benefits do not replace all usual wages. The employee may choose to supplement SDI benefits with sick leave. If the employee is absent for a reason that qualifies for Paid Family Leave (PFL) payments, the employee may choose to supplement PFL benefits with sick leave.

Paid sick leave is a benefit that also covers absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers' compensation insurance. However, workers' compensation benefits usually do not cover absences for medical treatment. When an employee reports a work-related illness or injury, they will be sent for medical treatment, if treatment is necessary. The employee will be paid regular wages for the time spent seeking initial medical treatment. Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other prescribed appointments will not be paid as time worked. If the employee has accrued and unused sick leave, additional absences from work can be paid with the use of sick leave. If the employee does not have accrued, paid sick leave or has used all sick leave, they may choose to substitute vacation or other paid time off for further absences from work, related to the illness or injury.

#### **7. No Leave Allowed for Certain Causes**

No employee shall be entitled to sick leave with pay while absent from duty due to disability arising from or caused by any of the employee's own willful misconduct.

## 8. Leave Not to be Used as Vacation

Sick leave shall not be used in lieu of or in addition to vacation, unless the employee is legitimately ill or injured.

## 9. No Sick Leave for Temporary Employees; Exceptions

No sick leave with pay is allowable to temporary employees; however, if a temporary employee who has been working full-time is appointed to a regular position without a break in service, the hours of continuous service as a temporary employee shall be recognized in the computation of sick leave benefits provided by this section.

## 10. Effect of Layoff on Accumulation

When an employee is laid off due to reduction in force, any such employee shall receive credit for all unused sick leave time for which they did not receive compensation, if reinstated within one year of layoff date.

### SUBJECT: LEAVES OF ABSENCE

### POLICY #305

All leave time covered under this policy must be requested from and approved by the Executive Director or authorized designee.

Leaves of absence without pay for more than ten (10) working days that are in the best interest of HCAOG may be granted by the Executive Director or authorized designee. Requests for leave of absence without pay of less than ten (10) working days duration, for other than medical reasons, shall be submitted by the employee to the Executive Director or authorized designee in writing and shall be considered on their individual merit and circumstances. Reasons for rejection of such requests shall be submitted in writing to the employee by the Executive Director or authorized designee.

All accrued vacation must be used before a leave of absence may be granted. The employee has the option of paying the health and welfare plan premiums in full during the leave of absence, otherwise such benefits will be suspended during the leave period.

Upon expiration of the regularly approved leave of absence, the employee shall be returned to the same position held at the time the leave was granted. Failure on the part of an employee to report promptly at the expiration of such leave, or within a reasonable time after notice to return to duty, shall be just cause for discharge.

## GUIDELINES

### 1. Emergency Leave

Emergency is defined as the death, major medical event or serious illness of a member of the employee's immediate family ~~(spouse, child, step-child, foster child, sibling, parent, step-parent, foster parent, or any other person sharing the relationship of in loco parentis, and when living in the household of either parent-in-law, grandparent, grandchildren, and a registered domestic partner and their children~~ spouse, domestic partner, parents, children, stepchildren, children of a domestic partner,

grandparent, grandchild, sibling, mother/father in law, parent of a domestic partner, foster child, or as approved by the Executive Director) or a personal catastrophe affecting the employee.

In an emergency as described above, up to five (5) days of special leave with pay may be approved by the Executive Director or authorized designee to employees whose employment status normally entitles them to vacation and sick leave benefits.

Employees will receive one (1) day off with pay and may use compensatory time, vacation, management or personal leave time to attend a funeral for a friend or relative outside their immediate family.

Employees must secure approval from the immediate supervisor prior to the requested leave and must submit a leave request form for emergency leave. If submitting a form before taking time off is not possible, the employee must do so within three working days following the employee's return to work. The employee must provide appropriate documentation as proof for the reason of the absence.

The employee must provide the following information to the supervisor: nature of emergency, name of person, relationship, name, address and phone number of hospital, mortuary or organization handling the case and an estimate of time off required.

## **2. Family and Medical Leave**

HCAOG may grant regular employees (including probationary employees) up to twelve (12) workweeks of unpaid time off in a 12-month period for the employee's own serious health condition, for the serious health condition of the employee's immediate family member, such as child, parent, spouse or registered domestic partner, or their child, or for baby/child bonding after the birth, adoption, or foster care placement of an employee's child.

If possible, the employee must provide at least 30 days' advance notice for foreseeable events (such as a planned medical treatment for the employee or the employee's family member, or the expected birth, adoption, or foster placement of a child). For events that are unforeseeable, the employee must notify HCAOG, at least verbally, as soon as they learn about the need for a leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until the employee complies with this notice policy.

HCAOG will require a medical certification from the health care provider of the employee or the employee's immediate family member who has a serious health condition before approving a medical leave or leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

HCAOG may require a birth certificate of the new-born child or adoption or foster care papers before approving a leave for bonding with a new child. If a leave is taken for the birth, adoption or foster care placement of a child, the employee must conclude the leave within one year of the birth or placement for adoption or foster care.

**A. Accrual of Benefits**

Employees on a family or medical leave will not accrue sick leave, vacation, or holiday benefits during the period of the unpaid absence. All Agency benefits will continue to accrue during the period of integration with State Disability Insurance or Paid Family Leave benefits and accrued vacation/sick leave.

**B. Health Insurance Coverage during Family or Medical Leave**

HCAOG will continue to provide up to twelve (12) weeks of coverage under any health benefit plan during family medical leave at the same level as if the employee were actively working.

**C. Use of Sick Leave and Other Paid Leave**

The employee may use any accrued unused sick and/or any other accrued unused leave (if otherwise eligible to take the time) during a family or medical leave.

**D. Return to Work from a Medical Leave**

Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a family or medical leave, an employee will be reinstated to the same position held at the time the leave began or to an equivalent position, if available. An employee returning from a family or medical leave has no greater right to reinstatement than if the employee had been continuously employed.

### **3. Pregnancy Disability Leave of Absence**

If an employee becomes unable to perform the duties of their position as a result of a medical disability related to pregnancy, childbirth, or related medical conditions, the employee may be eligible for placement on unpaid pregnancy disability leave (PDL). The leave of absence will be extended to the employee for the duration of the disability, up to a maximum of four (4) months, measured from the onset of the disability. Any leave does not need to be taken in one continuous period of time.

**A. Notice of Pregnancy Disability Leave**

An employee planning to take PDL should advise their supervisor as early as possible. The individual should make an appointment with the supervisor to discuss the following conditions:

- i. **Duration of Leave:** The duration of the leave will be determined by the advice of the employee's physician. Employees disabled by pregnancy, childbirth, and/or related medical condition may take up to a maximum of four (4) months off. Part-time employees are entitled to leave on a pro-rata basis. The four (4) months of leave include any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.
- ii. **Scheduling of Leave:** Employees who need to take PDL must inform HCAOG when a leave is expected to begin and how long it will likely last. If the need for a leave is foreseeable, employees must provide notification at least 30 days before the medical or pregnancy disability leave is to begin. Employees must consult with The Executive

Director or authorized designee regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to HCAOG's operations. Any such scheduling is subject to the approval of the employee's health care provider. If 30 days' advance notice is not possible, notice must be given as soon as practical. Failure to give reasonable advance notice may result in the delay of leave, reasonable accommodation, or transfer.

- iii. **Change of Work Assignment:** As an alternative to pregnancy disability leave, in the case of a pregnancy disability and, upon the request of an employee and recommendation of the employee's physician, the employee's work assignment may be changed if necessary to protect the health and safety of the employee and her child.
- iv. **Job Duties:** As an alternative to pregnancy disability leave, in the case of a pregnancy disability, requests for transfers of job duties will be reasonably accommodated if the job and security rights of others are not breached and the accommodation does not create undue hardship for HCAOG.
- v. **Temporary transfers:** Temporary transfers due to pregnancy disability to a less strenuous or hazards position (where one is available) or duties will be granted when possible. However, the transferred employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons.
- vi. **Physician Certification:** PDL usually begins when ordered by the employee's physician. The employee must provide HCAOG with a certificate from a health care provider. The certification should contain:
  - vii. The date on which the employee became disabled due to pregnancy or related medical condition;
  - viii. The probable duration of the period or periods of disability; and
  - ix. A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of their position without undue risk to themselves or to other persons.

#### **B. Return from Leave**

Leave returns will be allowed only when the employee's physician sends a release.

#### **C. Use of Sick Leave and Other Paid Leave**

The employee will be required to use any accrued unused sick leave and will be allowed to use any other accrued leave (if otherwise eligible to take the time) during a PDL.

#### **D. Other Employment**

An employee on PDL may not accept outside employment without the express written approval of the Executive Director or authorized designee.

#### **E. Pregnancy Disability Leave Time Periods**

PDL does not need to be taken in one continuous period of time and may be taken in increments of not less than one quarter of one hour.

#### **F. Accrual of Benefits**

Employees on unpaid PDL will not accrue sick leave, vacation, or holiday benefits during the period of the unpaid absence. All Agency benefits will continue to accrue during the period of integration with State Disability Insurance benefits and accrued vacation/sick leave.

~~When you no longer have paid time off available.~~

#### **G. Health Insurance Coverage during Medical or Pregnancy Disability Leave**

- i. HCAOG will continue to provide up to four (4) months of coverage under any health benefit plan during Pregnancy Disability Leave at the same level and under the same conditions as if the employee had continued in employment continuously for the duration of the leave.
- ii. In some instances, the employer can recover from an employee the premiums paid to maintain health coverage if the employee fails to return to work following ~~her~~their PDL.

#### **H. Return to Work from a Pregnancy Disability Leave**

- i. Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a pregnancy disability leave, an employee will be reinstated to the same position held at the time the leave began or, in certain instances, to a comparable position, if available. There are limited exceptions to this policy. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed.

### **4. Administrative Leave for Full-Time Management and Confidential Personnel**

Administrative leave is a benefit that represents the requirement for some positions within the public sector to work on organizational meetings or other work-related tasks outside of the regular working period. Administrative leave is over and above vacation leave, and in lieu of overtime pay or compensation time off. Thirty-four (34) hours Ten (10) days of administrative leave will be available for each full-time designated management and confidential employee, to be taken during the course of the fiscal year. Sixty-eight (68) hours of administrative leave will be available for the Executive Director. Such leave not taken will not be carried into succeeding fiscal years and shall be forfeited upon termination of employment. ~~Employees hired into a designated management and confidential position shall receive (10) days of~~ Upon hire, employees eligible for administrative leave shall immediately receive the corresponding amount of administrative leave, pro-rated for the time remaining in the fiscal year in which the leave is to be used. The employee shall be allowed to use such leave immediately. ~~administrative leave effective upon the date of hire, and may be allowed to use such leave immediately.~~ Administrative leave shall not be a right, but shall be a benefit which may only be utilized at the discretion of the Executive Director or authorized designee. ~~Absence of management and confidential employees from their positions during working hours~~ Eligible employees taking Administrative Leave time off is subject to prior consent of the Executive Director or authorized designee. Regular part-time employees in designated management or confidential positions shall not be eligible for administrative leave.

## 5. Jury and Witness Duty

Employees who are summoned or subpoenaed to appear as jurors or witnesses in court cases, other than those of a personal nature, will be paid their full salaries.

The employee is required to report to work if, at the time they are released, more than two (2) hours remain to their workday. Upon return, the employee should submit the stamped verification of jury duty receipt issued by the Court. The employee should submit to their immediate supervisor a completed leave request form that indicates the day(s) required for attendance if known beforehand or submit the leave request form immediately after.

Where HCAOG employees' court appearances are directly connected with HCAOG employment, time in court shall be considered as full-duty status. HCAOG shall demand fees ~~Fees shall be demanded~~ from nongovernmental litigants for an employee's court appearances while they are on full-duty status and shall ~~be deposited~~ fees in the Administrative Fund of HCAOG.

## 6. Voting Time

HCAOG wishes to support and encourage employees in their opportunities and responsibilities as citizens to cast their ballots in general elections. Under most circumstances, it is possible for employees to vote either before coming to work or after the end of the workday. If the employee does not have sufficient time outside of working hours to vote at a State-wide election, a maximum of two hours' time off with pay at the beginning or end of the regular work day will be given. The employee must request this time off at least two (2) working days before the election if this time off is necessary.

HCAOG supports employees who wish to volunteer as poll workers during an election. Any employee who wishes to volunteer must request time off prior to committing to poll worker service. The request is subject to supervisor approval. HCAOG will pay employees their full salary for up to 6 hours for required election trainings and up to 8 hours for election day service on weeks where the employee participates in election training or election services. HCAOG productive hours must not drop below 32 hours in the week of the training, and the week elections are held unless the employee uses other benefit time.

## 7. Military Leave

An employee who is a member of the Reserve Corps of the Armed Forces of the United States or of the National Guard will be allowed time off in accordance with current provisions of Federal and State laws and regulations. An employee will be provided up to thirty (30) days with pay. Employees may be entitled to reinstatement upon completion of military service, provided they return or apply for reinstatement within the time required by law. An employee whose spouse is a member of the Reserve Corps of the Armed Forces of the United States or of the National Guard may be entitled to leave under certain circumstances; the employee should contact the Executive Director or designated employee for exact reinstatement.

## 8. Volunteer Civil Service Personnel

Employees will be allowed to take time off to perform emergency duty as a volunteer firefighter, peace officer or emergency rescue personnel. If an employee is an official volunteer firefighter, they should alert the Executive Director or authorized designee that they might have to take time off for emergency



duty. When taking time off for emergency duty, the employee should advise their supervisor before doing so, when possible. Time taken in such an emergency will be considered administrative time and must be approved by the Executive Director or authorized designee.

## **9. School Visits**

Employees who are parents or guardians of any child in pre-school, transitional kindergarten, kindergarten, or grades 1-12, are allowed unpaid time off to appear at their child's school in connection with disciplinary action, parent teacher conferences, award ceremonies, and other school activities where parents are encouraged or required to attend. The employee should give reasonable notice for the time off. Although the time off is unpaid, employees may use vacation, personal or compensatory time to cover the time taken for the school visit(s).

## **10. Victims of Domestic Violence, Sexual Assault, or Stalking**

Employees who are victims of domestic violence, sexual assault, or stalking are allowed to take unpaid time off for certain purposes, including but not limited to appearing at related legal proceedings and obtaining a restraining order. Employees may use accrued vacation time to take time off.

Employees who need to take time off must give HCAOG reasonable advance notice of their intention unless reasonable notice is not feasible. If the time off is an unscheduled absence, the employee may be required to notify their supervisor as soon as possible of their absence and provide documentation to HCAOG within a reasonable time after the absence. Acceptable documentation includes a police report, court order or other evidence from the court, or a note from a medical professional, domestic violence advocate, health care provider, or counselor.

Under no circumstance can an employee take more unpaid time off than allotted under the Pregnancy Disability Leave of Absence policy; see section 3, above.

## **11. Victims of Crime**

An employee who is a victim or who is the family member of a victim of a violent felony or serious felony may take time off from work under the following circumstances:

**A.** The crime must be a violent or serious felony, as defined by law; and

**B.** The employee must be the victim of a crime, or must be an immediate family member of a victim, a ~~registered~~-domestic partner of a victim, or the child of a ~~registered~~-domestic partner of a victim. An- For the purpose of this section, an immediate family member is defined as: a spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father or stepfather. ~~A registered domestic partner means a domestic partner who is registered in accordance with California State law.~~

**C.** The absence from work must be in order to attend judicial proceedings related to a crime listed above, including court proceedings involving the alleged perpetrator of the crime. Before the employee is absent for such a reason, they must provide documentation of the scheduled proceeding. Such notice is typically given to the victim of the crime by a court or government agency setting the hearing, a district attorney or prosecuting attorney's office or a victim/witness office. If advance notice is not possible, the employee must provide appropriate documentation within a reasonable time after the absence. Any absence from work to attend judicial proceedings



will be unpaid, unless the employee has accumulated paid time off, such as accrued vacation or sick leave, or any other accrued paid time off.

## **12. Leaves for Disasters or Emergency Conditions**

Employees unable to work due to disaster or emergency (non-medical) conditions, as determined by the Executive Director or authorized designee, may receive special leave with pay. Special leave with pay may only be provided when a disaster or emergency condition prevents an employee from making the regular commute between their primary residence and the job site and telework is not possible. It is anticipated that this special leave will be unique and infrequent but necessary to cover the special conditions that do occur from time-to-time.

## **13. Investigative Leave**

An employee may be eligible for up to five (5) days of leave with pay in the event that it is alleged by a member of the public that such employee has been involved in a crime, serious misconduct, or other similar failure of good behavior which has impaired the effectiveness of the employee in his or her position. This leave with pay may be granted by the Executive Director or authorized designee during the investigation and processing of the allegation by proper legal authority, and shall be granted only when the charge or allegation, if true, would warrant removing the employee from their position of public trust.

Such investigative leave shall not be granted in lieu of any suspension that may be imposed during disciplinary proceedings. Investigative leave, if granted, shall not be continued when an investigation has been concluded and absence from duty is a result of disciplinary proceedings.

If the investigation and processing of the allegation has not been concluded by the end of the investigative leave, the employee may take earned vacation or administrative leave time off or may be placed on unpaid leave of absence by the Executive Director or authorized designee pending the disposition of the charge or allegation.

## **SUBJECT: LONGEVITY INCENTIVE PAY**

### **POLICY #306**

Employees who have ten (10) years of uninterrupted continuous HCAOG service shall be eligible for an increase in compensation of five (5) salary ranges (approximately 5%). Employees who have twenty (20) years of uninterrupted continuous HCAOG service shall be eligible for an increase in compensation of an additional ten (10) salary ranges (approximately 10%).

Longevity calculations shall be counted from the initial date of hire into any regular or grant position as long as there has been no separation from HCAOG service. Time spent in layoff status, on medical leave or any unpaid leave greater than 30 calendar days shall not count as time worked for longevity calculations. Should an employee be separated from HCAOG employment due to layoff and then return to regular HCAOG employment while in layoff status, their calculation for longevity purposes shall be based on their initial date of hire into a regular grant position prior to the date of layoff.

## SECTION IV: RULES AND REGULATIONS

### SUBJECT: EMPLOYMENT OF RELATIVES

POLICY #401

HCAOG has a strict policy regarding the hiring of and other employment actions regarding employees' relatives. The purpose of the policy is to avoid any real or perceived conflicts of interest.

#### GUIDELINES

Members of the immediate family of elected or appointed Board of Directors members or alternates will not be appointed to Agency employment.

Members of the immediate family of regular employees will not be appointed to the same division, nor will they be transferred, promoted or demoted into the same division, nor be placed in such a position as to evaluate a relative or be in the same line of supervision, if doing so could result in actual or potential problems in supervision, security, safety, or morale, or if doing so could create potential conflicts of interest. Each situation will be addressed based on the individual circumstances of that situation.

Members of the immediate family of regular employees will not be hired on a temporary basis.

If two employees become married, enter a domestic partnership, or become otherwise directly related, causing actual or potential problems such as those described above, only one of the employees will be retained with HCAOG, unless reasonable accommodations can be made to eliminate the actual or potential problems. From the time that the issue arises, ~~The~~ the employees will have 30 days to decide which relative will stay with HCAOG. If ~~this decision is not made-subject~~ employees do not decide within the time allowed, the Executive Director or authorized designee will make the decision, taking the employment history and job performance of both employees into account.

HCAOG defines "relatives" as spouses, children, siblings, parents, in-laws, grandparents, grandchildren, step-relatives, and registered domestic partners and their children. For purposes of this policy, individuals in romantic relationships will be treated like relatives.

#### RETIREES or ANNUITANTS

Retired annuitants are limited to working a cumulative 960 hours per fiscal year (July 1 to June 30) for all CalPERS agencies and must meet the requirements established by state law and CalPERS in order to be eligible for employment. It is the responsibility of the retired annuitant to track their total hours worked in any fiscal year and notify HCAOG if they are approaching the 960-hour maximum.

Retired annuitants are prohibited from working in a regular part-time position on an ongoing basis,

even if the position is less than 960 hours in a fiscal year.

**SUBJECT: EMPLOYEE DATING POLICY**

**POLICY #402**

Consensual romantic relationships between employees are discouraged. Such relationships can lead to problems with morale, decreased productivity and increased liability. HCAOG has a strong policy against sexual harassment and is concerned that consensual romantic relationships might potentially violate the policy. HCAOG wants to prevent sexual harassment from occurring in the workplace.

**GUIDELINES**

Individuals in supervisory or other influential roles are prohibited from participating in romantic relationships with subordinate employees of any department due to the importance of the appearance of fairness, their access to sensitive information, and their ability to influence others.

To help prevent sexual harassment, employees who enter into consensual romantic relationships must:

1. Notify the Executive Director or authorized designee;
2. Review the sexual harassment policy and sign an acknowledgment that they have done so; and
3. Sign a consensual relationship agreement, stating that (a) the relationship is voluntary, (b) the employees will abide by the sexual harassment policy, (c) the employees will behave professionally at work, (d) the relationship will not affect work, and (e) they will not engage in offensive workplace behavior.

In addition to the above, the Employment of Relatives Policy (#401) will also apply.

Violation of these guidelines will subject each employee to discipline, up to and including termination of employment.

**SUBJECT: SUBSTANCE ABUSE**

**POLICY #403**

HCAOG is committed to protecting the health, well-being and safety of employees and the public from the hazards caused by misuse of drugs and alcohol. Accomplishing this goal requires the full commitment and support of all levels of management as well as the support of all employees.

HCAOG complies with Federal regulations and maintains a Drug-Free Workplace. This policy prohibits unlawful manufacturing, distribution, possession, sale or use of controlled substances at work and also requires that employees convicted under a criminal drug statute for any incident at work to notify the Executive Director or authorized designee within five (5) days of conviction.

For the purposes of this policy, a drug will be considered an “illegal drug” if its use is prohibited or restricted by law and an employee improperly uses or possesses the drug, regardless of whether such conduct constitutes an illegal act or whether the employee is criminally prosecuted and/or convicted for such conduct.

Legally prescribed medications are only excluded from this rule and permitted to the extent that the use of such medications does not adversely affect the employee’s work ability, job performance, or the safety of that individual or others.

## **GUIDELINES**

The following policy on substance abuse is adopted as an initial step toward reaching this goal:

1. Employees shall not possess, use, furnish, sell, or offer alcohol, illegal drugs or other controlled substances (as defined under Federal and California Law) while on the job or on Agency premises. An employee who has distributed, sold, or offered illegal drugs or controlled substances while on the job or on Agency premises will face termination of employment. Possession or use of illegal drugs or controlled substances and the use of alcohol by an employee while on the job or on HCAOG premises will be cause for disciplinary action, up to and including termination of employment.
2. Employees who see, observe, or encounter evidence that employees possess, use, or are involved in distribution, selling, or offering illegal drugs while on the job or on HCAOG premises shall report this information to the employee’s supervisor, and/or the Executive Director or authorized designee. Any questionable substance found will be submitted to the appropriate law enforcement agency for testing and employees distributing, selling, using or possessing such illegal substances may be subject to criminal investigation.
3. Employees who engage in off-the-job or off-premises alcohol or illegal drug activity that impairs their work performance, causes damage to Agency premises, jeopardizes their own safety or that of coworkers, or the general public, or undermines the public’s confidence in HCAOG to provide service will also be subject to disciplinary action, up to and including termination of employment.
4. Employees are required to perform their duties in a safe and efficient manner, and supervisors have a responsibility to ensure that this is done. If a supervisor becomes aware that an employee is working in an unsafe manner, the supervisor is responsible for taking those actions necessary to ensure that safe work conditions are maintained.
5. Employees who are using prescription drugs or other medication that may affect their ability to work safely are responsible for bringing the matter to their supervisor’s attention. Supervisors should be alert to the effects of medication or illness on an employee’s capabilities to perform work safely and efficiently.
6. Employees and supervisors are encouraged to seek assistance before drug or alcohol abuse affects job performance. If an employee comes forward, prior to disciplinary action, and requests time off without pay to address that problem, HCAOG may provide assistance in identifying appropriate treatment programs and will make reasonable accommodation to assist the employee. Participation in a program is at employee expense, although some health plans may partially cover some expenses.

7. An employee's participation in an assistance program does not relieve the employee of responsibility to meet work performance requirements.
8. An employee reporting to work under the influence of alcohol or other substances will be sent home for the day without pay.
9. Sealed containers of alcohol, such as those gifted to or between co-workers, or purchased by an employee for consumption during non-working hours away from HCAOG premises, are permitted on a limited basis. In such cases, the sealed container must remain under the control of the employee in their office or workstation, kept out of the immediate view of others, and be removed from HCAOG premises at the end of the business day on which it was received. Employees shall not place the sealed container of alcohol in public or common areas, such as a refrigerator in a break room.
10. Prescribed drugs will be allowed only when taken according to a physician's prescription when such use will not adversely affect the employee's ability to properly and safely perform his or her duties.
11. Employees are expected to fully cooperate in any interview or investigation of possible violation of the substance abuse rules. HCAOG reserves the right to require employees, while on duty or on Agency owned or leased properties, including the parking lot, to agree to inspections of Agency property or employees and/or their personal property and to implement other measures necessary to deter and detect abuse of this policy. An employee's refusal to consent to such an inspection or to otherwise cooperate in a proper investigation conducted under this policy is grounds for discipline, up to and including termination of employment.

### **Inspections to Administer and Enforce Policy**

To promote a safe, productive and efficient workplace, HCAOG reserves the right to inspect employees, as well as any articles and property in their possession, to detect inappropriate materials. HCAOG also reserves the right to inspect lockers, desks, Agency vehicles, personal vehicles on Agency property, packages, lunch boxes, containers, articles in such areas, and other objects brought onto Agency premises that might conceal alcohol, illegal drugs, and/or other inappropriate materials. An employee may be asked to submit to testing procedures designed to detect the presence of drugs and/or alcohol if they are acting in a manner that leads to a suspicion that they either possesses, controls, or is under the influence of a drug and/or alcohol or has been involved in the use, possession, and/or sale of drugs or alcohol in Agency controlled areas, on Agency owned property or while on duty.

### **SUBJECT: SMOKING**

### **POLICY #404**

Smoking is prohibited within HCAOG's office building. Smoking is also prohibited within 20 feet of any main entrances, exits and operable windows.

## **SUBJECT: SECURITY AND PRIVACY**

## **POLICY #405**

Desks, storage areas, work areas, lockers, file cabinets, credenzas, computer systems, software, communication systems including E-mail, office telephones, modems, facsimile machines and duplicating machines are HCAOG property and must be maintained according to this policy. Because all these items are Agency property, employees do not have, and should not expect, any right of privacy regarding this property or the contents of the property.

### **GUIDELINES**

#### **1. Neatness**

All work areas and items must be kept clean and are to be used only for work purposes, except as provided in this policy.

#### **2. Right of Inspection**

The Executive Director or authorized designee reserves the right, at all times, and without prior notice, to inspect and search any and all Agency property for the purpose of determining whether this policy or any other Agency policy has been violated, or whether further inspection and investigation is necessary for purposes of promoting safety in the workplace or compliance with State and Federal laws. Such inspections may be conducted before, during or after business hours.

#### **3. Prior Authorization**

Prior authorization must be obtained from the Executive Director or authorized designee before any Agency property may be removed from the premises.

#### **4. Use of Telephones and Mail**

##### **A. Agency-maintained systems**

Agency phones and voicemail systems including texting, pagers, cell phones and mobile email are maintained by HCAOG in order to facilitate Agency business. Therefore, all messages sent, received, composed, and/or stored on these systems are property of HCAOG.

##### **B. Personal use extremely limited**

These systems are to be used by employees in conducting business. Personal use of the systems is allowed to a limited degree. Abuse of telephone privileges may result in disciplinary action, up to and including termination of employment.

##### **C. Privacy is not guaranteed**

HCAOG reserves the right to access an employee's voicemail (outgoing and incoming), email messages and Agency computer at any time. The existence of a password on any system is not intended to indicate that messages will remain private.

##### **D. Erasure not reliable**

Employees should be aware that even when a message has been erased, it still may be possible to retrieve it from a backup system. Therefore, employees should not rely on the erasure of messages to assume a message has remained private.

**E. Harassment and discrimination**

Messages on HCAOG's voicemail and email systems are subject to the same policies regarding harassment and discrimination, as are any other workplace communications. Offensive, harassing or discriminatory content in such messages will not be tolerated.

**F. Mail**

The use of employer-paid postage for personal correspondence is not permitted.

**SUBJECT: COMPUTER, CELL PHONE, AND E-MAIL POLICY**

**POLICY #406**

**1. Use of Agency Equipment**

Employees are permitted to use Agency equipment for occasional, non-Agency purposes during rest and meal periods. Nevertheless, the employee has no right of privacy as to any information or file maintained in or on Agency property or transmitted or stored through HCAOG's computer systems, voice mail, E-mail, cell phones, iPhones, other smart phones or PDAs, or other technical resources.

**2. Review of Computerized Information**

For business necessity and/or for reasonable cause, the Executive Director or authorized designee may inspect, investigate or search employees' computerized files or transmissions, voice mail, or E-mail. HCAOG may override any applicable passwords or codes in accordance with the best interests of HCAOG and its employees.

**3. Computer Privacy**

Employees may access only files or programs, whether computerized or not, that they have permission to enter. Unauthorized review, duplication, dissemination, removal, damage or alteration of files, passwords, computer systems or programs, or other property of HCAOG, or improper use of information obtained by unauthorized means, may be cause for disciplinary action, up to and including termination of employment.

**4. Software and Hardware Inventory Procedures**

HCAOG has established a procedure that establishes an inventory for all computer hardware equipment and software applications on hand and also used by on-site consultants' facilities. The inventory is done regularly.

**5. Software Licensing**

HCAOG's policy is to purchase appropriate software licenses for each computer program required for employees to perform their job functions in a timely and efficient manner. It is HCAOG's policy to respect all computer software copyrights and adhere to the terms of all software licenses. Software may only be installed on hardware explicitly allowed under the terms and conditions of that software's license. Normally, the software is copyrighted by the software developer, and unless explicitly allowed by an existing license, HCAOG or its employees have no right to make copies of the software except for backup or archival purposes.

## **6. Use of Electronic Media**

Electronic communication/media may not be used in any manner that would be discriminatory, harassing or obscene, or for any other purpose that is illegal, against Agency policy or not in the best interest of HCAOG and its employees.

Employees who misuse electronic communications and engage in defamation, copyright or trademark infringement, misappropriation of trade secrets, discrimination, harassment, commercial/political/religious solicitations, office gossip or related actions will be subject to disciplinary action, up to and including termination of employment.

While employees may occasionally use electronic mail for personal messages on agency equipment, such messages are also property of HCAOG and will be treated no differently from any other messages. HCAOG reserves the right to access and disclose all messages sent over its electronic mail system.

## **7. Internet use**

Access to the Internet is provided for business reasons. Incidental and occasional personal use of the internet is permitted by HCAOG and should be used with discretion. No use of Internet resources shall include accessing areas, including but not limited to web sites, which are offensive or insulting. This includes areas that contain sexually explicit material, ethnic or racial slurs, or any material that can be construed to be harassment or disparagement of others based on their sex, race, sexual orientation, age, national origin or religious or political beliefs.

Employees may not download or access any material that violates another person or organization's copyrights. This includes, but is not limited to, software, images, and audio recordings (MP3, etc.). If the copyright or license status is unknown or in question, the employee is to presume that access would be a violation of this policy.

## **8. Computer Passwords**

Personal passwords may be used for purposes of security, but the use of a personal password does not affect HCAOG's ownership of the electronic information. Employees are to provide all passwords to the Executive Director or authorized designee, who will keep them confidential.

## **9. Remote Access**

~~Remote access to HCAOG's network is a privilege granted only to appropriate users at the discretion of the Executive Director or authorized designee, and may be revoked at any time. HCAOG's electronic filing network is a cloud-based system for users inside and outside of the office environment.~~ It is the responsibility of the Remote Access user to ensure that unauthorized use does not occur at any time.

~~When using the HCAOG Remote Access technology, the authorized user must acknowledge that their remote machines are a de facto extension of HCAOG's network and subject to the same rules, regulations and procedures that apply to Agency owned equipment.~~

## **10. Social Media**



HCAOG does not use nor does it condone the use of social media in the workplace for any purpose other than work related and by authorized users. Social media is a set of Internet tools that aid in the facilitation of interaction between people on the Internet. Use of Internet based programs such as Facebook, Instagram, Linked In, or Twitter (this is not meant to be an exhaustive list – if employees have specific questions about which programs HCAOG deems to be social media, they can consult with their supervisor or the Executive Director or authorized designee) for any other use than official Agency business is a violation of Agency policy and use of these programs either on Agency owned property or on employees' personal property during work hours on the work premises can result in disciplinary action, up to and including termination of employment.

Employees can use their own personal devices to engage in social media during non-working times, such as breaks and meal periods; however, all other Agency policies against inappropriate usage, including HCAOG's no tolerance for discrimination, harassment, or retaliation in the workplace, and protection of confidential or proprietary information, apply.

Nothing in HCAOG's social media policy is designed to interfere with, restrain or prevent employee communications regarding wages, hours, or other terms and conditions of employment.

### **11. Business Use of Personal Cell Phones**

HCAOG recognizes that cell phones, in particular smart phones (mobile phones that combine digital voice service with advanced features and connectivity that allow e-mail capability, Internet access, data storage, etc.), are a helpful tool for employees who routinely work outside the office, need to be reachable outside of usual business hours, or travel frequently on behalf of the agency. HCAOG does not typically purchase or provide cell phones to employees. Instead, HCAOG believes it is mutually beneficial to provide a monthly service allowance of \$25 to eligible employees who frequently use their personal cell phone for agency-related business.

### **12. Eligibility**

Employees holding permanent full-time positions are automatically eligible for a monthly cell phone allowance.

Eligibility for temporary employees and interns will be determined on a case-by-case basis taking into consideration the nature of the work the employee performs and the need to maintain contact using a personal cell phone during work and non-work hours.

Eligible employees are responsible for purchasing their own cell phone. Cell phones are the property of the employee, not HCAOG.

Eligible employees are responsible for establishing and maintaining a service plan with a service provider and paying all fees and charges associated with the plan, including costs associated with insurance and extended warranties. Employees must maintain an active cell phone service plan while receiving a monthly allowance.

### **13. Payment and Taxation of Service Allowance**

An approved allowance for cell phone service in the amount of \$11.53 will be added to the employee's bi-weekly paycheck. This allowance does not increase the employee's base salary and

will not be included in the calculation of any agency benefits. The allowance will show as a separate line item on the employee's pay statement.

HCAOG treats the service allowance as a taxable benefit. The allowance amount will be treated as wages and subject to income tax withholdings. Because the allowance is taxable, the actual amount that the employee receives may be less than the allowance amount approved. The total annual allowance paid will be reported as taxable wages on the employee's Form W-2 at the end of each year.

For eligible employees who participate in the monthly allowance are hereby informed and understand that their cell phone can be subject to the public records act if used for HCAOG purposes.

## **SUBJECT: CONFIDENTIALITY AND PROTECTION OF PROPRIETARY INFORMATION**

### **POLICY #407**

The protection of proprietary information is essential both for HCAOG and employee security. In the course of the employee's work, the employee may have access to confidential and proprietary information regarding HCAOG, its officers, affiliates, suppliers, customers and fellow employees. To protect such information, the employee may not disclose such information at work except as necessary to perform their duties. The employee must not under any circumstances reveal this information outside of HCAOG without prior approval by the Executive Director or authorized designee. Such information can be used only to perform the employee's job duties within HCAOG.

## **GUIDELINES**

Proprietary information includes, but is not limited to, the following examples:

1. Computer processes;
2. Computer programs and codes;
3. Customer lists;
4. Financial information;
5. Marketing strategies;
6. New materials research;
7. Pending projects and proposals;
8. Proprietary production processes;
9. Research and development strategies; and
10. Technological data.

## **SUBJECT: SAFETY AND WORKPLACE VIOLENCE**

### **POLICY #408**

HCAOG has developed this policy to help maintain a safe workplace. This safety policy is intended to keep HCAOG's employees safe and to protect its possessions, confidential information and equipment.

## **GUIDELINES**

1. Employees must be aware of persons loitering for no apparent reason in parking areas, walkways, entrances and exits. Employees must report any suspicious persons or activities to the Executive Director or authorized designee.
2. Threatening or intimidating behavior, threats, or acts of violence will not be tolerated and may be grounds for immediate termination of employment, arrest and prosecution, or a civil harassment action. Any individual who engages in threatening behavior or violent acts (or who makes comments about inflicting self-harm or harming others) while on Agency property will be removed from the premises and may not return until the incident is fully investigated. HCAOG reserves the right to have any such incident assessed by a professional who specializes in threat assessment.
3. Threats to or intimidation of employees in the workplace by individuals outside HCAOG are also not tolerated and must be reported to the Executive Director or authorized designee. This may include acts of domestic violence and threats of harm from customers or vendors toward employees or Agency property.
4. If an employee witnesses or receives a threat, or learns that another person has witnessed or received a threat, they must notify their supervisor or the Executive Director or authorized designee immediately. Reports must be made of all incidents no matter who was involved or their relationship to each other. If an employee applies for or obtains a protective or restraining order that lists Agency locations as protected, they must provide a copy to the Executive Director or authorized designee. HCAOG understands the sensitivity of such information and uses confidentiality procedures that recognize and respect employees' privacy.
5. Employees must secure their desk, office or vehicle at the end of the day. When called away from the work area for an extended length of time, employees should not leave valuable and/or personal articles in or around the workstation/vehicle that may be accessible. HCAOG is not responsible for loss or damage to any personal property or equipment that is brought to an office location or Agency function.
6. The safety of the office as well as the welfare of employees depends upon the alertness and sensitivity of every individual to potential safety risks. Employees should immediately notify management when unknown persons are acting in a suspicious manner in or around the office.

## **SUBJECT: VISITORS AND SOLICITATIONS**

**POLICY #409**

To prevent inconvenience and disruption in operations and to ensure efficient operation of Agency business, it is necessary to control visitations and solicitations on Agency property.

## **GUIDELINES**

### **1. Visitors**

All visitors must be met at the reception desk by the employee and escorted to and from the employee's worksite. Personal visits by friends and relatives should be kept to a minimum and be of short duration, preferably during break and meal periods. Visitors who are disruptive to the office or its employees should be reported to the Executive Director or authorized designee and will be asked to leave.

## **2. Employee Solicitation**

It is against HCAOG policy to use HCAOG stationery, supplies or equipment (including bulletin boards, photocopy machines, fax machines, interoffice mail, etc.) for solicitation or distribution of other business or charitable items or offers.

Employees may not solicit during working time for any purpose. Employees may not distribute literature at any time for any purpose in working areas. Working time includes the working time of both the employees doing the soliciting or distributing and the employee to whom the solicitation or distribution is being directed. Working time does not include break periods, meal periods, or any other specified periods during the workday when employees are not engaged in performing their work tasks.

## **3. Non-Employee Solicitation**

Solicitation or distribution of literature by non-employees of HCAOG is prohibited. Access to working areas is limited to employees, on-site consultants, and authorized personnel.

Individuals from organizations representing outside interests may not conduct their business on Agency premises unless authorized by the Executive Director or authorized designee. This includes service organizations; community and education groups; product and sales organizations; and any other club, group or organization.

## **SUBJECT: WORKPLACE ATTIRE**

### **POLICY #410**

An employee's personal appearance reflects HCAOG's image to the public, applicants, consultants, visitors and other employees. All employees are representatives of HCAOG and therefore impact HCAOG's image as a professional organization. Personal appearance includes grooming, cleanliness and appropriate attire. Employees are expected to dress in professional office clothing and maintain a businesslike and well-groomed appearance.

Attire that is considered "business casual" is acceptable for normal office activities.

## **SUBJECT: MEDIA CONTACT**

### **POLICY #411**

Employees may be approached for interviews or comments by the news media. Only contact people designated by the Executive Director or authorized designee may comment to news reporters or other media on programs, projects, policies or events that have an impact on HCAOG.

Otherwise, all media contacts and requests for information or interviews must be referred to the Executive Director or authorized designee.

## **SUBJECT: DRIVING POLICY**

### **POLICY #412**

When driving on HCAOG business, the employee should always obey the rules of the road and be courteous to all road users, including but not limited to, other drivers, motorcyclists, bicyclists, and pedestrians. The employee may not drive on Agency business while under the influence of alcohol or drugs. For insurance purposes, the employee should notify the Executive Director or authorized immediately if they have received a D.U.I. conviction or have received a ticket for texting while driving.

#### **1. Injury/Accident When Driving on Agency Business**

If the employee is injured in an automobile accident while ~~driving~~ commuting on HCAOG business, the employee must inform their supervisor immediately. Employees are required to maintain their own car insurance and a valid California Driver's License if they drive their own personal vehicle.

#### **2. Use of Cell Phones and Text-Based Communication While Driving**

In the interest of the safety of our employees and ~~other drivers~~ all road users, HCAOG employees are prohibited from using cell phones and/or writing, sending or reading text-based communication, including text messaging, instant messaging, and e-mail, on a wireless device or cell phone while driving on Agency business and/or Agency time.

If the employee's job requires that they keep a cell phone or other wireless device turned on while driving, the employee must use a hands-free device and safely pull off the road before conducting HCAOG business. Under no circumstances should employees place phone calls or conduct text-based communication while operating a motor vehicle while driving on HCAOG business and/or HCAOG time. Violating this policy is a violation of the law and of HCAOG policy. Similar use of phones while biking or crossing street intersections is strongly discouraged.

## **SUBJECT: EXPENSE REIMBURSEMENT**

### **POLICY #413**

HCAOG has adopted *HCAOG Travel Policies* which establish procedures regarding reimbursement for travel and other Agency related business expenses.

## **GUIDELINES**

#### **1. Supervisor Approval**

Employees shall obtain supervisory approval prior to incurring any HCAOG reimbursable expenses related to travel or other business functions.

#### **2. Appropriateness of Reimbursements**

The decision of the Executive Director or authorized designee shall be final in cases where conflict of opinion about the appropriateness of reimbursement exists. The guidelines as established in HCAOG's most recently adopted Travel and Policy Guidelines shall govern such approval.

***PERSONNEL POLICIES & PROCEDURES***  
***HUMBOLDT COUNTY ASSOCIATION OF GOVERNMENTS***

**ACKNOWLEDGMENT OF RECEIPT OF HCAOG's PERSONNEL POLICIES & PROCEDURES**

I have received a copy of the Humboldt County Association of Governments' HCAOG Personnel Policy & Procedures. I understand that it contains important information on Agency policies, as well as my rights and responsibilities as an employee. I understand and agree that it is my responsibility to familiarize myself with and abide by these policies.

I have read and understand the Policies. I understand that I am governed by its contents. I understand that HCAOG retains its discretion to make all decisions, as allowed by applicable employment laws, concerning my employment (including, e.g., decisions regarding promotions, demotions, transfers, job responsibilities, increases or reductions in pay, bonuses or other compensation, or any other managerial decision).

I understand and agree that nothing in the Personnel Policies & Procedures creates or is intended to create a promise or representation of continued employment.

~~I have also read and understand HCAOG's Unlawful Harassment Policy.~~

I further understand that HCAOG can change, delete, or add to any policies, benefits, or practices described in these Policies in its sole and absolute discretion with or without prior notice and in accordance with the Board of Directors and Federal and State of California workplace laws.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name