



Personnel Policies and Procedures

DRAFT

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Ventura County Transportation Commission Personnel Policies and Procedures Manual

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Executive Director Overview

This Policies and Procedures Manual is intended to explain the terms and conditions of employment of all full-time and part-time employees, and it summarizes the policies and practices in effect at the time of publication. However, VCTC policies and procedures are the guiding documents, and applicable state and federal laws supersede any VCTC policies. The Executive Director, Department Directors, or your supervisor and/or manager will be happy to answer any questions you may have.

As an employee, you should become familiar with the provisions of this manual as well as our culture and mission, and core values. As an employee of VCTC, you are an important member of a team effort.

Martin Erickson
Executive Director

Vision Statement

To Keep Ventura County Moving

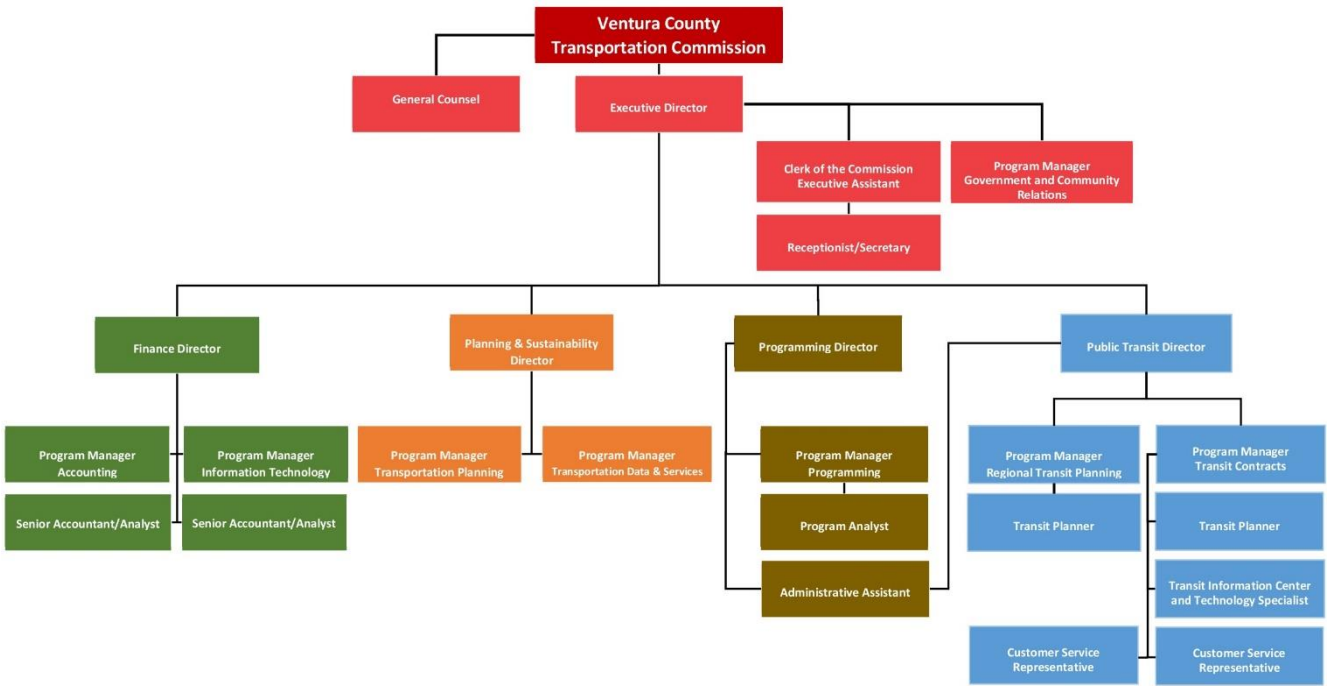
Mission Statement

To Create a More Connected, Resilient, Equitable, and User-Friendly Transportation System for Ventura County

Values

Equity, Integrity, Service and Sustainability

Organizational Chart



Ventura County Transportation Commission
Personnel Policies and Procedures

The Ventura County Transportation Commission, as a public entity created pursuant to Section 99233.2 and Sections 130050.1, 130054.1, and 130109.1 of the Public Utilities Code, does resolve as follows:

The Ventura County Transportation Commission (VCTC) Personnel Policies and Procedures are adopted to read as follows:

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Chapter 1: Purpose and Definitions

Section 1.1 – Purpose

The purpose of the Personnel Policies and Procedures is to assist the Ventura County Transportation Commission (VCTC) in establishing and maintaining the public trust. The ethical operation of local government requires that elected officials, appointed administrators, and staff possess honesty, integrity, and professionalism, and be competent, impartial, and accountable. This document is a comprehensive set of policies regarding personnel matters that provides the basis for effective employee relations, the attraction and retention of high-quality professional staff, and a working environment emphasizing respect in the workplace. VCTC expects its employees to:

- Administer public processes openly, unless the issue is required to be confidential.
- Approach issues in an open, honest, direct, and unbiased manner, and from the perspective of the public good.
- Comply with both the letter and the spirit of the laws and policies affecting the applicable operations of government in general and of the Commission specifically.
- Conduct public deliberations in an atmosphere of mutual respect, consideration, cooperation, and civility.
- Maintain and apply appropriate technical and professional competence to their respective work.

Section 1.2 – Definitions

The terms used in these Policies and Procedures shall have the meanings as defined below:

Accessing Policies and Procedures: These policies and procedures are available to all employees and are posted on the VCTC intranet. Each employee is responsible for reading and complying with them.

Additional Policies and Procedures: The executive director may issue additional rules or policies as deemed necessary for the efficient administration of VCTC. However, such policies shall not conflict with these policies and procedures. In cases where there is deemed to be a conflict between the executive director's rules or policies, then these policies and procedures shall prevail.

Advancement (or Salary Advancement): A salary increase from one salary placement to a higher salary placement in the same pay range.

Agency: Ventura County Transportation Commission, hereinafter, "VCTC", provides transportation-related policies, programs, projects, and services to a variety of people. Employees are VCTC's representatives when implementing or following policies or performing services.

Allocation: The assignment of a single position to its proper class in accordance with the duties performed and responsibilities exercised.

Anniversary Date: Date an employee is appointed, promoted, demoted, or reinstated to a position within VCTC.

Applicant: Any person submitting formal, completed application materials for employment with VCTC. A candidate shall include, but not necessarily be, an applicant.

Applicability of Policies and Procedures: The provisions of these policies and procedures shall apply to all VCTC employees, excepting any provision that would provide an expectation of ongoing, protected employment status to any person or position designated as "At-Will."

Appointing Authority: For all staff positions it is the executive director who is the Appointing Authority and the executive director's position shall be appointed by the Commission.

Appointment: Placement of a candidate into a position.

At Will Employment: All VCTC employees serve at the pleasure of the executive director, who retains the authority to terminate any such employee at any time with or without notice or cause and without right of appeal, consistent with state and federal laws. At will employees do not acquire property interest in the positions they hold.

Commission: As used in these Policies and Procedures, the Commission refers to Ventura County Transportation Commission and those other agencies as identified in these Policies and Procedures, and is the governing board of the Ventura County Transportation Commission. Responsibilities and rights of the Commission under these Policies and Procedures are exercised by the executive director. Commission is comprised of representatives from each member organization: one elected representative from each of the following cities: Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, San Buenaventura, Santa Paula, Simi Valley, and Thousand Oaks; and 5 elected Supervisors from the County of Ventura. One citizen representative of the County, one citizen representative of the cities, and one non-voting Caltrans representative also serve on the Commission.

Compensation: Salary, wages, fees, benefits, allowances, or monies (other than reimbursed expenses) paid to, or on behalf of, an employee for work services.

Compensatory Time Off: Time off in lieu of pay for overtime worked for non-exempt employees.

Complainant: An employee or group of employees filing a complaint.

Complaint: A complaint is defined as any dispute involving the interpretation, application, or alleged violation of a specific express term of these Policies and Procedures.

Complaint Procedure: The systematic means by which an employee may obtain consideration of a complaint.

Compliance: All employees must comply in carrying out the provisions of these Policies and Procedures and comply with other such management memoranda that the executive director may from time-to-time issue.

Conflicting Policies and Procedures: These policies and procedures were established to conform and be complementary to other VCTC policies. In cases where there is deemed to be a conflict between an operational procedure and these policies, the policies shall prevail.

Continuous Examination: An examination which is administered periodically.

Continuous Service: Employment without interruption. This includes approved VCTC-paid leaves of absences and leaves of absences to serve in the armed forces of the United States, as provided by Section 395 of the Military and Veterans Code or any other leave as otherwise provided by law.

Days: Means calendar days unless otherwise stated.

Demotion: The voluntary or involuntary reassignment of an employee from one position to another position having a lower maximum base rate of pay.

Discharge or Dismissal: An employee terminated from employment with or without cause.

Disciplinary Action: The discharge, demotion, reduction in pay, suspension, or transfer of an employee for disciplinary reasons. Verbal and written counseling sessions, reprimands, or memoranda are not considered disciplinary action.

Discrepancies: In the event there is a discrepancy between the language in these Policies and Procedures and federal or state law, federal or state law shall prevail over these Policies and Procedures.

Electronic Communication Systems: The system of devices (including hardware, software, and other equipment) acquired or used by VCTC for the purpose of facilitating the creation, and the transmission and storage of electronic information (including, but not limited to the e-mail system, instant messaging systems, cameras, telephones, pagers, radios, computers and all peripheral devices such as hard drives, disks, tapes, film, compact and digital video discs, and personal digital assistants that are owned, rented or leased by VCTC and that are the property of VCTC.

Employee Categories: Defined as follows:

Employee: An individual occupying a position with VCTC including but not limited to full time, part-time, hourly, contract (other than independent contractors), intermittent, annuitant, and intern positions.

Annuitant Employee: An employee who is currently retired from the California Public Employees Retirement System and is eligible to work no more than 960 hours in any fiscal year.

Exempt Employees: Whether an employee is exempt (salaried) or non-exempt (hourly) is determined by the Fair Labor Standards Act (FLSA). The executive director maintains a list of those positions designated as either exempt or non-exempt. Exempt employees receive no additional compensation for any hours worked beyond their normal workweek.

Intern: A full-time or part-time student enrolled in a high school, college-level degree program, or graduate-level degree program and may work up to 960 hours per fiscal year without being enrolled in the retirement system. Should the intern work more than 960 per fiscal year, such intern shall be enrolled in the retirement system. Interns are only eligible for legally mandated benefits and are not eligible for regular employee health and welfare benefits.

Miscellaneous Employee: For CalPERS retirement purposes, this is a non-safety employee who regularly works 20 or more hours per week and receives other health and welfare benefits.

Non-exempt Employee: Is an employee who is entitled to receive overtime pay when working more than 40 hours in any single workweek, as that law extends or applies to public-sector employees, or as may be provided by VCTC. VCTC provides overtime for non-exempt employees after the employee works more than 40 hours in a workweek. Non-exempt employees shall be compensated for overtime in accordance with the FLSA and California law applying to public agencies.

Part-time Position: A position of less than 35 hours per week but 20 or more hours per week each week of a calendar year. Part-time positions receive pro-rated benefits, unless otherwise established by the executive director. A position less than 20 hours per week falls into a different category.

Probationary Status: There is no probationary status for any newly hired employees or for newly promoted employees as all employees are at will.

Regular Full-time Employee: A full-time employee has an annual work schedule of 2080 hours, including paid time off, which is equivalent to a 40-hour workweek.

Regular Part-time Employee: A part-time employee has an annual work schedule of between 961 hours and 1819 hours, including any paid time off, if eligible for such.

Temporary Employee: Is a VCTC employee who is hired for a particular project or a job of limited or definite duration and does not exceed 960 hours in a paid status in any fiscal year. A temporary employee shall not be entitled to the rights or benefits of full-time or part-time employees, except as expressly agreed to in writing by the executive director.

Volunteer: This is not an employee but an individual who is providing service without compensation and on such terms and conditions as may be agreed upon in advance by the volunteer and VCTC. Volunteers shall not be entitled to the rights or benefits of full, part-time, temporary, or special employees, except to the extent expressly agreed to in writing by the executive director. Volunteers must, however, follow VCTC policies and procedures.

Employee Notification of Changes: These policies and procedures provide procedures for the administration of all matters affecting employee status and activities of the Ventura County Transportation Commission. In the event of any recommended change to these policies or procedures set forth herein, all employees will receive written notification from the executive director, which may be made by e-mail, indicating the changes to be made.

Employment Date: For retirement, sick leave, and other benefit purposes, this is the effective date of an employee's initial appointment to a regular full-time or regular part-time position. This date may be different than employee's anniversary date.

Examination: An examination for a position with VCTC that is open to qualified applicants.

Executive Staff: Is the executive director and department directors.

Fair Employment: VCTC shall not discriminate against any applicant or employee in violation of state or federal laws or Commission policies. Nor does the Commission tolerate retaliation against any applicant or employee for filing a discrimination complaint.

Family Member: Defined below:

Designated person – Per California Family Rights Act, as defined in Assembly Bill 1041, "Designated Person" is any individual related by blood or whose association with the employee is the equivalent of family relationship. The bill authorizes a designated person to be identified at the time the employee requests the leave. The bill also authorizes an employer to limit an employee to one designated person per 12-month period.

Domestic Partners: those persons who are registered, and as defined in California Family Code Section 297 et seq.

Extended Family Member: Unless otherwise defined by state or federal law, extended family is limited to spouse, children, father, mother, brother, sister, grandfather, grandmother, grandchild, father-in law, mother-in law, and registered domestic partner.

Immediate Family Member: Is the spouse, parent, child, domestic partner, or any child of the employee's domestic partner.

Legal Dependent: Is any person defined as legal a dependent under state or federal law, and for the purpose of these Policies and Procedures shall also include domestic partners or any child of domestic partners.

Discretionary Modifications: The executive director may modify the above definitions for specific family members on a case-by-case basis.

Flexible Work Schedules: A flexible work schedule may be worked by employees with the approval of the executive director. Flexible work schedules are for example 4/10 (4 days a week, 10 hours per day), 9/80, which is 9 hours each day, in a 10-day work period with one day off, that is the flex day off, and split schedules, etc. Flexible works schedules do not provide a greater per day holiday time off. All holidays are paid at 8-hour days. Employees flex day off is earned time off of an 8-hour day per pay period, as approved at the discretion of the executive director.

Full-time Position: A position generally requiring a minimum of 2080 hours in a calendar year and 40 hours of work per week each week of a calendar year.

Initial Appointment: The first appointment of a person to any position at VCTC.

Job Sharing Position: Is a regular VCTC position that is shared by two or more regular part-time employees, who each have at least a minimum 20 hour per week work schedule.

Layoff: The separation of employees from the active work force due to lack of work, lack of funds, organizational changes, or the abolition of positions. An employee who is laid off has no bumping rights, no right of appeal, nor any greater rights to return.

Overtime: Time worked by non-exempt employees above the minimum 40 hours of straight time during a work week is overtime. Overtime is calculated at 1.5 times the regular hourly rate of pay. Overtime shall be compensated in accordance with the provisions of the Fair Labor Standards Act. For purposes of calculating overtime, time worked includes only those hours in which the employee performs authorized services for VCTC and does not include holidays, jury duty, and other leaves with pay.

Paydays: Paydays occur on the 10th and 25th of each month.

Pay period: There are 24 pay periods during each fiscal year. Employees shall be paid on a twice monthly basis. Each month the first pay period is from the 1st to the 15th, and paid on the 25th, and the second pay period in the month is from the 16th to the end (28th, 29th, 30th, or 31st) and paid on 10th of the following month.

Position: A group of duties and responsibilities requiring the full-time, part-time, intermittent, intern, contract, or annuitant employment of a person.

Position Specification: The written job description, including the title; a statement of the nature of the work, examples of duties and responsibilities, and the requirements that are desirable for the satisfactory performance of the duties of the position.

Position Title: The title assigned to a particular position and used for reference to that position.

Promotion: The movement of an employee from one position to another position having a higher maximum base rate of pay.

Reallocation: The official determination that an employee be assigned to a position different from the one to which it was previously assigned.

Regular Full-time Service: is service performed by a regular full-time employee, including paid vacation, sick leave, and holidays used by the employee during any relevant period, but excluding any unpaid leave of absence.

Regular Part-time Service: Is service performed by a regular part-time employee, excluding any unpaid leave of absence.

Regular Full-time or Part-time Positions: Are those positions designated in VCTC's budget.

Reinstatement: The return of an employee to a classification in which the employee formerly served, which is at the discretion of the executive director.

Relief of Duty: The temporary assignment of an employee to a status of leave with pay.

Resignation: Voluntary termination of employment by an employee.

Revisions to the Policies and Procedures: The Commission may from time-to-time change or revise the policies and procedures described in this document.

Selection Process: The process of testing, evaluating, investigating, and determining the fitness and qualification of applicants for VCTC positions.

Separation: Permanently leaving VCTC employment for any reason.

Severability: If any part of these policies and procedures is determined to be unconstitutional or illegal, such part shall be severed from these policies and procedures and the remaining policies and procedures shall be given full force and effect.

Standards of Conduct: Appointments to VCTC positions carry with it certain rights and responsibilities under the law. It is therefore incumbent upon employees to serve the public well and respect the rights of all. To this end, employees are to conduct themselves in a manner that will exemplify such characteristics as courtesy, honesty, integrity, constraint, impartiality, fairness, and dedication to the well-being of the public. In addition, no public office is to be used for personal gain or objective or the special benefit of any citizen or citizen group. Employees shall conduct themselves in such a manner as to promote and preserve a level of service and engender confidence in and respect for VCTC and the Commission. The public shall be served with courtesy,

impartiality, fairness, and equality under the law at all times. Employees are required to perform the duties to which they are assigned to the best of their ability. Publicly owned or supported property, equipment, vehicles, labor, or services shall be used for public purposes only. On-duty time is to be used for VCTC purposes only.

Staff: For the purposes of these Policies and Procedures, staff refers to any category of VCTC employee.

Straight Time: Required minimum time worked during a given pay period. Time is calculated at the employee's regular hourly rate.

Suspension: The temporary suspension of an employee without pay for disciplinary purposes.

Termination: The separation from service with the action initiated by VCTC's executive director.

Transfer: A change of an employee from one position to another position with comparable pay and skill requirements.

Vacancy: A duly created position which is not occupied and for which funding has been budgeted.

VCTC Budget: Is the annual fiscal year budget submitted by the executive director to the Commission for review and approval, which shall include a list of all regular, temporary and part-time positions proposed for the coming fiscal year.

Violation of Policies and Procedures: Violations of the provisions of these policies and procedures by any employee shall result in disciplinary action, up to and including dismissal, exercised in accordance with these policies and procedures.

Word Usage: The term VCTC or Commission as used in these Policies and Procedures refers to both the Ventura County Transportation Commission and its governing body. Responsibilities and rights of the Commission under these policies and procedures are exercised by the executive director and may be delegated at the executive director's discretion.

Workweek: A normal workweek is 40 hours each week. The work week for all employees is a 7-day period beginning 12:01 a.m., on each Sunday and ending at midnight on each Saturday. Employees, however, may select among flexible work scheduling plans as developed and approved by the executive director. In such cases the work week will be modified from this standard work week.

Year: Is defined as follows:

Anniversary Year is the annual anniversary of the employee's appointment date (without any unpaid break in service). If the employee has a break in service with an unpaid leave of absence, as allowed by law, the anniversary date may be adjusted.

Calendar Year is the period from January 1 to December 31 of each year.

Fiscal Year is the period from July 1 to June 30 of each year.

Service Year is the employee's work year starting on the employee's original employment date of hire.

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Chapter 2: At-Will Employment

Section 2.1 – At-will Employment Statement

Management and Non-Management Positions: All employees of VCTC are in at will positions. The employment of an at-will employee may be terminated at any time, for any reason, and without any requirement of demonstrating “good cause.” At will employees have no right to appeal any discipline or termination of employment. At will employees do not acquire a vested interest in the VCTC positions they hold. Employees do not relinquish or forgo any protections, rights, or privileges provided them by federal or state laws, or applicable administrative codes and regulations.

Chapter 3: Recruitment and Selection Practices, Nepotism, and Internships

Section 3.1 – Recruitment Process

Recruitment: VCTC may utilize any legitimate recruitment procedure for attracting qualified applicants. Recruitments may be open or may be limited to VCTC employees. The executive director may make appointments without going through a recruitment procedure, when in the best interest of VCTC. The executive director may use a search firm, a consulting firm, or a temporary employment agency to select candidates for employment.

Continuous Recruitment: When necessary to meet continued requirements for filling positions, the closing date for any selection process may be indefinite and applicants may be tested continuously in such manner and at such times and places as may be determined by the executive director.

Announcement: Examinations for positions shall be publicized by such methods as deemed appropriate. Recruitments shall be conducted in accordance with equal employment opportunity guidelines as well as appropriate and valid selection procedures.

Application Materials: Application materials shall require information covering training, experience, and other pertinent information designed to determine if the applicant can perform the essential job duties. Application materials may include references and background checking, including fingerprints. False information of material fact on application materials may result in rejection or dismissal of the applicant. Applications and examinations are confidential records and shall not be returned to applicants. No applicant shall be required to provide or asked for information that which is prohibited under any state or federal law.

Disqualification: Any candidate may be disqualified for any legitimate reason. An applicant has no right to grieve or appeal any such actions.

Nepotism: It is important that appointments to VCTC positions are free from undue personal or financial influence. Relationships between candidates for employment and current VCTC employees, supervisors, or managers that raise the possibility of a conflict of interest or the perception of undue influence in the hiring decision must be made known to the executive director prior to a job offer being made. The executive director may determine that such employment is not compatible and may reject the candidate. The decision is at the sole discretion of the executive director. However, if a candidate that has a relative working at VCTC is offered a position, that position will not be assigned, supervised, or managed by their family member, except on a temporary basis in exigent circumstances.

Internship Program: The Internship Program was created to enable the VCTC to recruit, train, and develop an intern's skills to prepare them for professional, entry-level employment. This program does not guarantee intern employment with VCTC, but rather it attempts to assist in an intern's career development to become an experienced,

knowledgeable, and qualified individual capable of competing in the professional job market. When there is a VCTC vacancy, the qualified intern would be afforded the same full and equal consideration for employment as any other applicant under consideration.

Section 3.2 – Examinations

Examination Process: All hiring shall be made according to merit and fitness. VCTC may utilize any legitimate objective method to determine the qualifications of applicants, including without limitation, written tests, physical agility tests, oral examinations, training and experience review, panel interviews, assessment centers, and oral interviews. The selection practices used in the examination process shall be impartial and relate to those subjects that, in the opinion of the executive director fairly measure the relative capacities of the candidates to execute the duties and responsibilities of the class.

Conduct of Examination: VCTC staff may hold the selection processes itself or contract with any qualified organization, individual, or firm for preparing and/or administering examinations.

Notification of Examination Results and Review of Materials: Examination results are not provided. However, if requested by a candidate, exam results may be provided, within the sole discretion of the executive director.

Section 3.3 – Background and Reference Checks

Background Checks - VCTC shall have the right to conduct a complete and exhaustive background investigation, on all applicants seeking employment. As part of the pre-employment procedure, applicants may be required to supply references, and submit to a thorough background check, including a criminal background check where applicable, and a medical and/or psychological examination by VCTC-retained medical practitioners. In addition, all candidates must be physically and mentally capable of performing the essential functions of their jobs with or without reasonable accommodation. Background investigations comply with applicable FCRA code sections. Candidates are notified of the proposed background investigations and must sign release forms to authorize the gathering of such information. Any medical or psychological examination shall be conducted only after a conditional job offer has been made, in accordance with applicable law.

Purpose: To ensure a safe environment for the public served by VCTC, a safe working environment for all VCTC employees, and to minimize liability by conducting investigative consumer reports in a manner consistent with all applicable state and federal laws.

Policy: It is VCTC's policy to conduct investigative consumer reports for all regular full-time and part-time, casual, contract, and such other appointments as determined necessary by the executive director.

Reference Checks - It is the policy of VCTC that an employee reference check shall be conducted on all appointments, regardless of the appointment method. From a sound personnel management perspective, conducting thorough reference checks is the best method to identify potential problem employees. Steps should be taken during the interview and reference checking processes to acquire as much information as possible about the applicant's previous job performance to make an informed hiring decision. As a manager/supervisor, you have a dual role in the reference checking process.

As a prospective employer:

- You must seek job-related information regarding job applicants to make an informed hiring decision.

As a current or previous manager/supervisor:

- You may be required to respond to reference check inquiries from prospective managers/supervisors regarding your current or past employee.

A fine line separates thoroughly reviewing the applicant's background and invading their privacy. An overly intrusive investigation may violate an individual's privacy or legal rights. On the other hand, a half-hearted reference check raises the risk of hiring an incompetent or dishonest employee.

There is no approach that will guarantee that you will not be sued by a former employee because of information that was provided in a reference check. However, with the proper preparation and discretion, you should feel comfortable with giving both favorable and unfavorable references. You should also keep in mind that in the event of a lawsuit, VCTC will defend you if there was no malice involved.

Section 3.4 – Eligibility to Work

All prospective employees must be able to provide written verification of their right to work in the United States upon appointment.

Section 3.5 – Employee Selection

VCTC's employment processes will be conducted in a manner that is fair, efficient, and results in the employment of qualified candidates.

Section 3.6 – Appointment

Positions may be full-time or part-time, intermittent, short-term, intern, an annuitant, or contractual, depending on VCTC needs.

Section 3.7 – Employee Actions Related to Appointment and/or Assignment (Non-Disciplinary)

Resignation: Employees separating from VCYC employment in good standing are encouraged to submit a letter of resignation to their immediate supervisor. This letter should be submitted no later than 2 weeks in advance of the effective date of separation,

except under extraordinary circumstances. The letter of resignation shall be forwarded to the executive director and placed in the employee's personnel file.

Transfer: The executive director may transfer employees from one position to another position in the same classification or in a comparable classification in which the employee is qualified to perform carrying essentially the same maximum salary. Testing components may be necessary to establish skill-based qualifications, as determined by the executive director.

Voluntary Demotion: Based upon an employee's request the executive director may demote an employee to a position that is vacated in a classification which carries a lower rate of pay and for which the employee is qualified to perform. No recruitment process will be announced, nor will a formal examination be required for the voluntary demotion to occur. At the discretion of the executive director, the employee may either continue to receive their current rate of pay for the new position or may be placed at the appropriate point on the salary schedule.

Involuntary Demotion (Not Related to a Layoff Action): Based upon an employee's demonstrated inability to perform the tasks of the assigned position, the executive director may demote an employee to a position in a classification for which the employee is qualified to perform and which carries a lower maximum rate of pay by following the disciplinary procedures outlined in these personnel policies and procedures. No recruitment process or formal examination will be required for the involuntary demotion to be made. At the discretion of the executive director, the employee may either continue to receive their current rate of pay or may be placed at the appropriate point on the salary schedule.

Section 3.8 – New Employee Reporting

As a business or government entity doing business in California, VCTC is required to report certain information on employees and independent contractors we hire to the Employment Development Department (EDD). This information will assist in locating parents who are delinquent in their child support payments.

Reporting Requirements for California Employers

California employers are required to report information on newly hired or rehired employees who work in California to the EDD's New Employee Registry (NER).

When to Report

Information on newly hired or rehired employees must be reported within 20 days of their start-of-work date. Employers who choose to report electronically must submit two transmissions each month that are not less than 12 or more than 16 days apart.

Reporting Methods

Employers may elect any of the following methods to report new employee information to the EDD:

- File online using any of the options available with the EDD e-Services for Business. Visit the website at www.edd.ca.gov/e-Services_for_Business to choose the option best for you.
- File a Report of New Employee(s), DE 34, form.
- File a copy of the employee's Form W-4. You must add the date the employee started working for you, your California employer payroll tax account number, and Federal employer identification number to the Form W-4.

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Chapter 4: Classification and Compensation

Section 4.1 – General Policy

To facilitate equitable employment and compensation practices, based on job-related qualifications, a classification system has been implemented that groups positions which are similar as to duties performed, degree of supervision, responsibility exercised or required, minimum requirements of education, experience, skill, and other qualifications, so that the same title and schedule of compensation will be applied to each position in the group, and substantially similar measures of required qualifications, and acceptable job performance will also be applied to each position in the group.

Section 4.2 – Classifications

Classification Title: The title established shall be generally descriptive of the type and level of work performed and shall be used in all VCTC documents applicable to the positions or the employees appointed to it.

Classification Specification: The classification specification is intended to clearly set forth the basic work tasks, knowledge, skills, abilities, and employment qualifications applicable to each classification. The specification shall not be construed as an all-inclusive list of tasks performed or be interpreted as restricting the assignment of related tasks not specifically listed therein, or as limiting the authority of supervisors to assign, direct, and control the work of employees.

Reclassification: As position duties and general qualifications change from time to time or the needs of the organization change and new duties are added or deleted, it may become necessary to conduct a classification study or job audit to determine the most appropriate classification for a position. The executive director may authorize studies of such a position or positions that shall determine the most appropriate classification based on the findings and recommendations of such a study. Reclassifications are not subject to employee recruitment and promotion procedures.

Section 4.3 – Compensation

The annual budget sets forth the positions approved by the Commission, together with salary ranges and employee benefits. Salary ranges and employee benefits are reviewed and considered by the Commission for adjustment as often as may be recommended by the executive director to maintain market competitiveness and fairness. The budget contains a series of pay ranges listing the minimum and maximum pay levels only. Salary ranges may be expressed in terms of hourly, monthly, or annual rates or any combination of these. Each classification shall be assigned to a range in the pay schedule, and this designation may be modified periodically to reflect Commission-approved general salary adjustments/cost-of-living adjustments, classification actions, or other actions impacting range assignments. VCTC salary schedule does not contain fixed steps nor are fixed steps given within each range. No position shall be assigned a salary not in conformance with the salary range established for its

classification. The executive director has authority to compensate employees at any place in the salary range.

Salary and Benefits on Appointment: An employee may be appointed at any place on the salary schedule for the classification. A regular employee is provided the same general benefits as all other Commission employees, except to the extent approved by the Commission and at the discretion of the executive director, adjustments to benefits, such as leave accrual rates or pro-rata portion of benefit payment, may be made at the time of appointment.

Salary Advancements: Salary advancements within an established range shall not be automatic but shall be based upon satisfactory job performance as determined, and supported in writing, by the employee's supervisor, and approved by the executive director. Merit raises within a salary range are generally no more than 5% and shall not exceed the maximum of the salary range.

Salary Increases After 6 Months of Employment: Employees may be eligible for merit increase 6 months after the initial appointment, provided that the employee's performance and work habits merit the increase. Advancement to other points on the specific salary range may be made after 12 months of service at each successive salary increase, provided that the employee's performance and work habits merit the increase, as determined by the executive director. Merit increases will be effective on the first full pay period after the employee's 6-month anniversary date. In the event of exceptional performance of a new employee's initial review, a full merit increase may be awarded at six months rather than the full year. However, the employee review will return to the annual timeline and the next opportunity for review will occur at the 2-year evaluation mark.

Acting or Interim Pay: Acting or interim pay shall not be given unless the assignment of higher-level duties is to exceed two (2) business weeks. Acting or interim pay of 10% increase over current base pay shall be provided to employees effective from the third week duties remain for the employee. This pay will be removed once the acting or interim assignment ends, and the acting/interim responsibilities no longer apply. Employees shifting from non-exempt to a position that is exempt, may not be eligible for overtime.

Salary Upon Promotion: An employee who is promoted to a position in a class allocated to a higher salary range than the class to which the employee was formerly assigned will receive at least a 2.5% adjustment to compensation and be placed within the higher salary range.

Salary Upon Transfer: An employee who is transferred from a position to another in the same class or to another position in a class having the same salary range shall be compensated at the same rate in the salary range as previously received.

Suspension without Pay: Any employee who has been suspended for disciplinary reasons shall not receive pay for the duration of the suspension; nor shall any benefits which are calculated upon hours worked be credited to the employee, including, but not limited to,

sick leave, vacation, retirement, or disability insurance, during the period of suspension. Should such suspension be later modified or revoked, the employee may be entitled to receive payment to compensate proportionately for loss of income and benefits during the period of suspension.

Salary Upon Demotion: An employee who is demoted may receive a salary adjustment within the salary range of the new position as determined by the supervisor in consultation with the executive director.

Salary for Portion of Pay period: A Fair Labor Standards Act (FLSA) non-exempt employee working on a full-time basis, who works less than a full pay period, except when on authorized leave of absence with pay, shall receive as compensation for such period an amount equal to the number of hours worked times the employee's hourly rate. For FLSA exempt employees when absent from work for a period of time, leave balances shall be used and the amount of compensation paid to said employee shall not be subject to a deduction. No deduction shall be made from the employee's paycheck even if the employee's absence cannot be covered or paid through accumulated vacation, sick leave, or compensatory time off, unless it is determined in accordance with law that such deduction will not result in the loss of exempt status of the employee.

Salary Upon Re-employment and Reinstatement: A reinstated or re-employed employee shall be appointed within the appropriate salary range for the position as determined by the executive director, based upon the employee's prior length of service and level of performance.

Increases in Compensation: In conjunction with the adoption of the annual budget, the executive director may recommend adjustments to salary ranges.

Section 4.4 – Paydays, Pay Periods, and the Final Wages

In California, wages, with some exceptions (see table below), must be paid at least twice during each calendar month on the days designated in advance as regular paydays. VCTC has established a regular payday and is required to post a notice that shows the day, time and location of payment. [[Labor Code Section 207](#)] Wages earned between the 1st and 15th days, inclusive, of any calendar month must be paid no later than the 25th day of the month during which the labor was performed, and wages earned between the 16th and last day of the month must be paid by the 10th day of the following month.

Overtime wages must be paid no later than the payday for the next regular payroll period following the payroll period in which the overtime wages were earned. VCTC shall comply with Labor Code Section 226(a) relating to total hours worked by the employee if the overtime hours are recorded as a correction on the itemized statement for the next regular pay period and include the dates of the pay period for which the correction is being made. [[Labor Code Section 204\(b\)\(2\)](#)]

Final wages upon termination of employment as well as any available and eligible accrued leave will be paid in the pay period after the date the termination occurs.

Section 4.5 – California Equal Pay Act (amended)

VCTC will comply with the provisions as set forth in the California Equal Pay Act as amended.

The amended Equal Pay Act prohibits an employer from paying any of its employee's wage rates that are less than what it pays employees of the opposite sex, or of another race, or of another ethnicity for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions.

Section 4.6 – Age Discrimination in Employment Act

VCTC does not discriminate in its hiring practices, to include discrimination related to the age of an applicant. The Age Discrimination in Employment Act (ADEA) of 1967 protects workers who are age 40 and older from workplace discrimination. It prohibits employers from making decisions to hire, fire, or promote employees based on their age. The objective of the ADEA is to minimize the damaging effects of long-term unemployment on older workers.

The Age Discrimination in Employment Act (ADEA) specifically prohibits the use of an employee's or job applicant's age as a factor in "hiring, promotion, discharge, compensation, or terms, conditions or privileges of employment." The Act outlines a comprehensive ban on discriminatory practices based on age. Specifically, it prohibits the following:

- Discrimination in hiring practices, the awarding or withholding of promotions, wages, terminations, and layoffs.
- The use of or making statements regarding certain age preferences or limitations.
- Harassing an older worker because of their age.
- Denying benefits to older employees. (An employer is only allowed to cut benefits based on age if the cost of providing reduced benefits to older workers is the same as what providing full benefits to younger workers would cost).
- Mandatory retirement at a certain age. (Mandatory retirement for workers based on age is only allowed with executives who are entitled to a pension that pays over an annual minimum sum).

Chapter 5: Performance

Section 5.1 – Policy

VCTC shall provide a professional work environment that encourages and supports fair and equitable treatment of its employees. It also recognizes the importance of employee performance evaluations in sustaining an effective staff, and further, encourages an open, ongoing dialogue between supervisors, managers, and employees. Performance evaluations are completed generally once a year and may be done more frequently at the discretion of the supervisor. Performance evaluations are not, in and of themselves, subject to the complaint procedure.

Section 5.2 – Performance Evaluations

Work planning and performance evaluations are continuous processes and should be documented and discussed with the employee as often as necessary. At a minimum, a work planning and performance evaluation shall occur at least once each fiscal year by the employee anniversary date. Each employee shall have an evaluation conducted by their immediate supervisor on an acceptable VCTC format, and at a minimum, the document will list the employee's name, title, performance period, reviewer's name, and reviewer's title, as well as reviewer's assessment of employee's performance, current duties, and deliverables, and an updated workplan with performance goals for the next performance year. The employee, the supervisor, director, and executive director should sign the document, and the official copy shall be placed in the employee's personnel file.

Ongoing Dialogue: While official performance reviews will generally occur annually, supervisors should have an ongoing dialogue with staff to ensure that any positive performance is commented upon close to when it occurs, and negative performance is corrected when it occurs.

Annual Compensation Review: Any salary adjustments must be consistent with the salary schedule for the applicable classification that is submitted as part of the annual budget process and must be as a result of an evaluation.

Six-month Evaluation: Newly hired employees shall be evaluated after six months in the position, and then annually each year thereafter.

Performance Improvement Plan: The evaluating supervisor, with approval of the executive director may propose a Performance Improvement Program to improve deficiencies in performance. Such Performance Improvement Program is to be considered part of the evaluation program and is not considered disciplinary action.

Section 5.3 – Performance Review Appeal Process

Responding to Performance Evaluations: If an employee is dissatisfied with the performance evaluation received, within 10-working days, the employee may file a response to that evaluation to the supervisor issuing the evaluation. Within 20 working

days of receiving the response, the supervisor will render a written opinion, indicating that said evaluation as written will be kept as is or some modifications to the document will be made. The final evaluation and the employee's response shall be attached together and placed in the employee's personnel file.

Review by the Executive Director: If the employee is still dissatisfied with the final evaluation, within 10-working days following the date of the supervisor's opinion, a meeting with the executive director may be requested. That meeting shall be held within 20 working days of the request. The executive director may invite both the employee and the supervisor to the meeting. Within 10-working days of the meeting, the executive director shall render a final and binding decision as to any changes to be made to the final evaluation. Employees reporting directly to the executive director have no other recourse.

Chapter 6: Health and Welfare Benefits

Section 6.1 – Qualifying for Benefits

Certain insurances and other benefits are available to full-time employees with costs shared by VCTC and the employee as defined and provided for in these policies, which may be amended from time to time by the Commission. Regular part-time employees hired after July 1, 2010, may also be eligible to participate in some insurance benefits, with VCTC contributions to premiums prorated to match the employee's scheduled work hours. Increases in the amount or percentage of VCTC contributions to a part-time employee's benefits may be made at the discretion of the executive director.

Section 6.2 – Benefits Effective Dates

Based on the terms and conditions with the provider, generally coverage shall become effective on the first day of the month following the employee's actual start date and shall terminate on the last day of the month in which the employee leaves employment. This is applicable to VCTC provided health, vision, dental, Life, AD&D, and Long-term disability plans.

Section 6.3 – Traditional Group Insurance Benefit Plans

Health, vision, and dental insurance benefits are offered to full-time regular employees and their eligible dependents as governed by the terms and conditions of the contractual agreements with the benefit providers. Such contracts shall be determined by the Commission in the best interest of VCTC and with regard to the needs of employees. Insurance premiums not paid in whole or part by VCTC shall be the responsibility of the employee. Insurance benefits may include medical, dental, and vision care plans, short-term and long-term disability, life insurance, accidental death and dismemberment, and any other such insurance benefits.

Group Health Insurances: These insurances are subject to the terms and conditions of the specific benefit plans.

Insurance Premium: Employees and their eligible dependents shall be provided the minimum PERS medical insurance premium as required by PEMCHA. In addition, VCTC will pay the difference between the minimum PERS medical insurance premium and the full insurance costs for themselves and eligible dependents, with no premium costs to employees.

Eligibility: All regular full-time and regular part-time employees are eligible to participate. Part-time employees hired after July 1, 2010, shall have their benefit costs pro-rated and if employee elects coverage, such additional premium costs will be paid by the employee through payroll deductions.

State Disability Insurance (SDI) and Medicare: VCTC contributes on the employee's behalf, the employer and employee costs for State Disability Insurance (SDI) and Medicare. Both benefits follow state and federal

requirements. For other than full-time and part-time regular employees, and who are not active members in CalPERS, VCTC shall contribute an equal amount as the employee to Social Security as required by Social Security regulations.

Long-term Disability Insurance:

VCTC maintains a long-term disability insurance program for all regular full-time employees. This insurance is intended to cover employees in the event of a long-term injury or illness that is not covered by some other leave benefit or state disability insurance. Eligibility for long-term disability begins after the employee has been absent from work for a certified illness/injury for a minimum of 90 calendar days. The benefit pays up to 2/3rds of the employee's gross monthly salary up to a maximum level of \$6,000 for up to 5 years, depending on employee's age, if employee is certified as disabled. Accumulated sick leave or vacation may be used during the waiting period.

Life and Accidental Death and Dismemberment Insurance:

VCTC provides foundational Life and Accidental Death and Dismemberment coverage for all employees. Employee may purchase additional coverage at their own expense.

Section 6.4 – Optional Additional Benefits

With Commission approval, the executive director may, at their discretion, provide supplemental VCTC-paid benefits such as health education/wellness programs, flexible spending accounts, additional paid leaves, or employee assistance programs.

Transportation Benefits: VCTC provides transit passes to eligible employees, upon request and approved by the employee's immediate supervisor. Transit passes are generally approved if needed as transportation to get to work and return home, and if approved may be used for other personal purposes as well.

Section 6.5 – Retirement

All regular full-time and regular part-time VCTC employees shall participate in the California Public Employees' Retirement System (CalPERS) and shall be governed by its rules and regulations. Employee's retiring from VCTC and eligible for concurrent retirement with CalPERS may have additional benefits. Employee are encouraged to visit the CalPERS website to learn more about this plan, its benefits, and related provisions. The CalPERS website is: www.calpers.ca.gov

VCTC also provides the opportunity for full-time employees to participate in an optional deferred compensation plan (457b). Employees may elect to make pre tax contributions to one of the investment products available through the VCTC contracted providers. This plan is funded sole by employee contributions and subject to provisions and regulations as provided by the Internal Revenue Service.

Retiree Medical Benefits: Those employees hired prior to 7/1/2010 are eligible for full individual medical insurance premiums as a retiree. VCTC pays the minimum PERS medical insurance contribution for each employee and the difference between the minimum PERS medical insurance contribution and the individual medical insurance premiums. Those employees hired 7/1/2010 or later are eligible for only the minimum PERS medical insurance premium contributions not including any retiree's individual Medicare contribution. VCTC does not provide any other post-retirement benefits.

Section 6.6 – Benefit Eligibility Categories

Regular Full-time Employees: All regular full-time employees are eligible for dental, vision, medical, life, accidental death and dismemberment, and long-term disability insurances.

Regular Part-time Employees: All regular part-time employees hired after 7/1/2010 are eligible for pro-rated medical, dental, and vision insurances.

Domestic Partner Health Benefits Eligibility: VCTC provides registered domestic partners and the children of domestic partners, the opportunity to enroll in VCTC's health plans administered by the California Public Employees Retirement system. Domestic partners must meet the requirements for enrollment as stated in Article 9, Section 22873 of the Public Employees Retirement Law, and must submit the required documentation for confirmation.

Section 6.7 – Changes in Dependent Relationship or Eligibility

It is the responsibility of the employee to notify VCTC to cancel a spouse or domestic partner's coverage if the relationship terminates or when the spouse or domestic partner no longer shares a common residence with employee. It is the responsibility of the employee to notify VCTC to cancel an adult child's coverage once the adult child reaches the benefit limit. If the employee does not notify VCTC of the termination of the relationship within 31 days of the event, the employee will be held responsible for all costs for medical services received by the spouse or partner and or children of the spouse or partner after the termination of the relationship.

Section 6.8 – COBRA Requirements

Federal COBRA - COBRA, which stands for the Consolidated Omnibus Budget Reconciliation Act, is a federal law that applies to employers with group health plans that cover 20 or more employees, allowing employees and their families to keep their health benefits for at least 18 months under certain circumstances, including if the employee loses his job or his hours are cut. Congress passed the Consolidated Omnibus Budget Reconciliation Act in 1985, to provide temporarily extended health benefits to part-time and full-time employees with employer-sponsored health benefits who were laid off, to cover the period of time they were between jobs. The federal law amended the Employee Retirement Income Security Act, the Internal Revenue Code, and the Public Health Service Act, to provide continuation of group healthcare coverage that would otherwise be terminated.

Cal-COBRA - Cal-COBRA is a state law in California that applies to employers with group health plans that cover between two and 19 employees, allowing employees to keep their benefits for up to 36 months following a qualifying life event, such as the following:

- The employee's job ends.
- The employee dies.
- The employee's hours are cut.
- The employee enrolls in Medicare.
- You divorce or legally separate from the employee.
- You are no longer a dependent of the employee.

Cal-COBRA also applies to workers who have health plans through an employer who has 20 or more employees and have used up their federal COBRA coverage. For instance, a California employee who loses his job or has his hours cut at work can extend his healthcare coverage for up to 18 months under the federal COBRA law, and then for an additional 18 months under Cal-COBRA. If, however, the employee's federal COBRA lasted 36 months, he is not eligible to extend his healthcare coverage under Cal-COBRA.

COBRA medical insurance will be offered through CalPERS to employees, and their legal dependents as required by law. Other COBRA required insurance will be offered through VCTC's insurance plans. In the event of termination of marriages, domestic partnership, the death of the employee, or a dependent child reaching the age limit for insurance, under the same conditions used for traditional marriages, COBRA will be offered.

Section 6.9 – Educational Reimbursement Policy

VCTC encourages employees to pursue their educational goals. Whether it is a specialized training course or part of a degree program, financial assistance to those employees who are pursuing their education is available. Program eligibility and process is outlined below.

Employees Eligibility: Tuition or certification program reimbursement is available to any regular full-time employee who has completed six months of service prior to the beginning date of the course. Resignation or discharge of an employee automatically terminates eligibility for participation in the program.

Eligible Courses: A tuition reimbursement will be given for any pre-approved courses taken at an accredited community college, state college, university, or other pre-approved agencies or organizations. The course must be related to the employee's present job or contribute to their career development by enhancing the employee's performance and abilities on the job. Course attendance must be on the employee's own time and should not interfere with their regular job.

Procedure: To participate in the tuition reimbursement program, an interested employee must complete a letter of application to their department director indicating the course, costs, and relevancy and attach any brochures, or other printed materials about the course, if available. The department director will approve or reject the application after discussing with the executive director. After completing the course, the participant must

submit the appropriate documentation, including receipts, grade reports, etc. to the department head for approval for payment. All records will become part of the employee's personnel file. A new application must be completed and approved each semester or quarter.

Approval: Employees may be reimbursed for books and tuition fees to the maximum allowable by the IRS per calendar year upon successful completion of the course, provided that the employee submits the following to their department director within 30 days of course completion: evidence of earning a grade C or better for the course, or proof of attendance for classes that do not use a formal grading system or a verified statement including adequate receipts of tuition and book expenses.

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Chapter 7: Hours of Work and Attendance

Section 7.1 – General Attendance Requirements

Employees shall normally attend their work in accordance with VCTC policies regarding hours of work and leaves. Employee attendance records shall be kept and reported via the payroll system.

Workweek: The basic workweek for full time employees is 40 hours per week, in a 7-day period. VCTC may modify regular working hours for its employees and may require employees to work reasonable overtime and to perform standby responsibilities, as needed.

Work Hours: VCTC's normal business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. The Transit Information Center office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. Working hours are approved by the executive director. Temporary adjustments of working hours may be made by the employee's immediate supervisor.

Flexible Work Schedules: The "flextime" schedule allows flexibility in an employee's working hours within each pay period for exempt EEs and within each work week for non-exempt EEs and is subject to continued approval by the executive director. All employees must take their authorized flex days off during the pay period (exempt) or work week (non-exempt) it is earned, with some exceptions that must be pre-approved by the executive director. Request to change a flex day off must be put in writing via e-mail and forwarded to the employee's immediate supervisor at least 2 working days prior to the schedule changing.

Non-exempt Flexible Work Schedules: If a non-exempt employee forgoes a flexible day off, it is considered overtime, and must be compensated as such. Therefore, no part of a flexible workday off may be worked without express prior permission of the employee's immediate supervisor.

Time off for Medical/Dental Appointments: Any employee working a flexible schedule is encouraged to make routine medical and dental appointments on the employee's flex day off. Appointments during the business day should be made, if possible, to minimize interference with office hours. Time off for such appointments shall be charged to sick leave.

Section 7.2 – Meal and Rest Periods

Meal Periods: Employees receive a 30- or 60-minute meal period that is not compensable. During the meal period, the employee shall be completely relieved of duties. Employees should request in advance to perform work during the meal period. Meal periods are generally taken about half-way through a normal workday.

Rest Periods: Employees shall have a 15-minute rest period for each half of an 8-hour workday. One is usually taken during the first 4 hours worked, and one during the last four hours worked in a 8 hour workday. Periodically rest periods may be voluntarily interrupted or cancelled and will not be compensated. The rest periods may not be combined or used to shorten the workday or to use for a lunch period.

Section 7.3 – Timesheets

Employees must complete their timesheets each pay period and must submit to their immediate supervisor close of business on the last day of the pay period.

Timesheets and Recordkeeping: Timesheets shall be required to be filed out by all employees reflecting the actual number of hours worked daily by each employee. Non-exempt employees also must indicate start and stop times. Timesheets shall be signed by the employee and reviewed and approved by their immediate supervisor and forwarded to payroll in the Finance Department no later than close of business on the last day of the pay period. Failure to follow timesheet reporting requirements could be grounds for discipline. Timesheets and payroll records are maintained for a period of 10 years in compliance with the California Public Utilities Commission regulations.

Section 7.4 – Overtime

General Information:

Employees are responsible for ensuring that advance work planning is done so that overtime is kept to a minimum. For non-exempt employees when it becomes necessary to work overtime, prior approval must be obtained from the employee's immediate supervisor.

Overtime Compensation:

No non-exempt employee may start work before the appointed time, work through lunch, or work past the appointed ending time without the prior authorization of their immediate supervisor. Non-exempt employees who have worked authorized overtime shall be compensated for such at 1.5 times their actual hourly rate of pay.

Compensatory Time Off:

VCTC does not provide for the option of compensatory time. Any overtime worked by a non-exempt EE will be paid as OT for the pay period in which it is earned.

Day of Rest: Employees are entitled to one day of rest in the seven-day workweek (Sunday through Saturday). The day of rest must be given in a workweek, not on a rolling basis for any consecutive seven-day period.

Section 7.5 – Requesting Time Off

All time off shall be requested at least 5 working days in advance of the asked for time off by submitting appropriate documentation to the employee's immediate supervisor. Exceptions

may be made to the time interval for making leave requests. No leaves shall be taken until the employee has received approval for such absence. Time off that is less than 4 hours may be requested to be flexed out during the same workweek with approval from the supervisor. Leave requests of 4 or more hours by an employee should be reflected on a leave request form and is not typically considered for flexing out later during the workweek.

Unexpected Absence: In the event an employee is unable to report to work on a regularly scheduled workday due to unforeseen circumstances, illness, or other event, the employee shall notify their supervisor immediately by calling the supervisor's direct phone number prior to the beginning of the employee's work day or when practicable, to report the date, time, reason for absence, and expected return-to-work date. If there has been extenuating circumstances in which the employee or employee's family cannot notify the supervisor of the employee's absence in advance or at the beginning of a workday, and these circumstances can be verified by the executive director, the absence will not be deemed an automatic resignation. The executive director's review and decision about any such extenuating circumstances is final. Should the absence be longer than one working day, the employee shall provide their supervisor with notice as soon as possible of the expected duration of the absence, and which leave(s) should be charged. A physician's verification may be required for absences based on illness of 3 or more working days or at the discretion of the executive director and submitted to the employee's supervisor by e-mail, US mail, fax, or in person.

Extended Absences: Absences that qualify for state disability insurance, job-incurred disability insurance, or long-term disability must have the required documents of a physician's certification that the employee is unable to work and a request for unpaid leave submitted to the executive director for review, approval, and appropriate processing. Employees on extended absences must keep their supervisor informed of their status and their expected return-to-work date. Employees on extended or intermittent absences who do not qualify for FMLA-related leave shall pay the pro-rated costs of their insurance coverage for any absence period that is not covered by FMLA.

Failure to Report to Work: Employees who do not report to work as scheduled, and who have not requested leave according to the provisions of these Policies and Procedures, shall be considered to have automatically resigned after three working days have passed without word from the employee or employee's duly authorized representative unless there are extenuating circumstances that can be verified by the executive director. The executive director's review and decision about any such extenuating circumstances is final. Such an employee will have no right to appeal their separation from employment.

Chapter 8: Leaves

Section 8.1 – General Leave Provisions

To ensure accountability and the integrity of public service, all employees are expected to account for their absences from work, whether in paid or unpaid leave status.

Leave Approval: Leaves shall be subject to approval by the supervisor, and scheduled in advance whenever possible, with due regard for service needs. Use of unauthorized leaves by an employee may result in disciplinary action, up to and including discharge.

Leave Usage: Leave time for all employees is chargeable in increments of .25 hours (15 minutes). VCTC may employ any reasonable measure to ensure employees are properly accounting for leaves, including requiring reasonable proof that the basis for the leave is legitimate. Employees may be required to submit a medical certification of illness supporting a request for extended sick leave of three or more absences. VCTC may require a fitness-for-duty medical certification from any employee returning from extended medical leave of three or more days. Failure to provide requested medical certifications may result in denial of leave or in denial of reinstatement. In cases of leave usage, both for sick leave and vacation, the oldest leave accrued is utilized first.

Leave Accruals: Employees eligible for accrued leaves shall accumulate leave from the date of the employee's initial appointment until separation from employment. Leave accrues on hours in a paid status. No leaves will accrue when an employee is in an unpaid status unless otherwise required by law.

Leave Accruals for Part-time Employees: Part-time, regular employees who are entitled to leaves shall receive the same leave accrual rates on a prorated basis and under the same circumstances as full-time employees. The benefit shall be prorated so that a regular part-time employee is credited with the number of hours that is proportional to the number of hours regularly worked.

Use of Paid Leaves Prior to Unpaid Leave Usage: Generally, employees must exhaust all discretionary paid leaves prior to taking time off without pay, except sick leave when the time off is not for a applicable sick leave reason. This requirement may be waived at the executive director's discretion.

Disability Retirement Eligibility: If an employee is determined to be eligible for PERS disability retirement, the employee shall not be permitted to exhaust paid sick leave balances prior to retiring.

Section 8.2 – Leave Types

VCTC provides the following leave types: vacation leave, administrative leave, bereavement leave, jury duty and witness leave, leave of absence, and sick leave. VCTC also provides other leave types as mandated by federal, state, and local governments such as military family leave, pregnancy disability leave and parental leave, job-incurred disability leave, military duty leave,

school leave, kin care leave, and time off to vote. VCTC will follow and comply with the mandates and provisions of the Family and Medical Leave Act as well as the California Family Rights Act.

Administrative Leave: Administrative leave is granted in recognition of the extra hours worked by exempt employees, but it is not an hour-for-hour match. Only exempt management employees are granted such leave as they are expected to periodically work additional hours without a resultant equal time off. Each year on January 1st, 40 hours of non-accruable Administrative Leave time is credited for each director and manager level position. Employees appointed to a manager or director-level position after the beginning of the calendar year, will have such administrative leave pro-rated based on appointment date. This leave is not accruable and shall be used no later than December 31st of each year or leave will be forfeited.

Annual Vacation Leave: VCTC provides annual vacation leave which accrues as described in the section below. The executive director may accelerate or increase vacation accrual rates or may provide a starting balance of vacation leave as part of an employment offer. Earned vacation leave may be taken as it accrues. Scheduling of vacations must be made with consideration for the unit's workload, and approved vacation leave may be denied to meet VCTC operational needs.

Vacation Accrual Rates: Employees will accrue leave in accordance with the schedule listed below:

1 to 3 years of service	3.34 hours per pay period
4 years of service	5.00 hours per pay period
5 years of service	5.34 hours per pay period
6 years of service	5.67 hours per pay period
7 years of service	6.00 hours per pay period
8 years of service	6.34 hours per pay period
or more than 8 years of service	6.67 hours per pay period.

Maximum Vacation Accrual: Employees may accrue vacation leave up to the maximum amount of 320 hours. This amount may be waived by the executive director on a case-by-case basis due to workload, staffing constraints, or unusual vacation plans if requested in advance in writing. Once the maximum accrued leave has been reached, the employee ceases to accrue any additional vacation leave until such time as employee has used enough vacation leave to drop below the not to exceed maximum levels.

Accrual Amounts: Each employee's leave accrual amounts are listed on their paycheck stub. Employees are responsible for tracking their accrual balance. When using leave, the employee's oldest accruals will be utilized first.

Vacation Pay on Separation from Service: Employees who separate from service shall be paid out of their accrued but unused vacation at the employee's hourly rate up to the maximum of 320 hours at the time of separation from service. With employee approval, any financial items outstanding for missing equipment, materials, etc., will be taken out of leave payout balance PRIOR to be paid to employee.

Bereavement Leave: In the event of the death of a family member VCTC will provide employees up to five (5) unpaid days of bereavement leave. The first three (3) days will be paid leave not chargeable to sick or vacation leave balances. The fourth and fifth days will either be charged to the employee's available vacation/sick leave or will be unpaid if no leave is available. Bereavement leave must be completed within three (3) months of the death of the family member. The five (5) bereavement days do not need to be consecutive. An employee is eligible for bereavement leave once they have been employed for at least 30 days prior to the commencement of leave. A qualifying family member includes a spouse, child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law as defined in [California Family Rights Act](#) (CFRA). The employee can use bereavement leave under AB 1949 for each qualifying occurrence, meaning each death of a qualifying member. VCTC may require documentation of the death of family member within 30 days of the first day of bereavement leave. This includes death certificate, published obituary or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency.

Holidays: Paid 8-hour day holidays are provided for regular full-time employees and pro-rated for regular part-time employees.

Jury Duty and Witness Leave: An employee summoned and required to serve as a juror in a trial, upon notification and appropriate verification submitted to their supervisor, may be absent from duty with full pay for up to 10-working days per calendar year. Additional jury duty service may be taken using employee discretionary leaves or without pay (except for jury fees paid by the courts). An employee who is released from jury duty is expected to return to work within two hours if released during their normally assigned work hours. Employees released from jury duty at a time where less than two hours of their normal workday remains, are expected to return to work the next workday. The employee shall remit, within 15 days of receipt, all fees received for serving as a juror except those fees specifically allowed for mileage and expenses. An employee who is subpoenaed to appear in court in a matter regarding an event or transaction which they perceived or investigated in the course of this employment shall do so without loss of compensation unless it is the employee's own lawsuit. An employee subpoenaed to appear in court in a matter unrelated to their official capacity, or who is appearing in court in a matter initiated by the employee, shall be permitted time off without pay, or if the employee chooses, to use accrued vacation for such purpose. Proof of jury duty assignment must be submitted to Finance at the time the related timesheet is submitted.

Military Leave: Military leave shall be granted in accordance with the provisions of state and federal law. An employee requesting military leave shall provide the executive director with a copy of the written military orders stating the start date and anticipated duration of service. VCTC will comply with the provisions outlined in the Uniformed Services Employment and Reemployment Rights Act, the Family Medical Leave Act, and those outlined in the California Military & Veterans Code. Employees on military leave have options to continue health benefits coverage and will be provided with information regarding such options upon making a request for leave.

Military Family Leave: In accordance with the Family and Medical Leave Act (FMLA), eligible employees may use their 12 weeks of FMLA leave for any “qualifying exigency” arising out of a family member’s active military duty. Eligible employees are also permitted to take up to 26 weeks of leave in a single 12-month period to care for a family member who sustains a serious illness or injury while on active military duty.

Military Spouse Leave: In accordance with California Military & Veterans Code, eligible spouses, and domestic partners of active members of the military are entitled to up to 10 days of unpaid leave when their spouse or domestic partner, who is in active military service, is on leave.

Pregnancy Disability Leave - California law guarantees job-protected leave to eligible employees who are disabled by pregnancy, childbirth, or a related medical condition (referred to as Pregnancy Disability Leave or PDL), and separately guarantees job-protected leave to eligible employees to bond with a new child (via birth, adoption, or foster care placement) (referred to as California Family Rights Act leave or CFRA leave). Employees also have federal rights to leave for a pregnancy-related disability or to bond with a new child, which are provided for by the Family and Medical Leave Act (FMLA). When both state and federal laws apply, the employee receives the benefit of the more protective law.

Parental Leave (California Paid Family Leave): After the employee’s pregnancy disability leave ends, the employee may be eligible for CFRA leave, in accordance with the Family and Medical Leave policy or California Family Leave to care for a newborn. VCTC may require that the employee provide a medical certification indicating when the pregnancy disability leave ends.

Sick Leave: Regular full-time, regular part-time employees, and eligible temporary employees as described in these Policies and Procedures shall be provided sick leave, which is available only for the actual illness or injury of an employee. Employees shall not be entitled to sick leave as a matter of right, but only in accordance with the provisions of law and VCTC policies. Sick leave is accrued at 8 hours per month for full-time employees. Eligible part-time employees accrue on a pro-rated basis. Unused sick leave may be accrued without limit. The supervisor is responsible to track and follow up on sick leave absences. Generally, the supervisor shall receive from the employee a verification by a health care provider of the employee’s need for sick leave after 3 days of absence. However, the supervisor may request, in their discretion, that the employee produce a certificate issued by a health care provider or other satisfactory proof of illness for any absence of any length or before sick leave is granted. In addition, the executive director may also direct an employee to attend a physical examination by a VCTC-retained licensed physician, at VCTC expense, to ascertain whether the employee is fit to perform the duties of their position. The time taken by the employee to attend this type of appointment will be considered paid time for non-exempt employees and eligible towards the 40-hour overtime rules outlined in the Fair Labor Standards Act (FLSA).

Eligible temporary employees who work at least 240 hours per year will be provided 3 days (24 hours) of sick leave on their first day of employment to use during their first year of employment. Temporary employee unused sick days will not carry over to subsequent years, but eligible temporary employees will be provided 3 days (24 hours) of sick leave on each anniversary date of their employment.

Sick Leave as Kin Care: Sick Leave as Kin Care may be used for the employee's children, parents, spouse, registered domestic partner, grandparent, grandchild, sibling, designated person, or other legal dependents unless otherwise provided for in these Policies and Procedures or required by law. In cases of illness of a family member, employees are entitled to use not less than up to one-half of the employee's annual sick leave entitlement to attend to the illness of a family member, in accordance with Labor Code section 233. Additional leave usage for special circumstances may be granted on a case-by-case basis in the discretion of the executive director.

Notification of Sick Leave: When an employee is unable to report for duty due to the employee's own illness or that of a qualifying family member as defined in Labor Code 233, the employee must notify their immediate supervisor as soon as possible. The employee shall report the intended use of sick leave and the reason for the absence. If the supervisor is not immediately available, the employee may leave a voice mail message, unless otherwise directed.

Sick Leave Upon Separation from Employment: An employee shall not receive payment for unused accumulated sick leave upon separation of employment or retirement (either disability or service retirement). With a concurrent retirement from VCTC and CalPERS, any accrued but unused sick leave may be utilized for service credit for retirement purposes as allowed by Public Employment Retirement Law.

Unused Sick Leave: Sick leave for permanent employees may accrue without limit. Temporary employee unused sick leave expires on the anniversary date of each year of the temporary employee's employment. An employee shall not receive payment for unused accumulated sick leave upon separation of employment or retirement.

School Leave: Employees are allowed to take up to 40 hours off per year for school activities for children in kindergarten through 12th grade. The employee must use existing vacation or other paid leave (other than sick leave) during such absences, or if no leave available may take unpaid leave at the discretion of the executive director. The employee must give reasonable notice to their supervisor of the planned school leave.

Child Related Activities include finding, enrolling, or reenrolling a child in school or with a licensed childcare provider or to address a childcare provider or school emergency, including a request that the child be picked up from school/childcare, behavioral/discipline problems, closure or unexpected unavailability of the school (excluding planned holidays), or a natural disaster.

- **Eligible Employees.** Only employees who are a parent, guardian, stepparent, foster parent, or grandparent of, or a person who stands in loco parentis to, a child are eligible.
- **Prior Notice Required.** Eligible employees desiring to take school visit leave must provide written notice to the executive director or designee reasonably in advance of the leave. Failure to provide written notice in a reasonable time prior to the leave may result in denial of the leave request.
- **Other Leave Runs Concurrently with School Visit Leave.** An employee must use vacation, administrative leave, personal leave, or compensating time concurrently with school visit leave.
- **Documentation of Participation.** VCTC may require the employee taking school visit leave to provide written documentation from the school or licensed daycare facility evidencing the employee's participation.

State Disability Insurance Leave: VCTC participates in State Disability Insurance and applicable leaves associated with it. Eligibility for state disability insurance is determined by the governing state agency.

Time Off to Vote: If an employee does not have sufficient time outside of working hours to vote at a statewide election, employees can be given as much time as they need to vote, but only a maximum of two hours is paid. The time off for voting shall be only at the beginning or end of a regular working shift, whichever allows the freest time for voting and the least time off from work. In no event is the employee eligible to take off more time than is necessary to vote. The employee shall give the supervisor reasonable notice that time off for voting is desired. Absentee voting is encouraged, if possible.

Leave of Absence: Before taking any unpaid leaves, employees must use all discretionary (vacation and floating holidays) leaves except sick leave, unless the absence is due to a medically certified illness. The executive director at their sole discretion may grant or deny a request for unpaid leave of absence for a period of not to exceed 3 months. Upon expiration of an approved leave, the employee shall be reinstated in the position held at the time leave was granted. Employees on unpaid leaves of absence are not entitled to accrue leave benefits, receive any holiday pay, or receive continued funding for health and welfare benefits. Except for employees on qualifying and certified family/medical leave, and any other leaves as defined by state and federal law, employees on all other unpaid leaves must contribute all insurance premiums to maintain coverage, do not accrue retirement system service credit, and do not continue to accrue seniority. Unpaid leave time includes such leaves as job-incurred disability leave, state-provided disability leave, state-provided paid family leave, or any other leave in which an employee is not directly receiving a paycheck for that absence from VCTC.

Unauthorized Leave of Absence: Any unauthorized leave of absence from duty by an employee shall result in disciplinary action up to and including discharge. Subsequently, such absence may be approved by the executive director with or without pay, where extenuating circumstances are found by the executive director to have existed. Employees absent for three or more days without communication with VCTC regarding

the nature of the absence may be discharged and considered to have abandoned their position.

Unpaid Leave: VCTC may provide non-mandated unpaid time off at the sole discretion of the executive director. Unpaid leave time includes such leaves as job-incurred disability leave, state-provided disability leave, state-provided paid family leave, or any other leave in which an employee is not directly receiving a paycheck for that absence from VCTC. Employees may be granted leaves of absence without pay related to non-mandated qualifying reasons for up to 3 months upon written approval of the executive director.

Failure to Return from Unpaid Leave: Upon expiration of an approved unpaid leave, the employee shall be reinstated in the position held at the time leave was granted. Failure of an employee on leave to report to work promptly at the leave's expiration without request and approval for an extension of said leave in writing shall constitute voluntary resignation by the employee. The depositing in the United States mail of a first-class letter, postage paid, addressed to the employee's last known address or an e-mail to the employee's last known personal e-mail address, shall be reasonable notice of VCTC's acceptance of the employee's resignation.

Worker's Compensation/Job-incurred Disability Leave: All employees are entitled to workers' compensation insurance benefits in accordance with law. If an employee is injured or made ill arising out of or in the course of work, the employee may file a claim on the approved claim forms with VCTC's Human Resources contact. Employees are eligible to receive workers' compensation insurance benefits if the claim is declared compensable under the California workers' compensation laws. Payment of job-incurred disability leave shall be at the amount of temporary disability indemnity received, pursuant to workers' compensation law. If an employee becomes disabled to such an extent that the employee cannot return to work, the employee may be entitled to disability retirement.

Coordinated Compensation: If injured employee is eligible for worker's compensation benefits and has accrued sick leave, said employee may have their sick leave coordinated with disability payments to receive full compensation, subject to any state or federal guidelines.

Partial Day Absences: Any employee taking a partial day absence for a job-incurred disability claim shall use accrued sick leave. Full day absences may be charged to Job-incurred Disability Leave.

FMLA-qualifying Absences: Any absence related to an on-the-job claim is considered a qualifying under FMLA. VCTC will continue to pay all health insurance premiums while on job-incurred disability leave that is FMLA qualifying.

Exhausted Leaves: An employee who has exhausted all VCTC leave benefits shall be entitled to only those job-incurred benefits as provided by law.

Subrogation: If an employee's injury or illness results from the carelessness or negligence of a third party, VCTC shall have the same right of subrogation for reimbursement of salary as does the workers' compensation insurance provider in accordance with applicable law.

Pregnancy Disability Leave (PDL):

Eligibility: Any employee who is disabled because of pregnancy, childbirth, or a related medical condition may be entitled to pregnancy disability leave (PDL). For employees who are also eligible for FMLA/CFRA (California Family Rights Act) leave, PDL is not counted as time used for CFRA leave but does run concurrently with available FMLA leave.

Reasons for Leave: This leave is for any period(s) of actual disability caused by pregnancy, childbirth, or related medical conditions. Pregnancy leave does not need to be taken in one continuous period but can be taken on an as-needed basis. Time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth are all covered by this leave.

Amount of Leave: Employees may take up to 4 months for pregnancy disability. Employees affected by pregnancy or a related medical condition, may also be eligible to transfer to an available, less strenuous or hazardous position or to less strenuous or hazardous duties, if this transfer is medically advisable.

Benefits While on Leave:

Benefits: Pregnancy disability leave is unpaid. Employees may use accrued leave as if on FMLA and will receive benefits pursuant to these Policies and Procedures up through exhaustion of the employees' available FMLA leave. Employees who are not eligible for FMLA leave or who continue taking PDL after they have exhausted their available FMLA leave, shall receive benefits only to the same extent as other similarly situated employees on leave for a disability.

Accrued leaves: While on unpaid leave, employees do not accrue vacation, sick, or other paid leave time, and performance evaluation dates may be adjusted, to the same extent as for any other unpaid leaves.

Substitution of Paid Accrued Leaves: Employees taking pregnancy leave may concurrently use any available sick leave, vacation leave, or floating holidays before being eligible for State Disability benefits or before taking the remainder of their leave as an unpaid leave.

Employee Notice of Leave: To the extent possible, employees requesting PDL should notify their immediate supervisor as soon as possible or as soon as they reasonably know an absence is desired.

Medical Certification: VCTC may require an employee requesting PDL to provide certification from the health care provider. The certification should include all the following:

Date: The date on which the employee became disabled due to the pregnancy.

Duration: The probable duration of the period(s) of disability.

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

Reinstatement upon Return from Leave:

Reinstatement to Position: Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously employed during the PDL period.

Fitness-for-Duty Certification: As a condition of reinstatement or a transfer, the employee may be asked to provide to the executive director a fitness-for-duty certification from a health care provider that the employee is able to resume work in the position sought. Failure to provide such certification may result in denial of reinstatement or transfer.

Family Care and Medical Leave: Federal and state laws require covered employers to provide unpaid, job-protected leave and may require maintenance of health insurance benefits for eligible employees for the following reasons:

- For a serious health condition that makes the employee unable to perform their job.
- To care for the employee's qualifying family member who has a serious health condition.

- For incapacity due to pregnancy, prenatal medical care or childbirth.
- To care for the employee's child after birth, or placement for adoption or foster care.
- For qualifying military exigency or caregiver leave.

Family and Medical Leave Act and Policy: VCTC will comply with all the terms and provisions as established by the FMLA.

Family and Medical Leave Policy: VCTC will comply with the mandates and provisions as outlined in the Family Medical Leave Act.

Duration: Generally, family/medical leave requirements are for periods of up to 12 weeks within a 12-month calendar year, but under some circumstances the law may require such leave for periods of up to 26 weeks in a 12-month period. When medically necessary, family/medical leave may be taken on an intermittent basis or as part of a reduced work schedule. Leave due to qualifying exigencies may also be taken on an intermittent basis. For employees taking such leave for the birth, adoption or foster care placement of a child, the leave must be concluded within one year of the birth or placement for adoption or foster care.

Substitution of Paid Leave: An employee must use all accrued sick leave and may use any or all accrued paid vacation leave at the beginning of any otherwise unpaid family/medical leave period, except those as provided for by law or code, such as state-provided disability insurance, state-provided family leave, etc.

Notice: If possible, employees are asked to provide at least 30 days advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment). Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. For events which are unforeseeable, the employee must provide notice as soon as practicable and generally must comply with an VCTC's normal leave notification procedure. Failure to comply with notice requirements may result in deferral of the requested leave.

Certification: Employees may be required to provide certification from a health care provider before a family/medical leave is granted, and periodic recertification supporting the need for continued leave may be required.

Reinstatement: Upon expiration of family/medical leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

Employee Responsibilities: An employee must notify their supervisor of their need for family/medical leave and provide sufficient information for the employer to determine if requested leave is eligible for family/medical leave protection as required by law. An employee must also provide information about the anticipated timing and duration of the leave.

Employer Responsibilities: If the employee is eligible, VCTC will provide a notice which will specify any additional information required as well as the employee's rights and responsibilities. If the employee is not eligible, VCTC will provide a reason for the ineligibility. If eligible, VCTC will notify employees as to how their leaves will be designated and the anticipated amount of leave counted against the employee's leave entitlement.

Eligibility: To qualify for Family and Medical Leave, the employee must meet the following conditions:

Employment Period: The employee must have been employed by VCTC for 12 months.

Working Hours: The employee must have physically worked at least 1,250 hours during the 12-month period immediately before the date when the leave begins. If an employee is employed but is on unpaid leave, any time spent on unpaid leave shall not count towards the 1,250 hours.

Type of Leave Covered: Family and Medical Leave is a leave taken for the following purposes:

Newborn, Adoption, or Foster Care Children: To care for a newborn son or daughter, or for placement of a child for adoption or foster care.

Family Members Covered: To care for a spouse, domestic partner, child, or parent with a serious health condition.

Employee's Own Serious Health Condition: Because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

Military "Qualifying Exigency Leave": Necessary leaves that arises from the employee's spouse, son, daughter, or parent being a covered military member on active duty (or having been notified of an impending call or order to active duty).

Military Caregiver Leave: Leave may be taken for up to 26 workweeks in a single 12-month period to care for a spouse, child, parent, or next of kin who is a covered servicemember with a serious injury or illness.

Amount of Leave:

Leave Amount: Eligible employees are entitled to up to a total of 12 weeks of leave during a 12-month period. Twelve weeks means the equivalent of 12 of the employee's normally scheduled workweeks. For eligible employees who work more or less than 5 days a week or who work alternative work schedules, the number of working days that constitute 12 weeks is calculated on a pro rata or proportional basis.

Spouses/Domestic Partners Both Employed by VCTC: In any case in which a husband and wife or domestic partners are both employed by VCTC and are both entitled to leave, the combined number of weeks of leave to which both may be entitled may be limited to 12 weeks during a 12 month period if leave is taken for the birth or placement for adoption or foster care of the employee's child (i.e., bonding leave.) This limitation does not apply to any other type of leave under this policy.

Intermittent Leave or Leave on a Reduced Work Schedule: If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. Medically necessary means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. The leave may not exceed a total of 12 weeks over a 12-month period.

Substitution of Paid Accrued Leaves:

Unpaid Leave: Leave under this policy is unpaid. However, VCTC shall require an employee to use concurrently all paid accrued leaves while on Family and Medical Leave as follows: Where an employee has accrued sick leave, administrative leave and/or vacation, the Family and Medical Leave shall run concurrently with all such accrued leaves. VCTC shall require the concurrent use of sick leave only when the circumstances warrant the use of such leaves.

Leave Running Concurrently: If an employee takes a leave of absence for any reason that is FMLA/CFRA-qualifying, VCTC will designate that non-FMLA/CFRA leave as running currently with the employee's 12-week leave entitlement.

Payment of Health Insurance Premiums While on Leave:

Health Insurance Coverage: While an employee is on Family and Medical Leave, VCTC shall maintain the employee's health insurance coverage on the same conditions as if the employee has been continuously

employed during the entire leave period. If the employee's leave is unpaid, VCTC shall maintain the employee's health coverage for a maximum of 12 weeks in a 12-month period, unless the employee requests and VCTC agrees, to extend coverage beyond that period. If the employee would normally pay health insurance premiums, VCTC shall require payment from the employee while the employee is on leave.

Disability Plans: An employee on unpaid leave will not continue to be covered under non-health benefit plans unless the employee makes the appropriate contributions for continued coverage and said continued coverage is permitted by the particular plan(s).

Medical Certification:

Written Certification: Employees who request leave for their own serious health condition, or to care for a qualifying family member who has a serious health condition, must provide written certification from a health care provider of the individual requiring care.

Statement: If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of their position during the entire period of leave. In cases where employees request intermittent leave, employees must submit medical certification which states that such intermittent leave is needed due to the employee's serious health condition and is medically necessary.

Time to Provide a Certification:

Certification Filing Period: When an employee's leave is foreseeable, the employee should provide the medical certification within 30 days before the leave is due to commence. When this is not possible, the employee must provide certification within the time frame requested by VCTC.

Consequences for Failure to Provide an Adequate or Timely Certification: If an employee fails to timely provide a medical certification or provides an incomplete medical certification, VCTC may delay the taking of FMLA/CFRA leave until the required certification is provided.

Recertification:

Medical Opinion Review: If the executive director has reason to doubt the validity of a medical certification provided by an employee, VCTC may require a medical opinion of a second

health care provider chosen and paid for by VCTC. Time spent by the employee to travel and complete this appointment will be considered compensable time. If the second opinion is different from the first, VCTC may require the opinion of a third provider jointly approved by VCTC and the employee but paid for by VCTC. Time spent by the employee to travel and complete this appointment will be considered compensable time. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is recertification.

Recertification: Recertification may also be requested under any of the following conditions:

Changed Request: When the basis for FMLA request has changed.

Extension Requests: When the employee requests an extension of leave.

Reasonable Intervals: At reasonable intervals requested, but not to be more than every 30 days, unless one of the aforementioned criteria also applies.

California Family Rights Act (CFRA)

Employees shall be granted family and medical leave in accordance with the California Family Rights Act (CFRA). CFRA requires all public employers to provide eligible employees the right to an unpaid leave of absence. CFRA leave is permitted for the following qualifying events:

- The birth and care of a newborn Child of the employee.
- The placement of a Child with the employee in connection with adoption or foster care.
- To care for a Child, Parent, Spouse, or Registered Domestic Partner, Grandparent, Grandchildren, or Siblings who has a Serious Health Condition, when Medically Necessary.
- When the employee is unable to perform the functions of their position because of a Serious Health Condition that makes the employee unable to work.
- Military Caregiver Leave is to care for a Family Member or next of kin who is a current member of the Armed Forces, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status or is otherwise on the temporary list, for a serious injury or illness that was incurred by the service member in the line of duty on active duty.

Employees are eligible for CFRA leave if the employee

- Has been employed with the employer for at least 12 months.
- Has worked for the employer for at least 1,250 hours during the 12-month period

immediately preceding the commencement of the leave (includes regular and overtime hours; excludes any absences, paid or unpaid, e.g., vacation, CTO, sick leave, holiday, jury duty, or other absences).

- Has a qualifying event.

CFRA leave entitlement

Eligible employees are entitled to up to a total of twelve (12) workweeks of unpaid, job protected leave in a 12-month period. An agency may use the same four options in defining the 12-month period, which are listed below:

- The calendar year
- Any fixed 12-month “leave year,” such as a fiscal year, a year required by state law or a year starting on an employee’s “anniversary” date.
- The 12-month period measured forward from the date any employee’s first CFRA leave begins.
- The 12-month period measured backward from the date an employee uses any leave. (Recommended as the most beneficial to the employer)

For Military Caregiver Leave, an eligible employee who is the spouse, son, daughter, parent of the covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to a total of 12 workweeks of unpaid, job protected leave in a single 12-month period to care for the service member.

Minimum Duration of CFRA Leave

Birth or Placement of Child: Generally, the minimum duration for CFRA leave is two weeks for the birth, adoption, or foster care placement of an employee’s Child. All leave must be completed within one year of the birth or placement of the Child. The employee may request an alternate minimum duration of leave, which the Agency must approve at least two times.

Family care or employee’s own health: If leave is requested to care for a Family Member, or for the employee’s own Serious Health Condition, there is no minimum amount of leave that must be taken. Leave may be taken on a continuous basis, intermittently, or on a reduced work schedule, as is Medically Necessary.

Job protection

CFRA provides for reinstatement to a same or comparable job if the employee returns to work at the end of the 12- workweeks (or shorter) leave.

Other considerations

If possible, an employee must provide VCTC with at least thirty (30) days advance notice of the date for which the leave is sought and the estimated duration of the leave. If thirty (30) days advance notice is not possible due to a change in circumstances or a medical emergency, notice must be given as soon as practical.

VCTC may require employee to use vacation or other paid time off (unless an employee is receiving Paid Family Leave) while on CFRA leave.

VCTC may require an employee to use sick leave while on CFRA.
For more information on CFRA visit: <https://www.dfeh.ca.gov>
Source: CA Code of Regulations § 7297 et seq

Organ and Bone Marrow Donor Leave

In accordance with California law, VCTC must provide employees who choose to donate an organ or bone marrow with leave:

- Organ donors must be provided a paid leave of absence of up to 30 business days in any one-year period, and an additional unpaid leave of absence, up to 30 business days of unpaid leave in any one-year period.
- Bone marrow donors must be provided a paid leave of absence up to five business days in any one-year period, calculated from the date the employee's leave begins.

Civil Air Patrol Leave

“Civil Air Patrol leave” means leave requested by an employee who is a volunteer member of the California Wing of the civilian auxiliary of the United States Air Force commonly known as the Civil Air Patrol and who has been duly directed and authorized by the United States Air Force, the California Emergency Management Agency, or other political subdivision of the State of California that has the authority to authorize an emergency operational mission of the California Wing of the Civil Air Patrol, to respond to an emergency operational mission, within or outside of the state, of the California Wing of the Civil Air Patrol.

- “Employee” means a person who may be permitted, required, or directed by an employer for wages or pay to engage in any employment and who has been employed by that employer for at least a 90-day period immediately preceding the commencement of leave, if otherwise eligible for leave.
- “Employee benefits” means all benefits, other than salary and wages, provided or made available to an employee by an employer and includes group life insurance, health insurance, disability insurance, and pensions, regardless of whether benefits are provided by a policy or practice of an employer.
- “Employer” means any person, partnership, corporation, association, or other business entity; or the State of California, a municipality, or other unit of local government; that employs more than 15 employees.

Volunteer Civil Service Leave

In accordance with California law, VCTC shall allow volunteer firefighters and other emergency personnel to take time off for certain purposes. This leave is not required to be paid time off. An employee may use any accrued vacation or personal days, or otherwise the leave will be unpaid.

Volunteer Civil Service Training Leave

No employee shall be disciplined for taking time off to perform emergency duty as a volunteer firefighter, peace officer, or emergency rescue personnel. Employees also are eligible for unpaid leave for required training. An employee may use any accrued vacation or personal days, or otherwise the leave will be unpaid.

Crime Victims Leave

Assembly Bill (AB) 2992, prohibits an employer from discharging, or discriminating or retaliating against, an employee who is a victim of crime or abuse[,] for taking time off from work to obtain or attempt to obtain relief. AB 2992 expands existing law providing protected leave for employees who are victims of domestic violence, sexual assault, or stalking, to include leave for victims of other crimes or offenses “that caused physical injury or that caused mental injury and a threat of physical injury.” The legislation also provides protected leave for an employee “whose immediate family member is deceased as a direct result of a crime” and expands the types of documentation for leave eligibility that an employee may provide to verify that a crime or abuse occurred.

An employee may take protected leave if they have been a victim of a crime or public offense, wherever it may have taken place, that would constitute a misdemeanor or a felony if the crime had been committed in California by a competent adult. It need not matter whether any person is arrested for, prosecuted for, or convicted of, committing the crime.

Domestic Violence, Sexual Assault, or Stalking leave

Per California law VCTC will provide reasonable accommodations for employee safety at work. The employee must notify VCTC that they are a victim of domestic violence, sexual assault, or stalking, and they must request an accommodation. Such accommodations might include:

- transfer or reassignment to a different job
- changing of work schedule
- installing a lock on office door(s)
- changing the employee workstation or telephone number
- helping the employee document incidents that occur at work, or
- any other changes to the work facility, job structure, or job requirements that will help ensure the employee’s safety.

Once the employee requests accommodation, VCTC must engage in a timely dialogue with the employee, in good faith, to come up with an effective accommodation. However, VCTC is not required to provide an accommodation that would create an undue hardship (significant expense or burden, given the employer's size and resources). An accommodation that puts other employees at risk is an undue hardship.

VCTC can ask the employee to provide proof that they are a victim of domestic violence, stalking, or sexual assault. The employee may also be asked to provide a written statement that they are requesting an accommodation for these reasons.

California gives employees the right to take time off work to handle issues relating to domestic violence, stalking, or sexual assault. VCTC must allow employees to take time off to seek relief, including restraining orders, temporary restraining orders, and other injunctive relief (court orders forcing someone to stop doing something) to help ensure their own or their children's safety, health, or welfare. The employee must give advance notice that they need this time off, if possible. If they can't give notice, they must provide

certification to VCTC, within a reasonable time after returning to work, that they took time off for these reasons. This might include a court order, police report, or documentation from a health care provider.

Victims of domestic violence, stalking, or sexual assault may request to take time off for these reasons:

- to get medical treatment for injuries
- to get services from a rape crisis center or a domestic violence program or shelter
- to participate in safety planning or relocate, or
- to get psychological counseling.

Reproductive Loss Leave

Per SB 848, employees are entitled to up to five days of leave for a reproductive loss event, such as a miscarriage, failed surrogacy, stillbirth, unsuccessful assisted reproduction (artificial insemination or embryo transfer), or a failed adoption. This law does not require that leave be paid. The law does provide that, if an employee experiences more than one reproductive loss event within a 12-month period, the employer is not obligated to grant a total amount of reproductive loss leave time more than 20 days within a 12-month period.

Lactation Accommodation

VCTC accommodates lactating employees by providing a reasonable amount of break time to any employee who desires to express breast milk for the employee's child, subject to exception allowed under applicable law. If possible, the break time for expressing breast milk shall run concurrently with any break time already provided to the employee. Any break time provided to express breast milk that does not run concurrently with break time already provided to the employee shall be unpaid pursuant to Labor Code section 1030.

VCTC will provide employees who request a lactation accommodation with the use of a vacant room or other private location that is located close to the employee's work area. Employees with private offices should use their offices to express breast milk.

Employees who desire a lactation accommodation should contact their supervisor or Human Resources consultant in writing to request such accommodation. The employee's supervisor or the HR Consultant must respond to the employee's accommodation request in writing indicating the approval or denial of the break request. Employees have a right to file a complaint with the labor commissioner for any violation of rights provided under Chapter 3.8 of the California Labor Code regarding lactation accommodations.

Chapter 9: Holidays

Section 9.1 – Holidays and Floating Holidays

Holidays:

Each calendar year, the following 8-hour holidays with pay shall be observed by VCTC:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Day
- Three floating holidays

Exempt employees do not receive additional pay for hours worked on a holiday and are not eligible for overtime. Non-exempt staff completing work on a holiday will have the time physically worked counted towards eligible time for pay that week as well as having this time counted towards their 40 hours requirement in purposes of calculating overtime.

Holiday Eligibility: Employees must have been employed and working, or be in another approved, paid status the full workday before and the full workday following the holiday to be eligible to receive holiday pay.

Floating Holidays: In addition, employees are entitled to three 8-hour floating holidays per service year, with hours accrued on a pro-rata basis for those employees hired after the beginning of the calendar year. The floating holiday hours may be taken at the discretion of the employee, with prior approval of their supervisor before the end of each calendar year or it will be lost. Floating holidays must be used for the entire day and may not be taken for partial leave within a working day.

Section 9.2 – Holiday Falls on a Weekend Day Policy

When a holiday falls on a Sunday, the following Monday shall be observed as the holiday date. When a holiday falls on a Saturday, the preceding Friday shall be observed.

Holiday Time: All full-time employees shall receive 8 hours of holiday pay for each of the above Holidays at the employee's actual hourly rate of pay. Should a full-time employee work an alternate work schedule, only 8 hours of pay will be provided for each set holiday. As such, employees in this scenario may elect one of the following options to provide for the full day time off:

- use available vacation leave to provide for the full day being paid time off,
- elect leave without pay if vacation leave is not available.

- Discuss with supervisor options for flexing schedule to allow for additional hours worked prior/after the holiday as applicable.

Part-time employees, who are eligible to receive holiday pay, shall receive holiday pay for each of the above holidays at their regular actual hourly rate of pay, prorated based on their regular work schedule. All other employee types shall not be compensated for holidays.

Temporary employees are not eligible to receive holiday pay.

Section 9.3 – Special Holidays

Special holidays proclaimed by the President of the United States or the Governor of the State of California may be granted upon express approval of the Commission.

Chapter 10: Employment Related Activities, Gifts, Work Attire, Confidentiality, Personnel Files, and Americans Disabilities Act

Section 10.1 – Outside Employment

Outside Employment: No employee shall hold any job or employment outside of VCTC without notifying, in writing, the executive director and without written approval by the executive director. Employees may not engage in any outside employment, enterprise, or activity that the executive director determines conflicts with or impairs the employee's ability to perform their duties and responsibilities, impacts any aspect of VCTC operations, or has the appearance of being in conflict with their VCTC position.

Incompatible Work: Employees shall not perform work for compensation outside of their VCTC employment where any part of their efforts will be subject to approval by any outside transportation governmental officer, employee, board, executive director, or commission.

Notification: Employees are required to notify the executive director prior to accepting any outside employment so that the outside employment may be assessed for conflicts or impairment of duties.

Workday Activities: During the workday, employees are expected to devote their time in performing their assigned duties as a VCTC employee. Any outside work, part-time job, hobbies, or personal business must be performed during off-duty hours or while using personal leave.

Section 10.2 – Employee Notice Requirements

It shall be every employee's responsibility to notify their supervisor of any material change affecting their employment status including, but not limited to, any arrests, criminal convictions, change in driver's license status, change of address, and/or medical condition which may affect their ability to perform the full scope of the duties of their position or which may have direct impact on public and employee safety. It is the supervisor's responsibility to then discuss these matters with their director or the Executive Director as appropriate. VCTC shall ensure each employee's right to privacy by maintaining the confidentiality of this information in a manner consistent with the law.

Section 10.3 – Gifts, Payments, and Contributions

Employees shall adhere to the Fair Political Practices Commission (FPPC) and VCTC adopted rules for accepting and reporting gifts, making contributions, and receiving income. The Fair Political Practices Commission has primary responsibility for the impartial and effective administration of the Political Reform Act. The mission of the Act is to serve as the legal bedrock of governmental ethics in California. It regulates:

- Campaign Finance
- Financial Conflicts of Interest by Public Officials
- Lobbyist Registration and Reporting
- Post-Governmental Employment
- Political Mass Mailings at Public Expense
- Gifts and Honoraria given to Public Officials and Candidates

Local elected officers, candidates for local elective office, local officials specified in Government Code Section 87200, and judicial candidates, may not accept gifts from any single source totaling more than \$590 in a calendar year. (Section 89503.)⁵ Employees of a local government agency who are designated in the agency's conflict of interest code may not accept gifts from any single source totaling more than \$590 in a calendar year if the employee is required to report receiving income or gifts from that source on their statement of economic interests (Form 700). (Section 89503(c).)

A "gift" is any payment or other benefit that confers a personal benefit for which a public official does not provide payment or services of equal or greater value. A gift includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public. (Section 82028.) (See Regulation 18946 for valuation guidelines.) Except as discussed below, a public official has "received" or "accepted" a gift when they have actual possession of the gift or when they take any action exercising direction or control over the gift, including discarding the gift or turning it over to another person. This includes gifts that are accepted by someone else on the official's behalf and gifts made to others at the direction of the official. (Regulation 18941.)

Under certain circumstances, a gift to an official's family member* is considered a gift to the official. (Regulation 18943.) When something of value is given to a family member it is presumed to be a gift to the official if: (1) there is no established relationship between the donor and the family member where it would generally be considered appropriate for the family member to receive the gift or; (2) the donor is someone who lobbies the official's agency, is involved in an action before the official's agency in which the official may foreseeably participate, or engage in business with the agency in which the official will foreseeably participate. (Wedding gifts are treated differently, see below.)

*For purposes of this rule, an official's "family member" includes the official's spouse; registered domestic partner; any minor child of the official who the official can claim as a dependent for federal tax purposes; and a child of the official who is aged 18 to 23 years old, attends school, resides with the official when not attending school, and provides less than one-half of their own support.

Section 10.4 – Workplace Attire

VCTC will maintain a professional working environment for the benefit of its employees and the public. As public employees and representatives of VCTC, each employee shall

present him/herself appropriately and professionally, including but not limited to workplace attire, especially when attending off-site meetings and events. Attire that falls outside of that of traditional business dress is not acceptable without supervisory permission. Outside events and/or on-site project work may allow for varied attire as appropriate for the function and location of work to be completed and as determined by the Supervisor. If an employee is on the job in inappropriate clothing, in the opinion of the employee's immediate supervisor, a department director, or the executive director, the immediate supervisor may require the employee to change into appropriate work wear. Time off of work to change clothing will not be compensated.

Section 10.5 – Fitness for Duty

VCTC, at its expense, may require an employee to undergo a fitness-for-duty evaluation for any reasonable cause. If the employee is not fit to perform their duties with or without reasonable accommodation, VCTC may consider placing the employee in another position, seek the employee's disability retirement, or separate the employee in accordance with applicable law.

Section 10.6 – Confidentiality Policy

Policy: The public and other parties with whom VCTC does business entrust staff with important information relating to their businesses and lives. It is VCTC policy that all information considered confidential will not be disclosed to external parties or to employees without a "need to know" by those doing business with VCTC or for whom VCTC provides services except to the extent required by law. If there is a question of whether certain information is considered confidential, the employee should first check with their immediate supervisor. This policy is intended to inform employees of the need for discretion at all times and is not intended to inhibit normal business communications.

Protecting Information: Employees have access to a variety of sensitive and confidential information by virtue of their job assignment. Employees must protect that information from disclosure to anyone, except where that disclosure is required by their jobs or by law. Writing about confidential information for non-work-related business in e-mails, on websites, on social networking sites, in chat rooms, or in blogs is expressly prohibited, as well as verbally communicating such information in person, over the phone, or in any other manner. Additionally, VCTC logos may not be used in any of these forums.

Confidential Information: Some examples of confidential information may include the following: Passwords and access codes.

- Individual employment records.
- Citizen lists, personal information, or histories.
- Financial statements.
- Computer programs and object and source codes.
- Systems and their documentation.

- Other non-public business and technical information, whether related to past, present, or future programs and services.

Employees should ask for clarification from a supervisor if they are uncertain if the information encountered through the course of the job is considered confidential or not.

Penalties for Disclosing Confidential Information: Employees who disclose confidential information are subject to disciplinary action up to and including termination of employment. They may also be personally held liable for any damages created by inappropriately sharing of information.

Section 10.7 – Political Activity Policy

Except as specifically allowed by law, VCTC employees are prohibited from participating in any political activity while on duty or while performing official business.

Activities During Working Hours: Working hours must be devoted to doing the work of VCTC.

Private Citizen Acknowledgement: Any correspondence, published articles, website comments, letters to the editor, blogs, and/or participation in public functions expressing the employee's own personal and/or political views are written or supported by the employee should be from their perspective as a private citizen and not as a representative of VCTC.

No Prohibitions: This policy does not prohibit employee membership in any political organization, attendance at meetings, expression of views on political matters, or voting in any election. However, employees may not:

- Use their position to promote any specific political action, candidate, or belief.
- Use their position titles in either written or verbal communication concerning political activities or beliefs.
- Attempt to influence subordinate employees into working for or accepting their political beliefs or candidates.
- Conduct personal political activity of any kind during working hours nor use any VCTC property, resources, or office supplies to engage in political activity.

Section 10.8 – Policy on Violations of the Hatch Act

Hatch Act: VCTC may apply for federal grant funding for a variety of projects. Some of those grant funds may be used for employee compensation. The Hatch Act prohibits government employees who are compensated by federal funding from engaging in partisan political activities, including but not limited to the following:

Membership: The Act precludes employees from membership in any political organization which advocates the overthrow of our constitutional form of government.

Campaign Contribution Limits: Employees receiving compensation from federal funds have an annual ceiling of \$5,000 for contributions to the campaign of an individual candidate for federal office.

Guidelines: Below are some of the guidelines that employees receiving compensation from federal funds need to follow when working or volunteering on a political campaign for federal office. Employees may not:

- Be a candidate in a political election in which any candidate represents a political party.
- Raise money for a partisan political campaign.
- Allow their names to be used in any fundraising appeal on behalf of a partisan political campaign.
- Participate in a phone bank that is engaged in fundraising for a partisan campaign.

Section 10.9 – Personnel Files

A personnel file is maintained for every employee according to local, state, and federal guidelines. Workers' compensation, medical, and complaint files are maintained separately in a confidential file.

Personnel File Access: Employee's own personnel file may be accessed by the employee during normal working hours and by appointment. Access by others to such files is restricted to only the executive director, legal counsel, the supervisor, and applicable finance and human resource staff.

File Copies: At the request of an employee, incidental copies of documents in the employee's own personnel file may be made at no charge. More than incidental copies made of anything in the employee's own file will be done for a standard copying fee.

Disputed Information: If an employee disputes information contained in their own file, the employee shall notify the executive director in writing within 10 working days of learning of the information contained in the file, listing the concerns and the suggested remedy. The executive director will review the request and render a decision within 10 working days. If the executive director concurs with the employee's request, such items will be placed in a sealed confidential envelop in the employee's file and will not be used for purposes of progressive discipline or impacting performance evaluation ratings.

Section 10.10 – Confidentiality of Medical Information Act

VCTC has a bona fide business need to collect and review medical information about its employees for various reasons. This policy is established to comply with the State's Confidentiality of Medical Information Act (California Civil Code Section 56, et.seq.),

and to protect the confidentiality of medical history, mental condition, physical condition, or treatment, and to limit its use in employment decisions. This policy defines medical information, those employees authorized to access that information, and how it will be stored.

Medical Information Definition: The Confidentiality of Medical Information Act (CMIA) broadly defines the term medical information as: “....any individually identifiable information in possession of or derived from a provider of health care regarding a patient’s medical history, mental or physical condition, or treatment.” This definition *includes* information obtained from pre-employment medical examinations, fitness for duty evaluations, worker’s compensation claims, verifications of disability status, and drug and alcohol testing results. In essence, any document produced by a doctor, clinic, hospital, psychiatrist, employee assistance program, substance abuse professional, or testing laboratory is considered a confidential medical record.

Authorized Use: To ensure proper handling of employee medical information VCTC authorizes the executive director and department directors and their designees to receive and use this type of information on an as-needed basis.

Utilization of Medical Information: VCTC legally receives medical reports or information without the employee’s authorization for administering and maintaining any of the following programs:

- Employee benefits plans, including health care plans.
- Plans providing short-term and long-term disability income.
- Worker’s compensation benefits.
- Programs for determining eligibility for paid or unpaid medical leave.
- Fitness-for-duty results that describe the employee’s job-related functional limitations and exclude any diagnosis or statement of cause.
- In a proceeding that is a lawsuit, arbitration, complaint, or other claim wherein the employee has placed in issue with their medical condition.

Protecting Employees Medical Information: To protect employee’s rights under the CMIA, VCTC shall keep the information in a medical file, in a separate locked file, apart from personnel files.

Section 10.11 – Policy on Workplace Accommodations for Employees with Disabilities

It is the policy and practice of VCTC to comply fully with the Americans with Disabilities Act (ADA) and ensure equal opportunity in employment for all qualified persons with disabilities. VCTC will not discriminate against any qualified employee or applicant for employment because they are related to or associated with a person with a disability. Pre-employment inquiries are made only regarding an applicant’s ability to perform the duties of the position, not any disabling condition. Pre-employment physical examinations may be given to all persons entering a position, but only after conditional

job offers have been presented. Medical records are maintained in separate and confidential files. This policy is neither exhaustive nor exclusive.

Reasonable Accommodations: Reasonable accommodations are available to all employees and applicants. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression. VCTC is committed to taking actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

Overview: The ADA requires reasonable accommodation in three aspects of employment:

- Modifications or adjustments to a job application process that enables a qualified applicant with a disability to be considered for the position.
- Modifications or adjustments to the work environment or to the manner of circumstances under which the position held or desired is customarily performed that enable the qualified individual with a disability to perform the essential functions.
- Modifications or adjustments that enable a disabled employee to enjoy equal benefits and privileges of employment.

Legal Obligations: Generally, it is the obligation of an individual with a disability to request a reasonable accommodation. A qualified individual with a disability has the right to refuse an accommodation. However, if the individual cannot perform the essential functions of the job without the accommodation, they may not be qualified for the job. If an employee believes they has a disability, the employee may request a reasonable accommodation for that disability. Such requests should be communicated to the employee's immediate supervisor. VCTC may engage in an interactive process with the employee to determine an appropriate reasonable accommodation for the employee in accordance with applicable law. Conditions qualifying as disabilities are defined by the Federal Government.

Procedures: VCTC is obligated to make an accommodation only for the known limitations of an otherwise qualified individual with a disability. In general, it is the responsibility of the applicant or employee with the disability to inform VCTC that an accommodation is needed to participate in the application process, to perform essential job functions, or to receive equal benefits and privileges of employment.

Written Submittal: A qualified applicant or employee with a disability who is requesting a reasonable accommodation may do so in writing a request for such accommodation and the reasons thereof. The

supervisor may help in documenting the details related to the request if the employee is unable to do so as part of the interactive process. This request will then be provided to the executive director for consideration.

Request Review Period: Upon receipt of the individual's request for a reasonable accommodation, the executive director has 20 working days to review the request and complete the response.

Appeals: In those cases where an employee or applicant for employment wishes to appeal the decision, they may do so by advising the executive director, in writing within 7-working days from receipt of the decision. If the executive director rendered the decision, the appeal shall be addressed by the Commission's Administrative Committee. In either situation, the executive director or the Administrative Committee has 30 days to render a decision.

Section 10.12 – Employee Literacy Assistance

In accordance with California Labor Code 3.9 Section 1040-1044 VCTC shall reasonably accommodate and assist any employee who reveals a problem of illiteracy and requests employer assistance in enrolling in an adult literacy education program, provided that this reasonable accommodation does not impose an undue hardship on VCTC. VCTC assistance includes but is not limited to, providing the employee with the locations of local literacy education programs, or arranging for a literacy education provider to visit the jobsite. VCTC shall make reasonable efforts to safeguard the privacy of the employee as to the fact that they have a problem with illiteracy. There is no requirement for VCTC to provide time off with pay for an employee to enroll and participate in an adult literacy education program. An employee who reveals a problem of illiteracy and who satisfactorily performs their work shall not be subject to termination of employment because of the disclosure of illiteracy.

Chapter 11: Workplace Respect and Equal Opportunity

Section 11.1 – Respect in the Workplace

VCTC provides a work environment that encourages respect for each person in the workplace. VCTC employees will conduct their duties and assignments in a way that shows respectful treatment of the public and other employees in accordance with local, state, and federal regulations. The conduct of all employees shall be always governed by the ordinary and reasonable rules of behavior observed by law-abiding and self-respecting citizens and shall not reflect unfavorably upon VCTC. This shall apply whether the employee is at work or acting in an official capacity. Respectful treatment of others includes being patient, listening carefully, not overreacting to others, requesting information or materials thoughtfully, treating others as you would want to be treated, not using profanity, keeping voices low and calm, and exercising discretion in all interpersonal interactions. The executive director shall take reasonable and appropriate action to remedy any inappropriate behavior, including such by non-employees present in the workplace, as well as contractors, vendors, Commission members, and visitors.

Section 11.2 – Anti-harassment and Anti-discrimination

California law (called the Fair Employment and Housing Act or FEHA) prohibits discrimination, harassment, and retaliation. The law also requires that employers “take reasonable steps to prevent and correct wrongful (harassing, discriminatory, retaliatory) behavior in the workplace (Cal. Govt. Code §12940(k)). The Department of Fair Employment and Housing (DFEH) is the state’s enforcement agency related to the obligations under the FEHA. California’s Fair Employment and Housing Council (FEHC) enacted regulations in 2016 to clarify this obligation to prevent and correct wrongful behavior. This document was produced by the DFEH to provide further guidance to California employers. More information related to the requirements outlined by this law can be found at:

<https://civildrights.ca.gov/wp-content/uploads/sites/32/2017/06/DFEH-Workplace-Harassment-Guide.pdf>

Section 11.3 – Anti-bullying

In California, unlawful workplace **bullying** occurs when a person directs negative, inappropriate, or unwanted conduct at a worker based on certain protected characteristics. Those can include the employee’s race, disability, religion, sex, gender identity, marital status, sexual orientation, or pregnancy, among other reasons.

Unlawful bullying in the workplace can take many forms, including:

- Inappropriate jokes, derogatory comments, or innuendo.
- Physical bullying, like unwanted touching or hitting.
- Verbal threats or implied threats.
- Visual bullying, like posters or signs.
- Aggressive or repeated requests for sexual favors. and
- Showing favoritism based on a protected characteristic.

Unlawful workplace bullying can be motivated by many types of meanness, bigotry, or personal gratification.

California employees are protected by several sets of laws that prohibit workplace bullying:

- **Title VII of the Civil Rights Act of 1964** is a *federal* law that prohibits discrimination based on race, color, religion, sex, or national origin. Although Title VII does not explicitly prohibit bullying, courts interpret “discrimination” on an unlawful basis to include harassment.
- **The Americans with Disabilities Act** protects those with physical and mental disabilities from unfair discrimination and harassment based on their disability.
- **The Age Discrimination Act** protects against age-related discrimination and harassment against workers over the age of 40.
- **The Fair Employment and Housing Act** (called “FEHA”) is a California *state* law that governs many types of discrimination and bullying faced by employees, unpaid interns, job applicants, and some independent contractors.
- **The California Constitution** prohibits employment discrimination on the basis sex, race, creed, color, nationality, or ethnic origin. This is not a traditional route for bringing bullying claims, however, as most are handled under Title VII or FEHA.

Each law provides significantly different protections for employees. In almost all cases, the rules under FEHA are the most protective of employee rights (or *equally* as protective as Title VII).

Section 11.4 – Reproductive Rights

California has strong laws in place protecting reproductive freedom, including the right to safe and legal abortion. In California:

- You have the right to an abortion before viability. You do not need to provide a reason for why you are seeking an abortion.
- You have the right to an abortion after viability to protect your life or your health.
- You have the right to confidentiality. If you are married, generally your spouse will not be notified about your abortion.
- You have the right to obtain an abortion without parental consent. If you are a minor, generally your parents or guardians will not be notified about your abortion.
- You have the right to have your prescription for medicine to bring about an abortion filled in a timely manner.
- You have the right to access abortion services for little-to-no charge. Abortion services should generally be covered by your health insurance.
- You have the right to have an abortion performed by a trained professional. Only authorized healthcare providers, such as licensed doctors, nurses-midwives, nurse practitioners, and physician assistants, with proper training, can perform abortions.
- You have the right to ask your healthcare provider if they have objections to certain forms of medical care. Healthcare providers are allowed to refuse to perform abortions for moral, ethical, or religious reasons.

Section 11.5 – Equal Opportunity Employer

VCTC is an equal opportunity employer and makes employment decisions on the basis of merit. The District's policy prohibits discrimination and harassment against employees, officers, officials, contractors, interns, volunteers, participants in apprenticeship programs or applicants for employment based on race, religious creed (including religious dress and grooming practices), color, sex/gender (including pregnancy, childbirth, breastfeeding or related medical conditions), sex stereotype, gender identity/gender expression/transgender (including whether or not you are transitioning or have transitioned), sexual orientation, national origin (including language use restrictions and possession of a driver's license issued to persons unable to prove their presence in the United States is authorized, ancestry, physical disability, mental disability, medical condition, genetic information/characteristics, marital status, registered domestic partner status, age (40 or over), military or veteran status, reproductive health decision-making, or any other basis protected by federal, state or local law or ordinance or regulation. All such discrimination is unlawful.

Genetic Information Nondiscrimination Act (GINA)

Title II of the Genetic Information Nondiscrimination Act (GINA) protects individuals against employment discrimination based on genetic information. GINA covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies, labor organizations, joint labor-management training and apprenticeship programs, and the federal government. GINA prohibits the use of genetic information in making employment decisions, such as hiring, firing, advancement, compensation, and other terms, conditions, and privileges of employment. For example, it would be illegal for an employer to reassign an employee from a job it believes is too stressful after learning of his family medical history of heart disease. There are no exceptions to the prohibition on using genetic information to make employment decisions. GINA also prohibits employers from requesting, requiring, or purchasing genetic information about applicants or employees, except in very narrow circumstances. Employers must keep genetic information about applicants and employees confidential and, if the information is in writing, must keep it apart from other personnel information in separate medical files.

Discrimination of Foreign Workers

California law provides that employment law protections are extended to all workers "regardless of immigration status." Cal Civ. Code § 3339. Furthermore, under California law, "a person's immigration status is irrelevant to the issue of liability" and in a proceeding to enforce a person's employment rights, "no inquiry shall be permitted into a person's immigration status unless the person seeking to make this inquiry has shown by clear and convincing evidence that this inquiry is necessary in order to comply with federal immigration law." *Id.* California's Anti-Discrimination laws extend to immigrants, including undocumented immigrants. Cal. Code Regs. tit. 2 § 11028. On July 1, 2018, new regulations from California's Fair Employment and Housing Council ("FEHC") clarified that discrimination based on immigration status is prohibited under the Fair Employment and Housing Act ("FEHA"). Cal. Code Regs. tit. 2 § 11028. Under FEHA, it is unlawful for an employer to discriminate against an employee "in compensation or in terms, conditions or privileges of employment" due to their national origin. Cal. Gov't. Code § 12940(a).

Immigration Reform and Control Act

The Immigration Reform and Control Act altered U.S. immigration law by making it illegal to hire illegal immigrants knowingly and establishing financial and other penalties for companies that employed illegal immigrants. The law established financial and other penalties for those employing undocumented migrants, under the theory that low prospects for employment would reduce undocumented migration. Regulations promulgated under the Act introduced the I-9 form to ensure that all employees presented documentary proof of their legal eligibility to accept employment in the United States.

Child Labor Policy

Almost all minors under the age of 18 are subject to California's child labor protections. Under the California Labor Code, "minor" means any person under the age of 18 years who is required to attend school under the provisions of the Education Code and includes minors under age six. Nonresidents of the state who would be subject to California's compulsory education laws if they were residents are also considered minors and are subject to all the requirements and protections of the Labor Code. [LC 1286(c)]

Except in limited circumstances defined in law and summarized below, all minors under 18 years of age employed in the state of California must have a permit to work. [EC 49160; LC 1299] The federal Fair Labor Standards Act also requires a certificate of age for working minors. The state Permit to Employ and Work ("Permit") is accepted as the federal certificate [EC 49110, 49112, 49113, 49116] Employers must have a Permit to Employ and Work on file and available for inspection by school and labor officials at all times. [LC 1299, EC 49161 and 49164] Permits to Employ and Work are issued on the same form. Permits are always required, even when school is not in session. Permits are issued for specific employment at a specified address. [EC 49115 and 49163] Permits contain the maximum number of hours a minor may work in a day and week, the range of hours during the day that a minor may work, any limitations, and any additional restrictions imposed at the school's discretion.

Permits may not be issued that violate any provision of law. [EC 49164] Thus, all restrictions on minimum ages for employment in various occupations and all work hour restrictions must be strictly followed. Neither school nor labor officials are empowered to waive, at any time or under any circumstances, any minimum labor standard established by law or regulation.

Section 11.6 – The Fair Employment and Housing Act

The Civil Rights Department (CRD), a state of California agency, is responsible for enforcing state laws that make it illegal to discriminate against a job applicant or employee because of a protected characteristic. These state laws barring discrimination apply to all business practices, including the following:

- Advertisements
- Applications, screening, and interviews
- Hiring, transferring, promoting, terminating, or separating employees
- Working conditions, including compensation
- Participation in a training or apprenticeship program, employee organization or union

The Fair Employment and Housing Act (FEHA) applies to public and private employers, labor organizations and employment agencies. It is illegal for employers of 5 or more employees to

discriminate against job applicants and employees because of a protected category or retaliate against them because they have asserted their rights under the law. The FEHA prohibits harassment based on a protected category against an employee, an applicant, an unpaid intern or volunteer, or a contractor. Harassment is prohibited in all workplaces, even those with fewer than five employees.

Section 11.7 – Complaint Resolution

The following expectations are set forth for employee, supervisor, and manager behavior for handling discrimination and harassment complaints, for investigating inappropriate behavior, and for training of employees on this policy. The purpose of these procedures is to reaffirm VCTC's commitment to prohibit and prevent unlawful discrimination (including harassment) in the workplace, to define discrimination and harassment prohibited under this policy, and to identify procedures for resolving complaints of prohibited discrimination and harassment.

Interpretation and Application of Policy: This policy shall not be construed to create a private or independent right of action. Although this policy is intended to prohibit discrimination consistent with Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the California Fair Employment and Housing Act, and California Labor Code Section 1102.1, VCTC reserves the right to interpret and apply this policy to provide greater protection than what is afforded under those laws.

Misconduct: Unlawful harassment and discrimination are considered serious acts of misconduct and will not be tolerated. Employees who violate this policy and engage in acts of unlawful harassment or discrimination of any type, for any duration, shall be subject to disciplinary action, up to and including termination.

Section 11.8 – Retaliation for Filing Complaints, Claims and Whistleblower Procedure

VCTC prohibits the taking of any adverse employment action against those who in good faith report, oppose, or participate (as witnesses or accused) in investigations into complaints of alleged violations of VCTC policy or state or federal law in retaliation for that reporting, opposition, or participation. Disciplinary action, up to and including termination, will be taken against an employee or officer who is found to have violated this policy. The policy prohibits VCTC officials, officers, employees, or contractors from retaliating against applicants, officers, officials, employees, or contractors because of any of the protected activity as defined herein.

Definitions

A. "Protected activity"

1. Making or filing an internal complaint with VCTC regarding alleged violations of VCTC policy, local, State or Federal law.
2. Providing informal notice to the VCTC regarding alleged violations of VCTC policy, local, State or Federal law.
3. Participating in investigations and/or in court/administrative hearings regarding alleged violations of VCTC policy, local, State or Federal law.
4. Filing a complaint with a Federal or State enforcement or administrative agency.

No employee of VCTC shall directly or indirectly use or attempt to use the authority or influence of such employee for the purpose of intimidating, threatening, coercing, directing, or influencing any person with the intent of interfering with that person's duty to disclose alleged violations of VCTC policy or local, State or Federal law.

"Adverse action" may include, but is not limited to, any of the following:

1. Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged wrongdoing or because of protected activity
2. Refusing to hire an individual because of protected activity
3. Denying promotion to an individual because of protected activity
4. Taking any form of disciplinary action because of protected activity
5. Extending a probationary period because of protected activity
6. Altering work schedules or work assignments because of protected activity
7. Condoning hostility and criticism of co-workers and third parties because of protected activity.

Whistleblower Protection and Procedure

This Policy and Procedure Manual provides for employees to disclose, without reprisal, facts which may be deemed to constitute gross mismanagement, significant waste of funds, abuse of authority, and/or substantial and specific danger to public health or safety. Anyone who believes they have been subjected to retaliation should immediately report it to the Executive Director or designee. VCTC will investigate and take appropriate remedial action.

The confidentiality of the whistleblower will be maintained whenever possible. No VCTC employee may interfere with the good faith reporting of suspected or actual wrongful conduct. An individual who makes such a good faith report shall not be subject to retaliation, including harassment or any adverse employment, as a result of making a report. All reported claims of retaliation will be reviewed and investigated, and appropriate corrective action will be taken. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated. In addition, an employee who intentionally files a false report of wrongdoing, or knowingly makes an untrue statement of fact in the investigation of a complaint, may be subject to discipline up to and including termination.

Anyone found in violation of this policy will be disciplined, up to and including termination.

Section 11.9 – Mandatory Training

The Civil Rights Department provides free online training courses on preventing sexual harassment and abusive conduct in the workplace that satisfy California's legal training requirements pursuant to Government Code section 12950.1.

California law requires all employers of 5 or more employees to provide training to its supervisory and nonsupervisory employees on sexual harassment and abusive conduct

prevention. Every two years, nonsupervisory employees must receive at least one hour of training and supervisory employees must receive at least two hours of training. The training may be completed all at once or in segments, as long as the applicable hourly total requirement is met. The law requires the training to include practical examples of harassment based on gender identity, gender expression, and sexual orientation.

More information and required training may be found at:

Sexual Harassment Prevention Training | CRD (ca.gov)

Section 11.10 – Definitions

Harassment: Depending upon the circumstances, a single act of harassment, as defined below, can violate this policy.

Verbal Harassment: Includes epithets, jokes, comments, or slurs that identify a person based on their protected classification, intimate or other nicknames, comments on appearance, including dress or physical features, or stories that tend to disparage those with a protected classification.

Visual Forms of Harassment: Includes gestures, posters, notices, bulletins, cartoons, photographs, drawings, or any other visual media that tend to disparage those with a protected classification.

Physical Harassment: Includes the following conduct taken because of an individual's protected classification: assault, impeding or blocking movement, physically interfering with normal work or movement, pinching, grabbing, patting, propositioning, leering, making express or implied job threats or promises in return for submission of physical acts, mimicking, stalking, or taunting.

Sexual Harassment: Includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that are an express or implied condition of continued employment or other term and condition of employment.

Retaliation: Any adverse employment action taken because an employee has reported harassment or has participated in the complaint procedure. "Adverse employment action" includes any personnel action that has a significant effect upon the terms or conditions of employment.

Section 11.11 – Guidelines for Identifying Harassment

To clarify what constitutes harassment in violation of this policy, the following guidelines shall be used:

Unwelcome Conduct: Harassment includes any conduct which would be unwelcome to a reasonable person of the recipient's same protected classification, and which is taken because of the recipient's protected classification.

Appearance of Consent: It is no defense that the recipient appears to have voluntarily consented to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.

Lack of Complaints: Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.

Third-party Observer: Even visual, verbal, and/or physical conduct between two employees who appear to welcome it can constitute harassment of a third applicant, officer, official, employee, or contractor who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.

Intention: Conduct can constitute harassment in violation of this policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this policy if the conduct is directed at, or singles out a protected classification, and if a reasonable individual would find it offensive or demeaning.

Single Act: A single act can violate this policy and provide grounds for discipline or other appropriate sanctions. Therefore, if employees are in doubt as to whether any particular conduct may violate this policy, they should not engage in the conduct, and should seek guidance from a supervisor.

Section 11.12 – Reporting Unlawful Harassment or Discrimination

Reporting: Any employee who believes they has been unlawfully harassed or discriminated against should promptly report it orally or in writing to a supervisor or the executive director. Complaints about the executive director may be made to the Commission's general counsel.

Receiving Complaints: Any supervisor or manager who receives a complaint of unlawful harassment/discrimination, or who observes or otherwise learns about unlawfully harassing conduct is required to notify the executive director immediately. Failure to do so may result in disciplinary action.

Section 11.13 – Remedial Action

Action: Upon receiving complaints of discrimination or harassment, the Commission may undertake an investigation of the complaints. The Commission may retain an outside investigator to conduct the investigation. All complaints shall be investigated to

the extent that the executive director deems appropriate. Any investigation and investigation report prepared relating to the complaint shall be kept confidential except as required by law. If harassment or discrimination is found to have occurred in violation of this policy, action shall be taken to ensure or confirm that the harassment or discrimination at issue is stopped. VCTC may take whatever measures are appropriate to ensure its workplaces remain free from unlawful discrimination or harassment.

Disciplinary Action: Employees found to have engaged in discrimination or harassment covered by this policy may be subject to disciplinary action up to and including termination of employment. First-time violations of this policy, depending on the severity of the conduct, may lead to termination.

Dishonest or Uncooperative Behavior: Employees found to have been dishonest or uncooperative during an investigation into allegations of unlawful harassment or discrimination may be subject to disciplinary action up to and including termination of employment.

Dissemination: Policy and complaint procedures are available to employees, and to new employees. From time to time, VCTC may also conduct training for its employees to assist them in learning how to recognize, avoid, and correct harassing and discriminatory behavior.

Department of Fair Employment and Housing (DFEH) and the Equal Employment Opportunity Commission (EEOC): In addition to notifying VCTC about unlawful harassment or retaliation, an affected employee may also direct their complaint to the California DFEH, which has the authority to conduct investigations of the facts. An employee also has the right to direct their complaint to the federal Equal Employment Opportunity Commission (EEOC).

Section 11.14 – Obligations of Employees

Know the Policies: Employees are responsible for knowing VCTC anti-discrimination policy; refraining from discriminatory behavior, including harassment; reporting incidents of discrimination in a timely fashion; cooperating in any investigation concerning allegations of discrimination; and maintaining confidentiality concerning any investigation that is conducted.

Communicate: Employees are also encouraged to communicate with one another to assist co-workers in identifying, avoiding, and addressing behavior that may be perceived as harassing, discriminatory, or otherwise offensive.

Section 11.15 – Social Media Policy

Social media is a set of Internet tools that aid in the facilitation of interaction between people online. If you have specific questions about what may be deemed to be social media, consult with the Executive Director or their designee. VCTC recognizes that occasional personal use of

social media using VCTC resources may occur during working hours. VCTC allows such occasional personal use as provided the usage does not interfere with the employee's work performance, take away from work time, consume supplies, slow other users, slow the servers or computer systems, or tie up printers or other shared resources, or violate any VCTC policy, including policies against harassment, discrimination, and disclosure of confidential or trade secret information. All policies relating to monitoring usage of VCTC property apply. VCTC reserves the right to adjust this policy on a case-by-case basis as it deems appropriate.

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

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

Chapter 12: Workplace Safety

Section 12.1 – Workplace Safety

VCTC is committed to providing a safe and healthful work environment and maintains an employee safety program meeting the requirements of state law. The following expectations are set forth for employee, supervisor, and manager behavior necessary to maintain workplace safety and to train employees in appropriate conduct and responses to medical and other workplace emergencies in compliance with related federal, state, or other local regulations.

Section 12.2 – Management Responsibilities

Management shall be expected to take steps within its control to maintain a safe work environment and to comply with federal and state safety regulations.

Section 12.3 – Employee Responsibilities

Employees shall be expected to obey safety rules, follow established safe work practices, and exercise caution in all their work activities. Employees are also expected to report any unsafe conditions to their immediate supervisor. Employees at all levels who are responsible for correcting unsafe conditions are required to do so. Safety rules are a basic part of the Injury and Illness Prevention Program, and employees shall be required to know and follow the safety rules, and management shall enforce them.

Section 12.4 – Reporting Injuries

Work-related injuries should be immediately reported to the employee's supervisor. The supervisor should then immediately send the report to executive director.

Section 12.5 – Injury and Illness Prevention Program

VCTC's Injury and Illness Prevention Program (IIPP) addresses legislation and regulations, and functions as an umbrella program that incorporates the elements of other occupational hazard control programs and procedures (e.g., Hazard Awareness and Communication Program, Chemical Hygiene Plan, etc.). The safety program includes: a written IIPP that provides for identification and correction of safety hazards; video display terminal and computer equipment policy; driver safety standards; and applicable ongoing safety training in compliance with federal and state safety regulations. The intent of the IIPP is to facilitate identification and evaluation of workplace hazards, enable the correction of unsafe conditions, provide a means of communication between employees and management on matters concerning employee safety and health, educate and train employees on health and safety matters, and implement a strategy by which compliance with the regulation can be achieved and documented.

The IIPP designates a responsible person (or persons) and a system for:

- Communicating with employees on matters concerning safety and health.
- Identifying and evaluating workplace hazards.

- Implementing procedures for injury/illness investigation,
- Mitigating hazards.
- Training employees.
- Maintaining records.

Section 12.6 – Automobile Use

Employees who utilize their personal vehicle in the performance of their duties must maintain a valid California driver's license at all times, have a satisfactory driving record, and must maintain adequate and appropriate insurance. Employees must comply with all traffic regulations and laws while engaged in driving on work-related business. Only hands-free mobile devices may be used when driving, and no communications device may be used while driving to write, send, or read any text-based communication. Employees who use a vehicle on work-related business must provide VCTC with a copy of their California driver's license and a copy of a Certificate of Insurance that shows evidence that the employee has comprehensive automobile liability insurance or business automobile liability insurance in an adequate amount. Should the employee be in a vehicle accident while performing VCTC business, for claims processing the employee's own insurance provider is primary and VCTC's insurance provider is secondary.

Use of Vehicle Safety Belts: Employees who drive vehicles equipped with safety belts on work-related business shall use and ensure that the driver and all passengers use available safety belts in the vehicles being operated.

Vehicle Accidents: When an accident occurs on the job involving one or more vehicles, the following steps should be taken by employees:

1. **Scene:** Secure the scene of the accident.
2. **Move Vehicles:** Move any involved vehicles out of the right of way, if possible.
3. **Emergency Response:** Call 911 for emergency services if someone appears to be injured or asks that 911 be called.
4. **Contact Supervisor:** Contact your supervisor immediately, if communication devices are available.
5. **Driver Information:** Exchange driver information and give the other driver a business card.
6. **Personal Information:** Obtain the names, phone numbers, addresses, and e-mail addresses of any vehicle occupants, or observers of the accident.
7. **Police Report:** Get the number of the police report that will be filed if the police respond to the accident.
8. **Statements:** Do not make any statements accepting blame, guilt, concerning the assumption of liability. Give out only the required information.
9. **Pictures:** Take pictures of the damage and all relevant aspects of the accident (the area where accident occurred, objects blocking view, etc.).

If a camera is not immediately available, write down all of the relevant information.

10. **Insurance and Legal Requirements:** Follow any insurance and legal requirements, such as immediately notifying your insurance company, VCTC's insurance company through appropriate staff, and the Department of Motor Vehicles.

Safe Operation of Motor Vehicles

(a) VCTC agrees to comply with Executive Order No. 13043, "Increasing Seat Belt Use in the United States," April 16, 1997, 23 U.S.C. § 402 note, (62 Fed. Reg. 19217), by:

- (1) Adopting and promoting on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned vehicles, company-rented vehicles, or personally operated vehicles; and
- (2) Including a "Seat Belt Use" provision in each third-party agreement related to the Award.

(b) Distracted Driving, Including Text Messaging While Driving. VCTC agrees to comply with:

- (1) Executive Order No. 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009, 23 U.S.C. § 402 note, (74 Fed. Reg. 51225); 91
- (2) U.S. DOT Order 3902.10, "Text Messaging While Driving," December 30, 2009; and

(3) The following U.S. DOT Special Provision pertaining to Distracted Driving:

(i) Safety. The Recipient agrees to adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers, including policies to ban text messaging while using an electronic device supplied by an employer, and driving a vehicle the driver owns or rents, a vehicle Recipient owns, leases, or rents, or a privately-owned vehicle when on official business in connection with the Award, or when performing any work for or on behalf of the Award;

(ii) Recipient Size. The Recipient agrees to conduct workplace safety initiatives in a manner commensurate with its size, such as establishing new rules and programs to prohibit text messaging while driving, re-evaluating the existing programs to prohibit text messaging while driving, and providing education, awareness, and other outreach to employees about the safety risks associated with texting while driving; and

(iii) Extension of Provision. The Recipient agrees to include the preceding Special Provision of section 34(b)(3)(i) – (ii) of this Master Agreement in

its third-party agreements and encourage its Third-Party Participants to comply with this Special Provision, and include this Special Provision in each third party sub-agreement at each tier supported with federal assistance.

Department of Motor Vehicles Pull Notice Program: VCTC participates in the California Department of Motor Vehicles (DMV) Pull Notice Program. Under this program the DMV sends VCTC driving records of all employees on an ongoing basis. The executive director reviews the driving records of those employees who are required or expected to drive as part of their condition of employment and will take appropriate action should any of the driving records indicate any of the following: DUI, suspended license, or other serious driving offense (i.e., reckless driving, etc.)

Section 12.7 – Violence in the Workplace Policy

Acts of violence, whether threatened, gestured, or carried out will not be tolerated in the workplace. Anyone witnessing or becoming the subject of such behavior shall immediately report it to a supervisor for proper investigation. Minimizing the threat of violence is a duty of all employees.

Notification: It is the responsibility of all employees to notify a supervisor or the executive director immediately of any violent act or a threat, or if a violent act or threat against themselves, any other employee, or a member of the public occurs in the workplace or is directly associated with their employment. Notification may be made to any of these persons as appropriate and shall be reported as soon as practicable. Retaliation or the threat of retaliation against a person who reports such an incident is unlawful and shall not be tolerated.

Possession of Inappropriate Items: Employees shall not possess the following instruments at a worksite or on VCTC property, including parking lots, unless there is a work-related purpose and written approval has been obtained from the employee's supervisor.

- **Firearms:** Any type of firearms.
- **Explosives:** Any type of explosives or ammunition.
- **Fixed Knives:** Fixed blade knives.
- **Folding Knives:** Folding knives with blades over 3.5 inches.
- **Weapons:** Illegal weapons such as defined in Section 12020 of the California Penal Code.

Disciplinary Action: VCTC shall take appropriate disciplinary action, up to and including termination of employment, against an employee violating this policy as provided for in these rules.

Procedures for Imminent or Actual Violent Acts:

Employee Responsibilities: An employee who is in immediate apparent danger of a violent act, or another employee who witnesses a violent act or the threat of a violent act shall, whenever possible:

- **Safe Location:** Place yourself in a safe location.
- **Emergency Services:** Call 911 and request the immediate response of a police officer. Be prepared to inform the dispatcher of the circumstances and exact location of where an officer is needed.
- **Contact Supervisor:** Inform your supervisor of the circumstances.
- **Media:** Refer media inquiries to the executive director.
- **Cooperate:** Cooperate fully in any administrative or criminal investigation conducted within this policy and the laws.

Supervisor Responsibilities:

- **Safe Location:** Place yourself in a safe location.
- **Ensure Safety:** A supervisor who is informed of a violent act or the threat of a violent act shall whenever possible ensure the immediate safety of employees and the worksite by calling 911, and notifying the executive director.
- **Involve Individuals:** If feasible, the supervisor shall have the involved individuals wait in separate rooms or locations until the police take control or remove them from the premises.

Procedures – Preventing Future Violence:

Reasonable Belief: Employees who have reason to believe they, or another employee, may be victimized by a violent act sometime in the future, at the workplace, or as a direct result of their employment, shall inform their supervisor immediately so appropriate action may be taken.

Restraining Orders: Employees who have signed and filed a restraining order, temporary or permanent, against an individual due to a potential act of violence, who would be in violation of the order by coming near them at work, shall immediately supply a copy of the signed order to their supervisor and executive director. A copy will be placed in the employee's personnel file.

Post-incident Review:

Policy Evaluation: The executive director, department head, and the supervisor may conduct a post-incident review and use the review to evaluate this policy and procedure.

Support Systems: VCTC may determine and oversee any post-incident support systems may be needed.

Section 12.8 – Smoking Policy

As required by state law, smoking is prohibited in all VCTC facilities, and within 20 feet of any entrances, exits, and windows that can be opened. Smoking is also prohibited while driving or

riding in a vehicle on work-related business if in the presence of another VCTC employee or external business partner.

Section 12.9 – Emergency Service Workers

All VCTC employees are designated pursuant to state law as emergency service workers and are deputized pursuant to civil defense rules under a declared emergency to carry out the orders of established emergency command sections with the provided limited immunity under the Government Code. Every employee should know where they report in the event of an area-wide emergency. In the event of an emergency or disaster, every employee shall attempt to call in or contact their supervisor. Notwithstanding the call-in requirement, all employees are expected in an emergency or disaster to act as follows:

- **Attend** to the immediate physical safety of yourself and those immediately around you.
- **Contact** or see to the safety of your immediate family; develop a family plan and establish a family call-in phone contact in advance, preferably with a relative out of state or out of the region.
- **Report to work** when directed to do so after trying to call in or when called back to work, or report in immediately if unable to contact your supervisor.

Emergency Situations: In an emergency, employees may be assigned to a variety of duties other than their normal assignments but generally related to their knowledge, skills, and abilities under their job class description. Those reporting to another organization shall be treated as VCTC employees assigned to another agency and shall be compensated and otherwise covered as VCTC employees upon proof of service attendance in another agency. Those reporting to work at VCTC shall be governed by established regular time and overtime policies.

Chapter 13: Equipment, Electronic Systems, Communications, and the Internet

Section 13.1 – General Policy

VCTC uses a variety of equipment, electronic communication systems, and the internet as a means of conducting work. VCTC employees shall use such systems and the internet for research, education, and communication for business and shall do so in a lawful, ethical, and professional manner. VCTC's technical resources, including desktop and portable computer systems, fax machines, internet and web access, voice mail, electronic mail (e-mail), electronic bulletin boards, and its intranet enable employees to quickly and efficiently to access and exchange information. In many respects, these tools are like other VCTC tools, such as stationary, file cabinets, photocopiers, and telephones. This policy applies to all technical resources that are owned or leased by VCTC, that are used on or accessed from the premises, or that are used for work-related business. This policy also applies to all activities using any the VCTC-paid accounts, subscriptions, or other technical services, such as internet and internet access, voice mail, and e-mail, whether or not the activities are conducted on VCTC premises.

Section 13.2 – Definitions

Electronic systems are defined as all hardware, software, and other electronic communication or data processing devices owned, leased, or contracted for by VCTC and available for official use by employees. This use includes, but is not limited to, electronic mail, voice mail, calendaring systems, and other systems such as the internet. Electronic systems may also include information and data stored on an employee's personal devices they use in the execution of work and work functions of VCTC.

Section 13.3 – Public Disclosure and Records

Employees who use electronic systems and/or tools provided by VCTC do not have a right of privacy in such uses. Under the Public Records Act, e-mail messages and information generated, received by, or stored in work computers and other electronic systems are public records that may be subject to subpoena or disclosure to the public. In addition, VCTC reserves the right to review, audit, and disclose all matters sent over and/or stored in work systems at any time without advance notice. This includes VCTC data and information stored on an employee's personal devices if used in the execution of VCTC related functions and operations. The executive director, and or their designee, retains the right to authorize the review and/or retrieval an employee's electronic communication system, data files, logs, and programs used on VCTC electronic systems. Security features provided by the electronic communication system, such as, passwords, access codes, or delete functions, shall not prevent authorized employees from accessing stored electronic communications. Deletion of e-mail messages or files does not fully eliminate the message from the system.

Public Records: All permanent business records, including those stored on paper and VCTC and employee electronic media/devices, may be governed by the mandatory public disclosure requirements of the Public Records Act (Gov Code section 6250 et seq.), and the limited exceptions thereto. If a draft record is retained, it may become a

public record subject to disclosure unless it is subject to an exception under the Public Records Act.

Permanent Records: All permanent records, whether stored on paper or electronic media, shall not be destroyed unless prior written authorization is obtained pursuant to Government Code Section 34090.

Public Records Requests: Public Records requests shall be handled in accordance with Government Code section 6250 et seq.

Section 13.4 – Personal Use

VCTC's electronic systems are provided for the purposes of conducting business. Except for brief, occasional, necessary, or emergency use, the electronic systems shall not be utilized personally during normal business hours. Utilizing non-VCTC software including games or entertainment software is considered an improper use of these electronic systems. While the Commission may allow for incidental and occasional personal use of electronic mail and the internet, messages and internet activity will be treated no differently from other messages and will remain VCTC property as to review and auditing procedures. Such personal use shall only be permitted if it does not interfere with or delay the employee's work or interfere with regular VCTC business and shall comply with all provisions herein. All use of the internet may be periodically reviewed by the executive director or director of technology.

Section 13.5 – Serial Meetings

In accordance with the Brown Act (Gov Code section 54950 et seq.), employees must take care to ensure that electronic systems are not used to transmit, either all-at-once or serially, legislative officials' positions on matters of VCTC business to a majority of any body of elected officials, including standing or appointed committees of elected officials.

Section 13.6 – Prohibited Uses

The electronic mail and other electronic systems shall not be used in a way that may be disruptive, offensive to others, harmful to morale, violate VCTC policies and procedures, or violate laws. These electronic systems shall not be used to solicit or proselytize others for commercial venture, religious or political causes, outside organizations, or other non-job-related solicitations. Improper use includes any display or messages that are derogatory, defamatory, obscene, violent, or offensive to employees or the public and/or any messages that are of a sexual or discriminatory nature, including, but not limited to, slurs, offensive jokes, or other offensive language of disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, or religious beliefs. Employees who wish to express personal opinions or conduct personal business should do so with their own equipment and services and NOT during designated work times.

Other Prohibited Uses: In addition to other prohibited uses, employees shall not:

Install: Install programs on computer system (including but not limited to virus checking, games, instant messaging, and screen savers) without the prior written consent of the manager of technology or executive director.

Excessive Messages: Send excessive messages, either locally or offsite.

Crashing the Network: Attempt to crash or tie up a computer or network.

Damage: Vandalize or attempt to damage computing facilities, equipment, software, or computer files.

Intentionally Developing or Using Malicious Programs: Use of programs that disrupts other computer users, intentionally develop bad or malicious programs, access private or restricted portions of the system, and/or damage system software or hardware components.

Attorney-client Privileged Communication: Forwarding or reproducing communications marked attorney-client privileged or confidential without the prior consent of the executive director and/or Commission General Counsel.

Federal or State Laws: Violating any federal, state, or local law in the use of the VCTC's information or communication systems.

Section 13.7 – Technology Policy Compliance

Employees are required to comply with all technology operational guidelines developed by VCTC. Such guidelines will address operational standards such as: message retention, schedule, copyright issues, use of passwords, system availability, back-up procedures, etc. These standards are designed to meet or exceed the retention requirements outlined by state and federal law.

Section 13.8 – Copyrighted Materials

Employees should not copy and distribute copyrighted material (e.g., software, database files, documentation, articles, graphics files, and downloaded information) through the e-mail system or by any other means unless they have confirmed in advance from appropriate sources that VCTC has the right to copy or distribute the material. Employees are not permitted to copy, transfer, rename, add, or delete information or programs belonging to other users unless given express permission to do so by the owner of such information or programs. Failure to observe copyright or license agreements may result in disciplinary action or legal action from the copyright owner.

Intellectual Property Rights: No employee shall violate any copyright, software license, or other online information (including, but not limited to, text images, icons, programs, etc.) whether created by VCTC or any other person or entity.

Section 13.9 – Cell Phone and Remote Work Stipend Policy

Cell phones and remote work capabilities stipends may be provided to staff up to certain amount at the discretion of the executive director in order to support remote work capabilities.

Cell phone and Remote Work Stipend: The Commission will provide a stipend of \$75 per month (\$37.50 per pay period) for VCTC staff deemed appropriate by the executive director to offset costs associated with cell phone service, WIFI, or other costs associated with remote work.

Phone Types: Information technology staff will assist in determining the best types of smart phones for use with the Commission's server and other technology devices, as well as develop appropriate safeguards against unauthorized disclosure or data transmitted to/from the device through secure online systems.

Expectations: Employees are expected to always carry their cell phones with them during normal working hours when away from the office and to respond to calls or messages as soon as practicable, unless they have been approved prior to be out on leave.

Misuse: Misusing the device could result in the Commission removing the reimbursement option from the employee, and could include disciplinary action, up to and including termination.

Chapter 14: Reduction in Force

Section 14.1 – Reduction in Staff

VCTC strives to sustain the tenure of its employees but reserves the right to reduce the number of staff due to a reduction in work programs, for lack of funds, lack of work, changed operational demands, in the interest of economy, or for any other reason. The need to reduce staff size or the administrative decision to alter or change its staff organization plan, or to discontinue any program or programs (as allowable under voter-approved measures) is within the sole and exclusive discretion of the Commission and is not subject to the complaint procedure.

Procedure: The executive director shall define the work to be performed and the organizational structure necessary to accomplish VCTC's work program. The work program, organizational structure, and layoffs are subject to approval by the Commission. With Commission approval, the executive director may reduce the work force because of reduced budgetary and program resources, the need to reorganize the staff, or to meet changed operational demands. When, in the judgment of the executive director, it becomes necessary to abolish a position or employment due to lack of funds, curtailment of work, organizational changes, or for other business reasons, the employee holding such position or employment may be laid off or demoted without disciplinary action and without the right of appeal of the layoff decision. An employee who is laid off has no bumping rights, nor any greater rights to return status. Layoffs shall be by made in accordance with serving the best needs of VCTC. Employees to be laid off shall be given as much notice as possible, prior to separation and provided the opportunity to present their case under Skelly, as required. Prior to separating regular employees, the executive director shall consider reasonable and feasible alternatives to layoffs.

Chapter 15: Alcohol and Drug-free Workplace

Section 15.1 – Alcohol and Drug-free Workplace

Pursuant to CFR Title 49 Part 40.655, OMB Circular A-128, the Federal Drug Free Workplace Act of 1988, and the California Drug Abuse Free Workplace Act of 1990, VCTC shall provide a drug- and alcohol-free workplace. Employees and the public expect a drug and alcohol-free working environment and VCTC has an obligation to ensure that employees perform their duties safely and effectively. During work hours, no employee shall have in their possession any open containers of intoxicating beverages, be under the influence of alcohol, consume alcohol, or have in their possession any illegal drugs.

Section 15.2 – Reasonable Suspicion

Upon reasonable suspicion of an employee being under the influence of illegal drugs or alcohol while on duty, VCTC may require the employee to submit to drug and alcohol testing, at VCTC's expense. Employees who decline to submit to such testing may be subject to discipline, up to and including termination of employment. If an employee is misusing alcohol or drugs, VCTC may refer the employee for treatment. This treatment may or may not be covered by VCTC's health plan or the treatment may be at the employee's own expense.

Reasonable Suspicion of Contractor Employees: Should a VCTC employee observe inappropriate or suspicious behavior by an employee of a contractor providing safety-sensitive positions for VCTC-funded programs, the employee is immediately to get in touch with their supervisor and/or the appropriate contractor management to report the date, time, type of vehicle, and what was observed.

Unlawful Behavior: No employee shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, drug, or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations during work hours or in the workplace.

Section 15.3 – Conviction of a Drug-related Offense

Conviction of a felony or misdemeanor for use, offer to sell, purchase or obtain, possession, sale, manufacture, distribution, or dispensation, of illegal drugs, or for abuse of legal drugs in the workplace, shall be grounds for imposing discipline, including termination of employment.

Employees must notify their immediate supervisor within 5 working days of any arrest or conviction of a criminal alcohol and/or drug statute (whether a felony or a misdemeanor), including but not limited to driving under the influence. Failure to do so is grounds for disciplinary action.

Section 15.4 – Alcohol and Drug Policy

This policy prohibits the use, possession, sale, manufacture, distribution or dispensation of alcohol or illegal drugs in the workplace. VCTC will not tolerate any alcohol or illegal drug use

which may affect job performance or pose a hazard to the safety and welfare of the employee, the public, or other VCTC employees. VCTC will also not tolerate any prescription drug use that may impair an employee's ability to perform safely and effectively on the job. Substance abuse has been found to be a contributing factor to absenteeism, substandard performance, increased potential for accidents, poor morale, and impaired public relations. VCTC is therefore committed to maintaining a drug and alcohol-free environment to protect employees, passengers, and the public.

Section 15.5 – Alcohol and Drug-free Workplace Awareness Program

To assist employees to understand and to avoid the perils of alcohol and drug abuse, VCTC shall have an on-going educational effort to help prevent and eliminate alcohol and drug abuse that may affect the workplace. The Alcohol and Drug-free Workplace Awareness program includes the display and distribution of informational material and informs employees about: (1) the dangers of alcohol and drug abuse in the workplace; (2) the consequences of alcohol and/or drug use on personal health safety and the work environment; (3) the manifestation and behavioral cues that may indicate alcohol and/or drug abuse; (4) VCTC's Alcohol and Drug-free Workplace Policy; (5) the availability of treatment and counseling and (6) possible sanctions for violating the Policy.

Chapter 16: Fraud Policy

Section 16.1 – Background and Scope

This fraud policy aids in the detection and prevention of fraud against the Commission and provides guidelines and assigns responsibility for the development of controls and conduct of investigations. This policy applies to any irregularity, or suspected irregularity, involving employees as well as consultants, vendors, contractors, outside agencies doing business with employees of the Commission, and/or any other parties with a business relationship to the Commission. Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position, title, or relationship to VCTC.

Section 16.2 – Fraud Policy

Management is responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Fraud is defined as the intentional, false representation, or concealment of a material fact for the purpose of inducing another to act upon it. Each management employee should be familiar with the types of improprieties that might occur within own area of responsibility, be alert for any indication of irregularity, and develop any specific necessary controls to prevent, deter, or identify fraudulent activities. Any irregularity that is detected or suspected must be reported immediately to the executive director, who coordinates all investigations.

Section 16.3 – Some Examples Constituting Fraud

The terms defalcation, misappropriation, and fiscal or other irregularities refer but are not limited to any of the following:

- Any dishonest or fraudulent act.
- Misappropriation of funds, securities, supplies, or other assets.
- Impropriety in the handling or reporting of money or financial transactions.
- Profiteering as a result of insider knowledge of agency activities.
- Disclosing confidential and proprietary information to outside parties.
- Intentionally or recklessly disclosing inaccurate, incorrect, or untruthful information to outside parties to induce inaction or action by another.
- Accepting or seeking anything of material value from contractors, vendors, or persons providing services/material except for gifts of less than \$50 in value.
- Destruction, removal, or inappropriate use of records, furniture, fixtures, and equipment.
- Any similar or related irregularity.

Other Irregularities: If there is any question as to whether an action constitutes fraud, including irregularities concerning an employee's moral, ethical, or behavioral conduct, contact the executive director for guidance.

Section 16.4 – Investigation Responsibilities

The executive director has the primary responsibility for the investigation of all suspected fraudulent acts, and may conduct the investigation, select someone else within the organization to conduct the investigation, or have an external provider conduct the investigation.

Section 16.5 – Required Reporting Procedures

Any employee who suspects dishonest or fraudulent activity shall notify the executive director immediately, and should not attempt to personally conduct investigations, interviews, or interrogations related to any suspected fraudulent act. Anyone reporting a concern will be asked to refrain from speaking or discussing the matter after it is reported in order to ensure an effective and thorough investigation may be made without unnecessary interferences.

Section 16.6 – Confidentiality

To the extent that the law permits, the executive director should treat as private all information received confidentially. Care will be taken in the investigation of suspected improprieties or irregularities to avoid mistaken accusations. All inquiries concerning the activity under investigation from the suspected individual, their representative, or any other inquirer should be directed to the executive director. VCTC leadership or involved representatives are not to disclose any information related to active or open investigations. Investigations or their results will not be disclosed or discussed with anyone other than those who have a legitimate need to know.

Section 16.7 – Investigating Suspected Fraud

Reported allegations and/or potential violations will be investigated and may result in disciplinary action up to and including dismissal from employment.

Section 16.8 – Disciplinary Action

Findings of fraudulent activity could result in disciplinary action, up to and including termination of employment.

Chapter 17: Use of VCTC Credit Cards

Section 17.1 – VCTC Credit Cards

Credit cards are provided to certain employees to be used for VCTC business. The executive director will identify positions where possession of a VCTC credit card will be necessary in the execution of regular job-related duties. Those cards may be used by other employees, only with prior approval of the executive director or their designee. All credit cards have purchasing limits that cannot be exceeded.

Section 17.2 – Usage

Credit cards may only be used for VCTC related business. At the end of each calendar month, employees authorized cards shall provide any receipts, along with supporting documentation for its use to the finance department. Receipts to be held by credit card holder until statements received, and then all turned in as a packet to Finance.

Section 17.3 – Business Travel

Credit cards may be used for business travel. Upon returning from business travel, an itemized accounting as well as all receipts must be provided to the finance department.

Section 17.4 – Misplaced or Lost Cards

Immediately upon realizing that the credit card is missing, report it to the financial institution issuing the card, as well as to finance department.

Section 17.5 – Misuse of VCTC Credit Cards

Using VCTC credit cards for personal activities will result in disciplinary action. Failing to provide receipts and supporting documentation, losing a card and not reporting it, or any misuse of the card may result in the removal of credit card privileges and/or disciplinary action.

Chapter 18: Travel and Training Policy

Section 18.1 – Travel and Training

VCTC is committed to ensuring that its employees receive adequate training to perform their jobs. Training and travel are subject to management approval and any training opportunities that occur during normal work hours require approval by the executive director.

Training Budget: Department Directors are required annually to forecast employee travel costs and incorporate those costs as part of their budget process. Any travel and/or training requests are subject and dependent upon available funds in the budget.

Mileage Rate: VCTC applies the IRS mileage rate when compensating employees for travel done in the employee's personal vehicle.

Cost-effective Travel: VCTC business travel shall be carried out in an efficient, cost-effective manner resulting in the best value. Teleconferencing should be considered when possible. Employees are expected to exercise good judgment and show proper regard for economy when incurring expenses in connection with the conduct of official business. Fines levied or parking and traffic violations will not be paid or reimbursed.

Section 18.2 – Authorization

All travel, as defined below, will require submission and prior approval. Travel Authorizations are not required for attendance at regularly scheduled professional meetings, such as those held monthly or quarterly, local breakfast or lunch meetings, or project site meetings as approved by the supervisor. All Travel Authorizations begin at the department level and whenever possible, should be executed at least one month in advance to allow for review and approval. Employee travel requires approval according to the following guidelines:

Department Director Approval: Each travel request should include to where the travel will be, for what purpose, and the likely costs.

Actual Travel Requests: Travel Requests should be accompanied by an official flyer or program registration: Official flyer or program from the organization conducting the training or meeting and an agenda detailing the schedule of events must be submitted with the initial travel request. A meeting brochure/flyer should reference travel location, dates, times, and cost. Information regarding meals included with the cost of registration should be highlighted.

Section 18.3 – Travel Expenses

Government or Group Transportation and Lodging Rates: It is the policy to use discounted government or sponsoring group rates for transportation, whenever these are offered and available.

Sponsored Lodging Costs: When conference or training sponsors coordinate for lodging, employees shall stay at one of these facilities and the cost should not exceed the maximum group rate published. If rooms are not available at one these facilities, employees should stay at a comparable facility at a comparable cost, not to exceed the maximum group rate published by the sponsor.

Employees should use the following guidelines when selecting lodging:

- Conference rate.
- Government rate.
- Nearest affordable hotel.

Meal Guidelines for Local Meeting and Training Costs: With itemized receipts, reasonable meal costs will be allowed.

Allowable Meal Expenses: Meal reimbursement not related to overnight travel are limited to activities outside of normal work schedule, such as business-related meetings held before or after regular working hours (including working lunches where this is the only time available) or extended overtime due to special projects or emergencies.

Unallowable Meal Expenses: Meal reimbursements are not allowed as part of routine daily work assignments unless part of the registration cost or the meal is served on site as part of the program.

Daily Business Meals: Employees participating business meals, attending meetings, or joining in other daily business events, shall submit an itemized receipt for any such meals occurring as part of the business event.

Section 18.4 – Expense Guidelines

Transportation: Public transportation should be used whenever possible unless there is a valid reason for using private transportation.

Determining Best Mode of Travel: In determining the appropriate mode of travel, the increased time for automobile travel should be weighed against the potential for lost work time, overtime, or increased lodging costs. Mileage reimbursement vs. cost of renting a vehicle should also be considered in choosing the best mode of transportation.

Travel Time: Travel time should not exceed one day in each direction when en route to and from business, conferences, or meetings and all travel will generally be the mode that is the least costly.

Carpool: When a personal vehicle is used for travel, employees should make every effort to travel together or carpool whenever possible. Reimbursement of mileage will be made only to the employee driving their personal vehicle.

Driving Routes: Employees may be reimbursed for travel when driving their personal vehicles based on the most direct route, the route with less congestion, or any other practicable reason for that route.

Mileage Reimbursement: Mileage reimbursement for use of a personal vehicle is based on the applicable Federal Internal Revenue Service Mileage Rates in existence at the time of travel for actual mileage as estimated on MapQuest or some other similar mapping and mileage software. Mileage is typically calculated from the work location, however, if the employee is working a hybrid location that is closer to the travel destination, such as their home, then that location should serve as the start point. Expense forms are used for mileage reimbursement and must be approved/signed.

Air, Train, Personal Vehicle, or Rental Car: Allowance for air and train travel is based on actual round-trip coach fare, tourist class, or by the least costly method. Employees are expected to try to take advantage of discounts and special fares whenever available for reasonable and convenient times. Travel by personal vehicle should not exceed cost of airfare, train fare, or renting of a vehicle. Therefore, if an employee chooses to drive their personal vehicle rather than fly to their destination, mileage only up to the lowest round-trip airfare available will be reimbursed. A copy of the internet airfare, train fare, or rental car quote should be attached for comparison to the mileage estimate.

Taxi, Shuttle, Ridesharing, or Vehicle Rental: Employees are encouraged to use discretion prior to choosing a taxi, ride-share option, or car rental. Shuttle, bus, taxi, or other public transportation should be used between airport, hotel, and conference or training site whenever available. Taxi service, transportation network companies (TNCs like Uber, Lyft, etc) options, and vehicle rentals should only be used when no other convenient, less costly transportation is available or used at times when it would be faster or safer for the person travelling. Tips and gratuities associated with taxi or shuttle service should be included in the receipt.

Parking Expenses: Parking expenses associated with travel, including parking at the airport hotel, and conference or training site may be reimbursed with receipts being provided. If self-parking is offered, the cost of valet parking over and above what would normally be charged for self-parking, will be at the expense of the employee.

Personal Entertainment and Alcohol Consumption: No reimbursements will be made for personal entertainment, such as but not limited to extra conference tour packages, in-room or pay-per-view movies or alcohol, including alcohol consumed with meals.

Tips and Gratuities: Reasonable expenses for tips and gratuities are allowed for hotel and transportation purposes, such as for bell captains, housecleaning services, etc.

Section 18.5 – Post-travel Expense Report Processing and Receipts

Expense reimbursements and related receipts are due by the first of the next calendar month following the dates of travel and expenses were occurred.

Receipts: Receipts must be submitted for all expenses. All receipts pertaining to travel must accompany the Expense Report for payment/reimbursement, including registration, lodging, transportation (plane, train, bus, etc.), rental car, printed MapQuest estimate for mileage reimbursement, parking, gasoline receipts, and miscellaneous credit card receipts, itemized meal receipts.

Missing Receipts: If receipts are not available for all costs other than meals, an employee must provide a written explanation of the circumstances as to why this is the case and reason the expense was incurred to the employee's immediate supervisor. There is a form that should be completed to explain the nature of the cost and missing receipt.

Combining VCTC Business with Personal Travel: If an employee takes time away from official business for personal matters, or if an employee delays returning to work after completion of business, expenses incurred during that time are not reimbursable. If the extended period occurs during regularly scheduled working hours, the employee's time will either be designated as vacation if available, or unpaid. In either case, absences should be prior approved by the supervisor.

Chapter 19: Discipline

Section 19.1 – Disciplinary Action

The executive director is authorized and has the discretion to administer all necessary actions to discipline or discharge any employee, in accordance with state and federal law. The executive director shall notify the Commission of any significant disciplinary action that includes salary reduction, time off without pay, demotions, or dismissal taken under this section.

Section 19.2 – Types of Discipline

The executive director may administer or authorize disciplinary action for a violation of a law, rule, regulation, policy, procedure, or practice and may impose disciplinary actions, such as: suspension without pay; reduction in pay; demotion; or termination of employment. Actions, such as an oral reprimand or written reprimand are considered pre-disciplinary and are therefore not eligible for appeal. All written correspondence to an employee about performance, work habits, or any other work-related issue will be placed in the employee's personnel file.

Section 19.3 – Written Notification of Formal Disciplinary Action

The executive director or their designee will provide written notice to the employee of the intention to discipline for cause. The written notification will explain the incident, regulation, policy, or rule violation, and the proposed discipline. Such notice shall include a statement of the reason(s) for the proposed action and the ground(s) for the discipline being considered. In addition, VCTC will provide the employee the right to respond, either verbally or in writing, to the proposed discipline within 5 working days from the date of the notification. Written rebuttals to disciplinary action will be placed in the employee file along with the disciplinary action form.

Section 19.4 – Examples of Behaviors that May Result in Disciplinary Action

Causes for disciplinary action against any employee may include, but shall not be limited to, the following:

- Failing to report to work.
- Failing to return from leave as expected.
- Misstatements or omissions of fact in completion of the employment application or to secure appointment to a VCTC position.
- Furnishing knowingly false information in the course of the employee's duties and responsibilities.
- Inefficiency, incompetence, carelessness, or negligence in the performance of duties.
- Violation of safety rules.
- Violation of any of the provisions of these Policies and Procedures or other VCTC policies.
- Inattention to duty.

- Excessive absenteeism or tardiness, overstaying lunch periods, or leaving the worksite early.
- Being under the influence of an intoxicating beverage, illegal drugs, non-prescription drugs, or prescription drugs not authorized by the employee's physician, while on duty or on work property.
- Disobedience to proper authority, refusal or failure to perform assigned work, to comply with a lawful order, or to accept a reasonable and proper assignment from an authorized supervisor.
- Any violation of VCTC's harassment or retaliation policies.
- Unauthorized soliciting on VCTC property.
- Unauthorized absence without leave; failure to report after leave of absence has expired or after a requested leave of absence has been disapproved, revoked, or canceled, or any other unauthorized absence from work.
- Conviction of a felony, or a misdemeanor involving moral turpitude, or a violation of a federal, state, or local law which negatively impacts the employee's ability to perform their job or brings discredit to VCTC.
- Discourteous or offensive treatment of the public or other employees.
- Falsifying any VCTC document or record.
- Misuse of VCTC property, improper or unauthorized use of equipment or supplies, damage to or negligence in the care and handling of VCTC property.
- Fighting, assault, and/or battery in the workplace.
- Working overtime without authorization.
- Theft or sabotage of VCTC property.
- Sleeping on the job, except as specifically authorized.
- Accepting gifts, bribes, or kickbacks for performance of VCTC duties or for granting special favors.
- Gambling in the workplace or by using VCTC equipment.
- Engaging in outside employment which conflicts with an employee's responsibilities.
- Intimidation of or interference with the rights of any employee.
- Any other activity or conduct that creates a conflict of interest with VCTC's work, causes discredit to VCTC, negatively impacts the effective performance of VCTC's functions, or is not compatible with good public service or the interests of VCTC.
- Abusive or intemperate language toward or in the presence of others in the workplace.
- Failure to obtain and/or maintain minimum qualifications for a position, including licenses or certificates.
- Insubordination a willful failure to conform to directives, duly established orders of supervision, or insulting or demeaning the authority of a supervisor or manager.
- Disorderly conduct or conduct unbecoming of a VCTC employee.
- Any action which indicates a lack of concern for injury to him or herself or others.
- Gross negligence, willful and/or unwilful damage to public property or waste of public supplies or equipment. Failure to follow VCTC's prescribed safety policies.
- Refusal to participate as directed in an investigation conducted by VCTC.
- Disclosure of confidential and/or privileged information.

- Any other conduct of equal gravity to the reasons enumerated above as determined by the executive director.

Section 19.5 – Employee Review

If requested, employees shall be given an opportunity to review the documents or materials upon which the proposed disciplinary action is taken.

Section 19.6 – Relief of Duty During Investigations

The executive director may place an employee on administrative leave with pay pending an investigation in order to determine if disciplinary action is to be taken.

Section 19.7 – Appeal Rights

Employees have the right to file an appeal challenging any formal disciplinary action against them they feel violates their rights as provided by these policies and procedures and/or law. Employees are encouraged, but not required, to first utilize the internal appeals process prior to seeking external means of conflict resolution.

Section 19.8 – Administrative Committee Appeals

No appeals may be made of oral or written reprimands. Appeals of other disciplinary actions imposed by the executive director may be made in writing to the Administrative Committee within 5 working days from the date of the notification of imposition. The decision of the Administrative Committee is final and may not be further appealed to VCTC. The Administrative Committee is defined in the VCTC Administrative Code section I.3.a.1.

Chapter 20: Internal Complaint Procedure

Section 20.1 – Complaint Overview and Definition

This internal complaint procedure is intended to ensure that every reasonable effort will be made to resolve problems as near as possible to the point of origin.

Complaint Definition: Subject to the exclusions listed in this article, a complaint is defined as any dispute involving the interpretation, application, or alleged violation of a specific express term of these policies and procedures, or any dispute regarding imposed disciplinary action.

Section 20.2 – Eligibility to File a Complaint

Only employees who reasonably perceive they have been directly affected or impacted by VCTC's act or omission are eligible to file a complaint.

Section 20.3 – Exclusions from the Complaint Procedure

The following matters are excluded from the definition of a Complaint.

- Requests for changes in wages, hours, or working conditions.
- The content of employee evaluations or performance reviews.
- Challenges to reclassification, layoff, transfer, denial of reinstatement.
- Challenges to examinations or appointment to positions.
- Challenges to this complaint procedure.

Section 20.4 – Procedure

The internal complaint procedure shall consist of the following steps:

Step 1 Informal Complaint:

Employees shall bring their informal grievances to the attention of their immediate supervisor within 10 working days of the occurrence of the act causing the basis for the complaint. If the complaint involves the immediate supervisor, then employee may file the complaint to the next step.

Step 2 Formal Complaint:

If the complaint is not resolved at this step within 10 working days of the date the complaint was raised with the immediate supervisor, the employee shall have the right to submit a formal written complaint to the employee's Department Director. The formal written complaint shall be presented in writing within 10 working days either after the response time expires where the immediate supervisor was provided to respond, or from the date the response is provided from the immediate supervisor. If the immediate supervisor fails to respond, the complaint may be advanced by the filing employee to the next step for review and consideration at that level. The written complaint shall contain the following information:

- **Complainant's Name:** The name and signature of the complainant.
- **Job Title:** The specific title of the complainant.
- **Immediate Supervisor:** The name of the immediate supervisor and immediate supervisor of the complainant.
- **Nature of Complaint:** A statement of the nature of the complaint, including date and place of occurrence.
- **Violation:** The specific provision, policy, or procedure alleged to have been violated.
- **Remedies:** The remedies sought by the complainant.

Step 3 Response to Formal Complaint:

Within 10 working days of receipt of the written complaint, the Department Director shall submit to the employee an answer in writing. Appeal to the next step shall be presented in writing to the Executive Director within 10 working days either after the response time expires where the Department Director was provided to respond, or from the date the response is provided from the Department Director. If the Department Director fails to respond, the complaint may be advanced by the filing employee to the next step for review and consideration at that level.

Step 4 Executive Director Response:

The executive director shall respond to the complaint in writing within 15 working days of receipt. Within this period, at the executive director's discretion, an informal hearing involving the parties to the dispute may be conducted. Appeal to the next step shall be presented in writing to the Administrative Committee Chairperson within 10 working days either after the response time expires where the Executive Director was provided to respond, or from the date the response is provided from the Executive Director. If the Executive Director fails to respond, the complaint may be advanced by the filing employee to the next step for review and consideration at that level.

Step 5 Appeals:

Appeals are sent in a sealed envelope marked confidential to the Administrative Committee Chairperson. Appeals of complaints upheld by the executive director must be made in writing to the Administrative Committee Chairperson within 10 working days of the receipt of the executive director's decision. The Administrative Committee shall respond to the complaint in writing within 15 working days of its receipt. The decision of the Administrative Committee is final and may not be further appealed. The Administrative Committee is defined in the VCTC administrative code.

Waiver of Complaint: Failure by the complainant to appeal their complaint to the next step within the specified time limits of this article shall constitute a waiver of the right to pursue the complaint further, unless an extension of time to a definite date was granted by the appropriate VCTC employee. Failure by VCTC to respond to the complaint within any of the specified timelines shall entitle the complainant to appeal to the next level of review as defined within this policy. Additionally, failure on the part

of an employee to appear for any scheduled meeting without reasonable notification may, in VCTC's discretion, result in VCTC's denial of the complaint.

No Retaliation: Employees shall not be penalized or retaliated against in any way for using the complaint procedures or testifying as a witness in a complaint proceeding.

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Appendix A: Alcohol and Drug-free Workplace Policy

Section A.1 – Alcohol and Drug-free Workplace

Pursuant to OMB Circular A-128, the Federal Drug Free Workplace Act of 1988, and the California Drug Abuse Free Workplace Act of 1990, VCTC shall provide a drug- and alcohol-free workplace. Employees and the public should expect a drug and alcohol-free working environment and VCTC has an obligation to ensure that employees perform their duties safely and effectively. During work hours, no employee shall have in their possession any open containers of intoxicating beverages, be under the influence of alcohol, consume alcohol, or have in their possession any illegal drugs.

Suspicion: Upon reasonable suspicion of an employee being under the influence of illegal drugs or alcohol while on duty, VCTC may require the employee to submit to drug and alcohol testing, at VCTC's expense. Employees who decline to submit to such testing may be subject to discipline, up to and including termination of employment. If an employee is misusing alcohol or drugs, VCTC may refer the employee for treatment. This treatment may or may not be covered by VCTC's health plan or the treatment may be at the employee's own expense.

Unlawful Behavior: No employee shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, drug, or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations during work hours or in any workplace.

Inspections: To fulfill its obligations to provide an alcohol and drug free workplace, to respond to alcohol or substance abuse complaints, and to investigate inappropriate behavior that may result from such abuse, the executive director and/or their designee may conduct inspections of VCTC property including, but not limited to the premises, employee desks and work areas, or electronic communication systems. Employees are expected to cooperate with such inspections. Violations of this policy or interference with or attempts to prevent implementation of this policy are subject to disciplinary action up to, and including, termination of employment.

Section A.2 – Alcohol and Drug Policy

Policy Statement: Ventura County Transportation Commission has a vital interest in providing its employees with safe and healthful working conditions and providing riders and the public with high quality public transportation that is effective, safe, and efficient. VCTC will not tolerate any alcohol or drug use which may affect job performance or pose a hazard to the safety and welfare of the employee, the public, other VCTC employees.

Substance abuse has been found to be a contributing factor to absenteeism, substandard performance, increased potential for accidents, poor morale, and impaired public relations. VCTC is therefore committed to maintaining a drug and alcohol-free environment to protect employees, passengers, and the public. The general drug and

alcohol-free workplace policies apply to all commission employees and volunteers when they are on VCTC property or when performing any VCTC business.

An employee violating this policy is subject to disciplinary action up to and including termination of employment.

Section A.3 – Responsibilities

Employees: Employees at all levels are responsible for reading, understanding, and adhering to this Policy. Each employee shall receive a copy of this policy.

Managers and Supervisors: will be held strictly accountable for the consistent application and enforcement of the policy. Any manager/supervisor who knowingly disregards the requirements of this Policy, or who is found to deliberately misuse the Policy in regard to subordinates, shall be subject to discipline up to and including termination of employment.

Section A.4 – Definitions Used in the Policy

The following phrases have specific meanings when used in this policy:

Alcohol Misuse: Occurs when an employee arrives at the work site with alcohol in their system or the odor of alcohol on their breath; consumes a beverage containing alcohol while on duty or subject to duty; or during coffee or lunch breaks; or is late to work or absent from work due to the consumption of alcohol.

BAT: Breath Alcohol Technician.

Contract Service Provider: A company or agency which provides mass transportation services under contract to VCTC.

DHHS: The United States Department of Health and Human Services.

DOT: The United States Department of Transportation

Evidential Breath Testing (EBT) Device: A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurements Devices."

FTA: Federal Transit Administration.

Illegal Drug: Any drug: (a) which is not legally obtainable; or (b) which is legally obtainable but has not been legally obtained or is not being used for its prescribed purposes.

Legal Drug: Any drug prescribed by a physician for the employee or any over-the-counter drug which has been legally obtained which is being used for the purpose for which it has been prescribed or manufactured. A drug which is legally obtainable but has not been legally obtained or is not being used for its prescribed purposes is an illegal drug, not a legal drug, under this policy.

Medical Review Officer (MRO): A licensed physician appointed by VCTC or contract service provider who has knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an employee's positive alcohol and/or drug test result and determine whether the employee has passed the test. The MRO will also determine (when such a determination is requested) whether an employee who is taking a legal drug(s) may work while under the influence of such drug(s). Although an employee may be terminated for any violation of this Policy, if an employee is suspended or placed on leave of absence, the MRO will determine when the employee may return to duty.

Positive Alcohol Test: The presence of alcohol in a body at a concentration of 0.02 or greater as measured by an Evidential Breath Testing (EBT) Device.

Positive Drug Test: Any urine that is chemically tested (screened and confirmed) which shows the presence of controlled substances and is verified by the MRO.

Substance Abuse Professional (SAP): Unless otherwise noted, a VCTC authorized licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, or a certified addiction counselor, with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug related disorders.

Under the Influence: The use of any alcohol beverage or any illegal drug or substance, or the misuse of any prescribed drug, in any manner and to a degree that impairs the employee's work performance or ability to use VCTC property or equipment safely.

Drug-free Awareness Program: To assist employees to understand and to avoid the perils of alcohol and drug abuse, VCTC shall have an on-going educational effort to help prevent and eliminate alcohol and drug abuse that may affect the workplace. The Drug-free Awareness program includes the display and distribution of informational material and informs employees about: (1) the dangers of alcohol and drug abuse in the workplace; (2) the consequences of alcohol and/or drug use on personal health safety and the work environment; (3) the manifestation and behavioral cues that may indicate alcohol and/or drug abuse; (4) VCTC's Alcohol and Drug Policy; (5) the availability of treatment and counseling and (6) possible sanctions for violating the Policy.

Section A.5 – On-the-job Use, Possession, Sale, or Being Under the Influence of Alcohol or Drugs

Alcohol: The possession, consumption, or sale of any amount of alcoholic beverage while at work or on VCTC property is prohibited for all employees. Employees must refrain from alcohol consumption within 4 hours prior to reporting to work or during the hours that they are subject to duty. Alcohol in an employee not in a Safety Sensitive Position while performing VCTC business or while on VCTC property is prohibited to the extent that such alcohol may have a material, adverse effect on the safety of that employee's co-workers, riders, or members of the public, the employee's job performance, the safe, efficient operation of VCTC's facilities or VCTC image.

Legal Drugs: The use or being under the influence of a legal drug by any employee, while performing VCTC business or while on VCTC property, is prohibited to the extent that such use or influence may have a material, adverse effect on the safety of the employee, coworkers, riders, or members of the public, the employee's job performance, the safe and efficient operation of VCTC facilities, or VCTC image.

Illegal Drugs: The use, sale, purchase, offer to sell or purchase, transfer, possession, manufacture, distribution, or dispensation of an illegal drug by an employee while in a VCTC facility or on VCTC property or while performing VCTC business or performing contracted service for VCTC is strictly prohibited. The use and ingestion of illegal drugs or metabolites is prohibited at all times, whether on or off duty.

No employee shall bring drug paraphernalia which is used in the storage, concealment, injection, ingestion, or consumption of illegal drugs onto VCTC premises or property.

Section A.6 – Alcohol and Drug Testing

At its discretion, VCTC may conduct alcohol and drug testing when circumstances warrant or may be required by applicable law or regulations. Accordingly, a positive alcohol or drug test administered under this Policy is a violation of this Policy and will result in disciplinary action including termination.

Tests for alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing (EBT) device operated by a qualified Breath Alcohol Technician (BAT). If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. A confirmed alcohol concentration of 0.02 or greater will be considered a positive test and a violation of this policy. The testing procedure is described in Attachment D.

Drug testing is a two-stage process utilizing a urine specimen. First a screening test using an immunoassay technique is performed. If it is positive for one or more drugs, a confirmation test is performed for each identified drug using state-of-the-art gas

chromatography/ mass spectrometry (GC/MS) analysis. The testing procedure is described in Attachment D.

Pursuant to the DOT and FTA regulations, the drugs or classes of drugs to be tested are as follows:

- Amphetamines/methamphetamine
- Cocaine
- Marijuana
- Opiates (Morphine, Codeine, Heroin)
- Phencyclidine (PCP)

Any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be subject to discharge proceedings. Any employee who is unable to provide the required volume of breath without a valid, verified medical reason, who does not report to the collection site in the time allotted, or leaves the scene or an accident without valid reason before tests have been conducted, will be considered to have refused the test and will be in violation of this Policy.

The privacy of the employees shall be protected at all times. VCTC will adhere to all standards of confidentiality regarding employee testing.

Reasonable Suspicion Testing: VCTC will require an alcohol and drug test of any employee who is reasonably suspected of violating this Policy, including but not limited to, any employee suspected of possessing, using or being under the influence of an illegal drug, a legal drug if such use would violate this Policy, or alcohol while on duty or on VCTC property. Examples of reasonable suspicion include, but are not limited to the following:

- Physical signs and symptoms consistent with prohibited substance abuse, or misuse of alcohol, e.g., odor of alcohol, slurred speech, or lack of coordination.
- Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substances.
- Occurrence of a serious or potentially serious industrial accident that may have been caused by the employee's use of alcohol or drugs.
- Fights (to mean physical contact), assaults, and flagrant disregard or violation of established safety, security, or other operating procedures.

Post-accident Testing: An employee who either contributed to or cannot be completely discounted as a contributing factor to, an accident whether or not on VCTC business, may be administered an alcohol and drug test at the discretion of VCTC. And will be tested if the following occurs:

- Resulted in death or physical injury requiring treatment by a medical treatment facility.

- Resulted in property damage, will be required to take an alcohol and drug test.

A decision will be made as to whether to administer an alcohol and drug test after an accident by a supervisor who was not involved in the accident and based on the best information available at the time. Following an accident, the employee(s) shall be tested immediately, but not to exceed 8 hours for alcohol testing and 32 hours for drug testing. Any employee(s) who leaves the scene of the accident without prior authorization will be considered to have refused the test and could be subject to termination.

Return-to-Duty/Follow-up Testing: Generally, an employee may be terminated for any violation of this Policy. However, in the event an employee is suspended or placed on a leave of absence for a violation of this Policy, they may not return to work until she or he passes an alcohol and drug test, and the SAP has evaluated the employee to determine whether the employee has followed the recommendation of the SAP including participation in a rehabilitation program.

An employee who requests and is approved to be placed on a leave of absence following their entry into the EAP for substance abuse problems must pass an alcohol and drug test and must execute the Behavioral Contract (Attachment B) before they may return to duty. This contract allows Management the option to administer unannounced alcohol and/or drug tests to the employee for up to 5 years after the employee returns to duty.

Employee Requested: After notification by the MRO or the Manager/Supervisor of a confirmed or verified positive drug test result, an employee may request that an additional test be conducted at a different DHSS-certified laboratory specified by VCTC. The test shall be conducted on the split sample that was provided at the same time as the original or primary sample. The employee's request must be made to the MRO or manager/supervisor within 72 hours of notice of the initial results.

All costs for the employee-requested testing, including the transportation of the split specimen to the secondary laboratory, shall be paid by the employee. The second test will be a test only for the presence of the prohibited substance(s) in the specimen.

Section A.7 – Off-the-Job Involvement with Alcohol or Drugs

Off-the-job use of alcohol or illegal drugs which results in an employee being under the influence of alcohol or drugs while on duty is considered "on-the-job" use of alcohol or drugs and will be treated accordingly.

Section A.8 – Conviction of a Drug-related Offense

Conviction of a felony for use, offer to sell, purchase, or obtain, possession, sale, manufacture, distribution, or dispensation, of illegal drugs, or for abuse of legal drugs in the workplace, shall be grounds for imposing discipline, including termination of employment. Conviction of a misdemeanor for use, offer to sell, purchase, or obtain, possession, sale, manufacture, distribution, or dispensation of illegal drugs may also be grounds for disciplinary action up to and including termination of employment.

Employees must notify their immediate supervisor within 5 working days of any arrest and/or conviction of a criminal drug statute (whether a felony or a misdemeanor) and any arrest or conviction of a criminal statute relating to alcohol, including but not limited to driving under the influence. Failure to do so is grounds for disciplinary action.

Section A.9 – Inspections

When there is reason to believe that an employee or group of employees may be in possession of alcohol or illegal drugs on VCTC property, the employee(s) is (are) required, as a condition of employment, to submit to reasonable inspections of clothing, personal containers, purses, lunch boxes, briefcases, or other containers (while on VCTC property). As a condition of employment, refusal to consent to an inspection upon appropriate request by a VCTC will result in termination of employment.

An inspection must be authorized by the executive director.

Section A.10 – Disciplinary Actions for Violation of the Policy

In general, violation of any portion of this Policy may result in termination of employment.

Section A.11 – Condition of Employment

Compliance with VCTC's Alcohol and Drug Policy is a condition of employment for all employees. Failure or refusal of an employee to cooperate fully or follow any prescribed course of substance abuse treatment could lead to termination of employment.

Section A.12 – Reservation of Rights

VCTC reserves the right to interpret, change or rescind this Policy in whole or part without notice. Nothing contained in this Policy alters an employee's status which is at-will.

Appendix B

ATTACHMENT A: Ventura County Transportation Commission: Alcohol and Drug Behavioral Contract

I understand that I will be allowed to continue my employment with Ventura County Transportation Commission if I will participate in and submit continuing documentation monthly of my participation in a VCTC approved substance abuse treatment program. Additionally, upon successful completion of said program, I will provide the necessary documentation of such.

I agree not to use illegal drugs, including marijuana, or alcohol.

I understand that in order to return to my employment, I must submit to additional alcohol/drug test(s) and that such test(s) demonstrate there is no trace of alcohol or a drug or metabolite of any drug in my system.

I also understand that during the 60 months following my return to work I May be tested without prior notice and if there is any trace of drug or metabolites and/or alcohol in my system, my employment with Ventura County Transportation Commission will be terminated. I also understand that refusal to submit to such a test will result in the termination of my employment.

I understand and agree to all the above conditions. I also understand and agree that failure to meet all terms and conditions of this commitment will result in the termination of my employment, with no Hearing Before Discharge and no right of appeal through the complaint procedure.

Employee (signature)

Date

Supervisor (signature)

Date

Department Director (signature)

Date

ATTACHMENT B: Confirmation and Receipt of Policies and Procedures

Date - _____

I, _____, understand the requirements and expectations outlined by the Policies and Procedures Manual at VCTC.

I, _____, acknowledge I have been provided with the link and informed where to find and reference an electronic version of the manual. Further, I agree to abide by the guidelines outlined within as a condition of my employment with VCTC.

I understand that should I have questions regarding VCTC's policies, I will consult with my immediate supervisor or Human Resources consultant, as appropriate.

**Note to employees: Please read the policy manual carefully to ensure that you understand the policy before signing this document.*

Employee Signature: _____

Employee Printed Name: _____

Date: _____

Acknowledgment received by: _____, _____
(Supervisor's Name) (Title)