



**SETA
PERSONNEL
POLICIES
AND
PROCEDURES**

SETA PERSONNEL POLICIES AND PROCEDURES

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Section 1: General Provisions

Authority and Purpose

Section 1.01

These Policies and Procedures set forth the practices that are to be followed by the *Sacramento Employment and Training Agency*, a joint powers agency of the City of Sacramento and the County of Sacramento, herein called *SETA* (referred to as "the Agency").

These Policies and Procedures will apply to all employees except as otherwise stated herein. However, provisions in recognized and duly adopted Collective Bargaining Agreements currently in effect, or Resolutions of the Governing Board which set forth terms and conditions of employment not covered in these Policies and Procedures shall also apply. The purpose of these Policies and Procedures is to achieve for the Agency the following objectives:

- A. Provide, implement and maintain a system of personnel administration, including appeal procedures, in which the appointment of persons in, and the dismissal of persons from, SETA employment shall be effected on the basis of merit, ability, and fitness.
- B. Establish and maintain a salary classification plan which shall group all positions in SETA employment into classes based upon their knowledge, duties, authorities and responsibilities.
- C. Provide for a compensation plan that shall include for each classification a minimum and maximum rate and such intermediate rates as are considered necessary and equitable.
- D. Provide just and equitable incentives and conditions of employment to promote efficiency, economy and public responsiveness in the operation of SETA.
- E. Provide that the tenure of employees covered by these Policies and Procedures shall be subject to good behavior, the satisfactory performance of work, necessity for the work, and the availability of funds.

Concurrence of Council and Board

Section 1.02

Consistent with Federal Head Start Regulations, in addition to the Executive Director and/or Governing Board, the Policy Council must approve or disapprove certain personnel actions including:

- A. The adoption of, or modification to, these Personnel Policies and Procedures and the hiring and firing of the Head Start staff of the Agency;
- B. These Personnel Policies and Procedures shall be interpreted consistent with this role of the Council.
- C. With respect to the SETA Operated Head Start Program (SOP), the Policy Council may delegate to the PAC involvement in the hiring process of Grantee Program staff, but it may not delegate the ultimate decision to hire.

Statement of Intent

Section 1.03

The Agency hereby declares its intent that its personnel system be operated on the basis of merit and that the following general principles be accepted as setting the framework for personnel management.

- A. Citizens of the county and cities represented by the Agency have the right to expect that the Agency will employ the best-qualified persons reasonably available.
- B. Continuation of employment of every employee will be based upon demonstrated need for the work being performed, faithful and effective performance, proper personal conduct, and continuing fitness for the positions.
- C. Each employee will be encouraged, trained, and developed to assure optimum performance.
- D. The employee will be oriented toward the goals of the Agency and she/he will observe proper protocol and the normal chain of command in all business activities.
- E. Employees of the Agency have the right to expect that she/he will be fully informed as to her/his duties and responsibilities.
- F. Employees will be provided with adequate administrative and supervisory direction.
- G. Employees will be encouraged and helped to improve her/his level of performance.
- H. Progressively improved work performance over an extended period will be recognized and incompetence will not be tolerated.
- I. Employee discipline will only occur in accordance with these Personnel Policies and Procedures.
- J. Promotions will be made on the basis of demonstrated merit and ability.

Personnel Administration

Section 1.04

The Executive Director or designee shall:

- A. Administer the Personnel Policies and Procedures and applicable personnel memoranda except as otherwise specifically provided in these Policies and Procedures.
- B. Prepare and recommend to the Board amendments to the Personnel Policies and Procedures.
- C. Conduct employee recruitment; receive employment applications; conduct examinations; certify and orient of new employees.
- D. Administer SETA's Affirmative Action Plan and prepare Equal Employment Opportunity (EEO) reports.
- E. Maintain and make recommendations regarding a salary classification plan, which shall consist of additions, abolishment, consolidations, Departments, or amendments to existing classes.
- F. Provide guidance in improving employee performance through the employee performance appraisal system.
- G. Process changes of status of employees.
- H. Process claims relating to Worker's Compensation, unemployment, and disability insurance.
- I. Administer the provisions of Collective Bargaining Agreement(s).
- J. Administer the employee grievance policies and procedures.
- K. Counsel SETA employees with personnel-related problems.
- L. Coordinate employee training programs.
- M. Conduct salary and supplemental benefits surveys as needed.
- N. Participate in the development of Collective Bargaining Agreement(s) through labor negotiations.
- O. Perform other related duties as required.

Equal Opportunity Employer

Section 1.05

The Agency is committed to providing equal employment opportunity to all qualified persons in matters affecting, but not limited to, recruitment, employment, compensation, benefits, promotions, training, tuition assistance, discipline, transfer and layoff practices without regard to a person's age, genetic information, sex (including pregnancy, child birth and related medical conditions), marital status, sexual orientation, gender identity and gender expression, medical condition, physical and/or mental disability, religion, race, color, creed, national origin, ancestry, military and veterans status political affiliation, or Union membership or activity.

Personnel Memoranda

Section 1.06

The Executive Director or designee is authorized to issue personnel memoranda as the need may arise and in such instances as deemed necessary and appropriate to clarify, explain or extend these Policies and Procedures in particular factual settings.

- A. Memoranda issued under this section shall serve as precedents to guide the implementation of these Policies and Procedures in a consistent manner.
- B. The aforementioned memoranda shall be effective from the date of their issuance until they are revoked by the Executive Director or the Governing Board either explicitly or implicitly by the adoption or amendment of further Policies and Procedures or memoranda.
- C. These Policies and Procedures and the aforementioned memoranda shall be maintained by the Personnel Office in their most current form and shall be implemented by the Executive Director or her/his designee after giving due consideration to the following conditions:
 - 1. All state and federal laws and regulations
 - 2. Agency safety and other policies
 - 3. Employer/Employee Relations Policy
 - 4. Collective bargaining agreement(s)
 - 5. Conflict of Interest Code
 - 6. Travel and Expense Reimbursement Policy
 - 7. Insurance Requirements

In the event of conflict between the Personnel Policies and Procedures and Collective Bargaining Agreement(s), the Collective Bargaining Agreement(s) shall take precedence.

Changes in the Policies and Procedures

Section 1.07

Suggestions for changes in these Policies and Procedures may be submitted to the Executive Director or Governing Board in writing at any time.

- A. The Executive Director shall make a recommendation and he/she shall schedule the suggested change for a public hearing.
- B. At least fourteen (14) calendar days before the scheduled public hearing, appropriate notice shall be given, stating the following:
 - 1. The nature of the proposed change
 - 2. The time and place of the hearing
 - 3. The ability for any interested party to appear and be heard.
- C. At the scheduled hearing or on a subsequent date to which the hearing is continued, the Board/Council may adopt the proposed change, including any rewording of the proposed change which does not substantially alter its effect.
- D. The policy or procedure shall be effective when so adopted.
- E. If the proposed change is substantially altered, it shall be processed as a new proposal, as provided in (A) above.

Employee Responsibility

Section 1.08

It is each employee's continuing obligation to provide the Payroll Office with current address, the phone number and emergency contacts. Employees in the examination process should also notice the Personnel Department to ensure that all documents are processed to the correct address.

It is each employee's continuing obligation to provide the Payroll Office with changes in dependent coverage/beneficiary. Failure to do so could result in loss of coverage. Additionally, employees who drive during the course of performing their duties must provide proof of insurance to the Payroll Office upon renewal of the policy.

This information shall be confidential as permitted by law.

Section 2: Definitions

For the interpretation of these Policies and Procedures, the following words and terms shall be construed as follows:

Adjourn	Action by which a regular or special meeting is formally closed.
Adjourned Meeting	When used alone, means a continuation of a preceding meeting of a Board, Council or Committee scheduled for a particular time later that day or a subsequent day. An adjourned meeting is scheduled by Board/Council/Committee action at the preceding meeting by which that meeting is “adjourned until” the later specified time.
Administrative Leave	Paid or unpaid leave. Administrative leave is authorized or required by the Executive Director or Appointing Authority. Administrative Leave with pay is generally reserved for circumstances that require investigation that may result in disciplinary action.
Agency	The Sacramento Employment and Training Agency.
Agency Service	The time between the first day on the job and separation from the Agency.
Agreement	Any collective bargaining agreement effective between SETA and any employee bargaining unit.
Allocation	The official determination of the classification to which a position belongs; and the assignment of a position to its classification.
Alternate Work Schedule	Any work schedule that deviates from the regular 8 hour day/5 days a week work schedule.
Applicant	A person who, under these Policies and Procedures, has completed an application for employment.
Appointing Authority	The Executive Director or her/his designee and/or person or group of persons within the Department of Finance of the County of Sacramento having the lawful power to make appointments and to suspend, demote, reduce the compensation of, and remove persons from positions in the Agency Service.
Appointment	The offer to a person and the acceptance of a position in employment.

Assembled Examination	An examination conducted at a specified time and place under the supervision of an examiner.
Board	When used alone, the five (5) member Governing Board of the Agency.
Candidate	A person whose application for employment has been deemed to meet the minimum qualifications for the position.
Certification	The submission of names of persons from an appropriate eligible list to the Appointing Authority by Personnel.
Chairperson	When used alone, this means the person elected to serve as chairperson of a Board or Policy Council/Committee, or the person serving as chairperson of the Board/Council/Committee in the absence of the elected chairperson.
Classification	A position or group of positions having duties and responsibilities sufficiently similar so that the same title, example of duties and requirements have been applied.
Class Specification	The official description of a class including: <ol style="list-style-type: none"> 1. the title 2. a statement of the duties and responsibilities; and 3. the employment standards, such as education, experience, knowledge, skills and abilities that may be required of applicants for employment in the class.
COLA	Cost of Living Allowance (COLA) is a percentage increase to salary.
Committee	Refers to Delegate operated Policy Council.
Compensatory Time Off	Authorized paid time off accrued by working more than 40 hours per week. Employees exempt under the Fair Labor Standards Act (FLSA) are not eligible for CTO.
Confidential Employee	An employee who holds a non-management position that is not represented under any collective bargaining agreement.
Conflict of Interest	Statutory defined conflict between an employee, vendor, consultant, or entity and the Agency's interests. Employees in specific job classifications may be required by law to complete Conflict of Interest forms that declare any interests that may be in conflict with Agency policies or action. Conflict of Interest forms are filed with the Agency Clerk of the Boards.
Continuous Employment	Employment uninterrupted from the date of appointment, except by authorized absence.

Continuous Filing	The process where recruitment may be initiated by a single notice and applications are accepted continuously with examinations being held as often as needed to meet the needs of the service.
Council	When used alone, refers to the SETA Head Start Policy Council.
Daily Rate	The amount of compensation specifically established in the annual salary classification plan, which is computed by dividing the monthly salary by the number of working days in a month for a full day's service.
Demotion	A change between classes where the maximum salary range of the class to which an employee appointed is one step (approximately 5%) or more lower than the maximum salary rate of the employee's former class.
Dismissal	Termination from Agency Service.
Domestic Partner	<p>As originally defined in City Ordinance 92-058 and as amended, two people are domestic partners if,</p> <ol style="list-style-type: none">(1) They are both 18 years of age or older.(2) Neither is married;(3) They are not related to each other in a way which would bar marriage in California;(4) Neither is acting under fraud or duress, and both are competent to contract;(5) They reside together and share basic living expenses;<ol style="list-style-type: none">a. Reside together – Two people sharing living quarters. It is not necessary that the right to possess the quarters be in both names. Two people may reside together even if one or both have additional separate living quarters as long as they two share at least one set of living quarters.b. Share Basic Living expenses – Two people residing together with both persons contributing to household necessities, including but not limited to housing, utilities, food and other necessities, in shared living quarters. The individuals need not contribute equally so long as they agree that both are responsible for the costs.(6) Each declares in writing, under penalty of perjury, that he or she is the other's domestic partner; and(7) Any different domestic partnership of which either was previously a member was ended more than six months ago, except that this requirement does not apply if the earlier

domestic partnership ended because of the death of one of its members.

Eligible	A person who has passed all components within the examination process and is qualified for certification for employment or those employees on a reemployment list.
Eligible List	A list of persons who have qualified by examination to be considered for appointment in a class. A person on an eligible list has no guarantee of employment.
Employee	A person holding a position in the Agency Service.
Entry Level Class	The class or position that represents the lowest level at which a person will be hired into the Agency within a given class series.
Examination	<p>A test given to applicants or employees to determine whether they are qualified or fit for a position which may consist of the following:</p> <ul style="list-style-type: none"> A. <i>Assembled Examination:</i> an examination conducted at a specified time and place under the supervision of an examiner(s). B. <i>Unassembled Examination:</i> an examination involving solely an appraisal of the relative qualifications of applicants without requiring them to appear in a group at specified places. C. <i>Promotional Examination:</i> an examination in which competition is restricted to employees who have passed a probationary period, and hold regular status. D. <i>Physical Examination:</i> an examination conducted by a qualified physician to determine physical fitness for duty. E. <i>Psychological Examination:</i> an examination conducted by a qualified practitioner to determine psychological fitness for duty.
Executive Director	The Chief Executive Officer of the Agency who serves at the pleasure of the City Manager and County Executive.
Exempt Employee	<p>All employees of the Agency covered by these Policies and Procedures who are not required to serve a probationary period and who have no right to appeal release or termination under these provisions. Exempt employees may be released at any time for any reason. The Agency does not need just cause. Exempt employees shall include the following:</p> <ol style="list-style-type: none"> 1. The Executive Director 2. Occupants of those classifications listed in Appendix A who serve at the pleasure of the Executive Director.

3. All temporary employees
4. Volunteer personnel

Exempt Service	All positions to which exempt employees are appointed.
Extra Help	An individual who is not an employee of the Agency but an independent contractor retained by the Agency to perform emergency and/or specific duties. These Policies and Procedures do not apply to such individuals.
Flex Schedules	A schedule wherein an employee has a flexible start and end time, but must work during established core hours.
Full Year	An employee, in any status or position, who is assigned duties for twelve (12) months a year.
Full Day	An employee, in any status or position, who is assigned duties for a minimum of eight (8) hours a day.
Grantee Operated Program	The Head Start Program Operated by the Agency.
Head Start Program Director	The Chief of the Head Start Department of the Agency's operation or her/his designee.
Hourly Rate	The amount of individual compensation, for a full hour's service, which either is computed by dividing monthly salary by the number of working hours in a month or is specifically set forth in the annual salary pay scale.
Incompatible Activities	Activities which employees engage in which may conflict with the mission of the Agency, or those that may cause to discredit the Agency, as defined herein.
Layoff	Involuntary termination of service without fault on the part of the employee, because of lack of work, lack of funds, or in the interest of economy.
Leave of Absence	An authorized absence from duty with or without pay for a specified period and for a specified purpose, with the right to return to the same classification before or at the expiration of the period.
Management Leave	Exempt management employees shall be eligible for up to sixty-four (64) hours management leave subject to conditions of these Policies and Procedures.
Medical File	A separate employee file containing pertinent medical information.

Meeting	When used alone, means any regular, adjourned regular, special, emergency or adjourned special meeting of the Governing Board, Policy Council or Policy Committee.
Monthly Salary	The amount of individual compensation, for a full month of service, which is established specifically in the annual salary classification plan.
Original Appointment	The first appointment of an employee to a position in the Agency Service.
Part Year	An employee, in any status or position, who is assigned duties for less than twelve (12) months a year.
Part Day	An employee, in any status or position, who is assigned duties for less than eight (8) hours a day or forty (40) hours per week.
Payroll File	A file maintained in the Fiscal Department which contains documents which relate to payroll including benefits, changes to status, and beneficiary.
Personnel Action	Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or any other action affecting status of employment.
Personnel File	Confidential records maintained and controlled by the Administration Department Chief.
Physical Examination	An examination conducted by authorized medical practitioners to determine fitness for duty.
Position	<p>Regularly assigned duties within a classification to be performed by one person. All positions within the Agency are contingent upon continuity of funding by the Federal Government. There are the following types of positions:</p> <ul style="list-style-type: none">A. Regular: A position in the classified service or the exempt service in which the employee may be expected to be continuously employed on a full-time basis.B. Part-time: A position where the work schedule calls for less than forty (40) hours a week, either on an intermittent or regular basis.C. Temporary: A position filled by a person during which time he/she does not accrue seniority in that classification.D. Volunteer: Any position for which the employee is not compensated.

Probationary Period	A working test period during which an employee is required to demonstrate fitness by actual performance of the duties of the position to which the employee has been appointed.
Promotion	A change between classifications where the maximum range of the classification to which the employee is appointed is more than 5% higher than that of the employee's former classification.
Promotional Examination	An examination in which competition is restricted to employees who have passed a probationary period, and hold regular status.
Range	A sequence of salary steps used to identify the minimum, maximum and intermediate salary rates in the standard salary schedule for each classification.
Reclassification	A process that occurs when: <ol style="list-style-type: none">1. the duties of a position have continually evolved over a period time that necessitates modification of an employee's classification to a new or existing classification; or2. an employee has demonstrated that he/she performs the duties of another classification 80% (eighty percent) or more of the time; or3. a reorganization occurs and the scope or nature of the duties to be performed has changed significantly.
Reemployment List	A list of persons who formerly held permanent status in a class who have been laid off and who are entitled to preference in appointment to vacancies in that class.
Reinstatement	The reappointment of an employee who has resigned.
Resignation	The voluntary action of an employee which separates the employee from Agency Service.
Salary Classification Plan	The arrangement of positions in classes, together with the titles and salary describing each class.
Seniority	The length of time in a classification from date of appointment. When two or more persons have the same length of time in classification, then length of time with the Agency/Head Start Department will govern.
Separation	Any termination of employment.

Special Meeting	When used alone, means a meeting other than a regular meeting of the Board, Council or Committee called (as authorized by Government Code, Section 54956).
State	When used alone, the State of California.
Status, Type of	There are three (3) types of status. The continuation of this status is contingent upon continuity of funding by the Federal Government. They are acquired as follows: <ul style="list-style-type: none"> <li style="margin-bottom: 1em;">A. <i>Regular</i> Acquired by an employee who has been lawfully retained in her/his position after the probationary period, or an exempt employee as provided in these Policies and Procedures. There is no status, or right of transfer to either the City of Sacramento or the County of Sacramento. <li style="margin-bottom: 1em;">B. <i>Probationary</i> Acquired by an employee who has been certified and appointed but who has not completed the probationary period as provided by these Policies and Procedures. <li style="margin-bottom: 1em;">C. <i>Temporary</i> Acquired by an employee who has been appointed to fill a position on a temporary basis in the absence of an eligible list, or to perform relief or extra-board work in a particular class, or as a military replacement and may or may not be eligible for benefits. Approval by the Board, Council/Committee, will be required before any employee can be retained in a temporary position for a period exceeding three (3) months.
Supplemental Questionnaire	Additional information requested of job applicants to be completed and turned in as an attachment to the application for employment.
Suspension	An involuntary absence with or without pay imposed by the Executive Director or the Appointing Authority or other authorized person for disciplinary purposes.
Transfer	When a vacancy filled by an employee holding regular status in that classification or a regular employee in another classification with a salary not more than or a salary not less than five percent of the new classification may.
Unassembled Examination	An examination consisting of an appraisal of training, experience, work history, or other means for evaluating the relative

	qualification of applicants without requiring them to appear in a group at specified places.
Vacancy	One less employee than funded position.
Waiver	The voluntary relinquishment by an eligible applicant of any right to consideration for appointment.
Y-Rate	A pay rate that is frozen because it exceeds the maximum step of the salary range for the employee's class. No cost of living increases shall apply.

Section 3: Salary Classification Plan

Section 3.01

It shall be the responsibility of the Executive Director or Designee to prepare and maintain the salary classification plan. This Plan shall contain the duties, responsibilities and salaries of all positions in the Agency. Any modifications to the Salary Classification Plan shall be approved by the Governing Board and, as appropriate, by the Policy Council.

- A. An official copy of the Salary Classification Plan shall be maintained by the Executive Director and made available for public inspection at any time during business hours.
- B. Positions are allocated to the classes that have the duties and responsibilities that most accurately reflect the work to be performed.
- C. The Salary Classification Plan is based on the needs of the Agency and the need for the service to be performed.
- D. The Salary Classification Plan may be amended or revised, as occasion requires. If the Executive Director or designee finds that substantial change in organization, creation or change of position, or other pertinent conditions make necessary the addition, abolishment, consolidation, Department, or amendment of the classification plan, such recommendations may be submitted by the Executive Director for adoption by the Governing Board, and, as appropriate, the Policy Council, of the Agency.
- E. Before any class shall become effective, it shall first be approved by the Board, after public hearing, at which time the Board may make such changes or modifications as it believes desirable. Any classification requiring Policy council approval shall first be approved by the Council and then by the Board. Should the Board, at the Public Hearing, make any modifications requiring Council approval, the board shall submit the modifications to the Council for concurrence.
- F. The Salary Classification Plan shall consist of classes of positions defined by class specifications and will include:
 - 1. The class title;
 - 2. A definition of class, indicating in terms of duties and responsibilities, the kinds of positions to be included;
 - 3. A statement of distinguishing characteristics of the class;
 - 4. A statement of the tasks typically performed in positions allocated to the class;
 - 5. Minimum qualifications, additional qualifications required for examination in the class and which minimum qualifications may specify education, experience, knowledge, skills, abilities, personal traits or physical characteristics.
 - 6. Salary Schedule

Salary Classification Plan

Section 3.01 (continued)

- G. The same pay range or rate may be made to apply under like working conditions.
- H. In determining the class to which any position should be allocated, the specifications describing each class shall be considered as a whole.
- 1. Each position in the Agency shall be allocated by the Executive Director to one of the classes established in the Salary Classification Plan. Such allocation shall be final. The job description of each position in the Head Start component of the Agency, setting forth the roles and responsibilities, relevant qualifications and salary range of the position is contained in Appendix C, which shall be periodically updated to incorporate any changes in the job descriptions or development of new positions and which, as modified, shall be considered a part of the Policies and which shall be incorporated herein by reference.
- J. The qualification enumerated in a class specification shall relate to the reasonable standards of experience and training required to perform all the duties of the classification.

Reclassification

Section 3.02

The Governing Board may exercise the authority to reclassify an employee from one classification to another classification when:

1. The duties of a position have continually evolved over a period of time; or
2. The employee has demonstrated that he/she performs the duties of another classification 80% (eighty percent) or more of the time; and the employee meets the minimum qualifications for the new classification; or
3. Reorganization occurs and the scope or nature of the duties to be performed has changed.

Section 4: Applications and Screening

Recruitment/Announcements

Section 4.01

An active recruitment program will be conducted to meet current and projected workforce and Affirmative Action needs as an Equal Opportunity Employer.

- A. Recruiting efforts will be determined and coordinated by the Administration Department Chief with the cooperation of other Departments of the Agency.
- B. Depending on the needs of the Agency, recruitment will be distributed through appropriate media for a sufficient period of time to assure open opportunity for members of the public to be considered for Agency employment.
- C. Announcements of vacancies shall be publicly posted and publicized. Recruitment efforts shall include traditional methods as well as distribution of vacancy announcements to organizations, interested individuals, appropriate specialized groups, community based and minority organizations.
- E. Information on position vacancies shall be issued by methods which will best assure its' reaching qualified prospective applicants.
- F. Vacancies may be filled by transfer, promotion, demotion, reemployment, reinstatements or from a certified eligible list.
- G. Vacancies for regular positions shall be posted for a minimum period of ten (10) working days.
- H. Vacancies for temporary assignments shall be posted for a minimum period of five (5) working days.
- I. The Policy Council/Committees shall be made aware of the vacancy by the Head Start Department Chief, or her/his designee, and members of the Policy Council/Committees will be encouraged to refer qualified persons, including parents of Head Start children, to apply.

Qualifications/Screening

Section 4.02

Applicants for appointment, promotion or transfer to positions shall possess the qualifications and other requirements for the class as stated in the job announcement.

- A. The Administration Department Chief or designee, along with a screening panel when applicable, will use one or more of the following techniques to determine whether applicants possess the knowledge, skill and ability requirements listed on the job announcement:
 - 1. Information the applicant provides on the application form.
 - 2. Physical, performance tests or other examinations, or any combination of these.
 - 3. Individual or group interviews.
 - 4. Information and evaluation supplied by references and previous employers.
 - 5. Other job-related screening techniques as may be necessary.
- B. It is the applicant's responsibility to insure that her/his application is completed properly and received within the filing period, as specified in the job announcement.
- C. Applications must be in the Sacramento Employment and Training Agency office no later than 5:00 p.m. on the final filing date. Applications received after that time will be rejected. All applications must have an original signature.
- D. Applicants must meet the minimum qualification requirements by 5:00 p.m. on the final filing date, unless specifically accepted in the published announcement.
- E. Individuals wishing to compete for an announced vacancy in Head Start shall complete an appropriate application for the position, which shall be accompanied by a declaration listing:
 - 1. All pending and prior criminal arrests and charges related to child sexual abuse and their disposition;
 - 2. Convictions related to other forms of child abuse and neglect; and
 - 3. All convictions of violent felonies.
- F. The declaration may exclude:
 - 1. Traffic fines of \$200.00 or less;
 - 2. Any offense, other than any offense related to child abuse and/or child sexual abuse or violent felonies, committed before the applicant's 18th birthday which was finally adjudicated in a juvenile court under a youth offender law;
 - 3. Any conviction the record of which has been expunged under federal or state law; and
 - 4. Any conviction set aside under the Federal Youth Corrections Act or similar State authority.

- G. The Executive Director or designee may disqualify an applicant, or remove a name from the eligible list, or refuse to refer any person on an eligible list for employment for any of the following reasons:
1. Failure to meet the requirements or qualifications established for the examination.
 2. Physical inability to perform the duties of the class (consistent with the Americans with Disabilities Act).
 3. Use of narcotics or intoxicating liquors to such an extent as to have a clearly adverse effect on the candidate's ability to perform the duties and responsibilities of the position.
 4. Conviction of a felony or misdemeanor which was of such a nature as to have an adverse effect on the candidate's ability to perform the duties of the class.
 5. False statement of material fact or actual or attempted deceptions, fraud or misconduct in connection with an application or examination.
 6. A history of dismissal from public or private employment for any of the causes as set forth in the disciplinary section herein or resignation to avoid such dismissal.
- H. Whenever an application is rejected, written notice shall be given to the applicant.
- I. Specific qualifications include:
1. Where the position requires the driving of an automobile, the employee must have a valid California Driver's License or the ability to obtain a California Driver's License and a good driving record.
 2. Minimum age of sixteen (16) years of age, unless otherwise provided by law.
 3. Proof of Citizenship or appropriate Federal/State documentation, which indicates the candidate is able to work in the U.S.
 4. Ability to perform the essential functions of the job, with or without reasonable accommodation.
- General qualifications are a part of the employment standards of each class and need not be specifically set forth herein.
- J. A medical examination by a licensed physician may be required before appointment. Failure to achieve the minimum standard so established will result in disqualification for appointment.
- K. Screening of the applications for a Head Start position will be the responsibility of an application screening panel which shall be composed of at least fifty-one percent (51%) of Head Start parents with remaining members selected by the Administration Department Chief or designee.

- L. Criminal Records Check: Prior to being hired, each applicant for designated Head Start positions must submit a complete set of fingerprints to enable the Agency to conduct a criminal record check. If it is not feasible to obtain a criminal record check prior to hiring, no employee may be considered regular until the record check has been completed.

- M. The Administration Department Chief or designee must consult with the Head Start Screening Panel prior to exercising his/her authority as specified in section 4.02 (A) of these Policies and Procedures, for positions within the Head Start program.

Examinations

Section 4.03

- A. Except as otherwise precluded herein, the Administration Department Chief or designee shall determine the appropriate methods of recruitment and examination. Eligible lists shall be established as a result of open, internal and/or promotional examinations.
1. **Promotional Only Examination:**
 - a. Shall be limited to classes for which experience in the lower class in a series is required and no alternate pattern of acceptable education or experience is allowed or to those classifications approved as Promotional Only by the Executive Director.
 - b. Candidate must possess the minimum qualification requirements stated on the job announcement.
 - c. Candidate must hold regular status in the Agency.
 - d. The Executive Director may approve Promotional Only Examinations when:
 1. The examination is for a class which is clearly designed to provide career advancement opportunity within an occupational series;
 2. There are adequate numbers of qualified applicants within Agency Service;
 2. **Open Examination:**

Open examinations other than Promotional Only examinations shall be open to any candidate who meets the minimum qualification requirements.
 3. **Internal Examination**
 - a. Internal Examinations are limited only to internal candidates who meet the minimum qualification requirements.
 - b. Candidate must hold regular status within the Agency.
 4. **Continuous Filing:**
 - a. Continuous filing for open examinations for a given class may be announced by publishing a single announcement bulletin.

- b. A single eligible list of names shall be maintained and names of qualifying candidates shall be ranked on that list in the order of their final grades in the examination.
 - c. Names of qualified candidates shall remain on the list for one full year from the date they were placed on the list unless extended or removed in accordance with these Policies and Procedures.
 - B. Job announcements for regular vacant positions are posted for a minimum of ten (10) calendar days prior to the last date for filing applications. Announcements must include:
 1. Class title
 2. Compensation
 3. A description of the duties and responsibilities of the class
 4. Minimum qualifications and any additional qualifications
 5. Location to submit applications
 6. Filing period
 7. A general description of conditions, including methodology and relative weights assigned to steps of the examination.
 - C. Examinations may include any one or a combination of the following methods of testing: written, performance, oral, assessment center, physical, evaluation of training and experience, or any other forms designed to test the qualifications of applicants.
 1. Written: may be used to measure knowledge, abilities, or aptitudes, insofar as such traits are related to ability to perform the work in a class.
 2. Oral: may be used to evaluate experience, training or education, and other factors that relate to the knowledge and abilities required to perform the work of the position or class.
 3. Assessment Center: may be used to have candidates work toward solving a problem(s). The candidates will be observed and evaluated by qualified assessors.
 4. Performance: may be used to evaluate the skill, speed, or accuracy with which principal tasks of the class are performed.
 5. Physical Examination – may be used to evaluate the physical ability, with or without accommodation, of the candidate to perform the essential functions of the job.
 6. Credential Screening Panel: may be assembled to evaluate the comparative qualifications of applicants, when it is desirable to limit the number of candidates to be interviewed for a given class.
 - D. In any examination, names may be placed on an eligible list in accordance with a predetermined formula for rating education and experience. Such ratings may constitute the total score in the examination.

- E. The Administration Department Chief or designee shall schedule examinations as the current and anticipated needs of the Agency require.
- F. Scheduled examinations may be postponed or canceled or the final filing date for receiving applications may be extended by the Executive Director or Appointing Authority by notifying all persons who have filed applications and by posting a notice on the bulletin board.
- G. Employees shall be released from duty without loss of compensation while competing in Agency examinations that are scheduled during duty hours. Employees shall not be eligible to receive overtime or additional work hours for time spent competing in the examination process.

Appeals of Disqualification

Section 4.04

- A. A candidate may appeal disqualification in any phase of the examination or selection process, within ten (10) days after the date of disqualification or within 10 days after the notice of examination results have been mailed, whichever is earlier through written correspondence through the Administration Department Chief to the Executive Director for the following reasons:
1. Agency's erroneous interpretation or application of the qualification standards prescribed for the class.
 2. Improper procedure by the Agency in the administration of the test which would materially affect the outcome.
 3. Discrimination by the Agency based on race, color, religion, national origin, age, disability, sexual orientation, sex, marital status, or veteran status.
- B. An appeal must be filed, in writing, within ten (10) workdays after notice of examination results have been mailed.
- C. The written appeal must contain all the facts upon which the appeal is made.
- D. The Administration Department Chief or designee, shall investigate the appeal, and shall provide a written response to the disqualified candidate in a timely manner, advising him/her of the findings of the investigation, and what, if any, remedy shall be provided.
- E. If the disqualification is reversed on appeal, the Agency shall either:
1. screen the applicant into the examination process; or
 2. rank the candidate at the place on the eligible list where the candidate would have ranked had there had been no disqualification. However, certifications or appointments made from the eligible list prior to the reversal shall be lawful.

Eligible Lists

Section 4.05

As soon as possible after an examination has been completed, the Executive Director or Appointing Authority shall prepare an eligible list consisting of the names of persons successfully passing the examination and scoring high enough to be included on the eligible list.

- A. Eligible lists are established in rank order of names or scores of those persons available for certification for employment to existing vacancies.
- B. There are the following types of eligible lists:
 - 1. Re-employment: Employees with regular status laid off due to lack of work or reduction in force. Appointment of persons from this list is mandatory.
 - 2. Promotional Only List: Employees who have successfully completed all components within a promotional only examination.
 - 3. Open List: Persons qualifying as a result of having successfully completed all components within an Open examination.
- C. The life of eligible lists shall be no longer than one (1) year from the date established, unless extended up to one (1) additional year by the Executive Director. However, names shall remain on the reemployment list for two (2) years from the date of layoff.
- D. Eligible lists for the same classification may be merged or combined. This occurs when an eligible list did not have sufficient numbers of candidates needed to fill the anticipated number of vacancies, and additional recruitment was necessary. The two lists are combined or merged to create one eligible list. Candidates from the first list are merged into the new list by score. A new ranking is given and the candidates are notified of their placement on the new list. Candidates merged into the new list may remain on the list for the life of the new list.

Removal of Names from Eligible Lists

Section 4.06

- A. Names of eligible persons may be withheld from certification from an eligible list by the Executive Director, for the following reasons:
1. False statement of material fact or actual or attempted deception, fraud, or misconduct in connection with the application or examination.
 2. Failure to accept appointment when certified from a re-employment list.
 3. Failure to accept appointment when certified from an eligible list.
 4. Inability of postal authorities to deliver mail to the eligible candidate, and/or failure to respond to a mailed communication within five (5) working days.
 5. Failure to report or communicate with the Appointing Authority to whom certification was made within five (5) working days from the date notice was mailed.
 6. Declining an interview three (3) times.
 7. Conviction of a felony or misdemeanor which impacts the candidate's ability to perform the duties and responsibilities of the job. Considerations will include:
 - a. The nature and seriousness of the conviction and its relationship to the job classification
 - b. The length of time since the conviction, whether or not it was an isolated or repeated incident
 - c. Circumstances surrounding the crime
 - d. The candidate's age at the time of the crime
 - e. Evidence of rehabilitation
 - f. The candidate's record since the crime
 8. Upon written request of an eligible person that his/her name be removed or placed in inactive status on the list.
 9. Failure to obtain, possess or keep in effect any license, certificate or other similar requirement specified in the class specification.
 10. If the employee cannot meet the medical requirements of the position, or perform the essential duties of the position with or without reasonable accommodation, the conditional employment offer shall be withdrawn.
 11. Upon resignation from the Agency of an eligible person on a promotional only list.

- B. An eligible person shall be notified in writing of the decision to remove his/her name from an eligible list. The eligible person has the right to appeal being removed from an eligible list to the Executive Director within ten (10) working days from notification of such removal. The Executive Director shall review the documents and shall issue a written decision. The decision shall be final.

Section 5: Certifications, Appointments & Transfers

Filling Vacant Positions

Section 5.01

The Agency is an Equal Opportunity Employer and will consider all applicants accordingly, without regard to race, color, sex, sexual orientation, age, religion, creed, marital status, handicap, political belief, or national origin. All vacancies in the Agency shall be filled by transfer, promotion, demotion, reemployment, reinstatement, or from a certified eligible list.

- A. Recruitment procedures for the position of the Executive Director shall be determined by the Governing Board of the Agency.
- B. When recruiting employees for the exempt service, the Executive Director shall use such procedures and methods as deemed appropriate.
- C. The Executive Director shall make an appointment to all available exempt positions as soon as it is reasonably possible to do so; however, as an alternative, a classified employee may be designated to temporarily assume the duties of an exempt position until such time as the exempt position may be filled. During the period in which the classified employee is performing the exempt duties, the employee shall retain all of the rights of a classified employee.
- D. Prior to appointment, candidates may be required to complete a declaration pertaining to possible conflicts of interest or contractual relationships with the Agency.

Appointments

Section 5.02

- A. For each vacancy in the classified service, the Administration Department Chief shall certify those on the eligible list(s). With exception of a layoff list, if an eligible list contains less than five (5) available candidates, or does not exist for the class in which requisition is made, the Administration Department Chief may certify from a comparable eligible list of substantially the same or higher level.
- B. The names of employees who have submitted approved transfer requests for that opening may also be given an interview for the vacancy.
- C. Upon receipt of the certification of eligible persons, the Administration Department Chief or designee may contact the candidates certified to offer them an interview.
- D. The Appointing Authority may examine applications, examination records, and any reports of background investigation of the eligible person certified.
- E. The Appointing Authority may conduct any additional investigations or tests of fitness, which are job related.
- F. Appointments made may be subjected to a probation period.
- G. After the interview and any investigation desired, the Executive Director or Appointing Authority may make appointments from among those candidates approved by the Appointing Authority and Policy Council, as applicable.
- H. Appointments are made by the Executive Director normally at the first step in the salary range. Appointments at a step higher than the first step will only be made with the approval of the Executive Director.
- I. If the eligible person(s) fails to present her/himself for duty at the time and place agreed upon, without a good cause, she/he shall be deemed to have declined the appointment.
- J. Appointments may be made to exempt, probationary, regular, or temporary status.
- K. Probationary Appointment
 - 1. An appointment where the incumbent will serve a six-month or designated probationary period during which she/he must demonstrate satisfactory performance in order to achieve regular status.
 - 2. During her/his probation the employee may be released from Agency service, with or without cause, without the right of appeal.

L. Regular Appointment

1. An appointment where the probation period has been satisfactorily served by the incumbent.
2. Continuity of employment is contingent continued funding.
3. There is no status, or right of transfer, to either the City of Sacramento or County of Sacramento.

M. Temporary Appointment

1. An appointment where the incumbent is hired to perform specific tasks in relation to a specific project and for a specified period of days.
2. When deemed essential to the work program, the Executive Director may establish temporary positions that are not provided for in the position and salary plans, subject to confirmation by the Governing Board and Policy Council at its next regular meeting.
3. The salaries established for such positions will not exceed the hourly rate of pay set forth in the salary plan for the full-time employees with comparable qualifications or duties.
4. A probation period does not apply to a temporary employee, nor will she/he be entitled to any benefits afforded full-time employees.

N. Exempt Appointment

1. The appointment of a qualified person to fill a position for which there is no probationary period and the incumbent serves at the pleasure of the appointing authority. Just cause is not required for discipline and there is no appeal right.

O. Appointment at Lower Levels

1. The Executive Director, Head Start Department Chief or Appointing Authority may, when she/he deems it appropriate, fill vacant positions at a lower classification level than that authorized in the position plan.

Hiring of Head Start Grantee Operated Program Staff

Section 5.03

A vacancy within the Head Start Grantee Operated Program will not be filled until concurrence is reached between the Head Start Director and the Policy Council.

- A. Once the Screening Panel has identified qualified applicants and those applicants have successfully completed the required tests, the application shall be forwarded to an Interviewing Panel.
- B. The Interviewing Panel shall consist of a minimum of 51% parents.
- C. The Head Start Director shall appoint the remaining members of the interviewing panel which may include, but not be limited to, community members of the Policy Council and other Agency staff.
- D. The Interviewing Panel will be no more than five (5) members.
- E. When it is desirable to limit the number of candidates to be interviewed for a given class, the interviewing panel shall evaluate the comparative qualifications of the applicants, as determined by the application and test scores. The Interviewing Panel may then interview only those it deems most qualified, provided that all current and former Early Head Start and Head Start parents who meet the minimum qualifications shall be interviewed.
- F. In interviewing candidates, the Interviewing Panel shall evaluate experience, training and education, and other factors related to the knowledge and ability required to perform the work of the position or class.
- G. The results of the examination process shall be tallied by the panel and the candidates scores will be submitted to the Council for approval.
- H. Only after the candidate has been approved for employment by the Head Start Policy Council may the candidate be officially employed and report for work.
- I. No Head Start funds may be obligated for payment of salary to any regular employee not previously approved by the Head Start Policy Council.
- J. Candidates not selected for a position shall be given written notice.

Medical Standards

Section 5.04

Upon appointment, re-employment, recall, or return from a medical leave of absence, the employee may be required to be examined by an Agency physician.

Operational Procedure:

- A. The examining physician shall submit on forms provided by the Administration Department Chief, a medical report certifying the medical fitness of said employee for the type of work to be performed.
- B. The Administration Department Chief may, upon recommendation of the Agency physician, grant a reasonable period in which to clear up, cure or remove any medical condition that is temporary in nature.
- C. If the employee cannot meet the medical requirements of the position, or perform the essential duties of the position with or without reasonable accommodation, the conditional employment offer shall be withdrawn.
- D. Persons who are disabled as defined by the Federal and State laws who are otherwise qualified and who can perform the essential duties of the position with or without reasonable accommodation will be considered for employment.
- E. Health examinations, if required, shall be given prior to the effective date of appointment.
- F. Candidates may request a review of the examination results.
- G. Medical examination records are retained by the Agency physician and remain confidential.
- H. Pursuant to Article 45 CFR Part 1304.52(3)(j) of the Head Start Performance Standards, all Head Start employees shall have an initial health examination that includes screening for tuberculosis.
- I. Tuberculosis screening for Head Start employees shall be re-done yearly.

Fingerprinting

Section 5.05

- A. In accordance with Federal Regulations, all employees who regularly come into contact with children while performing their duties must be fingerprinted within four days of the first day of employment. Fingerprinting before the first day of employment is preferred. Employees shall not be placed at a Head Start Facility until fingerprint clearance is obtained.

- B. Failure to comply with fingerprinting regulations will result in termination or refusal of appointment.

Criminal History Information

Section 5.06

The Administration Department Chief, in conjunction with the Appointing Authority, shall designate job classifications or positions within job classifications for which a review of criminal history information is a condition of employment.

- A. The designation for such a requirement will be based on the relationship of criminal convictions to applicable statutory requirements, the qualifications, responsibilities, duties, and sensitivity of the job classifications or positions.

- B. The designation will include a determination as to whether criminal convictions will preclude appointment or whether the Administration Department Chief may certify candidates with criminal convictions for appointment, with consideration to:
 - 1. The nature and seriousness of the offense;
 - 2. The circumstances under which the offense occurred;
 - 3. When the offense took place;
 - 4. Age of the persons at the time the offense was committed;
 - 5. The offense within the context of the total pertinent criminal history record (isolated or repeated violation)
 - 6. Evidence of rehabilitation

- C. When a class or position has been designated as requiring a review of criminal history information, any appointment to the class or position shall be contingent on a review by the Administration Department Chief and the Appointing Authority, of criminal history information not disclosing conviction of crimes which preclude employment.

- D. The Administration Department Chief may suspend an applicant from an employment list when the applicant has been charged with a crime in which a conviction would preclude employment until disposition of the charges.

- E. The Administration Department Chief and the Appointing Authority shall obtain and review criminal history information concerning incumbents of designated job classifications to a position when:
 - 1. In the opinion of the Administration Department Chief, if there is reason to believe that such information exists and that it is material to the competence of the employee in question.
 - 2. Upon re-appointment after resignation or separation; or
 - 3. Upon application for employment to a classification other than that held for which criminal history information is required pursuant to all applicable regulations.

- F. The Administration Department Chief and the Appointing Authority are authorized to seek and obtain access to state summary criminal history information from the Attorney General respecting all applicants for or incumbents in job classifications to positions designated as requiring a review of criminal history information.
- G. Pursuant to law, the Administration Department Chief is authorized to require that applicants and employees be fingerprinted for the purpose of obtaining criminal history records.
- H. The Administration Department Chief or designee must maintain custody and control of criminal history records obtained to carry out this Regulation. The records will be accessible only to the Administration Department Chief or designee, the Appointing Authority, SETA Legal Counsel plus designee, persons to whom the records pertain, or to a person who has authorized access in writing by the person(s) whom the record pertains. Criminal history records shall be retained for a period required by State and Federal law. After such time, the criminal history records shall then be destroyed.
- I. Federal policies require that Head Start agencies require all prospective employees to sign a criminal history declaration prior to employment.

Temporary Assignment of Higher Duties

Section 5.07

- A. When the Appointing Authority or designee requires in writing that an employee perform substantially all of the duties of the higher classification, or duties which, in the judgment of the Appointing Authority, are substantially higher than the level of duties normally assigned, the employee shall receive additional compensation.
- B. The employee shall be compensated for the percentage of time worked in such higher assignment by the payment of an additional five percent (5%) above the employee's base salary.
- C. Such pay shall begin on the third consecutive full working day following assignment or the third cumulative workday in a thirty (30) calendar day period.
- D. If an employee is assigned in writing to perform supervisory duties which are outside of his/her regular job classification, the employee will be compensated for the hours worked performing such additional duties by the payment of an additional five percent (5%) above the employee's base salary.
- E. For employees working in a supervisory assignment, such higher assignment pay shall begin on the first day of the assignment of higher duties after working three (3) consecutive full working days.
- F. Temporary assignment of higher duties shall be for no more than sixty (60) consecutive working days, except as follows:
 - 1. Illness
 - 2. Vacation relief
 - 3. Sick leave relief
 - 4. Leave of absence
 - 5. During the promotional examination process
 - 6. Conditions of extended emergency
- G. If it is anticipated that a temporary assignment of higher duties will continue beyond sixty (60) consecutive working days, the Executive Director or Designee may temporarily reclassify the employee in accordance with section 5.08 of these rules.

Temporary Reclassification

Section 5.08

An employee may be temporarily reclassified by the Appointing Authority to a position in a higher classification on an acting basis.

- A. When an employee is assigned to perform essentially all the duties of the higher class, the employee shall be paid on the basis of the wage range for the classification in which the work is being performed.
- B. The employee shall receive the step A of the higher classification or a minimum of five percent (5%) above the regular base pay of the employee in the current classification, provided that in no event shall the wage rate paid to the employee exceed the maximum wage of the higher classification.
- C. The Executive Director may authorize payment in excess of five percent (5%) but no more than Step "E" of the higher classification.
- D. The Appointing Authority may at any time revoke or terminate the temporary reclassification assignment.
- E. If at any time, an employee who has filled a position on a temporary basis is promoted to the position through the selection process, the employee shall serve a full probationary period in the new position from the date of the promotion unless in the judgment of the Appointing Authority, such a probationary period is not required.
- F. Employees serving in temporary reclassification shall be entitled to receive the benefits of regular employees.
- G. Temporary reclassifications shall not exceed a one year duration.
- H. Time served in a temporary reclassification shall not change the employee's anniversary date for the purpose of receiving annual step increases in the prior class.
- I. Upon expiration of the term, the employee shall be automatically reallocated to the classification formerly held.

Transfers

Section 5.09

An employee may transfer/be transferred (voluntarily or involuntarily) from one unit to another, within the same class.

- A. When a regular vacancy occurs, employees holding regular status in that classification may request to be transferred to such vacancy.
- B. A regular employee in another classification with a salary not more than or less than five percent (5%) from the salary range of the new classification may also request transfer, provided the employee meets the minimum qualifications of the new classification.
- C. Regular qualified employees requesting transfer may be interviewed.
- D. For a regular employee to be considered for transfer, a written transfer request, on a form provided by the Agency, must be filed with Personnel. The Agency may also require an application or supplemental information be provided to determine if the employee meets minimum requirements.
- E. Such transfer request shall be valid through December 31 of the calendar year during which it was filed.
- F. Employees on probation shall not be eligible for a voluntary transfer.
- G. An employee may not transfer to a class for which the employee is not qualified.
- H. Upon successful completion of the interview process, an employee may be transferred at any time to any other position within the same classification or to a comparable classification. For purposes of this Section, a comparable classification is:
 - 1. One in which the salary range of the classification is equal to or does not exceed by more than five percent (5%) the salary range of the employee's present classification and,
 - 2. For which the employee meets the minimum qualifications.
- I. A transfer from an unrepresented classification to a represented classification is permitted if a vacancy exists.
- J. A transfer may be made without the consent of the employee; however, the employee shall be given five (5) working days notice prior to a permanent involuntary transfer.

- K. Temporary involuntary transfers due to emergency situations and/or business necessity shall not be subject to the five (5) days notice requirement.
- L. The Agency will not intentionally use temporary involuntary transfers to circumvent the notice requirements.
- M. The Policy Council must approve transfers into the program if such transfers represent new hires into the Head Start program.

Reinstatement

Section 5.10

A person who has resigned from Agency service in good standing with regular status may petition for reemployment within one (1) year from the date of resignation.

- A. Persons qualifying under this Policy may be placed on a reemployment list for one year from date placed on list for the classification where permanent status was held last and may be considered for appointment when openings occur in the classification.
- B. Appointment is at the discretion of the Appointing Authority.
- C. Such employee(s) re-employed may receive a starting salary higher than Step "A," but not exceeding the step received at the time of resignation at the discretion of the Appointing Authority.
- D. The employee shall be required to serve a new probationary period.
- E. An employee, who has completed the probationary period and who has vacated a regular position to accept a temporary appointment in a higher class in the Agency, shall have the right to reinstatement to the former class upon the termination of his/her temporary appointment, unless the termination of the temporary appointment was for reasons which, under normal circumstances, are cause of termination.
- F. Persons appointed from a reemployment list may be required to pass a physical examination provided at Agency expense, to certify that they are physically capable of performing the duties of the position.

Reemployment

Section 5.11

Persons who formerly held regular status and who have been laid off are entitled to preference in appointments to vacancies in that class from which they were laid off.

- A. The names of such employees shall be placed on a reemployment list which shall be used to make appointments in the classification and Department from which they were laid off in preference to all other eligible lists.
- B. The person with greatest seniority on the reemployment list for the classification shall be offered an appointment first.
- C. When a vacancy exists and employees are to be reemployed, notice of the opening(s) shall be sent to the most current mailing address as shown on the Personnel records.
- D. To expedite reemployment, more than one employee may be notified of an opening.
- E. The reemployment notice shall be by certified mail, return receipt requested, and the employee shall be given three (3) working days to inform the Agency of acceptance of the re-employment offer.
- F. If said employee fails to report to work, she/he will lose all reemployment rights. The person with the next highest seniority shall be offered the appointment.
- G. An employee who has been laid off shall be required to meet the qualifications of the classification to which she/he is reemployed.
- H. If the person offered the appointment is temporarily medically incapacitated, the appointment may be waived without affecting her/his position on the reemployment list.
- I. The names of persons included on reemployment lists shall be removed two (2) years after the effective date of layoff.
- J. Persons appointed from a reemployment list may be required to pass a physical examination provided at Agency expense to certify that they are physically capable of performing the duties of that position.
- K. A copy of the notice shall be served upon the employee either personally, or by registered or certified mail, return-receipt requested.
 - a. Personal service – Any written notice shall be conclusively presumed to be delivered to the employee on the date the written notice is personally served on the employee.
 - b. Certified mail - - receipt returned. In the event any notice is sent to an employee by certified mail, return receipt requested, the notice shall be

conclusively presumed to be delivered to the employee on the date the receipt was signed by the employee or any other adult person residing with the employee at the address to which the certified mail is sent.

- c. Certified mail - - receipt not returned. In the event the certified mail is refused, or in the event the employee has moved or is absent without leave, and no person at the address to which the certified mail is sent signs for the certified mail, a copy of the notice shall be deposited in the regular mail addressed to the employee at the employee's last-known address. It shall be presumed the notice was delivered as of the date the copy of the notice was delivered in the regular mail following return of the certified mail

Demotion

Section 5.12

Any employee, with the approval of the Executive Director or Appointing Authority, may request a voluntary demotion to a vacant position.

- A. The Executive Director or Appointing Authority may approve such demotion after investigation into the request.
- B. If the class to which the demotion is proposed requires employment standards including knowledge or abilities not measured by the examination for the class from which demotion is proposed, the Executive Director or Appointing Authority may examine the employee, for possession of these employment standards.
- C. An employee who voluntarily demotes shall be placed at the salary range closest to the employee's current salary.

Nepotism

Section 5.13

It is the policy of the Agency that when employees are related as specified below, such persons will not have direct or indirect supervisory relationships.

- A. “Immediate family member” is defined as husband, wife, brother, sister, mother, father, son, daughter, grandmother, grandfather, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, step-father, step-mother, step-son, step-daughter, or domestic partner as defined in City Ordinance 92-058.
- B. No applicant will be employed when an immediate family member of the applicant serves on a Board or Policy Council which, either by rule or by practice, regularly nominates, recommends or screens.
- C. No employee will be placed in a job when that employee or her/his immediate family member serves on a Board or Policy Council which has the authority to order personnel actions affecting her/his job.
- D. No employee shall be supervised by an immediate family member.

Personnel Records

Section 5.14

The official personnel file for each individual employed by the Agency will be maintained in the Personnel Department.

- A. This confidential file will represent the official record of an individual's employment with the Agency.
- B. An employee shall be entitled to make an appointment to review her/his personnel records. Such appointments shall be scheduled in advance for a reasonable time period, during the normal business hours for the Personnel Unit.
- C. Such appointments may be scheduled during working hours with the advance approval of the employee's supervisor.
- D. Employee personnel records shall be subject to inspection only by the employee concerned and authorized Agency personnel except as otherwise provided by law.
- E. Information which cannot be treated as confidential include: name, job title, salary range, and dates of employment.
- F. All information in the files may be subject to public disclosure by court order.
- G. No persons, other than those stated in Section D above, shall be allowed to inspect an employee's personnel record without the express written authorization of the employee.
- H. Upon request, an employee or her/his expressly authorized representative shall have the right to inspect and review any official record relating to his/her performance as an employee which is kept or maintained by the Agency, provided that confidentiality of sources shall be exempt from disclosure. The content of such records shall be made available to the employee for inspection and review at reasonable intervals during regular business hours.
- I. Any regular employee receiving a performance evaluation about which he/she disagrees may, within ten (10) working days from the date of the evaluation, write a one page rebuttal statement for attachment to the evaluation and informally appeal to the supervisor of the reviewer, but in case higher the Director.
- J. An employee shall be provided with a copy of a performance appraisal, disciplinary letter, letter of commendation, or other document before they are placed in the employee's personnel file.
- K. If at any time it is determined that a personnel action, i.e. reprimand or performance appraisal, was unjustified or inaccurate, the appropriate corrections shall be made by removing the inaccurate document, or reducing the corrections to writing and placing the information in the personnel file.

- L. Personnel files are kept confidential in locked file cabinets.

Temporary Staff

Section 5.15

It is the policy of the agency to utilize temporary staff only as needed to ensure that the Agency's needs are met.

- A. Utilization of Temporary Staff: In order to utilize temporary staff approval must be obtained from the Executive Director. In getting approval you must state the position, the expected number of hours and the anticipated duration of the assignment.
- B. Benefits: In accordance with the Affordable Health Care Act:
 - a. Temporary employees who are on the payroll that are expected to work an average of 30 hours a week or 1,560 hours or more for the year will be automatically enrolled in the Agency/County medical benefits, unless they choose to decline coverage.
 - b. Temporary employees who are on the payroll that are not expected to work an average of 30 hours a week or more for the year will not be offered medical benefits. After 12 months of employment their hours will be reviewed and if the average hours were 30 hours or 1,560 hours or more they will be automatically enrolled in medical benefits, unless they choose to decline coverage.
 - c. The Agency determines temporary employee's eligibility to participate in Agency/County medical benefits, unless they choose to decline coverage.
- C. In the event that any of the terms or provisions of this policy are declared invalid or unenforceable by any Court of competent jurisdiction or any Federal or State Government Agency having jurisdiction over the subject matter of this Agreement, the remaining terms and provisions that are not effected thereby shall remain in full force and effect.
- D. In the event that any of the terms or provisions of this policy are altered due to changes in Local, State, or Federal law those changes will take effect in lieu of the terms outlines in this policy, the remaining terms and provisions that are not effected thereby shall remain in full force and effect.

Section 6: Probationary Period

Purpose and Duration

Section 6.01

The probationary period is a continuation of the testing and hiring process and shall be utilized as an opportunity to observe the employee's work, adjustment to the position and to release any probationer whose performance does not meet the required standards of work.

- A. Appointments from open or promotional eligible lists to positions in the Agency shall be for a probationary period of six (6) months.
- B. The required standards of work shall be presented in writing to the new employees.
- C. A probationary period may be extended:
 - 1. To cover all hours of unpaid leave
 - 2. Any duration of time served in a temporary assignment while on probation
- D. Employees laid off during probation may be allowed to complete only the balance of the probationary period upon reemployment.
- E. Probationary employees shall be entitled to all the rights and privileges of any applicable Labor Agreement unless otherwise provided therein, except that their release from Agency service, for any reason, shall not be subject to the grievance and arbitration process.
- F. During the second, fourth, and final month of an employee's six month probation period, a performance evaluation report is to be completed by the supervisor and discussed with the employee.
- G. Employees may be released from probation at any time during the probationary period and there shall be no appeal available for such probationary release.
- H. The employee shall be deemed to have regular status upon the conclusion of the shift on the last working day of the designated probationary period.
- I. Upon completion of the probationary period, the employee's seniority shall relate back to the date of appointment in the classification.
- J. Exempt employees serve at the pleasure of the Executive Director and are not subject to a probationary period.

Release of Probationer

Section 6.02

Prior to the conclusion of the probationary period, an employee may be released at any time.

- A. Written notice of release shall be furnished to the probationer by the Executive Director or Appointing Authority.
- B. Any employee released during the probationary period following promotion or transfer shall be reinstated to the class from which she/he was promoted at her/his former salary step, unless the reason for her/his release would be cause for dismissal from the Agency.
- C. Persons released pursuant to the section may only appeal such release upon grounds of discrimination based on race, color, religion, gender, national origin, political belief, age, handicap, or sexual orientation, and such appeal shall be filed in writing within thirty (30) calendar days following dismissal from the Agency.

**Fringe Benefit Status
During the Probationary Period**
Section 6.03

The provisions of this Section apply to all employees during the probationary period except those employees who have had status as a regular employee and are serving a probationary period in a position as a result of being promoted.

A. Leave:

Sick leave and vacation leave shall be accrued during an employee's probationary period, however, the employee shall not be allowed use of vacation leave during the probationary period.

B. Health Insurance and Dental Insurance:

Probationary employees may enroll in the health and dental insurance programs at the time of their initial appointment as well as other benefit programs as applicable.

C. Retirement Program:

The Agency provides a retirement plan for eligible employees which is coordinated with Social Security. Probationary employees shall be allowed to participate in specified retirement plans in accordance with the rules of such a plan.

Section 7: Performance Evaluation

The Agency shall have the right to evaluate the performance of employees.

- A. The Executive Director or Appointing Authority will establish a system for evaluating the performance of Agency employees.
- B. Evaluations will measure the standards of successful performance which must be met to qualify for completion of probation, step increases, consideration for appointment to a higher classification, and to give notice of deficiencies in performance that may subject an employee to disciplinary action.
- C. The major objectives of every performance evaluation include:
 - 1. To establish and clarify job expectations in writing between supervisor and employee
 - 2. To identify goals, set priorities and identify how those goals will be measured.
 - 3. To identify training and job experience needed to improve job-related abilities.
 - 4. To provide a basis for movement to permanent status and salary review decisions.
 - 5. To identify and develop employees having promotional potential.
 - 6. To discuss employer-employee concerns related to the job.
- D. Employees are evaluated by the immediate supervisor who is responsible for the work of the employee being rated. In cases where dual supervision occurs, both supervisors shall have input into the evaluation, however, the SETA supervisor is responsible for ensuring the evaluation is completed.
- E. Failure to complete a performance evaluation shall not be the sole basis for denial of a step increase.
- F. Failure to perform at an acceptable level shall be cause for denial of a step increase, denial for transfer, denial of a promotion and/or disciplinary action.
- G. Probationary employees shall be evaluated at least once every two (2) months during probation.
- H. Non-probationary employees shall be evaluated annually, during the month of their anniversary date, or more frequently if the supervisor determines the need to do so.

- I. Performance evaluations must contain a narrative summary of performance for the period indicated.
- J. Employees may review and discuss their evaluation rating with the supervisor. Evaluations may be reviewed by the employee as soon as possible after the supervisor prepares the rating, but the rating may not be seen by unauthorized persons.
- K. Employees shall receive a copy of the completed performance evaluation prior to the evaluation being filed in the employee's personnel records.
- L. Employees should sign the performance evaluation. A signature indicates only that the employee has reviewed the evaluation and has had an opportunity to discuss the evaluation. However, should an employee refuse to sign the evaluation, the supervisor or manager shall make that notation and the evaluation shall be placed in the personnel file without the signature.
- M. Any regular employee receiving a performance evaluation about which she/he disagrees may:
 - 1. within ten (10) working days from the date of the evaluation, write a rebuttal statement for attachment to the evaluation.
 - 2. Informally appeal to the supervisor of the reviewer.

Section 8: Compensation Plan

Maintenance of Plan

Section 8.01

The Executive Director or Appointing Authority shall review the compensation plan and recommend appropriate salary ranges.

- A. Salary ranges so recommended will be paid upon the principle that like salaries shall be paid for comparable duties.
- B. In recommending salary ranges, the Executive Director or Appointing Authority will take into consideration the generally prevailing rates for such services in cities and counties in the Sacramento Region and/or comparable employment and training/Head Start agencies in California.
- C. The recommendations shall also be based on present and future availability of funds and on appropriate balance between administration and program expenditures. The recommendations of the Executive Director or Appointing Authority will be presented to the Board. After considering the recommendations of the Executive Director or Appointing Authority, the Board will determine, by resolution, the salary ranges to apply to all positions.
- D. The compensation plan for represented Agency employees shall be subject to the collective bargaining process.
- E. The compensation plan for unrepresented employees shall be established by the Governing Board.
- F. The compensation plan shall include for such class a minimum and maximum rate and such intermediate rates as are considered necessary and equitable.
- G. The salary classification plans shall be adopted by the Governing Board/Policy Council, as applicable, upon recommendation of the Executive Director or Appointing Authority.

Pay Schedule

Section 8.02

Each employee shall be paid a rate of pay within the wage range for the class in which the individual is employed. Rates of pay are those steps designated in the compensation plan.

- A.** The Agency will issue checks to its employees on a biweekly basis on the Friday following the end of the pay period, upon the punctual submission of a properly completed Time Distribution Sheet.
- B.** The appropriate salary range for each class shall be established in the annual salary schedule, and the appropriate salary step within the range so established shall be determined in accordance with this chapter.
- C.** The entry step within the established range for each class shall be step “A” unless specifically designated as step “B,” “C,” “D,” or “E.”
- D.** Whenever an employee would suffer an actual decrease in salary as a result of action taken by the Board, which did not result from any disciplinary action or demotion, or where the employee is changing from one class series to another as a normal consequence of career development sponsored by the Agency’s upward mobility program and the maximum salary of the entry level class in the new class series is less than the salary the employee was receiving in the class in the former class series, the Board may adopt a “Y-rate” to apply only to the employee so affected. As used in this chapter, “Y-rate” means a salary rate which is more than the maximum rate of the established salary range for an employee’s class.
- E.** An employee for whom a “Y-rate” is established shall not receive any increase in salary until such time as her/his rate of compensation is within the established range for the employee’s classification

General Salary Adjustments
Section 8.03

When a salary range for a class is changed in the annual salary classification plan, employees in such class shall receive a salary increase or decrease equivalent to that provided for the class, unless otherwise provided in these Policies and Procedures.

- A. **Entrance Salary:** An employee shall be appointed at the entry step (and accrue other benefits) for the class unless the Executive Director determines the necessity to make an appointment at a higher step. Consideration shall be given to qualifications of the candidate, availability of applicants and the resulting salary relationship with the similar positions.
 - 1. When the entry step for a classification is increased above Step “A”, the salary step for each employee in such classification shall be increased in proportion to the change in entry step; provided, however that no employee shall advance beyond Step “E.”
 - 2. When the salary step for a classification is decreased, employees in such classification shall be placed at the step closest to the salary range they received prior to the decrease, provided however, that no employee shall receive an increase in pay.
 - 3. When changes in classification and/or salary occur simultaneously with adjustments in the Agreement, the employee changes shall precede the Agreement adjustment in application.

- B. **Salary Upon Reemployment:** Any person reemployed following layoff shall receive compensation and benefits as though the employee had been on leave without pay.

- C. **Salary Upon Reinstatement:** Any person reinstated following resignation in good standing shall be considered as a new employee. However, at the discretion of the Executive Director or Appointing Authority, such employee may receive a starting salary higher than Step “A”.

- D. **Salary Upon Return to Former Classification:** An employee returned to his/her former classification following the release from promotional probation, transfer, or demotion due to layoff, shall receive that step of the range which the employee would have received had the employee never left the former classification.

- E. **Salary Upon Promotion:** Whenever an employee is promoted to a higher classification, such employee shall receive the lowest step in the higher range which provides an increase of at least five percent (5%), except, at the discretion of the Executive Director, or designee, an employee may be appointed at any step of the range, not to exceed Step “E.”

- F. **Salary Upon Demotion:**
 - 1. Voluntary: Whenever an employee is demoted due to voluntary demotion, or layoff without cause, to a classification with a maximum salary range which is at least five percent (5%) lower than the maximum salary range of the former clarification, the new salary shall be that step in new range which provides equal, or in absence thereof, the nearest lower salary to that which was received prior to the demotion. In all cases of

demotion for cause, the employee shall receive the same step in the lower range as was received in the higher range. The merit salary anniversary date shall not change.

2. Demotion for Cause – When an employee is demoted as a result of disciplinary action, the employee shall receive the same step (by letter not salary) in the lower classification as was received in the higher classification.

G. Salary Upon Transfer: Whenever an employee is transferred from one classification to another, the employee's salary shall remain within five percent (5%) of his/her step, and the employee will be placed on probationary status. The salary anniversary date shall not change.

H. Salary Upon Return from Leave of Absence Without Pay: Any person returning to his/her former classification from a leave of absence without pay shall return to the same step of the salary range he/she occupied immediately prior to the leave. If the leave exceeded thirty (30) continuous calendar days, such time shall not be included as service in determining eligibility for subsequent salary step increases. This Section shall not apply to employees returning from active military duty.

I. Salary Upon Reclassification: Whenever the Agency grants an employee status in a higher paying classification, as a result of the reclassification of a position, the employee shall receive the step determined in accordance with this Article.

1. An employee whose position is reclassified to a higher class will receive a pay increase of at least five percent (5%) provided that such employee shall be placed at the lowest qualifying step and no more than the maximum step of the higher classification. The employee will not be placed on probationary status.
2. When an employee's position is reclassified to a classification with a lower salary range, the employee shall be placed at the step closest to the salary they were receiving prior to the reclassification. If the employee's salary is above the maximum step of the lower classification, the employee's salary shall be Y-rated and no further salary increases shall be granted until such time as the current salary falls within the range of the new classification.
3. Salary Step increases shall not change, however, the actual date of appointment to the classification will be reflected in the personnel records.

Salary Step Increases

Section 8.04

Advancement within the salary range step shall be based on performance and length of service.

- A. The employee must:
 - 1. have satisfactorily completed the equivalent of at least 2080 hours (twenty-six bi-weekly pay periods) of full-time eligible service within the classification or
 - 2. have satisfactorily completed at least 2080 hours (twenty-six bi-weekly pay periods of full-time eligible service) within the classification since their last merit salary step increase.
- B. Except as otherwise provided herein, an employee's merit salary step increase date shall be the first day of the first full bi-weekly pay period following appointment to any classification or from the date of his/her last step increase.
- C. A salary step increase may be deferred or denied for a specified period, up to and including one (1) year, in the event the employee does not meet performance expectations.
- D. An employee in Step "E" shall have no step increase date, and service in Step "E" shall not be considered as eligible service for future step increases.
- E. Temporary employment and overtime work shall not be considered eligible service.
- F. Only regular employees are eligible for step increases.

Payment of Wages

Section 8.05

- A. The pay period for all employees shall be established by the Executive Director.
- B. Wages shall be computed as provided in this section.
- C. The regular salary for each employee shall be based on the actual number of days or hours worked in the pay period, including holidays and authorized absences with pay, multiplied by the employee's daily or hourly rate.
- D. Termination checks shall be disbursed in accordance with State and Federal Laws.
- E. Special payment, including standby, overtime, premium and other special payments, shall be calculated in accordance with the applicable provisions of this chapter, and in accordance and the annual salary classification plan.
- F. It is the employee's responsibility to monitor their paycheck for accuracy.

Payroll Errors

Section 8.06

- A. In the event an error has been made in the payment of an employee's salary, overtime payment or leave accruals, balances or usage, the Agency shall, for purposes of future compensation, adjust such compensation to the correct amount, giving written notice to the employee.
- B. In the event an employee has received an underpayment of wages, reimbursement to the employee shall be made as soon as practical, by lump sum payment to the employee.
- C. If it is determined that the employee has received less leave accruals than what should have been given, the employee shall have their leave balances credited to reflect the correct leave balances.
- D. If it is determined that the employee has used leave accruals in excess of what was available, the employee shall repay the value of such time to the agency by lump sum payment or other repayment through payroll deduction, or other means as mutually agreed between the parties.
- E. In the event an employee received an overpayment in wages, reimbursement to the Agency shall be either by lump sum payment by the employee or such other repayment schedule through payroll deduction, or other means, as may be mutually agreed between the parties.
- F. The employee's obligation for repayment of an overpayment due to error on the part of the Agency shall not exceed twenty-six (26) pay periods of the overpayment retrospective from the pay period during which the error was discovered. Conversely, the Agency shall not be required to correct an underpayment error beyond twenty-six (26) pay periods retrospective from the pay period during which the error was discovered.
- G. No repayment schedule shall exceed twenty-six (26) pay periods in duration, unless approved by the Executive Director.

Overtime Rates

Section 8.07

Employees, when directed by supervisors to work overtime, shall be compensated for such overtime pursuant to these Policies and Procedures or in accordance with the applicable Collective Bargaining Agreement.

- A. Approved overtime compensation shall be paid at the rate of time and one-half for time worked in excess of eight (8) hours per day or forty (40) hours per week for all non-supervisory employees, with the exception of an approved flex-time schedule. Compensatory time off (CTO) instead of cash compensation for overtime may be granted.
- B. Sick leave, vacation leave and holidays, shall be considered as time worked for purposes of computing overtime compensation.
- C. Supervisors in the supervisory unit shall be compensated for all hours required to work in excess of forty (40) hours per workweek in Compensatory Time Off (CTO) on the basis of one hour of CTO for each hour of overtime worked.
- D. CTO balances of eighty (80) hours or less will be carried over as accrued CTO into the next calendar year. CTO balances over a maximum of eighty (80) hours in a calendar year will be paid to an employee.
- E. Work performed on a holiday shall be calculated at the time and one-half for all hours worked. This compensation is in addition to the regular pay for the holiday.
- F. The Agency shall have the right to schedule and approve all use of compensatory time off.
- G. An employee who terminates employment for any reason or cause, shall be entitled to cash compensation for accrued compensatory time.
- H. Exempt employees as defined by the Fair Labor Standards Act (FLSA) shall not be entitled to overtime compensation and all time worked shall be considered part of the duties and responsibilities of the position.

Section 9: Leave

Leave of Absence With or Without Pay

Section 9.01

A leave of absence with or without pay will allow a regular employee to be absent from duty for a specified period of time and for specified purpose in accordance with statutory requirements and the applicable collective bargaining agreement.

- A. A request for a medical, pregnancy or parental leave of absence with or without pay shall be made in writing to the employee's immediate supervisor, the Human Resources Chief, and the Department Head, and shall state specifically the reasons for leave (insofar as allowed by law), the date when the leave is to begin, and the probable date of return. Then the request will be forwarded to the Executive Director for final approval.
- B. All other leaves shall be submitted to the employee's supervisor and Department Head and state specifically the reason for the leave, the date it is requested to begin, and the duration and return date for approval. The Department Head will forward it to the Executive Director for final approval.
- C. No employee shall be granted a leave of absence without pay for time off which can be covered by the employee's accrued vacation, compensatory time off, personal leave, or sick leave when applicable. This does not apply to a denial of paid leave for an employee with attendance issues, tardiness or failure to follow call-in procedures when not reporting for work.
- D. A leave may be granted for a period not to exceed six (6) months for the following purposes:
 - 1. Illness or injury, including pregnancy-related disability and family care;
 - 2. Education or training which would benefit the Agency;
 - 3. Parental leave pursuant to Agency policy, or;
 - 4. Other personal reasons approved by the Executive Director (or the Appointing Authority).
- E. Accrued sick leave when applicable, vacation leave, compensatory time off, personal leave and management leave must be used prior to taking a leave without pay except as approved by the Executive Director (or the Appointing Authority). An employee may not intersperse paid leave accruals with unpaid leave to accrue benefits or qualify for Agency insurance contributions.
- F. In unusual and special circumstances an employee may be granted up to a six (6) month extension of a leave of absence without pay for a total of up to twelve (12) months. Such extension shall be based on unusual and special circumstances and shall be subject to the approval of the Executive Director (or the Appointing Authority).

- G. A leave of absence may be revoked by the Executive Director (or the Appointing Authority), if the reason for granting a leave was misrepresented or has ceased to exist.
- H. If an employee is on an approved leave of absence of six (6) months or less, necessitated by pregnancy, illness or disability, as verified by medical reports, the employee shall be eligible to return to his/her position at the completion of such leave unless statutory provisions provide greater protection.
- I. In all other cases, if a leave of absence necessitates a replacement with a regular employee, the employee on leave shall not be returned to the Agency unless a position in the employee's classification is open at the time he/she reports for work. If the position is to be filled on a permanent basis, the employee shall be so advised prior to the leave.
- J. If there is not such a vacancy in the employee's current classification at the time of request to return, he/she shall have preferential hiring rights for the first in either the employee's current classification or another classification in which he/she held regular status and which is either open at the time he/she returns from the leave or which becomes open at a later date. Such preferential hiring rights cease when either he/she is re-employed in his/her current classification or one calendar year after termination of the leave, whichever occurs first.
- K. Recall rights from a leave without pay shall not supersede the recall rights of laid-off employees. Disputes on preferential hiring rights to vacant positions shall be resolved first by classification seniority. Ties in classification seniority shall be determined by Agency seniority. Ties in Agency seniority will be determined by lot.
- L. If the leave of absence without pay necessitates a temporary replacement, the employee on leave shall be returned to the position he/she vacated upon his/her return to work.
- M. Employees wishing to return from a leave of absence prior to the original date of return, shall notify their supervisor of their desire to return early and they shall work out a mutually agreeable date of return.
- N. Employees who are veterans and/or members of the National Guard shall be entitled to leaves of absence to which they are entitled pursuant to the Military and Veterans Code.
- O. An employee failing to return from a leave of absence on the specified return date shall be considered to have resigned their employment with the Agency.

Administrative Leave

Section 9.02

The Executive Director or Appointing Authority may authorize administrative leave when circumstances necessitate the need to do so. Such leave may be paid or unpaid and usually occurs when allegations arise which could result in disciplinary action.

Paid administrative leave is granted in unusual situations. Administrative Leave with pay should only occur when an allegation of misconduct is of such a nature that the employee's presence at the workplace would be detrimental. The Executive Director, designee or Appointing Authority shall make such a determination. Such paid administrative leave will not typically extend more than ten (10) working days after the completion of said investigation.

Bereavement Leave

Section 9.03

- A. Bereavement leave with pay may be authorized for a regular employee when needed, due to the death of her/his parent, spouse, child, grandparent, brother, sister, mother-in-law, father-in-law, grandchild, son-in-law, daughter-in-law, domestic partner as defined in City Ordinance 92-058, or the death of any close relative who resided with the employee at the time of death.

- B. Such absence for family death shall be limited to time which is definitely required and shall not exceed five (5) days for any one death.

DRAFT REVISION

Revised 9/29/03

Jury Duty

Section 9.04

Any full time employee shall be allowed such time off with pay as is required in connection with Jury Duty.

- A. Employees needing time off for the purposes of Jury Duty shall notify his/her immediate supervisor immediately upon receiving notice of jury duty.
- B. Time off with pay shall be allowed as is required in connection with jury duty; provided, however only upon remittance to the Agency of full jury duty fees, excluding mileage, or upon submittal of acceptable evidence that jury fees were waived.
- C. Employees shall be allowed time off from scheduled work without loss of pay as is required if under subpoena in a proceeding in which the employee was a witness while on official Agency business; provided, however, that payment shall be made for such time off only upon remittance to the Agency of full witness fees, other than mileage, or upon submittal of acceptable evidence that witness fees were waived.

Disability Leave

Section 9.05

- A. An employee who has suffered possible injury in the performance of assigned duties shall immediately notify his/her supervisor and Personnel. The employee shall undergo such medical examination as the Appointing Authority or designee deems necessary as quickly as possible.
- B. The employee will be referred to a SETA designated facility, unless the employee has completed a Physician Designation Form prior to the injury. The employee will not be considered absent from duty during the time required for such examination. Failure or refusal of the employee to undergo such a medical examination shall constitute a waiver on the part of the employee of the leave benefits of this Section.
- C. An employee who is unable to perform any appropriate work assignments because of disability incurred in the performance of assigned duties shall be entitled to disability leave benefits provided pursuant to the California Worker's Compensation Insurance Act:
 - 1. During any period of disability for which payment is not provided under worker's compensation insurance, the employee shall be placed on leave with pay to the extent of any leave with pay which the employee has accrued. Such leave with pay shall be charged against the employee's accrued leave. For the purpose of this Section, "accrued leave with pay" includes accrued sick leave, vacation and compensating time off.
 - 2. During any period of disability for which payment is provided under worker's compensation insurance or state disability insurance, the employee may elect to integrate accrued leave balances with the worker's compensation benefits to equal an amount no greater than the employee's usual pay.
- D. All leave provisions of this section shall terminate on the date of the employee's recovery from disability, receipt of permanent disability under worker's compensation insurance, retirement, termination for Agency employment or death, whichever occurs first.

Parental Leave

Section 9.06

Employees may be eligible to take parental leave to provide care to a newborn or newly adopted child, facilitate parental bonding and family adjustment, and to provide time to locate suitable long-term child care arrangements.

A. Regular Employees

1. An "eligible employee" is a male or female, full-time or part-time regular employee who has completed at least 2,080 hours of service from the most recent date of hire preceding either:
 - a. the birth of a child who resides with the employee and for whom the employee has physical and legal custody, or
 - b. the adoption of a child under age four (4) who resides with the employee and for whom the employee has physical and legal custody. Court appointed legal guardians and foster parents do not qualify under this policy.

"Physical and legal custody" means that the child resides with and is under the supervision of the employee, who has the right and responsibility to make decisions relating to the health, education and welfare of the child.

2. Eligible employees who apply for parental leave in accordance with this policy shall have the right to a parental leave of absence, including paid and unpaid leave, not to exceed four (4) months, with return rights to the same classification.
3. "Parental leave" is any leave, whether paid or unpaid, taken by either a female or male employee within one calendar year following the birth or adoption of a child who resides with the employee and for whom the employee has physical and legal custody.
4. An eligible employee is entitled to parental leave only once for each birth or adoption regardless of the number of children involved (e.g., twins) or a change in employment status such as from part-time to full-time. The eligible employee shall not be entitled to an additional leave due to the same birth or adoption.
5. An eligible full-time employee shall be eligible for a paid parental leave of up to one hundred-sixty (160) hours of continuous paid time off. An eligible part-time employee shall be eligible for up to eighty (80) hours of continuous paid time off during the parental leave.

For the initial request for parental leave, the eligible employee shall have the right to combine unpaid leave and Agency-paid parental leave with other paid leave credits. Paid leave credits are defined as accrued and available hours of sickleave, vacation, holiday, and compensatory time off (CTO).
6. Parental leave shall not begin prior to the date of the child's birth or adoption. Parental leave shall be completed within twelve (12) months immediately following the date of the child's birth or adoption.

7. A paid or unpaid leave of absence outside of parental leave for medically verified pregnancy complications may be requested pursuant to the Agreement or Personnel Policies, as applicable.

B. Employees Not Eligible under Section 9.06(a1)

1. Employees who are not "eligible employees" as defined in Section 9.06 A (1) above may utilize accrued and available hours of vacation, compensatory time off (CTO), holiday, sick leave and/or unpaid leave during the parental leave.
2. An employee who takes parental leave under this section and who later becomes eligible for parental leave under Section 9.06 A (1) shall be entitled to a combined maximum parental leave of four (4) months for the same birth or adoption.

C. Procedures - All Employees

1. Pay Status While on Parental Leave:

Unpaid parental leave and paid parental leave including sick leave, vacation, compensatory time off (CTO), and holiday time shall be utilized as follows:

- a. In the event an employee elects to utilize paid leave at the beginning of parental leave and thereafter elects either to interrupt the paid leave or exhausts paid leave credits prior to the end of the leave, such employee will be carried on non-paid status for the remainder of the authorized leave period.
- b. In the event an employee begins the parental leave on unpaid leave status, such employee may utilize paid leave credits at a later date during the authorized leave. However, paid leave credits once started are to be used continuously at the regularly scheduled rate, until all such credits are exhausted, or until the employee either returns to work or voluntarily interrupts the paid leave and elects to continue on non-paid status for the balance of the authorized leave.
- c. The employee shall not be entitled to selectively intersperse paid leave credits with unpaid leave for the purpose of accruing benefits or qualifying for Agency insurance contributions.
- d. Parental leave may be integrated with State Disability Insurance (SDI) pursuant to the provisions of Section 8.04.
- e. Paid parental leave shall be considered as time worked for purposes of eligibility for recognized holidays occurring during the leave.

2. Leave Request Processing

- a. An employee who wishes to apply for parental leave shall complete a Parental Leave Request and submit the request in advance to the Appointing Authority or designee, with supporting documentation. The completed request must be submitted at least four (4) weeks prior to the

beginning date of the leave. The four (4) week requirement may be waived by the Executive Director or designee.

- b. The Executive Director or designee shall process Leave Requests in accordance with the Agreement and this Policy. Leave applicants shall be notified by their supervisor regarding leave approval, within two (2) weeks from the date the leave request was submitted.

3. Extension of Parental Leave

In the event the employee desires an extension of Parental Leave beyond the originally approved period within the maximum four (4) month parental leave period limits, the employee must provide the Appointing Authority or designee with a Parental Leave Extension Request. Leave extensions and return rights for leaves exceeding the four (4) months parental leave period shall be governed by Agreement or Personnel Policy, as applicable. The return rights provided under this policy shall not apply to any leave of absence exceeding four (4) months.

D. Extension of Probationary Period

In the event parental leave time exceeds thirty (30) calendar days, the probationary period shall be extended by the full period of parental leave, including both the paid and unpaid portions.

Family Care Leave

Section 9.07

Employees shall be eligible to receive Family Care Leave. The purpose of such leave is to provide care for the employee's newborn or newly adopted child, or provide care for the employee's child, spouse, domestic partner, or parent who has a serious health condition.

A. To be eligible for Family Care Leave, the employee must:

1. have worked for the Agency for at least twelve months and have worked 1250 hours of Agency service from the most recent date of hire prior to the initiation of the leave.
2. be a regular employee, and
3. not have taken a parental leave of absence totaling 696 hours or more within the last 24 months if the purpose of Family Care Leave is to provide additional parental leave for the newborn or newly adopted child.

B. Definitions

1. Child is the biological, adopted, foster child, step-child, legal ward of the employee; a child of a domestic partner; or a child of a person standing in place of the parent for legal purposes who is either:
 - a. Under 18 years of age; or
 - b. An adult dependent child.
2. Domestic Partner is a person who has a relationship with the employee as defined in Section 2 of these rules.
3. Family Care Leave includes the following:
 - a. Leave for reasons of birth of a child, or placement of a child with an employee in connection with the adoption of the child by the employee; or
 - b. Leave for reason of serious illness of a child; or
 - c. Leave to care for a parent, spouse, or domestic partner who has a serious health condition.
4. Health care provider is an individual holding either a physician's and surgeon's certificate or an osteopathic physician's and surgeon's certificate.
5. Parent is the biological, foster, adoptive parent, stepparent, or legal guardian of the employee.

6. Serious health condition is an illness, injury, impairment, or physical or mental condition which warrants the participation of a family member to provide care during a period of the treatment or supervision and involves either:
 - a. Inpatient care in a hospital, hospice, or residential health care facility; or
 - b. Continuing treatment or continuing supervision by a health care provider.
7. Spouse is the person to whom the employee is legally married within the meaning of the Family Law Act.

C. Leave Requests

1. If the employee's need for a leave is foreseeable, the employee shall make a reasonable effort to schedule the treatment or supervision to avoid disruption to the operations of the Agency. Such scheduling shall be subject to the approval of the health care provider of the individual requiring the treatment or supervision.
2. The Agency may require that an employee's request for leave to care for a child, a spouse, a domestic partner, or a parent who has a serious health condition be supported by a certification issued by the health care provider of the individual requiring care.
3. Eligible employees who are granted Family Care Leave in accordance with this policy shall have the right to a family care leave of absence, including paid and unpaid leave, not to exceed 696 hours with the right to return to the same department and classification.
4. Subject to the reasonable approval of the Agency, Family Care Leave of up to 696 hours may be taken in one increments within a 24-month period.

D. Procedures

1. Pay Status While on Family Care Leave
 - a. The employee shall be on unpaid leave status while on Family Care Leave. The employee may elect to utilize any of the employee's accrued vacation, holiday credit, compensatory time off or management leave hours, as applicable, in lieu of unpaid leave. Sick leave may only be used for family care leave pursuant to the Agreement between SETA and AFSCME or the Personnel Resolution Covering Unrepresented Employees, as applicable.
 - b. Request for paid leave must be made at the beginning of Family Care Leave. In the event paid leave is interrupted or exhausted, the employee will be carried on unpaid leave status for the remainder of the family care leave.
 - c. The employee shall not be entitled to selectively intersperse paid leave credits with unpaid leave for the purpose of accruing benefits or qualifying for Agency insurance contributions.

2. Leave Request Processing

- a. An employee who wishes to apply for family care leave shall complete a Family Care Leave Request and submit the request to his/her supervisor, with supporting documentation, at least four (4) weeks prior to the beginning date of the leave when foreseeable. The four (4) week requirement may be waived by the Executive Director.
- b. The leave requests shall be processed in accordance with this policy and the Agreement or Personnel Resolution, as applicable. Leave applicants shall be notified by their supervisor regarding leave approval within two (2) weeks from the date the leave request was submitted, or as soon as practicable in the event of an emergency request.

3. Extension of Family Care Leave:

In the event the employee desires an extension of Family Care Leave beyond the originally approved period and within the maximum 696 hours in a 24-month period limitation, the employee must provide the Executive Director with a Family Care Leave Extension Request. The right to return provided under this policy shall not apply to any unpaid family care leave of absence in excess of 696 consecutive hours. Leave extensions and right to return for periods exceeding 12 weeks shall be governed by the Agreement or Personnel Resolution, as applicable.

4. Extension of Probationary Period:

The probationary period shall be extended by the full period of family care leave, including both paid and unpaid portions.

Sick Leave Accrual and Usage

Section 9.08

Sick leave accruals shall be earned by regular and probationary employees based on the equivalent of full-time service from the date of appointment.

- A. Sick leave hours shall accrue to and be useable by the employee upon completion of the end of the day on the last day of the bi-weekly pay period in which it is earned. Sick leave requires the approval of the supervisor and may be denied as provided below. Unapproved sick leave is absence without leave and shall be unpaid. Unexcused sick leave is sick leave for a purpose not approved herein, or in a manner or amount which exceeds the standards defined below.
- B. Sick leave is accrued as follows:
1. 40-hour work week regular employees: sick leave hours accrue on the basis of four (4) hours, per bi-weekly pay period of service, or thirteen (13) days annually, and may be accumulated without limitation.
 2. Less than 40-hour work week regular employees: sick leave hours shall accrue in proportion to their regular work week hours compared with the forty (40) hour work week so that 4-hour employees earn two (2) hours per bi-weekly pay period or 6.5 days annually; 6-hour employees earn three (3) hours per bi-weekly pay period or 9.75 days annually; and 7-hour employees earn three and one-half (3½) hours per biweekly pay period or 11.375 days annually.
- C. A regular or probationary employee may utilize their accumulated sick leave when unable to perform their work duties by reason of:
1. physical or mental illness
 2. on or off-the-job injury, including victims of domestic violence, stalking and sexual abuse as defined by the Kin Care Law
 3. necessary medical or dental care
 4. exposure to or active contagious disease such that the health of employees, or the public would be endangered by the employee being at work
 5. illness in the employee's immediate family as defined by law
 6. pregnancy and childbirth
 7. attendance during a serious medical treatment or operation performed upon an immediate family member as defined by law
- D. An employee may be required to present a certificate of the attending physician or medical practitioner to substantiate the need for and use of sick leave as allowed by law. The Agency may also require a fitness for duty examination for cause as determined by observation of the employee's behavior or disclosure of their medical condition. The Agency may require a fitness for duty examination upon release to return to work from absence for a serious illness, injury, or exposure to a contagious disease.

- E. The Executive Director, designee or Appointing Authority may place an employee on involuntary sick leave when recommended by a competent medical authority and when the employee's presence at work endangers the health or work performance of the employee, other employees, the Head Start children under their supervision, or Agency clients.
- F. An employee who is using excessive sick leave shall be notified of the concern by his/her direct supervisor as soon as practical and counseled regarding the use and abuse of sick leave. After initial verbal counseling, upon another occurrence the employee shall be notified in writing of the attendance requirements and advised that discipline may follow if the behavior is not corrected. Failure to report to work regularly and to follow procedures for calling out sick may be grounds for disciplinary action.

Excessive sick leave is defined as using sick leave in excess of that protected by law as follows:

1. The employee has a rate of utilization of sick leave in excess of that protected by law which is in excess of fifty percent (50%) of the yearly accrual. The employee will be notified of this utilization threshold when they reach forty percent (40%) usage, if possible.
2. The employee has a pattern of sick leave use which causes concern as to its legitimacy, including time associated with weekends, holidays or other leave, and/or after refused time off for that period.

Supervisors/managers shall monitor the sick leave use by all employees under their supervisor or direction, including the use of sick leave covered by FMLA, Kin Care and other legally protected sick leave.

- G. If an employee in a class designated as Management in the annual salary classification plan dies while employed by the Agency, whether or not the death is job-related, the beneficiary shall be paid the monetary value of all sick leave accrued by the employee at the time of death.
- H. Unused sick leave at the time of retirement shall be eligible for conversion to service credit as the retirement plan allows.
- I. Immediate family for purposes of this section shall be as defined by law and is found in section 9.03 A of these policies.

Catastrophic Leave

Section 9.09

- A. Regular employees, who are incapacitated and unable to work due to a prolonged non-industrial catastrophic illness or injury may be eligible to receive benefits under the Catastrophic Leave Policy.
- B. Regular employees shall be entitled to participate in the Agency Catastrophic Leave Policy with the following provisions:
1. An employee may donate to or receive from an unrepresented or represented employee annual leave, vacation, holiday, compensating time off (CTO), or management leave hours. Participation in this plan shall be voluntary. Sick leave hours may not be donated under this provision.
 2. All donations shall be made and accepted in writing using a form designated by the Agency.
 3. The donation in any category must be a minimum of eight (8) hours and in whole hour increments.
 4. The hours donated shall be converted to the receiving employee's hourly rate and credited to the receiving employee's sick leave balance sufficient to keep the employee on full pay and benefits for one pay period at a time.
 5. Hours to be donated shall be debited from the donor's leave balance effective with the pay period of the donation and are irrevocable. The hours shall be credited to the recipient's sick leave balance pursuant to (4) above.
 6. Management employees may only receive donations from management employees. A non-management employee may not receive donations from a subordinate employee where a direct supervisor/subordinate relationship exists. Any exception to this paragraph must be approved by the Executive Director.
 7. To be eligible to use donations, an employee must:
 - a. be incapacitated and unable to work due to a prolonged non-industrial illness or injury which is estimated to last for at least thirty (30) calendar days;
 - b. have exhausted all usable leave balances, including sick leave;
 - c. be on an approved leave of absence.
 8. All donated hours must be used on a continuous and uninterrupted basis and will be paid at the rate of pay and normal work schedule of the recipient, along with all usable hours accrued, until the earliest of the following events occurs:

- a. All leave balances, including both donated and accrued leave, are exhausted; or
 - b. The employee returns to work at his/her normal work schedule; or
 - c. The employee's employment terminates.
9. Donations received while a recipient is still utilizing previously donated and related accrued leave time may be used immediately thereafter.

Hours donated subsequent to exhausting all donated hours shall be accumulated and utilized along with related accrued leave hours in amounts equal to the recipient's normal bi-weekly work hours.

10. Used donated leave time shall count toward the application of Agency service and benefits in the same manner as when the employee is on sick leave.
11. Used donated leave time shall be subject to the recipient's normal payroll deductions.

- C. For the interpretation of this policy, the following words and terms shall be construed as stated:

Catastrophic - A medically certified condition in which the employee is incapacitated and unable to work due to a prolonged non-industrial illness or injury which is estimated to last for at least thirty (30) calendar days.

Donated Hours - Pledged vacation, holiday credit, management leave, and CTO hours which have been donated for use by the recipient on the Agency designated form.

Usable Hours - Vacation, holiday credit, management leave, and compensating time off hours which have been credited to an employee and are available for use by the employee.

- D. Procedures for donating hours:

1. Pledges for donated hours will be made by the donating employee on an Agency provided form and forwarded to the Fiscal Department.
2. All donated hours will be transferred for use by the recipient at the end of the pay period during which the donation form is processed. Donated hours will be used in the order received.
3. The Fiscal Department will confirm that the recipient employee is qualified to receive donation pledges.
4. The recipient employee's leave of absence will convert to active status while donated hours are utilized.

E. Extension of Probationary Period:

The probationary period shall be extended by the full period of the approved leave of absence, including periods of paid catastrophic leave.

Vacation

Section 9.10

All regular and probationary employees who have completed six months of service with the Agency shall be eligible to use accrued vacation.

- A. Accrual of Vacation Leave (Annual leave) shall accrue at the rate shown below:
 - 1. 4.0 hours per bi-weekly pay period through three (3) years of service;
 - 2. 5.5 hours per bi-weekly pay period beginning with four (4) and through fifteen (15) years of service;
 - 3. 7.1 hours per bi-weekly pay period after fifteen (15) years of service.
- B. Prior to taking accrued vacation time, each employee shall obtain the approval from his/her immediate supervisor, manager, or chief, consistent with the requirements of the department.
- C. Upon an employee's request and receipt of approval of the Agency, he/she shall be paid a lump sum of all accrued vacation or an agreed upon portion thereof provided that the employee has completed six months of service with the Agency.
- D. If an employee's request for vacation is denied and the action results in the employee having more than two times her/his annual vacation entitlement, the employee will automatically be paid for the days in excess of his/her accrued entitlement.
- E. An employee who separates or is terminated from Agency Service or who takes military leave in excess of one hundred eighty (180) days shall be paid the monetary value of his/her vacation.
- F. Payment to an employee who separates or terminates shall be made on the last work day of actual duty or as soon thereafter as is practical.
- G. An employee may have any vacation leave taken charged as sick leave, if:
 - 1. The incident(s) would normally qualify under the sick leave policy; and
 - 2. The employee notifies the Executive Director immediately upon his/her return; and
 - 3. The employee provides the documentation required to substantiate the need and use of sick leave.
- H. Temporary employees and regular employees occupying positions that are not twelve (12) months per year shall not accrue vacation leave benefits.

- I. Head Start employees who are on the payroll effective October 1 of each year and who are less than year-round employees will receive a one week paid Spring recess (Easter). The benefit does not accumulate and has no cash value.
- J. Unless otherwise excluded, part-time year round employees shall accrue vacation based on the equivalent to full time status.
- K. Vacation leave earned but not taken may accrue to a maximum of four hundred (400) hours.

Holidays

Section 9.11

All Agency regular and probationary employees are eligible for the benefits listed below. Employees holding temporary, extra-help or student intern positions are not eligible.

- A. All regular and probationary employees of the Agency shall be entitled to holidays as specified below.
- B. All state holidays proclaimed by the Governor, other than Thanksgiving Day, shall not be Agency holidays unless affirmatively made so by resolution of the County Board of Supervisors for County employees.
- C. Such holidays include:

New Year's Day	Labor Day
Martin Luther King's Day	Veteran's Day
President's Day	Thanksgiving Day
Cesar Chavez Day	Day after Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	
- D. When one of these holidays falls on a Saturday, the employee shall be given the preceding Friday off. When one of these holidays falls on a Sunday, the employees shall be given the following Monday off.
- E. When an employee is required to work on a recognized holiday, such work time shall be compensated as set forth in Section 8 of these Policies and Procedures.
- F. Employees shall work or be on paid leave the entire regularly scheduled shift before and after the holiday to be eligible for holiday pay.
- G. When an employee gives adequate advance notice, the Agency will make reasonable accommodations, by rescheduling working hours or releasing from work without pay, to allow the employee to observe the Sabbath or other special religious holidays, except under circumstances when such accommodations would unduly interfere with Agency operations. Such release time may be charged to vacation or compensating time off if requested by the employee.
- H. Each employee shall be allowed four (4) hours off work with pay on December 24th (Christmas Eve) and December 31st (New Year's Eve). The employee shall request such time off from the Executive Director or his/her designee. If the employee is unable, because of the needs of the Agency, to take such time off she/he shall be credited with four (4) hours compensatory time off.

Personal and Management Leave

Section 9.12

- A. In addition to the recognized holidays, each confidential employee shall receive the equivalent of forty (40) hours of personal leave July 1 of each fiscal year.
1. Personal leave time not taken during the fiscal year may not be carried over to the next fiscal year. All personal leave time not used by the end of the fiscal year shall be paid to the employee in cash at the employee's straight time base hourly rate in effect on the last pay day in June of that fiscal year. Temporary employees are not eligible for paid personal leave.
 2. Employees who become eligible for the personal leave time benefit after July 1 of any fiscal year shall receive a pro rata based upon the number of full calendar months remaining in that fiscal year.
 3. Part-time employees shall accrue personal leave credit on a pro-rata basis.
 4. The scheduling of personal leave time off must be approved in advance by the immediate supervisor.
- B. In addition to the recognized holidays, each management employee shall receive the equivalent of sixty-four (64) hours of management leave per year, credited July 1 of each fiscal year. Employees appointed after July 1 of a fiscal year shall be entitled to a pro-rata share of management leave based upon the number of full months remaining in that fiscal year. Management leave not used before the end of the fiscal year, shall be cashed out the following July.

Paid Sick Leave for Temporary Staff

Section 9.13

Sick leave credits shall be earned by temporary staff that are paid through the SETA payroll system in accordance with the California Paid Sick leave requirements.

- A. Sick leave credit shall accrue to the employee upon completion of the regular work assignment on the last day of the bi-weekly pay period in which in it is earned.
- B. Sick leave is accrued as follows:
 - a. Sick leave shall accrue on the basis of 1 hour per 30 hours worked, and may be accumulated up to 48 hours or 6 days.
- C. Temporary staff, that have completed at least 90 days of employment, may utilize their accumulated sick leave when unable to perform their work duties by reason of:
 - a. Illness
 - b. On or off-the job injury
 - c. Necessary medical or dental care, as long as they had provided reasonable notice to their scheduling supervisor.
 - d. Exposure to contagious disease under circumstances by which the health of employees or members of the public would be endangered by the attendance of the employee.
 - e. Illness or death in the employee's immediate family
 - f. Pregnancy
 - g. Attendance, at any location, during a serious medical treatment or operation, including childbirth, performed upon a spouse, child or close living relative residing with the employee.
 - h. An employer shall provide paid sick days upon the oral or written request of an employee for themselves or a family member for the diagnosis, care or treatment of an existing health condition or preventive care, or specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking.
- D. The agency may also require a fitness for duty examination or release upon return from absence for a serious illness, or exposure to a contagious disease.
- E. An employee may use up to 24 hours of sick leave in a 12 month period. To utilize the benefits, the Temporary staff member must request payment of sick leave hours, which hours can only be used on a day that the Temporary staff member was scheduled to work

or was working. The agency reserves the right to request documentation regarding the need to utilize sick leave.

- F. Retaliation or discrimination against an employee who requests paid sick days or uses paid sick days or both is prohibited.
- G. Accrued Sick leave benefits will not be cashed out upon termination. However, if a Temporary staff member returns within a year of terminating their employment their previous balance will be restored.
- H. In the event that any of the terms or provisions of this policy are declared invalid or unenforceable by any Court of competent jurisdiction or any Federal or State Government Agency having jurisdiction over the subject matter of this Agreement, the remaining terms and provisions that are not affected thereby shall remain in full force and effect.
- I. In the event that any of the terms or provisions of this policy are altered due to changes in Local, State, or Federal law those changes will take effect in lieu of the terms outlined in this policy, but the remaining terms and provisions that are not affected thereby shall remain in full force and effect.

**Section 10: Layoffs, Separation
from Service, and Disciplinary
Action**

10.1 Layoff:

- a. When it becomes necessary, due to lack of work, lack of funds, or in the interest of economy, to reduce the number of employees, the order of separations within each class affected by the layoff shall be based on seniority.
- b. Seniority shall be defined by the total continuous service in the class since the most recent date of appointment. The seniority list shall include all regular employees. Where seniority is equal, ties will be broken by the employee with the greatest total continuous Agency Service in all classes. If total Agency seniority is equal, the tie shall be broken by lot.
- c. The Agency shall prepare and maintain a seniority list which shall show the name, classification, classification seniority date, and Agency service seniority date of all employees.
- d. Temporary employees in the class(es) involved in the layoff shall be separated prior to probationary or regular employees.
- e. A probationary employee who has previously completed a regular probationary period shall be laid off next and shall have the right to return to the classification from which promoted. Seniority accrued during the probationary period shall be applied to the classification from which the employee promoted.
- f. Regular employees shall be laid off in the reverse order of seniority. A regular employee scheduled for layoff shall have the right to demote to a classification with a salary range no higher than the classification from which demoted and in which he/she formerly held regular status or to a lower classification in the current classification series, provided however, that the demoting employee has classification seniority over a displaced employee. Seniority over the displaced employee shall include time in the classification to which demoted and time in any higher classification in the series. If employees are also being laid off in the classification to which the employee has a right to demote, or requests to demote, his/her seniority in the lower classification shall be determined as specified above.

10.2 Resignation:

- a. An employee should resign from Agency Service by submitting his/her written resignation to his/her immediate supervisor. The resignation shall be effective upon the final work date specified. Oral resignations are allowed and fall under the same requirements as a written resignation.

- b. It is requested that all employees provide a minimum of two weeks notice prior to their resignation.
- c. A resignation, whether or not in writing, shall be effective and binding upon its submission without further action.
- d. At the discretion of the Executive Director or Appointing Authority, a resignation may be reversed prior to the final date of the resignation.

10.3 Dismissal

- a. Exempt employees are considered “at will” employees and may be dismissed from Agency Service at any time. Exempt employees are not subject to the appeals process and shall have no appeals rights.
- b. Represented employee shall be governed by the terms and conditions set forth in the respective labor agreement(s).

10.4 Disciplinary Action

- a. Disciplinary action includes a reduction of pay, suspension, demotion, or dismissal.
 - b. The Executive Director or designee, Appointing Authority, and any supervisor in the employee's chain of command has the authority to initiate disciplinary action.
 - c. In accordance with Head Start’s Code of Conduct, discipline is expanded to include a Zero Tolerance discipline policy, as it relates to Section 11.11 (3) and Section 11.11(4) (SETA Personnel Policies and Procedures).
1. Supervision—Supervising children at all times means that the assigned staff are accountable for each child. This includes responsibility for the appropriate visual and/or auditory awareness, physical proximity and knowledge of activity. If an employee is found guilty of lack of supervision in the following manner disciplinary action will be proposed as follows:
 - a. A first occurrence of leaving children alone or unsupervised, resulting in a child leaving the premises without staff knowledge/awareness or supervision will result in termination
 2. Personal Rights—Children are to be accorded dignity in their personal relationships with staff and are to be free from corporeal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse or other actions of a punitive nature. If an employee is found guilty of violating a child’s personal rights in the following manner disciplinary action will be proposed as follows:
 - a. A first occurrence of an employee using their power, position and anger to impose emotional or physical abuse, humiliation, intimidation or ridicule on a child including, but not limited to slapping, striking, hitting, yanking or shaking will result in termination.

All occurrences of violations of children's personal rights or children's supervision will result in serious disciplinary action up to and including termination.

10.5 Causes for Disciplinary Action

- a. Fraud in securing appointment;
- b. Incompetence;
- c. Inefficiency;
- d. Inexcusable neglect of duty;
- e. Insubordination;
- f. Dishonesty;
- g. Drunkenness on duty;
- h. Addiction to the use of controlled substances;
- i. Inexcusable absence without leave;
- j. Conviction of a felony or conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his/her position. A plea of guilty, or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section;
- k. Rude and discourteous treatment of the public or other employees;
- l. Improper political activity as governed by the Federal Hatch Act and the California Government Code;
- m. Willful disobedience;
- n. Any failure of good behavior either during or outside the duty hours which is of such a nature that impairs, disrupts or causes discredit to his/her Agency or his/her employment;
- o. Physical or mental disability, with or without accommodation, which precludes an employee from performing the essential duties and responsibilities of the job;
- p. Failure to possess or keep in effect any license, certificate or other similar requirement specified in the employee's class specification.
- q. Receipt by the Agency of notification from any state or federal agency precluding the employee from working due to the nature of the employee's criminal record.

10.6 Notification

- a. A copy of the disciplinary action shall be served upon the employee either personally, or by registered or certified mail, return-receipt requested.
 1. Personal service – Any written notice shall be conclusively presumed to be delivered to the employee on the date the written notice is personally served on the employee.
 2. Certified mail - - receipt returned. In the event any notice is sent to an employee by certified mail, return receipt requested, the notice shall be conclusively presumed to be delivered to the employee on the date the receipt was signed by the employee or any other adult person residing with the employee at the address to which the certified mail is sent.

3. Certified mail - - receipt not returned. In the event the certified mail is refused, or in the event the employee has moved or is absent without leave, and no person at the address to which the certified mail is sent signs for the certified mail, a copy of the notice shall be deposited in the regular mail addressed to the employee at the employee's last-known address. It shall be presumed the notice was delivered as of the date the copy of the notice was delivered in the regular mail following return of the certified mail.
- b. In all cases of disciplinary action, the Executive Director or Appointing Authority, shall provide to the employee a written statement of the reasons for the action. The written statement shall include:
 1. A statement of the nature of the personnel action;
 2. The effective date of the action;
 3. A statement of the causes of action as set forth above;
 4. A statement in ordinary and concise language of all the specific facts or omission upon which the causes are based.
 5. A statement advising the employee of his/her appeal rights, if any, and the manner and time within which said appeal must be made.
- c. The Executive Director or designee may serve on the employee an amended or supplemental action. If the amended or supplemental action presents new causes or allegations, the employee shall be afforded the opportunity to respond or prepare a defense thereto.
- d. Any new causes of action or allegations shall be deemed denied and amended or supplemental causes or allegations may be made orally at the hearing.

10.7 Appeal - Informal

- a. Exempt employees are considered "at will" employees and shall have no right of appeal under this section.
- b. Within ten (10) working days, an employee may request an informal hearing to the Executive Director or designee, to present any arguments or facts he/she believes may impact the disciplinary action being imposed.
- c. A decision shall be rendered as soon as practical and the employee shall be notified of said decision in writing.

10.8 Appeal – Formal

- a. Exempt employees are considered "at will" employees and shall have no right of appeal under this section.
- b. If the employee disagrees with the decision rendered at the informal level, he/she shall have the right, within ten (10) working days, to file a written appeal with the Governing Board.
- c. For confidential employees, the sole purpose of this appeal is to determine if Agency policy and procedures were properly followed.
- d. At the discretion of the Governing Board, the matter may be deferred to a Hearing Officer for determination of the same issue.

- e. The decision of the Governing Board, or the Hearing Officer acting on the behalf of the Governing Board, shall be final and binding upon the parties and shall represent the final determination by the Agency on the matter.
- f. All costs associated with a Hearing Officer, including but not limited to, the cost of a court reporter, transcripts, mileage, and accommodations, shall be borne equally between the employee and the Agency.
- g. If the appeal is successful, a remedy shall be fashioned which attempts to be workable, reasonable and just, and if necessary, prevent a recurrence of the behavior which caused the appeal.
- h. Represented employees may appeal subject to the terms and conditions specified in the applicable labor agreement(s).

10.9 Failure to Appeal

If an employee fails to file an appeal notice or files an untimely appeal notice, the disciplinary action shall be deemed final without further action of the Agency.

10.10 Hearing

- a. The Hearing shall be held at the earliest administratively convenient date, taking into consideration the established schedule of the Governing Board or Hearing Officer, and the availability of counsel and witnesses. Both parties shall be entitled to appear personally, produce evidence within the scope of the appeal, and have counsel present.
- b. Neither the Governing Board nor the Hearing Officer shall be bound by formal Policies and Procedures of evidence.
- c. The Agency shall be entitled to have a list of witnesses with addresses and telephone numbers, copies of any writings, materials or documents he/she intends to produce at the hearing.
- d. If the appeal is heard by a hearing officer, he/she shall prepare a proposed decision in such form that it may be adopted by the Board as the decision in the case. A copy of the proposed decision shall be filed with the Board as a public record and furnished to each party within ten working days after the proposed decision is filed with the Board. The Board may:
 - 1. Adopt the proposed decision in its entirety;
 - 2. Reduce the punitive action set forth therein and adopt the balance of the proposed decision;
 - 3. Reject a proposed reduction in penalty, approve the penalty sought by the Director or Appointing Authority or any lesser penalty, and adopt the balance of the proposed decision; or
 - 4. Reject the proposed decision in its entirety.

- e. If the Board rejects the proposed decision in its entirety, each party shall be notified of such action and the Board may decide the matter upon the record, including the transcript, with or without the taking of additional evidence. If the case is so assigned to a hearing officer, he/she shall prepare a proposed decision as provided in sub Department (c) upon the additional evidence and the transcript of the prior hearing. A copy of such proposed decision shall be furnished to each party within ten (10) working days after the proposed decision is filed with the Board.

Section 11: Work Habits

General Conduct

Section 11.01

All employees of SETA are expected to adhere to Agency policies, maintain professional demeanor, perform their jobs at a satisfactory level, and follow work Policies and Procedures, including, but not limited to, the following,

- A. Full time employees work a scheduled workweek of forty (40) hours as arranged with the supervisor, with two fifteen-minute breaks and a lunch break.
 - 1. Breaks are scheduled mid-morning and mid-afternoon (fifteen minutes each). Staff cannot use them to make up for coming in late, extending the lunch break, or leaving early, unless he/she has obtained permission for his/her immediate supervisor.
 - 2. Staff who are scheduled for a 1/2 hour lunch will make sure that their lunch is 1/2 hour. If extra time is needed for lunch (birthdays, going away parties, etc.) the supervisor should be informed in advance and the staff member should plan to make up the time at the end of the same day or take the time off on vacation or compensatory time off.
 - d. Staff who are scheduled for a 1 hour lunch will make sure that their lunch is 1 hour. If extra time is need for lunch (birthdays, going away parties, etc.) the supervisor should be informed in advance and the staff member should plan to make up the time at the end of the same day or take the time off on vacation or compensatory time off.
- B. Employees will be consistently punctual. This means that employees are at work and ready to work at the designated time.
- C. Employees will maintain regular attendance. This means that employees should come to work every day except when their supervisor has approved vacation or compensatory time off or when illness prevents them from coming to work.
 - 1. When an employee is ill or will be late to work, she/he must contact her/his supervisor to inform him/her that she/he is ill or will be late to work. If the supervisor is not in, the employee should leave a message and a telephone number where they can be contacted, but every effort should be made to contact the supervisor directly.
 - 2. All time off for medical appointments must be approved in advance by the supervisor. Whenever possible, the employee shall provide a minimum of one week advance notice of a medical appointment, except for emergencies.
- D. All overtime must be pre-approved by the supervisor.

- E. Personal phone calls and personal business will be conducted on breaks or lunch. Personal long distance calls must be made using a calling card and should be made through the front desk.
- F. Employees must be able to accept supervision and constructive criticism and work within the Policies and Procedures of the work place.
- G. Employees will present an appropriate appearance that means that he/she should be clean and neat and dressed appropriately for work.
- H. Employees will exhibit appropriate interpersonal skills. This means that employees will resolve differences constructively and respect the rights of others.

Violence in the workplace shall not be tolerated. Violations of this policy may result in disciplinary action, up to and including termination. For these purposes, violence shall include, but not be limited to:

1. direct or indirect threats of violence on or directed at another employee (s), client or member of the public;
 2. assaulting another employee, client or member of the public;
 3. shouting at another employee, client or member of the public; or
 4. using foul or offensive language.
- I. Employees will complete tasks effectively and accurately. This means the employee will produce quality work on time, organize their time and prioritize tasks efficiently, and adapt to the needs of the job.
 - J. Employees will behave appropriate to the workplace. It is not acceptable to shout over partitions to each other or use unprofessional language in the office. Employees will treat the public and co-workers with respect and project the image of a professional office.
 - K. Employees will take appropriate care of Agency equipment and facilities. This means employees are expected to take reasonable care of Agency equipment and facilities to prevent harm or damage of such equipment or facilities they use during the course of doing business. The Agency expects employees to use Agency equipment only for the purposes originally intended and for work use only, unless authorization is obtained prior to said use.
 - L. Employees are expected to work safely and follow appropriate safety measures while performing their jobs.

Hours of Work

Section 11.02

A. Regular hours of Work

The regular hours of work shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays, unless otherwise designated. Employees are required to work these designated work hours, unless other hours are authorized pursuant to these rules.

1. The Executive Director or designee shall determine the hours of work for each employee, in accordance with the needs of the Agency.
2. The hours of work for employees shall be eight (8) hours per day and forty (40) hours per week, unless otherwise specified.
3. All employees shall be afforded an unpaid lunch period in accordance with state and federal laws. The length of such lunch period shall not exceed one (1) hour, unless otherwise approved.
4. All employees shall be entitled to one (1) fifteen (15) minute rest period for each four (4) hours of consecutive work performed.

B. Alternate and Flex Schedules

1. Regular employees may work an alternate work or flex schedule. Such schedules must be reduced to writing and must be approved by the immediate supervisor and Department chief.
2. Alternate work or Flex schedules may be terminated by the employee or the Agency with fifteen (15) days written notice.
3. The requirement of overtime for hours required to be worked in excess of eight (8) hours in the workday pursuant to Section 10.2 (a) of the AFSCME Labor Agreement shall not be applicable to scheduled workdays in excess of eight (8) hours on alternate or flex schedules.
4. Employees working alternate work schedules shall have the workweek modified to ensure there is no overtime built into the work schedule.
5. The waiver in 3 and 4 above only applies to those alternate or flex schedules with regularly scheduled hour in excess of eight (8) hours in a work day.
6. Recognized holidays for employees on alternate or flex schedules shall consist of eight (8) hours or four (4) hours of paid time, as applicable, or a pro-ration thereof. Employees on alternate of flex schedules may use paid leave accruals to account for the balance of the workday to complete the regular schedule.
7. Employees required to work on the holiday shall receive eight (8) hours or four (4) hours of holiday credit, as applicable, or pro-ration thereof, for the holiday.
8. Employees on alternate or flex schedules may have their hours and/or days off changed by the Agency to accommodate meetings and assignment priorities. Except in emergency, twenty-four (24) hours notice shall be provided prior to such a change.
9. Each department/Department shall ensure adequate coverage during the normal work hours of Monday through Friday 8:00 a.m. to 5:00 p.m.
10. Employees on alternate or flex schedules shall observe the attendance and timeliness policies of the Agency. They are required to be on time and begin work promptly at

the start of their scheduled workday and to work until the end of the scheduled workday.

11. Alternate Work Schedules or Flex Schedules may begin as early as 7:00 a.m. and conclude as late as 6:00 p.m.
12. Employees are still subject to the meal and rest periods as specified herein.
13. Employees must be scheduled to work during the core hours of 9:00 a.m. to 3:30 p.m.
14. All employees must be scheduled to work during core days of Tuesday and Thursday.
15. Failure to adhere to the scheduled hours may result in removal from the flex schedule as well as any applicable disciplinary action.

C. Overtime (Refer also to section 8.07 of these rules)

1. Exempt employees are not eligible to receive overtime.
2. Alternate or flex schedules shall not result in overtime.

Incompatible Activities

Section 11.03

A. Gifts and Gratuities

Employees are prohibited from soliciting or accepting gifts, money, favors or gratuities which have an aggregate value of \$25.00 or more from persons or organizations from any actual or potential sub-recipient or contractor of the Agency, from persons or organizations receiving benefits or services from the Agency, or from persons or organizations in a position to benefit from an employee action.

B. Prohibition Against Political Activities

1. An employee may not use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
2. An employee may not directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend or contribute anything to a party, committee, organization, agency, or person for political purposes.
3. An employee may not hold political office that may, directly or indirectly, influence Agency policy, practices, procedures, wages, or other terms and conditions of employment.

C. Conflict of Interest

1. Employees who occupy positions within SETA which involve the making, or participation in the making, of decisions, which may foreseeably have a material effect on any financial interest, shall be designated employees of the Agency. All persons holding positions listed in appendix B are designated employees who must disclose all economic interests as set forth below:
 - a. Investments in any business entity and income from any source which:
 1. Within the last two years, has contracted, or in the future foreseeably may contract, with SETA to provide SETA or any of its subgrantees and delegate agencies, services, land, leased space, supplies, materials, machinery or equipment. See Government Code Sections 82034, 87103, 87206.
 2. Is a sub grantee of SETA, a delegate agency of SETA, or a contractor of SETA, or which, within the last two years was an applicant for a SETA subgrant, delegate agency agreement, or contract. See Government Code Sections 82034, 87103, and 87206.
 - b. Interests in real property which have a fair market value of \$1,000 or more and interests in real property of any business entity of a ten percent (10%) interest or more, which, within the past two years have been leased or sold in the foreseeable future may be leased or sold to SETA or any recipient of SETA authorized funds. Government Code Section 82033.

- c. Business positions held in an organization or enterprise operation for profit. See Government Code Sections 82005 and 87302.
 2. Each designated employee shall file a Conflict of Interest statement annually, no later than April 1. This annual statement shall disclose reportable investments, interests in real property, income and business positions held or received during the previous calendar year or since the date the designated employee took office if during the calendar year and made reportable by Section 1 above.
 3. Designated employees appointed, promoted or transferred to designated positions within the Agency shall file an initial statement within thirty (30) days after assuming office. This assuming office statement shall disclose reportable investments, interests in real property and business positions held on the date of assuming office and made reportable by Section 1 above. Government Code Section 87302.
 4. Any designated employee whose employment with SETA is terminated voluntarily or involuntarily, shall, within thirty (30) days after termination, file a leaving office statement. This statement shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office and made reportable by Section 1 above. Government Code Section 87302 (b).
 5. Forms shall be filed with the designated person acting as the Filing Officer for the Agency, who is the Clerk of the Boards. In the case of directors, the filing officer shall make and retain a copy of the statement and transmit the original to the code reviewing body within five (5) days of receipt. Government Code Section 87500.
 6. Statements of economic interest shall be made on forms proscribed by the Fair Political Practices Commission supplied by the Filing Officer.
- D.* Outside Employment - includes self-employment, consultant work, and employment for employers other than SETA.
1. Employment with the Agency is expected to be the primary effort of each employee.
 2. Outside employment that interferes with the Agency's mission, vision or goals, or that compromises the integrity of the Agency, is not permitted.
 3. Employees are prohibited from utilizing Agency equipment, supplies, buildings, staff, phones, or time, to provide support to any non-SETA related job activity.
 4. Employees are expected to notify the Administration Department Chief or designee of any outside employment, so the Agency may assess possible conflict.
 5. If the, Administration Department Chief determines that an employee's secondary employment interferes with the Agency's mission, vision or goals, or that it compromises the integrity of the Agency, he/she will notify the Executive Director of the decision. The Chief will then notify the employee of the determination in writing.
 6. The employee may appeal the decision of the, Administration Department Chief, within five (5) working days to the Executive Director for review. The Executive Director will issue a decision in writing, and shall inform the employee, as soon as possible. The decision of the Executive Director shall be final.
 7. The employee will be expected to quit the secondary employment within 21 calendar days from the date of the notice.

8. Failure to comply with the request will result in termination.
9. Head Start employees conducting a review for the Association for Children and Families (ACF) must complete a Head Start Review Attendance Form. Employees must use accrued vacation or agree to reimburse to SETA any consultant fees received.

Harassment, Discrimination, and Retaliation Policy and Complaint Procedure

Section 11.04

It is the policy of the Sacramento Employment and Training Agency (SETA) to provide a working environment free of harassment, discrimination, and retaliation. Harassment, discrimination, or retaliation by any of SETA's employees, directors, officers, volunteers, vendors, participants or agents will not be tolerated. SETA shall act promptly, vigorously and visibly with respect to any harassment, discrimination, or retaliation complaint and shall abide by the following Harassment, Discrimination, and Retaliation Policy and Complaint Procedure.

This Harassment, Discrimination, and Retaliation Policy may be more comprehensive than state or federal law. Conduct that violates these policies may not violate state or federal law but still could subject an employee to discipline. SETA will take preventative and corrective action, up to and including termination, to address any of the following behaviors, including but not limited to:

- Failure to follow any provision of this policy and/or for behavior that violates this policy or the rights it is designed to protect.
- Making unfounded allegations of harassment, discrimination, or retaliation.
- Purposely impeding an investigation involving harassment, discrimination, or retaliation.
- Retaliation related to the reporting or investigation of harassment or discrimination.

This policy applies to all employees. All employees shall follow the intent of this policy in a manner that reflects professional workplace standards and the best interests of the Agency and its mission.

Training

All new employees shall be provided with a copy of this policy and receive training on this policy as part of their new hire orientation. All employees, including supervisory and management, shall receive mandated training in accordance with state and federal law.

Protected Group/Status Defined

All SETA employees, agents, contractors, and volunteers are prohibited from harassing or discriminating against any applicant or employee in the following protected group/status under federal and state law:

Race, color, religion (includes religious dress and grooming practices), sex/gender (includes pregnancy, childbirth, breastfeeding and/or related medical conditions), gender identity, gender expression, sexual orientation, marital status, medical condition (genetic characteristics, cancer or a record or history of cancer), military or veteran status, national origin (includes language use),

ancestry, disability (mental and physical, including HIV/AIDS, cancer, and genetic characteristics), genetic information, request for family care leave, request for leave for an employee's own serious health condition, request for Pregnancy Disability Leave, and age (over 40).

A. Harassment Defined

Harassment, including sexual harassment, is any verbal, physical or visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with an employee's work performance. Sexual harassment is any unwelcome sexual advance, request for sexual favors and/or other verbal, visual or physical conduct of a sexual nature. Such conduct constitutes harassment when it is either:

- An employment condition: submission to such conduct is made either explicitly or implicitly a term or condition of employment.
- An employment consequence: submission or rejection of such conduct is used as a basis for employment decisions.
- An offensive job interference: such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Unlawful harassment takes many forms including, but not limited to, the following (when based upon an individual's protected status):

- Verbal conduct such as epithets, derogatory comments, provocative comments about or relating to one's sex or appearance, slurs, jokes, statements, using sexually vulgar, obscene, explicit or foul language, unsolicited sexual advances, invitations, comments or other conduct which does not need to be based on genuine sexual interest or desire.
- Visual conduct such as leering, stalking, staring, derogatory or sexually suggestive pictures, objects, posters, magazines, cartoons, drawings, letters, poems, emails or gestures that are known or should be known to be unwelcome.
- Physical conduct such as assault, impeding or blocking normal movement or interference with work directed at one because of his\her sex, age or other protected basis, or unwelcome touching or grabbing of any part of the body.
- Explicit or implicit threats and/or demands to submit to sexual requests as a condition of employment (i.e. promotion, in order to keep one's job, or avoid some other loss and offers of job benefits) in return for sexual favors.
- Retaliation for rejection of sexual advances or having reported the harassment.

C. Discrimination Defined

Discrimination includes, but is not limited to:

- Taking an adverse employment action (i.e. demotion, transfer, discipline, termination, recruitment, layoff, salary and benefits) against an employee based on that individual's protected group/status.
- Treating an applicant or employee differently with regard to any aspect of employment because of the individual's protected group/status.
- Taking an employment action that adversely affects the employment opportunities for members of a protected group/status.
- Basing an employment decision as to a job applicant or employee on the individuals protected group/status
- Engaging in harassment based on an individual's protected group/status.

Discrimination may include, but is not limited to, the following types of behavior relating to an individual's protected group/status:

- Making slurs or derogatory comments in any format
- Engaging in verbal or physical conduct, comments, or jokes relating to an individual's group/status
- Wearing t-shirts, clothing, or hats depicting derogatory or insulting scenes or terminology
- Distributing or displaying printed material
- Refusing or failing to hire or promote

D. Retaliation Defined

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because they engaged in protected activity including raising a concern of, filing a complaint of, participating in an investigation of, or being a witness to, harassment/discrimination. Retaliation is prohibited.

E. Responsibility of Supervisors and Management

Each Supervisor/Manager shall do the following:

- Convey to the employees within his/her Department/Unit SETA's strong disapproval of harassment, discrimination, and retaliation.
- Continually monitor the work environment and strive to ensure that it is free from all types of unlawful harassment, including discrimination and/or retaliation.
- Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of harassment, discrimination or retaliation.
- Ensure their subordinates understand their responsibilities under this policy.
- Ensure employees who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

Any supervisor or member of management who is aware, or has reason to believe, that an employee has alleged harassment, or may be feeling harassed, has a responsibility to notify the Equal Employment Opportunity Officer/Human Resources Chief regarding the allegation. Depending on the circumstances, the seriousness of the offense, the extent of the conduct, or the type of remedy being sought, it may be appropriate for the supervisor, manager or chief to remedy the situation. Supervisors and members of management should work closely with the Human Resources Department.

It must be emphasized to all employees the importance of reporting incidents promptly to assure further incidents do not occur. The employee must also be assured that they will not be subject to any recrimination or reprisal for making a harassment complaint. Employees should also be informed that harassment may be grounds for disciplinary action, up to and including termination.

F. Complaint Procedure:

Employees who believe they are experiencing harassment, discrimination, or retaliation are encouraged to inform the individual that their behavior is unwelcome, offensive, or inappropriate. However, this step is not required. The problem may be resolved by advising the individual of their offensive behavior. If this does not resolve the concern or if an employee feels uncomfortable, threatened or has difficulty in expressing their concern, the employee shall complain to one of the individuals listed below. If the alleged harasser is the Human Resources Chief/EEOO, the employee shall promptly inform the Executive Director.

Any employee who believes they are being harassed, discriminated against, subjected to retaliation, or who has observed harassment or discrimination, is strongly encouraged to file a complaint verbally or in writing with any of the following individuals:

- Supervisor
- Manager
- Deputy Director or Department Chief
- Human Resources
- Equal Employment Opportunity Officer (EEOO)

Anyone receiving a complaint of harassment, discrimination, or retaliation shall immediately document the complaint in writing and refer the complaint to Human Resources, who will ensure that a timely, effective, thorough, and objective confidential investigation of the allegation(s) is undertaken.

Once an employee makes a complaint, the Human Resources Chief/EEOO or Executive Director shall engage in the following:

1. Fully Inform the Complaining Employee of his/her Rights.

The employee shall be promptly and clearly informed of his or her rights contained in this Policy and Procedure. Further, the employee shall be advised of his or her right to file a

complaint with the California Department of Fair Employment and Housing (DFEH), the U.S. Equal Employment Opportunity Commission (EEOC), the California Labor Commissioner and/or the courts.

2. Fully and effectively investigate.

The Human Resources Chief/EEOO or Executive Director must immediately undertake an effective, thorough, objective and complete investigation of the situation complained of. If it is appropriate to do so, the Human Resources Chief/EEOO or designee shall consult with the complaining employee, the alleged subject, any witnesses to the conduct and victims of similar conduct that the Human Resources Chief/EEOO or Executive Director has reason to believe may exist and any other person who may have relevant information. All applicable documents and records shall be reviewed as needed to ensure that the investigation is thorough.

All SETA employees, agents, contractors, or volunteers shall cooperate fully with all investigations, shall not retaliate against complainants or witnesses, and shall not suppress, or attempt to suppress a complaint of harassment, discrimination, or retaliation.

3. Harassment, Discrimination, or Retaliation Determination.

The investigation shall be concluded and a determination shall be made about the situation complained of as expeditiously as possible. In determining whether the alleged conduct constitutes harassment, discrimination, or retaliation, the record as a whole must be considered and the totality of the circumstances such as the nature of the conduct and the context in which the alleged incidents occurred. The determination shall be made from the facts on a case-by-case basis. A confidential written determination shall be provided to the complaining employee and the subject. The determination by the Human Resources Chief/EEOO or Executive Director constitutes the final decision of the agency.

4. Remedial Action for the Subject.

If it is determined that harassment, discrimination, or retaliation has occurred, effective action will be taken in a manner consistent with the circumstances. Discipline ranging from verbal or written warnings up to and including termination may be administered.

5. Remedial Action for the Affected Employee.

If harassment has occurred, the following actions must be taken in an effort to make the employee whole.

- a. Appropriate action must be taken to remedy the employee's loss, if any, resulting from the harassment, discrimination, or retaliation. Such actions may include promotion or monetary payment and/or the restoration of the employee's employment record if it was unjustly diminished.

b. Action must be taken to prevent any form of retaliation against the employee for having complained, both on a managerial and a co-worker level.

c. Action must be taken to protect the employee and other potential victims from future harassment. Such actions must not be taken as a form of retaliation against the employee for having complained.

G. Limited Confidentiality:

To the extent permitted by law, proceedings under this Policy and Procedure and all reports and records filed and prepared shall be kept confidential. Reasonable efforts shall be made to protect the privacy interests of the parties. Information will be given only to those who have a need to know.

Vehicle and Driving Policy

Section 11.05

- A. It is SETA policy that all vehicles owned by SETA will be used for official SETA business only and will be operated in a manner consistent with all safety and legal requirements of the State of California. All employees using privately owned vehicles to conduct SETA business are bound by the provisions of this policy.
1. Any employee authorized to drive for official SETA business shall have a valid California Driver License and be cleared for coverage under SETA's insurance carrier, as evidenced by an Agency-run annual clearance review.
 2. If an employee's valid California Driver License has any restrictions on it, the employee shall at all times adhere to those restrictions. (e.g. corrective lenses, will wear glasses.)
 3. An employee who is required to drive as a part of his/her duties and who has had his/her Driver License suspended must notify Personnel and the employee's supervisor of that suspension as soon as possible, but no later than the beginning of the next regularly scheduled work shift. No employee with a suspended Driver License is authorized to drive in the course of his/her work for SETA.
 4. It is expected that employee will drive in a professional and courteous manner on Agency business.
- B. Use of SETA-Owned Vehicles
1. Any costs for repairing damaged SETA vehicles resulting from willful misconduct by the employee having custody of the vehicle may be recoverable from the employee at the option of SETA.
 2. SETA-owned vehicles will be used to transport authorized SETA employees on official SETA business or persons directly related to the official SETA business being conducted. Nothing herein shall be construed to prohibit the carrying of any person or persons in case of accident or other emergency.
 3. The driver of a motor vehicle used on SETA business must verify that the vehicle is in good operating condition before embarking on a trip.
 4. SETA vehicles shall not be utilized by any employee for out-of-town travel (i.e., 25 miles beyond the City limits) without prior approval of the Executive Director or designee.
 5. Employees shall return the vehicle in the same condition that it was received (No smoking, food wrappers, stains, etc.)
- C. Use of Privately-Owned Vehicle
1. A privately-owned vehicle, while being used for official SETA business, shall be considered an official vehicle and subject to the following Policies and Procedures:

- a. The vehicle shall be equipped with seat belts;
 - b. The vehicle must be legal to operate in accordance with California Law.
 - c. A private vehicle shall include non-owned, rented, leased, and borrowed vehicles.
2. Any employee authorized use of his/her privately owned vehicle for official SETA business shall have:
- a. A valid California Driver License; as evidenced by an annual clearance review; and
 - b. Sufficient public liability and property damage insurance at least equal to the requirements of the financial responsibility laws specified in the California Vehicle Code Section 16430.

D. Traffic Citations

Traffic citations issued to an employee while using a SETA or personal vehicle on SETA business are the sole responsibility of the employee involved. Parking citations issued to a SETA vehicle are the responsibility of the employee who parked the vehicle.

E. Accident Reporting

1. Reporting of vehicle accidents by a SETA employee driving a SETA-owned vehicle or his/her own vehicle on SETA business is required; it must be prompt, accurate, and complete. Proper and timely (as soon as it occurs, but no more than twenty-four (24) hours) reporting is mandatory because personal and SETA liability may be involved.
2. General instructions in case of any accidents are:
 - a. Be calm;
 - b. Be courteous;
 - c. Call the police;
 - d. Notify your supervisor immediately;
 - e. Do not engage in any conversation or controversy at the scene of the accident regarding damage or loss.
 - f. Do not admit fault or discuss the accident with anyone except the police, or the employee's supervisor

F. Cell Phones and Electronic Equipment

Employees may only use cell phones or other electronic equipment in accordance with applicable California law.

G. Review of Motor Vehicle Records

Motor Vehicle Records (MVRs) will be checked annually by the Agency insurer on all employees where driving is an essential function of the job duties. The MVR for each such employee will be reviewed to ascertain if the employee holds a valid driver license and/or if his/her driving record meets the standards for a covered driver as defined by the underwriting policy of the company providing the Agency with Liability Insurance. A

copy of an MVR with negative information will be provided to the employee. The employee may request a copy of the report from the DMV.

If the MVR indicates that the employee does not have a valid Driver License or does not meet the underwriting standards the employee shall immediately be notified and disqualified from driving for SETA business, in SETA vehicles or those vehicles in the care and custody of the employee. The Union will be notified of such determination.

H. Appeal Process:

1. An employee disqualified from driving may submit a written appeal requesting an accommodation to the Executive Director within three (3) working days of the notice of disqualification to drive. The Executive Director or designee will meet with the employee, their representative, and the Department Chief to discuss the appeal and the availability of an accommodation. Such accommodation, if available, shall be based solely on the needs of and ability for the Agency to operate efficiently. The Agency may layoff or terminate the employee pursuant to the applicable Memorandum of Understanding if a non-driving assignment is not provided in this process. A final response will be sent to the employee in writing within fifteen (15) working days.
2. Until the employee receives permission to resume driving, he/she will be prohibited from driving for Agency business. Unless an employee is notified not to do so in writing, he/she may continue to park on SETA property.

I. Understanding Insurance

1. Personal auto insurance is required under California law and each vehicle must be insured in order to be operated. This insurance is to protect the financial interests of the employee.
2. Agency liability insurance exists to protect the agency from lawsuits. An employee conducting business for the Agency needs to be covered by this insurance to protect the Agency. There is no cost to the employee for this insurance.

Seat Belt Policy

Section 11.06

- A. It is Agency policy that all employees shall use seat belts provided in Agency vehicles, and the Agency requires that all passenger cars and pickup trucks be equipped with seat belts. The Agency may install seat belts in other types of vehicles.
- B. It is Agency policy that the driver of any SETA vehicle be responsible to see that all passengers use the seat belts provided and this policy is applicable at any time the vehicle is in motion. Employees who use private vehicles on Agency business must provide and use seat belts as herein above described.
- C. The purpose of this policy is to protect the lives and physical wellbeing of Agency employees and passengers in case of a vehicle collision.
- D. Every Agency employee who may drive an Agency vehicle in the performance of his/her duties is required to read this statement and to attest by a signature his/her knowledge and understanding of the requirement to use seat belts.

Travel and Mileage

Section 11.07

- A. Employees may be required to travel in the course of performing their job duties. Employees are expected to use good judgement in incurring travel expenses, and to obtain prior approval of his/her Department Chief and the Executive Director for all foreseeable travel-related expenditures. Expenses that are not approved or which are not in compliance with this policy, will be the traveler's personal responsibility.
- B. Private Vehicles and Mileage
1. Each employee authorized to use a private automobile for Agency business is required to carry sufficient public liability and property damage insurance at least equal to the requirements of the financial responsibility laws of the State of California, Vehicle Code Section 16430. Such evidence of coverage shall be submitted to the Fiscal Department prior to Agency required travel.
 2. Employees will normally be reimbursed at the IRS reimbursable rate paid for all miles traveled in the conduct of Agency business. However, if out of town travel is authorized, and air travel is the most appropriate and economical means of transportation, the Executive Director will authorize reimbursement only in an amount equal to the lowest air coach fare, unless the traveler can demonstrate in advance why travel by other means is more advantageous to the Agency.
 3. If more than one employee is traveling on the same trip, all reasonable efforts shall be made to minimize transportation costs by use of a single vehicle.
- C. Travel Requests
1. All requests for travel within the State must be pre-approved by the Department Chief and the Executive Director or Appointing Authority
 2. All requests for out of state travel, must be pre-approved by the Department Chief, Executive Director or Appointing Authority, and the Governing Board.
 3. Employees traveling by air shall be made aware of any flights with cancellation penalties. If a cancellation or change in flights occurs due to an Agency related need, the Agency will cover the penalty cost. If, however, the cancellation occurs due to an employee's personal request, the employee will be required to pay the penalty. Exceptions to this rule include family death or serious illness, and cases in which the airlines do not impose penalties.
- D. Expenses and Advances
1. Should an employee be compelled to travel in the performance of his/her duties, he/she shall be reimbursed for actual and necessary expenditures for transportation, lodging, and meals in accordance with this policy.
 2. Employees must complete an Agency Travel Approval and Expense claim form in order to be reimbursed for their expenses.
 3. Travel advances may be requested for all out of town travel where overnight accommodations are necessary. Employees who receive a travel advance must turn

in a receipt for the hotel expenses incurred. The employee will be responsible for those expenses that exceed the maximum allowable, and for the amount of the advance not spent. The employee may reimburse the Agency by cash, check, or may choose to have the amount deducted from his/her next paycheck.

E. Car Rental and Public Transportation

1. Employees on out of town travel should use public conveyances (taxis, airport shuttles, buses, etc.) whenever such uses appear to be more economical than a rental car. Generally, a rental car should not be requested unless:
 - a. Conference or meeting is located more than fifteen minutes from the hotel.
 - b. Multiple business meetings that require travel between points make use of public conveyance impractical.
 - c. Three or more Agency employees are attending the same meeting and one rental car for the group would be more economical.
 - d. All additional insurance offered when renting a car will be waived.
 - e. Traveler should fill the gas tank before returning the car.

2. While traveling on official Agency business, the following expenses are reimbursable at actual cost with presentation of original receipts:
 - a. Necessary taxicab, airport shuttle, or bus fares;
 - b. Car storage fees;
 - c. Reasonable telephone and facsimile charges in connection with Agency business;
 - d. Other justifiable expenses will be approved based on a case by case basis and upon review of special circumstances.

F. Travel Reimbursement

1. Actual expenses for parking, meals, registration, lodging and transportation, including tolls, will be paid by the Agency, up to the maximum reimbursable amount. Employees incurring expenses beyond the maximum reimbursable amount shall be responsible for paying the difference, unless authorized by the Executive Director.

2. Receipts for expenditures other than those qualifying as incidental charges must be attached to the travel claim form.

3. Reimbursement for meals shall be made only when travel extends for a minimum of six hours during the normal working day, except when specifically approved by the Executive Director or designee or Appointing Authority. Maximum reimbursement expenses shall be as follows:

Breakfast (if travel begins prior to 7:00 a.m.)	\$ 5.50
Lunch (if travel begins prior to 11:00 a.m.)	\$ 9.50
Dinner (if travel begins prior to 4:00 p.m. and ends after 7:00 p.m.)	\$17.00

Incidentals (per 24 hour period)

\$ 5.00

Reimbursement of meals consumed within Sacramento County during the individual's normal working day will be reimbursed only when it can be demonstrated that the meal or meals involved are included in the cost of the conference that the employee is attending for the benefit of the Agency. Approval from the Executive Director or designee or Appointing Authority must be obtained prior to the expense being incurred.

Internet Use

Section 11.08

- A. This policy defines basic Internet capabilities available to SETA employees and sets standards for appropriate use of the Internet.
- B. Information on the Internet is to be used exclusively for official SETA work related activities. SETA provided Internet/Intranet and E-mail privileges are considered Agency resources and should be used for business purposes only. Individuals may access official union notices as defined in the Labor Agreement.
- C. The following are examples of unauthorized, non-work related uses of the Internet, and this list should not be considered all-inclusive.
 - 1. Unauthorized attempts to access any computer whether SETA or another organization
 - 2. Accessing Internet sites that contain obscene, pornographic and/or other objectionable materials.
 - 3. Sending any materials that is obscene or defamatory or which is intended to annoy, harass or intimidate another person.
 - 4. Theft or copying of electronic files without permission.
 - 5. Sending or posting confidential information or material outside of SETA.
 - 6. Failure to observe copyright laws.
 - 7. Using Internet access for personal gain.
 - 8. Soliciting e-mail messages that are unrelated to business activities.
 - 9. Using the Internet or e-mail for any illegal purpose.
 - 10. Misrepresenting personal opinions as those of the agency.
 - 11. Making or posting indecent remarks, proposals or materials.
 - 12. Downloading software or electronic files without the use of SETA approved virus protection measures.
 - 13. Intentionally interfering with the normal operation of the network by generating high volume network traffic that will limit others from use of the network.
 - 14. Revealing or publicizing confidential or proprietary information without prior authorization or approval (financial information, computer programs source codes, computer access codes or personal data base information like social security numbers).

Electronic Mail (E-mail) Policy

Section 11.09

Electronic Mail is an economical and fast way for SETA employees who are electronically connected to use a computer to send and receive official messages between workstations. Agency E-mail is for business related communications and provides an alternative to written and telephone communications. This standard refers to software applications and other resources when sent by a computer e-mail system. Agency E-mail may be used for minimal and incidental personal use only during non-working time, such as before the scheduled work day, during regularly scheduled break time, during regularly scheduled lunch break, and after the scheduled work day.

A. Listed below are examples of appropriate E-mail use:

1. Scheduling meetings
2. Sending meeting minutes or overviews
3. Reporting project updates and time lines
4. Confirming appointments and assignments
5. Notifying of policy and/or other procedural changes after the appropriate clearance process is completed. (It is necessary to follow up in written form)
6. Sending one message to several users simultaneously
7. Sending work for editing purposes
8. Sending work-related announcements and messages
9. Quickly responding to or sending a personal e-mail during scheduled breaks times, lunch breaks and before and after a scheduled work day.

B. Listed below are examples of inappropriate E-mail use shall include, but not be limited to:

1. Using E-mail for any unlawful endeavor.
2. Transmitting confidential information for which the recipient has no legitimate need or which the sender is not authorized to disclose.
3. Logging on with a personal user password other than your own without their knowledge or consent.
4. Reading co-worker's mail without their knowledge and consent.
5. Sending sports pools or other kinds of gambling messages.
6. Sending profanity, obscenity, threatening language, gossip or derogatory remarks.
7. Sending messages of a political or religious nature that are not business related.
8. Using any amounts of work time to send, receive and/or read personal e-mails. A reasonable amount of personal e-mail is acceptable, however, its presence on the agency system will make it subject to review and the possibility of public disclosure.
9. Requesting or providing any copyrighted material in a way which infringes on the rights of the copyright holder.

C. Privacy

All information created, sent, or received via the e-mail system, network, Internet or Intranet is the property of SETA. Employees should not have any expectation of privacy regarding such information. This includes all e-mail messages and all electronic files. SETA reserves the right to, at any time and without notice, access, read and review, monitor, and copy all messages and files on its computer system as it deems necessary.

D. Responsibility

Managers and Supervisors are responsible of ensuring employees follow this policy. Any employee who learns of a violation of this policy shall report the violation through their chain of command. Any employee who violates this policy or uses SETA's e-mail system, network, Internet, or Intranet access for improper purposes shall be subject to discipline, up to and including termination.

Revised October 2001

Drug and Alcohol Free Workplace Policy

Section 11.10

In accordance with the Drug-Free Workplace Act of 1988, the Sacramento Employment and Training Agency (SETA) shall enforce the following policy in an effort to create and maintain a work environment free from the manufacture, distribution, dispensation, possession, or use of a controlled substance.

A. Responsibilities of the Employee

As a condition of employment and continued employment with SETA, all new employees and existing employees shall:

1. Be prohibited from unlawfully manufacturing, distributing, dispensing, possessing, ingesting or using controlled substances while on any SETA premises before, during, or after work hours.
2. Notify their supervisor and/or manager of any criminal drug conviction for a violation occurring in the workplace no later than five (5) calendar days after such conviction.
3. If an employee is convicted of the violation of a criminal drug statute or fails to follow this policy in any way, the employee shall:
 - a. Be subject to appropriate disciplinary action, up to and including termination from employment; or
 - b. At SETA's sole discretion, in lieu of termination, satisfactorily participate in a drug abuse detoxification and rehabilitation program approved by SETA.
4. Read, understand, and abide by this policy.

B. Responsibilities of the Employee's Immediate Supervisor

1. Inform all immediate subordinates of this policy and document the date each employee was informed.
2. Provide a copy of this policy to all new and existing employees and have each employee sign for his/her copy.
3. Refer the employee to the Employee Assistance Program and/or medical practitioner.

3. Meet with subordinate employees periodically to emphasize the contents and importance of this policy and specifically discuss:
 - a. The dangers of drug abuse in the workplace; and
 - b. The penalties for violation of this policy.
4. Provide a list of drug detoxification and rehabilitation facilities and programs to all existing and new subordinate employees.
5. Immediately notify their supervisor and/or manager of any information provided by an employee regarding violation of this policy or of an employee's conviction for the violation of any criminal drug statute.

C. Responsibilities of the Manager

1. Ensure that employees who violate this policy or are convicted for the violation of a criminal statute with respect to the manufacture, distribution, possession or use of a controlled substance in the workplace are subject to appropriate disciplinary action, up to and including termination of employment and/or are offered drug detoxification and rehabilitation. The determination of disciplinary action and/or participation in a drug detoxification and rehabilitation program in lieu of termination shall lie within the sole discretion of the SETA Executive Director. This decision must be made within thirty (30) days after receiving notice of a violation of this policy or a conviction.
2. Notify the Department of Community Services & Development, the Employment Development Department, the Administration for Children, and Families, or other administrative oversight or contract review agency(ies) within ten (10) days that an employee has been convicted of the violation of a criminal statute with respect to drug activities in the workplace.

D. Procedure for Reasonable Suspicion

All Agency management and supervisory employees shall adhere to the following procedure when dealing with subordinate personnel. If the supervisor observes that an employee while at work has the odor of alcohol, slurred speech, hand tremors, unsteadiness, disorientation, drowsiness, difficulty in performing job duties, or exhibits other behavior reasonably indicative of being under the influence of alcohol or drugs, the following action shall be taken:

1. Initial Action

If the supervisor is reasonably suspicious that there is a job performance problem due to drugs or alcohol, the employee shall be immediately relieved of duty. The supervisor shall obtain a concurring opinion, if circumstances permit, from another supervisor or higher authority. The supervisor shall then immediately meet with the employee for an explanation. The supervisor should, whenever possible, arrange to have another employee present as a witness.

- a. If the supervisor is satisfied that the employee's behavior is related solely to medication prescribed by his/her physician or other cause unrelated to alcohol or drug abuse, the supervisor shall determine if the employee is able to continue working, should be temporarily reassigned, or relieved of duty and transported home. Accrued leave time may be authorized when the employee is relieved of duty. The employee shall be directed to obtain from a physician medical clearance to return to work, including verification of any prescribed medication and dosage and a statement of the probable effects of any medication on job performance.
- b. If the employee admits to the supervisor, in the presence of another employee to being under the influence of alcohol, illegal drugs or other drugs in a dosage not prescribed by his/her physician, the employee shall be relieved of duty and placed on unpaid status for the balance of the shift.

2. Medical Evaluation

In the absence of an admission, or if the supervisor is not convinced that the employee's condition is due to properly prescribed medication or other cause unrelated to alcohol or drug abuse, the supervisor shall immediately contact the Administration Department Chief. If the Administration Department Chief is not available, the supervisor shall contact his/her Department Chief for instructions.

- a. If available, the Administration Department Chief will determine if the employee is to be examined by an Agency Physician. If so, necessary priority arrangements to have the employee examined will be made. The Administration Department Chief will then advise the supervisor when and where to transport the employee.
- b. The supervisor shall inform the employee of the following: a) the employee appears to be unfit for duty due to being under the influence of alcohol or drugs; b) the employee will be on authorized Agency-paid time while taking the test; c) the Agency will pay for the test; and d) the Agency will provide transportation to and from the medical facility.
- c. If the employee refuses to comply with the supervisor's direct order to submit to medical evaluations and necessary tests, the supervisor, with a witness present, shall advise the employee that failure to comply with this direct order is insubordination, which in and of itself may be cause for disciplinary action, up to and including termination. The supervisor shall then repeat the direct order. If the employee still refuses to comply, the supervisor shall immediately relieve the employee of duty and advise the employee that
(1) the employee has been insubordinate; (2) the employee will be off work on paid administrative leave status for the balance of the shift; (3) the employee is subject to disciplinary action, up to and including termination; (4) to report to the supervisor's office the next working day at a specified time.
- d. If the employee agrees to medical evaluation and testing, the supervisor, with another employee to assist and act as a witness, if available, shall transport the employee to the examination site, remaining with the employee at all times possible. The supervisor should make appropriate arrangements to have another employee assume the supervisory responsibilities, if necessary.

3. The Agency physician shall, after personally observing the employee and conducting such reasonable physical examination of the employee as is necessary under the circumstances, determine by reasonable medical judgement whether the employee is to be tested for being under the influence of alcohol or drugs.
4. The supervisor shall ask the physician if tests were ordered and shall confirm that the employee actually complied with the order and that specimens were taken. After the physician has completed the examination and any ordered specimen(s) have been taken, the supervisor shall obtain the physician's immediate written determination of the employee's fitness for duty at that time and when the employee can be returned to duty. The supervisor shall then return with the employee to the Agency.

E. Disciplinary Action

The supervisor will consult with the Administration Department Chief or his/her Department Chief, as available, regarding the employee's fitness. If it is determined that the employee is unfit for duty due to alcohol or drug abuse, the supervisor shall advise the employee that the employee is (a) unfit for duty; (b) will be off on unpaid status for the balance of the day; and (c) is subject to disciplinary action, up to and including termination. The supervisor will further direct the employee when and where to report for duty, based upon the physician's written determination.

F. General

- A. If the employee is sent home for being under the influence of alcohol or drugs, the supervisor shall make arrangements for the employee to get home without driving.
- B. The supervisor shall document in detail his/her personal observations of the incident prior to the end of the day.
- C. The supervisor shall contact the Administration Department Chief for assistance and to initiate appropriate disciplinary action.

Head Start Standards of Conduct

Section 11.11

Employees must abide by the following standards of conduct prescribed by federal Head Start regulations and any failure to do so may result in disciplinary action:

1. Employees shall respect and promote the unique identity of each child and family and refrain from stereotyping on the basis of gender, race, ethnicity, culture, religion or disability;
2. Employees shall follow and abide by all Head Start program confidentiality policies concerning information about children, families, and other staff members;
3. Employees shall not leave any child alone or unsupervised while the child is under their care; and
4. Employees shall use positive methods of child guidance and will not engage in corporal punishment, emotional or physical abuse, or humiliation. In addition, employees shall not employ methods of discipline that involve isolation, the use of food as punishment or reward or the denial of basic needs.

Head Start Medication Dispensing

Section 11.12

Agency staff assigned to the Head Start program shall cooperate with each Head Start child's parent/guardian and his/her physician by administering and providing a safe place for the storage of medication deemed necessary by the child's physician. Selected Head Start personnel may store and/or dispense such medication to a Head Start child upon written request of the child's parent/guardian and physician only when the medication is in the original container. Medication will be administered only when designated SETA Head Start personnel are provided with a completed and signed original SETA HEAD START MEDICATION - PARENT/PHYSICIAN RELEASE, the purpose of which is to provide to SETA staff: (1) a written statement from such physician detailing the method, amount, and time schedules by which such medication is to be taken, and (2) a written statement from the parent or guardian of the child indicating the desire that the SETA Operated Program assist the child in the matters set forth in the physician's statement.

GUIDELINES FOR ADMINISTRATION OF MEDICATION

1. Staff should inform parents during orientation to the Head Start program of the requirements for administration of medication. The scheduling of administration should be encouraged during non-school hours, if possible. A parent must bring the medication to the site.
2. Staff shall provide the parent with a copy of the *Medication Administration at School* letter, for children needing medication
3. A parent must submit a completed *Medication - Parent/Physician Release* form for each medicine to be administered, both prescription and non-prescription prior to medication being dispensed.
4. When a parent informs staff his/her child needs medication, staff should request the parent to ask the pharmacist to make a second prescription bottle for use at school. This applies to both prescription and non-prescription medications.
5. A new *Medication - Parent/Physician Release* form must be completed whenever there is **any** change, e.g. dosage, time of administration, etc. and annually.
6. Staff shall complete the *Medication Check List*. All answers must be *yes* to administer medication. Place the white copy in the child's file and give the canary copy to the parent. The *Medication Check List* ensures the following: the medication consent form is complete, the medication is in a child-proof container, medication is currently dated, medication has the original label, the child's name is on the medication and instructions are clearly stated.

7. One staff and a back-up staff must be designated to administer all medication. Any questions about administration of medication should be directed to the Health Coordinator. A child's parent may also administer the medication, without a signed *Medication - Parent/Physician Release* form. If the parent administers medication at school, the parent should record the information on the *Medication Log*.
8. All medication should be centrally stored at the site, including medication being used by staff and volunteers.
9. Place all medication in a locked box or locked file out of reach and sight of children. Locked boxes are available from facilities/health staff. If the medication needs to be refrigerated, place the medication in the locked box and the box in the refrigerator.
10. After the child is no longer taking the medication or if the child leaves the center, staff shall give the remaining medication to the parent. If that is not possible, dispose of the medication in the toilet; if capsules, a small number at a time, if liquid, flush toilet as liquid is being poured.
11. Staff shall use the *Medication Log* (kept in the *Medication Log Book*) to record all medication. This provides documentation of who gave each dose and what time it was given. Complete a new log sheet every month. Staff should use one *Medication Log* sheet per child. Send a copy at the end of the month to the Health Coordinator.
12. Staff should show parent all entries in the *Medication Log* reflecting administration of medication to child.
13. In the *comment* section of the *Medication Log*, record any changes in a child's behavior that have implications for drug dosage or type and assist parents in communication with their physician regarding the effect of the medication on the child.
14. Wash hands before and after administration of medication.
15. No administration of invasive medications by IV or injection may be given by lay staff.

HIV/AIDS

Section 11.13

The physical and emotional health and safety of all employees is an Agency priority. This policy regarding Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS) is adopted to ensure that the highest level of quality service and safety is maintained.

A. CONFIDENTIALITY

1. Information regarding the health and medical condition of HIV infected persons and persons with AIDS, including employees, children and clients, is confidential information under Federal and State law. The unauthorized disclosure of information regarding the known or suspected HIV or AIDS status of any individual is prohibited by law. Disclosure regarding the known or suspected HIV or AIDS status of any child enrolled in the Head Start program is unlawful in the absence of explicit written permission of the child's parent or guardian. Employees violating the confidentiality protection shall be subject to civil penalties as well as disciplinary action under Section 10 these Policies. Any violations of confidentiality must be reported to the Head Start Department Chief or Health Coordinator.
2. If explicit written permission regarding disclosure of HIV or AIDS status is provided, employees in the Head Start Department shall disclose the information to the fewest number of individuals necessary to effectively implement a plan for care for children enrolled in the program. The team identified to work with the individual with HIV or AIDS shall include the Head Start Department Chief or designee, and the Head Start Health Coordinator. Documents containing explicit written permission to disclose shall be kept in a separate confidential file by the Health Coordinator/Head Start Department Chief. No additional copies of the document shall be made.

B. NONDISCRIMINATION

1. It shall be the policy of the Agency that individuals identified as having been infected by the HIV virus or persons with AIDS, including clients and children, shall not be discriminated against. Head Start employees shall fully comply with Recommendations Concerning Enrollment as set forth in the Head Start Bureau Information Memorandum, promulgated by the U.S. Department of Health & Human Services, dated 6/22/88, when evaluating for enrollment purposes individuals identified as having been infected by the HIV virus and individuals identified as having AIDS.

C. HEALTH & SAFETY PROCEDURES

1. HIV, the virus that has been found to cause AIDS, is a bloodborne pathogen. Health and safety risks related to bloodborne pathogens can be minimized by Agency personnel by understanding risk factors and following recommended health and sanitation procedures listed below.

D. ENROLLMENT PROCEDURES

1. The recommendation on a decision regarding Head Start attendance by a student with AIDS or an HIV-positive student ordinarily will be made by a Head Start staff. Decisions will be based utilizing recommendations of leading public health authorities.
2. The following procedures are for admission of HIV-positive children and children with AIDS. In compliance with guidance provided by the U.S. Department of Health and Human Services, each case will be considered on an individual basis.
 - a. When a Head Start staff is notified that a child in the Head Start program suffers from AIDS, or is HIV-positive, the staff shall meet with the parents/guardian and explain the HIV/AIDS policy. The staff person would request the parent(s)/guardian agree to a staffing. A staffing, which would include any of the following: the child's physician, public health personnel, the child's parent(s) or guardian, the Head Start Director or designee, the Head Start Delegate Director or designee, the Head Start's Health Coordinator, or any other relevant individuals mutually selected by the parents and Delegate Agency Director/Health Coordinator, would meet only if the parent(s) agrees. The staff person, upon discussing the HIV/AIDS policy, would discuss the maturity and behavior of the child. If the child's behavior is found to be of concern, personnel would refer to the Head Start Referral Process.
 - b. The parent(s) or guardian of the HIV-positive child or the child with AIDS who is already enrolled will be advised of Head Start procedures by the Delegate Agency Director/Health Coordinator.

The parents ordinarily should be informed that a child with AIDS or an HIV-positive child usually stands an increased risk of acquiring other infections and that a risk of acquiring such infections may be present in the Head Start environment.

- c. Decisions regarding the admission to Head Start or the continuance in Head Start of a child with HIV or AIDS, will be based on the consideration of the health and safety of the child, other children and Head Start personnel. Also to be considered will be the past behavior and predictable behavior of the child, neurological development of the child, physical condition of the child, and any possibilities of the uncontrollable or unsafe release of body secretions, biting and open lesions, expected interaction of the child with others in the Head Start setting, and other relevant and appropriate factors.

- d. The Head Start staffing may recommend to the Delegate Agency Director or designee either classroom education or Home-Based Option.
- e. It is not the intent of Head Start to permanently exclude from attendance in regular Head Start classes any child who is diagnosed as HIV-positive or as having the disease AIDS, unless the results of the individual review and evaluation by the Head Start staffing are that the presence of the child will be harmful to the child, to other children and/or Head Start personnel, or there are compelling reason(s) to exclude the child.
- f. The Head Start Delegate Agency Director or designee will make a final determination on placement of the child after considering the recommendation of the Head Start staffing.
- g. If the Head Start Department Chief or designee determines that isolation from the classroom is appropriate, all reasonable efforts will be made to provide home-based option or other alternative education for the child.
- h. A decision to require isolation from the classroom for a child under this policy will be reviewed periodically.
- i. The written recommendation of the Head Start staff will be provided to all members of that staff. The written recommendation shall be made as soon as possible.

TOBACCO FREE POLICY

Section 11.14

The Administration for Children and Families (ACF) Program Instruction #ACYF-PI-HS-95-04, requires all SETA Head Start grantees and delegate agencies to establish a smoke free environment in SETA Head Start programs for children and adults.

A. RATIONALE

1. There is considerable evidence that environmental tobacco smoke is harmful to children and adults. Smokeless tobacco is also known to increase the risk of oral cancer and other health problems. SETA Head Start has the mission to promote the healthy development of the children, the families it serves and staff. The tobacco free policy will place SETA Head Start in the forefront of advocacy and best practice in promoting the healthy development of young children and adults.

B. POLICY STATEMENT

1. It is the policy of the Sacramento Employment and Training Agency (SETA) to provide a tobacco free environment for children and adults. This policy applies to the use of any tobacco product by employees and non-employee participants. The successful implementation of this policy will depend on the thoughtfulness, consideration, and cooperation of smokers and non-smokers. All individuals on SETA Head Start premises share in the responsibility of adhering to and enforcing this policy.

C. APPLICABLE STATE LAW AND LOCAL ORDINANCES

1. State law applies to licensed day care centers. County and City ordinances apply to SETA Head Start facilities that are not day care centers.

D. DESCRIPTION OF POLICY

1. There will be no tobacco use on the premises of any SETA Head Start day care center site at any time, including classrooms, playgrounds, parking lots and parking spaces.
2. There will be no tobacco use at SETA Head Start administrative offices inside buildings. Administrative offices located on school district properties must follow the tobacco free policy of the district if more restrictive policies are in place. To protect the health of those who enter and leave the building at the Rosin Court building and to role model healthy lifestyles, tobacco use should be confined to areas outside the doors closest to the training room and the home-based staff room.
3. There will be no tobacco use in SETA Head Start vehicles, regardless of whether or not the vehicle is occupied by children or nonsmokers. There will be no smoking in personal vehicles used to transport children when occupied by children.

4. There will be no tobacco use by staff, parents or volunteers when children are present, including both indoor and outdoor activities, e.g. field trips, walks and other off-site activities.
5. SETA Head Start's tobacco free policy shall apply to all off-site activities and functions. During off-site indoor activities, the designated tobacco use area shall be outside the building and out of sight of the children at least 20 feet away from the main entrance of the building.

During off-site outdoor functions, the designated smoking area will be out of sight of the children and at least 100 feet away from the activity area.

The staff person in charge will be responsible for designating the tobacco use area and informing those in attendance.

6. There will be no tobacco use by staff during home visits. Staff may request that parents not use tobacco during home visits. Parents will be informed of the tobacco free request in the registration written materials and prior to a home visit.

E. PROCEDURE

1. Staff will be informed of this policy through policy implementation, through signs posted in SETA Head Start facilities and vehicles, the Procedures Manual, at orientation and training provided by their supervisors.
2. Parents and volunteers will be informed through the following methods:
 - a. The policy will be stated in the SETA Head Start Parent Handbook.
 - b. Positive tobacco free signs will be posted in SETA Head Start facilities and vehicles.
 - c. Positive tobacco free signs will be posted on parent bulletin boards on the effective date of the policy.
 - d. Announcements will be made during parent orientations, parent workshops, Policy Council training sessions and other appropriate gatherings.
 - e. Explanations of the policy will be attached to field trip and home visit notifications.
 - f. Other communication mechanisms will be used as deemed appropriate by the Head Start Department Chief.
3. The SETA Health Coordinators will assist staff and parents who desire to quit smoking by facilitating access to smoking cessation programs and materials.
4. Educational materials regarding the effects of smoking, environmental tobacco smoke and smokeless tobacco will be provided to staff and parents.
5. Educational developmentally appropriate materials will be provided to the sites for the children.

Head Start Uniform Policy

Section 11.15

Guidance: The purpose of this work uniform policy is to enable the public, staff and students to identify the wearer as an employee of SETA CFS, while striving to have professional, consistently attired employees who take pride in their work and in their appearance. The uniform allows parents, children and site visitors to easily identify center staff who are in the classroom supervising children as well as appropriate staff to seek for information and assistance.

Policy:

All Head Start/Early Head Start center-based staff, including Family Services Workers, center-based Early Head Start Educators and Site Supervisors, are required to wear an approved uniform on a daily basis.

Non center-based staff while performing field work will wear either a uniform shirt or Agency supplied apron with logo based on their level of participation in the classroom or other center activities with children. Non center-based staff may wear the uniform at their own discretion when performing administrative duties at the center. Substitute aprons may be used while on-site if available.

Home-based staff are required to wear the approved uniform for all socializations. However, home-base staff may wear the approved uniform to home visits at their own discretion.

Employees who represent the Agency at community events, such as recruitment fairs, are required to wear the approved uniform.

The approved uniforms are as follows:

- 1) Shirts: Agency supplied uniform work shirts must contain the SETA Head Start identification logo. Employees must maintain a professional appearance at all times.
- 2) Aprons: Agency supplied aprons must contain the SETA Head Start identification logo. The apron will be either black with embroidered logo or royal blue with screen printed logo on the front of the aprons. The royal blue aprons are generally reserved for substitute teachers and/or support staff from partnering agencies. They are not intended for regular staff use or for take-home.
- 3) Footwear: Any staff directly responsible for the supervision of children must wear closed toe shoes with a fully closed back and/or strap, with a heel no greater than one (1”) inch, at all times. Any exceptions to this rule will be at the discretion of the Agency depending on daily activities or seasonal events.

Food Service Staff – Food services staff are required to wear agency-provided uniforms including shirt, pants and safety shoes. Uniforms are required to be worn at all times when on duty. Refer to the Food Service Manual for uniform guidelines and procedures.

Facilities/Warehouse Staff – Facilities staff are required to wear agency-provided uniforms including shirt, pants and safety shoes. Uniforms are required to be worn at all times when on duty.

Approval uniform clothing must be clean, neat and in good condition, no fraying, holes, excessive staining, and not exceedingly faded.

Supervisors shall ensure uniforms are neat in appearance and worn in an acceptable manner.

All damaged or soiled uniforms will be examined to determine replacement needs. Replacement of damaged or soiled uniforms may be requested by the employee or management upon determination that the uniform is no longer in good condition.

Agency issued uniforms may only be worn for Agency business, not for recreational or off duty purposes.

Other articles of clothing with the agency logo (such as CAMP, Family Day, etc.) may not be worn in place of the approved uniform shirt/apron.

No employee shall affix, adorn or otherwise alter any Agency provided uniform by adding patches, emblems, pins, etc. unless such items are issued, authorized or provided by the Agency.

Uniform Ownership: Uniforms remain the property of the Agency. Employees must return uniform items to their supervisor upon departure or termination from employment.

Head Start/Early Head Start Policies and Procedures

Uniform Procedure

New Employees – All probationary teachers, center-based Early Head Start Educators, Family Services Workers, Site Supervisors and Non center-based staff are required to wear uniforms in accordance with the uniform policy. New employees will receive shirts and/or aprons upon hire. Shirt sizes will be identified during new employee orientation. Shirt/aprons will be provided prior to the first day of work at the center. A maximum of five shirts and/or two aprons will be provided upon hire. Any additional items requested beyond the maximum provided will be approved on a case by case basis.

Laundering of Uniform Shirts/Aprons – Employees are responsible to ensure their uniform shirt/apron is clean and in good repair for each work day. Uniform items are provided for each work day of the week. Laundering of uniform shirts/aprons is the responsibility of each employee and shall be done on their own time. No overtime or compensation will be provided for time spent laundering uniform shirts/aprons.

Replacement Uniforms – There are two ways employees may request replacement uniforms:

1. Employees may request replacement shirts/aprons when the shirt/apron is no longer in good repair (i.e. stained, soiled, torn, frayed, etc.)
2. A supervisor may request and/or identify that an employee's shirt/apron is no longer in good repair (i.e. stained, soiled, torn, frayed, etc.)

Staff and/or supervisors should contact the staff support (Typist Clerk III) in the Program Operations unit for replacement items. Items in poor condition will be exchanged for new items.

Partnering Staff – Partnering staff such as Sacramento County Office of Education (SCOE) teachers will be provided a blue apron with the SETA Head Start logo. Partnering staff are not required to wear aprons but are highly encouraged during work time at the centers. Laundering of partner staff aprons are the responsibility of partner staff. SETA is not responsible for compensation for time to launder aprons. Partnering staff are subject to the footwear requirement in accordance with the uniform policy.

Substitute Teachers/ACES Volunteers – Substitute teachers, including California State University, Sacramento (CSUS) substitutes, and CSUS “ACES” volunteers are requirement to wear a blue apron with the SETA Head Start logo. Each center will be provided blue aprons for substitutes and/or “ACES” volunteers to use on-site. Substitutes and/or “ACES” volunteers are required to wear aprons while working at the center. Centers will implement individual plans for laundering the sub/ACES aprons. Dirty/soiled aprons will be replaced upon request of the Site Supervisor. Substitute Teaching staff/ACES Volunteers are subject to the footwear requirement in accordance with the uniform policy.

Departure from the Agency – Employees who resign and/or terminate from the agency are required to return their uniforms to the agency upon departure. Items will be collected by Human Resources or other agency personnel.

Additional Logo'd Items Available – Staff may order additional items (i.e. long sleeve shirts, hoodies and jackets) with the agency logo at their own expense. Additional items must be approved by the agency and are only available for purchase from an agency sponsored vendor. Please contact the staff support (Typist Clerk III) in the Program Operations unit for a list of items, color options and prices. Items may vary pending availability by the vendor.

Social Media Policy

Section 11.16

Social Media includes web and mobile-based technologies which are used to turn communication into interactive dialogue among organizations, communities, and individuals. Social media technologies take on many forms including but not limited to, Internet forums, weblogs, social blogs, microblogs, wikis, social networks, podcasts, photographs or pictures, and video. Examples include but are not limited to blogs, Facebook, Twitter, LinkedIn, YouTube, Pinterest, Instagram, and Flickr.

SETA employees may use social media while at work in the following situations:

1. Employee use of official agency interests; for the expressed purpose of communicating the Agency's interest or specific programmatic and policy interest; internal blogs or wikis for collaboration among agency project teams.
2. Employee use for professional interests; for the purpose of furthering their specific job responsibilities or profession duties through an externally focused site; to inform themselves on important issues or to collaborate with their peers; to consume and exchange information; going outside of the internal network of the agency.
3. Employee use for personal interests not related to their job duties; examples (not intended to be comprehensive): checking personal Facebook, send out a personal Tweet, or watch the latest viral YouTube video. **These actions must be done during meal or other designated break time during work hours.**

SETA employees using social media in an official agency interest shall receive approval from their department (Workforce Development, Children and Family Services, Administration, Fiscal, Information Technology) head and shall coordinate through the SETA Public Information Officer (PIO). In addition, employees shall receive training and clearance from the SETA PIO.

It shall be the department's responsibility to maintain the social media site, approve all content published to the site, and notify users and visitors to the social media site that any of the following forms of content shall not be allowed:

- Profane language;
- Sexual content;
- Discriminatory content;
- Comments that are not topically related or out of context;
- Solicitations of commerce; or
- Any content in violation of applicable law.

SETA does not endorse or take responsibility for content posted by third parties. SETA reserves the right to restrict or remove any content that is deemed in violation of these social media guidelines or any applicable law.

Required footnote for all Agency generated social media sites:

“The views and opinions expressed on SETA’s social media sites do not necessarily represent those of SETA. SETA cannot be held responsible for the accuracy, currency or reliability of information posted by external parties.”

Any content published in a social media format that relates to SETA business is a public record. The department responsible for maintaining the social media site shall preserve records for purposes of public records retention.

Wherever possible, all SETA social media shall comply with all appropriate SETA Policies and Procedures, including but not limited to the acceptable use of SETA equipment, Internet access, Information Technology Policy, Electronic Communications.

BRANDING SOCIAL MEDIA

Consistent branding is always an important issue for SETA, but in the social media world it is essential. Social media pages developed by SETA should be branded as “official”. SETA social media pages must include the official logos and a text statement “This is an official SETA social media page.”

ACCEPTABLE USE

- A. Use of SETA’s name should include a statement that the employee is a SETA employee and that the employee’s views are theirs alone and do not reflect the views of SETA.
- B. Personal use of social media should not be conducted on Agency time.
- C. Professional use of social media may be conducted don Agency time within reasonable time frames related to their specific job responsibilities or professional duties. See guidelines above.
- D. Employees shall represent themselves to be who they really are, so long as the employee can do so without forfeiting their legal rights to engage in concerted or protected activities under the Mile-Milias-Brown Act (MMBA).
- E. Whenever commenting on SETA-related topics via social media channels, employees are requested to:
 - a. Use a method disclosure that makes it easy for the average reader to understand the employee’s position, avoid jargon or ambiguous language;
 - b. If an employee chooses to share an opinion on SETA policy, they may do so only if they precede their social media disclosure with a disclaimer acknowledging their personal opinion does not necessarily reflect the opinion of SETA. This requirement is not meant to interfere with their legal rights to bargain collectively or engage in concerted or protected activities under the MMBA, but rather to ensure that others can

easily distinguish the official position of SETA or SETA's management from those of SETA employees.

UNACCEPTABLE USE

- Profane language;
- Sexual content;
- Discriminatory content;
- Comments that are not topically related or out of context;
- Solicitations of commerce; or
- Any content in violation of applicable law.

RESPECTFULNESS

The same standards, principles and guidelines that apply to SETA employees in the performance of their assigned duties apply to employee social media technology use.

- A. Employees should always be respectful of every individual's legal right to express their opinions, whether those opinions are complimentary or critical.
- B. Whether officially authorized to speak on behalf of SETA or not, employees may be seen by people outside of SETA as representatives of SETA. Employees are encouraged to represent the core values of SETA whenever they make social media disclosures about the Agency or Agency-related topics.
- C. Harassment, threats, intimidation, ethnic slurs, personal insults, obscenity, racial or religious intolerance and any other form of behavior prohibited in the workplace is also prohibited via social media channels.
- D. Employees who choose to make social media disclosures about topics relevant to SETA should always be aware that their disclosures are not private or temporary. Social media disclosures live online indefinitely, and employees should remember that they will be visible to a broad audience and possibly read out of context.
- E. Honor the privacy of SETA employees by seeking their permission before writing about or displaying internal happenings that might be considered to be a breach of their privacy and confidentiality

Reasonable Accommodation Policy and Process

Section 11.17

The Americans with Disabilities Act (ADA) and the Fair Employment and Housing Act (FEHA) require employers to provide reasonable accommodations to individuals with disabilities at any time in their SETA career and to engage in an interactive process to discuss possible reasonable accommodations. Reasonable accommodations can also be given to applicants during the recruitment process. Good faith participation must be demonstrated by all parties in this reasonable accommodation process.

The purpose of a reasonable accommodation is to enable an eligible employee to perform his/her job's essential functions: those job duties that are so fundamental to the position that he or she cannot do the job without performing these duties. A function is "essential" if, among other things, the position exists specifically to perform that function. This does not include marginal functions that are not essential to the position.

Reasonable accommodations are changes or adjustments in the work environment or in the way work is customarily done that would enable a qualified individual with a disability to perform the essential functions of the position. Examples may include, but are not limited to: assistive devices, work schedule adjustment, equipment purchase, facility or workspace changes, or, when no other effective accommodation is feasible, reassignment. Changing the duties that do not affect the essential functions of the job may also be considered.

General Requirements of the Accommodation Process

1. The reasonable accommodation process must begin when one or more of the following takes place:
 - a. The employee or employee's representative (i.e. Union representative or employee's family member) requests an accommodation orally or in writing, OR
 - b. The supervisor/manager/Human Resources becomes aware of a medical, physical, or mental condition that impacts the employee's/candidate's ability to perform one or more essential functions of the job by either:
 - i. Observation,
 - ii. Communication from the employee, or
 - iii. Receipt of medical documentation.
2. The supervisor, manager, and/or employee informs the Human Resources Department regarding the impact of the condition on the employee's ability to perform the essential functions of his/her position.
3. The Human Resources Department shall provide the Reasonable Accommodation Request packet and document the forms being sent to the employee. The employee may also obtain this packet on SETA's Staff Resources web page or shared K drive.
4. The employee submits the following completed forms directly to the Human Resources Department:

- a. Reasonable Accommodation Request, indicating what accommodation is requested (completed and signed by the employee), and
 - b. Medical Verification for Reasonable Accommodation, which must be completed and signed by the employee's appropriate health care provider.
5. Human Resources will contact the employee/candidate to begin the interactive process by scheduling a meeting with the relevant parties as soon as possible. At no time should the employee/candidate be subjected to harassment, discrimination, or retaliation for participating in this process. The employee's/candidate's failure to cooperate with the process may end SETA's accommodation obligation under ADA/FEHA.
6. During the interactive meeting/process, the employee's disability or medical condition **SHALL NOT BE DISCUSSED**. The participants shall focus the discussion on the following:
 - a. The employee's medical restrictions/limitations
 - b. The essential functions of the job
 - c. The impact of the employee's restrictions/limitations on his/her ability to perform the job's essential functions
 - d. The employee's requested accommodation(s)
 - e. Any other accommodations to be considered
 - f. The determination of accommodation to be provided
7. The interactive process may include multiple meetings to ensure all relevant information has been gathered.
8. Additional medical verification may be needed to determine an appropriate accommodation.
9. An interim accommodation may be implemented as a temporary solution during the interactive process until a final decision has been made.
10. A written determination will be prepared by Human Resources as soon as possible after the conclusion of the interactive process.

Appendix A – (Exempt) Classifications

The following positions are designated exempt employees of SETA in accordance with the provisions of these policies and procedures.

Accountant III
Administration Department Chief
Administration Manager – MIS/Monitoring
Administration Manager – MIS/Monitoring/Contracts
Administration Manager – Planning/Contracts
Chief Deputy Executive Director
Community Affairs Manager
Executive Director
Fiscal Department Chief
Deputy Director, Head Start
Head Start Manager
Information Systems Department Chief
Network Engineer
Operations Manager – (EDWAAA)
Operations Manager – (GAIN)
Operations Manager – (GRANTS)
Personnel Manager
Personnel/Human Resources and Services Deputy Chief
Planning and Community Development Deputy Director
Public Information Officer
Special Assistant

Appendix B

APPENDIX B – Conflict of Interest Classifications

The following persons are designated employees of SETA for purposes of the conflict of interest provisions of these policies, Section 11.03C:

Members of the SETA Governing Board	Employment and Training Analyst Supervisor
Members of the Private Industry Council (PIC)	Employment Services Specialist
Members of the Head Start Policy Council (PC)	Employment Services Supervisor
Members of the Head Start Parent Advisory Committee (PAC)	Insurance Analyst
Members of the Community Action Board (CAB)	Management Information Analyst II
PIC Legal Counsel	Management Information Analyst III
SETA Legal Counsel	Marketing Specialist II
Clerk of the Boards	Marketing Specialist III
Executive Director	Neighborhood Services Coordinator
Chief Deputy Executive Director	Program Coordinator
Operations Department Chief	Program Officer
Fiscal Department Chief	Purchasing Analyst
Administration Department Chief	Recruitment Specialist II
Head Start Department Chief	Recruitment Specialist III
Planning and Community Development Department Chief	Training/Staff Development Officer
Information Systems Department Chief	Training/Staff Development Supervisor
Personnel Manager	Staff Support Officer
Senior Personnel Analyst	Head Start Child Care Site Director
Senior Personnel Clerk	Head Start Coordinator (Health)
Personnel/Program Officer	Head Start Coordinator (Nutrition)
Public Information Officer	Head Start Coordinator (Education: Supervisory)
Administration Manager - Planning/Contracts	Head Start Coordinator (Special Education)
Administration Manager - Monitoring/MIS/Rapid Response Community Affairs Manager	Head Start Courier/Maintenance Specialist (Supervisory)
Operations Manager - JTPA	Head Start Education/Special Education Specialist
Operations Manager - EDWAAA	Head Start Education Specialist (Supervisory)
Operations Manager - Grants	Head Start Employment and Training Coordinator
Accountant II	Head Start Employment and Training Coordinator (Supervisory)
Accountant III	Head Start Facilities Analyst
Accounting Systems Analyst	Head Start Family Service Specialist
Community Services Analyst III	Head Start Food Service Manager
Cultural Diversity Team Leader	Head Start Head Cook
Dislocated Worker Specialist	Head Start Manager
Eligibility Supervisor	Head Start Management Information Systems Analyst
Employment and Training Analyst II	Head Start Nutrition Specialist
Employment and Training Analyst III	

Appendix B

Head Start Office Manager
Head Start Parent Involvement/Social Services
Specialist
Head Start Social Worker
Head Start Training/Staff Development
Supervisor
Head Start Grants Specialist

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