

**SETA
PERSONNEL
POLICIES
AND
PROCEDURES**

Effective December 7, 2023

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 affected 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.

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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 title2. a statement of the duties and responsibilities; and3. 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 Adjustment (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.

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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

As originally defined in City Ordinance 92-058 and as amended, two people are domestic partners if,

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;
 - 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 the 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.

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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> <ol style="list-style-type: none">1. <i>Assembled Examination:</i> an examination conducted at a specified time and place under the supervision of an examiner(s).2. <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.3. <i>Promotional Examination:</i> an examination in which competition is restricted to employees who have passed a probationary period, and hold regular status.4. <i>Physical Examination:</i> an examination conducted by a qualified physician to determine physical fitness for duty.5. <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 Director2. Occupants of those classifications listed in Appendix A who serve at the pleasure of the Executive Director.3. All temporary employees4. 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

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	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.

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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> <ol style="list-style-type: none">1. 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.2. Part-time: A position where the work schedule calls for less than forty (40) hours a week, either on an intermittent or regular basis.3. Temporary: A position filled by a person during which time he/she does not accrue seniority in that classification.4. 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.

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Reclassification	<p>A process that occurs when:</p> <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	<p>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.</p>
Reinstatement	<p>The reappointment of an employee who has resigned.</p>
Resignation	<p>The voluntary action of an employee which separates the employee from Agency Service.</p>
Salary Classification Plan	<p>The arrangement of positions in classes, together with the titles and salary describing each class.</p>
Seniority	<p>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.</p>
Separation	<p>Any termination of employment.</p>
Special Meeting	<p>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).</p>
State	<p>When used alone, the State of California.</p>
Status, Type of	<p>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:</p> <ol style="list-style-type: none">1. Regular: 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.2. Probationary: 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.3. Temporary: Acquired by an employee who has been appointed to fill a position on a temporary basis in the absence of an

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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: Classification Plan**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

Classification Plan

Salary Classification Plan

- 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 needs as an Equal Opportunity Employer.

- A. Recruiting efforts will be determined and coordinated by the Human Resources 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, community colleges, job centers, early learning centers, interested individuals, appropriate specialized groups, community based and minority organizations.
- D. Information on position vacancies shall be issued by methods which will best assure it is reaching qualified prospective applicants.
- E. Vacancies may be filled by transfer, promotion, demotion, reemployment, reinstatements or from a certified eligible list.
- F. Vacancies for regular positions and temporary assignments shall be posted for a minimum period of five (5) business days.
- G. The Policy Council/Parent Advisory Committee shall be made aware of a Head Start/Early Head Start vacancy by the Children and Family Services Deputy Director, or her/his designee, and members of the Policy Council/Parent Advisory Committee 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 Human Resources 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 ensure that her/his application is completed properly and received within the filing period, as specified in the job announcement.
- C. Online employment applications must be received no later than 5:00 p.m. on the final filing date. Applications received after that time will be rejected.
- 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. 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. 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

Applications and Screening

Qualifications/Screening

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.
- F. Whenever an application is rejected, written notice shall be given to the applicant.
- G. 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 License and a driving record which meets the Agency underwriting standards as implemented in the Vehicle Policy.
 2. Minimum age of eighteen (18) years, 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.

- H. 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.
- I. Screening of the applications for a Head Start position will be the responsibility of an application screening panel which may include one Head Start parent with remaining members selected by the Human Resources Chief or designee.
- J. 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.
- K. The Human Resources 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.
- L. Whenever an application is rejected, written notice shall be given to the applicant.
- M. Whenever an application is rejected, written notice shall be given to the applicant.

Applications and Screening

Qualifications/Screening

N. 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 License and a driving record which meets the Agency underwriting standards as implemented in the Vehicle Policy.
2. Minimum age of eighteen (18) years, 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.

- O. 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.
- P. Screening of the applications for a Head Start position will be the responsibility of an application screening panel which may include one Head Start parent with remaining members selected by the Human Resources Chief or designee.
- Q. 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.
- R. The Human Resources 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 Human Resources Chief or designee shall determine the appropriate methods of recruitment and examination. Eligible lists shall be established as a result of open and internal examinations.

1. Open Examination:

Open examinations shall be open to any candidate who meets the minimum qualification requirements.

2. Internal Examination

Internal Examinations are limited only to employees who meet the minimum qualification requirements and hold regular status within the Agency.

3. 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 five (5) business 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 of online application
6. Filing period
7. A general description of conditions, including methodology and relative weights assigned to steps of the examination.

Applications and Screening

Examinations

- C. Examinations may include any one or a combination of the following methods of testing: written, oral, or any other forms designed to test the qualifications of applicants.
 - 1. Written or Computer: 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.
- 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 Human Resources 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) calendar days after the date of disqualification or within 10 calendar days after the notice of examination results have been emailed, whichever is earlier, through written correspondence through the Human Resources Chief or 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, creed, religion, national origin, ancestry, age, genetic information, gender identity and gender expression, physical and/or mental disability, medical condition, sexual orientation, sex (including pregnancy, child birth and related medical conditions), marital status, military and veteran status, political affiliation, or Union membership activity.
- B. An appeal must be filed, in writing, within ten (10) calendar days after notice of examination results have been emailed.
- C. The written appeal must contain all the facts upon which the appeal is made.
- D. The Human Resources 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 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. Internal Only List: Employees who have successfully completed all components within an internal only examination.
 - 3. Open List: Persons qualifying as a result of having successfully completed all components within an Open examination.
 - 4. Reinstatement: Persons who have resigned from Agency service, were in good standing with regular status, and have petitioned for reinstatement within one (1) year from the date of resignation.
- 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 does not have sufficient numbers of candidates needed to fill the anticipated number of vacancies, and additional recruitment is 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.
- E. Recruitment information will be shared with the Policy Council at minimum every other month.

Hiring Interviews

Section 4.06

- A. Candidates on a certified eligible list, or qualified employees who have requested a lateral transfer, shall be interviewed and considered prior to any appointment made by the Agency.
- B. The Head Start Interviewing Panel may include at least one parent from the Policy Council/Parent Advisory Committee to the best extent possible.
- C. The Children and Family Services Deputy Director or designee shall appoint the remaining members of the Head Start Interviewing Panel which may include, but not be limited to community members of the Policy Council or other Agency staff.
- D. Candidates who fail to call or show up for a scheduled interview shall not be considered for the vacancy.
- E. At the discretion of the Appointing Authority or designee, hiring interviews may not be necessary when all candidates on the eligible list or those requesting a lateral transfer will be hired.
- 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.

Removal of Names from Eligible Lists

Section 4.07

- A. Names of eligible persons may be withheld from certification from an eligible list by the Executive Director or designee, 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 to contact the eligible candidate via email or phone, and/or failure to respond to email or phone communication within five (5) business days.
 5. Declining an interview three (3) times.
 6. 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
 7. Upon written request of an eligible person that his/her name be removed or placed in inactive status on the list.
 8. Failure to obtain, possess or keep in effect any license, certificate or other similar requirement specified in the class specification.
 9. 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.

- 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) calendar days from notification of such removal. The Executive Director shall review the documents and shall issue a written decision. The decision shall be final.
- C. An eligible list will expire after one year or when exhausted. The Human Resources Chief will approve exhaustion of the list. A list may be exhausted when:
 - 1. All candidates have been interviewed two (2) or more times but have not been hired;
 - 2. The remaining candidates have declined the position;
 - 3. The remaining candidates failed to respond to a notice and/or report for the interview;
 - 4. There are less than three (3) names remaining on an eligible list.

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, creed, religion, national origin, ancestry, age, genetic information, gender identity and gender expression, physical and/or mental disability, medical condition, sexual orientation, sex (including pregnancy, child birth and related medical conditions), marital status, military and veteran status, political affiliation, or Union membership activity. 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 regular 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 regular employee is performing the exempt duties, the employee shall retain all of the rights of a regular 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 regular service, the Human Resources Department Chief shall certify those on the eligible list(s). With exception of a reemployment 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 Human Resources Chief may certify from a comparable eligible list of substantially the same or higher level.
- B. No Head Start funds may be obligated for payment of salary to any regular employee until the employee has cleared fingerprinting, passed a physical examination, successfully completed a Tuberculosis screen and obtained appropriate adult immunizations.
- C. The Appointing Authority may examine applications, examination records, and any reports of background investigation of the eligible person certified.
- D. The Appointing Authority may conduct any additional investigations or tests of fitness, which are job related.
- E. Appointments made may be subjected to a probation period.
- F. 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.
- G. 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 and notice will be provided to the Union.
- H. 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.
- I. Appointments may be made to exempt, probationary, regular, or temporary status.
- J. 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.

K. 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.

L. 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.
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 regular or full-time employees.

M. 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.

N. 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.

Medical Standards

Section 5.03

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 5.04

- 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 5.05

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 5.06

- 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 5.07

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 5.08

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 5.09

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 5.10

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.
 - 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.

Demotion

Section 5.11

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 5.12

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 5.13

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 another 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 5.14

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:
 - 1. 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.
 - 2. 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.
 - 3. 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 affected 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 outline in this policy, the remaining terms and provisions that are not affected 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 Evaluations

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.

Longevity Compensation

Section 8.08

The Agency will implement a Longevity Compensation program consistent with the ongoing need to retain qualified employees and reward them for continuing employment with SETA. It is being implemented consistent with applicable federal regulations. While it is intended as an ongoing benefit, just as all Agency budget line items, it is subject to funding capacity and grant approval processes.

The initial implementation of the Plan will be effective December 1, 2023 and will compensate current employees at the appropriate milestone as described below. Thereafter it will be paid in the pay period immediately following the anniversary date of the employee at the new milestone level only.

An employee shall be eligible to receive Longevity Compensation upon reaching five (5) years of Agency service, and each 5-year milestone thereafter. The period for eligibility shall be based on the initial hire date to the Agency and calculated using the anniversary date thereafter.

The Longevity Compensation shall be as follows:

- \$500.00 at five (5) years of service;
- \$750.00 at ten (10) years of service;
- \$1,000.00 at fifteen (15) years of service;
- \$1,250.00 at twenty (20) years of service;
- \$1,500.00 at twenty-five (25) years of service;
- \$1,750.00 at thirty (30) years of service;
- \$2,000.00 at thirty-five (35) years of service; and
- \$2,250.00 at forty (40) years of service.

Section 9: Leaves

Protected vs. Unprotected Leaves

Section 9.01

A “protected” leave is a leave of absence where eligible employees have a legal right under federal and/or state law to take unpaid time off work for qualifying reasons and for specific duration with protection from unlawful discrimination, harassment, or retaliation as a result of requesting or taking the protected leave.

Health Benefits Plans: Employees can continue participating in any health benefit plans they were enrolled in before the first day of the leave at the level and under the conditions of coverage as if they had continued in employment for the protected duration of such leave.

Reinstatement: Employees will be reinstated to their original job or an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if an employee on a protected leave would have been laid off had the employee not gone on leave, or if the employee’s job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement.

An “unprotected” leave is a leave of absence that does not provide employees with federal and /or state legal protections.

- A. Health and benefits plans will cease at the end of the month when an employee is considered in “unpaid status.” Unpaid status is when the employee no longer has accruals to use during unprotected leave.
- B. Reinstatement to an employee’s original job, an equivalent job, and other employment terms and conditions are not guaranteed. The Labor Agreement process regarding employees returning from unprotected leave will be followed.

Family Medical Leave Act

Section 9.02

A leave of absence under the federal Family and Medical Leave Act (FMLA) is a protected leave that provides up to 12 workweeks of unpaid family/medical leave within a 12-month period under the following conditions:

- A. You have been employed with the Agency for at least 12 months before the commencement of leave. The 12 months of employment must have accumulated within the previous seven years (certain exceptions apply).
- B. You have worked at least 1,250 hours during the previous 12 months before the need for leave.

Leave may be taken for one or more of the following reasons:

- A. Your serious health condition that makes you unable to perform your job.
- B. To care for your family member who has a serious health condition. A "family member" includes your:
 - 1. Spouse.
 - 2. Parent.
 - 3. Child under the age of 18 or a child over the age of 18 and incapable of self-care due to mental or physical disability at the time FMLA leave is to begin.
- C. The birth of your child or placement of a child with you for adoption or foster care.
- D. Incapacity due to pregnancy, prenatal medical care, or childbirth.
- E. For qualifying exigency leave to assist families of members of the Armed Forces of the United States (including the National Guard and Reserves) to manage their affairs while the military member is on active duty in support of a contingency operation.
- F. For military caregiver leave to care for a covered military servicemember who is undergoing medical treatment, recuperation, or therapy, who is otherwise on outpatient status, or is otherwise on a temporary disability list for a serious injury or illness

Military Family Leave Entitlements

- A. Eligible employees whose spouse, son, daughter, or parent is on covered active duty or call to covered active-duty status may use their 12-week leave entitlement for certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

- B. Eligible employees may also take a special leave entitlement of up to 26 weeks during a 12-month period to care for a covered servicemember. A covered servicemember is either:
1. A current member of the Armed Forces, the National Guard, or the Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status or on the temporary disability retired list for a serious injury or illness.
 2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five years prior to the first date the eligible employee takes FMLA leave to care for the covered veteran and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. The FMLA definition of "serious injury or illness" for current servicemembers and veterans differs from the definition of "serious health condition."

Calculating the 12-Month Period

- A. The Agency uses a rolling year to calculate the 12-month period during which 12 weeks of family and medical leave or qualifying exigency leaves may be taken under FMLA. A rolling 12-month period measures backward from the date an employee uses any FMLA leave.
- B. Under most circumstances, leave under federal and state law will run simultaneously, and an eligible employee will be entitled to 12 weeks of family and medical leave in the designated 12-month period.
- C. For leave to care for a covered servicemember, the 12-month period begins on the first day of the leave, regardless of how the 12-month period is calculated for other leaves. Leave to care for a covered servicemember is for a maximum of 26 workweeks during a 12-month period.

Leave Procedures

- A. The following procedures shall apply to FMLA leave:
 1. Employees must contact Human Resources as soon as they are aware of the need for family or medical leave. If the leave is for the expected birth, placement for adoption or foster care, or planned medical treatment for the employee's own serious health condition or that of a family member, employees must notify the Agency at least 30 days before the leave begins. If possible, employees must consult with their supervisors regarding scheduling planned medical treatment or procedures to minimize disruption to the operations of the Agency. Any such scheduling is subject to medical certification from the health care provider.
 2. The Agency must be informed as soon as is practical if employees are not able to provide at least 30 days' notice.
 3. If the FMLA request is made because of the employee's own serious health condition, the Agency may require, at its expense, a second opinion from a health care provider that the Agency chooses. The health care provider designated to give a second opinion will not be employed by the Agency.

4. If the second opinion differs from the first opinion, the Agency may require the employee, at the Agency's expense, to obtain the opinion of a third health care provider designated or approved jointly by the employee and the Agency. The opinion of the third health care provider shall be considered final and binding on the employee and the Agency.

Medical Certification

- A. Employees have 15 calendar days from Human Resources' request for certification to provide it unless it is not practical to do so. The Agency may require another medical certification if employee's request additional leave beyond the approved amount (*For example, if employees need two weeks of consecutive leave, but following the two weeks they need intermittent leave, a new medical certification will be required.*) If employees do not provide medical certification in a timely manner to substantiate the need for family and medical leave, the Agency may delay approval of the leave, or continuation thereof, until certification is received. The leave will not be protected under the FMLA if a certification is not received by human resources.
- B. If the leave is needed to care for a family member, employees must provide certifications from the health care providers stating:
 1. Date of commencement of the serious health condition.
 2. Probable duration of the condition.
 3. Estimated amount of time needed to care for family member.
 4. Confirmation that the serious health condition warrants employee participation.
- C. Under the FMLA, when the Agency employs both parents and they each request leave for the birth or placement for adoption or foster care of a child, the Agency will not grant more than 12 work weeks of leave under the FMLA. However, if baby bonding leave is under both FMLA and CFRA (running concurrently), each parent employed by the Agency is entitled to 12 work weeks of leave.
- D. If employees request leave for their own serious health condition, they must provide a certification from the health care provider stating:
 1. Date of commencement of the serious health condition.
 2. Probable duration of the condition.
 3. Employee's inability to perform all or any of the essential functions of their positions because of their serious health conditions.

If employees are on leave because of their own serious health conditions, the Agency may require a medical certification releasing them to work or requesting modified duty before returning to work.

- E. Failure to provide a release to return to work from the employee's health care provider may result in denial of reinstatement until the certificate is obtained.

Leave Related to Military Service

A leave taken due to a "qualifying exigency" related to military service must be supported by a certification of its necessity. A leave taken due to the need to care for a servicemember must be supported by a certification by the servicemember's health care provider or other certification allowed by law. Special certification requirements apply to leaves related to military service.

Intermittent Leave

Employees may be eligible to take FMLA leave intermittently (in blocks of time or by reducing their normal weekly or daily work schedule) if the leave is for their own serious health condition or that of a qualifying family member and the intermittent time off is substantiated by a medical certification completed by the employee's or family member's health care provider.

Unprotected Leave

An FMLA leave will become an unprotected leave under the following conditions:

1. The 12 weeks of FMLA have ended, and employees are unable to return.
2. Employees no longer qualify for leave under the FMLA.

California Family Rights Act

Section 9.03

The California Family Rights Act (CFRA) provides up to 12 workweeks of protected, unpaid leave within a 12-month period under the following conditions:

1. The employee has been employed by the Agency for at least 12 months before the commencement of leave. The 12 months of employment accumulated within the previous seven years (certain exceptions apply); and
2. The employee has worked at least 1,250 hours during the previous 12-month period before the need for leave.

Leave may be taken for one or more of the following reasons:

1. Employee's own serious health condition that makes them unable to perform their jobs.
2. To care for a family member who has a serious health condition. For purposes of CFRA leave, a "family member" includes:
 - a. Spouse
 - b. Parent
 - c. Child of any age
 - d. Registered domestic partner
 - e. Grandparent
 - f. Grandchild
 - g. Sibling
 - h. Parent-in-law
 - i. Designated person*
3. The birth or adoption of a child or foster care placement in employees' home.
4. A qualifying exigency related to covered active duty or a call to covered active duty of employee's spouse, registered domestic partner, child, or parent in the Armed Forces of the United States.

* A "designated person" is someone with whom employees have a family-like relationship or are related by blood. Employees must identify the individual when they request leave, and are limited to one designated person per 12-month period.

Qualifying Exigencies Related to Active Duty

Eligible employees whose spouse, domestic partner, child, or parent is on covered active duty or call to covered active-duty status may use their 12-week leave entitlement for certain qualifying exigencies. Qualifying exigencies may include, but are not necessarily limited to, attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Calculating the 12-month Period

The Agency uses a rolling, 12-month period to determine how many hours/weeks of CFRA leave employees use. A rolling 12-month period measures backward from the date an employee uses any CFRA leave.

Leave Procedures

The following procedures shall apply to CFRA leave:

1. Employees must contact Human Resources as soon as they are aware of the need for family or medical leave. If the leave is for the expected birth, placement for adoption or foster care, or planned medical treatment for the employee's serious health condition or that of a family member, employees must notify the Human Resources at least 30 days before the leave begins. If possible, employees must consult with their supervisors regarding scheduling planned medical treatment or procedures to minimize disruption to the operations of the Agency. Any such scheduling is subject to medical certification from the health care provider.
2. Human Resources must be notified as soon as possible if employees are unable to provide at least 30 days' notice.
3. If the CFRA request is made because of the employee's own serious health condition, the Agency may require, at its expense, a second opinion from a health care provider of the Agency's choice. The health care provider designated to give a second opinion will not be employed by the Agency.
4. If the second opinion differs from the first opinion, the Agency may require the employee, at the Agency's expense, to obtain the opinion of a third health care provider designated or approved jointly by the employee and the Agency. The opinion of the third health care provider shall be considered final and binding on the employee and the Agency.

Medical Certification

- A. Employees have 15 calendar days from the Agency's request for medical certification to provide unless it is not practical to do so. The Agency may require another medical certification if employees request additional leave beyond the approved return date. *(For example, if you need two weeks of family and medical leave, but following the two weeks you need intermittent leave, a new medical certification will be requested and required.)* If employees do not provide medical certification in a timely manner to substantiate the need for family and medical leave, the Agency may delay approval of the leave, or continuation thereof, until certification is received. The leave will not be protected under CFRA if a medical certification is not received by Human Resources.
- B. If the leave is needed to care for a family member, employees must provide a medical certification from the family member's health care provider stating:
 1. Date of commencement of the serious health condition.
 2. Probable duration of the condition.
 3. Estimated amount of time for care needed by the health care provider.
 4. Confirmation that the serious health condition warrants employee participation.

- C. If the leave request is for the employees' serious health condition, they must submit a medical certification from the health care provider stating:
 - 1. Date of commencement of the serious health condition.
 - 2. Probable duration of the condition.
 - 3. Employee's inability to perform all or any of the essential functions of their position due to their serious health condition.
- D. If employees are on leave because of their own serious health condition, the Agency may require a medical release to return to work or recommended work restrictions, if applicable.
- E. Failure to provide a release to return to work or recommended work restrictions from the employee's health care provider may result in denial of reinstatement until the certificate is obtained.

Intermittent Leave

Employees may take CFRA leave intermittently (in blocks of time or by reducing your normal weekly or daily work schedule) if the leave is for the employee's serious health condition or that of a qualifying family member and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. One hour is the smallest increment of time that can be used for such leave.

Unprotected Leave

Employees will not be protected by CFRA if the following conditions exist:

- 1. The 12 weeks of CFRA leave have ended and continued leave is still needed.
- 2. Employees do not qualify for CFRA.

Pregnancy Disability Leave

Section 9.04

A leave under California's Pregnancy Disability Leave Law (PDL) is an unpaid, protected leave that provides up to 4 months of leave if employees are disabled due to pregnancy, childbirth, or related medical conditions (meaning a physical or mental condition intrinsic to pregnancy or childbirth). For the purposes of leave under this policy, "four months" is defined as the number of days the employee would normally work within four calendar months (one-third of a year equaling 17 1/3 weeks) if the leave is taken continuously, following the date the pregnancy leave commences.

- A. The length of PDL will be determined by the advice of employee's health care provider. The four months of leave includes any period of time for actual disability caused by pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness, prenatal care, doctor-ordered bed rest, and other reasons.
- B. The Agency will consider requests for reasonable accommodation related to pregnancy, childbirth, or related conditions, including temporarily transferring employees to different positions (where one is available), modify work duties or schedules or permit more frequent breaks if medically necessary.
- C. Employees must provide the Agency with a written certification from a health care provider for the need of PDL, reasonable accommodations, or transfer. The certification must be returned no later than 15 calendar days after the Agency requests it. Failure to do so may, in some circumstances, delay PDL, reasonable accommodation, or transfer.
- D. Return from PDL will be allowed only when employee's health care provider sends a release.
- E. Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed.
- F. If intermittent leave or leave on a reduced work schedule is medically advisable, employees may be required to transfer temporarily to an available alternative position that meets employees' needs. The alternative position does not need to have equivalent job duties but must have the equivalent rate of pay and benefits, and employees must be qualified for the position. The position must accommodate the intermittent leave or reduced work schedule request. Transferring to an alternative position may include altering an existing job.
- G. PDL will run concurrently with the Family and Medical Leave Act (FMLA).

Employees will not be protected by PDL after the 4 months of protected leave have ended and continued leave is still needed.

Work-Related Disability Leave

Section 9.05

- A. Employees who have suffered a work-related injury or illness while performing assigned duties shall immediately notify their supervisor and Human Resources. The employee shall undergo a medical examination as the Appointing Authority or designee deems necessary as quickly as possible.
- B. The employee will be referred to an Agency-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 an examination. Failure or refusal of the employee to undergo a medical examination shall constitute a waiver of the leave benefits in this Section.
- C. An employee who is unable to perform any 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, employees shall use their accrued leave balances, which includes sick leave, vacation, personal time and compensatory time off.
 - 2. During any period of disability for which payment is provided under worker's compensation insurance, the employee may elect to integrate accrued leave balances with the worker's compensation benefits to equal an amount no greater than 100% of the employee's regular pay.
- D. All leave provisions of this Section shall terminate on the date of the employee's recovery from disability, receipt of permanent disability payment, retirement, termination from Agency employment, or death, whichever occurs first.
- E. Work-related disability leave will run concurrently with the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA).

Unprotected Leave

A work-related disability leave under FMLA/CFRA will become unprotected leave under the following conditions:

- A. The 12 weeks of protected leave have ended and continued leave is still needed.
- B. Employees do not qualify for FMLA/CFRA.

Administrative Leave

Section 9.06

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 an investigation is completed.

Bereavement Leave

Section 9.07

- 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. This time may be continuous or segmented.

Jury Duty and Witness Leave

Section 9.08

All employees shall be allowed protected time off with pay as is required in connection with Jury Duty or summons to appear as a witness in a judicial proceeding, pursuant to a subpoena or court order.

- A. Employees needing time off for the purposes of Jury Duty or Witness Leave shall provide a copy of the jury summons, court order or witness subpoena to their immediate supervisor immediately upon receiving notice thereof.
- B. Time off with pay shall be allowed as is required in connection with witness testimony or jury duty; 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 work without loss of pay if under subpoena for a proceeding in which the employee was a witness while on official Agency business; 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.

Unprotected Leave

A protected jury duty or witness leave will turn into an unprotected leave under the following conditions:

- 1. The time required to attend jury duty or witness leave per subpoena or court order has ended, and employee does not return to work.
- 2. Employee attends court proceedings without a valid jury summons, subpoena or court order, or does not provide copies to their supervisor or Human Resources.

Military Leave

Section 9.09

In addition to the qualifying exigency and military caregiver leave protections under the federal Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA), employees are provided additional protected military leaves.

- A. Under the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), employees called to active duty in the U.S. military, including the U.S. Armed Forces, Reserves, and National Guard, are provided up to five years of unpaid leave for military service. (However, a handful of exceptions exist to this five-year limit.) Employees must be allowed to continue their group health care benefits for up to 24 months during their leave.
 - 1. To be eligible for leave under USERRA, the employee must meet certain requirements, including:
 - a. Providing notice to the Agency that the leave is for military service.
 - b. Being released from the military under honorable conditions.
 - c. Applying for reinstatement within a certain period of time, depending on the length of the leave.
 - 2. Once the leave is over, employees must be reinstated to the position they would have held had they been continuously employed, along with the associated seniority, pay, benefits, and other advantages of employment.
 - 3. If the employee is not qualified for that position, the employer must make a reasonable effort to help the employee qualify—for example, by providing training.
- B. Employees in the California National Guard who are called to active duty are entitled to unpaid leave. Full-time employees must apply for reinstatement within 40 days after they are discharged.
- C. U.S. Armed Forces Reserves, National Guard, or Naval Militia employees are entitled to 17 days of unpaid leave per year for military training, drills, encampment, naval cruises, special exercises, or similar activities.
- D. Employees who are responding to an emergency operational mission of the California Wing of the Civil Air Patrol are provided at least 10 days per calendar year of unpaid Civil Air Patrol leave. Civil Air Patrol leave for a single emergency operational mission cannot exceed more than three days unless an extension of time has been granted by the governmental entity that authorized the emergency operational mission, and the leave extension is approved by the Agency.
- E. Employees who work an average of 20 hours or more per week, and are spouses of a member of the Armed Forces, National Guard, or the Reserves who are on leave from deployment, are entitled to 10 days of unpaid leave.

Formal military orders or documentation are required to take these leaves.

Domestic Violence, Sexual Assault, Stalking Leave

Section 9.10

A leave of absence under California's Domestic Violence, Sexual Assault, and Stalking Leave is a protected leave that provides reasonable and necessary unpaid leave and other reasonable accommodations to employees who are victims of domestic violence, sexual assault, or stalking to attend legal proceedings or obtain other needed relief.

Unpaid leave under this policy is available for an employee who is the victim of domestic violence, sexual assault, or stalking to attend legal proceedings or to obtain or attempt to obtain any relief necessary, including a restraining order, to ensure the employee's own health, safety or welfare, or that of the employee's child or children. Employees may also request unpaid leave for the following purposes:

1. Obtain services from a domestic violence shelter or rape crisis center.
2. Seek medical attention for injuries caused by domestic violence or sexual assault.
3. Obtain psychological counseling for the domestic violence or sexual assault.
4. Take action, such as relocation, to protect against future domestic violence or sexual assault.

To request leave under this policy, an employee should provide their supervisor (reason for leave does not have to be disclosed to supervisor) and Human Resources with as much advance notice as practicable under the circumstances. If advanced notice is not possible, the employee requesting leave under this policy should provide Human Resources one of the following certifications upon returning to work:

1. A police report showing that the employee was a victim of domestic violence or sexual assault.
2. A court order protecting the employee from the perpetrator or other evidence from the court or prosecuting attorney that the employee appeared in court.
3. Documentation from a medical professional, domestic violence or sexual assault victim advocate, health care provider, or counselor showing that the employee's absence was due to treatment for injuries from domestic violence or sexual assault.

In addition, the agency will provide reasonable accommodations to employees who are victims of domestic violence, sexual assault, or stalking for the employees' safety while at work. A reasonable accommodation may include the implementation of safety measures, such as a transfer, reassignment, modified schedule, changed work telephone, changed work station or installed lock; assistance in documenting domestic violence, sexual assault, or stalking that occurs in the workplace; an implemented safety procedure; or another adjustment to the employee's job duties and position.

Crime Victim Leave

Section 9.11

A leave of absence under California's Crime Victim Leave is a protected leave that provides unpaid leave to an eligible employee who is a victim of certain, specified felony crimes or who is an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim to attend and participate in judicial proceedings related to the crime.

Covered felonies include:

- A violent felony, as defined in subdivision (c) of §667.5 of the Penal Code.
- A serious felony, as defined in subdivision (c) of §1192.7 of the Penal Code.
- A felony provision of law proscribing theft or embezzlement.

Employees requesting leave under this policy are required to submit appropriate documentation, including a copy of the notice of the scheduled proceeding, subpoena, or other court orders prior to the leave or as soon as practicable.

Unprotected Leave

Employees are no longer protected by Crime Victim Leave under the following conditions:

- The judicial proceedings have ended.

Bone Marrow and Organ Donor Leave

Section 9.12

A leave of absence under California's Bone Marrow and Organ Donor Leave is a protected leave that provides eligible employees up to 30 days in a 12-month period of paid leave to donate an organ to another person and up to five days in a 12-month period of paid leave to donate bone marrow to another person. An additional unpaid leave of up to 30 business days in a 12-month period may be granted to an employee donating an organ.

To be eligible, employees must have been employed with the company for 90 days immediately preceding the commencement of leave and provide a written certification that the employee is a bone marrow or organ donor and that the procedure is medically necessary.

Unprotected Leave

Employees are no longer protected by Bone Marrow and Organ Donor Leave under the following conditions:

- The 30 days or 5 days have ended.

School Activities Leave

Section 9.13

A leave of absence under California's School Activity Leave is a protected leave that provides up to 40 hours of unpaid leave each year for employee's children's school activities.

Employees may take leave to:

- participate in activities of the school or licensed child care provider of a child;
- find, enroll, or re-enroll a child in a school or with a licensed child care provider; or
- address a "child care provider or school emergency."

Only 8 of the 40 hours may be used to find, enroll, or re-enroll a child.

A "child care provider or school emergency" means that an employee's child is unable to remain in a school or with a child care provider because:

- The school or child care provider has requested that they be picked up;
- the child is exhibiting discipline or behavioral problems;
- there is a school closure or unexpected unavailability of a child care provider, or
- there is a natural disaster.

To qualify for school activities, leave, a person must be a "parent" and have a child of the age to attend grades K through 12.

A "parent" under the law includes a:

- Parent
- Legal guardian
- Stepparent
- Foster parent
- Grandparent
- Person standing *in loco parentis* to the child.

The Agency requires proof that the employee took time off for school activity-related purposes.

Unprotected Leave

A protected leave under this policy will turn into an unprotected leave under the following conditions:

- The employee cannot prove the need to use Schools Activity Leave.

The time off required has ended.

Emergency Responder Leave

Section 9.14

A leave under California's Emergency Responder Leave is a protected leave that provides unpaid leave to eligible employees who are volunteer firefighters, reserve peace officers, or emergency rescue personnel so that such employees may respond to emergency duty. Additionally, employees are provided up to 14 days per calendar year of unpaid leave to engage in scheduled fire, law enforcement, or emergency rescue training.

Employees requesting leave under this policy should comply with the following requirements:

1. Notify the Agency of their status as soon as practicable after hire or upon becoming designated as a volunteer firefighter, reserve peace officer or emergency rescue personnel.
2. When called to emergency service or scheduled training, an employee should notify the Agency as soon as practicable of the need for leave under this policy, provide information regarding the start and end dates for the requested leave, and provide proof.
3. When returning from leave under this policy, the employee should provide the Agency with appropriate written documentation confirming that during the leave, the employee was actively engaged in responding to an emergency or participating in scheduled training.

Unprotected Leave

An Emergency Responder Leave will become an unprotected leave under the following conditions:

The time needed has ended.

Leave of Absence With or Without Pay

Section 9.15

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 a specified purpose per statutory requirements and the applicable collective bargaining agreement.

Leave of Absence Duration

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 (must exhaust protected leave);
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).

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 subject to the Executive Director's approval (or the Appointing Authority).

The Executive Director (or the Appointing Authority) may revoke a leave of absence if the reason for granting the leave was misrepresented or has ceased to exist.

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 certification, the employee shall be eligible to return to their position after such leave unless statutory provisions provide greater protection.

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 when they report for work. The employee shall be advised if the position is to be filled permanently.

If there is not such a vacancy in the employee's current classification at the time of request to return, they shall have preferential hiring rights for the first in either the employee's current classification or another classification in which they held regular status and which is either open at the time they return from the leave or which becomes open at a later date. Such preferential hiring rights cease when either they are re-employed in their current classification or one calendar year after termination of the leave, whichever occurs first.

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.

If the leave of absence without pay necessitates a temporary replacement, the employee on leave shall be returned to the position they vacated upon their return to work.

Leaves

Leave of Absence With or Without Pay

Employees wishing to return from a leave of absence before the original date of return shall notify their supervisor of their desire to return early, and they shall work out a mutually agreeable return date. A medical certification will be required if the employee is off work due to illness or injury.

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.

An employee failing to return from a leave of absence on the specified return date shall be considered to have resigned from their employment with the Agency.

See Labor Agreements for more information.

Wage Replacement During Leave

Section 9.16

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 denying paid leave for an employee with attendance issues, tardiness, or failure to follow call-in procedures when not reporting for work. Employees may also apply for State Disability Insurance benefits, State Paid Family Leave, Agency-Paid Parental Leave and Catastrophic Leave.

Accrued sick leave, when applicable, vacation leave, compensatory time off, personal leave, and management leave must be used prior to taking leave without pay except as approved by the Executive Director (or the Appointing Authority). Employees may not intersperse paid leave accruals with unpaid leave to accrue benefits or qualify for Agency insurance contributions.

State Disability Insurance (SDI)

SDI provides partial wage replacement for up to 52 weeks for employees who are unable to work due to their own nonwork-related illness or injury, pregnancy, or childbirth. This program is funded by employee payroll deductions. If eligible, employees can receive SDI benefits, which is administered by California's Employment Development Department (EDD). SDI pays 60-70% of employee's regular wages.

State Disability Insurance is wage replacement and does not provide employees with a right to take a medical leave of absence.

Paid Family Leave (PFL)

PFL provides partial wage replacement for employees in California for up to eight weeks who need to take time off from work for the following reasons:

- To care for a parent, parent-in-law, child, spouse, registered domestic partner, grandparent, grandchild, or sibling who is seriously ill.
- To bond with employee's newborn, foster child, newly adopted child: or
- For a qualifying exigency related to the covered active duty or call to covered active duty of your spouse, registered domestic partner, parent, or child in the Armed Forces of the United States.

If eligible, employees can receive PFL benefits administered by California's Employment Development Department (EDD). PFL pays employees 60-70% of employee's regular wages.

Paid Family Leave is wage replacement and does not provide employees a right to take a family leave.

Agency-Paid Parental Leave

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.

Regular Employees

1. An "eligible employee" is a 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:
 - the birth of a child who resides with the employee and for whom the employee has physical and legal custody, or
 - 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. "Parental leave" is any leave, whether paid or unpaid, taken by an 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.
3. 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.
4. 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.
5. 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 sick leave, 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.

Employees who are not "eligible employees" as defined above may utilize accrued and available hours of vacation, compensatory time off (CTO), holiday, sick leave, and/or unpaid leave during the parental leave.

Procedures - All Employees

1. Pay Status While on Parental Leave:

- a. Unpaid parental leave and paid parental leave including sick leave, vacation, compensatory time off (CTO), and holiday time shall be utilized as follows:
 - I. 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.
 - II. 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.
 - III. 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.
 - IV. Parental leave may be integrated with Paid Family Leave (PFL) pursuant to the provisions of this Section.
 - V. Paid parental leave shall be considered time worked for eligibility for recognized holidays occurring during the leave

2. Leave Request Processing

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 Executive Director or designee may waive the four-(4) week requirement.

- a. 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

- a. 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.

4. Extension of Probationary Period
 - a. 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.

Catastrophic Leave

1. 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.
2. Regular employees shall be entitled to participate in the Agency Catastrophic Leave Policy with the following provisions:
 - a. 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.
 - b. All donations shall be made and accepted in writing using a form designated by the Agency.
 - c. The donation in any category must be at least eight (8) hours and in whole-hour increments.
 - d. 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.
 - e. 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.
 - f. 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.
 - g. To be eligible to use donations, an employee must:
 - i. 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
 - ii. Have exhausted all usable leave balances, including sick leave;
 - iii. Be on an approved leave of absence.
 - iv. 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 earliest of the following events occurs
 - v. All leave balances, including both donated and accrued leave, are exhausted;
or
 - vi. The employee returns to work at their normal work schedule; or
 - vii. The employee's employment terminates.

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Wage Replacement During Leave

- h. Donations received while a recipient is still utilizing previously donated and related accrued leave time may be used immediately thereafter.

Hours donated subsequently 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.
 - i. 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.
 - j. Used donated leave time shall be subject to the recipient's normal payroll deductions.
3. 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 that have been credited to an employee and are available for use by the employee.

Procedures for donating hours:

- a. Pledges for donated hours will be made by the donating employee on an Agency provided form and forwarded to the Fiscal Department.
- b. 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.

The Fiscal Department will confirm with Human Resources that the recipient employee is qualified to receive donation pledges.

4. Extension of Probationary Period:
- a. The probationary period shall be extended by the full period of the approved leave of absence, including periods of paid catastrophic leave.

Sick Leave Accrual and Usage

Section 9.17

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 supervisor's approval and may be denied as provided below. Unapproved sick leave is an 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 because of the following:
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 having an active contagious disease such that the health of employees, or the public would be endangered by the employee being at work
 5. Illness, serious medical treatment, or operation in the employee's family, including parent, parent-in-law, child, spouse, registered domestic partner, grandparent, grandchild, sibling, or designated person. *Designated person is defined as a person identified by the employee at the time the employee requests paid sick days permitted to one designated person per 12-month period.
 6. Pregnancy and childbirth

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.

- D. 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.
- E. Employees using excessive sick leave shall be notified of the concern by their 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 what is 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 about its legitimacy, including time associated with weekends, holidays or other leave, and/or after refused time off for that period.
 3. Supervisors/managers shall monitor the sick leave use by all employees under their supervisor or direction, including using sick leave covered by FMLA, Kin Care and other legally protected sick leave.
- F. 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.
 - G. Unused sick leave at the time of retirement shall be eligible for conversion to service credit as the retirement plan allows.

Paid Sick Leave for Temporary Staff

Section 9.18

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

- A. Sick leave hours shall be issued upon hire and will be replenished the first pay period of every calendar year.
- B. Sick leave is administered as follows:
 - 1. On the first pay period of the year, or upon date of hire, temporary employees shall receive an allotment of forty (40) hours of paid sick leave.
- C. Temporary staff, that have completed at least ninety (90) days of employment, 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
 - 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 attendance of the employee.
 - 5. Illness, serious medical treatment, or operation in the employee's family, including parent, parent-in-law, child, spouse, registered domestic partner, grandparent, grandchild, sibling, or designated person. *Designated person is defined as a person identified by the employee at the time the employee requests paid sick days permitted to one designated person per 12-month period
 - 6. Pregnancy and childbirth
 - 7. Specified purposes for an employee or family member 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 40 hours of sick leave in a 12-month period. To utilize the benefits, the temporary employee must request payment of sick leave hours, which hours can only be used on a day that the temporary employee was scheduled to work or was working.

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Paid Sick Leave for Temporary Staff

- F. Paid sick leave hours for temporary employees that are unused at the end of the last pay period of the calendar year shall not be carried over into the following 12-month period.
- G. Retaliation or discrimination against an employee who requests paid sick days or uses paid sick days or both is prohibited.
- H. Unused sick leave hours will not be cashed out upon termination. However, if a temporary employee returns within a year of terminating their employment their previous balance will be restored if within the same calendar year.

Vacation

Section 9.19

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

- A. Vacation 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 ten (10) years of service;
 - 3. 6.6 hours per bi-weekly pay period beginning with eleven (11) and through fifteen (15) years of services;
 - 4. 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 approval from their immediate supervisor, manager, or chief, consistent with the requirements of the department.
- C. With the approval of the Executive Director or designee, twice per fiscal year, employees may be paid on a regular payday for a maximum total of both occurrences of one hundred (100) hours of accrued vacation in lieu of paid time off. Such payments shall be requested in writing prior to the date on which such payment is to be made. A payment under this provision cannot cash out within 12 contiguous months. Employees shall not be eligible to cash out annual leave prior to completing six calendar months of service.
- D. If an employee's request for vacation is denied and the action results in the employee having more than two times their annual vacation entitlement, the employee will automatically be paid for the days in excess of their 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 their 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

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Vacation

2. The employee notifies the Executive Director or designee immediately upon their return; and
 3. The employee provides the documentation required to substantiate the need and use of sick leave.
- H. Temporary and regular employees occupying positions that are not twelve (12) months per year shall not accrue vacation leave benefits.
- I. Unless otherwise excluded, part-time regular employees shall receive pro rata accruals based upon the ratio of how scheduled work hours compare to forty (40) hours during the work week.
- J. Vacation leave earned but not taken may accrue to a maximum of four hundred eighty (480) hours.

Holidays

Section 9.20

All Agency regular and probationary employees are eligible for the benefits listed below. Employees holding temporary, on-call, extra-help or 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 Eve Day (4 hours) |
| Juneteenth | Christmas Day |
| Independence Day | New Year’s Eve Day (4 hours) |

- D. When one of these holidays falls on a Saturday, employees shall be given the preceding Friday off. When one of these holidays falls on a Sunday, 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 them 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 compensatory time off if requested by the employee.

Personal and Management Leave

Section 9.21

- A. Effective pay period 21 each year, each represented full-time employee shall be credited with thirty-two (32) hours of personal leave time, and less than year-round and part-time regular employees shall be credited with a proration of thirty-two hours based on the ratio of their regularly scheduled work weeks to one year, or work week to forty (40) hours.
1. Employees hired after October 1 shall be credited on the first of the following month with a proration of the personal leave hours based on the number of pay periods remaining prior to pay period 20 of the following year.
 2. Personal leave requests shall be submitted to the supervisor and approved prior to use of the time.
 3. Personal leave time may be used in increments of less than a full day.
 4. Personal leave time which is not used by pay period 20 each year may not be cashed out. If the employee was unable to use such leave due to unforeseen circumstances such as, but not limited to, leave of absence, prolonged illness or injury, and/or scheduling problems created by business needs, the personal leave balance may be carried over.
- B. Each confidential employee shall receive the equivalent of forty-eight (48) 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.
- C. Each management employee shall receive the equivalent of seventy-two (72) 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

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Personal and Management Leave

year. Management leaves not taken during the fiscal year may not be carried over to the next fiscal year. Management leaves not used before the end of the fiscal year, shall be cashed out the following July.

Reproductive Loss Leave

Section 9.22

Employees who have worked for SETA for at least 30 days will be eligible for up to five (5) days of protected reproductive loss leave. This leave shall be unpaid, however, the employee may utilize paid leave accruals, including paid sick leave, if they so choose.

A “reproductive loss” includes: miscarriage, failed surrogacy, stillbirth, unsuccessful “assisted reproduction” (such as artificial insemination or embryo transfer), or failed adoption.

In the event that an employee suffers more than one reproductive loss within a 12-month period, the Agency shall not grant more than 20 days total of protected reproductive loss leave within a 12-month period.

Reproductive loss leave may be taken on non-consecutive days but must be taken, in full, within three (3) months of the event.

If prior to or immediately following a reproductive loss event, an employee is on a leave of absence, the employee shall complete their reproductive loss leave within three (3) months of the end date of the other leave.

Employees requesting leave under this policy may be required to submit appropriate documentation. For confidentiality purposes, all documentation should go directly to Human Resources.

Unprotected Leave

A protected reproductive loss leave will turn into unprotected leave under the following conditions:

1. The time off needed exceeds five (5) days for one event
2. The time off needed goes beyond the three (3) month timeframe
3. The time off needed for multiple events exceeds 20 days in a 12-month period

CA Senate Bill SB-848 – Leave for Reproductive Loss

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

Layoff

Section 10.1

- 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.

Resignation

Section 10.2

- 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 week's 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.

Dismissal

Section 10.3

- 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).

Disciplinary Action

Section 10.4

- 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

Layoffs, Separation of Service and Disciplinary Action

Layoffs, Separation of Service and Disciplinary Action

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 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.

Causes for Disciplinary Action

Section 10.5

- 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 leaves;
- 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.

Notification

Section 10.6

- 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.

Appeal - Informal

Section 10.7

- 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.

Appeal - Formal

Section 10.8

- 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).

Failure to Appeal

Section 10.9

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.

Hearing

Section 10.10

- 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

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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.

**Layoffs, Separation of Service
and Disciplinary Action**

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.
 - 3. 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 workplace.
- 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 or 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) hour's 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.

Work Habits

Hours of Work

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. Employees are expected to notify 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 within 21 calendar days from the date of the notice.
7. 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.
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.

B. 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 individual's 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

C. 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.

D. 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.

E. 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.

F. 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 a Department of Motor Vehicles (DMV) Motor Vehicle Report (MVR) 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 whose Driver License has expired or been suspended must notify Personnel and the employee's supervisor of that expiration or suspension as soon as possible, but no later than the beginning of the next regularly scheduled work shift. No employee with an expired or 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; and
 - 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 DMV 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 reported to the Agency promptly, accurately, and completely. 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 reviewed by the Agency insurer on all employees where driving is an essential function of the job duties. The MVR will be provided to the Agency insurer who will receive the MVR from the DMV when there is a driving incident which impacts the employee's driving record and driving is an essential function of the employee's job duties. The MVR 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. The employee may request a copy of the report from the DMV.

If the MVR indicates that the employee 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. If the employee is in a classification or position for which driving is an essential function, the employee may be placed on unpaid administrative leave or assigned modified duties pending an appeal, at the discretion of the Agency.

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

Work Habits

Travel and Mileage

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.

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.
4. 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.
 5. Provide a list of drug detoxification and rehabilitation facilities and programs to all existing and new subordinate employees.
 6. 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.

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 on 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.

Remote Work Policy and Process

Section 11.18

A. Rationale

1. Remote work is an alternative work arrangement in which an employee works some or all of the time from home or another offsite location. This arrangement creates flexibility and continuity of service during times when it is more efficient or effective for employees to work remotely. Remote work is not suitable for all employees and positions. It is at the discretion of the Department Head to determine if a remote work assignment meets the business needs of the Agency.

B. Policy

1. Remote work can be formal or informal.
 - a. With formal remote work, the employee works remotely on a regular schedule that is mutually agreed upon between the employee and the Department Head.
 - b. An informal remote work arrangement is when an employee works remotely on an occasional or infrequent basis that may not necessarily follow a set schedule, but is still mutually agreed upon by the employee and the Department Head.
2. It is imperative that an employee who works remotely is accountable for work performance and demonstrates ethical behavior by adhering to this remote work policy and other applicable SETA policies and procedures. Work expectations of remote working employees remain the same as if they were working in the office. This includes, but is not limited to:
 - a. Meeting the performance standards of the position
 - b. Maintaining productivity levels
 - c. Working the mutually agreed work start time and stop time
 - d. Following Agency safety policies and protocols.
3. The supervisor has a key role in the success of a remote working employee. The supervisor should communicate well-defined productivity expectations, performance standards and results needed, as well as meeting time commitments. There should be on-going, clear communication from the supervisor to the employee, and vice versa.
4. An employee may be required to report to the office due to business necessity, even though it is a scheduled remote work day. When possible, eight hours advance notice will be given to the employee, however it should be understood that urgent or emergency situations may not allow for prior notice.

C. Equipment

1. The employee is responsible for all issued SETA owned or leased equipment when working remotely.
2. No one other than the employee is authorized to use SETA equipment, even when housed at an employee's home.
3. Employees are expected to treat equipment with care and in a manner that is neither negligent or abusive.
4. Hardware is only to be modified or serviced by parties approved by SETA.
5. Software provided by SETA is to be used only for its intended purpose and should not be duplicated without consent.
6. Any equipment provided by SETA for off-site use is intended for legitimate business use only.
7. All hardware and software should be secured against unauthorized access.
8. All equipment purchased by SETA remains the property of SETA and is to be returned in a timely fashion when requested to do so.
9. If any problem develops with any SETA owned or leased equipment, the Employee should contact the IT department via phone, text, email, Zoom or other form of remote access for assistance. If the problem cannot be resolved remotely, the employee shall make arrangements with IT staff to bring the equipment to the IT department for inspection and support.

D. Work Space Requirements

1. The remote worksite must be maintained by the employee in a clean, professional, and safe condition free from hazards or dangerous conditions. SETA will not be responsible for any activity, damage, or injury which is not directly related to, associated with or resulting from the official job duties, and over which the Agency has no ability to exercise control. The Agency assumes no liability for the employee's real property or personal property, or for any injury to the employee's family, guests or other invitees injured on the employee's premises. The Agency reserves the right to inspect the remote worksite immediately, or as soon as practicable, upon being notified of a work-related injury or accident.
2. The employee must communicate with others concerning work-related matters by phone, email, text, Zoom, or other form of remote access and shall not conduct any work-related meetings or accept any business guests or invitees at the remote worksite.

E. Communication and Confidentiality

1. The employee must have a method of receiving and responding to communications from other staff, supervisors, and any other business-related communication while working remotely. This includes being available via phone and email during working

hours as well as responding within appropriate timeframes.

2. The employee understands that all furniture, telephone lines, wired or wireless internet connections and other equipment necessary for working remotely will be provided by the employee unless otherwise specified and agreed to by the Department Head.
3. An employee must properly protect and secure from unauthorized disclosure sensitive or Personally Identifiable Information (PII) and agrees to comply with all Agency policies and instructions regarding security of confidential information.

F. Requesting Remote Work

Employees should be aware that remote work:

- Is a privilege, not a right, based on trust between the employee, supervisor, and Department Head
- Is voluntary and the employee can discontinue at any time
- Is a management work option and may be rescinded at any time
- Is not suitable for all positions and duties
- Is suitable for employees who can work independently and be accountable for work performance
- Is not a substitute for child or eldercare

Process for requesting remote work:

1. The employee should discuss with their supervisor their desire to work remotely.
2. Together, the employee and supervisor will complete the Remote Work Request Form since some of the questions require collaboration between the two parties.
3. The supervisor will approve or deny and sign the request form.
4. If approved by the supervisor, they will submit it to the Department Head for review.
5. The completed form will be returned to the employee and supervisor within ten (10) business days with the approval or denial signature from the Department Head.

COVID-19 Prevention & Response Program

Section 11.19

Purpose:

The COVID-19 Prevention and Response Program (CPRP) is designed to control and respond to exposures to the COVID-19 virus that may occur in our workplace and is required by the Division of Occupational Safety and Health (Cal/OSHA). This CRCP applies to all employees and places of employment. Nothing in this CPRP is intended to limit more protective or stringent state or local health department mandates or guidance.

The full **COVID-19 Prevention & Response Program** can be found on the SETA website at: <https://staff.seta.net/staff-resources/human-resources-payroll/>

Lactation Accommodation

Section 11.21

The Agency recognizes lactating employees' rights to request lactation accommodation, and accommodates lactating employees by providing a reasonable amount of break time and a suitable lactation location to any employee who desires to express breast milk for their infant child, subject to any exemption allowed under applicable law.

If possible, the break time should run concurrently with the employee's normally scheduled break time. Any break time to express breast milk that does not run concurrently with the employee's normally scheduled break time is unpaid.

The lactation location will be private (shielded from view and free from intrusion from co-workers and the public) and located close to employee's work area. The location will be safe, clean and free of toxic or hazardous materials; have a surface to place a breast pump and other personal items; have a place to sit; and have access to electricity or alternative devices (such as extension cords or charging stations) allowing employees to operate an electric or battery-powered breast pump. The Agency will also provide access to a sink with running water and a refrigerator suitable for storing milk in close proximity to employee's workspace. If a refrigerator cannot be provided, the Agency will provide another cooling device suitable for storing milk, such as an Agency-provided cooler. The lactation location will not be a bathroom or restroom. The room or location may include an employee's private office if it otherwise meets the requirements of the lactation space. Multi-purpose rooms may be used as lactation space if they satisfy the requirements for space; however, use of the room for lactation takes priority over other uses for the time it is in use for lactation purposes.

Employees who desire lactation accommodations should contact human resources to request accommodations. An employee's request may be provided orally, by email, or in writing, and need not be submitted on a specific form. The Agency will engage in an interactive process with employees to determine when and where lactation breaks will occur. If the Agency cannot provide break time or a location that complies with this policy, human resources will provide a written response to the request.

The Agency will not tolerate discrimination or retaliation against employees who exercise their rights to lactation accommodation, including those who request time to express milk at work and/or who lodge a complaint related to the right to lactation accommodation. If employees believe they have been denied reasonable break time or adequate space to express milk, or have been otherwise been denied their rights related to lactation accommodation, they have the right to file a complaint with the Labor Commissioner.

Personally Identifiable Information (PII)

Section 11.22

Purpose:

The Privacy Act of 1974 safeguards individuals against invasions of privacy when sensitive information is required for official use. SETA may have large quantities of sensitive information relating to the organization, staff, subrecipients, partner organizations, and individual program participants by virtue of its status as a steward of federal funding. This information is generally found in personnel files, participant data sets, performance reports, program evaluations, contract files, and other sources.

Personally Identifiable Information (PII) is defined in the Federal Uniform Guidance (*2 CFR 200.1 "Personally Identifiable Information (PII)"*) as:

Information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. Some information that is considered to be PII is available in public sources such as telephone books, public Web sites, and university listings. This type of information is considered to be Public PII and includes, for example, first and last name, address, work telephone number, email address, home telephone number, and general educational credentials. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. Non-PII can become PII whenever additional information is made publicly available, in any medium and from any source, that, when combined with other available information, could be used to identify an individual.

Policy:

SETA's policy is to make every reasonable effort to safeguard confidential information, including personally identifiable information (PII). All staff shall strictly adhere to state and federal regulations pertaining to privacy, confidentiality, and record security.

Consistent with U.S. Department of Labor guidelines, this policy advises all staff who have access to sensitive/confidential/proprietary/private data, of the confidential nature of the information, the safeguards required to protect the information, and that there are civil and criminal sanctions for noncompliance with such safeguards that are contained in federal and state laws.

Safeguards:

It is expected that any employee who has access to sensitive/confidential/proprietary/private data will utilize the information solely for approved business-related purposes. All PII must be secured and protected at all times.

SETA requires that all sensitive information:

- Is collected, used, and stored in a manner that ensures it will not be accessible to anyone not authorized to access it;
- Is not collected unless needed for the provision of employment, some service or to determine eligibility for a program;
- Is not used for any purpose other than that in which it was intended, unless the subject of the information (if the subject is an adult), or a parent of the subject (if the subject is a minor or dependent), provides consent for the information to be shared;

- Can be released to the subject of the information upon his or her request;
- Is not accessible to anyone other than those authorized to access it (including agents of oversight and regulatory entities, and in cases in which the information has been subpoenaed, parties to the legal matter); and
- Is published only in aggregate form, preventing readers from being able to identify, or reasonably infer the identity of, any individual subject.

In addition to the minimum requirements outlined above, SETA staff shall:

- Utilize appropriate computer, network, and internet security controls;
- Dispose of confidential information and PII in a safe and secure manner; and

In addition, any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential.

Staff shall ensure personnel files, case files, and related records are not left unattended in work stations located in unsecured or public areas. Confidential information must be stored in a locked cabinet or secured area when not in use or under the direct control of authorized personnel. Whether these files are electronic or hard copy, they must be locked or otherwise secured (i.e., through password protection).

Instructions for Reporting Lost, Compromised, or Potentially Compromised PII:

When an employee becomes aware or suspects that PII has been lost, compromised, or potentially compromised he/she shall provide immediate notification of the incident to SETA's Equal Opportunity Officer (EOO). The employee shall provide complete and accurate information including:

- A description of the loss, compromise, or potential compromise
- A description of the safeguards used (locked cabinet, redacted PII, password protection, etc.)
- Whether the employee has contacted or been contacted by any external organization (law enforcement, media, etc.)

Additional PII guidelines for Workforce specific programs can be found in the Directive dated September 6, 2023.

The misuse or mishandling of PII could result in discipline from the Agency. Additionally, the employee may be liable to civil and criminal sanctions for improper disclosure.

Appendix A

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 (Fiscal Manager)
Administration Department Chief
Administrative Services Deputy Director
CFS Deputy Director
Executive Director
Fiscal Department Chief
Head Start Deputy Director
Head Start Manager
Human Resources Manager
Information Systems Department Chief
Network Engineer
Personnel/Human Resources Department Chief
Planning and Community Development Chief
Public Information Officer
Web Innovation Engineer
Workforce Development Deputy Director
Workforce Development Manager

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	Workforce Development Planner I and II
Members of the Workforce Development Board (WDB) and Committees	Workforce Development Quality Control Supervisor
Members of the Head Start Policy Council (PC)	Workforce Development Manager
Members of the Head Start Parent Advisory Committee (PAC)	Facilities Coordinator
Members of the Community Action Board (CAB)	Children and Family Services Education Program Officer
WDB Legal Counsel	Children and Family Services Support Services Program Officer
SETA Legal Counsel	Children and Family Services Administrative Program Officer
Clerk of the Boards	Children and Family Services Eligibility Coordinator
Executive Director	Workforce Development Analytical Program Officer
Children and Family Services Deputy Director	Workforce Development Operational Program Officer
Workforce Development Deputy Director	Purchasing Analyst
Personnel/Human Resources Chief	Staff Support Officer
Fiscal Department Chief	Workforce Development Professional I,II,III
Information Systems Department Chief	Head Start Site Director
Administrative Services Deputy Director	Head Start Coordinator (Education)
Executive Coordinator	Head Start Coordinator (Food Services)
Senior Personnel Analyst **	Head Start Coordinator (Health/Nutrition)
Accountant I	Head Start Coordinator (Special Education)
Accountant II **	Head Start Coordinator (Governance/Parent Engagement)
Accountant III	Head Start Education Specialist**
Senior Accountant	Network Engineer
Programmer Analyst	Head Start Facilities Supply Clerk
Workforce Development Professional Supervisor	Head Start Facilities Specialist
Human Resources Manager	Head Start Head Cook
Information Technology Analyst I and II	Head Start Manager
Information Technology Services Facilitator	Web Innovation Engineer
Information Technology Engineering Analyst	
Workforce Development Analyst Supervisor	
Workforce System Administrator	
Workforce Development Analyst II and III	

*** Includes both supervisory and non-supervisory staff*

Appendix C

APPENDIX C – Board Approval Matrix

Dates identify the last approval date of each Board.

Section	Name	Governing Board	Policy Council
1.01	Authority and Purpose	11/02/00	10/24/00
1.02	Concurrence of Council and Board	11/02/00	10/24/00
1.03	Statement of Intent	11/02/00	10/24/00
1.04	Personnel Administration	11/02/00	10/24/00
1.05	Equal Opportunity Employer	01/03/19	12/19/18
1.06	Personnel Memoranda	11/02/00	10/24/00
1.07	Changes in the Policies and Procedures	11/02/00	10/24/00
1.08	Employee Responsibility	11/02/00	10/24/00
2.00	Definitions	11/02/00	10/24/00
3.01	Salary Classification Plan	11/02/00	10/24/00
3.02	Reclassification	11/02/00	10/24/00
4.01	Recruitment/Announcements	06/02/22	05/23/22
4.02	Qualifications/Screening	06/02/22	05/23/22
4.03	Examinations	06/02/22	05/23/22
4.04	Appeals of Disqualification	06/02/22	05/23/22
4.05	Eligible Lists	06/02/22	05/23/22
4.06	Hiring Interviews	06/02/22	05/23/22
4.07	Removal of Names from Eligible Lists	06/02/22	05/23/22
5.01	Filing Vacant Positions	06/04/20	05/26/20
5.02	Appointments	06/04/20	05/26/20
5.03	Medical Standards	11/02/00	10/24/00
5.04	Fingerprinting	11/02/00	10/24/00
5.05	Criminal History Information	11/02/00	10/24/00
5.06	Temporary Assignment of Higher Duties	11/02/00	10/24/00
5.07	Temporary Reclassification	11/02/00	10/24/00
5.08	Transfers	11/02/00	10/24/00
5.09	Reinstatement	11/02/00	10/24/00
5.10	Reemployment	11/02/00	10/24/00
5.11	Demotion	11/02/00	10/24/00
5.12	Nepotism	11/02/00	10/24/00
5.13	Personnel Records	11/02/00	10/24/00
5.14	Temporary Staff	09/03/15	08/25/15
6.01	Purpose and Duration (Probation)	11/02/00	10/24/00
6.02	Release of Probationer	11/02/00	10/24/00
6.03	Fringe Benefit Status During Probationary Period	11/02/00	10/24/00
7.00	Performance Evaluations	11/02/00	10/24/00

Appendix C

8.01	Maintenance of Plan (Compensation)	11/02/00	10/24/00
8.02	Pay Schedule	11/02/00	10/24/00
8.03	General Salary Adjustments	11/02/00	10/24/00
8.04	Salary Step Increases	11/02/00	10/24/00
8.05	Payment of Wages	11/02/00	10/24/00
8.06	Payroll Errors	11/02/00	10/24/00
8.07	Overtime rates	11/02/00	10/24/00
8.08	Longevity Compensation	11/02/23	10/24/23
9.01	Protected Vs Unprotected Leaves	11/02/23	10/24/23
9.02	Family Medical Leave Act	11/02/23	10/24/23
9.03	California Family Rights Act	11/02/23	10/24/23
9.04	Pregnancy Disability Leave	11/02/23	10/24/23
9.05	Work-Related Disability Leave	11/02/23	10/24/23
9.06	Administrative Leave	11/02/23	10/24/23
9.07	Bereavement Leave	11/02/23	10/24/23
9.08	Jury Duty and Witness Leave	11/02/23	10/24/23
9.09	Military Leave	11/02/23	10/24/23
9.10	Domestic Violence, Sexual Assault, Stalking Leave	11/02/23	10/24/23
9.11	Crime Victim Leave	11/02/23	10/24/23
9.12	Bone Marrow and Organ Donor Leave	11/02/23	10/24/23
9.13	School Activities Leave	11/02/23	10/24/23
9.14	Emergency Responder Leave	11/02/23	10/24/23
9.15	Leave of Absence With or Without Pay	11/02/23	10/24/23
9.16	Wage Replacement During Leave	11/02/23	10/24/23
9.17	Sick Leave Accrual and Usage	11/02/23	10/24/23
9.18	Paid Sick Leave for Temporary Staff	12/07/23	11/28/23
9.19	Vacations	11/02/23	10/24/23
9.20	Holidays	06/01/23	05/22/23
9.21	Personal and Management Leave	09/03/15	08/25/15
9.22	Reproductive Loss Leave	12/07/23	11/28/23
10.01	Layoff	03/05/09	02/24/09
10.02	Resignation	03/05/09	02/24/09
10.03	Dismissal	03/05/09	02/24/09
10.04	Disciplinary Action	03/05/09	02/24/09
10.05	Causes for Disciplinary Action	03/05/09	02/24/09
10.06	Notification	03/05/09	02/24/09
10.07	Appeal – Informal	03/05/09	02/24/09
10.08	Appeal – Formal	03/05/09	02/24/09
10.09	Failure to Appeal	03/05/09	02/24/09
10.10	Hearing	03/05/09	02/24/09
11.01	General Conduct	11/02/00	10/24/00

Appendix C

11.02	Hours of Work	11/02/00	10/24/00
11.03	Incompatible Activities	11/02/00	10/24/00
11.04	Harassment, Discrimination, and Retaliation Policy and Complaint Procedure	04/25/23	04/23/19
11.05	Vehicle and Driving Policy	06/06/19	05/28/19
11.06	Seat Belt Policy	11/02/00	10/24/00
11.07	Travel and Mileage	11/02/00	10/24/00
11.08	Internet Use	11/02/00	10/24/00
11.09	Electronic Mail (e-mail)	11/02/00	10/24/00
11.10	Drug and Alcohol-Free Workplace Policy	11/02/00	10/24/00
11.11	Head Start Standards of Conduct	11/02/00	10/24/00
11.12	Head Start Medication Dispensing	11/02/00	10/24/00
11.13	HIV/AIDS	11/02/00	10/24/00
11.14	Tobacco Free Policy	11/02/00	10/24/00
11.15	Head Start Uniform Policy	04/05/12	03/27/12
11.16	Social Media Policy	03/07/13	02/26/13
11.17	Reasonable Accommodations Policy and Process	04/25/19	04/23/19
11.18	Remote Work Policy and Process	09/03/20	08/25/20
11.19	COVID-19 Prevention & Response Program	09/03/20	08/25/20
11.20	Head Start COVID-19 Vaccine Mandate – REMOVED	11/02/23	10/24/23
11.21	Lactation Accommodation	11/02/23	10/24/23
11.22	Personally Identifiable Information (PII)	11/02/23	10/24/23