

# PERSONNEL ADMINISTRATIVE MANUAL



***Healthy Parks Healthy People***

*Updated 1-9-2024*

## Table of Contents

SECTION 1 : PURPOSE AND ORGANIZATION OF THE MANUAL .....	1
1.01    PURPOSE.....	1
1.02    UNIT AND EMPLOYEE DESIGNATION (POSITION DESCRIPTION) .....	1
1.03    PERSONNEL ADMINISTRATIVE MANUAL RESPONSIBILITY .....	3
1.04    ORGANIZATION OF THE PERSONNEL ADMINISTRATIVE MANUAL .....	3
SECTION 2 : REPRESENTED AND UNREPRESENTED EMPLOYEES .....	5
2.01    LOCAL 2428 AFSCME.....	5
2.02    POLICE ASSOCIATION.....	6
SECTION 3 : DISTRICT FACILITIES AND EQUIPMENT .....	8
3.01    USE OF DISTRICT FACILITIES BY OFF-DUTY DISTRICT EMPLOYEES .....	8
3.02    USE OF DISTRICT EQUIPMENT, PROPERTY, SUPPLIES AND PURCHASING SERVICES...8	
3.03    VEHICLES.....	9
3.04    ID CARDS - FACILITY PASS.....	19
3.05    PERSONAL EQUIPMENT.....	19
3.06    CAMERAS.....	21
3.07    WIRELESS COMMUNICATION DEVICES (CELL PHONES) .....	22
SECTION 4 : GOVERNMENT RELATIONS.....	26
4.01    PROHIBITION OF HARASSMENT, DISCRIMINATION AND RETALIATION.....	26
4.02    OTHER REGULATIONS.....	26
SECTION 5 : HOURS OF WORK AND WORK ENVIRONMENT .....	27
5.01    WORK SCHEDULE .....	27
5.02    WORK ENVIRONMENT.....	29
SECTION 6 : SALARY AND COMPENSATION .....	30
6.01    SALARY OR WAGE RATES.....	30
6.02    OVERTIME.....	31
6.03    CHANGE IN CLASSIFICATION.....	34
6.04    WORK IN A HIGHER CLASSIFICATION.....	35
6.05    PAYCHECKS.....	37
SECTION 7 : HEALTH AND WELFARE BENEFITS.....	39

7.01	BENEFIT ELIGIBILITY .....	39
7.02	HEALTH PLANS.....	39
7.03	INSURANCE PLANS.....	41
7.04	WORKERS' COMPENSATION.....	41
7.05	BENEFITS FOR EMPLOYEES BEYOND 65.....	42
7.06	DEFERRED COMPENSATION .....	43
7.07	BENEFIT DEDUCTIONS .....	43
7.08	MISCELLANEOUS BENEFITS PROCEDURES.....	43
7.09	CONFIRMATION OF BENEFIT QUALIFICATION (TAX REFORM ACT OF 1986) .....	44
SECTION 8 : RETIREMENT .....		45
8.01	RETIREMENT PLAN.....	45
8.02	RETIREE ELIGIBILITY.....	46
8.03	BENEFITS.....	46
8.04	BENEFIT ELIGIBILITY .....	48
8.05	PRE-RETIREMENT PLANNING.....	53
8.06	RETIREE ASSOCIATION AND RETIREE MEDICAL.....	54
SECTION 9 : HOLIDAYS.....		55
SECTION 10 : VACATION .....		57
SECTION 11 : SICK LEAVE.....		61
11.01	GENERAL .....	61
11.02	MANAGEMENT/CONFIDENTIAL SICK LEAVE BANK .....	62
SECTION 12 : LEAVES OF ABSENCE .....		63
12.01	LEAVES.....	63
12.02	VOTING TIME (CA ELECTION CODE, SECTION 14350).....	67
SECTION 13 : EXPENSE REIMBURSEMENT .....		68
13.01	BUSINESS MEETING ATTENDANCE AND TRAVEL.....	68
13.02	CONFERENCE/ANNUAL MEETING ATTENDANCE.....	70
13.03	MOVING EXPENSES.....	71
SECTION 14 : UNIFORMS .....		72
SECTION 15 : TRAINING.....		75

SECTION 16 : SAFETY REGULATIONS AND EQUIPMENT .....	79
16.01    SAFETY.....	79
16.02    SAFETY EQUIPMENT.....	79
16.03    PARK FIRES AND NATURAL DISASTERS.....	81
16.04    MINE SAFETY.....	82
16.05    CODE THREE EMERGENCY RESPONSE .....	82
16.06    IMMUNIZATION.....	82
16.07    HAZARD COMMUNICATION POLICY.....	82
16.08    ASSISTING EMPLOYEES WITH LIFE THREATENING ILLNESSES .....	83
16.09    USE OF RADIO AND EARPHONES WHILE OPERATING EQUIPMENT .....	84
SECTION 17 : ADMINISTRATIVE PROCEDURES .....	85
17.01    HIRING .....	85
17.02    PROBATION.....	92
17.03    PERFORMANCE APPRAISALS .....	93
17.04    TRANSFER.....	94
17.05    RECLASSIFICATION.....	95
17.06    ACCESS TO CONFIDENTIAL DEPARTMENTAL INFORMATION.....	95
17.07    PROVIDING FOR DEFENSE OF CIVIL ACTIONS AGAINST EMPLOYEES.....	96
SECTION 18 : EMPLOYEE DISCHARGE .....	97
18.01    EMPLOYMENT TERMINATION.....	97
18.02    EXIT INTERVIEW.....	99
18.03    HEALTH BENEFITS ON TERMINATION .....	100
18.04    PAY ON TERMINATION.....	100
18.05    RETIREMENT/DEPARTURE CELEBRATIONS.....	101
18.06    EXECUTIVE SEARCH FIRM.....	102
SECTION 19 : PERSONNEL FILES .....	103
SECTION 20 : DISCIPLINE.....	104
SECTION 21 : GRIEVANCE PROCEDURE.....	107
SECTION 22 : DISTRICT RESIDENCE .....	110
SECTION 23 : BOARD OF DIRECTORS MEETINGS .....	111
SECTION 24 : MISCELLANEOUS.....	113

24.01	LOAN OF STAFF.....	113
24.02	POLITICAL ACTIVITY.....	113
24.03	SERVICE AWARDS.....	115
24.04	MEMBERSHIP.....	115
24.05	BUSINESS CARDS.....	115
24.06	CREDIT UNION.....	116
24.07	EMPLOYEES AS INDEPENDENT CONTRACTORS OR VOLUNTEERS.....	116
SECTION 25 : BENEFIT AUTHORITY AND SUMMARY.....		117
25.01	RESOLUTIONS.....	117
25.02	EMPLOYEE BENEFITS.....	120
SECTION 26 : APPENDIXES.....		123
APPENDIX A: AMENDMENT TO THE EAST BAY REGIONAL PARKS GOVERNMENTALMONEY PURCHASE PLAN AND TRUST ADOPTION AGREEMENT.....		124
APPENDIX B: EAST BAY REGIONAL PARK DISTRICT INFORMATION TECHNOLOGY APPROPRIATE USE GUIDELINES.....		126
APPENDIX C: ETHICAL GUIDELINES POLICY.....		133
APPENDIX D: EAST BAY REGIONAL PARK DISTRICT FRAUD PREVENTION POLICY.....		135
APPENDIX E: ADMINISTRATIVE LEAVE.....		138
APPENDIX F: PUBLIC SAFETY MANAGERS INCENTIVE PAYS.....		141

## **SECTION 1: PURPOSE AND ORGANIZATION OF THE MANUAL**

### **1.01   PURPOSE**

The East Bay Regional Park District does not operate under Civil Service. Procedures of the District regarding employees are covered by the Labor Agreement with Local 2428 AFSCME; the Memorandum of Understanding with the Police Association, and this Personnel Administrative Manual.

### **1.02   UNIT AND EMPLOYEE DESIGNATION (POSITION DESCRIPTION)**

- A.     Local 2428 AFSCME represents the Field and Clerical Unit as defined in the Labor Agreement.
- B.     The Police Association represents the Public Safety Unit as defined in the Memorandum of Understanding.
- C.     All other classes of employees are unrepresented by any formal organization and will be referred to in the Manual as follows:

Management: All management positions.

Confidential: Secretaries and administrative positions in key support roles with access to the management decision-making process or to material affecting employer-employee relations.

Seasonal: Non-permanent positions filled on the basis of need during heavy park usage periods.

Temporary: Positions filled for short-term, non-permanent situations.

- D.     All Managers, Confidential, Seasonal, Temporary and Miscellaneous employees serve at the pleasure of the General Manager.
- E.     Position Description

Classification of Positions: All District positions require an approved description, with factors which classify the position, in place prior to hiring into the position. The Human Resources Division, as the Classifying authority, shall review all proposed new positions and positions proposed for alteration, including any departmental reorganization that is likely to alter job descriptions and/or compensation.

Each position description shall be adopted by the Board. Such description shall contain the following:

- a. Title, Reporting Relationship, and Supervisor Authority.
- b. General Functions.
- c. Principal Duties and Responsibilities.
- d. Minimum Qualifications including alternatives to formal education.
- e. Salary Range Designation.
- f. Employment Category (Unit to which the classification is assigned, e.g. "Local 2428 AFSCME").
- g. Resolution number of adopted description.

Effective December 20, 1994, the General Manager shall approve all job descriptions as part of the ongoing personnel operations of the District.

#### F. Work in Job Classification

All employees shall be hired into a job classification, to be designated in the employee's personnel records, and will normally be required to perform only the duties of the classification.

Individual job classifications are designed to describe duties and qualifications of each job in the district. In addition to those duties, it is a term and condition of employment that employees shall perform work out of classification without additional compensation under the following conditions:

- a. To fill in for another employee who is absent from work.
  - b. When such employee's own work load permits, to assist other employees needing help to complete their work in a timely manner.
  - c. To assist in occurrences as described in Park Fires and Natural Disasters - Section 16.03.
  - d. To do other work assigned for purposes of accomplishing a total unit of work or for job enrichment purposes.
- G. Responding to the Public: All employees will respond in a courteous, helpful manner to park users, assisting them where reasonably practical, or otherwise directing them to the appropriate person or office for the information or assistance they need.

### **1.03 PERSONNEL ADMINISTRATIVE MANUAL RESPONSIBILITY**

- A. The General Manager shall be responsible for the establishment and maintenance of the District Personnel Administrative Manual.
- B. The General Manager may make written exceptions to the policies when such exceptions are to the mutual benefit of the District and the employees affected.

### **1.04 ORGANIZATION OF THE PERSONNEL ADMINISTRATIVE MANUAL**

- A. Section 1: Purpose and Organization of the Manual.
- B. Section 2: Represented/Unrepresented Employees  
The working conditions and employee benefits of Local 2428 and the Police Association are defined by the Labor Agreement and the Memorandum of Understanding, respectively, currently operative and periodically modified by Board adoption and unit ratification.

Certain conditions of employment and employee benefits for Local 2428 and Police Association are not included in the Labor Agreement or the Memorandum of Understanding and all such items are controlled by the conditions in the Personnel



Administrative Manual or by procedures which are established through "Meet and Confer," Grievance settlements or Arbitration rulings.

Unrepresented employees are covered by the Personnel Administrative Manual.

- C. Sections 3 - 24: Terms and Conditions of Employment for Unrepresented Employees: Terms and conditions of employment and working conditions for Management, Confidential, Seasonal, Temporary and Miscellaneous employees with limited application (defined in Section 2) to represented employees.
- D. Section 25: Benefit Authority and Summary

## **SECTION 2: REPRESENTED AND UNREPRESENTED EMPLOYEES**

The working conditions and employee benefits of Local 2428 and Police Association are defined by the Labor Agreement and the Memorandum of Understanding, respectively, currently operative and periodically modified by Board adoption and unit ratification.

Certain conditions of employment and employee benefits for Local 2428 and Police Association are not included in the Labor Agreement or the Memorandum of Understanding and all such items are controlled by the conditions in the Personnel Administrative Manual or by procedures which are established through "Meet and Confer," Grievance settlements or Arbitration rulings. The Memorandums of Understanding supersede provisions of the Personnel Administrative Manual.

### **2.01 LOCAL 2428 AFSCME**

- A. Current Agreement: April 1, 2017 - March 31, 2021
- B. Conditions of the Personnel Administrative Manual which Apply to Local 2428 Represented Employees:
- Section 3 District Facilities and Equipment
  - 4.01 Harassment
  - 4.03 (B) Conflict of Interest
  - 4.03 (C) Disqualification from Making Contracts
  - 5.01 (D) Work Location Assignment
  - 5.01 (E) Fire Assignment
  - 5.02 Work Environment
  - 6.02 (A) Overtime
  - 6.03 (A)(1)(a) Change in Classification
  - 6.03 (A) (3) Promotion for Naturalist Aide
  - 6.04 (E) Work in a Higher Classification
  - 6.05 Paychecks
  - 7.01 Benefit Eligibility
  - 7.02 (D) Mid-Employment Physicals
  - 7.03 (C) Unemployment Insurance
  - 7.05 Benefits for Employees Beyond 65
  - 7.07 Benefit Deductions
  - 7.08 Miscellaneous Benefits Procedures
  - 7.09 Confirmation of Benefit Qualification
  - 8.02 Retiree Eligibility
  - 8.05 Pre-Retirement Planning
  - 8.06 (A) Retiree Association (AARP)
  - 12.01 (A) Maternity Leave
  - 12.01 (H) Administrative Leave
  - 12.01 (I) Family Care and Medical Leave
  - 12.01 (J) Paid Family Leave
  - 12.01 (L) Return from Leave
  - 13.01 Business Meeting Attendance and Travel
  - 13.02 Conference/Annual Meeting Attendance
  - Section 15 Training
  - Section 16 Safety Regulations and Equipment
  - 17.01 Hiring
  - 17.03 Performance Appraisals
  - 17.05 Reclassification
  - 17.06 Confidential Departmental Information
  - 17.07 Providing for Defense of Civil Actions
  - 18.02 Exit Interview
  - 18.03 Health Benefit on Termination
  - 18.04 Pay on Termination
  - 18.05 Retirement/Departure Celebrations
  - Section 19 Personnel Files
  - Section 22 District Residence
  - Section 23 Board of Directors Meetings
  - 24.01 Loan of Staff
  - 24.02 Political Activity
  - 24.03 Service Awards

- 24.04 Membership
  - 24.05 Business Cards
  - 24.06 Credit Union
  - 24.07 Employees as Independent Contractors
  - Appendix E, (B) Supplementary Compensatory Time Off
- C. Revisions Established Through Negotiations, "Meet and Confer," Grievance Settlement or Arbitration Ruling: Handling Formal Grievances, Change of Status, and Definition of Budgeted Expenditures.

### Handling Formal Grievances

- a. When an official grievance is filed by an employee, a group of employees or the Union and that grievance goes beyond Step 1 of the grievance process, Managers and Supervisors will not discuss that grievance with the employee, the group of employees or the Union representative except in the formal Step 2 and Step 3 meeting set up under the formal grievance process.
- b. This formalization of the process is being made at the Union's request because they believe the informal discussion of a grievance constitutes harassment for union activities. This restriction applies only to formally filed grievances at Step 2 and Step 3.

Change of Status: An employee in a permanent classification may transfer within that classification to a permanent position of a shorter work duration only, provided an opening for such shorter work duration position exists. Such transfer shall be permanent and all terms and conditions of employment shall apply based on the shorter duration position. Return to the former or longer duration classifications shall be through the normal employment process.

Definition of Budgeted Expenditures: Budgeted expenditures will be the total of Salary and Benefits (4000 series), Supplies (5000 series), and Services (6000 series, less any amounts paid under 6191 to concessionaires for providing services, e.g. amount paid the Carter Railroad at Ardenwood etc.).

## **2.02 POLICE ASSOCIATION**

- A. Current Memorandum of Understanding: October 1, 2018 – September 30, 2022
- B. Conditions of the Personnel Administrative Manual which Apply to the Police Association Represented Employees:

- Section 3 District Facilities and Equipment
- 4.01 Harassment
- 4.03 (B) Conflict of Interest
- 4.03 (C) Disqualification from Making Contracts
- 5.01 (D) Work Location Assignment
- 5.01 (E) Fire Assignment
- 5.02 Work Environment
- 6.02 (A) Overtime
- 6.04 (E) Working in a Higher Classification
- 6.05 Paychecks
- 7.01 Benefit Eligibility
- 7.02 (C) Employee Assistance Plan
- 7.02 (D) Mid-Employment Physicals
- 7.03 (C) Unemployment Insurance
- 7.05 Benefits for Employees Beyond 65
- 7.07 Benefit Deductions
- 7.08 Miscellaneous Benefits Procedures
- 7.09 Confirmation of Benefit Qualification
- 8.02 Retiree Eligibility
- 8.04 Pre-Retirement Planning
- 8.05 (A) Retiree Association (AARP)
- 12.01 (A) Maternity Leave
- 12.01 (H) Administrative Leave
- 12.01 (I) Family Care and Medical Leave
- 12.01 (L) Return from Leave
- 13.01 Business Meeting Attendance and Travel
- 13.02 Conference/Annual Meeting Attendance
- Section 14 Uniforms
- Section 15 Training
- Section 16 Safety Regulations and Equipment
- 17.01 Hiring
- 17.03 Performance Appraisals
- 17.05 Reclassification
- 17.06 Confidential Departmental Information
- 17.07 Providing for Defense of Civil Actions
- 18.02 Exit Interview
- 18.03 Health Benefit on Termination
- 18.04 Pay on Termination
- 18.05 Retirement/Departure Celebrations
- Section 19 Personnel Files
- Section 22 District Residence
- Section 23 Board of Directors Meetings
- 24.01 Loan of Staff
- 24.02 Political Activity
- 24.03 Service Awards
- 24.04 Membership
- 24.05 Business Cards
- 24.06 Credit Union
- 24.07 Employees as Independent Contractors
- Appendix E, (B) Supplementary Compensatory Time Off

C. Revisions Established Through Negotiations, "Meet & Confer," Grievance Settlement or Arbitration Ruling: None at this time.

## **SECTION 3: DISTRICT FACILITIES AND EQUIPMENT**

### **3.01 USE OF DISTRICT FACILITIES BY OFF-DUTY DISTRICT EMPLOYEES**

Employees will not have special privileges for the unofficial use of any District facility and will be treated as citizens for the purposes of Ordinance 38 and all other laws. Exceptions to this policy include:

- A. Identification Card - Facility Pass: See Section 3.04.
- B. Brazil Room, Shoreline Room, Fern Cottage, and Temescal Rental: These facilities may be rented for one-half the regular rate, pending availability, for weekday use only (Monday thru Thursday).

### **3.02 USE OF DISTRICT EQUIPMENT, PROPERTY, SUPPLIES AND PURCHASING SERVICES**

The District is a public agency. Its assets are owned by the taxpayers who support the District and are entrusted to the care of the District's personnel for use only on legitimate public business. No individual is entitled in any way to any of the District's assets. Violation of any of these prohibitions may result in severe disciplinary action, including arrest and legal prosecution for misappropriation.

- A. Restrictions

Under no circumstances may an officer, employee or patron of the District be permitted to utilize the services of any District office for the procurement of anything for personal use.

Under no circumstances may an officer or employee of the District be permitted to convert to their personal use any District-owned material, equipment or services. This includes "borrowing."

- B. Personal use of District Phones: Official District phones and other communication facilities are provided for the conduct of District business. Their use by employees for making local (not long distance or toll) personal calls may be permitted provided the calls do not interfere with the conduct of District business and are of reasonable frequency and duration.

- C. Personal Use of District Paid Postage and Mail Equipment: District paid postage and mail equipment are provided for the conduct of official business only. Use of District paid postage and mail equipment for personal mail is not permitted.
- D. Residences: Employees' residences are not acceptable locations for District items, except for assigned vehicles or installed District-owned equipment in District-owned residences. The District is not responsible to provide equipment, tools and supplies to occupants of District residences.
- E. Use by other Agencies: District equipment may be used for service, non-profit, educational, charitable, or other park and recreation agency projects under the following conditions:

Equipment will be under the responsibility of a District employee who is participating in the service or event as a non-paid volunteer, not as a District employee. The Park District assumes no responsibility for either the equipment nor the employee, who will be acting in the capacity of a private citizen on his/her own time.

Should the request involve major pieces of equipment, some value or return to the District must be included in the approval.

Liability for the equipment must be accepted by the group requesting use of the equipment.

Approval for use of the equipment must be obtained in writing from the appropriate Assistant General Manager prior to the event. All supplies used to operate the equipment must be provided by those using the equipment.

### **3.03 VEHICLES**

#### **A. General Rules**

The following rules apply to all District vehicles including District pool and individually assigned vehicles:

District Vehicles are only to be used for District business and are not for personal use, except de minimis use consistent with IRS regulations.

District vehicles, except fire trucks or vehicles at the scene of an emergency, are required to be locked at all times when not in use or occupied by the driver.

Employees will be held responsible for safely securing District vehicles, and will be responsible for adequately securing any equipment located in or on the vehicle. Firearms, computers, or any equipment that is potentially hazardous or of high value will not be left unattended or in vehicles unless secured in a permanently affixed lock box.

Interns and Student Aides may drive District vehicles with their Supervisor's approval provided they comply with all conditions of this policy. Volunteers, other than Public Safety Reserves, may not drive District vehicles. Public Safety Volunteers, with authorization by the Police Chief, may drive the Mobile Command Center and designated District vehicles while serving in their capacity as volunteer.

Employees shall not provide any non-employee a ride in a District vehicle except as a part of official business or when family members are accompanying the employee to District functions or facilities. Official business may be extended to include providing a non-employee a ride when it is necessary for their safety and/or considered public service.

No District vehicle shall be used in the conduct of internal Union business or internal Police Association business.

The use of District vehicles for personal lunch is as follows:

- a. Employees who are individually assigned a vehicle on a for-commute basis may use that vehicle for securing lunch.
- b. Employees using a pool vehicle, specialized vehicle or an individually assigned vehicle (but not for commute) may use that vehicle to secure lunch only when they are on official District business away from the normal work area.

Where scheduled vacation or absence is in excess of two weeks, any individually assigned vehicles will be parked at a secure District facility for the use of other employees.

Pool vehicles will not be left at un-secured public parking lots overnight.

#### B. Employee Eligibility Requirements

To be eligible to operate a District vehicle, an employee must agree to the following:

The employee must possess a valid California Driver's License and comply with all State vehicle code requirements, state and local laws and regulations. Employees are required to report any license revocations or restrictions imposed as a result of violations of state or federal law.

Employees driving a District vehicle or a personal vehicle on District business are required to report all violations, accidents or damage to vehicles or property to their supervisor and to complete accident reports or other follow-up materials in conformance with District policy.

District vehicles may not be operated by employees who are under the influence of alcohol, or any controlled substance including prescription medications that may cause impairment. Violations are subject to discipline based on standards set forth in the Human Resources Policies and Procedures # 1 and # 15.

Employees must operate vehicles safely and obey driving laws as defined by the Department of Motor Vehicles. Violations of the Motor Vehicle Code, and parking violations, are not reimbursable expenses and are the responsibility of the vehicle driver. Mechanical defect violations are the responsibility of the District and must immediately be reported to their supervisor.

The employee will keep a current, signed Vehicle Use Policy form on file with the Human Resources Division that stipulates the employee's understanding of, and agreement to comply with, the District's vehicle use policy.

#### C. Assignment of District Vehicles

##### Administration:

- a. District vehicles will be designated as "Pool Vehicles", "Individually Assigned Vehicles" or "Specialized Vehicles" as defined below.
- b. Each District vehicle will be assigned by the General Manager or by the Assistant General Manager of a Division to be the responsibility of a specific manager who will be held accountable for monitoring and enforcing compliance with District vehicle use policies, and ensuring proper maintenance and servicing is performed for vehicles.
- c. Vehicle assignments made by the General Manager or Assistant General Managers will be communicated to the District's Maintenance Superintendent or Fleet Manager who will keep the list current and available to staff. The Maintenance Superintendent will update the list with



vehicle purchases and retirements and make available the list to all managers for review no less than annually.

- d. All District vehicles will be clearly marked with the District insignia unless specifically exempted in writing by the General Manager.

## Definitions and Designations

- e. Pool Vehicles

- i. Vehicles may be assigned to pools operated by divisions, departments, parks or work units to provide transportation to employees on an as-needed basis.
- ii. Each pool will have a manager who is responsible for the vehicles and who is responsible for monitoring vehicle check out procedures, calls for service, and appropriateness of use. The manager may delegate check-in/check-out, recordkeeping, responsibility for scheduling maintenance and other tasks to subordinate employees.
- iii. Pool vehicles are intended to be available to employees during regular work hours and to be returned to the pool location at the end of the work day.
- iv. Pool vehicles will not be reserved for periods exceeding five or more consecutive days without prior written approval from the General Manager or Assistant General Manager of the division charged with the responsibility for the pool.

- f. Individually Assigned Vehicles

District vehicles may be individually assigned only if it is determined to be in the best business interest of the District to do so. Individual assignment of a vehicle does not authorize that employee to commute in a District vehicle. Commute authorization is addressed in a separate section. Vehicles may be individually assigned only if one or more of the following conditions are met:

- i. The employee's job requires unrestricted and/or regular daily access to a vehicle to accomplish their assigned duties.
- ii. The employee's job requires the use of a specialized vehicle or the regular transport of specialized equipment to locations other than the assigned work location that cannot otherwise be economically accommodated.
- iii. The employee and supervisor demonstrate that the employee's job requires the use of a vehicle for business purposes on more than half of the working days of a month. This threshold is the minimum use that will be considered for individual assignment.
- iv. The finding by the General Manager that special circumstances exist that require individual assignment of a vehicle.

g. Specialized Vehicles

- i. Specialized vehicles are defined as "qualified non-personal use" vehicles by the IRS. These generally include all vehicles that are built or equipped for non-passenger uses including: delivery trucks and vans, construction and fire apparatus, vehicles equipped with tanks, lifts, cranes, generators, or similar specialized apparatus, all heavy trucks and any non-passenger vehicle that requires a specialized license or permit to operate. Marked police cars and fire vehicles equipped for emergency response are deemed to be specialized vehicles. Sedans, sport utility vehicles, pickups, and vans are not specialized vehicles.
- ii. The Maintenance Superintendent is responsible for determining the licensing and certification requirements necessary to operate specialized vehicles and communicating these requirements to managers and supervisors.

D. Commute

Employees may be authorized to commute (travel to and from home and the employee's assigned work location) in a District vehicle as authorized in writing by the General Manager, the responsible Assistant General Manager, or on a case by case basis by managers as described below.

## General Conditions

- a. Employees authorized to commute will be held responsible for safely securing the District vehicle offsite and at the employee's overnight location, and will be responsible for adequately securing any equipment located in or on the vehicle. Firearms, computers, or any equipment that is potentially hazardous or of high value will not be left unattended or in vehicles overnight unless secured in a permanently affixed lock box.
- b. Employees authorized to commute, and who choose to do so, will be deemed to have received a taxable benefit per IRS requirements. The amount of this benefit, as determined under IRS rules, will be reported on the employee's annual W-2.

## Regular Commute

- + Employees who are individually assigned a vehicle may be authorized to commute on a regular (daily) basis consistent with one or more of the following:
  - c. The employee's job duties include emergency response calls from home or during off hours.
  - d. The employee's job duties typically include unusual hours and varied schedules.
  - e. The employee's job routinely requires multiple, work related stops prior to reporting to the assigned work location.
  - f. The employee and supervisor demonstrate that allowing the employee to commute is more economical to the District than any other alternative.
- g. Job Classifications Authorized for Regular Commute include
  - i. General Manager
  - ii. Public Safety Division:
    - Assistant General Manager for Public Safety (Chief)

- Police Captain
- Police Sergeant (assigned to the Detective unit)
- Police Lieutenant
- Fire Chief
- Assistant Fire Chief
- Fire Captain
- Industrial Fire Officer (fire season only, rotating on-call position)
- Aquatic Manager

iii. Operations Division:

- Assistant General Manager for Operations
- Chief, Park Operations
- Chief, Maintenance and Skilled Trades
- Chief, Interpretive and Recreation Services

iv. Planning/Stewardship & Development Division:

- Construction Manager
- Senior Construction Inspector
- Construction Inspectors

v. Land Acquisition Division

- Assistant General Manager for Land Acquisition

## Occasional Commute

- h. Employees not specifically authorized for regular commute under the above section may travel to and from home in a District vehicle only when such travel involves official District business and they receive prior written authorization to do so. Authorization requested and/or received by e-mail is acceptable. Authorization is required from the first level of management in the employee's chain of command, or for management employees, by the next level of management up to the level of Assistant General Manager or General Manager. Assistant General Managers have standing authorization for commute use consistent with the performance of District business.
- i. Commute authorization will only be granted when the special assignment or attendance at a late night or early morning meeting would result in a

higher benefit to the District by the employee returning or checking out the vehicle from the regular worksite.

#### Commute Value as a Taxable Benefit

j. Commute by Regular Employees

- i. The IRS treats vehicle usage for commute purposes as taxable compensation. Under current IRS regulations, employees authorized by the District to commute in District vehicles will be assessed a \$3.00/day value (IRS Commuting Rule). This amount is considered compensation and will be reported to the IRS. This amount will be updated as IRS regulations change.
- ii. Employees using a vehicle for commute will mark a "\$" symbol on the designated line on their timecard to record each day that they travel to or from home in a District vehicle. Payroll will credit the employee with the \$3.00 amount for each day that the vehicle is used for commute to and from home marked and report this value to the IRS on the employee's annual W-2. Employees will be credited value for a commute whether or not they make stops on District business to or from home.
- iii. Time spent commuting shall not be compensated time unless specifically allowed by labor agreement or other employment regulation.

k. Commute by Control Employees

- i. Control employees are defined by the IRS as those receiving wage compensation equal to or exceeding that of Federal Government Executive Level V. This salary level is set at \$133,900 in 2006 and will be adjusted to match the government rate in future years.
- ii. Control employees assigned a vehicle for regular commute are currently prohibited from using the IRS "Commuting Rule" to calculate the benefit received.

- iii. Control employees must be credited with receiving a non-cash fringe benefit consistent with IRS regulations unless operating a specialized vehicle.
- iv. The taxable amount control employees receive on their W-2 will be the “lease value benefit” of their assigned vehicle and they will be responsible for any tax liability associated with receipt of this benefit. The amount of the taxable benefit will be calculated by the Finance Department based on the amount of commute use of the District provided vehicle. The annual reporting will be undertaken as follows:
  - (a) The Maintenance Superintendent will provide the current Kelly Blue Book value for each vehicle assigned to a Control Employee to the Finance Department every January 15.
  - (b) By January 15 of each year, every Control Employee will provide a signed memo to the Finance Department that will include the January 1 and year-end odometer reading for the vehicle, and the distance in miles from their home to work. If the employee fails to report personal miles (commute miles) to the Finance Department the entire value of the vehicle’s annual usage is taxable to the employee.
  - (c) The Finance Department will calculate the ratio of commute miles as a percentage of the total miles the vehicle is driven for the entire year to determine the taxable portion.
  - (d) Fuel provided by the District for the commute mileage will be credited as calculated at the IRS rate (currently 5.5 cents per mile).
  - (e) The Finance Department will use the reported information to calculate the benefit amount and report it on the employee’s W-2 statement. The Finance Department may pro-rate this annual cost if a vehicle is assigned for less than a full year.
- v. The Finance Department will determine at the beginning of each year which employees will be considered Control Employees for the purposes of this policy. Finance will notify each such employee who is assigned a vehicle for regular commute of any required actions deemed necessary to comply with IRS regulations by January 15 of

that year, or reasonably thereafter should IRS regulations change during the year.

I. Commute by Public Safety Employees

- i. Public Safety personnel who are assigned specialized vehicles or marked, emergency response police and fire vehicles, or unmarked law enforcement vehicles specifically approved by the General Manager, who are authorized for commute and who do not otherwise use the vehicle for personal use are considered by the IRS to be using the vehicle for business purposes and are therefore exempt from reporting requirements. These employees will not be credited with the commute cost. Such vehicles, excepting command, detective or undercover vehicles, must be marked with the District insignia to comply with this exemption.

E. Management Responsibilities

General Manager: The General Manager holds the overall responsibility for administration of this policy including delegation of assignments to staff, authorizing updates, amendments or exceptions as necessary to serve the best interests of the District.

Maintenance Superintendent: Under this policy the Maintenance Superintendent is responsible for maintaining a current list of vehicle assignments to managers and supervisors and for providing the Kelly Blue Book value of control employee vehicles to the Finance Department.

Managers assigned the responsibility for vehicles: Each manager assigned responsibility for pool or individual vehicles will ensure that appropriate controls are in place to check out, monitor and record the use of vehicles to ensure compliance with this policy. Reasonable efforts will be made to ensure that vehicles are used for business purposes only.

Managers who authorize employees to use vehicles for commute will make the authorization in writing (or e-mail) and will ensure that timecards submitted by employees record employee commutes.

Finance Department staff will track and calculate the commute benefit for control and non-control employees and report the benefit on the employee's annual W-2 statement. The Internal Auditor will be assigned to audit an appropriate sample of the vehicle logs, sign-out sheets, commute authorizations, W-2's and other documentation sufficient to assess compliance with this policy.

Employees will be held responsible for accurately reporting the approved commute use of a District vehicle and retaining records adequate to verify personal compliance with this policy.

### **3.04 ID CARDS - FACILITY PASS**

- A. Issue: The District Identification card will be issued to each regular employee by Office Services.
- B. Use: Where a fee is charged to enter or use District facilities, the Identification Card may be used to waive the fee. It may be used for entrance into swimming areas and may be used in lieu of a District fishing permit where such a permit is required. This privilege is extended to immediate members of the family who must be with the employee. The fishing privilege does not extend to other guests. All other fees are the responsibility of the employee.
- C. Limitations: If an I.D. is used in lieu of a District fishing permit, a valid state fishing license is required for all family members, 16 years of age or older, to fish in District lakes.
- D. Facility Pass: District retirees will be provided an I.D. card which may be used as a permanent facility pass under the same conditions as Section B, above, if the retiree meets the following conditions:

The employee has worked at the District for 10 or more years before retiring and is an employee of good standing as determined jointly by the Human Resources Manager, Assistant General Manager of the division from which the employee is retiring, and the General Manager; or

The employee is retiring due to an industrial disability retirement; or

In instances when the General Manager determines the retiring employee's work warrants a Gold Card.

To apply for a Gold Card, the former employee must contact the Benefits Manager in the Human Resources Division in writing. All requests will be reviewed by the Benefits Manager and forwarded to the appropriate staff for approval.

### **3.05 PERSONAL EQUIPMENT**



- A. The use of special personal equipment for District business is to be held to a minimum and will usually be at the owner's sole risk. Use of personal equipment will be allowed under the following conditions:

Prior approval to use personal equipment shall be obtained in writing from the Assistant General Manager of the department in question. For special units, blanket approval may be secured, in advance, and equipment lists kept by the responsible management supervisor.

Responsibility for and protection of equipment shall be provided at the same level as for District equipment.

- B. Reimbursement: Reimbursement for damaged or stolen (not lost) personal property for employees will be made provided one or more of the following conditions is met:

Use has been approved under Section 3.05.A; or

Equipment was required to be worn in performance of the employee's duties for the District (protective gear, prescription glasses, hearing aid, etc.); or

Equipment is normally worn by an employee during the performance of duties: e.g., watch or sunglasses.

- C. Limitations

The District shall not reimburse employees for other damaged personal property, such as heirloom jewelry, radios, etc. These items will be carried by employees at their own risk.

Compensation shall be made only when personal property is damaged or stolen during performance of District duties and when there is no contributory fault on the part of the employee. If this matter is disputed, the General Manager shall make the final decision.

The District shall reimburse the employee for the initial purchase price (not replacement price) or the fair market value, whichever is lower. Amounts greater than \$200 must be approved by the General Manager.

- D. The following procedure shall be followed whenever an employee wishes to submit a claim for reimbursement:

The claimant will immediately notify their supervisor and explain the nature and circumstances of the damage or theft. As soon as reasonably possible, the employee shall exhibit the damaged property to the supervisor. Any unnecessary delay in this step may be grounds for denial of the claim.

Within 24 hours following the occurrence, the claimant shall complete a District Accident Report and attach a narrative that describes the extent and nature of damage, the circumstances of the event, and the services being performed at the time of the event and submit this report to their supervisor.

Stolen property requires completion of a Public Safety Report.

As soon as reasonably possible following the submission of the initial report, the claimant shall submit a receipt, statement, expense report, estimate or other verification of the purchase cost, fair market cost or the cost to repair the item.

The supervisor shall review the employee report and prepare a written statement concerning whether the employee's fault contributed to the loss and including any other comments regarding the incident. The supervisor shall then forward the report to the head of the Department.

The head of the Department will then review the report and forward it to the Chief Financial Officer/Controller with a recommendation concerning whether reimbursement should be made.

The Chief Financial Officer/Controller will determine whether the claim complies with this policy, determine whether reimbursement can be made and the amount thereof, and process for payment. The Chief Financial Officer/Controller and Risk Manager shall also determine whether a claim will be filed with the insurance carriers.

### **3.06   CAMERAS**

A.      The District may purchase cameras for individual employee use.

Polaroid Cameras:      Polaroid cameras are used by Public Safety, some area managers, Brazil Room, Land Department, and the Chief of Operations.

35 mm Cameras:      Purchase of a more complex camera requires individual consideration of the duties and camera requirements for the employee.

- B. Approval: Camera purchase requires the approval of the appropriate channels of the department in question and all cameras will be included on the equipment listing for which the Department is responsible.
- C. Use of Personal Cameras: Personal cameras may be used for taking pictures related to District activities. The District will pay for the film and development. With prior approval (Section 3.05) these cameras are protected by the District from damage or theft incurred during District use.

### **3.07 WIRELESS COMMUNICATION DEVICES (CELL PHONES)**

- A. The purpose of this policy is to provide guidelines regarding wireless communication devices. This policy enables the East Bay Regional Park District to meet its fiduciary responsibility to its constituency. It recognized that the day-to-day operations of the workforce require voice and data communications. There is often a need to communicate when access to a regular telephone or computer is unavailable. Wireless communication devices are a valuable resource for certain personnel in order to conduct District business in an effective and timely manner.
- B. Departments/divisions affected: This policy shall apply to all District divisions, unit, and employees.
- C. “Wireless Communication Device” is any device that is used, by any measure, to send or receive wireless voice or voice and data transmissions, commonly referred to as cell phones (hereinafter “cell phones”). This does not include the District’s two-way radios.
- D. The District recognizes that cell phones are an important and necessary tool for employees in certain positions, who require voice or voice and data (e.g. Internet or email) access in the field. For those employees who have a valid business purpose, the District will provide a cell phone for that employee’s business use.
- E. District employees operating a moving vehicle while holding a wireless communications device to his or her ear is guilty of a traffic infraction with the exception of a District employee operating:

An authorized emergency vehicle; per CA Vehicle Section 23123(d) DVD, which authorizes the use of a wireless communication device while operating an authorized emergency vehicle in the course and scope of his or her duties.

A moving motor vehicle using a wireless communications device in hands-free mode.

- F. The use of District issued cell phones creates a record of the number dialed or the number of the caller. When the cell phone is used for District business, the record is, in nearly every case, a public record, subject to possible disclosure under the Public Records Act. Similarly, any message relating to District business that is left on a cell phone, whether owned by the employee or the District, is, in nearly every case, a public record, subject to possible disclosure under the Public Records Act.

G. Determination of Cell Phone Eligibility

Determining what phone and plan is appropriate for each employee will be made by his or her manager.

Employees leaving the District employment shall turn in the District issued cell phone to their manager, or designated staff person as part of their termination process.

H. Criteria

Required to have a cell phone:

- a. The nature of assigned work involves travel and limits the availability and ability of the individual to use an office phone.
- b. Due to frequent time out of the office, a cell phone with voice only or voice and data capabilities is required to support departmental operations.
- c. Assigned duties require the individual to be readily accessible outside normal business hours and during emergencies.
- d. Individual assignments are critical to operation of the District and immediate response is required.

Provided a phone at the discretion of the Assistant General Manager:

- e. The nature of the assigned work requires frequent and prolonged time in the field, which limits the availability and ability of the individual to use an office phone.
- f. Cell phone with voice only or voice and data capabilities helps support departmental efficiency, but is not essential to the operation of the District.
- g. The position does not require the employee to be accessible outside normal business hours or during emergencies.

Positions that are not eligible to be issued a cell phone:

- h. The assignment is an office position and the employee has access to a telephone.
- i. The position is a field assignment and the employee has access to a radio for communication with dispatch.
- j. The position does not require the employee to be accessible outside normal business hours or during emergencies.

#### I. Determination of Phone and Plan – Obtaining Cell Phones

If an employee is approved to receive a District issued cell phone, their manager will also determine what type of phone that they will be issued. The District will make available two types of cell phones: a phone that provides both data and voice service, or a phone that provides only voice service.

The Public Safety Communications Manager or their designee will be responsible for managing cell phone contracts, negotiating with cell phone providers, selecting the types(s) of cell phones and plans that will be made available to employees. The types of plans and phones will be negotiated to obtain the most cost-effective option for phones and plans that meet the District's business needs.

The Public Safety Communications Manager will provide a standard menu to Division heads of approved cell phone providers, phones and plans.

Each division will designate a staff member as the point of contact, who will be responsible for requesting new service for approved employees, replacement devices and to keep current, any changes of employment status or work location of staff.

## **SECTION 4: GOVERNMENT RELATIONS**

### **4.01 PROHIBITION OF HARASSMENT, DISCRIMINATION AND RETALIATION**

- A. Policy: See Human Resources Policy & Procedures #18: Prohibition of Harassment, Discrimination and Retaliation.

### **4.02 OTHER REGULATIONS**

- A. Conflict of Interest: The Conflict of Interest Code is covered in a separate District manual.
- B. Disqualification from Making Contracts (Government Code Section 1090).

The Checklist for Disqualification from Making Contracts Under Government Code Section 1090 et seq. has been adopted by the Board (Resolution 1988-11-420) and is included in the Standard Procedures Manual with the Conflict of Interest Code.

- C. Drug and Alcohol Testing Program: See Human Resources Policies and Procedures #1 and/or #15.

## **SECTION 5: HOURS OF WORK AND WORK ENVIRONMENT**

### **5.01 WORK SCHEDULE**

- A. Work Week: The work week shall be from 0001 Saturday through 2400 Friday.
- B. Hours: Normal work hours shall be seven and one-half or eight hours per day, designated by classification. Flexible schedules may be authorized by the General Manager within the restrictions on overtime established by the Fair Labor Standards Act.

Management employees may work an alternative work schedule other than a 5- day per week, 8-hour per day work schedule. Any such alternative work schedule must meet the provisions set forth in Human Resources Policies and Procedures #2, and receive approval from the Manager's supervisor or the General Manager.

Temporary employees work the schedule of the job classification or Departmental schedule where the temporary employee is working.

Seasonal employees' schedules are determined by location and job.

- C. Unusual Hours: Although many District employees will work a Monday through Friday schedule, the very nature and function of the District requires certain individuals to work unusual hours and work weeks, including weekends. When needed, work schedules showing the employee's shift, work days and hours shall be posted at least seven days prior to the commencement of the schedule.
- D. Work Location Assignment

All employees will be assigned to a District work location or facility. Such assignment shall be the primary work location for the employee.

Employees may work at locations other than the primary location when required to perform their assigned duties.

Employees will not work at home for pay unless such work is approved in advance by the General Manager or is required in response to an emergency situation.



## E. Fire Assignment

If an industrial fire fighter worked all night and the next day is a scheduled work day, the supervisor (and the employee) have a choice of three options:

- a. Employee works regular shift (provided the employee is physically and mentally able to perform all the duties of the job safely).
- b. Employee takes day off without pay.
- c. Employee is allowed to use previously accrued sick leave, comp time or vacation time to make up for the regular day's pay.

## Call to Fire Duty – Restrictions

- d. Leave of Absence: During approved leave of absence, industrial fire fighters should not be called or respond to fight fire.
- e. Vacation: Normally industrial fire fighters should not be called to fight fire during vacation. If scheduled in advance or in an emergency, fire watch may occur during vacation.
- f. Sick Leave or Workers Compensation Leave: During sick leave or workers compensation leave, industrial fire fighters should not be called or respond to fight fires.

Time cards: A record of all hours worked by industrial firefighters is reviewed by the Fire Department staff each pay period.

- F. Meal Periods: All employees shall be granted a meal period during each work shift. Whenever possible, the meal period shall be scheduled at the middle of the shift.

Regular Employees - One hour or one-half hour for some work locations.

Temporary - schedule of job classification or Department in which the employee is working.

Seasonal - based on work location and requirements.

- G. Overtime Meal: Should a permanent or temporary employee, on request of their immediate supervisor, work more than two hours beyond their normal seven and one-half or eight hour work period, the District will provide a meal for the employee.
- H. Rest Periods: Employees may take a rest period of not more than 15 minutes for each half day of work. Rest periods shall be taken at a time and in a manner that does not interfere with the efficiency of the work unit (normally near the middle of the half day of work).
- I. Clean-up Time: A ten minute personal clean-up period at the end of the work day shall be granted to those employees whose job involves contact with dirty or greasy tools or objects.

## **5.02 WORK ENVIRONMENT**

- A. Employee Pets: Employees may not bring pets to work, except for approved Police canine.
- B. Non-Smoking Policy.

The District recognizes that there are adverse effects from tobacco smoke on the health and physical comfort of employees in the work place, therefore, pursuant to Labor Code 6404.5, which prohibits smoking in places of employment, the following guidelines will be followed:

Smoking is prohibited within 20 feet of an entrance, exit, or operable window of all District facilities, buildings, structures and vehicles owned and operated or leased by the District.

Supervisors will make reasonable efforts to accommodate an employee who smokes, during the break period.

When reasonable accommodations of smokers and non-smokers conflict where the District is involved, the rights of the non-smoker should prevail.

## **SECTION 6: SALARY AND COMPENSATION**

### **6.01 SALARY OR WAGE RATES**

#### **A. Rates**

Regular employees will be compensated in accordance with the appropriate Management Salary Structure or Confidential Salary Structure.

Seasonal and Miscellaneous employees rates will be established on a yearly basis by Board action.

Temporary and Seasonal employees will receive the hourly rate of the start step of the classification to which they are assigned. However, a Temporary or Seasonal employee may be employed at a higher step within the range for which he/she is employed provided the hiring manager, division Assistant General Manager, and the Human Resources Manager approve.

B. Normally employees enter their job classification at the start step pay level. However, the General Manager may authorize entry at any step, up to and including the F step, in order to meet recruiting problems or to recognize a person with extraordinary qualifications. The Board of Directors may authorize entry at any step beyond the F step.

#### **C. Step Increases**

Management:

- a. Salary increases will be given in accordance with Board Resolution 1977-8-228 and Resolution 1990-4-102.
- b. Employees shall have the opportunity to receive merit steps in accordance with Human Resources Policies and Procedures #4.

Confidential salary increases will be as follows:

- c. Employees shall receive the B step upon completion of 6 months at the A step, step C following six months at the B step and steps D through F at

annual intervals thereafter, provided they have demonstrated progressive improvement in job skills and work performance and continue to demonstrate a positive and constructive attitude toward the District.

- d. A completed performance appraisal with overall rating of standard is required at each step advancement.
- e. Time spent on formal leave of absence shall not be included in computing time served in any step.
- f. Steps G and H are merit steps attainable only under the same criteria and approval process as are applicable to Management employees. See Human Resources Policies and Procedures #5.

Early Step Advancement: If the head of the Department and the Human Resources Manager determine, in writing, that an employee has demonstrated extraordinary progress in the factors for normal advancement and that it is necessary for the good of the District, such employee may be advanced prior to completion of the specified time-in-step requirement. All such early step advances shall be reviewed by the General Manager.

Supervisors have the authority and responsibility to recommend withholding step advancements if they are not merited. Employees shall be kept informed about their job performance. Deficient employees shall be given reasonable guidance and assistance toward improvement.

Seasonal and Miscellaneous rates are established as fixed amounts each year. Individuals rates' will change if the employee's classification changes.

Temporary employees may be eligible for step increases as recommended by the supervisor and approved by the division Assistant General Manager.

## **6.02 OVERTIME**

The District is subject to the Federal Fair Labor Standards Act. All Management employees, employees working in a higher assignment in a management classification after thirty (30) consecutive days, and some Seasonal Employees are exempt from the Act and Confidential Employees are non-exempt from the Act. Overtime pay will be added to payments for regular hours worked prior to determining the amount of income tax withheld. The method of calculating

withholding is governed by federal regulation and does not affect the employee's income tax liability.

#### A. Managerial Employees

No management employee or Union represented employee in an acting management classification assignment after the first thirty (30) consecutive days of the acting assignment may be compensated for overtime work unless requested to perform such work by the General Manager or his designated representative. Such requests to work overtime shall be made only under unusual situations, such as a general emergency (e.g., earthquake or conflagration) or work stoppage. The rate of pay for such overtime work shall be the employee's rate converted to an hourly rate on an hour-for-hour basis.

Management employees hired prior to December 30, 2000, who elected to remain in the District's retirement plan, record all hours worked in addition to their normal schedule on their timecards as "extra" hours. These hours are used to fund five days extra vacation credit and extra retirement credit.

#### B. Confidential Employees

Overtime subject to compensation shall be all hours, authorized in advance by a supervising managerial employee, in excess of the normal number of hours in any scheduled day or 37 1/2 hours or 40 hours in any work week.

Overtime pay shall be at the rate of one and one-half times the regular rate.

An employee may choose compensating time off in lieu of overtime pay. Subject to the requirements and limitations of any law or regulation, compensating time off shall be granted at the rate of one and one half hours for each hour of overtime worked. The use of compensating time off requires the prior approval of the employee's immediate supervisor. Accumulation of compensating time off shall be limited to 160 hours.

#### C. Seasonal Employees

Some Seasonal employees will be compensated for overtime work in excess of their normal number of hours in any scheduled day or 40 hours in any work week if authorized in advance by their supervisor. Such overtime shall be paid at one and one-half times the employee's regular rate. The included classifications are:

- a. Gate Attendants
- b. Interns
- c. Interpretive Student Aides
- d. Public Safety Student Aides
- e. Seasonal Dispatchers
- f. Seasonal Public Safety Officers
- g. Student Laborers
- h. Recreation Leaders

The following Seasonal Classifications shall not be paid overtime. All hours worked shall be paid at the rate approved by the Board of Directors prior to each summer season.

- i. Lifeguards (except those working more than seven months in any calendar year and as agreed per the Memorandum of Understanding).

D. Part-time Regular and Miscellaneous employees who work less than full-time shall be paid the employee's computed hourly overtime rate under the following circumstances:

All hours in excess of the normal daily work schedule when worked on a continuous basis.

All hours in excess of the employee's normal daily work schedule when the employee leaves work and returns.

All hours on days worked which are not part of the employee's normal work schedule.  
All hours in excess of 40 hours in any work week.

E. Temporary employees will be paid overtime in accordance with the classification in which they are working.

- F. Overtime hours will not be used toward accrual of hours for step increases or benefits based on completion of hours worked.
- G. For purposes of determining when overtime is earned, all paid time will be considered as hours worked.
- H. An employee called back (unscheduled) from home to work outside of the regularly scheduled shift shall be paid at the overtime rate either actual time on the job, or two hours, whichever is greater.
- I. Fire Fighting Pay

The overtime rate approved by the Board of Directors will be paid to District employees designated to fight fires on District property or on adjacent property when such fire poses a threat to District property or employees. Payment at such rate commences only after the employees have completed their normal work day.

Overtime worked fighting fires will be paid as overtime and cannot be accrued as compensating time.

### **6.03 CHANGE IN CLASSIFICATION**

- A. Promotion

Regular Employees: When Regular employees are promoted, the determination of what step the employee will receive in the salary range of the new position shall be determined as follows:

- a. Placement shall be made at the first step in the salary range for the new position (Step A), unless the salary rate at Step A of the new position is less than 5% above their current salary rate prior to the promotion. If this is the case, the Employee will be placed at the step in the new range that provides at least a 5% increase. The placement shall never exceed the "maximum authorized pay range" of the classification. For Management and Confidential employees, under this provision the "maximum authorized pay range" excludes merit steps, unless approved by the General Manager.

- b. Promotion for all positions shall be determined by (a) above, and shall override all other sections describing salary promotions.
- c. If an individual has been paid acting pay for six months or more during the previous twelve months and is promoted to that classification, the time served will be considered in determining the review date.

Benefit Revision. When an employee is promoted from a represented unit to management, all accrued comp time will be paid at employee's rate in effect prior to the promotion.

Non-standard Promotion for Naturalist Aide: The Naturalist Aide classification is the normal progression step to the Naturalist classification. The promotion from Naturalist Aide to Naturalist is accomplished as follows:

- d. After one year of service (temporary or permanent), the Naturalist Aide may be considered for progression to the Naturalist classification (start step).
- e. Consideration will be made by the Supervising Naturalist to whom the employee reports and will require completion of the one year performance appraisal.
- f. The recommendation to move from Naturalist Aide to Naturalist will require the approval of the Chief, Interpretive and Recreation Services.
- g. Should the Naturalist Aide not be qualified for progression to Naturalist at the end of one year, the Naturalist Aide will be appraised at the completion of each succeeding year and considered for promotion.

#### B. Demotion

When any employee is demoted for non-disciplinary reasons to a different job classification, such employee shall be placed in the salary step in the new classification which most nearly maintains the same rate of pay for such employee. If the demotion is the result of discipline, the determination of pay rate will be a part of the disciplinary action.

### **6.04 WORK IN A HIGHER CLASSIFICATION**



- A. Confidential employees designated to substitute for employees in a higher classification shall be paid an additional \$15 per day for any day in which they serve a full day or more in the higher classification.

- B. Managers

Employees designated to substitute for employees in a higher classification shall be paid \$15 per day for a full day. Only one level of substitution will be allowed unless a substantial change in work location is involved.

Substitutions for managers which are made by employees from the Union or the Police Association will receive compensation according to the applicable Agreement or Memorandum of Understanding. Only one level of substitution will be allowed (for example, if a Park Supervisor substitutes for an Unit Manager, no substitution will be allowed for the Park Supervisor) unless a substantial change in work location is involved.

- C. Seasonal, Miscellaneous and Temporary employees will not substitute for higher classifications.

- D. Limits and Guidelines

Work in a higher classification shall be applicable only when a Regular employee substitutes for a Regular employee in an approved budgeted position, the employee is designated in advance to work in the higher classification, and the supervisor making such designation is at least one supervisory level above the classification being filled.

When the straight time work schedule is more than the normal seven and one-half or eight hour day, assignments of less than a week will be paid on a daily basis.

- E. An Employee designated by the General Manager, a Division or Department Head, or his/her designated representative, on a temporary basis to a position in a higher classification and who, pursuant to such an assignment, does perform all the significant duties and responsibilities of such position of thirty (30) consecutive days shall be paid at the first step of the higher classification or five percent (5%), whichever is greater, effective the thirty-first (31) day of acting employment and this will continue until the assignment is concluded or as noted below. The acting pay can never exceed the maximum authorized pay range of the classification.

Union employees acting in a management classification shall not receive overtime pay after the first 30 days of acting, when their pay is adjusted to the new management pay rate. Union represented employees in an acting management classification assignment

after the first thirty (30) consecutive days of the acting assignment shall receive compensatory time off at the completion of their acting assignment in the following amounts for the time in the acting assignment beyond the initial 30 days:

+ 1 day to 3 months	10 hours
+ More than 3 months to 6 months	20 hours
+ More than 6 months to 9 months	30 hours
+ More than 9 months to 12 months	40 hours

Any compensatory time off a Union represented employee earns during or at the end of the acting management classification assignment will go to the employee's compensatory time off bank and will be subject to the same rules and cash-out rights and rate as applicable to the employee's regular Union position.

An employee who serves in a long-term acting assignment and then subsequently takes paid leave (e.g. vacation, sick leave, administrative leave) during the acting assignment, may remain at the higher acting range, if the employee has not concluded the acting assignment, provided the time off does not exceed two work weeks (eight to ten consecutive work days, depending on the work schedule).

Vacation pay outs shall be made at the employee's regular rate of pay, not at the acting rate of pay.

The Park District shall advise in writing any AFSCME-represented employees who will be working in an acting management capacity beyond 30 days of their rights, including a summary of the key elements of this Agreement.

## **6.05 PAYCHECKS**

A. Paydays: Employees will be paid every other Friday.

Work week will be from 0001 Saturday through 2400 Friday.

Time cards are turned in on the Friday preceding each payday and cover the 14- day period ending on that Friday.

All rates will be converted to an hourly basis.

Holidays will affect payday.

- a. When Friday is a holiday, payday will be the preceding Thursday.
  - b. When there are two holidays in any week, payday will be the Monday following the normal Friday payday.
- B. Deductions: Deductions will be made on a bi-weekly basis. When the nature of the deduction requires that it be handled on a monthly basis, deductions will be made in the first and second payroll of the month. There will normally be two paydays per year which will have no such deductions.
- C. Check Distribution: All paychecks and direct deposit advices shall be mailed directly to the Employees' homes.

## **SECTION 7: HEALTH AND WELFARE BENEFITS**

### **7.01 BENEFIT ELIGIBILITY**

- A. Eligibility is defined under each benefit in the appropriate Manual, Agreement or Memorandum of Understanding.
- B. Employees not covered by benefits who move into Regular status or become eligible for benefits in other ways, will be treated as follows:

#### Temporary to Regular

- a. Medical and Life Insurance - Per District Resolution No. 1975-9-170; eligibility for Management and Confidential employees shall commence on the first day of the month following date of hire into regular-status position.
- b. Dental - Per District Resolution No. 1975-9-170; eligibility for Management and Confidential employees shall commence on the first day of the month following date of hire into regular-status position.

Six month employees must pay the cost of their twelve month coverage during their six month work period. Alternatively, upon their written request six month employees may opt to not continue medical coverage at the end of their six month work period. Such employees become eligible for coverage effective on the first of the month following their next regular return to work date. For additional information, reference sections 7.08 A and D.

### **7.02 HEALTH PLANS**

- A. Dental Plan: The District provides group coverage for permanent employees as well as their dependents and/or domestic partner, providing that their domestic partner is registered as their domestic partner with the State of California or by affidavit filed with the Benefits Department, as appropriate. The value of domestic partner benefits will be reported to the I.R.S. as taxable income. The coverage is described in the Plan booklet.
- B. Major Medical/Hospital Insurance Plan

Coverage: The District provides group coverage for permanent employees as well as their dependents and/or domestic partner, providing that their domestic partner is registered as their domestic partner with the State of California or by affidavit filed with the Benefits Department, as appropriate. The value of domestic partner benefits will be reported to the I.R.S. as taxable income. Benefits are described in the Plan booklets.

#### Medical Plan Option

- a. Employees who can demonstrate that they are covered by a group medical plan not paid for by the Park District (e.g. as a dependent on a spouse's plan) may choose not to be covered by the District medical benefit. Such employees will receive \$175 per month from the District in lieu of participation in the District plan. This option is not applicable if alternate coverage is by a Park District Plan.
- b. This option is available at any time. Once the option is selected, the employee may resume District coverage only at the open enrollment period, which is in September of each year, with the new coverage taking effect the following January 1st.
- c. In the event of an unexpected loss of coverage (e.g. death, divorce, spouse loss of coverage etc.) the employee may resume coverage on the first of the month following such event, provided that proof of loss of coverage is provided within 30 days of the loss of coverage.
- d. CalPERS does not permit an employee or their dependents to be enrolled in more than one of its medical plans.

Part Time Employees: Part time employees may participate in the Medical Plan by paying the part of the premium cost not covered by the District. The District will pay a percent of the premium equal to the percent of time worked.

- C. Employee Assistance Plan: The District provides participation in a confidential Employee Assistance Plan (EAP) with original enrollment expenses paid by the District. The premium contribution rate is determined by Board Action and the program is described in the EAP material.
- D. Mid-Employment Physicals: The District does not provide periodic physical re-examination of employees, except as the supervisor may see a job-related need to do so. If an employee has a problem of health or physical condition that indicates that the

employee cannot safely perform the whole job, the supervisor should arrange for a physical examination through a District designated doctor.

### **7.03 INSURANCE PLANS**

#### **A. Disability Insurance**

All employees except Police Association employees are covered by State Disability Insurance, costs of which are paid 100% by the District. State Disability Insurance covers illness or injury which is not job related and will be integrated with sick leave, and may be integrated with vacation and compensatory time when sick leave accrual is depleted. All temporary and seasonal employees, excluding lifeguards, are not covered by State Disability Insurance.

A group Long Term Disability plan is provided by the District for all regular employees. Details of the plan are included in the Plan booklet.

B. Life Insurance: The District provides Life Insurance coverage for Regular employees. It provides Accidental Death and Dismemberment insurance for Management and Confidential employees. Amounts of such coverage are determined by action of the Board of Directors.

C. Unemployment Insurance: Employees of the District are covered by Unemployment Insurance, the costs of which are borne by the District.

### **7.04 WORKERS' COMPENSATION**

All employees of the District are covered by Workers' Compensation for illness or injuries, which are job-related. Injured employees are to fill out the State Form DWC 1 and their supervisors are to fill out the State Form 5020 then send them to Risk. Primary medical treatment is provided through a pre-designated physician (request through Risk) or the District chosen facility as noted on the Workers' Compensation Notice posted at each job site. A written full release or release for modified work is required before returning to work.

Employees covered by this Manual with more than six months on-the-job are entitled to a supplemental job injury leave benefit.

Job injury leave shall provide continuation of 100% of net pay for a period not to exceed six months while temporarily disabled.

Benefits will accrue during the six months of job injury payments. (Accruals may cease if the physician determines an employee is permanently unable to return to work). Medical benefits will continue for an additional six months of total temporary disability.

When possible, modified work for a period not to exceed one year will be provided in lieu of temporary disability payments and job injury leave.

The employee may use accrued vacation, sick leave and compensatory time to supplement workers' compensation benefits to the level of full salary during the period of temporary disability payments.

When all such accruals are exhausted the employee shall be placed on leave without pay status until the employee is able to return to work. If after a period of one year of disability the return to full duty status is uncertain, the District may, at its discretion, need to separate employment because of a business necessity in the impacted department.

If a physician declares an employee is permanently unable to return to work, the employee may exhaust the remainder of accrued benefits, at which point the employee shall be separated unless a permanent job modification can be made.

#### Athletic and Business Functions

The District shall be responsible for Workers Compensation benefits and corresponding District benefits, insofar as an employee is injured in a function for, which attendance is required or encouraged by Management or Supervisors. Injuries, which occur during casual get-togethers, which are neither sponsored nor encouraged for business reasons, are not considered as work related.

### **7.05 BENEFITS FOR EMPLOYEES BEYOND 65**

- A. All benefits will continue for employees who work beyond age 65 unless otherwise limited or revised.
- B. Medical coverage changes as follows:

Should an employee work beyond age 65 or should the employee's spouse reach age 65 while the employee is still on active status, the employee or spouse will have the choice of remaining under the normal group coverage or selecting Medicare coverage.

#### **7.06 DEFERRED COMPENSATION**

Employees may participate in the ICMA Deferred Compensation Plan through payroll deductions in accordance with the Plan rules and regulations.

- A. Local 2428 and Police Association participation in ICMA Deferred Compensation is covered in the Agreement and MOU, respectively.
- B. Management employees may participate in the 457 program on an optional basis.
- C. Management employees may also choose to participate in a 401(a) Money Purchase Plan & Trust. Details of the 401(a) plan as adopted by the Board of Directors is included in Section 26, Appendix A.

#### **7.07 BENEFIT DEDUCTIONS**

- A. Deferred Compensation Deduction: Employees may participate in the ICMA Deferred Compensation Plan through payroll deductions in accordance with Plan rules and regulations.
- B. COBRA: Health and/or dental benefits continuation allowed under COBRA, Section 18.03 (B), may be paid directly to Finance.
- C. Medical: Employees may pay medical premiums under part-time, pre-coverage or leave conditions in order to obtain or retain full coverage.
- D. Life Insurance: Employees may pay life insurance premiums under leave conditions in order to obtain or retain full coverage.
- E. Employees of the District are covered by Federal Social Security and Medicare benefits. The amounts and rates to be contributed by the District and the employee are established by the Social Security Administration.

#### **7.08 MISCELLANEOUS BENEFITS PROCEDURES**



- A. Off Season: Regular six month employees may continue benefits in off season by arranging premium payment with the Finance Division.
- B. Effect of Probation on Benefits: In the case of six month employees being promoted to 9 month or 12 month positions:

Six month employees who have been employed for more than one season will receive medical and dental benefits with no waiting period.

Six-month employees with less than six months employment will be eligible to receive medical benefits when their total work time reaches one month and dental benefits when their total work time reaches three months.

"Regular" refers to class of employees. "Probation" modifies but does not preclude from benefit eligibility.

- C. Less than Full-time Employees: Changes in accrual rates wherever applicable, will be based on active work time, not calendar time, for less than full-time employees (e.g., vacation, pension eligibility, salary steps, etc.)
- D. Part-time Employees may receive full benefits by paying that portion of the benefit not covered by their work time with the District.

#### **7.09 CONFIRMATION OF BENEFIT QUALIFICATION (TAX REFORM ACT OF 1986)**

The Board has confirmed (Resolution 1989-6-180) that the District Benefit Plans (Life Insurance, Medical and Dental) affected by the Tax Reform Act of 1986 are qualified as legally enforceable, established for the exclusive benefit of the employees, maintained for an indefinite period and have been summarized in a written notice to eligible employees.

## **SECTION 8: RETIREMENT**

### **8.01 RETIREMENT PLAN**

The District has two retirement plans, the East Bay Regional Park District Employees' Retirement Plan, administered by Transamerica Insurance Company or other provider determined by the District, and the California Public Employees Retirement System (CalPERS) retirement plan.

- A. Sworn Safety Officers and Firefighters: All East Bay Regional Park District regular employees who were sworn safety officers and firefighters became members of the California Public Employees Retirement System (CalPERS) retirement plan effective January 1, 2000. All future regular employees hired in these classifications will be members of the CalPERS retirement plan.
- B. Regular Employees: All regular non-sworn employees in active status as of December 29, 2000 had a one-time irrevocable option to transfer to CalPERS from the General Employee Plan or remain in the EBRPD General Employees Plan. Employees who elected to remain in the Transamerica Plan shall continue to receive retirement benefits under the terms of the Plan. Employees who elected to transfer to CalPERS as well as all new regular employee hires on and after December 30, 2000 shall be covered by the CalPERS plan.

Effective December 30, 2000 all regular employees who chose to transfer their retirement coverage from the East Bay Regional Park District Employees' Retirement Plan to CalPERS had all of their District services credit as well as all of their employee contributions which accrued interest transferred to the CalPERS retirement plan. As of that date all of those employees' membership in the East Bay Regional Park District Employees' Retirement Plan was terminated completely and all of their rights and benefits under the East Bay Regional Park District Employees' Retirement Plan were relinquished.

- C. New Employees: All eligible employees hired after December 30, 2000 shall be enrolled in the CalPERS 2% @ 55 Unmodified Formula, based on the average of the highest 36 consecutive months of compensation, with optional credit for unused sick leave. The administration of this CalPERS plan is done in conformance with statutory requirements and CalPERS policy. The Plan may be amended as approved by the Board of Directors. Effective October 1, 2004, all eligible miscellaneous employees will receive 2.5% @ 55 unmodified formula, based on the average of the highest thirty-six (36) consecutive months of compensation.

## **8.02 RETIREE ELIGIBILITY**

In order for employees terminating their employment with the District to qualify for the benefits specified in Sections 8.04 and 8.06, they must meet the following criteria: 1) The employee must be age 48 or older if he/she is covered by the EBRPD Retirement Plan, or age 50 or older if he/she is covered by CalPERS, and 2) he/she must have five or more years of District service as a regular employee.

Eligible employees who are employed on a part-time basis at the time of their retirement, or who have worked as a part-time employee during their tenure at the District, will receive the post-retirement benefits specified in Sections 8.04A, 8.04B, 8.06B, and 8.06C on a prorated basis corresponding to the percentage of full-time employment they have worked throughout their years at the District.

## **8.03 BENEFITS**

### **A. Coverage:**

The Assistant General Manager Public Safety, Police Captain, Police Lieutenants, Fire Chief, and Assistant Fire Chief are covered by the CalPERS Sworn Employees Plan. Effective the first pay period including October 1, 2017, all sworn managers will pay a total of twelve percent (12%) of employee contributions (3% employer share).

All other regular Management and Confidential employees are covered by the CalPERS Miscellaneous Employees Plan or the East Bay Regional Park District Employees' Retirement Plan.

A Regular employee is required to participate in the appropriate District plan upon employment. Employee costs for the plan, if any, are automatically deducted from the employee's check each pay period. Employees in CalPERS currently pay 1% of the employee contribution. Effective January 1, 2012 employees will pay an additional 1% for a total of 2%. Effective July 1, 2012 employees in CalPERS will pay an additional 2% for a total of 4%. Effective January 1, 2012 employees in the District's General Employee Plan will pay 1% of the employee contribution. Effective July 1, 2012 employees in the District's General Employee Plan will pay an additional 2% for a total of 3%. Effective April 1, 2015, employees in the CalPERS miscellaneous 2.5% @ 55 Retirement Plan, the CalPERS 3% @ 50 and 3% @ 55 Safety Plans, and the EBRPD General Employees Retirement Plan will contribute 1% more towards pension. Effective October 1, 2015, employees in the CalPERS miscellaneous 2.5% @ 55 Retirement Plan, the CalPERS 3% @ 50 and 3% @ 55 Safety Retirement Plans, and the EBRPD General Employees Retirement Plan will contribute 1% more towards pension. Effective April 1, 2016, employees in the CalPERS miscellaneous 2.5% @ 55 Retirement Plan, the CalPERS 3% @ 50 and 3% @ 55 Safety Plans,

and the EBRPD General Employees Retirement Plan will contribute 1% more towards pension. Effective March 31, 2017, employees in the CalPERS miscellaneous 2.5% @ 55 Retirement Plan, the CalPERS 3% @ 50 and 3% @ 55 Safety Retirement Plans, and the EBRPD General Employees Retirement Plan will contribute 1% more towards pension. Part-time Regular employees who work less than 50% time are not eligible for pension plan coverage.

- B. Sick Leave Credit: Unused sick leave not paid out at retirement shall be added to credited months of service for computing retirement benefits. Management and Confidential employees retiring with 10 or more years of service will be eligible for a sick leave payout of one-third of their accrued sick leave at retirement to a maximum of 360 hours.
- C. Benefits: Benefits of the plans are described in the retirement booklets. Procedures are defined and administered by the Human Resources Division.
- D. Service Extension: Retirement service credit may be extended as follows:

Hours worked in excess of normally scheduled hours may be accumulated and used as additional service credit to calculate pension benefit when a Management employee covered by the EBRPD Retirement Plan retires from District employment .

Hours will be credited at the rate of one hour credited for each extra hour of work.

Records of excess hours will be maintained by the Chief Financial Officer/Controller.

For Management employees the extra hours accrued shall be used to fund the 40 hours advance extra vacation time each year (Section 10) and use for retirement shall be secondary to such funding for extra vacation.

This provision does not apply to individuals in the CalPERS Plan.

- E. Disability Retirement: The procedures to determine Disability Retirement are specifically adopted by the Board and are included in the Standard Procedures Manual for employees in the EBRPD Retirement Plan. Employees in the CalPERS Plan are subject to procedures as determined by CalPERS.
- F. Retirement Buy-back: The retirement plan contains a provision for rehired employees to reinstate their previous retirement service credit. The procedure is included in the Standard Procedures Manual and the Plan booklet.

## **8.04 BENEFIT ELIGIBILITY**

### **A. Medical**

Retiree Medical for Management and Confidential Employees hired or promoted before January 1, 2003:

- a. Family medical benefits will be provided for employees who retire from the District (not those who leave the District vested and retire later on) until age 65 when Medicare commences, and the cost of Medicare will be provided thereafter.
  - i. Retiree and family all under age 65: Kaiser or current alternative CalPERS plan as offered by CalPERS (as appropriate\*) rate will be totally paid by the District for entire eligible family.
  - ii. Retiree age 65+ and family all under age 65: Medicare Part B will be reimbursed by the District for retiree. Eligible dependents will receive CalPERS Medicare Supplement Kaiser or current alternative CalPERS plan (as appropriate\*) totally paid by the District.
  - iii. Retiree under age 65 and spouse at 65+: CalPERS Medicare Supplement Kaiser or current alternative CalPERS plan (as appropriate\*) for retiree and any eligible dependents under age 65 will be totally paid by the District. Spouse's Medicare Part B will be reimbursed by the District.
  - iv. Retiree and spouse 65+: Medicare Part B will be reimbursed by the District for retiree and spouse. Any eligible dependents (will be provided with CalPERS Kaiser or current alternative CalPERS plan as appropriate\*), totally paid by the District.

\* In any of the examples above, the premium for District coverage will be only for the number of individuals actually covered. For example: Retiree over age 65, wife under age 65 and no other dependents, the premium paid will be employee only rate, as only one individual is covered.

- b. Management employees at the level of Assistant General Manager or General Manager (classification in range MG07 and above) with 20 years

of District Service, upon reaching age 65, will be offered the opportunity to continue enrollment in the CalPERS Medicare Supplement Kaiser Plan, the current CalPERS alternative plan, or the AARP Supplemental coverage (Comprehensive Medicare Supplemental Plan) at District expense for the retiree and spouse, integrated with Medicare.

- c. Management employees at the level of Assistant General Manager or General Manager (classification in range MG07 and above) with 15 years of District service, upon reaching age 65, will be offered the opportunity to continue enrollment in the CalPERS Medicare Supplemental Kaiser Plan, the current CalPERS alternative plan, or the AARP Supplemental coverage (Comprehensive Medicare Supplemental Plan) at District expense for the retiree only, integrated with Medicare. A spouse attaining age 65 or older years may be enrolled through the District in a CalPERS plan, integrated with Medicare, with the retiree reimbursing the District for the premium cost.

#### Retiree Medical for Board Members

- d. Board members who retire from the Board are eligible to enroll in the District's CalPERS medical plans provided that they pay the premiums and co-payments of such coverage. Board members who served three terms (12 years) on the Board prior to January 1995 are eligible to receive retiree medical benefits equal to the Management and Confidential Group medical benefits in effect as of December 31, 2002 (Gov't. Code Sections 53201 and 20322).

#### Process for Medicare Reimbursement

- e. Payment of Medicare will be by reimbursement to eligible retired employees on a quarterly basis.
- f. Employees who retire prior to age 65 because of disability may be eligible to receive Medicare and should be included under the above policies.

Effective April 1, 2012 a District retiree and their eligible dependent(s) will be permitted to enroll in a CalPERS medical plan by paying the premium on a timely basis. Eligibility will be determined by the District and in accordance with CalPERS rules and regulations.

Retiree Medical for Management and Confidential Employees hired from an outside organization or promoted from a non-management bargaining unit on or after January 1, 2003:

- g. The District will contribute \$250.00 per month per retiree for retiree medical for all Management and Confidential employees hired or promoted on or after January 1, 2003, provided the individual was employed by the District for at least 10 total years of service as a regular employee and is eligible for a service retirement. The District will contribute \$300.00 per month per retiree for retiree medical for all Management and Confidential employees hired or promoted on or after January 1, 2003, provided the individual was employed by the District for at least 20 total years of service as a regular employee and is eligible for a service retirement. All other retiree medical benefits previously provided to Management and Confidential employees will not be available to those Management and Confidential employees hired or promoted from a non-management bargaining unit by the District on or after January 1, 2003, except as described below in sections c and d.
- h. The District will contribute \$300.00 per month per retiree for retiree medical for all Management employees at the level of Assistant General Manager or General Manager with at least 10 total years of service as a regular employee. The District will contribute \$350.00 per month per retiree for retiree medical for all Management employees at the level of Assistant General Manager or General Manager with at least 20 total years of service as a regular employee. All other retiree medical benefits previously provided to Managers at this level will not be available to those Managers hired or promoted from a non-management bargaining unit by the District after January 1, 2003 except as described below in sections c and d.
- i. If eligible under Section 8.02, upon attaining age 65, each retired Management or Confidential employee, hired prior to January 1, 2012 shall receive the greater of either:
  - i. The prior section 8.04 A.5.a., based on length of District service,  
or
  - ii. Enrollment for Management or confidential retiree and, upon attaining age 65, enrollment for spouse, in an AARP Extended Medicare Supplement plan, or reimbursement of the premium paid by the retiree for medical coverage in an amount equal to the amount required to fund the AARP option.

If the retiree is enrolled in a CalPERS medical plan, the greater amount of either 1 or 2 above will be reduced by the employer Public Employer Medical & Health Care Act contribution.

j. If eligible under Section 8.02, upon attaining age 65, each retired Assistant General Manager, hired prior to January 1, 2012, shall receive the greater of either:

i. The prior section 8.04 A.5.b, based on length of District service, or

ii. Enrollment for retired Assistant General Manager, and upon attaining age 65, enrollment for spouse, in an AARP Extended Medicare Supplement plan or reimbursement of the premium paid by the retiree for medical coverage in an amount equal to the amount required to fund the AARP option.

If the retiree is enrolled in a CalPERS medical plan, the greater of either 1 or 2 above will be reduced by the employer Public Employer Medical & Health Care Act contribution.

k. If the Management or Confidential employee is hired on or after January 1, 2012, their benefits at retirement are as follows:

i. As outlined in 8.04A.5.a or b, all other retiree medical benefits previously provided to Management and Confidential employees will not be available to those Management and Confidential employees hired by the District on or after January 1, 2012.

ii. If the retiree is enrolled in a CalPERS medical plan, the amount in 8.04.A.5.e.1 will be reduced by the employer (Public Employer Medical & Health Care Act) contribution.

If a 2428 member is promoted to a manager or confidential position, the retiree medical benefits due that employee will be no less than the retiree medical benefits the employee would have received as a retired 2428 member.

#### B. Retiree Dental

Retiree Dental for Management Employees hired or promoted before January 1, 2003:



- a. Management employees at the level of Assistant General Manager or General Manager (classifications in range MG07 and above) with 20 years of District service will be offered the opportunity to continue enrollment in the Dental Plan at District expense for the retiree and spouse.
- b. Management employees at the level of Assistant General Manager or General Manager (classifications in range MG07 and above) with 15 years of District service will be offered the opportunity to continue enrollment in the Dental Plan at District expense for the retiree. The employee's spouse may be enrolled in the District plan, with the retiree reimbursing the District for the premium costs on a quarterly basis.

#### Retiree Dental for Board Members

- c. Board members who retire from the Board are eligible to enroll in the District's dental plan provided that they pay the premiums and co-payments of such coverage. Board members who served three terms (12 years) on the Board prior to January 1995 are eligible to receive retiree dental benefits equal to the Management and Confidential Group dental benefits in effect as of December 31, 2002 (Gov't. Code Sections 53201 and 20322).

Limitation: Under no condition will a retiree or dependent be permitted to continue in the group Dental plan (by paying the premium after retiring), except as noted in Section A (2), B (2) and Section 18.03.

Retiree Dental for Management employees hired or promoted from a non- management position on or after January 1, 2003: The District will contribute \$30.00 per retiree per month for all Management employees at the level of Assistant General Manager or General Manager that have worked for the District at least 15 years, provided they are eligible for a service retirement. This provision applies to all employees hired or promoted from a non-management bargaining unit on or after January 1, 2003.

#### C. Life Insurance

Policy: At retirement all Regular employees will be offered the option to continue term life insurance, at the retiree's expense, in the amount of \$13,000. The cost will be at the current District group rate, paid by the employee annually on November 1st each year.

#### Procedure

- a. Should the employee decline the option, a waiver form will be signed during the exit interview process. Should the employee wish to have the insurance, the premium for the current year will be calculated at the insurance amount times the group monthly rate times the months remaining until the following October 31st, and this amount shall be paid to the District prior to retirement. Human Resources will provide the retiring employee a letter indicating the coverage amounts and the dates the paid premium will cover.
- b. On or before November 1st the District will bill all participating retirees each year for the following plan year's premiums.
- c. Retirees who do not elect to pay for this coverage, or who do not continue to pay for it on an uninterrupted basis will not be permitted to reenter the plan.

#### **8.05 PRE-RETIREMENT PLANNING**

A. Purpose: The District recognizes the need to assist older employees in constructively examining the financial, legal and emotional issues surrounding retirement. The Pre-retirement Planning program will address these issues by providing up-to-date information and dispelling myths in order to allow each employee the opportunity to begin the successful transformation to retirement. The Pre-retirement Planning program will supplement the District's overall retirement package as well as contributing to the employees' work productivity and job satisfaction.

#### **B. Program**

The program is a series of meetings, held on District time dealing with various retirement issues.

The program will be scheduled based on availability of participants, but not more than yearly, with participation limited to 30 participants.

- a. Employees may attend the program series only once and may bring a spouse, partner or significant other.
- b. Employees are eligible to attend after reaching age 50, scheduled at their option following invitation, subject to class size limits.

- c. Employees who have not attended the program will be invited to attend in order of age (oldest first).
- C. Curriculum: Program curriculum will be limited to those areas important to planning for retirement such as retirement planning, health and aging, financial planning, legal and estate planning, Social Security, District retirement benefits, time management and the like.

#### **8.06 RETIREE ASSOCIATION AND RETIREE MEDICAL**

- A. American Association of Retired Persons (AARP): Each employee, upon reaching age 64, and all retired employees, will be provided a membership for themselves and their spouse in AARP at District expense.
- B. Retiree Medical: Excluding those employees hired on or after January 1, 2012, and those covered under Section 8.04 (A) (1) (b) and (c), each retired employee and spouse, upon reaching age 65, will be offered one of the following options at District expense:

Enrollment in an AARP Extended Medicare Supplement Plan, or

Reimbursement of the premium paid by the retiree for medical coverage in an amount equal to the amount required to fund the AARP option.

- C. Timing: Re-enrollment or reimbursement, on a yearly basis, will be provided by the District.

## **SECTION 9: HOLIDAYS**

A.      Holidays: The following, and any additional days as the Board of Directors may designate, shall be holidays with pay: New Year's Day, Martin Luther King Jr.'s Birthday, Lincoln's Birthday, Washington's Birthday, Cesar Chavez Birthday, Memorial Day, Juneteenth, Independence Day, Labor Day, Admissions Day, Veterans' Day, Thanksgiving Day, Friday after Thanksgiving Day, last four hours of last work day before Christmas Day, and Christmas Day.

### **B.      Guidelines**

Whenever any such holiday falls on Saturday, the preceding Friday shall be considered a holiday. Whenever any such holiday falls on Sunday, the following Monday shall be considered a holiday.

Holidays which occur during an employee's vacation period shall not be charged against vacation time.

If the holiday falls on a scheduled day off, the employee should be given an alternate day off as soon as practical. The alternate day off should provide a similar holiday, e.g., if the original holiday provided a three day weekend, the alternate day should provide a three day weekend.

If a Confidential employee works a holiday which is a normal scheduled work day, an alternative day off may be given or seven and one-half hours will be paid for the holiday and the employee will be credited with the hours worked as compensating time or be paid at the overtime rate for the hours worked.

If an employee requests to trade a holiday and the supervisor can arrange a suitable schedule, the day for which the holiday is traded is treated as if it were the holiday and the original holiday is treated as a regular day.

In order to receive holiday pay, the employee must have worked the last scheduled work day and the next scheduled work day. Holiday pay shall be granted if absence is due to verified personal illness, emergency illness at home, death in the immediate family, hospitalization, injury on the job or any other cause beyond the reasonable control of the employee and accepted by the supervisor. Employees who have holiday work assignments and then fail to report and perform such work for any reason other than those set forth above shall not receive pay for the holiday.

### **C.      Benefit Eligibility**

Full-time, Regular employees are eligible for all holidays.

Seasonal, Miscellaneous and Temporary employees are not eligible for any of the above holiday benefits, excluding Lifeguards who are provided benefits as per the Memorandum of Understanding.

Part-time Regular employees will receive holiday benefits on a pro-rata basis as with all other benefits.

## **SECTION 10: VACATION**

A. Credits. Vacation credits will accrue for full-time Regular employees at the following rates:

One day per month of service during the first five years of continuous service with the District.

One and one quarter days per month during the sixth through the tenth years of continuous service with the District.

One and one-half days per month during the eleventh through fifteenth years of continuous service with the District.

One and three-quarter days per month during the sixteenth through twentieth years of continuous service with the District.

One and three-quarter days per month each year after twenty years of continuous service, plus 1 additional day for each full year of continuous service with the District in excess of twenty years.

The term "month" as used herein, means a month in which the employee is paid by the District more than one-half the work days of the month.

Part-time regular employees accrue vacation on a pro-rata basis.

B. Use of Vacation Credits

Probationary Regular employees shall accumulate vacation credits during their probationary period.

- a. Confidential employees may use such credits at the completion of their probationary period.
- b. Management employees may use such credits at the completion of 6 months of service.

In all calendar years following the year of employment, Management employees are required to take at least ten days vacation per year. At least five days of that vacation time shall be consecutive work days.

Vacation credit can be used only after it has been earned.

C. Carryover: An employee may not accumulate more than the equivalent of the preceding calendar year's earned vacation credits plus twelve additional days. Any further carryover of vacation credits must be approved by the head of the Department and the General Manager on an annual basis. Excess vacation not approved for carryover shall be paid.

D. Schedule

Vacation schedules must be approved in advance by the employee's supervisor.

When two or more employees request the same vacation dates, the conflict will be resolved on length of service. However, vacations will be scheduled with due regard for employee preference and the needs of the District.

The General Manager reserves the right to limit the annual vacation of an employee to a maximum of two weeks during the period May 1 to September 15 so that all employees may take annual vacation during this period.

E. Holiday: A paid holiday which occurs during an employee's vacation period may be added thereto or to accrued vacation days.

F. Payment of Vacation Credits

An employee who does not wish to carry over vacation credits shall be paid for those credits at the first pay period in December. Effective during and after the 2018 calendar year, an employee who does not wish to carry over vacation credits may submit an "Irrevocable Vacation Pay-Out Election Form" and use up to two (2) irrevocable vacation pay-out elections in the following calendar year.

- a. The form must be received by the Chief Human Resources Officer or designee no later than the last business day before December 31st for payouts in the following calendar year. The amount of vacation requested for pay-out must be earned in the same calendar year in which it is paid out. It is the responsibility of the employee to confirm a sufficient balance is available at the time the vacation is paid out.

- b. The dates available for the pay-out shall be the last first full pay period in September and the first full pay period in December. This provision shall have no effect on an employee's right to pay-out all his or her accrued vacation at separation or retirement from Park District employment.
- c. As part of the Park District's open enrollment packet each year, employees will receive a copy of the Irrevocable Vacation Pay-Out Election Form and a reminder of the deadline set for the last business day before December 31st.
- d. As an exception to the irrevocable election requirement, in the event of an unforeseen financial emergency where (1) the employee can demonstrate that the employee has a real and immediate unforeseen emergency caused by an event beyond the employee's control, (2) it would result in a serious financial hardship if the cash payment were not made, (3) the amount of the cash payment is limited to the amount necessary to meet the emergency and (4) the Park District will exercise its discretion to determine whether an emergency exists and the extent of the financial need.

Cash payment of unused vacation shall be made upon retirement or termination.

Vacation credits are paid at the employee's then current salary rate.

#### G. Work During Vacation - Confidential Employees

In emergencies, confidential employees on vacation may be contacted to come to work. In the event an employee works, the regular pay will apply and the vacation day will be canceled and rescheduled at a later date.

Should the work day be a normal day off, the work will be paid at one and one-half times the regular rate and vacation days will not be affected.

H. **Sickness During Vacation:** Should an employee become ill during vacation, the employee may, upon return from vacation, convert the days of illness from vacation use to sick leave use. Such conversion will require the presentation of a Doctor's notice verifying the illness and the duration of the illness.

I. **Initial Benefit Hiring Credit:** The General Manager may negotiate hiring credit for up to 12 days of vacation for Management and Confidential employees.

J. **Management Employees Extra Hours** (note: this provision applies only to employees in the District's General Employees Retirement Plan).



Management employees will record all extra hours worked in excess of the normal schedule on their time cards. Extra hours will be earned on an hour-for-hour basis up to a maximum of 40 hours in a work week. Management employees may not accrue more than 520 extra hours during the year.

On January 1, Management employees will be credited with 40 extra hours of vacation leave as compensation for extra hours worked. Management employees will be credited up to an additional 40 hours of vacation leave for all extra hours worked between 130 and 170 hours during the preceding year. Management employees may choose to have any of the extra hours credited towards years of service for retirement purposes in lieu of vacation leave.

Management employees hired or promoted into a Management position during the year will be credited with a pro-rated number of extra vacation hours at the time of hire or promotion.

For any Management employee with 20 years or more of District service credit, and at least 1,800 extra hours accrued at the time of retirement, the employee will receive a cash payout for 80 of those hours upon retirement.

All extra hours accrued in accordance with this policy that are not converted to vacation leave will be credited towards years of service for the purpose of retirement calculations.

- K. Management Administrative Leave Policy (note: this provision applies only to those employees in the CalPERS retirement plan). For Management Employees under CalPERS Retirement Plan, see Resolution No. 2000-12-256 (Section 26, Appendix E).

## **SECTION 11: SICK LEAVE**

### **11.01 GENERAL**

A. Credits: Sick leave is accrued on the basis of one day for each month the employee is paid by the District more than one-half the work days of the month. Accumulation is unlimited.

B. Use: Sick leave may be used to prevent loss of pay when absent for:

Personal illness or injury.

Quarantine in the home, or when upon the advice of a physician it appears that the presence of an employee would jeopardize the health of the fellow employees.

Illness of the immediate family, defined as father, mother, brother, sister, son, daughter, wife, husband, domestic partner (providing that their domestic partner is registered as their domestic partner with the State of California), parent-in-law, or any relative or ward.

Visits to doctors, dentists, or oculists when appointments are not reasonably available during non-working hours.

C. Verification: Sick leave absence in excess of three consecutive work days must be verified in writing by the employee's doctor. The head of the Department may accept the employee's signed statement concerning the nature of the illness in cases of sick leave absence of three days or less.

D. Integration: Sick leave will be integrated with State Disability Insurance.

E. Notification: Employees shall notify their immediate supervisor, the Secretary of their Department, or the Public Safety Dispatcher, in that order, of their inability to report to work due to illness or injury prior to their regularly scheduled work period.

F. Subrogation: By using sick leave, each employee agrees that the District shall be subrogated, to the extent of wages paid such employee for sick leave credits, to any claim such employee may have against third parties for loss of wages. Similarly the District shall be subrogated to claims against third parties by an employee who is paid during periods

of disability resulting from job-related injuries, to the extent of payments by the District pursuant to the provisions of Workers' Compensation. To the extent the District is compensated under this section, sick leave credits shall be restored to the employee.

G. Benefit Eligibility

Sick leave shall apply only to Regular employees.

Probationary Regular employees shall accumulate and be entitled to use sick leave credits during their probationary period.

H. Payment on Retirement or Termination

Payment of one-third of accrued but unused sick leave up to a maximum of 45 paid days may be made on retirement or upon voluntary termination of employment after employment by the District for an aggregate of ten years.

For an employee who leaves the District by retirement, unused sick leave remaining from the application of Section H (1) above, shall be added to credited months of service for computing retirement benefits.

- I. Initial Hiring Credit: The General Manager may negotiate initial hiring credit of up to 12 days Sick Leave for Managerial and Confidential employees.

**11.02 MANAGEMENT/CONFIDENTIAL SICK LEAVE BANK**

Management and Confidential employees may contribute accrued sick leave to a Management/Confidential Sick Leave Bank. The Sick Leave Bank will be available for use by Management and Confidential employees to cover periods of protracted illness when their own sick leave, vacation, comp time or Long Term Disability plan does not cover such illness.

- A. Contribution: Upon written request by an employee, up to ten days of his/her unused sick leave credit may be contributed to the Sick Leave Bank each calendar year.

B. Use of Sick Leave Bank

A Committee of the Human Resources Manager and another Manager and Confidential employee as determined by the Human Resources Manager will consider requests for Sick Leave Bank use. Criteria controlling consideration of any request for time from the Sick Leave Bank are:

- a. No employee shall be eligible until the employee has exhausted all accrued sick leave, vacation and/or comp time.
- b. The nature of the illness or injury and the medical prognosis.
- c. The financial need of the employee.
- d. The current balance of credits in the Sick Leave Bank.
- e. The current or pending demand on the Sick Leave Bank.
- f. The length of service of the employee.
- g. The employee's history of sick leave use.

A majority decision of the Committee shall be conclusive as to application for Sick Leave Bank usage. In no event shall an employee be denied Sick Leave Bank benefits in an amount equal to that contributed by the employee, provided the Sick Leave Bank has enough hours. It will not be necessary for an employee to have exhausted accumulated annual leave prior to request and receipt of the employee's contribution to the bank.

## **SECTION 12: LEAVES OF ABSENCE**

### **12.01 LEAVES**

#### **A. Maternity Leave**

Eligibility: Any District employee disabled by pregnancy may request a leave of absence without pay. For Regular employees, that leave cannot exceed 12 months; for other employees, the leave cannot exceed four months. Return to the same title and pay rate is guaranteed for sanctioned maternity leaves; however, return to the job location or Division is not guaranteed.

Request: A written request must be received by Human Resources on or before the end of the sixth month of pregnancy. The request must include a definite requested date for beginning and ending the leave. A medical certificate from a doctor must accompany the request specifying:

- a. The expected delivery date.
- b. The latest date in the pregnancy where the employee can be assured of being safely able to perform all job duties.
- c. The earliest date after confinement where the employee can be assured of being safely able to resume all job duties.

Limitation: An employee will not be allowed to work beyond the seventh month of pregnancy or to return to work without a doctor's certification.

Health Insurance Premiums on Maternity Leaves: For employees covered under District health insurance, the District will reimburse a total dollar amount not to exceed six times the employee's monthly medical premium cost, paid by an employee who is granted a maternity leave, provided such employee returns to work with the District at the end of the leave.

#### B. Paternity Leave

A male regular employee may request a continuous paternity leave without pay for a period not to exceed 60 days.

#### C. Civil Leave

Regular employees shall be given leave of absence with pay for working time lost when called to serve on Petit (not Grand) jury duty or as a subpoenaed witness. Such employees shall be paid at their regular rate for all time lost up to their normal scheduled hours. In consideration of receiving their regular pay, employees shall assign to the District jury or witness fees, excluding transportation reimbursement, received during the same period. Seasonal and Temporary employees will be excused from work, without pay, for jury duty.

#### D. Family Death Leave

A regular employee who has been employed for at least 30 days prior to the commencement of leave may be granted leave with pay for a death in the employee's family. For the purposes of this section, an employee's family is determined as including mother, father, spouse, anyone living in a spousal relationship, sister, brother, son, daughter, grandparent, legal ward, mother-in-law, and father-in-law.

State law requires employees be permitted up to 5 days of unpaid leave due to the death of a relative which does not have to be taken consecutively but must be completed within three (3) months of the death of a family member. The Personnel Administrative Manual, however, provides that for relatives residing within 500 miles of the employee's home, up to three (3) paid days may be granted. When the employee is required to travel over 500 miles from his/her home in connection with the death of the family member, up to five (5) paid days may be granted. If an employee is paid for three (3) days based on the distance involved, they are eligible to take any remaining days as leave without pay or use any accrued leave, up to the five (5) total days required by law.

An employee may also use up to ten (10) days of accrued leave in addition to Family Death Leave. but this leave must be taken consecutively and within 3 months of the death of a family member.

Documentation of the death of family member within 30 days of the first day of bereavement leave may be required. Acceptable documentation includes death certificate, published obituary or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency.

#### E. Reproductive Loss

A regular employee who has been employed for at least 30 days prior to the commencement of leave may be granted up to five (5) days of unpaid leave following a reproductive loss event. A maximum of 20 days may be taken if an employee experiences more than one reproductive loss event within a 12-month period. Employees may use any available paid leave such as sick leave, vacation, or comp time available to them at the time of leave. A "reproductive loss event" is defined as the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction. No documentation of reproductive loss is required.

#### F. Military Leave

Leave with pay shall be approved for up to 30 days per calendar year for a regular employee under orders for military training duty. Written request for such leave must be made to the head of the Department and the Human Resources Manager and must include a copy of the orders. In consideration of receiving regular pay, employees shall assign to the District remuneration, excluding transportation fees, received for military training during the same period, except for such pay which is in excess of their regular District pay. The District's policy on War Time is stated in the Human Resources Policies and Procedures #12.

#### G. Education Leave

A regular employee, desiring to return to school on a full-time basis to take a course of study which will directly increase employee's knowledge and skills as a District employee, may apply in writing to the head of the Department for leave without pay. Such requests must be approved by employee's head of the Department and the Human Resources Manager. No more than 4% of

the regular personnel of a Department may be on educational leave during a given school year with a minimum of one person permitted. If more than 4% apply, selection shall be made on the basis of length of service. Such leaves shall be for a period of up to one year. An employee taking such a leave will not again be eligible for such leave for a period of three years.

#### H. Special Leave

An employee may be granted leave without pay for a period of up to 90 days for emergency purposes if it is in the best interest of the District and the employee to do so. A written request must be submitted to the employee's Department Head and the Human Resources Manager for approval.

#### I. Administrative Leave

The General Manager may place an employee on Administrative Leave for a period not to exceed 30 days. The General Manager may authorize an additional 30 days if determined necessary. Administrative Leave may be leave without pay or benefits, or leave with full pay and benefits.

#### J. Family Care and Medical Leave

The District's policy on Family Care and Medical Leave is stated in the Human Resources Policies and Procedures # 11.

#### K. Paid Family Leave

The District's policy on Paid Family Leave is stated in the Human Resources Policies and Procedures # 14.

#### L. Fringe Benefit Coverage During Leaves

Benefit coverage shall continue with no change during the first 30 days of any leave except unpaid Administrative Leave. After 30 calendar days, benefit coverage shall be suspended unless the employee chooses to reimburse the District for the costs of the benefits retained. The District will resume premium payments effective the first of the month following return to pay status.

Upon return to paid status after leaves in excess of 30 days and when benefits have been suspended, the employee will be eligible the first day of the month following return to work; however, the employee will be treated as a newly-eligible employee with respect to application of deductibles, maximums and waiting periods.

For retirement plan purposes, leave time over 30 calendar days shall not be credited for vesting nor shall such leave time be credited for benefit calculation purposes.

Sick leave and vacation accrual will not continue during any month in which one-half of the scheduled work days are not worked. For vacation purposes, months on leave shall not be used in calculating continuous service accrual rate increases.

M. Return from Leave

Employees returning from leave are guaranteed return to the same classification title. Except for job injury leave, there is no guarantee the assignment will be to the identical position or location vacated.

**12.02 VOTING TIME (CA ELECTION CODE, SECTION 14350)**

If a voter does not have sufficient time outside of working hours to vote at a statewide election, the voter may, without loss of pay, take off enough working time which, when added to the voting time available outside of working hours, will enable the voter to vote.

No more than two hours of the time off for voting shall be with pay. The time off for voting shall be only at the beginning or end of the regular working shift, whichever allows the most free time to vote and the least time off the regular working shift, unless otherwise mutually agreed.

If the employee, on the third working day prior to the day of election, knows or has reason to believe that time off will be necessary to be able to vote on election day, the employee shall give at least two working days' notice that time off is desired, in accordance with the provisions of this section.



## **SECTION 13: EXPENSE REIMBURSEMENT**

### **13.01 BUSINESS MEETING ATTENDANCE AND TRAVEL**

The Board of Directors recognizes the benefit in training and attendance at meetings and functions which advance professional knowledge and provide opportunities to exchange information related to park and recreation operations and issues. Authorization for travel and expense reimbursement shall be limited to conferences, meetings and other functions from which the Park District derives a specific benefit through attendance. Only that travel/attendance which serves a District purpose and is deemed necessary and/or advantageous to the East Bay Regional Park District shall be approved and reimbursed. Travel shall be by the means most economical to the District. Employees are expected to exercise sound judgment in the incurring and submittal of travel expenses, in keeping with the standards and proprieties of a visible and accountable public agency.

#### **A. Policy**

Assistant General Managers (AGMs) shall authorize in-state attendance, travel and reimbursement of all normal and necessary expenses incurred by employees, in the course of official District business according to the following guidelines. The General Manager shall authorize in-state travel by AGMs, Chief Financial Officer/Controller and the Clerk of the Board. In areas not specifically covered, the General Manager's decision shall govern.

Travel by Air. If travel is by air, coach or economy fares are to be used. Travel by private automobile is permitted in lieu of flying; however, in no case shall the expense exceed the round-trip cost by air.

Mileage Allowance. Private vehicle usage will be reimbursed at a rate equal to the current rate set by the Internal Revenue Service for mileage deduction.

Park District Vehicles. Employees are encouraged to use District-owned vehicles in the performance of official business or attendance at approved functions to the extent such vehicles are available and suitable for use. The use of District vehicles shall be limited to official District business and travel reasonably related thereto. Transportation of persons other than employees is authorized only in situations where it relates to District business, and then only when alternative arrangements are impracticable.

Meals. Reimbursement is allowable for meals consumed by an employee attending a meeting or conference on behalf of the District in the following amounts, which include tax and gratuity up to these rates or actual expenses, whichever is less: \$12 for breakfast, \$17 for lunch, and \$32 for

dinner. The meal reimbursement amounts set forth above may be adjusted annually effective on January 1 to reflect any changes in the most current available rates specified by IRS through the U.S. General Services Administration. Per Union Contract, members of the Police Association will be reimbursed for meals on a per diem basis.

Lodging. Reimbursement is allowable for lodging expenses associated with attendance at out-of-region conferences or meetings provided the destination is beyond sixty (60) miles from Park District Headquarters. Overnight lodging expenses associated with meeting attendance within the Bay Area region may be authorized if the overnight stay is justified based on early morning or late hour attendance requirements. Such overnight stay shall be preauthorized by the General Manager or appropriate AGM only if extraordinary circumstances warrant approval (see #9 Overnight Travel).

Telephone Charges. Only necessary business-related telephone calls incurred by an employee on authorized travel may be reimbursed.

Alcoholic Beverages. No reimbursement will be allowed for alcoholic beverages.

#### Out-of-State Travel.

- a. All out-of-state and out-of-country travel conducted by the Board of Directors, General Manager, Chief Financial Officer/Controller and Clerk of the Board requires prior Board of Directors approval.
- b. All other out-of-state and out-of-country travel conducted by District Staff requires prior General Manager written approval prior to incurring expenses or travel taking place.
- c. Transportation costs for travel outside of the United States and Canada by the Board of Directors will be borne at the cost of the Director.

Overnight Travel. Assistant General Managers shall approve employee overnight travel in advance of expenses being incurred, using the Overnight Travel form. Overnight travel conducted by AGMs, CFO/Controller, and Clerk of the Board shall be approved by the General Manager or his/her designee (see Finance Procedure 8.10).

#### B. Authorization and Approval of Requests and Expenses

Requests for authorization to attend conferences and/or meetings must be submitted in advance. The appropriate AGM shall review and authorize all employee requests prior to incurring

expenses, travel or attendance. The General Manager shall review and authorize all requests by AGMs, Chief Financial Officer/Controller and the Clerk of the Board. Written justification must be provided in advance, where possible, for any unusual or extraordinary expenses.

Expenses will be paid by the Park District directly to the hotel, airline, conference or other service provider whenever possible. Such expenses shall be submitted using the standard District purchase requisition process. An employee will otherwise submit receipts and expense reports to the Finance Department for processing within thirty (30) days after travel. Receipts are required to be filed for all expenses claimed.

The General Manager shall review and approve expense reports submitted by AGMs, Chief Financial Officer/Controller and Clerk of the Board. AGMs shall review and approve expense reports submitted by all other employees.

Expenses incurred at the option of the employee such as room service charges, personal phone calls, non-business cancellations that are not due to an emergency or movie charges will not be reimbursed.

- C. Public Safety Management Staff will be covered under the provisions of the Police Association Memorandum of Understanding.

### **13.02 CONFERENCE/ANNUAL MEETING ATTENDANCE**

- A. Participation: District employees may be allowed to attend conferences or annual meetings subject to the following guidelines:

Cost of meals, lodging, travel and related expenses must be budgeted for within the sponsoring Department or paid personally. Tuition or registration costs may be covered under the Training Policy.

Participation is limited to Management personnel except as provided in Section D of this Policy.

No more than five days per year may be used for such attendance.

The benefit to the District is commensurate with the expended time and a report on the conference or meeting is made to the management staff.

Cost to the District is limited to the continuation of the employee's salary and expenses approved in the employee's departmental budget.

- B. Approval: The General Manager may approve extension or revision of any of the limitations in order to accommodate unusual circumstances; e.g., when an employee is serving as an officer or board member for a professional, job-related organization.
- C. Employee Time: There shall be no restriction on an employee's participation in conferences or annual meetings on their own time, provided such participation does not impair efficiency in performance of, nor is incompatible with, District duties. All costs for such participation shall be borne by the employee.
- D. Non-Management Employees: Employees who are members of professional associations or societies may be allowed to attend conferences or annual meetings subject to the guidelines under Section A above.

### **13.03 MOVING EXPENSES**

As a component of a job offer the General Manager may negotiate the payment of moving expenses for newly hired Management or Confidential employees.

## SECTION 14: UNIFORMS

### A. Providing Uniforms

General: Identifying uniforms will be provided at District expense to employees who come in contact with park visitors on a regular basis or where an employee wearing a uniform in public will provide a benefit to the District. Employees in such positions will wear a presentable uniform at appropriate times. Uniforms shall not be worn off duty other than going to or from work.

Public Safety: The method of providing for the uniform provision described in Section A shall be different for Public Safety personnel in the specific positions which are covered by this section of the Administrative Manual:

- a. Categories of Positions: "Sworn Regular Positions": Assistant General Manager-Public Safety, Police Lieutenant, Police Captain, Fire Chief and Assistant Fire Chief. "Seasonal Police Officer". "Non-Sworn Position": Public Safety Student Aide.
- b. Employee Responsible for Providing Uniform: "Sworn Regular Positions" shall be paid a uniform in the same manner a uniform allowance is provided for sworn members of the Police Association, per the terms of section 8.3 of the Memorandum of Understanding.
- c. District Provided Public Safety Uniform: In the event that a "Seasonal Police Officer" serves as a Reserve Officer, the District may provide an initial uniform. In addition, a "Seasonal Police Officer" shall be paid an annual lump sum amount on the second paycheck of June of \$300. The District maintains a stock of authorized uniforms for employees serving as Non-Sworn Public Safety Student Aides. The employee shall be responsible for maintaining the assigned garment, excepting normal wear and tear; and shall be paid semi-annual amounts of \$87.50 in accordance with District procedures used for the payment of other uniform allowances.
- d. Payment Procedures: The Chief Financial Officer/Controller shall establish procedures to facilitate payments under this section including all reporting as may be required by benefit plans and tax laws.

### B. Public Contact Positions

Managers: Unit Managers, Public Safety Command Officers, appropriate Chiefs, appropriate Specialists, appropriate supervisors and superintendents, and any other classification approved by the respective Assistant General Manager.

Seasonal: Lifeguards, Recreation Leaders, Interpretive Student Aides, Gate Attendants and Student Laborers.

Temporary: When an eligible employee is hired for more than two weeks, a uniform issue will be made. Such uniform issue will be returned at the completion of the temporary assignment.

Miscellaneous: Uniform requirements will be included in the job description (e.g., Student Aides).

- C. Type of Uniform: The District will prescribe the specific uniform items to be worn by public contact employees.

The Park District will provide newly hired Interpretive Student Aides with the following items from Central Stores:

- a. Two pair of pants. Reimbursement will be provided until items are carried at Central Stores.
- b. Two polo shirts
- c. Two name tags
- d. One jacket, as appropriate based on assignment/location
- e. One sweatshirt
- f. One hat

Uniform items will be replaced item for item due to wear and tear as needed.

The uniform must be returned to the Park District upon termination of employment.

- D. Issue and Maintenance

The District will issue the prescribed uniform items or provide an appropriate allowance for purchase of the uniform. If a temporary Naturalist is to be hired for a period in excess of 60 days, the standard Local 2428 Naturalist uniform allowance and policy will apply. Temporary Park Maintenance and Operations personnel will receive the same allocation as a 6-month permanent employee. Recreation Leaders will receive \$100 annually for uniforms. These funds will be administered by the Recreation Supervisor.

Uniforms need not be spotless, in perfect condition, nor absolutely without wrinkles; however, uniforms must be neat and presentable to reflect a business- like approach in performing public duties. Employees are responsible for affixing authorized District patches, laundering and exercising care to preserve their uniforms.

Replacement of District-provided uniform items beyond the annual allocation will be the employee's responsibility except for damaged property which is approved for replacement.

Public Safety Management Staff will be covered under the provisions of the Police Association Memorandum of Understanding.

## SECTION 15: TRAINING

- A. Training Policy: The District encourages participation by all regular employees in job and career-related training programs with the objectives of strengthening job skills and enhancing career advancement.
- B. Guiding Principle: All training is to be regarded as secondary to the primary responsibility of getting District work done. The determination of whether a particular class is Job Required, Job Related, Career Related, or unrelated to District interests and the corollary determination of whether any given employee can be spared from the job for training are the responsibility of the Human Resources Division and the supervisorial hierarchy of that employee.
- C. Definitions

In-District Training (Group Training) is specific training set up by the District for groups of District employees. Usually this training is not readily available out-of- house because it is tailored to District policy and procedure or there are economies of scale to be gained by offering the training in-house. Attendance at such training is generally by District request and is fully sponsored on job time and with no direct cost to the attending employee.

Out-of-District Training (Individual Training) is training which is offered by area educational institutions rather than being set up by the District itself. There are four kinds of Out-of-District Training:

- a. Job Required Training: Job Required Training is defined as essential training (e.g., mandated by law or the District or vital to fulfill changed job requirements) for performance of an employee's current job. Typically this takes the form of a specifically related daytime seminar.
- b. Job Related Training: Job Related Training is defined as training which would upgrade or strengthen an employee's knowledge or skills in his/her current position. Typically this takes the form of a related daytime seminar or conference the District suggests the employee attend or the employee indicates a desire to attend.
- c. Career Related Training: Career Related Training is defined as training necessary to meet the minimum qualifications of a promotional position in existence at the District realistically sought by the employee and for which



that employee has filed a Career Plan approved by Human Resources. Usually this takes the form of night time college classes.

- d. POST Training: POST Training is police-specific training either required or recommended by the State. Approvals, sponsorship, and record keeping for POST training are the responsibility of Public Safety.

- D. District Sponsorship for Local Out-of-District Training: The degree of District sponsorship is based upon the degree of relevancy the training has with respect to the District.

Job Required Training is sponsored to its full cost, including both direct and indirect costs, and is generally on District time. Indirect costs are paid through the employee's Departmental budget and direct costs through the Human Resources training budget. There is no specified dollar limit to such training.

Job Related Training is sponsored to a maximum of \$800/year and, if not otherwise attainable, may be attended on District time only during those hours which overlap onto the employee's regular work schedule. The direct costs (tuition and books only) of a local job-related training are reimbursed through the Human Resources training budget. Indirect costs (meals, parking and travel) for locally-based job related training are at employee expense. For non-local (outside the nine Bay area counties) job-related training, the indirect costs may be paid by the employee or be reimbursed from the employee's Departmental budget if:

- a. The Department's Assistant General Manager wishes to support the request in this way, and
- b. The funds are available within the respective Departmental meals and travel budget, and
- c. Such expenses are identified as non-local job related training expenses and reported to Human Resources, and
- d. Comparable local training is not available.

In instances where the indirect costs are reimbursed by the Department, the indirect costs will be counted towards the individual employee's \$800 annual limit. If direct and indirect costs exceed \$800 for the year the training will not be approved unless the employee is willing to pay any excess over \$800.

Career Related Training is sponsored for direct costs (tuition and books only) up to \$800/year. Such course work should be chosen not to interfere with the work schedule but, if necessary and approved, a maximum of six hours/week off the job may be sponsored by the District. An employee may combine their \$800 of Job Related Training with their \$800 Career Related Training and use the total of \$1,600 for Career Related Training.

All forms of Out-of-District training that result in credit must receive such credit (must pass) in order to be entitled to any reimbursement.

- E. Guiding Principle on Amount of Training Time: Since various forms of training result in time away from the job, it is necessary that there be a guiding principle regarding how much training is considered appropriate.

In general, the total of all forms of training that take an employee away from regular duties should approximate one week per year (40 hours). While this is not a strict requirement or limit, training totals much higher should be reviewed closely by the supervisory hierarchy.

Training requests which total over 100 hours in a year are reported to the relevant Department's Assistant General Manager by the Human Resources Division, except for Public Safety which maintains its own records.

#### F. Benefit Eligibility

The training benefit applies to all Regular employees. Time and dollar limits are to be pro-rated for Part-time Regular employees and for six month and nine month Regular employees.

Training benefits do not apply for any training that starts or ends during a leave of absence.

Direct and indirect costs for approved job related and career related training completed by six and nine month regular employees will be reimbursed only when the employee is on regular work status.

Training benefits may be denied for training undertaken without the necessary District approvals.

Training benefits not used in one calendar year may not be transferred to a different calendar year.

- G. Out of State Training: Training requests that require out-of-state travel must be approved, in advance, by the Human Resources Division and the supervisory hierarchy before going to the General Manager for approval.

## **SECTION 16: SAFETY REGULATIONS AND EQUIPMENT**

### **16.01 SAFETY**

A. Policy: The safety policy adopted by the Board of Directors is: To protect the people using the parks of the East Bay Regional Park District, to improve the operating efficiency of the District, and to protect its assets, the Board of Directors hereby states that safety is a matter of primary importance and is to be given commensurate consideration; and it is the responsibility of all personnel of the East Bay Regional Park District to see that safe working conditions and safety rules and regulations are applied with practical efficiency to the total operation of the East Bay Regional Parks.

B. Program Objectives

The primary objective of the District safety program is to prevent accidents thereby protecting the lives, well-being and property of District personnel and park visitors.

The secondary objective of the program is to promote emergency preparedness so that accidents, and the emergencies they create, will be handled effectively by all District personnel.

C. Limitations: Although it is recognized that all safety programs are subject to human error and that there are limitations on time, money and energy, it is also recognized that SAFETY IS GOOD BUSINESS and NO EMPLOYEE SHALL ATTEMPT A JOB OR JOB-RELATED ACTIVITY WHICH HE OR SHE BELIEVES MAY BE LIKELY TO CAUSE AN INJURY OR PROPERTY DAMAGE.

D. Safety Program: The safety program is defined in the Safety Manual.

### **16.02 SAFETY EQUIPMENT**

A. General Safety Items: Any approved safety items such as safety hats, non-prescription safety glasses, shield, guards, etc. will be provided to employees upon request and with the immediate Supervisor's approval. Additional specialized items such as rain gear, hip boots, etc., shall be provided by the employee's supervisor on an "as needed" basis.

B. Safety Glasses: Upon due application and approval of the supervisor and Risk Manager, a Regular employee may be reimbursed for the purchase of safety glasses (which may be either prescription or "plano") in an amount not to exceed \$120 (except that the District

shall pay the full cost of plano safety glasses). Examination for prescription shall be done on the employee's time or be covered by vacation, comp time or sick leave. Reimbursement is not available for fees for eye examinations or prescriptions.

#### C. Wildland Firefighter Boots

The District will provide a pair of boots for regular and industrial firefighters. Each firefighter will wear these boots while on duty as a firefighter, except when other specialized boots are required.

Specifications for boots include:

- a. Boots shall provide firm ankle support for wildland firefighting.
- b. Boots shall have a minimum 6" high from the bottom of the heel to the top of the boot.
- c. Boots shall be "Heavy-duty, lace-type work boots".
- d. Zippers, in lieu of laces, are not acceptable.
- e. Boots shall be black with leather uppers.
- f. Boots shall have "Vibram" or equivalent non-slip and a steel shank (steel toes are optional).
- g. Boots shall have a polished or oiled finish and may be died black to conform to the policy.

The boot allowance will be determined by the Fire Department Operations section and will be reviewed annually at the beginning of February of each year.

Each firefighter will be expected to keep the boots in top condition and well-maintained. The leather tops should be oiled or greased as necessary to keep the leather pliable and water resistant. Soles and heels should be replaced before the lugs are completely worn down.

The Captain, Fire Operations will have the authority to require any firefighter to repair or replace his/her boots when necessary.

### **16.03 PARK FIRES AND NATURAL DISASTERS**

A. Coverage: The District has the obligation and right to take whatever action may be necessary to deal with emergencies. All employees of the District may be called upon for appropriate service in combating fires, disturbances, natural occurrences, accidents or other similar incidents.

B. Training

Members of the District's Fire Department shall receive special training in fire suppression techniques, hazardous materials response, emergency medical services and other pertinent emergency response scenarios

Appropriate emergency response training for other District employees shall consist of District Safety Manual Training, First Aid and CPR (may be optional depending on the employee's classification) and Emergency Response Orientation training coordinated by the Department of Public Safety.

C. Emergency Preemption of Normal Responsibilities

Any employee's normal responsibilities may be preempted in case of a declared emergency by Police or Fire Department personnel.

At the preempted employee's specific request, Dispatch will take steps to notify the immediate supervisor and other affected parties of the emergency conditions and the location of the employee.

For the duration of the emergency situation, the employee will fall under the chain of command of the Department of Public Safety, for purposes of orders, discipline, etc.

No park staff will be reduced to less than one employee without approval of the Chief, Parks Operations.

#### **16.04 MINE SAFETY**

General: State and Federal Mine Safety Regulations that are determined by CAL/OSHA Mining and Tunneling Unit to be applicable to mines on District property or Under District control shall be controlling. Response to mine-related emergencies at Black Diamond Mines shall be carried out in accordance with the provisions of the Black Diamond Mines Mine Emergency Plan. Response to the discovery of unsecured mine openings or damaged mine closure structures shall be governed by the provisions of the Black Diamond Mines Abandoned Mine Safety Program.

#### **16.05 CODE THREE EMERGENCY RESPONSE**

No employee may operate District fire apparatus under emergency, code three, response conditions unless such employee has been trained and is certified by the Department of Public Safety to operate the unit under such conditions. If an employee is not trained and certified, and must drive District fire apparatus, the employee shall first obtain permission to operate the equipment from the "on-duty fire commander". Once permission has been obtained, the employee will operate the vehicle at the normal non-emergency, code one response level with an "out of service placard displayed on the right and left side doors of the apparatus". Training for emergency code three operations shall be the responsibility of the Public Safety Department.

#### **16.06 IMMUNIZATION**

- A. Tetanus: The District's clinic recommends a tetanus immunization shot every five years. For those employees of the District whose work exposes them to sewage or to puncture wounds, the District will provide immunization upon the employee's request. The request should include an estimate of the date of the last injection, generally at the employee's last multi phasic physical, and be forwarded to Human Resources; Human Resources will schedule an appointment for immunization.
- B. Hepatitis B: Hepatitis B is considered a job hazard for those employees who, in the course of their job duties, respond to emergencies and may come into contact with blood or body fluids. Job classifications which are regularly exposed will be provided (at no cost to the employee), the Hepatitis vaccine as defined in the Blood Borne Pathogens Policy of the Safety Manual. The program is confidential in nature and under the direction of the Risk Manager's safety program.

#### **16.07 HAZARD COMMUNICATION POLICY**

In 1980 the State of California passed the Substance Information and Training Act, better known as the "Workers Right-To-Know Law". The purpose of the law is to insure that employers and employees have access to important health and safety information regarding hazardous substances in the workplace. Refer to the Safety Manual.

## **16.08 ASSISTING EMPLOYEES WITH LIFE THREATENING ILLNESSES**

The District recognizes that employees with life-threatening illnesses (including but not limited to cancer, heart disease and AIDS) may wish to continue to engage in as many of their normal pursuits as the condition allows, including work. Therefore, the District is committed to minimizing the social and work consequences related to maintaining employment for employees with such conditions. It is District policy to allow employees with life-threatening illnesses who are deemed medically fit to work, and who are able to meet acceptable performance standards, to continue employment by providing reasonable work accommodation for them while maintaining a safe work environment for co-workers and other affected employees. The District recognizes that continued employment for an employee with a life-threatening illness may sometimes be therapeutically important in the remission or recovery process or may help to prolong the employee's life.

Consistent with this policy, the following guidelines shall be used by managers and supervisors in dealing with life-threatening illness employment issues.

- A. Confidentiality: Employee's health conditions are confidential. Under California Confidentiality of Medical Information Act, the District cannot reveal an employee's confidential medical record without the written permission of the employee. The only exception is permitting disclosure of the information for the purpose of administration and maintenance of the employee benefit plans.
- B. ADA Provisions: Employees who are disabled as a result of life-threatening illnesses are protected under the State's handicapped provisions. The District will make reasonable accommodations for employees with life-threatening illnesses whenever possible. The Human Resources Division must be contacted prior to adverse employment decisions involving employees with life-threatening illnesses.
- C. Contagious Concerns: The Aquatic Manager is designated as the District contact person should there be any concerns regarding the possible contagious nature of an employee illness or for educational material dealing with life-threatening illnesses.
- D. Benefit Eligibility

Employees with life threatening-illnesses are entitled, to the extent they are otherwise eligible, to coverage under the various District leave and disability plans. Employees with life-threatening illnesses should contact the District Benefits Manager regarding such benefits. As with all other illnesses, employees may be required to provide a physician's certification regarding ability to work, work restrictions, amount of time needed for leave or any other information related to the illness.



Employee Assistance Programs are available to employees with life-threatening illnesses, and assistance from established community support groups should be sought.

E. District Directed Physical: If the supervisor of an employee with a life-threatening illness believes that the employee is unable to perform (or perform safely) the duties of the position, the District may direct the employee to undergo a medical examination by the District medical clinic. The results of the examination will be used to guide the Human Resources Division in decisions affecting the employee.

F. Co-workers

If co-workers become aware of an employee's health problem, the supervisor should be sensitive and responsive to the co-workers' concerns. If in-house educational efforts do not sufficiently respond to the co-workers' concerns, the District will offer the option to seek appropriate employee assistance programs or educational programs to allay the co-workers' concerns.

Special consideration beyond normal voluntary transfer requests will not be given to employees who feel threatened by a co-worker's life-threatening illness.

#### **16.09 USE OF RADIO AND EARPHONES WHILE OPERATING EQUIPMENT**

State law has made the use of radio and earphones a violation when operating a motor vehicle. It is also the consensus of the District Central Safety Committee that this is also a very dangerous situation when operating other equipment. No employee will wear earphones connected to radio or tape recorders when operating any power equipment.

## **SECTION 17: ADMINISTRATIVE PROCEDURES**

### **17.01 HIRING**

Antidiscrimination - The Park District is an Equal Opportunity Employer and does not discriminate on the basis of race, religion, creed, color, national origin, ancestry, ethnicity, physical disability, mental disability, medical condition, genetic information, age (over 40), marital or domestic partner status, sex, gender, gender identity, gender expression, sexual orientation, military and veteran status, and political or union affiliations. The Park District prohibits discrimination of any other basis protected by law.

Eligibility to Work - All persons employed by the Park District are required to comply with the Immigration Reform and Control Act of 1986 by presenting documents to verify identity and authorization to work in the United States.

#### **A. Incompatible Activities**

The District is a public agency. Its assets are owned by the taxpayers who support the District and are entrusted to the care of District personnel for use only on legitimate public business. No individual is entitled in any way to any of the District's assets, nor should any of the District assets be used by the employee for personal or non-District purposes.

The following actions by employees are inappropriate and in conflict with the duties and responsibilities of employment.

- a. Using information acquired by virtue of District employment for private gain or advantage.
- b. Providing information or services to contractors or other persons which would tend to give them a competitive edge over others in dealing with the District.
- c. Providing confidential information to persons other than those authorized by the General Manager.
- d. Using the prestige or influence of a District office or employment for private gain or advantage.

- e. Using or borrowing District time/on-duty hours, facilities, motor vehicles, equipment (including but not limited to: computers, copiers, scanners, fax machines, and District telephones) or supplies for personal use/business or advantage or for internal union business or police association business. This would include use of a private cell phone for personal business while on duty but does not preclude the use of cell phones during breaks, lunch hours, or critical emergencies or matters of urgency.
- f. Soliciting or accepting a gift or loan of money or property from any person who does business with or performs services for the District, whether under contract or otherwise. This does not preclude an employee from borrowing money or renting property from a supplier under the same conditions and costs which apply to individuals having no business connection with the supplier.

Conflict of Interest: Designated employees are required to file Conflict of Interest statements and, when necessary, to disqualify themselves from acting so that conflicts of interest may be avoided.

Disqualification for Making a Contract: Employees may be disqualified from making a contract as described in Resolution 1988-11-420 which is included in the Board Operating Guidelines.

Disqualification for Making a Contract: Employees may be disqualified from making a contract as described in Resolution 1988-11-420 which is included in the Board Operating Guidelines.

The District has a set of Ethical Guidelines which are provided to the employee upon hire. Receipt of these guidelines is evidenced by a signed statement which is included in the employee's Personnel file.

Disqualification for Making a Contract: Employees may be disqualified from making a contract as described in Resolution 1988-11-420 which is included in the Board Operating Guidelines.

The District has a set of Ethical Guidelines which are provided to the employee upon hire. Receipt of these guidelines is evidenced by a signed statement which is included in the employee's Personnel file.

- B. Types of Employment: District employees shall be designated in one or more of the following categories: Regular, Seasonal, Temporary, Probationary, and/or Part-time.

A Regular employee is an employee hired in a Management or Confidential classification as provided in the District's annual budget or by other Board action.

Seasonal employees are employees hired in those job classifications which are designated seasonal on the basis that predictable, recurring increased park use occurs during certain times of the year which requires the hiring of additional employees in such classifications.

A Temporary employee is any person, not classified a Regular or Seasonal employee, who is hired by the District to fill short-term job openings which are unpredictable.

Probationary employee refers to any regular employee who has not completed the required probationary period.

Part-time employee refers to any employee who normally works less than 35 hours per week. A full-time employee normally works 35 hours or more per week. Regular part-time employees shall accrue vacation and all other benefits afforded full-time regular employees on a pro rata basis according to the time such employee actually works in relation to the normal week for the full-time classification, or as defined in individual benefit policies.

#### C. General Employee Selection

Selection of District employees shall be based on education and training, previous related experience, physical and mental fitness, and other job-related qualifications of the position being sought. Prospective employees must also meet general qualifications of integrity, honesty, freedom from addiction to harmful drugs or alcohol, accuracy, initiative, courtesy, resourcefulness, cooperativeness and willingness to assume required job responsibilities.

As a part of determining job-related qualifications, applicants may be required to take written or performance tests and/or other assessment devices; undergo medical or psychological examination; undergo background or reference checks; provide or release information as to criminal record, medical history, previous work record, etc.; and cooperate with any other method of assessing suitability. Any such steps anticipated will be explained in the examination announcement.

State of California Cooperative Personnel Service Tests: The Human Resources Division is authorized to purchase examination forms from the State Personnel Services Division for use in the employment process.

In compliance with California's Commission on Peace Officers Standards and Training (POST) regulations, the District will accept POST Entry-Level Law Enforcement Test Battery (PELLETB) T-scores from other agencies. The District will maintain the pass point of 47 as the minimum T-score acceptable for hire of recruit candidates.

D. Direct Selection

The General Manager shall have the option of hiring Management and Confidential Employees without following the standard selection process when it is in the best interest of the District to proceed with direct hiring. Employees hired under this option will be reported to the Board of Directors.

E. Posting of Job Announcements: Job announcements will be posted on the headquarters Human Resources Office bulletin board for not less than two weeks prior to the final filing date. Copies will be sent to locations with bulletin boards to post for employee information. The last day on which applications for an opening will be accepted will be included in the job announcement.

F. Application: Job applicants, including District employees applying for a promotional or new job opening, must submit a current and complete application form and such other attachments as are specified in the examination announcement. This is the applicant's responsibility. Incomplete or non-current applications are cause for rejection.

G. Selection for Interview

All applicants will be evaluated based on the application materials and the information provided under Section 17.01 (G).

Selected applicants will be scheduled for interview by an appropriate Oral Board. Each applicant selected for interview shall be invited for interview no less than five working days prior to the interview date.

Interview Transportation Expenses: Interviewees will be required to provide their own transportation to the interview; however, with prior General Manager approval, out-of-the-area applicants' travel expenses may be paid.

H. Oral Boards

All Oral Boards, with the exception of those interviewing seasonal and sworn applicants, shall consist of the Human Resources Manager or a designee (who shall be the chairperson); the head of the Department or a designee of the Department having the opening; and a third member, appointed by the Human Resources Manager, not in the employ of the District but having knowledge of the type of work involved in the open position.

The Oral Board for Seasonal positions may consist of a representative or designee of the Human Resources Division (who shall be chairperson) and a representative of the Department having the openings.

The Oral Board for Academy Graduate and Recruit Police Officer positions shall consist of a representative or designee of the Human Resources Division (who shall be chairperson), two representatives of the East Bay Regional Park District Police Department, (Sergeant and Field Training Officer), and a representative (Sergeant) from a neighboring Police Department.

The Oral Board for Lateral positions may consist of the East Bay Regional Park District, Assistant General Manager, Public Safety.

An Oral Board for a Regular classification opening shall not have two voting members from the same Department who report to the same supervisor.

The Human Resources Manager or designee shall review and monitor all questions used by the Oral Board to assure that questions are relevant to the requirements of the open position and that similar questions are asked of all applicants.

#### I. Alternative to Oral Board

In the event that five or fewer qualified individuals submit application for an examination and meet the minimum qualifications, the Human Resources Manager, with the concurrence of the head of the Department, may forego the formal Oral Board procedure. These applicants based upon their application materials, will be considered the "five most qualified" and therefore will be designated "First Pool" without appearing before an Oral Board. Selection and hiring out of a First Pool shall be identical to any other First Pool.

For Management or Confidential positions hired under the Board or General Manager's option for direct hire, Section 17.01 (E), the interview process may include an Oral Board or other combination of interviewing individuals as determined by the Human Resources Manager and appointing authority.

#### J. Rating and "Pool" Assignment for Regular Positions

Rating: After all interviews are completed, each Oral Board member shall independently rate each applicant according to pool designations. Applicants considered to be most qualified are to be designated "First Pool." Applicants considered to be next most qualified are to be designated "Second Pool." The number of First and Second Pool designations shall be based on factors relating to the number of vacancies to be filled, as determined by the Human Resources Manager. Each First Pool designation awarded will count two points; each Second Pool designation awarded will count one point.

Pool Assignment: The points awarded by each of the Oral Board members shall be combined. Candidates receiving five or six points will be placed in the First Hiring Pool. Candidates who received three or four points will be placed in the Second Hiring Pool. The candidates selected for the First Hiring Pool will be listed in alphabetical order and posted on the District Headquarters' bulletin board as those persons most qualified for appointment. Following selection of all available candidates in the First Hiring Pool, the Second Hiring Pool will then be listed in alphabetical order and posted on the District Headquarter's bulletin board.

EXCEPTION: For Police Officer academy graduates and recruits, there will be a four member panel. Sworn candidates receiving six to eight points will be placed in the First Hiring pools. Candidates who receive three to five points will be placed in the Second Hiring Pool.

#### K. New Employee Reference Check

Following the Oral Board process and prior to hiring, the Human Resources Division will contact former employers of the out-of-house candidates in the First Pool as a reference check. Findings will be documented on the Reference Check Form and filed in the examination files. If the Reference Check reveals serious omissions or false statements, Human Resources will remove the individual from the Pool. If the Reference Check is adequate or better, the individual will remain in the Pool for consideration. When the last individual is hired from the First Pool, Human Resources will proceed similarly with the Second Pool.

The Human Resources Division is responsible for the reference checking process on all new regular employee candidates except Police Officers and other Public Safety classifications.

#### L. Livescan Fingerprinting and I-9 Processing: It is the policy of the District to comply with all State and Federal laws concerning employment. Please refer to Human Resources Policies and Procedures # 3 for the Fingerprinting Policy. All employees must, prior to or on the first day of employment, be required to submit verification of legal right to work in the United States.

- M. Removal from Pool Listing: The Human Resources Manager may act to remove from the pool listings any candidate therein who is subsequently discovered to be lacking any of the established qualifications for employment.
- N. List Abolishment: All pool listings shall be abolished one year (12 months) from the date of the establishment of the pool, or when exhausted. In the event that the District wishes to extend the length of that pool, it may do so only after receiving consent from the appropriate Bargaining Unit. After receiving consent, the pool may be extended for up to three (3) months.
- O. Rating for Seasonal Positions: Rating of applicants for Park Operations seasonal positions shall be expressed in percentages with 70% being the minimum qualifying score. Independent ratings by the Oral Board members shall be made in a manner prescribed by the Human Resources Manager. The average of these ratings will determine the applicant's final rating. All applicants who receive a rating of 70% or higher will have their names placed in alphabetical order on a hiring list for that position.
- P. Appointment: The appointing authority shall consider all relevant factors and shall choose the candidate who is most qualified to fulfill the specific job needs of the specific job opening being filled (e.g., most qualified to serve as Park Ranger at Redwood Regional Park).

Regular Positions: Appointment to a Regular position shall be made by the appointing authority from the posted pool of candidates.

- a. Appointment to managerial positions shall be made by the General Manager or a designated representative, in consultation with the supervisor and the appropriate Assistant General Manager.
- b. All other appointments shall be made by the appropriate Assistant General Manager, or a designated representative, in consultation with the Human Resources Manager.

Seasonal Positions: All appointments shall be made by the appropriate Assistant General Manager or a designated representative from the posted list taking into consideration availability, and distance between residence and place of work. Where no seasonal list exists, appointment shall be made in consultation with the Human Resources Manager.

Temporary Positions: Appointment to Temporary positions shall be made by the appropriate Assistant General Manager or designated representative in consultation with the Human



Resources Manager. Temporary employees must meet the minimum job requirements of the position to which they are appointed.

- Q. Nepotism: Please refer to Human Resources Policies and Procedures # 6.
- R. Waiver of Appointment (Regular and Seasonal): A regular status candidate occupying a position in a first hiring pool who is offered an interview or a position and declines either, or does not respond shall have the eligibility for further job offers altered in this fashion: The candidate will be moved to the second pool. Regular status candidates occupying a position in a second hiring pool, who are offered an interview or a position and decline either, shall be removed from that hiring eligibility list. Seasonal candidates occupying a position on a list, who are offered an interview or a position and declines either, shall not be considered until others on the hiring list have been referred.
- S. Pre-employment Physical: All regular District employees should be certified as medically fit to perform the duties of their job classification at the time of initial appointment. Human Resources will contact the prospective employee and arrange for a physical before the hire date.
- T. Contact: When the selection is made, the supervisor will notify the Human Resources Division. Human Resources will contact the new employee regarding scheduling a pre-employment physical examination. Upon receiving notification of passing the physical, Human Resources will notify the supervisor. The new employee's supervisor will set the starting date and initiate the Personnel Change Form.
- U. Re-employment: An individual re-employed by the District shall be treated as a new employee. A re-employed employee may "buy back" prior service per the rules of that individual's retirement plan. (An individual covered by the EBRPD Employees' Retirement Plan must exercise this option before the end of the first year of re-employment.)

## **17.02 PROBATION**

All regular positions serve at the pleasure of the Board and the General Manager and will be subject to a probationary period.

- A. Length: Original or promotional appointments for Management positions shall normally be subject to a probationary period of one year from date of appointment. For all other positions the probationary period shall be six months continuous service from date of appointment. For less than full time employees, conclusion of probation will be at the

completion of 1040 or 975 hours of work (depending on whether their normal work week is 40 hours or 37 ½ hours, respectively).

- B. Appraisal: A satisfactory performance appraisal is required at the completion of the probationary period in order to pass probation.
- C. Waiver: The probationary period for a Confidential employee will be waived if an individual has been temporary or acting for a single instance of at least six continuous and consecutive months immediately preceding the appointment (no accumulation of separate instances of any length will be considered).
- D. Failure to Complete Probation

The District may, at any time during any probationary period, in its sole discretion, extend probation, terminate, remove or demote an employee.

An employee who does not successfully complete the probationary period of a promotional opportunity, by reason of failing to meet the work standards of the new position (non-disciplinary), shall revert immediately to the position last occupied prior to the promotion.

The District will generally give two weeks' notice to any probationary employee who will be terminated for failure to pass the probationary period. Where such notice is not advisable nor warranted, a probationary employee may be terminated immediately. In certain cases, where it is in the best interest of the District, two weeks' pay may be substituted for such notice.

### **17.03 PERFORMANCE APPRAISALS**

- A. Timing: All District employees are to receive a written appraisal at least once each year. This includes Regular, Seasonals and Temporaries. Performance appraisal is based on the duties described in the Job Classification or revisions of the duties made during the job coaching process.

For Regular employees the following schedule applies:

- a. Field employees due in Human Resources by October 1st.
- b. Supervisors due in Human Resources by November 1st.

- c. Managers and Confidentials due in Human Resources by January 1st.

For Probationary employees the rating is more frequent. A rating is done at the end of the third month and as frequently thereafter as necessary. An acceptable report is required before an employee becomes permanent.

For Seasonal and Temporary employees the ratings are done just prior to the end of the season or at the end of the assignment so the employee will receive the appraisal before leaving.

- B. Signature: Every performance appraisal must be signed by the employee at the time it is discussed. The signature and date verify that the employee has seen the report and that the report was discussed with the employee.

- C. Disagreement: Employees must sign the appraisal, but may initial the appropriate "I disagree" option on the appraisal form. Following discussion with the next level supervisor, the appraisal will be forwarded to Human Resources and held until either a grievance is filed and resolved or the time limits on filing a grievance have expired, at which time it will be filed.

- D. Appraisal Responsibility

Appraisals are to be done by the employee's direct supervisor.

Appraisals of the Chief Financial Officer/Controller and Clerk of the Board shall be the responsibility of the Board of Directors with input from the General Manager.

Appraisal of the General Manager shall be a Board responsibility.

- E. For additional information regarding Performance Appraisals, please refer to the Human Resources Policies and Procedures # 13.

#### **17.04 TRANSFER**

- A. Process: When a vacancy occurs, the appointing authority may select a person to fill the vacancy from a list of those requesting transfer, or from the hiring list.

- B. Voluntary Transfer: An employee wishing to transfer from one park, area, or Department to another shall submit a request through the supervisor to the Departments' Assistant General Manager. Such request shall state in detail the reasons for the transfer request. There shall be no prejudice against an employee requesting transfer.
- C. Directed Transfer: Transfers from one area or Department to another may be directed by the appropriate Assistant General Manager. Whenever practical, the employee being transferred will be given at least two weeks' notice. The transfer shall be discussed in advance with the employee. An explanation of the reason for the transfer will be given. If the transfer will create severe family or financial burdens upon the employee, the transfer shall be reviewed by the Human Resources Manager before final action is taken. In the event a satisfactory agreement cannot be reached, the employee shall have the right to present the case in writing to the General Manager whose decision will be final.
- D. Transfer by Trade: If two employees in the same classification wish to trade their regular assignments, such trade will be permitted provided the following conditions are met:

If the employees are regular, they must have completed their probationary periods.

Employees agree that they may not transfer again for six months.

All supervisory levels including the Assistant General Manager, for both employees, approve the trade.

#### **17.05 RECLASSIFICATION**

- A. Please Refer to Human Resources Policies and Procedures # 10.

#### **17.06 ACCESS TO CONFIDENTIAL DEPARTMENTAL INFORMATION**

- A. Finance and Human Resources Divisions: All information which is received or generated by the Finance and/or Human Resources Divisions is official and, as such, must be handled with discretion and in accordance with the dictates of normal practice and good judgment. Employees are not entitled to use this information for any personal (i.e., other than District) purpose.
- B. Other Departments: Some information received by other Departments may have the same degree of confidentiality as that received by the Chief Financial Officer/Controller and

Human Resources Manager. Such information will be treated with the same discretion and care.

- C. Documents which are a matter of public record may be made available through Management Services in accordance with the established District policy.

#### **17.07 PROVIDING FOR DEFENSE OF CIVIL ACTIONS AGAINST EMPLOYEES**

##### **A. General**

The Government Code provides for the defense of civil actions or proceedings brought against public employees in their official or individual capacity, or both, and for the payment of civil damage judgments rendered in said actions. Pursuant to the Government Code, the District shall provide for or conduct the defense of any claim or action brought against employees, officers or directors, or former employees, officers or directors, in their official capacity or individual capacity, or both, when such claim or action purports to arise out of the conduct of the District's business or activities while acting as such employees, officers or directors. In the event provisions of Government Code Section 995.2 apply (relating, among others, to conduct not within the scope of employment or fraud, corruption or malice by the individual), the District may refuse to provide a defense.

##### **B. Associate Counsel**

Employee Option: Should the individual or individuals against whom the action is brought desire, Associate Counsel may be engaged, at the individual's expense, to participate with the District in defense of the action.

District Option: Should there be a specific conflict of interest in having the District Counsel represent both the District and the employee, at the District's option, an Associate Counsel may be provided to the individual against whom the action is brought, at District expense, to participate with the District in defense of the action.

## SECTION 18: EMPLOYEE DISCHARGE

### **18.01 EMPLOYMENT TERMINATION**

- A. Continued Employment: Regular employees of the District are assured continued employment provided funds are available, funds are budgeted, the position is required within the organization, and the employee maintains satisfactory performance. However, employment by the Park District is at-will and may be terminated by the District with or without cause.
- B. Performance Requirements: Satisfactory performance expectations will be based on duties described in the job description or developed through the coaching process and measured by performance appraisals. Appraisals will include specific job requirements and the following general performance factors must be met:

Observes and obeys the rules and regulations of the District.

Remains physically and mentally fit.

Continues to work enthusiastically and effectively.

Works harmoniously and cooperatively with fellow employees.

Is fair, honest and courteous with employees and the public.

- C. Termination: Employees shall be considered terminated as employees for the following reasons:

Discharge (with or without cause).

Resignation, including unexcused absence (Section 20 (B) (8)).

Failure to return to work when recalled from layoff.

Failure to return to work after expiration of a leave of absence.

Retirement.

Layoff for a continuous period of 18 months.

Inability to physically or mentally perform the job requirements.

Failure to complete the probationary period (Section 17.02 (D)).

- D. Work Force Reductions: Reductions in work force may occur due to lack of funding or changes in the organization's structure. In the event reductions are required, the criteria for retention and recall will be as follows:

Needs of the District.

Employee qualifications.

Length of service.

- a. In the event of reduction in the work force, classification length of service shall be the controlling factor after District need and employee qualifications. Within the same classification, Seasonal and Temporary employees will be laid off before Regular employees. Thereafter, an employee to be laid off may revert to any position or classification previously held and, in such classification, the employee shall be credited with District length of service.
  - b. Length of Service is defined as the length of continuous paid employment with the District, calculated from the most recent date of hire for Permanent and Temporary employees. Length of Service for Seasonal employees is the accumulated total paid employment with the District.
- E. Recall: Recall will be in reverse order of reduction, based on the needs of the District and the employee qualifications. The District will rely on its records for the last address of the laid off employee and may remove from the recall list an employee who does not accept recall to work within 10 days after mailing of notification.
- F. Notice

The District shall give a minimum of 30 days' prior notice in the event of layoff of any regular employee.

In cases of termination of a regular employee for non-disciplinary cause, the District will normally give at least two weeks' notice. In the best interest of the District, such notice may take the form of two weeks' pay.

#### G. Termination - Seasonal and Temporary Employees

Notice: No advanced notice of termination or layoff of Seasonal or Temporary employees is required; however, in cases of non-disciplinary termination, the Seasonal or Temporary employee should be given as much advance notice of the termination date as possible.

Termination for Cause: The supervisor of a Seasonal or Temporary employee may terminate such employee for cause only after consultation with their immediate management level supervisor and a management representative from the Human Resources Division.

#### H. Termination Procedure

Pay on termination is covered under Section 18.04.

All benefits cease on date of termination.

All terminated Regular employees will receive an exit interview.

Termination date will be the last day actually worked.

The supervisor will direct the employee to contact Human Resources for scheduling of the exit interview before the last day of work and will initiate the Personnel Change Form for termination.

### **18.02 EXIT INTERVIEW**

A. Purpose: Regular employees that voluntarily depart will be invited by a representative of the Human Resources Division to:



Apprise employee of benefits due and how to receive them.

Update all Personnel file information.

Confirm return of all District equipment (uniforms, keys, etc.).

Document reasons for staff turnover.

B. Retention: The exit interview form will be kept in the Personnel file.

C. Copy: A copy of the completed exit interview form will be given to the departing employee.

### **18.03 HEALTH BENEFITS ON TERMINATION**

A. Timing: Medical, dental, vision and employee assistance program plan benefits cease for all employees as per contractual agreements with plan carriers. For specific information, contact the Benefits Department.

B. COBRA: The Act provides that all covered members of the District medical, dental, vision and employee assistance program plans are entitled to elect to remain in the plan at their own expense, after coverage would otherwise terminate. The District will administer COBRA benefits and notify all eligible persons of their COBRA rights as required by prevailing federal regulations.

### **18.04 PAY ON TERMINATION**

A. Termination date will be the last day worked and accrued vacation and comp time must be taken as pay and may not be used to extend the termination date.

B. Payout will be made to the employee for:

Salary to effective date of termination.

Accrued vacation and comp time, if any.

Additional salary payout may be made as follows:

- a. Sick Leave:
  - i. Management and Confidential - Section 11.01(H) of this Manual
  - ii. Local 2428 - Section 23.6 of the Labor Agreement.
  - iii. Public Safety - Section 11.5 of the MOU.
- b. Pay in lieu of notice - Section 18.01 (F) (2) of this Manual.

Additional credit to Retirement may be made as follows:

- c. Sick Leave and Additional Credit to Retirement
  - i. Management and Confidential - Sections 11.01 (H) of this Manual.
  - ii. Local 2428 - Section 23.6 of the Labor Agreement.

The final check for an employee that resigns or is terminated will be on the Friday, which is the normal pay day in the pay cycle.

Severance Pay is provided for Management employees in accord with Resolution 1975-10-197.

#### **18.05 RETIREMENT/DEPARTURE CELEBRATIONS**

- A. Announcement of such events may be made through regular District inter-office mail channels and celebrations for departing employees will be held only during lunch time or other off duty hours.
- B. No District resources or funds may be used for such events.

#### **18.06 EXECUTIVE SEARCH FIRM**

An Executive Search Firm for separated permanent Management employees will be provided as described in Resolution 4756.

## **SECTION 19: PERSONNEL FILES**

- A. Confidentiality: Employees' Personnel files shall be held in strict confidence by the District and shall be subject to inspection only by officials of the District acting on official District business; the employee; or in accordance with the employee's written instructions (which shall be a part of the file), or as otherwise required by law. It shall be the policy of the District to notify employees of all adverse material (specifically including any material that would adversely affect their performance evaluation or promotability) placed in their Personnel files and to discuss such material upon written request.
- B. Release: In the event that a business inquirer contacts any District supervisor to obtain job reference information on any former or current District employee, the information given out over the phone shall be limited to the dates of employment. If business inquirers ask for other information, they should be instructed to obtain a signed letter from the employee authorizing the opening of the employee's Personnel file. Upon receipt of this letter by the Human Resources, the Personnel file will be made available to the business inquirer.
- C. Home Contact: Employees' home telephone numbers and addresses are only to be given out for justifiable District business.

## **SECTION 20: DISCIPLINE**

A.     Actions: Disciplinary actions may include the following:

Oral reprimand

Written reprimand

Suspension

Demotion (which may include reduction in pay)

Discharge

B.     Cause: Employees may be disciplined for just cause, including without limitation, the following:

Fraud in securing appointment.

Incompetency.

Inefficiency.

Inexcusable neglect of duty.

Insubordination.

Dishonesty.

Drunkenness.

Inexcusable absence without leave. An employee absent for three consecutive scheduled work days without notification of valid reasons to the District, and has no legitimate reasons for not notifying the District for this absence, may be considered as having resigned.

Conviction for the use of, or addiction to the use of narcotics or habit-forming drugs or being under the influence of alcohol or narcotics during working hours.

Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this section.

Abusive treatment of the public or other employees.

Political activity during working hours, or on District property, or in the name of the District.

Willful disobedience.

Willful misuse of District property.

Participation in work or other activity during leisure hours that impairs efficiency in the performance of, or is incompatible with District duties.

Failure to abide by the Rules and Administrative Manual policies.

Promulgation of inaccurate or false information concerning the District which by its nature may bring discredit to the District.

Misrepresenting oneself as a spokesperson for the District that is of such a nature as to bring discredit to the District.

Receiving or accepting a gift of any material value from any individual, firm or corporation doing business with the District, or failing promptly to report the offer of any such gift to the General Manager, if acceptance of such a gift is likely to cause any person to reasonably believe that the gift was given for the purposes of improperly influencing the employee in the performance of any official duty.

For example: An employee may accept inexpensive advertising items bearing the name of the firm, such as pens, pencils, paperweights, or calendars. No employee may accept from a third party payment for lodging while on District business except where a technical

society or similar organization pays an employee's expenses in connection with the employee's attendance at a District business-related conference or planning session.

The principle for an employee to follow is to avoid any implied, assumed or direct obligation to show favoritism or more friendliness to one person or firm than to others. An employee must avoid accepting gifts through third parties or accepting gifts from anyone who is likely to do business in the future with the District. If there is any doubt as to the propriety of accepting a gift, the employee should decide against acceptance.

- C. Notice: In all cases of disciplinary action, except oral reprimand and termination during the probationary period, the District will give prompt notice thereof in writing to the employee.
- D. Reprimand: Should it be necessary to reprimand an employee, it shall be done whenever practical, in a manner that is consistent with good employee relation principles.

## **SECTION 21: GRIEVANCE PROCEDURE**

- A. **Grievance:** A grievance is any dispute, related to the matters of this Personnel Administrative Manual, between the District and an employee or employees.
- B. **Time Limits:** It is the intent of the District to anticipate and diminish causes of grievances, to settle any which arise at the lowest practical level of supervision, fairly and as promptly as possible. Therefore, there should be time limits between the initiation of the grievance and its occurrence, between steps of the grievance procedure, and the time in which each answer must be given. The procedure shall be the exclusive method of pursuing grievances and a condition precedent to initiation of legal proceedings. Any grievance not initiated or pursued by the aggrieved employee, within these time limits, will be considered settled on the basis of the last timely answer by the District unless the time is extended by agreement of both parties.
- C. **Records:** At each step of the grievance procedure, the District shall make available any record relied upon to sustain the action which gave rise to the grievance and any other information necessary and pertinent to the processing of the grievance, except for any material which, in the District's discretion, must, in the public interest, be kept confidential or which is intimate and private to the grieving employee.
- D. **Representation:** Employees who wish to be represented shall be allowed such representation which shall consist of not more than two representatives.
- E. **Steps:** Grievances will be processed in the following manner and within the stated time limits:

The aggrieved employee or group of employees shall orally present the grievance to their supervisor within 15 working days following the occurrence of the events on which the grievance is based. The supervisor shall give a verbal answer within three working days of the date of presentation of the grievance.

If such grievance is not settled in Step 1, it shall be reduced to a reasonably detailed written grievance, dated and signed by each aggrieved employee, and presented in a meeting to the head of the Department within seven working days after the supervisor's oral answer is given. The head of the Department shall reply in writing to the grievance within seven working days of the date of presentation of the written grievance.

If the grievance is not settled at Step 2, the grievance shall be presented in a meeting to the General Manager (or designated representative) within seven working days following delivery of



the head of the Department's response. The grievance shall be presented along with all pertinent written material to date. The reply to the grievance shall be in writing within seven working days of the date of presentation of the grievance.

Grievances not settled in Step 3 of the grievance procedure may be referred to arbitration by either party. Request for arbitration shall be made in writing within five working days after the Step 3 response is given. An impartial Arbitrator may be selected jointly or the parties may request the State Mediation and Conciliation Service to submit a list of five arbitrators. Each party shall in turn cross off one name on the list, the first party to cross off a name to be determined by a flip of a coin. The final name left shall be the Arbitrator. The Arbitrator shall have access to all written statements and documents relevant to the grievance. The Arbitrator shall render his decision no later than 30 days after the conclusion of the final hearing. Such decision shall be in writing and shall be final and binding on parties and made in accordance with, and in conformance to, the Personnel Administrative Manual. Copies of the decision will be furnished to both parties.

The Arbitrator shall have no authority to add to, delete, or alter any provision of this Manual, but shall limit the decision to the scope, application and interpretation of the provisions of the Manual and shall make no decisions in violation of existing law.

- F. Arbitration Costs: The fees and costs of the Arbitrator shall be paid 60% by the District and 40% by the aggrieved employee. If any grievance is determined to be, in fact, frivolous, by the Arbitrator, the party having filed same shall pay all costs of arbitration, and shall in addition pay the sum of \$250 to the other Party in compensation for its legal and staff expenses. Otherwise, each Party shall compensate its own representatives and witnesses. The aggrieved employee and those District employees called as witnesses by the employee shall be on leave-without-pay status.

In case of a grievance involving any money claims against the District, no award shall be made by the Arbitrator which shall allow alleged accruals prior to the date when such grievance shall have been presented to the District in writing except in a case where the employee, due to lack of knowledge, could not know prior to that date that there were grounds for a claim. In such cases, retroactive claims shall be limited to a period of 270 calendar days prior to the date the claim was first filed in writing.

- G. Pre-disciplinary Notice and Meeting: In the event the District intends to discharge a Regular employee, to impose a suspension without pay or to demote a Regular employee, the District shall, if the employee has completed the original probationary period, utilize the following procedure:

The employee will be given written notice of the proposed disciplinary action not less than five calendar days prior to the effective date of the action. The notice shall set forth the reasons for

the action and shall be accompanied by copies of written materials, if any, upon which the action is based.

Prior to the effective date of the disciplinary action the employee may request and, if so, shall be granted an informal hearing to discuss the proposed disciplinary action. The informal hearing shall be conducted by the employee's head of the Department and shall be attended by the next immediate supervisor of the employee who is not a member of a bargaining unit. The employee may be represented. The purpose of this meeting is not to gather evidence for future meetings; therefore, no record will be made. Failing reconciliation, the formal grievance procedure may be used.

## **SECTION 22: DISTRICT RESIDENCE**

- A. The District Residence Policy is included in the Revenue Operations Manual.
- B. Employees who reside in a District residence may have monthly rent deducted from their checks.

## **SECTION 23: BOARD OF DIRECTORS MEETINGS**

### **A. Attendance at Board Meetings**

General: An individual employee who wishes to attend a District Board meeting as a private citizen (as opposed to attendance as a member or representative of a union or association, which is covered in the Agreement or the MOU) should be given the opportunity to attend provided that person's absence from the job does not cause operating problems for the District.

#### **Procedure**

- a. Requests for time to attend a Board meeting shall be made to the employee's immediate supervisor outside a bargaining unit.
- b. If the request to attend the meeting can be granted at no cost to the District or without hardship or operating problems to the District, approval to attend the meeting shall not be unreasonably withheld.
- c. Time taken to attend a Board meeting as a private citizen shall not be paid by the District; however, the employee may use vacation time or compensating time for this purpose.

#### **Limitations**

- d. No park, Department or operating unit will be shut down through depletion of staff requesting attendance at any particular Board meeting.
- e. Employees attending a Board meeting as private citizens shall be accorded the same privileges as other private citizens attending the meetings.
- f. If employees attend Board meetings as private citizens but are in uniform, they shall inform the Board of their private citizen status.
- g. Employees attending the Board meeting as private citizens shall not use such appearance before the Board to circumvent the normal processes available through the Labor Agreement, MOU or Personnel Administrative Manual.

## B. Board Contact

**Employee as Citizen:** Any employee may contact a Board member, while not on paid time, as a private citizen or as a representative of a special group. Employees should clearly identify, to the Board member, the group they represent, if any.

**Employee as Employee:** When an employee is acting as a representative of the District (e.g., in uniform, on paid time, fulfilling the duties of the classification, representing management, etc.) such employee may not contact a Board member regarding a Board item without clearing that contact, in advance, with the General Manager's office and the originator of the Board item.

## **SECTION 24: MISCELLANEOUS**

### **24.01 LOAN OF STAFF**

- A. Interview Panels: A District employee may participate as a member of an interview or assessment panel for an outside agency with approval of a management level supervisor when such panels are not more than one day requirements.

Any request for participation requiring more than one day will require the approval of the head of the Department. Approval should be tempered by the reciprocal history of the requesting agency.

Salary and benefits will be paid by the District. Should any other costs be associated with District participation, these costs will be borne by the requesting agency.

- B. Other Types of Participation: District employees may be allowed to assist other agencies (e.g. teach class, serve as speaker, etc.) subject to the following limitations:

Approved by head of the Department or higher level supervisor.

Limited to five days per year of District time for any employee unless additional time is approved by the General Manager.

The benefit to the District is commensurate with the expended time, and time is available from requesting employee's workload.

The General Manager shall determine if reimbursement of the District is required for loss of the employee's services as a result of this type of participation. Reimbursement may include the employee's salary and expenses.

- C. Employee Time: There shall be no restriction on an employee's participation in outside agency programs on their own time, provided such participation does not impair efficiency in performance of, nor is incompatible with, District duties. Remuneration shall be at the discretion of the employee.

### **24.02 POLITICAL ACTIVITY**

- A. General: Except as otherwise provided in this section and the Government Code, park employees may participate in political activities as they individually desire.
- B. Definition: As used in this section, "political activity" shall include engaging or participating in any partisan activities to promote a particular candidate or one side of a political issue in an election campaign, including but not limited to, soliciting contributions of campaign funds, circulating petitions, giving speeches, distributing handbills or advertisements, or promoting or planning any such political federal, state, or local activities. However, as used in these guidelines, political activities do not include legislative lobbying or similar non-election political activity.
- C. Participating in Political Activities

No Park District employee shall participate in political activities while in District uniform or in any other way creating the impression that he/she is a representative of the East Bay Regional Park District.

No Park District employee shall participate in any political activity while on duty.

- D. Use of District Funds or Property

No Park District employee shall expend or use, or authorize the expenditure or use of District funds or use of District property in or for the purpose of political activities. Pursuant to this section, District funds, labor or supplies shall not be used to print, distribute or circulate advertisement or promotional handbills.

Notwithstanding Section D (1) above, the District may authorize the expenditure of District monies and the use of District property for the purpose of disseminating non-partisan information to the general public in order to make a fair presentation of all relevant facts relating to a political issue which may affect the activities, function, powers, or duties of the District. For purposes of this section, the information disseminated must not be partisan nor promotional.

Notwithstanding Section D (1) above, a park representative or employee may make a presentation of the District's view or position on a political matter affecting the District, to any private or public organization, upon the specific request of the members of said organization.

Notwithstanding Section D (1) above, a Park District officer or employee may participate in the collection of information from or sampling of opinion of the public in connection with facilities, services, and events offered or proposed to be offered the public by the District.

#### E. Political Contributions

No Park District employee shall solicit political funds or contributions from other Park District employees. However, subject to Section D above, nothing in the section shall prohibit officers or employees from soliciting political contributions from a significant segment of the population which may include park employees.

Notwithstanding Section E (1) above, Park District officers and employees may solicit or receive political contributions to promote the passage or defeat of a ballot measure which will affect the rate of pay, hours of work, retirement, civil service or working conditions of the Park District employees.

#### **24.03 SERVICE AWARDS**

- A. Timing: The District will recognize employees who have served 5 years or more with the District. For this policy, recognized service with the District is defined as the employee's length of continuous employment with the District calculated from the most recent date of hire. The service award recognizes the anniversary of five year intervals but does not necessarily signify service for benefit purpose (e.g., vacation accrual, retirement, etc.).
- B. Leave: District approved leave of absence will be recognized as continuous time with the District for purposes of Service Award.
- C. Recognition: The District may present to those employees who have served 5 years or more some form of appropriate recognition.

#### **24.04 MEMBERSHIP**

District, Departmental, or Individual Memberships: District, departmental, or individual membership in an organization must be submitted to the division's Assistant General Manager for review and approval if the membership is essential to the accomplishment of District-related goals and is not solely related to the interest of the individual requesting membership (e.g. membership in the Municipal Finance Officers Association is essential regardless of who is Chief Financial Officer).

#### **24.05 BUSINESS CARDS**



Business cards may be secured for any park employee upon approval of the Assistant General Manager of the department. Design and format of the card is the responsibility of the Public Affairs Department and all cards must follow the approved design.

#### **24.06 CREDIT UNION**

Regular employees may join the Credit Union. Employees may request contact information for the Credit Union from Human Resources. All inquiries should be made directly to the Credit Union. Loan payments and deposits may be made by payroll deduction.

#### **24.07 EMPLOYEES AS INDEPENDENT CONTRACTORS OR VOLUNTEERS**

- A. General: Employees may serve as independent contractors or volunteers to the District provided such services are clearly outside the employees' normal duties (e.g., a secretary could serve as a docent volunteer at Sunol Regional Wilderness) and such service does not interfere with the employees' normal work duties.
- B. All standard requirements for contractors or volunteers will apply to employees who work as contractors or volunteers and there shall be no special treatment or advantage given the individuals as a result of their employment status.

## SECTION 25: BENEFIT AUTHORITY AND SUMMARY

Section 25 summarizes the benefits by various groups. The current authority is identified for each benefit.

### **25.01 RESOLUTIONS**

The resolutions covering benefits are revised from time to time. The following is a complete list and includes all resolutions since 1975, even those which have been superseded.

<u>Resolution # 4608</u>	
<u>Resolution # 4756</u>	
<u>Resolution # 1975-1-13:</u>	Approval of Certain Benefits for Public Safety Captain and Lieutenant
<u>Resolution # 1975-4-84:</u>	Approval of Increased Compensation and Benefits for Certain Employees
<u>Resolution # 1975-9-170:</u>	Approval of Payment of Health and Dental Plan and Life Insurance Premiums for Management Employees from Date of Hire
<u>Resolution # 1975-10-197:</u>	Management Personnel Severance Pay
<u>Resolution # 1976-3-72:</u>	Approving Benefits for Management Positions
<u>Resolution # 1977-6-178:</u>	Adoption of Additional Benefits for Confidential Employees
<u>Resolution # 1977-6-179:</u>	Adoption of Reinstatement Policy – Public Safety Department
<u>Resolution # 1977-8-228:</u>	Adoption of Management Salary Administration Guidelines
<u>Resolution # 1978-5-114:</u>	Authorization for Revision of Job Descriptions
<u>Resolution # 1978-6-151:</u>	Rescinding Floating Vacation Days Benefits for Management Personnel
<u>Resolution # 1978-11-279:</u>	Approval of Revised District Vehicle Use Policy
<u>Resolution # 1978-11-280:</u>	Approval of Proposed Management Compensation Time Policy in Administrative Manual
<u>Resolution # 1979-4-112:</u>	Adoption of Revised Management Salary Structure and Benefit Changes for Management Personnel
<u>Resolution # 1979-4-118:</u>	Adoption of Revised Park Advisory Committee Operational Guidelines
<u>Resolution # 1980-1-36:</u>	Approval of Revised District Vehicle Use Policy
<u>Resolution # 1980-4-93:</u>	Approving Increase in Mileage Allowance for Use of Personal Vehicles on District Business
<u>Resolution # 1980-7-184:</u>	Approval of Amendments to Resolution No. 1978-11-279 District Vehicle Use Policy
<u>Resolution # 1980-8-213:</u>	Approval of Revision of Management and Confidential Employee Benefits
<u>Resolution # 1981-6-160:</u>	Approval of Salary and Benefit Package: Management and Confidential Employees
<u>Resolution # 1982-1-8:</u>	Approval to Implement Provisions of SB 354 to Provide Medical and Dental Benefits to Board Members and Dependents Not Otherwise Eligible for Such Coverage

<u>Resolution # 1982-4-82:</u>	Under Same Terms and Conditions Provided for District Employees Rescind Comp Time Arrangements for Management Employees and Restore Extra Vacation Allowance as Substitution, Personnel Administrative Manual, Section 3.110-H.2. Managers
<u>Resolution # 1982-6-144:</u>	Approval of Job Description Revision – Addition of CPR Requirement and First Aid Certificate
<u>Resolution # 1982-7-168:</u>	Approval of Revised Life Insurance Program for Management Employees
<u>Resolution # 1983-4-78:</u>	Approval of Modifications to District's Retirement Plan
<u>Resolution # 1983-9-241:</u>	Approval of Self-Insurance Program to Augment Blue Cross Group Insurance
<u>Resolution # 1983-10-256:</u>	Resolution Approving Changes to the ICMA Deferred Compensation Program
<u>Resolution # 1984-5-152:</u>	Approval of Revisions to Personnel Administrative Manual Regarding Political Activities
<u>Resolution # 1984-9-247:</u>	Approval of Standard Procedure for Employee Reclassification, Addition of Procedure to the Administrative Manual as Policy and Implementation of the Program
<u>Resolution # 1984-11-296:</u>	Approval of Revision to Personnel Administrative Manual to Include Vacation Payout for Management and Confidential Employees
<u>Resolution # 1985-2-48C:</u>	Fixing Retirement Pay for Top Management at Highest Three Year Level
<u>Resolution # 1985-3-50C:</u>	Approval of Amendments to Personnel Administrative Manual to Provide for Continuation of Medical and Dental Benefits for Retired Top Management Personnel
<u>Resolution # 1986-6-122:</u>	Approval of Revisions to Employees Retirement Plan
<u>Resolution # 1987-1-6:</u>	Approval of Medical & Dental Benefits for Retired Board Members
<u>Resolution # 1987-5-127A:</u>	Approve Revision of the Personnel Administrative Manual Section on Retiree Medical – Supplemental Plan
<u>Resolution # 1987-9-253:</u>	Approve General Employees Pension Plan Revision to Include Board Members Effective October 1, 1987
<u>Resolution # 1987-12-361:</u>	Approval of Martin Luther King. Jr. Birthday as an Official District Holiday
<u>Resolution # 1988-11-420:</u>	Resolution Adopting Checklist for Disqualification from Making Contracts Under Government Code Section 1090 Et Seq.
<u>Resolution # 1989-6-180:</u>	Approval of Confirmation of Benefit Plan Qualification for Tax Reform Act of 1986, Employee Benefit Provisions
<u>Resolution # 1990-1-8:</u>	Approval of Management Salary Plan
<u>Resolution # 1990-2-60:</u>	Continuation of the Present Suspension of CPR and First Aid as Job Requirements of Certain Classifications
<u>Resolution # 1990-4-102:</u>	Approval of Adjustment of Management Salary Plan
<u>Resolution # 1991-5-155:</u>	Approval of Revision to Personnel Administrative Manual – Retiree Life Insurance

<u>Resolution # 1992-6-174:</u>	Authorization to Modify the District Personnel Administrative Manual Regarding Workers Compensation, Extra-Hours-Worked Conversion for Management, and the Confidential Salary Structure
<u>Resolution # 1994-12-338:</u>	Modification of the Administrative Manual for the Approval of Job Descriptions
<u>Resolution # 1996-03-70:</u>	Approval to Amend the Administrative Manual and Collective Bargaining Agreement with Local 2428 to Extend the Length of Examination Pools from Seven to Twelve Months
<u>Resolution # 1996-11-311:</u>	Approval to Revise Management Employees Extra Hours Policy
<u>Resolution # 1999-12-291:</u>	Approval of Management Extra Hours Policy for Public Safety Managers
<u>Resolution # 2000-12-256:</u>	Approval of Management Administrative Leave Policy
<u>Resolution # 2000-12-257:</u>	Final Approval to Establish Membership of Classifications in the CalPERS 2% at 55 Retirement Plan and to Transfer Related Plan Assets to CalPERS
<u>Resolution # 2000-12-267:</u>	Approval of Revised Park District Travel Policy
<u>Resolution # 2001-02-23:</u>	Authorization to Amend the Park Supervisor Classification System for 2001, Implement the 2001 Findings and Make Additional Compensation Adjustments
<u>Resolution # 2001-04-86:</u>	Authorization to Amend Section 3.77c of the Administrative Manual – “Paycheck and Remittance Distribution”
<u>Resolution # 2001-10-238:</u>	Authorization to Amend Section 3.26 of the Administrative Manual– “Uniforms” Regarding Public Safety Personnel
<u>Resolution # 2001-10-268:</u>	Approval to Amend Sections 3.76, D.1-2, F5 and 2.12, B.3 of the Administrative Manual – “Promotions for Regular Employees”
<u>Resolution # 2001-11-257:</u>	Approval to Remove State Disability Insurance (SDI) Coverage for Temporary and Seasonal Employees and Amend Section 3.61 of the Administrative Manual
<u>Resolution # 2002-05-98:</u>	Authorization to Amend the Personnel Administrative Manual: Section 3.105.D.3 – Training Reimbursement; Section 3.10.N. – Hiring List Extension, and Sections 3.122.A.2, 3.122.A.3, 3.124.A.1 and 3.124.A.2 – Revision of Medical and Dental Benefit to Eliminate Reference to Management Extra Hours
<u>Resolution # 2002-11-243:</u>	Approval to Amend the Personnel Administrative Manual: Sections 3.120 – 3.124 Retiree Benefits and Section 3.72 Health and Welfare
<u>Resolution # 2003-3-42:</u>	Approval of War Time Military Leave Policy
<u>Resolution # 2003-4-76:</u>	Authorization to Amend District Personnel Administrative Manual, Sections 3.40.A.8.b and c. to be Consistent with Board Operating Guidelines
<u>Resolution # 2003-6-141:</u>	Approval to Amend Section 3.70 of the Personnel Administrative Manual: Workers Compensation
<u>Resolution # 2004-3-38:</u>	Approval of Revisions to District Travel Policy
<u>Resolution # 2004-4-70:</u>	Approval of Resolution of Intention to Provide the 2.5% @ 55 Retirement Plan for Miscellaneous Employees Per Provisions of the 2003 Labor Agreement

<u>Resolution # 2004-5-99:</u>	Authorization to Amend Sections 3.10 and 3.76 of the EBRPD Personnel Administrative Manual
<u>Resolution # 2004-6-115:</u>	Approval of Final Resolution to Provide the 2.5% @ 55 Retirement Plan for Miscellaneous Employees Per Provisions of the 2003 Labor Agreement
<u>Resolution # 2004-10-207:</u>	Approval to Amend Section 3.71 of the Personnel Administrative Manual, Removing the Option for Regular Employees not Covered by the Dental Benefit upon Hire to Purchase Dental Coverage
<u>Resolution # 2004-11-225:</u>	Authorization to Amend the 401(A) Benefit Plan for Management Employees
<u>Resolution # 2004-12-262:</u>	Authorization to Amend Sections 3.60, 3.63.A and 3.66.B.3 of the Personnel Administrative Manual
<u>Resolution # 2005-7-131:</u>	Authorization to Amend Sections 3.26 and 3.40 of the Personnel Administrative Manual, Public Safety Uniform and Travel Reimbursement Policies
<u>Resolution # 2006-3-58:</u>	Authorization to Amend Section 3.43.D of the Personnel Administrative Manual "Facility Pass" Regarding all Retired Employees
<u>Resolution # 2008-11-277:</u>	Authorization to Amend Section 7.02B. 2. a. of the Personnel Administrative Manual
<u>Resolution # 2010-3-075:</u>	Authorization to Authorization to Amend Sections 4, 5, 8, 12, 13, 16, 17, 18 and Appendices A and E of the Personnel Administrative Manual
<u>Resolution # 2013-9-208:</u>	Authorization to Amend the Personnel Administrative Manual
<u>Resolution # 2017-11-327:</u>	Adoption of Amendments to The Personnel Administrative Manual Section 10.F.1. - Payment of Vacation Credits
<u>Resolution # 2020-11-256:</u>	Authorization to Update the Personnel Administrative Manual Protected Class and Citizenship Language
<u>Resolution # 2021-10-292:</u>	Authorization to Implement Wage Increases for Unrepresented Employees and Appropriate Funds; and Revise the Personnel Administrative Manual to Include Juneteenth as a Paid Holiday
<u>Resolution # 2021-12-329:</u>	Authorization to Adopt an Amendment to the East Bay Regional Park District Salary Schedule to Implement Wage Adjustments for All Classifications and Amend the Personnel Administrative Manual to Increase the General Manager's Hiring Authority Up to Step F
<u>Resolution # 2023-07-157:</u>	Authorization to Appropriate Funds to Implement Wage Increases for Certain Classifications and Adopt Amendments to the East Bay Regional Park District Salary Schedule

## **25.02 EMPLOYEE BENEFITS**

### **A. Local 2428**

Included in the Labor Agreement: Vacations, Holidays, Sick Leave, Medical Plan, Dental Plan, Retirement, Life Insurance, State Disability Insurance, Leaves of Absence, Workers' Compensation, Sick Leave Payout, Sick Leave Bank, Blood Bank, Counseling Services, Deferred Compensation, and Retiree Medical.

Included in the Personnel Administrative Manual: Training.

#### B. Police Association

In the Memorandum of Understanding: Vacations, Holidays, Sick Leave, Medical Plan, Dental Plan, Retirement, Life Insurance, Sick Leave Payout, State Disability Insurance, Leaves of Absence, Reinstatement, Workers' Compensation, Survivors Benefit, and Accidental Death and Dismemberment (AD&D).

Included in the Personnel Administrative Manual: Employee Assistance Plan and Training.

#### C. Confidential Employees

In the Personnel Administrative Manual or revised by resolution shown in parenthesis: Vacations, Holidays, Sick Leave, Medical Plan (1983-9-241), Dental Plan, Retirement (1983-4-78) (1990-4-102), Life Insurance, State Disability Insurance, Leaves of Absence, Workers' Compensation, Sick Leave Payout.

Board Resolutions: Long Term Disability Insurance (4756), Accidental Death and Dismemberment (AD&D) (1977-6-178 & 1978-6-100), Health, Dental and Life Insurance Premium from date of hire (1977-6-178), Occupational Health Service (1977-6-178), Medical on Retirement (1977-6-178 & 1987-5-127A), Deferred Compensation (1981-6-160 and 1983-10-256), Vacation Payout (1984-11-296), Pension Revision (1986-6-122, and 1990-4-102).

#### D. Management Employees

In the Personnel Administrative Manual or revised by resolution shown in parenthesis: Vacations, Holidays, Sick Leave, Medical Plan (1983-9-241), Dental Plan, Retirement (1983-4-78) (1990-4-102), Life Insurance (4756, 1981-6-160,

1982-1-7 & 1982-7-168), State Disability Insurance (1980-8-213), Leaves of Absence, Workers' Compensation, Sick Leave Payout, Employee Assistance Plan.

Board Resolutions: Long Term Disability Insurance (4756), Accidental Death and Dismemberment (AD&D) (4756), Health, Dental and Life Insurance Premium from date of hire (1975-9-170), Pay for Unused Vacations (1976-3-72), Deferred Compensation (1976-3-72, 1981-6-160 and 1983-10-256), Severance Pay (1975-10-197), Executive Search Firm (4756), Medical on Retirement (1975-4- 84, 1977-6-178, 1981-6-160 & 1987-5-127A), Extra Vacation Allowance (1982-4- 82), Vacation Payout (1984-11-296), Retirement Benefit Revisions (1985-2-48C and 1985-3-50C), Pension Revision (1985-4-83, 1986-6-122, and 1988-3-68).

## **SECTION 26: APPENDIXES**



**APPENDIX A: AMENDMENT TO THE EAST BAY REGIONAL PARKS  
GOVERNMENTAL MONEY PURCHASE PLAN AND TRUST ADOPTION AGREEMENT**

**Section VI.1. Fixed Employer Contributions With Or Without  
Mandatory Participant Contributions.**

- A. Notwithstanding Section 4.03 of the Plan, each Employee eligible to participate in the Plan shall be given the opportunity during the initial period of eligibility (from the date of hire through the 60th calendar day thereafter) to irrevocably elect to participate in the Mandatory Participant Contribution portion of the plan by electing to contribute from 3% to 20% of the Employee's Earnings to the Plan for each Plan Year (subject to the limitations of Article V of the Plan). The Employer shall "pick-up" this contribution in accordance with Code section 414(h)(2). These contributions shall be accounted for in the Participants Contribution Account, and shall be nonforfeitable by the Participant at all times.

If the employee does not make an election in the initial period of eligibility, the election to participate in the Mandatory Participant Contribution portion of the Plan may not be made during the employee's service with the District.

An Employee's election is irrevocable and shall remain in force until the Employee terminates employment or ceases to be eligible to participate in the Plan. In the event of re-employment to an eligible position, the Employee's original election will resume. In no event does the Employee have the option of receiving the "pick-up" contribution amount directly. Participants DO NOT have the option of changing contributions during the election window period.

- B. Accrued Leave

Notwithstanding Section 4.03 of the Plan, each Employee eligible to participate in the Plan shall be given the opportunity during the initial period of eligibility to irrevocably elect to contribute up to 500 hours of "FINAL PAY" (defined as accrued sick and vacation leave) that would otherwise be payable to the Employee upon termination. The Employer shall "pick-up" this contribution in accordance with Code section 414(h)(2). These contributions shall be accounted for in the Participant Contribution Account, and shall be nonforfeitable by the Participant at all times.

Contributions are subject to the 401(a) maximums as determined from year to year by the internal Revenue Service.

Each employee eligible to participate in the Plan shall be given the opportunity during the initial period of eligibility to irrevocably elect to contribute up to 80 hours of accrued leave to the Plan (subject to the limitations of Article V of the Plan). Accrued Leave shall be contributed to the Plan according to the following schedule:

October 15th to December 15th of the year for which the leave is being contributed.  
Eligible Participant is defined as ALL MANAGEMENT PARTICIPANTS.

Accrued Leave shall be defined as accrued vacation.

The employer shall “pick-up” this contribution in accordance with Code section 414(h)(2). These contributions shall be accounted for in the Participant Contribution Account, and shall be nonforfeitable by the Participant at all times.

[Note to Employer: Neither an IRS advisory letter nor a determination letter issued to an adopting Employer is a ruling by the Internal Revenue Service that Participant contributions that are picked up by the Employer are not includable in the Participants’ gross income for federal income tax purposes. The Employer may seek such a ruling.

Picked up contributions are excludable from the Participant’s gross income under section 414(h)(2) of the Internal Revenue Code of 1986 only if they meet the requirements of Rev. Ruls. 81-36, 1981-1C.B.255, and 87-10, 1978-1C.B.136

Those requirements are (1) that the Employer must specify that the contributions, although designated as employee contributions, are being paid by the Employer in lieu of contributions by the employee; (2) the Employee must not have the option of receiving the contributed amount directly instead of having them paid by the Employer to the Plan; and (3) the required specification of designated Employee contributions must be completed before the period to which such contributions relate.]

**Section VI.2. Each Participant may not make a voluntary (unmatched), after-tax contribution, subject to the limitations of Section 4.05 and Article V of the Plan.**

**Section VI.3. Employer contributions and Participant contributions shall be contributed to the Trust in accordance with the following payment schedule:**

Bi-weekly payments on alternate Fridays.

## **APPENDIX B: EAST BAY REGIONAL PARK DISTRICT INFORMATION TECHNOLOGY APPROPRIATE USE GUIDELINES**

### **Scope**

This Guideline applies to all Users of IT Systems, including but not limited to employees, elected officials, consultants, volunteers and interns. It applies to the use of all IT Systems. These include systems, networks, and facilities administered by the Information Services Department.

### **Guideline Statement**

The purpose of this Guideline is to ensure an information technology infrastructure that promotes the basic mission of the District. This Guideline aims to promote the following goals:

- To ensure the integrity, reliability, availability, and superior performance of IT Systems;
- To ensure that IT Systems are used for their intended purposes;

### **Reason for the Guideline**

Information Technology ("IT"), the vast and growing array of computing and electronic data communications facilities and services, is used daily to create, access, examine, store, and distribute material in multiple media and formats. Information Technology plays an integral part in the District's daily functions. Users of the District's IT resources have a responsibility not to abuse those resources. This District IT Appropriate Use Guidelines (the "Guideline" or "AUG") provides guidelines for the appropriate use of the District's IT resources as well as for the employees' access to information about and oversight of these resources.

Most IT use parallels familiar activity in other media and formats, making existing District policies important in determining what use is appropriate. Using electronic mail ("e-mail") instead of standard written correspondence, for example, does not fundamentally alter the nature of the communication, nor does it alter the guiding policies. District policies that already govern freedom of expression and related matters in the context of standard written expression govern electronic expression as well. This Guideline addresses circumstances that are particular to the IT arena and is intended to augment but not to supersede other relevant District policies, resolutions, federal, state or local law.

### **Definitions**

**IT Systems:** These are the computers, terminals, printers, networks, modems, wireless devices, online and offline storage media and related equipment, software, and data files that are owned, managed, or maintained by the District. For example, IT Systems include departmental and District wide information systems, internet access, e-mail, desktop computers, laptop computers, PDA devices, phones, wireless network equipment and other devices supported by IT. Cell phones, smart phones, and radios devices are supported by Public Safety.

**User:** A "User" is any person, whether authorized or not, who makes any use of any IT System from any location.

**Systems Authority:** While the District is the legal owner or operator of all IT Systems, it delegates oversight of all systems to the IS Department, in the case of IT systems purchased with non-IT or other funds, this oversight is still provided by the IS Department.

**Systems Administrator:** The IS Manager may designate another person as "Systems Administrator" to manage the particular system assigned to a specific department. Systems Administrators oversee the day-to-day operation of the system and are authorized to determine who is permitted access to particular IT resources related to that system.

### **Appropriate use of IT Systems**

Although this Guideline sets forth the general parameters of appropriate use of IT Systems, departments may have policy manuals with detailed statements on permitted use and the extent of use that the District considers appropriate. In the event of conflict between policies, this Appropriate Use Guideline will prevail. Additionally, supervisors should review this guideline with their employees to ensure compliance.

- A. **Appropriate Use.** IT Systems may be used only for their authorized purposes – that is, to support the functions of the District. It is not intended for personal use. District technology is made available for the purpose of increasing the effectiveness of communications, providing for increased productivity and facilitating research required to perform District related tasks. The particular purposes of any IT System as well as the nature and scope of authorized, incidental personal use may vary according to the duties and responsibilities of the User.
- B. **Proper Authorization.** Users are entitled to access only those elements of IT Systems that are consistent with their authorization.
- C. **Specific Proscriptions on Use.** The following categories of use are inappropriate and prohibited:
  - 1. Use that impedes, interferes with, impairs, or otherwise causes harm to the activities of others. Users must not deny or interfere with or attempt to deny or interfere with service to other users in any way, including by "resource hogging" (viewing video and

listening to radio stations), misusing mailing lists, propagating "chain letters" or virus hoaxes, "spamming" (spreading e-mail or postings widely and without good purpose), or "bombing" (flooding an individual, group, or system with numerous or large e-mail messages). Knowing or reckless

distribution of unwanted mail or other unwanted messages is prohibited. Other behavior that may cause excessive network traffic or computing load is also prohibited.

2. Use that is inconsistent with District's Guideline Procedures. The District is subject to specific federal, state, and local laws regarding sources of income, political activities, use of property, and similar matters. As a result, personal or commercial use of IT Systems for non-District purposes is generally prohibited, except if specifically authorized and permitted by the General Manager's Office.
3. Use of IT Systems in a way that suggests District endorsement of any political candidate or ballot initiative is also prohibited. Users must refrain from using IT Systems for the purpose of lobbying that connotes District involvement. This proscription on use is not meant to limit or restrict legally authorized activities by the District, board or staff to advocate on behalf of District interests or positions.
4. Harassing or threatening use. This category includes, for example, display or access to offensive material of any kind as defined in, but not limited to HR Policies. The use of derogatory, obscene, suggestive, defamatory, or harassing language in the E-mail system or on the Internet is strictly prohibited.
5. Use damaging the integrity of District IT Systems. This category includes, but is not limited to, the following activities:
  - a) Attempts to defeat system security. Users must not defeat or attempt to defeat any IT System's security – for example, by "cracking" or guessing and applying the identification or password of another User, or compromising room locks or alarm systems. (This provision does not prohibit, however, ITS or Systems Administrators from using security scan programs within the scope of their Systems Authority.)
  - b) Unauthorized access or use. The District recognizes the importance of preserving the confidentiality of Users and data stored in IT systems. Users must honor this principle by neither seeking to obtain unauthorized access to IT Systems, nor permitting or assisting any others in doing the same. Furthermore, Users must not make or attempt to make any deliberate, unauthorized changes to data on an IT System. Users must not intercept or attempt to intercept or access data communications not intended for that user, for example, by "promiscuous" network monitoring, running network sniffers, or otherwise tapping phone or network lines.
  - c) Disguised use. Users must not conceal their identity when using IT Systems, except when the option of anonymous access is explicitly authorized (i.e. guest user)

- d) Distributing computer viruses. Users must not knowingly distribute or launch computer viruses, worms, or other rogue programs.
  - e) Modification or removal of data or equipment. Without specific authorization, Users may not remove or modify any District-owned or administered equipment or data from IT Systems.
  - f) Use of unauthorized devices. Without specific authorization, Users must not physically or electrically attach any additional device (such as an external disk, flash card, printer, wireless devices, personal computers or video equipment) to IT Systems.
- 6. Use in violation of law. Illegal use of IT Systems -- that is, use in violation of civil or criminal law at the federal, state, or local levels -- is prohibited.
  - 7. Use in violation of District contracts. All use of IT Systems must be consistent with the District's contractual obligations, including limitations defined in software and other licensing agreements.
  - 8. Use in violation of District policy. Use in violation of other District policies also violates this AUG. Relevant District policies include, but are not limited to, those regarding sexual harassment and racial and ethnic harassment.
- D. Personal Account Responsibility. Users are responsible for the security of their own IT Systems passwords. Accounts and passwords are normally assigned to single Users and are not to be shared with any other person without authorization. Users are presumed to be responsible for any activity carried out under their IT Systems accounts. Managers may request specific application passwords from employees for safekeeping.
- E. Responsibility for Content. Official District information may be published in a variety of electronic forms. The Department under whose auspices the information is published is responsible for the content of the published document.
- F. E-Mail When sending or receiving E-mail, the following considerations apply:
- 1. Carefully select the recipients to receive an E-mail. Send only to those that need the information.
  - 2. Transmitting the District's confidential information/data or sensitive information over unsecured E-mail is prohibited, unless expressly authorized by your departmental management.
  - 3. Regularly check, open, read, and respond to E-mail sent to you.

4. Delete old messages on a regular basis.
5. When using E-mail, extreme care must be exercised when downloading attachments. Attachments must be scanned for possible viruses.
6. Questions regarding E-mail and the Internet should be addressed to the District's Information Services Help Desk.
7. E-mail responses sent to the public taking a position on an issue that may later need to be supported by management, or commenting on what would be considered a sensitive issue, should be at the direction of a Department Head or District Manager, with either the Department Head or District Manager being "copied" on the message.
8. Most communications (including E-mail) among District employees are not considered confidential. However, certain communications, personnel records and police investigations, may be confidential and should be discussed with the employee's supervisor prior to use of E-mail.
9. Employees shall exercise caution in sending confidential information on the Email system as compared to written memoranda, letters or phone calls, because once sent, E-mail cannot be retracted or controlled.
10. Confidential information should not be sent or forwarded to individuals or entities not authorized to receive that information and should not be sent or forwarded to other District employees not directly involved with the specific matter and expressly authorized to view.
11. Requests for employee access to the Network and E-mail systems should be made by the employee's supervisor and sent to the Information Services help desk.
12. Department managers must authorize requests to Information Services for accounts for temporary or contract employees.
13. Departments requesting technology access for all employees must inform Information Services to remove E-mail access for that employee at termination.
14. The use of the District E-mail system for the advertising of personal items or services is unacceptable. The District has established a public "Bulletin Board" Email account for non-District business where employees may share general information.
15. Reading someone else's E-mail without authorization is considered inappropriate. While no E-mail to a District E-mail address is considered private, confidential matters may be discussed over E-mail therefore proper business etiquette dictates that proper authorization be obtained before reading another person's E-mail.

16. Do not send E-mail under someone else's name unless authorized by your supervisor or manager.

The District recognizes that there are times when electronic communications are appropriate which are not strictly speaking concerning District business. Such instances include death announcements, birth announcements, etc. Such uses of electronic communication are acceptable when done in accordance with all other aspects of this guideline. When doubts

arise about the appropriateness of a communication, the direct Department Head should be consulted. Vacation announcements should not be sent to EBRPDALL but rather contained to the employee's work group.

- G. Internet. District Internet facilities are for District-related purposes only. The Information Services Manager shall have the final review as to the appropriateness of material and usage of the Internet. Information Services reserves the right to block access to Internet sites based on subject category or known abuse.

District departments shall use the District's Internet web site for all Internet postings and shall not initiate new or separate services outside of the District's designated services.

Access to the Internet and use of its capabilities to produce or transmit data is not considered private or confidential. Information produced through use of the District Internet system, Email, cell phones, and all other District owned technology either in hard copy or electronic format, is considered District property and may be accessed and reviewed without prior notice by the District.

The Information Services Department has technical responsibility for setting up and managing Internet resources.

Information regarding Internet sites accessed by employees may be considered public information. Access to all sites on the Internet, by any of the staff, is recorded and is subject to review. Access to and/or use of sites that is deemed to be non-District related may result in disciplinary action as described in the District's Administrative Manual and/or MOUs.

When using the Internet no programs or executables should be downloaded without permission from the Information Technology Department. All such files must be scanned for possible viruses. Programs often make changes to desktop systems which conflict with other



District software. No software is to be loaded on District computers without permission from Information Services.

- H. Intranet District Intranet facilities are for internal communications purposes only. The Information Services Department provides capabilities on the Intranet to post information to be shared between employees. Information Services will be responsible for reviewing such postings to insure they meet with all aspects of this guideline.
- I. Software Each piece of software operating on District property shall have a valid registration and be covered by a valid licensing agreement. Software and its associated documentation are covered by Copyright Laws and subject to licensing agreements. Appropriate documentation to substantiate the legitimacy of the licenses shall be forwarded to Information Services.

Unauthorized or unlicensed software will not be used on District systems.

Authorization to use software on District systems shall be obtained from the Information Services Manager. If approved, Information Services will either authorize the individual to install the software or install the software for the person, at Information Services discretion.

- J. Phones All District phones and related telecommunications devices, regardless of type (land line, wireless cell phone, or wireless smart phones) are provided as a tool to conduct District business. The District expects that all such devices will be used in a responsible manner for work purposes only.

Calls to user pay phone numbers (e.g. 900,976) are prohibited.

### **Conditions of District Access/Privacy**

The District places high value on confidentiality. There are nonetheless circumstances in which the District may determine that certain broad concerns outweigh the value of a User's expectation of privacy. All employees, volunteers and elected/appointed officials are to keep in mind that the District's technology resources and all the information contained therein are properties of the District and that no employee should have expectation of privacy regarding the information on the District's computer system.

Employees should be aware that any technology media or communication involving the District's technology resources are considered at all times to be District records. They may be considered public record and be subject to disclosure under the California Public Records Act, government code section 6250 et. Seq., or other lawful requests regardless of designations of "private" or

“confidential”. The District shall comply with all lawful requests for information and shall not be held liable for such lawful disclosure in any manner. Electronic media is also subject to the provisions of the Brown Act and all electronic discussions between elected officials must follow the Brown Act guidelines.

Although the District does not read and review electronic files on a routine basis, the District has the capability to access, monitor, and review, copy and/or disclose any electronic media communications. The District also employs technology to screen electronic communications for such things as viruses or access to inappropriate web sites.

The District reserves the right to do so this for any proper District purpose in accordance with the Electronic Communications Privacy Act of 1986. The District may make backup copies of electronic files. This means that files may be restored, even if the user believes the files have been deleted. An individual’s use of technology or electronic media is consent for the District to act accordingly.

### **Enforcement Procedures**

Violations of this guideline will result in disciplinary action as described in the District’s Administrative Manual and/or MOUs.

### **Guideline Development**

This Guideline may be periodically reviewed and modified by the Information Services Department, who may consult with relevant Departments, Committees, Council, and staff.

### **APPENDIX C: ETHICAL GUIDELINES POLICY**

You should not attempt to use your position with the District in any outside capacity for your personal gain or benefit.

Directors and employees in certain District job classifications are also subject to the California Political Reform Act which is administered by the Fair Political Practices Commission. The requirements and conditions imposed by Act are detailed in the District’s Conflict of Interest Manual and the positions subject to the FPPC requirements are listed in the detail information section of these guidelines.

#### **Gratuities**

The District buys many goods and services. Our purchasing policy is to award business on the basis of merit, without favoritism. Whenever possible or where required by law, business will be awarded on competitive basis.

If you purchase goods or services on the District's behalf, you are expected to use good judgment in your dealings with suppliers. This means that you are obligated not to give or accept money, gifts of other than nominal value, loans, unusual entertainment, or any other preferential treatment in your dealings with suppliers. This obligation extends to your immediate family as well.

### Making Contracts

Government Code Section 1090 contains provisions for disqualification from making contracts where an employee may have a financial interest in such contract. District Resolution 1988-11-420 contains the entire policy and the Administrative Manual contains the checklist procedure for implementation of this policy. If you participate in the negotiation or execution of contracts on behalf of the District, it is your responsibility to be familiar with and abide by these regulations.

### Contracting Procedures

The District contracting procedures are contained in the Board Operating Guidelines and provide the detailed procedures regarding the contracting process.

### District Funds and Property

Protecting District funds and property is a responsibility shared by each employee. If you handle District funds or revenues, or are responsible for associated accounting records, you are personally accountable for their safekeeping. In addition to cash this includes checks and credit cards.

In the same way, employees are responsible for District property left in their care or assigned to them. District property should not be used for unauthorized personal benefit nor for any other improper use. Clearly, District property should not be sold, loaned, given away or destroyed without proper authorization. This is true regardless of the condition of the property.

### Drugs

Employees are specifically prohibited from drinking alcoholic beverages or using illegal drugs while at work on District premises, or reporting to work or driving a District vehicle while under the influence of alcohol or any illegal drug.

Any employee who is taking medication which may impair his/her ability to work safely and efficiently must inform his/her supervisor

### Personal Protection

Employees are entitled to feel safe and free from bodily harm on the job. Except for the Public Safety Department, no employee may possess or permit others to have explosive devices, incendiary materials, firearms or other dangerous weapons, whether licensed, concealed or otherwise, on any District premise, in District vehicles, or while engaged in any District activity. Certified non-Public Safety personnel may carry mace for personal protection.

### Personal Use of District Phones

Official District phones and other communication facilities are provided for the conduct of District business. Their use by employees for making local (not long distance or toll) personal calls may be permitted provided such does not interfere with the conduct of the District business and they are of reasonable frequency and duration in the judgment of management.

### Personal Use of District Postage/Mail Facilities

District postage and mail facilities are provided for the conduct of official business only. Use of District facilities for personal mail is not permitted.

## **APPENDIX D: EAST BAY REGIONAL PARK DISTRICT FRAUD PREVENTION POLICY**

<b>EFFECTIVE</b>	UPDATED March, 2012
<b>ADOPTED</b>	April 18, 2006
<b>RESOLUTIONS</b>	2012-3-061
<b>RELATED POLICIES</b>	Board Operating Guidelines

### **RELATED PROCEDURES SUMMARY STATEMENT**

3.1, Fraud Reporting Procedure

The District is committed to protecting its assets, ensuring the proper use of public funds and safeguarding of public assets. It is therefore the policy of the District to establish controls that help deter and detect fraud.

This policy:

- prohibits fraud,
- sets guidelines regarding fraud prevention,
- requires reporting of suspected fraud,
- specifies that a confidential investigation is required when suspected fraud is reported, and
- lists the potential corrective actions following an investigation.

## **POLICY**

The East Bay Regional Park District has adopted a zero tolerance policy regarding fraud. No District official, employee or individual/entity doing business/or in any other relationship with the District shall misuse or misappropriate District assets in a fraudulent manner.

The District will establish and maintain an effective internal control structure.

Finance Department will provide procedures which detail requirements of the internal control system.

Internal audit function will conduct periodic review of the adequacy of compliance with the District's internal controls.

Human Resources will include this policy in orientation material provided to all new District employees.

Each department shall maintain an internal control environment which aids in the protection/proper use of District assets. Supervisors and managers are expected to be familiar with types of fraud, and be alert

for indications of fraudulent activity.

Suspected fraud must be reported as detailed in the Fraud Reporting Procedure. Investigation and corrective action as outlined in this policy will result.

Failure to comply with this policy subjects an employee to disciplinary action, and individuals/entities doing business with the District to termination of the business relationship.

## **DEFINITIONS**

Fraud is defined as the intentional misuse or misapplication of District resources/assets, or the intentional misrepresentation/omission of fact, with the intent to seek personal gain or cause harm.

Assets include physical assets, such as cash inventory, equipment and vehicles. Assets also include intangible assets, such as licensed software, and confidential information.

## **SUSPECTED FRAUD REPORTING**

Suspected fraud is required to be reported under this policy. The Fraud Reporting Procedure details the process for fraud reporting. The name of the person reporting suspected fraud will be confidential insofar as reasonably possible.

False allegations of suspected fraud, with the intent to disrupt or cause harm to another, will be subject to disciplinary action.

## **FRAUD INVESTIGATION**

The investigation of a reported incident of suspected fraud will be directed by the Audit Manager, the Police Department, independent third party selected by the District, or another member of management as deemed appropriate by the General Manager or his/her designee. All investigations will be conducted in confidence insofar as reasonably possible.

Investigation results will be reported in writing to the General Manager. Investigation results will remain confidential, and disclosed only to those who have a legitimate reason to know. Written material provided to the General Manager will be retained, and thereafter disposed of consistent with the District's Record Retention Policy.

## **CORRECTIVE ACTIONS**

If a fraud investigation substantiates that a violation of this policy has occurred, the District shall take the following corrective actions, as appropriate.

### **DISCIPLINARY ACTION.** Employees who are found to:

- be in violation of the requirements of this policy,
- have committed or participated in fraudulent activities,
- have hindered or obstructed the reporting/investigation of fraud,
- will be subject to disciplinary action up to and including termination as set forth in the relevant employee Memorandum of Understanding or Personnel Administrative Manual.

### **TERMINATION OF BUSINESS RELATIONSHIP.** Vendors, contractors, consultants and other individuals/entities doing business with the District who are found to:

- be in violation of the requirements of this policy,
- are found to have committed or participated in fraudulent activities,
- have hindered or obstructed the reporting of fraud or an investigation, will have the terms and conditions of their business relationship revised as needed or their business relationship with the District terminated after appropriate opportunity for due process review.

### **RECOVERY OF LOSSES.** Appropriate action shall be taken to recover assets lost as a result of an act of fraud.

### **LEGAL ACTION.** The District has the right to initiate court proceedings or to refer to the District Attorney's Office to recover losses, prosecute or pursue other remedies as may be legally available.

## **APPENDIX E: ADMINISTRATIVE LEAVE**

Applies only to Management Employees and Exempt Confidential covered by CalPERS after 12/30/00, certain employees designed by the General Manager and/or Board of Directors, and to Union employees but only to the extent specifically stated in Section 6.04.E of the Personnel Administrative Manual and Section B below in this Appendix E.

With the exception of Public Safety Managers, all full-time regular Management employees and Exempt Confidential employees shall be entitled to receive forty (40) hours per fiscal year of Administrative Leave in recognition of the District's expectation that members of the Management Employee Group and Exempt Confidential staff routinely and consistently perform the duties of their positions during times which involve hours in excess of the normal forty-hour work week. Said forty (40) hours shall accrue on January 1 of each calendar year. Administrative leave will only be taken in paid time off. Administrative leave may not be carried forward from one calendar year to the next. Immediately upon hiring, a new employee shall be entitled to receive administrative leave at the rate of 1.538 hours for each pay period of employment remaining in the calendar year during which the employee was hired.

Administrative Leave hours shall not be converted to cash payout in lieu of leave.

### **A. Supplemental Administrative Leave for Non-Public Safety Managers and Exempt Confidential Staff**

Eligible employees are also eligible to receive up to an additional forty (40) hours of administrative leave per calendar year. It is recognized that not all members will satisfy the eligibility criteria and only those satisfying the criteria may receive additional hours.

In general, to qualify for supplemental leave, an employee must be required to work additional hours substantially in excess of the customary work week. The first step of determining whether an employee is required to work extra hours shall be a determination made by the Division Head, along with a recommendation as to the amount of supplemental leave recommended. In making this determination, the Division Head is expected to distinguish between that which is typical for someone in the Unit versus that which is extraordinary. Illustrative of the factors to be considered are the extent to which an individual:

1. Attends evening meetings and whether attendance at same is a recurring obligation;
2. Regularly performs District-related duties beyond usual working hours in response to direction from his or her Division Head.

Once a Division Head has identified proposed supplemental hours for an employee, he or she will submit the recommendation to the General Manager for consideration. The Division Head

may request eight hours or an even increment of hours up to 40. No more than 40 hours of supplemental leave will be granted. The General Manager may approve or modify the recommendation. The General Manager's decision shall be final.

Supplemental administrative leave earned but not used may not be carried forward from one calendar year to the next, nor may unused hours be converted to cash.

Managers shall submit their request for supplemental administrative leave to their supervisor by December 1st of each year. The request must be approved by the supervisor and AGM and submitted to the General Manager by December 31st. Approved supplemental administrative leave requests will be received on the third pay period of the following year. The General Manager may accept recommendations for supplemental leave during the year if the Division Head believes the recommendation is warranted.

**B. Supplemental Compensatory Time Off for Union Employees Assigned to Work in an Acting Management Classification More Than Thirty (30) Consecutive Days**

Union employees (including employees represented by AFSCME Local 2428 and the EBRPD Police Association) are also eligible to receive up to an additional forty (40) hours of compensatory time off in addition to the compensatory time off provided in Section 6.04.E when working in an acting management classification more than thirty (30) consecutive days. It is recognized that not all such employees will satisfy the eligibility criteria and only those satisfying the criteria may receive additional hours.

In general, to qualify for supplemental compensatory time off under this subsection, an employee must be required to work additional hours substantially in excess of the customary work week. The first step of determining whether an employee is required to work extra hours shall be a determination made by the Division Head, along with a recommendation as to the amount of supplemental leave recommended. In making this determination, the Division Head is expected to distinguish between that which is typical for someone in the Unit versus that which is extraordinary. Illustrative of the factors to be considered are the extent to which an individual:

1. Attends evening meetings and whether attendance at same is a recurring obligation;
2. Regularly performs District-related duties beyond usual working hours in response to direction from his or her Division Head.

Once a Division Head has identified proposed supplemental compensatory time off hours for an employee, the Division Head will submit the recommendation to the General Manager for consideration. The Division Head may request eight hours or an even increment of hours up to 40. No more than 40 hours of supplemental leave will be granted. The General Manager may approve or modify the recommendation. The General Manager's decision shall be final.



Any supplementary compensatory time off provided a Union represented employee during or at the end of the acting management classification assignment will go to the employee's compensatory time off bank and will be subject to the same rules and cash-out rights and rate as applicable to the employee's regular Union position.

#### C. Administrative Leave for Public Safety Managers

Public Safety Managers shall be entitled to receive eighty (80) hours per fiscal year of administrative leave. However, Public Safety Managers are not eligible for supplemental administrative leave as noted above. All other aspects of the program (when the time is accrued, how it is accrued, that it cannot be carried over, that it cannot be converted to cash) apply.

## **APPENDIX F: PUBLIC SAFETY MANAGERS INCENTIVE PAYS**

### **A. Bilingual Pay**

Applies only to Public Safety Management Employees in the classifications of Assistant General Manager of Public Safety/Chief of Police, Police Captain, Police Lieutenant, Fire Chief, Assistant Fire Chief, Aquatic Manager, and Communications, Records & Property Manager.

Per Resolution 2023-07-157, classifications listed above shall be entitled to receive \$75.00 per pay period for certified and designated members who provide bilingual services to the public.

### **B. POST Certification and Educational Premium**

Applies only to Public Safety Management Employees in the classifications of Assistant General Manager of Public Safety/Chief of Police, Police Captain, Police Lieutenant, Fire Chief, Assistant Fire Chief, Aquatic Manager, and Communications, Records & Property Manager.

Per Resolution 2023-07-157, classifications listed above shall be entitled to receive educational and POST Incentive pay aligned with the Police Association.