



SAN DIEGO
HOUSING
COMMISSION

San Diego Housing Commission Personnel Policy Handbook

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San Diego Housing Commission
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www.sdhc.org





SAN DIEGO
HOUSING
COMMISSION

Welcome to the San Diego Housing Commission (SDHC).

Established in 1979, SDHC provides a variety of award-winning affordable housing programs and services that stimulate the local economy, revitalize neighborhoods, and impact the lives of low-income and homeless San Diegans.

The dedication of our employees is essential to the success of our programs. We provide employees with recognition and benefits to help you grow professionally as we accomplish SDHC's mission:

Provide affordable, safe, and quality homes for low-and moderate-income families and individuals in the City of San Diego and provide opportunities to improve the quality of life for the families that SDHC serves.

You are an important member of our team.

This handbook includes the detailed agency policies that answer many of the questions you may have about working at SDHC. If you are represented by a collective bargaining unit, an additional source of information is the Service Employees International Union (SEIU) Memorandum of Understanding. However, if you have additional questions, do not hesitate to ask.

We wish you every success in your work with SDHC.

At SDHC, our motto is, "We're About People."

Sincerely,

Jeff Davis
Executive Vice President and Chief of Staff



PERSONNEL POLICY HANDBOOK

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Personnel Policy Handbook

Section I: Legal
Policy #: 101

INTRODUCTION/RIGHT TO REVISE

Effective Date: Pending
Revision Date: 08/01/2008
Supersedes: 07/01/2007

PURPOSE

This Personnel Policy Handbook (Handbook) contains the policies, practices, guidelines and procedures that the San Diego Housing Commission (Commission) has in effect at the time of publication. All employees should read, understand, and comply with all provisions of the Handbook. It describes many of the responsibilities as an employee and outlines the programs developed by the Commission to benefit employees. One of the objectives is to provide a work environment that is conducive to both personal and professional growth.

This Handbook sets forth the entire agreement between employees and the Commission as to the duration of employment and the circumstances under which employment may be terminated. The policies and practices set out in this Handbook or in any other personnel document, including benefit plan descriptions, are not intended to imply a contractual relationship, nor are they intended to create a promise or representation of continued employment for any employee.

This Handbook supersedes all previously issued Handbooks and/or policy statements or memoranda that are inconsistent with the policies described herein.

RIGHT TO REVISE

The Commission reserves the right to revise, modify, delete or add to any and all policies, procedures, work rules or benefits stated in this Handbook or in any other document except for the policy of at-will employment. Any changes must be in writing and must be approved by the Board of Commissioners. Any such written changes to this Handbook will be distributed so that employees will be informed of the new policies or procedures. No oral statements or representations can in any way change or alter the provisions of this Handbook.

Reference to the Commission throughout this Handbook refers to the organization, San Diego Housing Commission, and its staff. It is intended that wherever reference is made in this Handbook to decisions/recommendations being made or actions taken by the Commission, those decisions/recommendations are being made by the President and Chief Executive Officer and/or his/her designee.

The Housing Authority is responsible for the establishment, amendment, repeal and periodic review of the policies and procedures. Under the direction of the Housing Authority, and acting on its behalf, the President and Chief Executive Officer compiles and edits the Handbook; to be submitted for adoption by the Commission Board/Housing Authority.

The President and Chief Executive Officer is responsible for the implementation of this Handbook.

ORGANIZATION AND ADMINISTRATION

Authority to effect personnel actions in accordance with these policies and implementing administrative regulations shall be governed by the President and Chief Executive Officer or designee.

The President and Chief Executive Officer may authorize an exception to a provision herein for operational needs consistent with the general provisions or budget authorized by the Commission.

EXCEPTION TO PERSONNEL POLICIES

In cases where special programs have contract provisions which conflict with this Handbook, the provisions of those programs will apply to personnel working in those particular program areas.



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Section I: Legal
Policy #: 102

EMPLOYMENT AT WILL

Effective Date: Pending
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POLICY

Employment at-will means that an employee or the Commission may terminate employment without liability to the other, except as otherwise provided for in law or in any collective bargaining agreement, where applicable. In addition, the Commission or the employee may terminate employment in accordance with the terms of these personnel policies along with any relevant collective bargaining agreement, where applicable.



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Section I: Legal
Policy #: 103

EQUAL EMPLOYMENT OPPORTUNITY

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POLICY

The Commission maintains an ongoing commitment to the principles of Equal Employment Opportunity (EEO) in accordance with applicable Federal and State law, Executive Orders, and guidelines promulgated by appropriate agencies.

The Commission policy prohibits unlawful discrimination based on race, color, creed, gender, religion, marital status, domestic partner status, age, national origin or ancestry, physical or mental disability, medical condition including genetic characteristics, sexual orientation, or any other consideration made unlawful by federal, state, or local laws. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful.

The Commission is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in Commission operations and prohibits unlawful discrimination by any employee of the Commission.

The Commission will not discriminate with respect to recruitment, hiring, training, promotion, and other terms and conditions of employment. The Commission is an EEO employer and makes employment decisions on the basis of merit. All other personnel actions or programs such as compensation, benefits, transfers, layoffs, recalls, Commission-sponsored training, education, tuition assistance, social and recreational programs will be administered in a non-discriminatory manner. All employment decisions shall be consistent with the principle of EEO.

An employee who believes that they have been subject to any form of unlawful discrimination shall provide a verbal or written complaint to the EO Compliance Office or Human Resources Department. If the complaint is made verbally, the Commission encourages the employee to submit a written account of the complaint as soon as practical after making the verbal complaint. The complaint must be specific and must include the names of the individuals involved and the names of any witnesses. The Commission will immediately initiate an effective, thorough, and objective investigation and attempt to resolve the situation.

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



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Section I: Legal
Policy #: 104

AMERICANS WITH DISABILITIES

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POLICY

It is the Commission's policy and practice to comply with the Americans with Disabilities Act and ensure equal employment opportunity for all qualified persons with disabilities. The Commission is committed to ensuring non-discrimination in all terms, conditions and privileges of employment. The Commission will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability unless undue Commission hardship would result.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation, as well as, equal treatment and reasonable accommodation in job assignments. Employment decisions are based upon the essential job functions of the position, in accordance with defined criteria.

GUIDELINES

- A. Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact Human Resources and request such an accommodation. The individual with the disability should specify what accommodation is needed to perform the job.
- B. Human Resources or designee will conduct an investigation to identify the barriers that make it difficult for the applicant or employee to have an equal opportunity to perform the job. The applicant or employee will be required to present a certification from a healthcare provider as to what job functions the applicant or employee can/cannot perform, for which job functions he or she needs an accommodation and what accommodation is recommended. The Commission will analyze all information and identify possible accommodations, if any. If the accommodation is reasonable and will not impose an undue hardship, the Commission will make the accommodation.
- C. An employee who believes that they have been subject to any form of unlawful discrimination shall provide a verbal or written complaint to the EO Compliance Office or Human Resources Department. If the complaint is made verbally, the Commission encourages the employee to submit a written account of the complaint as soon as practicable after making the verbal complaint. The complaint should be specific and should include the names of the individuals involved and the names of any witnesses.
- D. Human Resources or designee will immediately initiate an effective, thorough and objective investigation and attempt to resolve the situation. If Human Resources or designee determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action will also be taken to deter any future discrimination. Whatever action is taken will be made known to the affected employee.
- E. The Commission will not retaliate against the employee for filing a complaint and will not knowingly permit retaliation by management or coworkers.
- F. During the interview process, hiring managers may inquire generally as to whether a prospective employee can perform the essential functions of a job, with or without accommodation, but cannot inquire as to whether or not an individual has any type of disability.



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Section I: Legal
Policy #: 105

UNLAWFUL HARASSMENT

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POLICY

The Commission is committed to providing a work environment that is free of unlawful harassment. The Commission's policy prohibits sexual harassment and harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, gender, national origin or ancestry, physical or mental disability, medical condition, marital status, domestic partner status, age, sexual orientation or any other basis protected by federal, state or local law or ordinance or regulation. All such harassment is unlawful. This policy also prohibits unlawful harassment based on the perception that anyone has any of the above-mentioned characteristics, or is associated with a person who has or is perceived as having any of those characteristics. It is intended that any change or modification to existing law will become part of the Commission's policy.

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

The Commission's anti-harassment policy applies to all persons involved in the operation of the Commission, including Commission Board Members/Alternates and consultants working on Commission-related projects, and prohibits unlawful harassment by any employee of the Commission, including management and coworkers.

DEFINITION

Prohibited unlawful harassment because of sex (e.g., sexual harassment, gender harassment, and harassment due to pregnancy, childbirth or related medical condition), race, religion, color, national origin or ancestry, physical or mental disability, medical condition, marital status, domestic partner status, age, sexual orientation or any other protected basis protected by federal, state or local law, ordinance or regulation includes, but is not limited to, the following behavior:

- A. Verbal conduct such as derogatory comments; epithets; slurs; sexual innuendos; jokes or comments that reasonably make another employee uncomfortable; slurs or unwanted sexual advances, invitations or comments.
- B. Visual displays such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures.
- C. Physical conduct such as assault, unwanted touching, intentionally blocking normal movement, or interfering with work because of sex, race or any other protected basis.
- D. Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors.
- E. Retaliation for having reported or threatened to report harassment.

RESPONSIBILITY

If an employee believes that they have been unlawfully harassed, they shall provide a complaint to the employee's own, or any other Commission director, or the EO Compliance Office or Human Resources Department.



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The complaint may be made verbal or in writing to the EO Compliance Office or Human Resources Department or the employee's supervisor/director. If the complaint is made verbally, the Commission encourages the employee to also submit a written account of the complaint. The employee's complaint should include details of the incident or incidents, names of individuals involved and names of any witnesses. Directors will refer all harassment complaints to the EO Compliance Office or Human Resources Department. The EO Compliance Office or Human Resources Department or designee will immediately initiate an effective, thorough and objective investigation of the harassment allegations.

Confidentiality will be maintained to the fullest extent practicable under the circumstances.

If the Commission determines that unlawful harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by the Commission to be responsible for unlawful harassment will be subject to appropriate corrective action up to and including termination. The Commission will advise all parties concerned of the results of the investigation. The Commission will not retaliate against the employee for filing a complaint and will not tolerate or permit retaliation by management, employees or coworkers. Corrective action may also be taken against any supervisor or director who condones or ignores unlawful harassment or otherwise fails to take appropriate action to enforce this unlawful harassment policy.

The Commission encourages all employees to report any incidents of harassment forbidden by this policy immediately so that complaints can be quickly and fairly resolved. Employees should also be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing may investigate and prosecute complaints of prohibited harassment in employment.

COMPLAINT PROCEDURE

An employee who believes that they have been unlawfully harassed shall report the incident immediately and according to the following procedure so that the complaint can be resolved quickly and fairly.

- A. Whenever possible, the employee should confront the harasser and tell the person to stop. If the employee does not feel comfortable doing this, follow step B immediately.
- B. The employee should notify their own supervisor or Human Resources as soon as possible after the incident, giving dates and time of the incident(s). Include details on the incident(s), names of individuals involved and the names of any witnesses. The employee may notify their own supervisor or Human Resources either verbally or in writing. If the complaint is made verbally, the Commission encourages the employee to submit a written account of the complaint as soon as reasonably practicable after making the verbal complaint.
- C. Supervisors will refer all harassment complaints to the Commission's EO Compliance Office or Human Resources Department. The Commission will immediately initiate an effective, thorough and objective investigation of the harassment allegations. If the harassment complaint is against Commission's EO Compliance Office or Human Resources Department, the employee shall make the complaint to the President and Chief Executive Officer and/or designee.
- D. If an employee has any questions regarding the Commission's policy against unlawful harassment or the procedure for filing complaints, please contact the EO Compliance Office or Human Resources Department.



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Policy #: 106

EMPLOYMENT ELIGIBILITY

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POLICY

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

Each new employee must provide documentation to the Commission to establish employment eligibility and identification. A completed Employment Eligibility Verification Form I-9 must be submitted to the Commission's Human Resources department within seventy-two (72) hours of the date of hire. Providing false documentation or making false statements on the verification form shall result in immediate termination.



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**EXECUTIVE AND MANAGEMENT
SERVICE**

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POLICY

Employment at the Commission shall consist of positions designated in the Executive and Management Service and all other positions not specifically included under the Executive and Management Service designated group.

- A. The Executive and Management Service shall include the position of President and Chief Executive Officer and executive, managerial and administrative positions designated and approved by the Commission. Such Executive and Management Service positions shall be included in the Classification and Pay Plan, M Schedule.
- B. The President and Chief Executive Officer serves at the discretion of the Appointing Authority.
 - 1. The President and Chief Executive Officer shall have the authority to appoint and remove all officers, directors and employees in the Executive and Management Service of the Commission, except as otherwise determined by the Board of Commissioners in accordance with Policy 108. Appointments made by, or under the authority of the President and Chief Executive Officer shall be based on the administrative ability, training and experience of such appointees in the work they are to perform. All such appointments shall be without definite term or conditions unless otherwise stated. All appointees and Executive and Management Service employees shall serve at the discretion of the appointing authority. The President and Chief Executive Officer shall have the authority to reorganize the Executive and Management Service of the Commission, as and when necessary, in the opinion of the President and Chief Executive Officer, with notice to the Board of Commissioners.
 - a. It shall be the duty of all Executive and Management Service employees to lead and be responsible to the President and Chief Executive Officer in administering or managing the work of the agency in a productive, efficient, and effective manner consistent with management expectations, agency mission, and sound business practices.
 - b. Executive and Management Service employees may be removed by the President and Chief Executive Officer or designee at any time in accordance with applicable policies, including without limitation Sections 107 C.1 and 107 C.3 among others, as may be necessary to effectuate the orderly and proper functioning of the Executive and Management Service of the Commission.
 - 2. Executive and Management Service positions are designated based on their executive and managerial responsibilities for formulating, implementing, and/or administering policy consistent with the organizational values, leadership principles, managerial philosophy, performance expectations, and operational needs of the organization. Also included are designated positions having significant responsibility for formulating, administering policies and programs.

The Executive and Management Service, which may change from time to time, as determined by the Chief Executive Officer, with notice to the Board of Commissioners, currently consists of the following positions:

- President and Chief Executive Officer
- Executive Vice President and Chief Operating Officer
- Directors



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- Secretary to the President and Chief Executive Officer
3. Additional positions which meet the criteria of the Executive and Management Service as provided for in this policy may also be designated by the President and Chief Executive Officer with the approval of the Commission.
- C. Employees in the Executive and Management Service shall be subject to the same policies and provisions as all other employees including equal opportunity in training and career opportunities with the following exceptions:
1. Recruitment, selection, and appointment to the Executive and Management Service and process for the notification, removal or re-assignment of employees from the service shall be determined by the President and Chief Executive Officer.
 2. Employees in the Executive and Management Service shall not serve an introductory period.
 3. The President and Chief Executive Officer shall have the discretion to determine the standards and process for recruitment and selection, performance evaluation, recognition, pay, reward, discipline, and exit from employment.
 4. The compensation and pay system, management benefits, and pension related options shall be established by the Commission.
 5. Each Executive and Director shall earn annual leave credits as follows:

Years of Service	Hours per Month	Days per Year
Beginning of the 1 st through the 10 th year	18.67 hours	28 days
Beginning of the 11 th through the 15 th year	20.67 hours	31 days
Beginning of the 16 th through the 25 th year	22.00 hours	33 days
Beginning of the 26 th year	23.33 hours	35 days

a. Pay in Lieu of Annual Leave

Executives, Directors, and Supervisors may make up to two (2) requests for payment in lieu of annual leave each fiscal year. The total of both requests cannot exceed one hundred twenty (120) hours. Requests for payment in lieu of annual leave may be made if the employee has sufficient hours of earned leave credits and meets the following conditions:

- Has taken at least five (5) days (forty (40) hours for full-time employees) of annual leave during the previous twelve (12) months; and



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- After receiving the requested number of hours in lieu of annual leave retained at least twenty-four (24) hours of earned annual leave credits.
- D. Executive and Management Service employees shall have salaries set within the approved salary schedule range by determination of the President and Chief Executive Officer.
1. Executive and Management Service employees shall be eligible for a salary review each July 1 based on performance, as determined by performance evaluation and other job related criteria to be determined by the President and Chief Executive Officer. Special pay equity adjustments, pay differentials, merit pay and recognition awards will be determined by the President and Chief Executive Officer in accordance with approved budget constraints.
 2. The President and Chief Executive Officer shall provide confidential correspondence to each Executive and Management Service employee in regard to the annual salary adjustment determination for that employee. If an Executive and Management Service employee believes that the annual increase was inappropriate, that employee may, within two (2) workdays of notification, submit written information to the President and Chief Executive Officer in regard to that salary increase determination. The President and Chief Executive Officer will consider the employee's input and make final determination within five (5) workdays.
 3. Annual salary adjustment determination notices to Executive and Management Service employees and employee written responses shall become permanent personnel file documents.



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Section I: Legal
Policy #: 108

**PRESIDENT AND CHIEF EXECUTIVE
OFFICER AS APPOINTING AUTHORITY**

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The City Council acting as the Housing Authority, shall appoint a President and Chief Executive Officer. The President and Chief Executive Officer shall appoint all other personnel, except as otherwise determined by the Housing Commission Board.



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Section I: Legal
Policy #: 109

BUSINESS ETHICS AND CONFLICT OF INTEREST

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BACKGROUND

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

In situations and on issues involving ethical or moral judgments, employees may sometimes have difficulty in determining the correct course of action. In such situations, employees are urged to discuss the matter with their immediate supervisor, department director, or the President and Chief Executive Officer.

PURPOSE

To summarize standards for professional conduct which apply equally to all employees regardless of individual job duties and responsibilities. This policy is not intended to replace or negate the provisions or requirements of any local, state or federal law, rule, regulation or contract provision applicable to Commission employees.

POLICY

No employee of the Commission shall engage in any business or transaction or shall have financial property, or other personal interest, direct or indirect, which is incompatible with the proper performance of official duties or would tend to impair independence, judgment or action in the performance of such duties or could reasonably be inferred that such interest, real or apparent, is in violation or incompatible with the disclosure requirements of the Commission Conflict of Interest Code Policy, Contracting and Procurement Policy, the Standards of Conduct and disclosure requirements contained in this Handbook, and the implementing Administrative Regulations. All employees are responsible for reading and complying with the provisions previously stated. No employee shall engage in any enterprise or activity which shall result in any of the following:

- A. Using the prestige or influence of official Commission employment for private gain or advantage of oneself or another.
- B. Using time, facilities, equipment or supplies of the Commission for the private gain or advantage of oneself or another.
- C. Using official information or information of a confidential nature not available to the general public for private gain or advantage of oneself or another.
- D. Receiving or accepting money, gifts, or other consideration from anyone other than the Commission for the performance of acts done in the regular course of employment or duty.
- E. Receiving or accepting, directly or indirectly, any gift or favor from anyone associated with the Commission or doing business with the Commission under circumstances from which it could reasonably be inferred that such was intended to influence official employment or duties, or as a reward for official action.
- F. Engaging in or accepting private employment or rendering services for private interests or the interest of another, when such is incompatible with the proper discharge of official employment or duties, or which could reasonably be inferred of such a conflict.



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BUSINESS ETHICS AND CONFLICT OF INTEREST

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- G. Engaging in unlawful discrimination or harassment.
- H. Using Commission funds and property for any unlawful purpose. This prohibition includes, but is not limited to: (i) unlawful political contributions, (ii) unlawful payments to governmental officials or employees, (iii) illegal rebates or refunds and (iv) payments or commitments made with the understanding or under circumstances that would indicate that these payments are kickbacks, bribes or to obtain influence.
- I. Establishing or maintaining unrecorded funds for any purpose.
- J. Failing to promptly record all financial transactions on the books of the Commission. No false or misleading entry shall be made for any reason.
- K. Using the Commission's letterhead/stationery for personal or non-official use.
- L. Failing to safeguard confidential information obtained during employment. In the course of the work, employees may have access to confidential information regarding the Commission, its elected officials or fellow employees. It is the employee's responsibility to protect and in no way reveal any such information unless it is necessary for the employee to do so in the performance of duties or required by law.
- M. If an employee is asked by another employee, supervisor or director to (a) perform any act that appears improper, (b) make any improper entry on the Commission's records or reports, (c) omit any entry that should be made, (d) suppress or hide any information that may result in detriment to the Commission or be in violation of the law, or (e) disclose information of a confidential nature except when legitimately required, it is that employee's duty and responsibility to bring the matter to the attention of the President and Chief Executive Officer, Commission Legal Counsel or Chair of the Commission Board. An employee will not be retaliated against for disclosing these activities to the appropriate parties.

It would be virtually impossible to cite examples of every type of activity that might give rise to a question of unethical conduct. Therefore, it is important that employees rely on their own good judgment in the performance of their duties and responsibilities. When those situations occur where the proper course of action is unclear, employees need to request advice and counsel from their supervisor or the President and Chief Executive Officer. (Also see Section IV: Rules and Regulations for more detailed policies regarding appropriate conduct and behavior.)

The highest standards of honorable and ethical conduct must be observed in all relationships with other agencies and the public. It is prohibited to make disparaging statements, take any other unfair actions or participate in any activity intended to damage the Commission, other agencies, or the public.

Every employee shall disclose completely the nature and extent of any participation or interest, direct or indirect, which might conflict with official responsibilities or duties or could reasonably be inferred as a conflict.

Each employee shall conduct himself/herself in a manner that is courteous, considerate, and prompt in dealing with the public and with persons or organizations having business with the Commission. Employees shall not engage in criminal, infamous, dishonest, immoral or disgraceful conduct prejudicial to the Commission.



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**BUSINESS ETHICS AND CONFLICT OF
INTEREST**

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Employees are expected to treat each other with courtesy, honesty, respect and understanding. Job-related problems should be discussed openly and differences resolved fairly, professionally and promptly. Confidential matters pertaining to employees will be respected.

IMPLEMENTATION

The President and Chief Executive Officer shall formulate, adopt and amend as necessary reasonable standards and procedures including applicable Administrative Regulations to ensure conformance to this policy.



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Section II:	Employment Practices	RECRUITMENT AND SELECTION	Effective Date:	Pending
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MERIT PRINCIPLES

Candidates shall be selected for employment, promotion, and merit pay awards on the basis of job related merit, abilities and skills unless otherwise designated within the provisions of these policies.

RECRUITMENT

A recruitment program shall be conducted, based upon current and projected work force needs. The recruiting efforts shall be carried out in a timely manner. Recruitment shall be tailored to specific job classes and shall be directed to appropriate sources in order to attract qualified candidates for consideration. Recruiting publicity shall be carried out through appropriate media for a reasonable period of time to ensure sufficient opportunity for the available labor market to apply and be considered for employment on the basis of skills and abilities. Announcement shall indicate that the Commission is an equal opportunity employer.

SELECTION AND EXAMINATION

A. Applications

Persons desiring employment shall submit an application setting forth their qualifications for employment and related information as may be required. Applications for Regular positions may only be filed in response to the publication of a current job announcement.

B. Merit Competition

Selection for Regular employment shall be through competition. The President and Chief Executive Officer may limit or target recruitments to Commission employees.

The President and Chief Executive Officer shall also have the authority to target certain recruitments to Section 8 participants and residents of Commission/Authority owned housing. Current or former employees who are residents and who meet the minimum requirements for a classification may be considered without further competition for selected positions.

The selection process shall be impartial and designed to maximize objectivity and validity for successful job performance and career development.

C. Selection Methods

Selection procedures may include, but are not limited to:

- Review of qualifications,
- Evaluation of work experience and training,
- Personal interviews,
- Written and/or oral exercises and/or performance tests,
- Physical agility tests,
- Comprehensive background checks and post offer of employment medical exam, and drug screen,
- Successful completion of prescribed training, or
- Any combination of these or other assessment methods to ensure selection qualifications for hire.



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Section II:	Employment Practices	RECRUITMENT AND SELECTION	Effective Date:	Pending
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Performance Reviews conducted within the last two (2) years may be considered by the President and Chief Executive Officer or designee as part of the decision for selection.

MEDICAL STANDARDS

- A. In order to be eligible for Regular employment with the Commission, candidates shall be required to pass a physical examination which shall be related to the job class. Such medical evaluation may include drug and alcohol screening. Temporary and volunteer employees may be subject to this requirement.
- B. Employees may be required to submit medical records from personal physicians and private treatment when requested by a Commission consulting physician in accordance with applicable release procedures. Such medical records may be submitted directly to the consulting physician for use in evaluating the employee's capacity to work safely or with an impairment.
- C. In the event an employee fails to meet the medical standards for the job class, based upon the finding of the examining physician, the President and Chief Executive Officer shall determine if reasonable job accommodations can be made that will enable the employee to perform the essential functions of the job class.
- D. Required post-offer, pre-employment physical examinations shall be paid by the Commission. The Commission shall designate the examining physician.



Personnel Policy Handbook

Section II:	Employment Practices	EMPLOYMENT TYPES	Effective Date:	Pending
Policy #:	202		Revision Date:	08/01/2008
			Supersedes:	07/01/2007

POLICY

The Commission employs staff in one of three different employment categories: Regular Full-Time, Regular Part-Time, and Temporary.

THE EMPLOYMENT TYPES OF THE COMMISSION ARE:

A. Regular Full-Time Employee

Employees in this category are those who regularly work forty (40) hours per week on a continuous scheduled basis. Employees in this category are eligible to participate in all benefit programs offered by the Commission. Regular employees are hired through the competitive merit process.

B. Regular Part-Time Employee

Employees in this category are those who regularly work twenty (20) hours or more but less than forty (40) hours per week on a continuous scheduled basis. Employees in this category participate in many of the Commission’s benefit programs on a pro-rated basis. Regular employees are hired through the competitive merit process.

C. Temporary Employee

Employees in this category are those in positions of limited or specified duration arising out of special projects, position vacancy, pending appointment, the absence of a position incumbent, abnormal work loads, emergencies, or other reasons established by the Commission.

Temporary employees can be hired:

1. Through the competitive merit process and are not eligible to participate in benefit programs if the duration of the appointment is anticipated to be the equivalent of one (1) year or less on a full-time basis;
2. Outside the competitive merit process to fill an urgent workload demand for up to one hundred eighty (180) calendar days; or
3. Through an employment contract to provide professional level services external to the budget and classification and pay system for a specified duration and scope of work. Contract employees are hired outside the Commission’s merit competitive process and without employment rights or benefits other than those required by law or included in the terms of their employment contract.



Personnel Policy Handbook

Section II:	Employment Practices	CHANGES IN EMPLOYMENT STATUS	Effective Date:	Pending
Policy #:	203		Revision Date:	08/01/2008
			Supersedes:	07/01/2007

CHANGES IN EMPLOYMENT STATUS

Opportunities for changes in status are available to employees for application at any time regardless of known position vacancies.

A. Voluntary Transfer

The President and Chief Executive Officer may, at any point in the selection process, honor an employee's request for transfer to an available position in the same classification. Considerations in the President and Chief Executive Officer's transfer decision include supervisor's recommendations, employee's current status, job performance, recent performance review, qualification for the position by experience or training, and employment within the same or higher pay range. Testing may be required of transfer candidates.

When an employee transfers to a position in the same classification, the employee shall be placed at the pay step that continues the current salary, and the employee's anniversary date will remain unchanged.

B. Involuntary Transfer

The President and Chief Executive Officer may initiate involuntary transfers (without loss of current pay) whenever such re-assignments are in the best interests of the Commission.

C. Demotion

Employees may be demoted for reasons of disciplinary action, layoffs, job performance or voluntary request for demotion. In addition, the President and Chief Executive Officer may honor an employee's request for voluntary demotion to an available position. Considerations in the President and Chief Executive Officer's voluntary demotion decision include supervisors' recommendations, employee's current classification and rate of pay, qualification by experience and training for the new position. The President and Chief Executive Officer may place the demoted employee at any pay step within the new pay range. The employee's anniversary date changes upon demotion. No new introductory period is provided for the voluntarily demoted employee to a class previously held. A New Class introductory period is required without the right to return to a position in the previous class held for the involuntarily demoted employee.

D. Lateral Reassignment

The President and Chief Executive Officer may, at any point, honor an employee's request for a lateral reassignment to an available position in a different classification. A lateral reassignment is possible when a Regular status employee is employed in a classification with the same pay range as the available position and the employee is qualified for the position by experience and training and performance. Technical skills or knowledge tests may be required of a lateral reassignment candidate. The employee's anniversary date changes upon lateral assignment. No change in pay occurs upon lateral reassignment. A New Class introductory period applies.

E. Promotions

1. Notice of openings that present promotional opportunities for employees through the competitive recruitment process shall be posted in appropriate work locations for at least five (5) workdays.



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Section II:	Employment Practices	CHANGES IN EMPLOYMENT STATUS	Effective Date:	Pending
Policy #:	203		Revision Date:	08/01/2008
			Supersedes:	07/01/2007

2. When an employee is promoted, he or she shall be placed at a step/pay within the new range to be determined by the President and Chief Executive Officer. Normally, the increase will be approximately 5%. The employee serves a New Class introductory period and the anniversary date shall change to coincide with the effective date of promotion.
3. An employee scheduled for a normal step/pay increase within sixty (60) calendar days upon change of status due to promotion will receive the step/pay increase upon promotion, subject to satisfactory written evaluation, in addition to the normal step/pay increase provided for promotions.

F. Reclassifications

1. When an occupied position is reclassified upward, the employee's salary and salary review date shall be changed to coincide with the effective date of the reclassification.
2. When an occupied position is reclassified downward, the employee's salary shall be placed at a step/pay within the new pay range which does not reduce pay or shall remain until the new range exceeds the employee's pay rate.
 - a. When an occupied position is reclassified downward, and the employee's pay rate is within the range for the new classification, the employee's salary will remain until the employee's anniversary date at which time the employee may move onto the step/pay next higher than current salary.
 - b. When an occupied position is reclassified downward, and the employee's step/pay rate exceeds the top step/pay of the range for the new classification, the employee's salary shall remain unchanged and will be "frozen", until the new range equals or exceeds the employee's pay rate. The employee's step/pay rate will be placed at the highest step/pay which does not reduce the Y- rated pay rate when the pay range of the new classification equals or exceeds the employee's Y- rated pay rate.
 - c. Downward reclassification of a position does not change the anniversary dates of the employee.
3. When an occupied position is laterally reclassified, the employee's salary and anniversary date remains the same.

G. Salary Range Adjustments

When an across the board salary range adjustment occurs, each employee shall be placed on the same step within the new range as that employee occupied within the old ranges. When an existing classification is allocated to a new range, the employee will be placed on a step closest to the employee's current step/pay. Prior anniversary dates remain unchanged when salary range adjustments occur.

H. Changes In Status Effective Dates

In the event an employee is promoted, demoted, reclassified, transferred, laterally reassigned, or receives a salary adjustment, said action shall be made effective the start of the pay period in which the action falls.



Personnel Policy Handbook

Section II:	Employment Practices	INTRODUCTORY PERIOD	Effective Date:	Pending
Policy #:	204		Revision Date:	08/01/2008
			Supersedes:	07/01/2007

POLICY

The introductory period is an intrinsic part and extension of the employee selection process. The employee will be considered in training and under careful observation and evaluation by supervisory personnel during this timeframe. Generally, this period will be utilized to train the employee for his/her job responsibilities and to determine whether there is a fit between the Commission's business needs and the qualifications of the employee.

GUIDELINES

- A. Newly appointed regular employees shall serve an introductory period under close supervision and evaluation in order to assess their ability and adaptation. For non-represented employees, this period shall be six (6) months from the date of hire into a regular position.
- B. Completion of the introductory period does not entitle the employee to remain employed by the Commission for any definite period of time, nor does it change the employment-at-will policy in any way.
- C. During the introductory period, the President and Chief Executive Officer may dismiss an employee at any time, with or without cause and with or without notice, and without the right of appeal. The discharge is at the sole discretion of the President and Chief Executive Officer.
- D. A written evaluation shall be given at the end of the six (6)-month introductory period with subsequent reviews annually thereafter from the date of hire.
- E. A new employee terminated during the introductory period will be informed in writing that the introductory period was not satisfactorily completed.
- F. Employees appointed, promoted or transferred to a new position shall serve an introductory period of six (6) months.
- G. The introductory period may be extended a maximum of ninety (90) calendar days for less than satisfactory performance. In the case where the employee has been absent from work for the equivalent of thirty (30) calendar days or more, the introductory period may be extended for a specified period equal to the time absent from the job, not to exceed ninety (90) calendar days. Only one extension may be granted during the introductory period. If the new hire introductory period is extended, a final evaluation shall be performed at the end of the extension to determine if performance is satisfactory.
- H. In the event a Temporary employee is selected from a temporary assignment to a Regular position in the same or equivalent classification, the six (6) month introductory period may be reduced, or waived, as determined by the President and Chief Executive Officer.



Personnel Policy Handbook

Section II:	Employment Practices	HOURS OF WORK	Effective Date:	Pending
Policy #:	205		Revision Date:	08/01/2008
			Supersedes:	07/01/2007

POLICY

The Commission establishes working hours that are consistent with the operating requirements and responsibilities of the Commission. Work shifts, days, hours, and periods can be established and modified by the Commission within the limits prescribed by law, based on operating conditions and requirements of the Commission. Employees may not change their own work schedule without the consent from their supervisor.

The Commission may require an employee to work overtime, which may include weekends, evenings, and/or holidays. The Commission will attempt to provide advance notification, if possible.

GUIDELINES

- A. The regular workweek is Monday through Friday of each calendar week, and business hours are between 7:00 a.m. and 6:00 p.m. of each day of the regular workweek. Full-time employees shall normally work a forty (40)-hour week.
- B. Employees are required to be at their assigned work locations and ready to begin work at their designated start time.
- C. It is the Commission's policy to ensure that all non-exempt employees are provided with meal and rest periods.

No employee shall work for a period of more than five (5) hours without an unpaid meal period of at least thirty (30) minutes. A fifteen (15)-minute, paid rest period must be taken approximately halfway through any work period of three-and-a-half (3½) hours or more.

When a work period of not more than six (6) hours will complete the day's work, the meal period may be waived by mutual consent of the employer and the employee.

Employees must be relieved of all work during their fifteen (15)-minute rest and their meal periods.

- D. The Commission may allow the use of makeup time when non-exempt employees need time off to tend to personal obligations, according to each department's practice. Makeup time worked will not be paid at an overtime rate. When approved by management, an employee may take time off and then make up the time later in the same workweek, or may work extra hours earlier in the workweek to make up for time that will be taken off later in the workweek.

Makeup time requests must be submitted in writing to the supervisor via email. Requests will be considered for approval based on the legitimate business needs of the Commission as soon as reasonably practicable after submission of the request. A separate written request is required for each occasion the employee requests makeup time. Any makeup time requests must be submitted in advance. The makeup time request must be approved in writing before the employee takes the requested time off or works makeup time, whichever is first.

All makeup time must be worked in the same workweek as the time taken off. Employees may not work more than eleven (11) hours in a day or forty (40) hours in a workweek as a result of making up time that was or would be lost due to a personal obligation.

If the employee takes time off and is unable to work the scheduled makeup time for any reason, the hours missed will be taken as leave without pay or annual leave.



Personnel Policy Handbook

Section II: Employment Practices

HOURS OF WORK

Effective Date: Pending

Revision Date: 08/01/2008

Policy #: 205

Supersedes: 07/01/2007

An employee's use of makeup time is completely voluntary. The Commission does not encourage, discourage, or solicit the use of makeup time.

- E. Employees who are breastfeeding may take additional unpaid breaks with their supervisor's approval in order to express breast milk. The employee will be required to use the paid break time already provided to her, if possible. If the employee needs a reasonable amount of additional time, that time will be unpaid. The employee may choose to use meal break time to express breast milk as well.



Personnel Policy Handbook

Section II:	Employment Practices	OVERTIME PAY	Effective Date:	Pending
Policy #:	206		Revision Date:	08/01/2008
			Supersedes:	07/01/2007

POLICY

Exempt Employees

- A. The Commission shall designate which classifications shall be exempt from overtime pay in accordance with the Fair Labor Standards Act (FLSA). Indication of that designation will be made on the pay plan.
- B. Part-time employees designated exempt in accordance with FLSA appointed to work a 1/2-time, 3/4-time, or other approved part-time schedule shall be paid proportionately to the monthly salary paid to full-time employees in the same position.
- C. Exempt employees shall not be required to have deductions from leave, pay, or other monetary account for absences of less than a full workday.

GUIDELINES

Non-Exempt Employees

- A. For employees working in classifications *not* represented by the bargaining unit (MOU), all hours worked in excess of eight (8) hours in one (1) workday or forty (40) hours in one (1) workweek will be treated as overtime. For overtime purposes, all paid leave shall be included in the normal forty (40) hour week.

Compensation for hours worked in excess of forty (40) for the workweek or in excess of eight (8) hours, but less than twelve (12) hours, in a day shall be paid at a rate one-and-one-half (1½) times the employee's regular rate of pay.

Compensation for hours worked in excess of twelve (12) in one (1) workday and/or in excess of 8 hours on the seventh consecutive workday in a workweek shall be paid at double the regular rate of pay.

- B. For employees working in classifications represented by the bargaining unit (MOU), overtime is authorized for work performed by an eligible employee in excess of the normal forty (40) hour workweek. For overtime purposes, all paid leave shall be included in the normal forty (40) hour week.
- C. Overtime work must be specifically authorized, in advance, by the employee's supervisor.
- D. Overtime shall be paid in the pay period in which it is earned.
- E. The President and Chief Executive Officer may elect to designate the workweek (7 day period) of employees which best meets the service needs of the Commission.



Personnel Policy Handbook

Section II:	Employment Practices	PAYMENT OF WAGES	Effective Date:	Pending
Policy #:	207		Revision Date:	08/01/2008
			Supersedes:	07/01/2007

POLICY

The Commission pays its employees on a bi-weekly basis. Employees are notified regarding specific payday by the Commission posting such dates. The following are the general guidelines used for payment of wages:

GUIDELINES

A. Pay Dates/Pay Periods

Employees will be paid every other Friday. The compensation will reflect work performed for the two (2) weeks ending on the Friday preceding payday.

B. Timekeeping Requirements

All employees are required to record time worked on an electronic timecard for payroll purposes.

Non-exempt employees must record their own time at the start and at the end of each work period, including without limitation before and after any meal breaks or other unpaid periods away from work.

Timecards are submitted to the direct supervisor for review and approval. Any errors on the employee's timecard should be reported immediately to the supervisor and/or payroll, who will attempt to correct legitimate errors.

Completing another employee's timecard, allowing another employee to complete one's own timecard, or altering a timecard is prohibited and subject to disciplinary action, up to and including termination.



Personnel Policy Handbook

Section II:	Employment Practices	ALTERNATIVE WORK SCHEDULES	Effective Date:	Pending
Policy #:	208		Revision Date:	08/01/2008
			Supersedes:	07/01/2007

POLICY

An alternate work schedule for a work unit may be implemented through an employee election process and with the approval of the President and Chief Executive Officer and may be thereafter modified or eliminated, at anytime, at the sole discretion of the President and Chief Executive Officer, in accordance with the Commission's business needs and with reasonable advance notice to employees.

FLEX TIME FOR EXEMPT EMPLOYEES

The President and Chief Executive Officer reserves the right to permit exempt employees to work flex time, as well as, the right to revoke any previously permitted flex time schedules.

Flex time allows exempt employees to control when they report to work and in some cases the hours and days that they work based on the Commission's business needs and within a reasonable framework of the Commission's regular business hours.



Personnel Policy Handbook

Section II: Employment Practices

ATTENDANCE AND TARDINESS

Effective Date: Pending

Policy #: 209

Revision Date: 08/01/2008

Supersedes: 07/01/2007

POLICY

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

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

In all cases of an employee's absence, the employee shall provide the supervisor with a reason for the absence and, if applicable, the probable duration of absence.

GUIDELINES

- A. If an employee is unable to report to work as scheduled due to illness or injury, the employee shall notify the supervisor or designee prior to the start of the employee's shift with at least a voice mail message stating the reason for the absence.
- B. Excessive tardiness or absenteeism, regardless of reason(s), which renders an employee insufficiently available for work or negatively impairs the operations of the Commission, will be evaluated on a case-by-case basis to determine the merits of corrective action, up to and including termination of employment.
- C. Employees unable to adhere to the Commission's attendance policy will be subject to corrective action, up to and including termination.



<i>Personnel Policy Handbook</i>			
Section II:	Employment Practices	PERFORMANCE EVALUATION PROGRAM	Effective Date: Pending
Policy #:	210		Revision Date: 08/01/2008
			Supersedes: 07/01/2007

POLICY

The Commission’s performance management system is designed to provide feedback, recognize and reward employees’ efforts and achievements. The Commission encourages supervisors to provide individual feedback to employees on a regular basis. The Commission’s performance management system is designed so that each regular employee shall be evaluated following the introductory period and annually.

GUIDELINES

A. Feedback

The employee’s supervisor shall give feedback throughout the year regarding the employee’s success in achieving job expectations and job requirements. Employees need to know if they are completing performance objectives satisfactorily. Regular feedback also enables supervisors to determine if performance objectives require adjusting due to changes in Commission or job priorities.

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

B. Performance Objectives

Goal-oriented performance objectives are mutually agreed upon between the supervisor and the employee at the beginning of the evaluation period and documented on the evaluation form. It is important that employees understand the Commission’s expectations. Both performance and behavioral objectives may be established.

C. Types of Review

1 Introductory Period

An introductory period evaluation is given to new employees at six (6) months to determine if the individual is well suited for the position to which they are assigned.

2 Feedback and Annual Review

Supervisors shall conduct informal feedback sessions during the year and should document those sessions with each employee. These documented sessions will assist in the development of the annual performance review.

3 Annual Review

An annual written review is required for each employee.

The evaluation shall include documented information regarding past performance, the success of meeting goals and objectives previously agreed to and include goals and objectives for the upcoming year. The preparation of a developmental plan is optional. The performance evaluation shall cover the entire period.



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Section II:	Employment Practices	PERFORMANCE EVALUATION PROGRAM	Effective Date:	Pending
Policy #:	210		Revision Date:	08/01/2008
			Supersedes:	07/01/2007

The supervisor shall complete the Performance Evaluation form during this review referencing the employee's job description and objectives previously agreed to.

After the employee has had an opportunity to review the written evaluation, the employee and his/her supervisor will meet to discuss its contents. If appropriate and agreed to, changes can be made to the document.

After the performance evaluation interview is completed, a copy of the completed performance evaluation form will be provided to the employee. After the supervisor and the employee have signed the form, a copy will be made for the employee and the original will be retained in the Human Resources personnel file. The employee may submit a written response within a reasonable timeframe.



Personnel Policy Handbook

Section II:	Employment Practices	JOB CLASSIFICATION ADMINISTRATION	Effective Date:	Pending
Policy #:	211		Revision Date:	08/01/2008
			Supersedes:	07/01/2007

POLICY

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

CLASS SPECIFICATIONS AND POSITION CLASSIFICATION PRACTICES

Classification and compensation practices are reviewed periodically to ensure internal and external comparability and competitiveness of pay practices. When a new classification is created or when a position’s duties, functions and/or responsibilities change significantly, a job analysis or classification reevaluation is conducted. Positions are classified/reclassified and assigned/reassigned to a salary grade on the basis of the classification review. Work will be assigned according to the approved classification to avoid unauthorized out of class situations.

A. Position Classification

1. The regular classification of each position shall be consistent with the duties performed and the position classification title approved by the Commission for inclusion in the agency budget.
2. The President and Chief Executive Officer may temporarily reclassify or add positions to meet unanticipated operational requirements, within approved policy authorization and subject to appropriate funding source availability. All Temporary reclassifications as additions to Regular staffing will be reported by the President and Chief Executive Officer to the Commission during proposed budget discussions.

B. Class Specifications

The President and Chief Executive Officer shall be responsible for the preparation of a class specification for each classification in the pay plan adopted by the Commission. The class specifications shall describe common distinguishing characteristics for each classification such as title, nature of work, supervision exercised and received, examples of essential and related duties, qualifications, requirements, and relationship to other classifications in the career series. Class specifications shall be updated, maintained, or may be created on a temporary basis as the President and Chief Executive Officer determines necessary to properly describe the work performed and to accomplish the agency’s mission, purpose and programs. Class specifications for newly created Regular classifications and substantive revisions to specifications for the Executive and Management Service shall be approved by the Commission for development by the President and Chief Executive Officer resulting from the budget approval process.

Class specifications shall be made available to the employees of each classification as a general description of the work performed.

C. Classification Pay Plan

The President and Chief Executive Officer shall be responsible for making changes to the Classification Pay Plan, the classification of individual positions and the assignment of classes to salary ranges within currently approved salary schedules as may be required to accomplish the agency’s mission, purpose and programs, provided that such actions are:



<i>Personnel Policy Handbook</i>			
Section II:	Employment Practices	JOB CLASSIFICATION ADMINISTRATION	Effective Date: Pending
Policy #:	211		Revision Date: 08/01/2008 Supersedes: 07/01/2007

1. Consistent with policy.
2. Do not result in the addition of any new management positions not previously approved in the budget.
3. Will not exceed the approved budget for personnel expenses.

The authority of the President and Chief Executive Officer will include the addition/deletion of classifications, reclassifications of currently authorized positions, and assignment of new classes to salary grades in accordance with policy provisions and consistent with provisions of the Personnel Policies.

In implementing agency wide classification and compensation studies, the adopted implementation plan shall apply.

FLEXIBLE STAFFING/CAREER ADVANCEMENT SERIES

A. Underfilling Positions

Positions specifically designated for career advancement in a career advancement series will be budgeted at the full journey level. The President and Chief Executive Officer may elect to use a lower paid classification than authorized in the budget and later raise that position's classification to the budget authorized level.

B. Flexible Staffing

The President and Chief Executive Officer may designate certain positions as appropriate for flexible staffing in a career advancement series. Current Commission classifications subject to flexible staffing designation include the following listed below. Other flexible staffing classifications may later be added to the pay plan.

ENTRY LEVEL CLASS

FLEXIBLE STAFFING ADVANCEMENT CLASS

Office Assistant I

Office Assistant II

Housing Aide I

Housing Aide II

Housing Assistant I

Housing Assistant II

Maintenance Technician I

Maintenance Technician II

1. Employees in positions with flexible staffing designations are subject to advancement to the next class in the career advancement series without the need for competition up to the budgeted classified level upon supervisory determination that the full range of duties are being performed satisfactorily at the employee's current level. Not all positions within a career advancement series may be classified and/or budgeted at the highest level in the career advancement series. Some positions may be classified and/or filled at a lower level. In such a case, career advancement would only occur up to the classified level.
2. Employees of positions regularly classified at the entry class in the career advancement series will be subject to either competitive processes or transfer to a flexible staffing designated position before advancement to the higher level class.



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Section II:	Employment Practices	JOB CLASSIFICATION ADMINISTRATION	Effective Date:	Pending
Policy #:	211		Revision Date:	08/01/2008
			Supersedes:	07/01/2007

3. Written notice about flexible staffing opportunities shall be provided to candidates upon recruitment. Such notice may be accomplished by inclusion in the recruitment job announcement.



Personnel Policy Handbook

Section II:	Employment Practices	COMPENSATION POLICY	Effective Date:	Pending
Policy #:	212		Revision Date:	08/01/2008
			Supersedes:	07/01/2007

POLICY

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

PAY PLAN, STEP INCREASES AND SPECIAL PAY

- A. Employees shall be paid within the ranges assigned to their classifications in accordance with standard merit increase principles.
 - 1. The first step in each range is the minimum rate and shall normally be the hiring rate for the classifications. In cases where it is difficult to secure qualified personnel or a person of unusual qualifications is employed, the President and Chief Executive Officer may approve appointment of any step in the range for recruitment purposes.
 - 2. Advancement to the second and subsequent steps shall be at the completion of twelve (12) months of satisfactory service at each preceding step, as reflected by the annual evaluation.

Upon completion of the performance review form, employees eligible for an increase shall receive the regular step increase effective the start of the pay period in which the annual performance review date falls. Employees receiving a “Does Not Meet” rating will not receive an increase.
 - 3. Leaves of absence longer than thirty (30) calendar days shall delay and extend day for day the period of satisfactory service necessary for a regular merit step/pay increase.

- B. All classifications shall be assigned to salary ranges by the Commission. The pay plan may be amended from time to time, as circumstances require.

Extended Range “E” Classes:

An E Class appointment may be made by the President and Chief Executive Officer to the range directly above or below the designated range based on the qualifications of the individual and duties assigned.

- C. Effective January 1, 1999 the Basic Pay Plan (except for employees in the Executive and Management Service) consists of a 7-step merit pay range as reflected on the Commission’s approved Salary Schedule.
 - 1. The percent between steps 1 and 2, and 2 and 3 are 5% rounded. The percent between steps 3 through 7 are 2.5% rounded.
 - 2. Regular Merit Pay

Employees are eligible for regular merit step advancement (approximate 5% pay increase) to steps 2 and 3 at the completion of twelve (12) months satisfactory service at each preceding step for meets/exceeds and outstanding performance as documented by the annual evaluation for the prior annual evaluation period.



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Section II:	Employment Practices	COMPENSATION POLICY	Effective Date:	Pending
Policy #:	212		Revision Date:	08/01/2008
			Supersedes:	07/01/2007

3. Performance Bonus Pay

Employees at steps one, two, three, four, five and six are eligible for an increase to their base pay at the time of their annual performance review. In addition, if an employee receives an Outstanding rating on their annual performance review they will also receive, at the time of the next scheduled pay check and in accordance with the current Payroll Schedule, a separate check that equates to two and one half percent (2.5%) of their new base pay rate.

Employees at step seven are not eligible for an increase to base pay. However, if the employee receives an Outstanding rating on their annual performance review they will receive, at the time of the next scheduled pay check and in accordance with the current Payroll Schedule, a separate check that equates to two and one half percent (2.5%) of their current base pay rate.

4. Short Term Merit Awards

A lump sum award of up to \$1,000 may be granted for exceptional performance of a limited duration based on meeting specified criteria, or for self-directed development efforts to learn and apply new skills consistent with the Core Values of the Commission.

5. Pay Differentials

a. Pay Differentials may be assigned to individual positions within a classification to recognize assignments which though difficult and specialized, do not warrant reclassification to a new or different classification. Such assignments may include without limitation:

- Special projects and assignments of a specified duration which entail added responsibilities and the application of specialized knowledge and skill.
- Temporary exercise of supervisory responsibilities for compelling operational reasons when no supervisory position exists to perform them.
- Difficult, challenging, specialized workload or other significant added programs, operations or administration responsibilities for which a classification upgrade is not warranted.

b. Pay differentials may be authorized up to 15% above base pay. All assignments will be approved in advance by the President and Chief Executive Officer based on supportive documentation.

6. Pay Equity Adjustment/Increase

A pay equity adjustment increase may be approved to alleviate salary inequities between employees in the same classification or supervisory/employee salary relationships that cannot be resolved through near-term merit increases.



Personnel Policy Handbook

Section II:	Employment Practices	PROGRESSIVE DISCIPLINE	Effective Date:	Pending
Policy #:	213		Revision Date:	08/01/2008
			Supersedes:	07/01/2007

POLICY

To ensure that the Commission maintains the highest standards possible, it adopts these policies for counseling and discipline. The administration of these policies involves the use independent judgment and discretion by Commission management appropriate to the circumstances. These policies are not intended to be all-inclusive or otherwise describe every circumstance for which counseling and/or discipline may be appropriate. Questions concerning the administration of these policies should be made directly to Human Resources.

GUIDELINES

A. Constructive Counseling and Development

The basic purpose of counseling is to advise the employee of practices, behavior, or other circumstances that may impede an employee’s performance or otherwise lead to discipline of the employee, and offer guidance to the employee for purposes of improving performance. Counseling is intended to be less formal than discipline to facilitate open communication between Commission management and staff.

B. Discipline Process

The disciplinary process is more formal and serious than counseling and should be utilized to impose specific consequences for unsatisfactory performance, behavior, or other actions justifying disciplinary action against an employee.

In administering the personnel policies governing discipline, the Commission distinguishes between two classifications of employees – Management Employees and Regular Employees. Management Employees may be terminated, demoted, or otherwise disciplined for cause without adherence to procedures enumerated in these policies under the section entitled “Procedures for Disciplinary Action Affecting the Pay of Regular Employees” (“Administrative Hearing Provisions”). Regular Employees may be terminated, demoted, or otherwise disciplined in a manner affecting pay for cause and in accordance with the Administrative Hearing Provisions of these policies.

C. Administration of Counseling and Discipline

In deciding whether counseling or disciplinary action is appropriate to any situation under review, Commission management should adhere to the following basic procedure:

First, a determination should be made as to whether any action[s] or inaction[s] by an employee justifies the invocation of either the counseling or disciplinary process. In making this determination, Commission management should refer to the section entitled “Causes for Counseling or Disciplinary Action”, paragraph A (below) to determine whether the situation under review is reasonably related to those items identified as causes for counseling and/or disciplinary action. The level of counseling or discipline should bear a rational relationship to the seriousness of the unsatisfactory performance, behavior, or other inappropriate employee action. In administering the appropriate discipline, the Commission may consider all factors reasonably related to the situation under review, including the seriousness of the situation necessitating discipline, prior counseling or other disciplinary measures.

Second, if a determination is made that counseling or disciplinary action is appropriate, Commission management should select the appropriate counseling or disciplinary process.



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Third, Commission management should determine whether the employee is a Regular Employee or a Management Employee. In administering disciplinary actions affecting pay for Regular Employees, Commission management shall follow the special procedures set forth in Administrative Hearing Provisions of these policies in the section entitled "Causes for Counseling or Disciplinary Action".

Fourth, in the administration of disciplinary actions against Regular employees, who are also members of the bargaining unit represented by Service Employees International Union (SEIU) Local 221, reference should be made to the Memorandum of Understanding between the Commission and SEIU. In the event of a conflict between these policies and the Memorandum of Understanding, the Memorandum of Understanding shall control.

1. Causes for Counseling or Disciplinary Action

The Commission may take disciplinary action against an employee for those actions or inactions that justify the discipline. The Commission does not adhere to rigid criteria in determining whether to take disciplinary action against an employee, or which disciplinary measure best addresses the situation under review. Rather, the Commission analyzes the totality of the circumstances in making the appropriate disciplinary determinations. Grounds for disciplinary action include without limitation:

- a. Violation of the Commission's policy prohibiting drug and alcohol abuse;
- b. Violation of the Commission's policy prohibiting unlawful harassment and discrimination;
- c. Insubordination, including but not limited to, failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management;
- d. Removal of equipment/supplies from Commission property for personal use;
- e. Falsifying or making a material omission on an employment application or on other Commission records or documents;
- f. Theft and deliberate or careless misuse, damage or destruction of any Commission property or the property of any employee or Commission customer/visitor;
- g. Actual or threatened physical violence, threatening, intimidating or coercing any member of the Commission's community, vulgar or abusive language.
- h. Possession or use of dangerous or unauthorized materials, such as explosives, firearms or other similar items, while on Commission property, while on duty or while operating a vehicle leased or owned by the Commission;
- i. Unsatisfactory performance, including but not limited to, inadequate quantity or quality of work product, failure to complete assigned tasks, lack of cooperation;
- j. Excessive tardiness or absenteeism, including abuse of any of the Commission's policies or procedures relating to leaves or breaks;
- k. Dishonesty;
- l. Sleeping while on duty;
- m. Failure to follow instructions or safety guidelines.



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- n. Conviction of a felony, based upon the nature of the offense, when it occurred and its relevance to the position;
- o. Violation of any Commission safety, health, security policy, rule or procedure, or codes of conduct or otherwise conducting oneself contrary to the interests of the Commission;
- p. Recording the work time of another employee or allowing any other employee to record one's own work time, or falsifying any time card, either one's own or another employee's;
- q. Removing or borrowing Commission property without prior authorization;
- r. Provoking a fight or fighting during working hours or on Commission property;
- s. Causing, creating or participating in an unauthorized disruption of any kind during working hours on Commission property;
- t. Failing to notify a supervisor when unable to report to work;
- u. Unreported absence of three (3) consecutive scheduled workdays;
- v. Failing to obtain permission to leave work for any reason during normal working hours;
- w. Failing to observe work schedules, including rest and meal periods;
- x. Failing to provide a physician's certificate when requested or required to do so;
- y. Working overtime without authorization or refusing to work assigned overtime;
- z. Accepting bribes; and
- aa. Any other conduct of a reasonably serious nature.

2. Types of Counseling

The Commission recognizes two basic types of counseling – oral and written. Each form of counseling is described below and may be used as necessary to correct unacceptable actions or inactions before the imposition of discipline.

a. Oral Counseling

Oral counseling is the most common form of counseling and should be used as often as reasonably necessary to advise employees of relatively minor practices, behavior, or other circumstances impeding an employee's performance or otherwise likely to lead to more progressive discipline. Oral counseling should be offered in a manner to correct the performance and/or behavior inducing the oral counseling. Oral counseling may be relied upon in any subsequent disciplinary action.

b. Written Counseling

Written counseling is a more formal and serious expression of employee counseling that may be used where either oral counseling has proved ineffective or the gravity of the situation justifies written counseling. No specific form is required for written counseling, but it should generally describe the circumstances precipitating the counseling along with the recommended remedial action. Written counseling may be relied upon in any subsequent disciplinary action.



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3. Types of Disciplinary Actions Not Affecting Pay

Discipline does not have to affect the pay of an employee, but rather may be used to correct unsatisfactory actions or inactions prior to the imposition of more severe discipline, or to hold the status quo while an investigation is made of a matter potentially necessitating the imposition of discipline affecting an employee's pay.

a. Written Reprimand

A written reprimand is the lowest form of discipline, but is more serious than either oral or written counseling. A written reprimand should clearly state the reason it is given to an employee, as well as, describe the potential ramifications to the employee for not correcting the deficient behavior, actions, or performance.

b. Suspension Pending Investigation

A suspension pending investigation is a not itself a form of disciplinary action, but rather a means for preserving the status quo while the Commission investigates a matter that might lead to disciplinary proceedings. During a suspension pending investigation, the employee continues to receive his/her pay. The suspension should not exceed thirty (30) calendar days, and should be conducted as soon as reasonably practicable.

Upon completion of the investigation, the Commission should notify the employee whether any disciplinary action will ensue because of the investigation. In the event that the Commission deems disciplinary action appropriate, it shall notify the employee of the intended disciplinary action and proceed in accordance with those procedures governing the relevant disciplinary action.

4. Types of Disciplinary Action Affecting Pay

Disciplinary actions affecting pay may take a variety of forms depending upon the severity of the circumstances under review. The following are the available forms of discipline affecting pay recognized by the Commission:

a. Suspension Without Pay

A suspension without pay is a form of disciplinary action appropriate in which a non-salaried employee is suspended from employment without pay for a period not to exceed thirty (30) calendar days. A suspension without pay is only applicable to non-salaried employees, as defined within the Fair Labor Standards Act and implementing regulations.

Salaried employees, as defined under the provisions of the Fair Labor Standards Act and implementing regulations, shall not be suspended without pay, except if such a suspension is imposed in good faith for infractions of safety rules of major significance. Safety rules of major significance include only those relating to the prevention of serious danger to the work place and/or other employees. Exempt



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status employees are, in general, not disciplined by piecemeal deductions from their pay, but are terminated, demoted or given restricted assignments.

b. Salary Reduction

A salary reduction is a reduction in an employee's salary imposed for disciplinary reasons. A salary reduction should be used in those situations where employee misconduct justifies significant discipline short of termination or disciplinary demotion.

c. Disciplinary Demotion

A disciplinary demotion is a formal demotion of an employee from a higher position to a lower position, which carries with it a commensurate reduction in salary. The Commission may impose a disciplinary demotion to address inappropriate employee behavior, as well as, unsatisfactory performance. This form of discipline may be appropriate for employees who are not performing in a satisfactory manner in a higher classification, but would perform satisfactorily in a lower classification.

d. Dismissal

A dismissal is the formal severance of an employee from employment with the Commission. A dismissal may be appropriate even when the Commission has the option of electing either a salary reduction or a disciplinary demotion.

D. Procedures of Disciplinary Action Affecting the Pay of Regular Employees

Actions directly affecting the pay of Regular Employees shall be conducted in accordance with the procedures specified in this Section.

1. Notice of Intent Procedure

Prior to disciplinary action becoming effective, the Chief Executive Officer or designee shall issue a Notice of Intent to Take Disciplinary Action in connection with a Suspension Without Pay, Salary Reduction, Disciplinary Demotion, or Dismissal for cause. The written Notice of Intent must be served in person or by registered mail within a reasonable period following the incident and at least ten (10) workdays prior to the disciplinary action becoming effective.

The Notice of Intent shall include:

- a. Disciplinary action to be taken;
- b. Effective date of the action;
- c. Statement of the cause thereof;
- d. Concise statement citing the causes for discipline, explanation of the employee's acts or omissions, the reasons for the discipline, including reference to the appropriate Personnel or Housing Commission policies, and a statement that materials upon which the discipline is based will be made available if requested;
- e. Statement advising the employee of his/her right to an evidentiary hearing;



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f. Statement advising the employee of the right to representation at his/her separate cost.

2. Employee Response to Notice of Intent

An employee may respond verbally or in writing (and if verbally, follow up with written confirmation) to a Notice of Intent to Take Disciplinary Action during the period between the service of notice and the effective date of disciplinary action. The response shall be delivered to the Chief Executive Officer or designee as specified in the Notice.

3. Meeting to Address Employee Response

a. The date and time to appear in response to the intended action shall be mutually arranged without delay. The employee shall have the right to be represented in connection with making a response to the intended action at his/her separate cost. The noticed disciplinary action shall not become effective prior to the employee presenting his response to the intended action and a decision being made on the intended action by the Chief Executive Officer or designee.

- The meeting shall be conducted informally.
- The employee may present any additional relevant facts.

b. After full consideration of the employee's response, the Chief Executive Officer or designee may withdraw, modify or confirm the intended action and serve a Final Notice of the disposition to include:

- A summary of the Notice of Intended Action and the result of the decision;
- A statement of the final disciplinary action taken;
- The effective date of the disciplinary action, if any;
- A statement of the employee's right to an evidentiary hearing.

c. The Chief Executive Officer or designee may elect to promptly schedule an evidentiary hearing on a Notice of Intent to Take Disciplinary Action without the necessity of holding the informal meeting described in subparagraph (C)(1) hereof. If the Chief Executive Officer or designee elects to follow this procedure, the noticed disciplinary action will not become effective unless and until the evidentiary hearing procedure described in subparagraph (D) of this personnel policy results in an adverse decision against the employee. The procedures described in subparagraph (D) shall govern the evidentiary hearing, and such evidentiary hearing will be scheduled in a manner reasonably calculated to provide the employee with sufficient time to prepare a defense to the Notice of Intent to Take Disciplinary Action.

4. Evidentiary Hearing

a. Discipline Affecting Pay:

Within ten (10) workdays of service of Notice of Final Disciplinary Action Taken, the employee may file a written request for an evidentiary hearing in person or by registered mail to the Chief Executive Officer. The evidentiary hearing shall be conducted as follows:



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- i. Upon an employee's filing of a request for evidentiary hearing, the Chief Executive Officer or designee shall retain the services of a neutral third party to act as an administrative hearing officer. The administrative hearing officer shall not be an employee or affiliate of the San Diego Housing Commission. The Chief Executive Officer or designee shall endeavor to obtain the consent of the employee in the choice of administrative hearing officer, and the San Diego Housing Commission shall pay all costs of the administrative hearing officer. The employee has the right to retain, at his/her separate cost, counsel to represent him/her at the evidentiary hearing. The hearing shall be informal, and the rules of evidence shall not strictly apply but should be used as guidelines to an orderly administrative hearing. The San Diego Housing Commission and employee shall have the right to present evidence, examine witness and cross-examine witnesses. Upon closing the administrative hearing, the administrative hearing officer shall make written findings of fact, conclusions of the applicability of the facts to the relevant personnel policies, and a recommendation either affirming or reversing the Notice of Final Disciplinary Action Taken. The decision of the administrative hearing officer shall be made in writing within ten (10) business days from the closing of the administrative hearing.

If the employee chooses this process, the Chief Executive Officer shall make a final determination based on a review of evidence and the administrative hearing officer's recommendation with no further hearings. If the decision of the administrative hearing officer is not accepted, the Chief Executive Officer shall state in writing the reason[s] why the decision was not accepted;

OR

- ii. The employee may request a hearing as in procedure "a." above except the hearing shall be conducted by the Chief Executive Officer or designee. If the Chief Executive Officer selects a designee to act as the administrative hearing officer, the identity of such designee shall be disclosed to the employee reasonably in advance of the administrative hearing.
- iii. The hearing shall be held as soon as reasonably practicable during business hours and within reasonable time limits established by the Chief Executive Officer or designee.
- iv. The Chief Executive Officer's decision shall be final.



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Section II:	Employment Practices	COMPLAINT RESOLUTION PROCEDURE	Effective Date: Pending
Policy #:	214		Revision Date: 08/01/2008 Supersedes: 07/01/2007

POLICY

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

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

GUIDELINES

- A. Except where a remedy is otherwise provided for by law, any employee shall have the right to present a problem or complaint arising from his/her employment in accordance with the rules and regulations of this policy.
- B. All parties involved in the problem solving process must act in good faith and strive for objectivity, while attempting to reach a solution at the earliest possible step of the procedure. Employees shall have the assurance that bringing forward a problem or complaint will not result in reprisal of any nature.
- C. The Commission is committed to ensuring a prompt and fair problem resolution process, including any necessary investigation process, and will allow employees to use Commission facilities and work time to deal with their problem or complaint and to go through the problem resolution process. The use of any office time for this purpose shall not be excessive, nor shall this privilege be abused.
- D. In gathering information on a problem or complaint, the employee may discuss the problem or complaint with employees immediately concerned after obtaining permission from their immediate supervisor; and review of all documents, records or data related to the situation. A list of such employees must be submitted to the Human Resources Manager in advance.

Upon obtaining permission from their immediate supervisor, the employee shall be permitted to leave the normal work area during on-duty time for such time as is necessary to prepare a written complaint.

If any involved supervisor feels that the time requested would unduly interfere with an adequate level of service, alternative arrangements may be made.

- E. Certain time limits in the problem solving procedure are designed to settle the problem or complaint. The Commission realizes, however, that occasionally the parties concerned may be unable to comply with the established limitations. In such instances, the limitations may be extended upon the mutual agreement of all parties concerned.
- F. When two or more employees experience a common problem, they may initiate a single problem solving process. If the employees do not have a common supervisor, the problem or complaint shall be presented to the director. If the employees work in separate divisions, the problem or complaint shall be presented to the President and Chief Executive Officer.

COMPLAINT RESOLUTION PROCEDURE

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



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- Step 2: If a mutually acceptable solution cannot be reached in Step 1, the employee shall submit a complaint in writing to the immediate supervisor and Human Resources. The immediate supervisor will try to address and resolve the problem with the assistance of Human Resources.
- Step 3: If the problem cannot be resolved in Step 2 or the employee does not agree with his/her immediate supervisor's decision, he/she can file a formal written complaint with the department director. Within a reasonable timeframe, the department director will investigate the complaint, confer with persons affected to the extent deemed necessary and meet with the employee in an attempt to resolve the complaint and make a decision in writing. The decision will be given to the employee.
- Step 4: If the employee is dissatisfied with the department director's decision, he/she may request a review by the President and Chief Executive Officer. The President and Chief Executive Officer or designee shall review the complaint and render a written decision within a reasonable period of time. The President and Chief Executive Officer's decision shall be final and binding.
- Step 5: At any time throughout the complaint process, the employee may withdraw his/her complaint, if he or she so chooses. The Commission will not encourage, discourage, or solicit the withdrawal of a complaint.

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Policy #:	215		Revision Date:	08/01/2008
			Supersedes:	07/01/2007

REASONS FOR EMPLOYMENT TERMINATION

The President and Chief Executive Officer, as Appointing Commission, may separate employees from employment as necessary and as provided by these policies. Reasons for employee termination from employment include dismissal by disciplinary action, resignation, death, non-disciplinary absence or disability, retirement, and layoff.

RESIGNATION

- A. An employee who desires to terminate his/her employment should submit a written resignation at least two (2) weeks before the intended resignation date.
- B. In the case of the death of an employee, his/her estate shall be paid all wages or salaries and annual leave accrued as though the employee had voluntarily terminated his/her employment.

NON-DISCIPLINARY SEPARATION FROM EMPLOYMENT

- A. The President and Chief Executive Officer may initiate non-disciplinary separation from employment of an employee for reasons of physical or mental disability that cannot be reasonably accommodated, job abandonment, failure to return to work following an approved leave, enforcement of the nepotism policy or other similar non-disciplinary reasons. Employees in positions which require driving as an essential duty may be subject to non-disciplinary separation from employment in the event of denial/exclusions of coverage by the insurance carrier or failure to maintain a valid driver's license.
- B. The President and Chief Executive Officer shall provide written notice to any Regular status employee separated from employment for non-disciplinary reasons. The effective date of employment termination may be determined by the President and Chief Executive Officer to be the last actual day at work or the date the written notice is signed or a future date. Upon receipt of notice of non-disciplinary separation from employment, the employee may accept the decision or within ten (10) calendar days submit a written request to the President and Chief Executive Officer for informal reconsideration of the employment separation decision. Such request must include statement of facts or information which the employee believes will give the President and Chief Executive Officer good reason to change the termination decision. The President and Chief Executive Officer will respond to any such request for informal reconsideration.

RETIREMENT

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

FINAL PAYCHECK

Although it is requested that an employee give ten (10) business days notice before resigning, if an employee provides seventy-two hours (72) notice, the employee shall receive the final paycheck on the last day of work. If less than seventy-two (72) hours notice is given, the Commission shall release the final check within seventy-two (72) hours of when notice is given.

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



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RESIGNATION/TERMINATION

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RETURN OF COMMISSION PROPERTY

All employees are required to return all equipment, keys, ID cards, emergency passes, uniforms and other Commission property prior to leaving the Commission.

CONTINUATION OF GROUP HEALTH BENEFITS – C.O.B.R.A.

In accordance with Federal law, employees and their families, at their expense, may have a temporary extension of health coverage at group rates plus applicable administrative fees in certain instances where coverage under the plan would otherwise terminate. Contact Human Resources for more information regarding this benefit.



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Policy #:	216		Revision Date:	08/01/2008
			Supersedes:	07/01/2007

POLICY

For business reasons, the Commission may need to restructure or reduce its workforce. If restructuring the operations or reducing the number of employees becomes necessary, the Commission will attempt to provide advance notice, if possible, to help prepare affected individuals. If possible, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff, whether short-term or indefinite.

In determining which employees will be subject to layoff, the Commission will take into account, among other things, operational requirements, the skill, productivity, ability, and past performance of those involved, and also, when feasible, the employee's length of service.

The determination to lay off employees rests in the full discretion of the President and Chief Executive Officer and the President and Chief Executive Officer's decision is final and binding.

GUIDELINES

- A. Seniority when used for layoff purposes is defined as the total length of continuous Regular service with the Commission and authorized absence. The President and Chief Executive Officer may authorize layoff of employees within the agency, a division, department or work unit as follows:

When one or more employees performing in the same classification are to be laid off for lack of work, reorganization, or purposes of economy, the order of layoff shall be as follows:

1. All Temporary employees within affected classification(s).
2. All Regular employees serving in a Temporary assignment in the affected classification shall return to their Regular position/classification.
3. All introductory employees within affected classification(s) who have not completed the introductory period.
4. All Regular employees based on work performance; those with best work performance will be laid off last. Performance shall be defined as performance for the previous five (5) years of continuous Regular service at the Commission. In the case of equal work performance records, employees with least seniority shall be laid off first.

The names of Regular employees laid off shall be entered upon a re-employment list in the inverse order that they are laid off. The person ranking highest on the re-employment list for a particular classification shall be offered the appointment when a vacancy exists in that classification. Employees on any re-employment list may accept a vacancy in a lower classification for which they are qualified, and retain the right to fill the first vacancy which occurs in the classification from which they were laid off. No introductory period shall be required for laid off employees who previously attained Regular status upon re-employment from the list to their laid off class. Employees recalled from layoff shall have prior accrued seniority restored.

Employees shall lose their seniority for the following reasons: (1) discharge, (2) resignation, (3) failure to return to work when recalled from layoff as set forth in the recall procedure, (4) failure to return to work after expiration of a formal leave of absence, (5) retirement, and (6) layoff for a continuous period of one (1) year.

Employees subject to layoff shall be given at least ten (10) workdays' written notice prior to the effective date of layoff. It shall be clearly stated on all documents prepared in connection with the



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layoff that the transaction in no way reflects on the employee's performance except that performance shall be considered in determining order of layoff.



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Section II:	Employment Practices	PERSONNEL RECORDS	Effective Date:	Pending
Policy #:	217		Revision Date:	08/01/2008
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POLICY

The Human Resources department shall maintain a personnel file for each employee. The Commission will restrict access to and disclosure of personnel files to authorized individuals within the Commission who have a legitimate business reason to see such files. An employee's supervisor may review the personnel file of those employees they supervise.

Each employee has a right to inspect his/her own personnel file or receive a copy of it. Employees may review their own file upon request by scheduling an appointment with Human Resources at a mutually convenient time. Files must be reviewed in the Human Resources office.

No adverse material shall be inserted into the employee's personnel file without notice to the employee.

The personnel files of employees shall be considered confidential. The President and Chief Executive Officer or designee may review personnel files when considering employee performance for promotional consideration. The President and Chief Executive Officer shall only release information from personnel files when lawfully ordered to do so. Creditors or other persons may obtain access as authorized in writing by the employee.

The Commission will maintain confidential employee medical records, working files, (e.g., workers' compensation, payroll, pre-employment reference checking, wage garnishment, grievance investigations and resolutions, preliminary disciplinary action inquiries, unsubstantiated citizen complaints, civil rights complaints) and other matters which are separate from the personnel files.

MEDICAL RECORDS

The employee or representative with written authorization from the employee may examine the employee's medical records and other working files with the exception of pre-employment reference check files and preliminary disciplinary action inquiries.

Employee medical records and related working files about employees shall be confidential. The President and Chief Executive Officer shall only release information from medical records to consulting physicians, workers' compensation representatives or employee assistance plan consultants with a need for such information and with the proper authorization. Information from employee files shall only be released to other government agencies in the conduct of official business.

TERMINATED EMPLOYEE RECORDS

Upon termination, the personnel file, medical records file and other working files related to an employee may be consolidated for record-storage purposes and with the appropriate restricted access.

Information other than confirmation of dates of employment, final pay rate and job title shall not be provided in response to employment reference checks or creditor inquiries except as authorized by the former employee and as permitted/required by law. These limitations shall also apply to other government agencies acting as potential employers of former Commission employees. Information may be released to other government agencies in response to their inquiries in the conduct of official business.

The President and Chief Executive Officer may eliminate or destroy the records of former employees within the requirements of law or regulation and as administratively appropriate.



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EMPLOYMENT OF RELATIVES

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Policy #: 218

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POLICY

The Commission may refuse to hire relatives of present employees if doing so could result in actual or potential problems in supervision, security, safety, or morale, or if doing so would create an actual conflict of interest or could create potential conflicts of interest.

Please reference Administrative Regulation 701.400 for more detailed information.

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Section II:	Employment Practices	TELECOMMUTING	Effective Date:	Pending
Policy #:	219		Revision Date:	08/01/2008
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POLICY

The Commission offers non-represented employees a telecommuting alternative to their regular onsite work schedule. Telecommuting provides non-represented employees with an opportunity to work from an alternative work environment instead of the primary location of the Commission. Telecommuting must be pre-approved by the employee’s supervisor and cannot be initiated without a Telecommuting Agreement.

GUIDELINES

- A. The Commission retains the right in its sole discretion to designate positions that are appropriate for telecommuting and approve non-represented employees for telecommuting. Telecommuting is a privilege and may not be appropriate for all non-represented employees. Telecommuting does not change the conditions of employment or required compliance with all Commission policies and procedures.
- B. The Commission reserves the right to change or terminate the Telecommuting Agreement at any time, without cause or advance notice. A non-represented employee’s ability to work under a Telecommuting Agreement rests in the sole discretion of the Commission.
- C. If a non-represented employee wants to request a Telecommuting Agreement, he or she should contact his or her supervisor and request a Telecommuting Request form.
- D. Telecommuting Safety: The Telecommuter is solely responsible for ensuring the safety of his or her alternative work site. However, because the Commission is legally obligated to provide its employees with a workplace that is free from hazards that might cause serious harm or injury, the Commission reserves the right to periodically inspect the telecommuter’s alternative work site. Any such inspection will be preceded by advance notice and an appointment will be scheduled. Telecommuters are protected by the Commission’s workers’ compensation insurance. As such, telecommuters are required to immediately report any injuries that occur while working.
- E. The telecommuter shall be liable for any injuries that occur to third parties at or around the telecommuter’s alternative work site.
- F. Telecommuting Plan: All telecommuters will be required to sign a Telecommuting Agreement with their supervisor that includes the days and work hours (as applicable) of the telecommuter; equipment the Telecommuter will need; how the Telecommuter will communicate with the Commission; use of support or administrative staff; and other appropriate information.
- G. Hours of Work: Unless otherwise agreed in the Telecommuting Agreement, hours and days of work will not change. Employees agree to diligently engage in official work related activities only during work hours. Telecommuting is not intended as a substitute for child care or care for another adult. If a child or adult needs care during work time, another responsible individual is expected to be present.
- H. Attendance at Meetings: Telecommuters are expected to attend all required meetings.
- I. Costs Associated with Telecommuting: The Commission shall not incur additional costs due to a Telecommuting Agreement. The Telecommuting Agreement will specify any costs the Commission will cover. All other expenses are the responsibility of the Telecommuter.



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Section III: Benefits
Policy #: 301

HOLIDAYS

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HOLIDAYS DEFINED

- A. The days listed below shall be considered holidays for all Regular full-time Commission employees who shall be entitled to take the leave without deduction in pay. Regular part-time employees' compensated holiday time shall be equivalent to one-fifth (1/5) the number of regularly scheduled hours in that employee's workweek during which the holiday occurred.
- January 1 - New Year's Day
 - Third Monday in January - Martin Luther King, Jr. Day
 - Third Monday in February - Washington's Birthday
 - March 31 – Cesar Chavez's Birthday
 - Last Monday in May - Memorial Day
 - July 4 - Independence Day
 - First Monday in September - Labor Day
 - November 11 - Veteran's Day
 - Thanksgiving Day
 - Friday following Thanksgiving Day
 - December 25 - Christmas Day
 - Every day or part of a day designated by the Commission to be a holiday.
- B. When a holiday as identified above falls on a Sunday, the following Monday shall be observed as a holiday.
- C. When a holiday as identified above falls on a Saturday, the preceding Friday shall be observed as a holiday.
- D. Holidays which fall while an employee is on annual leave shall be counted as a holiday and not charged to annual or sick leave.
- E. If holiday work is assigned and authorized, that time worked shall be reimbursed at the rate of one and one-half (1½) times the regular hourly rate plus the holiday pay to which the employee is entitled.
- F. In order to be eligible for holiday pay, an employee must be either at work or on paid leave of absence on the regularly scheduled workday immediately preceding the holiday or day observed in lieu of the holiday and the regularly scheduled workday immediately following the holiday or day observed in lieu of the holiday. No employee who is on suspension or unpaid leave of absence on either the regularly scheduled workday immediately preceding or immediately following the holiday or day observed in lieu of the holiday shall receive compensation for said holiday or day observed in lieu of the holiday.



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POLICY

Annual Leave is compensated leave for eligible employees who are absent because of illness, injury, medical or dental care appointments, or personal business or who utilize time off as personal vacation. A doctor's statement may be required for any period of sick leave as described under Sick Leave.

Each Regular full-time employee, shall earn annual leave credits as follows:

Years of Service	Hours per Month	Days per Year
Beginning of the 1 st through the 4 th year	12.00 hours	18 days
Beginning of the 5 th through the 10 th year	14.67 hours	22 days
Beginning of the 11 th through the 15 th year	17.33 hours	26 days
Beginning of the 16 th through the 25 th year	18.67 hours	28 days
Beginning of the 26 th year	20.00 hours	30 days

Annual leave accrual shall be pro-rated for part-time Regular employees.

An employee appointed from Temporary non-benefited status directly to Regular or Temporary benefited status or within one (1) year of separation service shall receive service credit toward annual leave accrual for the period of continuous Temporary non-benefited employment immediately preceding appointment.

Upon rehire to a Regular or Temporary benefited position following a break in service of less than three (3) years, all previously counted service toward annual leave shall be restored.

A. Credits Accumulated During Leave

Total annual leave granted may not exceed the amount posted to an employee's account as of the last day worked preceding leave. Annual leave credits will continue to accrue while on paid leave, and can only be used as earned. Annual leave credits are not earned during periods of unpaid leave.

B. Approval of Leave Requests

Employees may request use of accrued annual leave in writing or by email up to one (1) year prior to dates scheduled and shall receive a response, in writing, within ten (10) calendar days of such request. Authorization for time off shall be determined by the supervisor based on staffing requirements. Authorization shall not be unreasonably withdrawn once approved.

C. Notification of Absences

It is the responsibility of each employee to notify his/her immediate supervisor in advance of any absence for scheduled medical appointments or other anticipated absences; or as soon as possible on the first day of absence if the absence is unscheduled. The employee shall notify the supervisor



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when he/she expects to return to work. A doctor's statement may be required for any period of annual leave when used for illness.

D. Maximum Accumulation

The maximum accumulation of annual leave for employees hired before July 1, 1994 is six hundred fifty (650) hours; while employees hired on or after July 1, 1994 may not accumulate more than three hundred fifty (350) hours.

An employee may not accumulate over his/her maximum accumulation amount at any time. If an employee has accumulated hours over the maximum allowed, any further accumulation of annual leave stops.

E. Pay in Lieu of Annual Leave

Supervisors may make up to two (2) requests for payment in lieu of annual leave each fiscal year. The total of both requests cannot exceed one hundred twenty (120) hours. Requests for payment in lieu of annual leave may be made if the employee has sufficient hours of earned leave credits and meets the following conditions:

1. Has taken at least five (5) days (forty (40) hours for full-time employees) of annual leave during the previous twelve (12) months; and
2. After receiving the requested number of hours in lieu of annual leave retained at least twenty-four (24) hours of earned annual leave credits.

Non-supervisory employees may make up to two (2) requests for payment in lieu of annual leave each fiscal year. The total of both requests cannot exceed eighty (80) hours. Requests for payment in lieu of annual leave may be made if the employee has sufficient hours of earned leave credits and meets the following conditions:

1. Has taken at least five (5) days (forty (40) hours for full-time employees) of annual leave during the previous twelve (12) months; and
2. After receiving the requested number of hours in lieu of annual leave retained at least twenty-four (24) hours of earned annual leave credits.

F. Pay Off at Termination

An employee whose service is terminated shall be entitled to receive the equivalent amount of pay for annual leave accrued, but not taken, up to the maximum allowable accumulation of hours. Such payment shall be made in a lump sum.

G. Catastrophic Leave Program

The Commission has established a catastrophic leave plan for Regular employees. Where in the judgment of the President and Chief Executive Officer or designee special circumstances validate the need, employees may at their option donate leave to another Regular employee who has exhausted all annual leave. Any accrued annual leave time may be donated.

A catastrophic illness shall be defined as any illness, medical condition or injury that incapacitates, or is expected to incapacitate an employee or an employee's immediate family member and that requires the employee's personal attention for an extended period of time.



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Leave may be donated as frequently as the donor desires but must be donated in full day increments only. Donated leave shall be transferred to a leave account for the recipient's use.

In order to qualify for the receipt of donated leave under this program the employee must satisfy the following conditions:

1. Be on an approved unpaid leave of absence due to a catastrophic illness or medical condition of the employee or the employee's immediate family member.
2. Provide sufficient information, in writing, to Human Resources or designee, to conclude a catastrophic illness or medical condition exists. Such information or correspondence shall be treated in a highly confidential manner due to the sensitivity of the personal/medical nature of the request.
3. Must have exhausted all annual available to him/her.

All Regular employees may benefit from leave donated under this program. The recipient of catastrophic leave credits retains all future rights and interest in the leave donated, credited to their account, under this program.

Catastrophic leave is only donated as time, not dollars, i.e.; a donor may donate 8 hours of accrued annual leave to a recipient as catastrophic leave. The recipient may use the leave donated in any amount and will be paid for each hour based on the recipient's current salary, regardless of the donor's salary level. At no time may donations received under the Catastrophic Leave Program be accrued and cashed-out if not used.

An employee who is on catastrophic leave must receive a minimum of one eight (8)-hour day and a maximum of six (6) eight (8)-hour days from the accrued annual leave balance of employee(s) authorizing such donation in writing. Annual Leave transfer donations are irrevocable. The President and Chief Executive Officer may establish guidelines for implementing such transfers of leave.

1. The total transfer credits accumulated by an employee shall not exceed the maximum accumulation of hours for that employee per the Annual Leave Policy.
2. Accumulations in excess of the maximum may be considered and approved by the President and Chief Executive Officer.

H. Family Sick Leave

Pursuant to AB109 Family Sick Leave, effective January 1, 2000, an employee is entitled to use up to one-half (½) the hours of annual leave to which the employee is eligible and has accrued in the calendar year, to attend to the illness or medical need of the employee's child, spouse or domestic partner, or parent, as specified by law.

I. Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA)

For employees qualifying under the FMLA and CFRA, accrued annual leave up to twelve (12) workweeks shall be provided to care for a serious illness of the employee, and the employee's child, spouse or domestic partner, or parent as specified by the Act. In addition, for employees qualifying under the CFRA, accrued annual leave up to twelve (12) workweeks shall be provided to bond with a newborn, adopted or newly placed foster-care child.



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LEAVE WITHOUT PAY

- A. Subject to supervisory review and approval, an employee may take leave without pay instead of annual leave.
- B. An employee may request an unpaid leave of absence, if needed for compelling reasons. The employee shall submit to the Commission a Leave of Absence Request Form at least thirty (30) days before the desired leave date, stating the reason for the leave and the length of time being requested. Upon return to work from an approved leave of absence, the Commission will make a reasonable effort to reinstate the employee in the same or a similar position.
- C. Leaves of absence without pay shall also be granted as required by law for family care or medical leave due to, among other things, birth or adoption, including foster care placement of a child; care for serious health condition of employee's parent, spouse or domestic partner, or child; employee's serious health condition, or other lawfully specified purposes.

Entitlement to leave or benefits, as well as, definitions of child, parent, spouse or domestic partner shall be in accordance with the California Government Code 12945.2 of the Family Rights Act of 1991, and Title I, Sections 101-109 of the US Family Care and Medical Leave Act of 1993.

- D. The President and Chief Executive Officer may, in exceptional cases, extend a leave for an additional period not to exceed one (1) year. Only one extension may be granted and only in cases of illness or disability.
- E. Immediately prior to, or at the time of return to active duty from employee illness or disability leave, the employee shall submit a statement from a physician certifying that he/she is released to return to work. Reasonable accommodation will be made to an employee released with work restrictions or limitations.
- F. When an employee has been granted a leave without pay and desires to return before expiration of such leave, the employee may be required to give reasonable notice.
- G. Failure to report for active duty after a leave of absence has expired or has been disapproved or revoked, or any other failure to report for duty as scheduled, may at the option of the President and Chief Executive Officer, be considered as automatic resignation.
- H. A leave of absence for any of the reasons stated by the employee may be revoked by the President and Chief Executive Officer upon evidence that the cause for granting leave was misrepresented or has ceased to exist.
- I. Employees may not accrue annual leave credits while on "Leave Without Pay". Unpaid leaves of absence longer than thirty (30) calendar days shall delay and extend day-for-day the period of satisfactory service necessary for pay step advancement.
- J. Premiums required under the employer's health, life and dental insurance programs shall not be paid by the employer while the employee is on "leave without pay" status beyond the provisions of the plan document and as required by law. Employees may coordinate with Payroll to make contributions toward premiums if allowable by plan provider to continue benefits during leave without pay (as provided by C.O.B.R.A.).

If an employee is determined eligible for leave and elects to continue medical coverage, the Commission shall pay the premium to continue the current medical plan coverage to the extent required by law.



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- K. If, in the opinion of the Commission, an employee is unable to properly perform the duties of his/her position on account of injury, illness, disability or impairment, the employee may be required to submit himself/herself to an examination by a physician, designated or approved by the President and Chief Executive Officer. If the report of the physician shows the employee unable to perform his/her essential duties, the employer may compel the employee to take sufficient leave of absence until such time as the employee is able to satisfactorily perform his/her essential duties with or without accommodation. If an employee is unable to perform his/her essential duties for an extended period of time, he/she will be subject to termination. Reasonable accommodation for a limiting condition will be made where possible prior to mandatory leave of absence or termination of employee with an illness or disability that cannot be reasonably accommodated.

FAMILY MEDICAL LEAVE

- A. General

Under the Federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA), employees who have more than twelve (12) months of service with a covered employer, and have worked at least 1,250 hours in the preceding twelve (12)-month period, may have the right to an unpaid family or medical leave. This leave may be up to twelve (12) workweeks in a twelve (12)-month period for the employee’s own serious health condition or that of the employee’s child, parents, spouse or domestic partner; for the birth, adoption, or foster care placement of the employee’s child; or for a “Qualifying Exigency Relating to Military Service” for the employee’s spouse, son, daughter, parent, or next of kin, as defined by the rules and regulations of the Department of Labor’s amendment to the FMLA.

- B. Calculating Family Medical Leave

For purposes of calculating the twelve (12)-month period during which twelve (12) weeks of leave may be taken, the Commission uses a rolling twelve (12)-month period, which means each time an employee takes family leave, the remaining leave entitlement is any balance of the twelve (12) workweeks that has not been used during the immediately preceding twelve (12) months. No carryover of unused leave from one twelve (12) -month period to the next twelve (12)-month period is permitted.

For employees working more or fewer than five (5) days a week, or working alternative work schedules, the number of working days that make up the twelve (12) weeks of leave is calculated on a pro rata or proportional basis.

Under most circumstances, leave under federal and state law will run at the same time and the eligible employee will be entitled to a total of twelve (12) weeks of family and medical leave in the designated twelve (12)-month period.

- C. Pregnancy Disability Leave (PDL) and FMLA/CFRA

If an employee is disabled by pregnancy, childbirth or related medical conditions, she is entitled to take a pregnancy disability leave (PDL) of up to four (4) months, depending on the period(s) of actual disability. Leave because of the employee’s disability for pregnancy, childbirth or related medical condition is not counted as time used under CFRA. Time off because of pregnancy disability, childbirth or related medical condition does count as FMLA leave. Employees who take time off for pregnancy disability and who are eligible for Family Medical Leave will also be placed on Family



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Medical Leave that runs at the same time as their PDL. Once the pregnant employee is no longer disabled, she may apply for leave under CFRA, for purposes of baby bonding.

D. Intermittent Family Medical Leave

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. CFRA leave taken for the birth or placement of a child will be granted in minimum amounts of two (2) weeks. However, the Commission will grant a request for CFRA leave (for birth/placement of a child) of less than two (2) weeks' duration on any two occasions. Any leave taken must be concluded within one (1) year of the birth or placement of the child with the employee.

Employees may take Family Medical Leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for the serious health condition of the employee's child, parent, spouse or domestic partner, or of the employee, and the reduced leave schedule is medically necessary as determined by the healthcare provider of the person with the serious health condition; and/or based on the Department of Labor's rules and regulations pertaining to qualifying military exigencies. The smallest increment of time that can be used for such leave is one (1) hour.

E. Notice Requirements

If possible, the employee must provide at least thirty (30) days' advance notice for foreseeable events (such as the expected birth of a child, the employee's own planned medical treatment or for a family member, or qualifying military exigencies). For events that are unforeseeable, the employee must notify the Commission, at least verbally, as soon as he or she learns of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until the employee complies with this notice policy. The employee must consult with his or her supervisor regarding scheduling of any planned medical treatment or time off for a qualifying military exigency in order to minimize disruption to the Commission's operations. Any such scheduling is subject to the approval of the healthcare provider of the employee or the healthcare provider of the employee's child, parent, spouse or domestic partner, or per notification of a qualifying military exigency.

F. Second Opinion

If the Family Medical Leave request is made because of the employee's own serious health condition, the Commission may require, at its expense, a second opinion from a health care provider that the Commission chooses.

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

G. Certification Requirements

The Commission requires the employee to provide certification within fifteen (15) days of any request for Family Medical Leave, unless it is not practical to do so. The Commission may require re-certification from the health care provider if additional leave is required.

If the leave is needed to care for a sick child, spouse or domestic partner, or parent, the employee must provide a certification from the health care provider stating:



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- Date of commencement of the serious health condition;
- Probable duration of the condition;
- Estimated amount of time for care by the health care provider; and
- Confirmation that the serious health condition warrants the participation of the employee.

When both parents are employed by the Commission, and request simultaneous leave for the birth or placement for adoption or foster care of a child, the Commission will not grant more than a total of twelve (12) workweeks of family/medical leave for this reason.

If an employee cites his/her own serious health condition as a reason for leave, the employee must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition; and
- Inability of the employee to work at all or perform any one or more of the essential functions of his/her position because of the serious health condition.

The Commission will require certification by the employee’s health care provider that the employee is fit to return to his or her job.

Failure to provide certification by the health care provider of the employee’s fitness to return to work will delay the reinstatement of the employee until the certificate is obtained.

H. Continuation of Health Benefits

An employee taking Family Medical Leave will be allowed to continue participating in any health and welfare benefit plans in which he/she was enrolled before the first day of the leave (for a maximum of twelve (12) workweeks) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. The Commission will continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins under FMLA (for pregnancy disability leaves) or under the FMLA/CFRA (for all other family care and medical leaves). In some instances, the Commission may recover from an employee premiums paid to maintain health coverage if the employee fails to return to work following Family Medical Leave.

Employees on Family Medical Leave who are not eligible for continued paid coverage may continue their group health insurance coverage through the Commission in conjunction with the federal COBRA guidelines. Employees should contact Human Resources for further information. Payment is due when it would be made by payroll deduction.

I. Return to Work

Under most circumstances, upon return from Family Medical Leave, an employee will be reinstated to his or her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. For example, if an employee on Family Medical Leave would have been laid off had he or she not gone on leave, or if the employee’s job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement. In addition, an employee’s use of Family Medical Leave will not result in the loss of any employment benefit that the employee earned before using family/medical leave.

PREGNANCY DISABILITY LEAVE (PDL)



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Pregnancy, childbirth, or related medical conditions will be treated like any other disability, and an employee on leave will be eligible for temporary disability benefits in the same amount and degree as any other employee on leave.

Any female employee planning to take PDL should advise the Commission as early as possible. The individual should make an appointment with the Commission to discuss the following conditions:

- A. Employees who need to take PDL must inform the Commission when a leave is expected to begin and how long it will likely last. If the need for a leave or transfer is foreseeable, employees must provide notification at least thirty (30) days before the PDL or transfer is to begin. Employees must consult with the Commission regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the Commission. Any such scheduling is subject to the approval of the employee's healthcare provider. If thirty (30) days' advance notice is not possible, notice must be given as soon as practical.
- B. Upon the request of an employee and recommendation of the employee's physician, the employee's work assignment may be changed if necessary to protect the health and safety of the employee.
- C. Requests for job transfers will be reviewed and will be reasonably accommodated.
- D. Temporary transfers due to health considerations will be granted when possible.
- E. PDL usually begins when ordered by the employee's physician. The employee must provide the Commission with a certification from a health care provider. The certification indicating disability should contain:
 - The date on which the employee became disabled due to pregnancy;
 - The probable duration of the period or periods of disability; and
 - A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself.
- F. The Commission will require certification by the employee's health care provider that the employee is fit to return to his or her job.
- G. An employee will be allowed to use accrued annual leave (if otherwise eligible to take the time) during a PDL.
- H. Duration of the leave will be determined by the advice of the employee's physician, but employees disabled by pregnancy may take up to four (4) months. Part-time employees are entitled to leave on a pro rata basis. The four (4) months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition.
- I. Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed. Leave may be taken in increments of one (1) hour.
- J. Employees on PDL who are eligible under the federal or state family and medical leave laws, are also eligible to maintain group health insurance coverage for up to a maximum of twelve (12) workweeks (if such insurance was provided before the leave was taken) on the same terms as if the employee had continued to work. If the employee is ineligible under the federal and state family and medical leave laws, while on pregnancy disability the employee will receive continued paid coverage on the same basis as other medical leave that the Commission may provide and for which the employee is eligible.

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In some instances, the Commission may recover premiums it paid to maintain health coverage if the employee fails to return to work following pregnancy disability leave.

- K. If the employee is on PDL and not eligible for continued paid coverage, or if paid coverage ceases after twelve (12) workweeks, the employee may continue group health insurance coverage through the Commission in conjunction with federal COBRA guidelines. Contact Human Resources for further information.
- L. Under most circumstances, upon submission of a medical certification that the employee is able to return to work from a PDL, the employee will be reinstated to the same position held at the time the leave began or to an equivalent position, if available. An employee returning from a PDL has no greater right to reinstatement than if the employee had been continuously employed.

BEREAVEMENT LEAVE

Regular employees shall be granted up to a maximum of three (3) consecutive days bereavement leave to be used in case of death in an employee's immediate family. Immediate family shall include: domestic partner, spouse, son, daughter, father, mother, brother, sister, grandparent, grandchildren, step parent, step children, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, or the corresponding relation by affinity, and any dependent residing in the employee's household at the time of death. The employer may require that the employee provide proof of death and/or a signed affidavit from the employee regarding the relationship of the deceased.

Leave in the case of death of persons other than "immediate family" may be granted upon approval of the Commission. If granted, such leave may be charged to the employee's accrued annual leave or unpaid at the employee's option.

MILITARY LEAVE

The Commission shall provide military leave in accordance with the California Military and Veterans' Code.

Any employee who has been in the service of the Commission for a period of not less than one (1) year immediately prior to the date on which military leave starts shall be entitled to paid military leave. Service with the Commission and in the military constitutes service in a public agency, and may be combined for the one-year requirement. The maximum paid military leave entitlement during any one fiscal year shall be no more than the pay for a period of thirty (30) calendar days.

Upon return from active duty military leave under the conditions prescribed above, the employee shall present military separation papers. Following medical examination by the Commission's examining physician, the employee shall be returned to the position the employee left, or to a comparable position for which the employee is qualified, as determined by the Commission.

MILITARY SPOUSE LEAVE

Employees qualified under this policy may receive up to ten (10) unpaid days off when their military spouse is on leave from military deployment.

A qualified employee is one who works for more than twenty (20) hours per week whose spouse is a member of the Armed Forces, National Guard or Reserves who has been deployed during a period of military conflict.



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The employee must provide Human Resources with notice within at least two (2) business days of receiving official notice that their spouse will be on leave from deployment and that he/she wishes to take leave. The employee must also provide written documentation certifying the spouse will be on leave from deployment.



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VOLUNTEER CIVIL SERVICE PERSONNEL

Employees shall not be subject to corrective action for taking time off to perform emergency duty as a volunteer firefighter, peace officer or emergency rescue personnel. They are also eligible to take unpaid leave for required training. If an employee is an official volunteer firefighter, they should inform the Commission that they might have to take time off for emergency duty. When taking time off for emergency duty, the Commission should be advised before doing so when possible.

JURY DUTY AND WITNESS LEAVE

- A. Employees summoned for jury duty or subpoenaed as a witness at a court trial shall receive compensation at their regular rate of pay only for those hours required to serve which occur during their regularly scheduled workweek.
- B. In advance of the requested time off, employees shall present the jury duty summons or subpoena to Human Resources. Upon return, employees shall submit documentation of attendance for those dates.
- C. If a subpoena is received without advance notice, and the employee is unable to submit appropriate leave forms, the employee shall notify his/her supervisor as soon as possible and submit the appropriate documentation upon return to work. If an employee is excused from jury duty and there are still at least two (2) hours left to the scheduled workday, the employee shall telephone the supervisor to determine if he/she should return to work.
- D. Any fee for such duty shall be retained by the employee.

TIME OFF TO VOTE

The Commission supports and encourages employees in their responsibilities as citizens to cast their ballots in general election years. Under most circumstances, it is possible for employees to vote either before coming to work or after the end of the workday. If the employee does not have sufficient time outside of working hours to vote at a statewide election, a maximum of two (2) hours time off with pay at the beginning or end of the regular workday shall be given. The employee must request this time off at least two (2) working days before the election if this time off is necessary.

SCHOOL VISITS LEAVE

Employees who are parents or guardians of any child in kindergarten or grades one (1) to twelve (12) are allowed up to eight (8) hours unpaid time off per month, per child, with a maximum of forty (40) hours per school year, to participate in any child's school activities.

- A. Employees must provide their supervisor with reasonable notice for the planned time off.
- B. Employees may elect to use available annual leave to cover the time taken for the school visit(s).
- C. Employees must provide, upon the Commission's request, written verification from the school of parental participation specifying the date and time of the activity.



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EDUCATIONAL LEAVE

An employee may be approved to receive paid or unpaid leave from regularly scheduled work to attend courses, seminars, workshops or conventions that enhance, improve or add to the knowledge, skills and performance of the employee in the employee's employment with the Commission.

The determination as to when and whether an employee is granted a paid or unpaid leave shall be made by the President and Chief Executive Officer or designee. Employee requests for such leave shall be submitted in writing in advance, in a timely manner.

DISCRETIONARY LEAVE

An employee may be granted paid Discretionary Leave time off of up to three (3) calendar days for exceptional performance and/or acknowledgement of extraordinary work on behalf of and in pursuit of the Commission's mission. Discretionary Leave may be granted in increments of one (1) hour periods up to twenty-four (24) - three (3) eight (8)-hour days.

ADMINISTRATIVE LEAVE

An employee may be placed on administrative leave by the President and Chief Executive Officer at any time. Administrative leave for the remaining hours in a work shift may be required of an employee by the immediate supervisor whenever an urgent or dangerous situation exists.

An employee placed on administrative leave may be required to immediately leave the property of the Commission. At the initiation of administrative leave, the employee shall be instructed regarding return to work procedures and of the reason for being placed on administrative leave.

Administrative leave is a required absence from work for the benefit of the Commission. Administrative leave is not a disciplinary action. As long as the employee remains available for business consultation or immediate recall to work, the administrative leave may be in regular paid status. The President and Chief Executive Officer may determine subsequent to administrative leave to take disciplinary action.

UNAUTHORIZED LEAVE

- A. Absence without proper authorization or approval may be considered sufficient cause for suspension or dismissal of the employee.
- B. If an employee is absent without proper authorization, deduction shall be made from his/her pay for the period of absence.
- C. An unauthorized leave of absence of more than three (3) days is considered job abandonment, i.e., if an employee is absent from work without notice and without contacting the Commission for more than three (3) days, it is assumed that the employee has voluntarily resigned from his/her position at the Commission.



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BILINGUAL PAY

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POLICY

The President and Chief Executive Officer shall designate positions and assign employees to perform bilingual duties in positions which require such skills. In order to ensure an adequate level of bilingual proficiency, the Commission will require an evaluation of bilingual skills.

For employees required to utilize primarily oral, non-technical bilingual skills, the employee shall be paid a differential of \$0.41 per hour (\$71.07 per month). For employees required to utilize technical translating skills, the employee shall be paid a differential of \$0.51 per hour (\$88.40 per month). Supervisors may request a review by the Human Resources Officer for the designation of an employee that is required to use bilingual skills.

Technical Bilingual includes but is not limited to: Oral or written interpretation and translation of technical programmatic information such as Federal, State, or local program regulations, policies, procedures, forms, and documents and written and oral translation of routine information such as general correspondence, flyers and/or bulletins and similar duties as assigned.

Non-technical Bilingual includes but is not limited to: Written and oral translation of routine information such as general correspondence flyers and/or bulletins and similar duties as assigned.



Personnel Policy Handbook

Section III: Benefits
Policy #: 305

**INSURANCE BENEFITS AND CAFETERIA
STYLE PROGRAM (FLEX-PLAN)**

Effective Date: Pending
Revision Date: 08/01/2008
Supersedes: 07/01/2007

POLICY

The Commission shall provide eligible employees with a cafeteria-style benefits program in accordance with Section 125 of the Internal Revenue Service Code. The portion and amount of total costs borne by the Commission and employees will be determined from time to time by the Commission. Employees interested in obtaining information concerning the Commission's administration of an Internal Revenue Code Section 125 plan should consult with Human Resources.



Personnel Policy Handbook

Section III: Benefits
Policy #: 306

WORKERS' COMPENSATION

Effective Date: Pending
Revision Date: 08/01/2008
Supersedes: 07/01/2007

POLICY

Workers' Compensation is a state-mandated benefit provided to employees who are injured on the job or who become injured as a result of employment. Employees are entitled to medical treatment that is reasonably required to cure or relieve the injury or illness. The Commission pays the full cost of workers' compensation insurance.

Workers' compensation provides:

- Varying levels of tax-free replacement income during periods of temporary inability to earn income and, in certain circumstances, for some period after the worker returns to the labor market with a diminished capacity as a result of the permanent nature of the injury. The amount depends on the nature, severity and duration of the disability;
- Benefits for those who suffer varying degrees of permanent disabilities; and
- Tax-free benefits for surviving dependents if the work-related injury is fatal.

For more information about the Commission's workers' compensation insurance policy, please contact Human Resources.

GUIDELINES

- A. Employees who are injured in a work-related incident will be referred to a medical facility of the Commission's choice.

Employees covered under the Commission's Group Health Insurance may elect to pre-designate their personal physician or chiropractor that participates in the group medical insurance plan in writing. If the physician or chiropractor agrees, the employee may go to this doctor for treatment immediately after the injury. An employee who has pre-designated a doctor may change their treating physician or chiropractor thirty (30) days after report of the injury.

Contact Human Resources for more information about pre-designating a personal physician.

- B. Staff Guidelines

1. Employee is required to:
 - a. Immediately report the accident/injury/illness to their supervisor.
 - b. Complete an incident report along with any other forms that the Commission may reasonably require.
 - c. Participate with and follow prescribed work restrictions.
 - d. Maintain communication with Human Resources and supervisor regarding modified work duty and doctor appointments. Workers' compensation appointments are unpaid and may be supplemented with available annual leave. The employee may choose to schedule his/her appointment(s) around his/her work schedule.
 - e. Forward all workers' compensation medical documentation to Human Resources following a workers' compensation doctor appointment (i.e. copy of Work Status Report, documentation from therapist/specialist, etc.).
2. Supervisor is required to:
 - a. Immediately report accident/injury/illness to Human Resources. If necessary, Human Resources will refer employee for medical treatment.



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WORKERS' COMPENSATION

Effective Date: Pending
Revision Date: 08/01/2008
Supersedes: 07/01/2007

- b. Conduct accident investigation:
 - Investigate incident using the Incident Report.
 - Immediately complete Incident Report and forward original to Human Resources.
 - c. Follow up on recognized safety hazards with corrective actions to prevent future incidents.
 - d. Monitor approved modified work duties for employees with prescribed work restrictions. Employees will be placed on leave if the Commission is unable to accommodate prescribed work restrictions.
 - e. Provide Human Resources with completed Temporary Limited Duty Agreement (TLDA) for employees on modified duty (if necessary).
3. Human Resources is required to:
- a. Immediately provide workers' compensation forms to the injured employee and provide appropriate referral to the designated medical facility.
 - b. Send email and/or TLDA to supervisor to communicate any required work restrictions/modified work duties.
 - c. Fax claim paperwork to workers' compensation third party administrator (TPA).
 - d. Forward supervisor Incident Report to the Safety Representative.
 - e. Communicate to supervisor changes to prescribed work restrictions/physician recommendations and approval for the employee to resume regular work duties.
- C. An employee requiring a leave of absence due to a workers' compensation injury or illness shall make a written request through his/her treating physician, stating the medical necessity for the leave indicating the anticipated leave date; and the expected return-to-work date. Should the return-to-work date change, the employee is responsible for immediately notifying Human Resources of the new anticipated return date.
- D. An employee requiring a visit to a medical doctor the same day will remain on paid status. In addition, if a follow-up medical appointment is required and the employee is not able to schedule the appointment outside of their scheduled working hours, the employee will be on paid status for time used for a follow-up appointment within the first three (3) days following the work injury.
- E. The employee on a leave of absence shall communicate regularly with Human Resources regarding the employee's medical status.
- F. Workers' Compensation leave shall continue until the employee either:
- Is determined by the treating physician to be physically able to return to duty;
 - Accepts employment outside the Commission;
 - Accepts employment in another Commission position where the physician approves the employee to be able to perform the duties of the new position; or
 - Elects retirement, as provided by law.
- G. Prior to returning to work from a workers' compensation leave of absence, the employee on leave shall submit to Human Resources a written medical release from the physician in a form satisfactory to the Commission. The physician statement shall indicate whether the employee is able to perform all his/her usual and customary responsibilities.



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WORKERS' COMPENSATION

Effective Date: Pending
Revision Date: 08/01/2008
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- H. Upon submission of a medical release that an employee is able to return to work after a workers' compensation leave, the employee under most circumstances will be reinstated to his or her same position held at the time the leave began, or to an equivalent position, if available. An employee returning from a workers' compensation leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if the employee on workers' compensation leave would have been laid off had he or she not gone on leave, or if the employee's position has been eliminated or filled in order to avoid undermining the Commission's ability to operate safely and efficiently during the leave, and no equivalent or comparable positions are available, then the employee would not be entitled to reinstatement.

An employee's return depends on his or her qualifications for any existing openings. If, after returning from a workers' compensation disability leave, an employee is unable to perform the essential functions of his or her job because of a physical or mental disability, the Commission's obligations to the employee may include reasonable accommodation, as governed by the Americans with Disabilities Act.

- I. If an employee has an on-the-job accident/injury/illness requiring medical attention, a drug screen will be administered by an employer appointed provider. A positive screen will result in an action per the Drug-Free Workplace Policy and/or disciplinary action up to and including termination.
- J. The law requires that the Commission notify the workers' compensation insurance carrier of any concerns of false or fraudulent claims. Any person who makes or causes to be made any knowingly false or fraudulent material statement or material misrepresentation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony.



Personnel Policy Handbook

Section III: Benefits
Policy #: 307

UNEMPLOYMENT COMPENSATION

Effective Date: Pending
Revision Date: 08/01/2008
Supersedes: 07/01/2007

POLICY

This is a fund established to afford protection for those unemployed, but able to and available to work. The Commission pays a tax on gross wages and salaries into this fund as prescribed by State law.



Personnel Policy Handbook

Section III: Benefits
Policy #: 308

RETIREMENT SYSTEM

Effective Date: Pending
Revision Date: 08/01/2008
Supersedes: 07/01/2007

POLICY

The Commission shall offer its employees a retirement system that shall be determined by the Commission.



Personnel Policy Handbook

Section III: Benefits
Policy #: 309

**PROFESSIONAL TRAINING AND
DEVELOPMENT**

Effective Date: Pending
Revision Date: 08/01/2008
Supersedes: 07/01/2007

POLICY

It is the policy of the Commission to encourage all employees to expand their knowledge and level of professionalism relevant to the Commission's business operations. The purpose of this policy is to outline the standards and procedures under which the Commission will provide financial support for activities that further the goals of preserving and improving the Commission's capacity to operate efficiently and economically. The approval of any education, professional training and development is subject to the Commission's budget limitations and will be made at the sole discretion of the President and Chief Executive Officer or designee. The Commission reserves the right to discontinue any previously approved education and/or other professional training.

GUIDELINES

A. Tuition Reimbursement

An employee may be approved to receive tuition reimbursement for course required registration fees and materials to attend courses that enhance, improve or add to the knowledge, skills and performance of the employee in the employee's employment with the Commission. Eligible employees will be reimbursed upon satisfactory course completion (Grade "C" or better, "Pass", or equivalent) for 100% of tuition, mandatory fees, textbooks and supplies under certain conditions. For non-represented employees, the maximum reimbursement is \$4,000 per fiscal year.

Class and study time must be outside of the employee's regular working hours. The Commission shall not compensate travel and related expenses

The determination as to when and whether an employee is granted reimbursement shall be made by the President and Chief Executive Officer or designee. Employee requests for such reimbursement shall be submitted in writing and in advance.

To receive tuition and fee reimbursement, the employee shall complete the Tuition Reimbursement Request Form and submit a receipt and proof of completion of all approved courses within thirty (30) days of completion of said course(s).

B. Professional Associations/Technical Groups

The President and Chief Executive Officer may approve payment for membership in craft, trade, or other professional organizations that further the goals described above. The employee shall provide evidence of their active participation in support of continued membership payment.

In addition, the employee may request reimbursement for attendance at professional association dinner meetings and workshops. With prior approval, the Commission may allow the employee to attend the workshop on Commission time.

C. Seminars/Workshops

The Commission may elect to send employees to approved training programs, seminars, and/or conferences from time to time. While these programs are normally scheduled during regular working hours, there may be evening or weekend classes or activities.

Employees who desire to attend a seminar must submit a written request, including estimated expenses, to their supervisor and/or Director for approval. No advances for reimbursable expenses



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Policy #: 309

**PROFESSIONAL TRAINING AND
DEVELOPMENT**

Effective Date: Pending
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shall be made for one-day seminars or workshops. Reimbursements shall be processed in accordance with the Commission's Expense Reimbursement Policy.

D. Trade Journals/Magazines

The Commission may reimburse an employee desiring to further his/her education and knowledge for the purpose of improving on-the-job performance. Approval, if any, will be given only for trade journal or magazine subscriptions that are directly related to the employee's professional field and/or Commission job responsibilities.

E. Overtime

1. Non-Exempt Employees

Non-exempt employees attending a Commission requested one-day meeting will be paid for any overtime hours spent traveling to and attending the meeting. Overtime will not be paid for any non-business portion of a seminar or workshop program, including meal breaks, and/or staying overnight if the program is out of town.

Employees who voluntarily choose to attend a seminar or conference on their regularly scheduled day(s) off shall not be paid for attendance.

2. Exempt Employees

The Commission will not pay overtime to exempt employees for any time related to attendance at conferences, seminars, or other professional meetings.



Personnel Policy Handbook

Section III: Benefits
Policy #: 310

TRANSPORTATION INCENTIVES

Effective Date: Pending
Revision Date: 08/01/2008
Supersedes: 07/01/2007

POLICY

It is the policy of the Commission to provide transportation incentives to employees, encouraging use of alternate transportation whenever possible.

Employees who purchase monthly passes for public transportation will be reimbursed 80% of the cost by the Commission. Such passes shall exclusively be for personal use.



Personnel Policy Handbook

Section III: Benefits

Policy #: 311

EXPENSE REIMBURSEMENT

Effective Date: Pending

Revision Date: 08/01/2008

Supersedes: 07/01/2007

POLICY

The Commission has established the following procedure regarding reimbursement for travel and other Commission related business expenses.

PROCEDURE

- A. Employees shall obtain supervisory approval prior to incurring any Commission reimbursable expenses related to travel or other business functions.
- B. The decision of the President and Chief Executive Officer shall be final in cases where conflict of opinion about the appropriateness of reimbursement exists. The following guidelines shall govern such approval:
 - 1. While attending approved functions, the burden of responsibility for sound judgment in spending Commission funds rests on the attending employee.
 - 2. A fixed reimbursement amount is set in advance by the President and Chief Executive Officer or designee to cover all meals not otherwise included in the registration fee.
 - 3. The employee shall fill out an Employee Travel and Meeting Expense Report and submit receipts with itemizations and explanations in order to receive reimbursement.
 - 4. Reimbursement requests with receipts shall be submitted to the supervisor for approval on the expense reimbursement form. Approved reimbursement requests shall be forwarded to the department director and President and Chief Executive Officer for payment.
- C. Vehicle Use/Reimbursement: prior approval of the President and Chief Executive Officer/designee must be obtained for use of any Commission vehicles.

Employees approved to use their personal vehicles shall receive mileage reimbursement at the rate currently established by the Internal Revenue Service.

Whenever possible, employees shall carpool when traveling on Commission business.



Personnel Policy Handbook

Section IV: Rules and Regulations

GIFTS

Effective Date: Pending

Revision Date: 08/01/2008

Policy #: 401

Supersedes: 07/01/2007

POLICY

An employee's obligation under this policy is in addition to and does not in any way change his/her obligation under the Commission's Business Ethics and Conflict of Interest Policy.

An employee may not receive a gift from any individual, organization, or vendor doing business with the Commission that has an estimated aggregate value of more than allowed under applicable state law. All gifts received or offered to the employee shall be reported to the employee's supervisor.

Gifts in excess of that permitted under state law should be refused or returned and the offer should be reported to the supervisor. State limits on gifts are reviewed every two years.

For the purpose of this policy, a gift is defined in state law.



Personnel Policy Handbook

Section IV: Rules and Regulations

Policy #: 402

SMOKING

Effective Date: Pending

Revision Date: 08/01/2008

Supersedes: 07/01/2007

POLICY

Smoking is prohibited within any Commission building, on Commission premises, including entrance and exit doors and gates, or in Commission vehicles.



Personnel Policy Handbook

Section IV:	Rules and Regulations	Effective Date:	Pending
Policy #:	403	Revision Date:	08/01/2008
	SUBSTANCE ABUSE	Supersedes:	07/01/2007

POLICY

The Commission is committed to protecting the health, well-being and safety of employees and the public at large from the hazards caused by misuse of drugs and alcohol. Because of the importance of this commitment and the addictive and secretive nature of substance abuse, accomplishing this goal requires the full commitment and support of management, as well as, the support of each employee.

The Commission complies with federal regulations and provides a drug-free (i.e., free of alcohol, drugs or controlled substances such as marijuana, heroin, cocaine, etc.) workplace through development and administration of policies, guidelines and programs designed to ensure a drug-free workplace.

This policy prohibits unlawful manufacturing, distribution, possession, sale or use of controlled substances at work and also requires that employees convicted under a criminal drug statute for any incident at work notify the President and Chief Executive Officer within five (5) days of conviction.

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

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

GUIDELINES

- A. Employees are expected and required to report to work on time, free of any mental or physical impairment that may be attributed to the abuse of drugs or alcohol.
- B. Employees shall not possess, use, furnish, sell, or offer alcohol, illegal drugs or other controlled substances while on the job or on Commission premises. An employee who purchases, possesses, uses, furnishes, distributes, sells or offers illegal drugs or controlled substances while on the job or on the Commission premises is subject to corrective action, up to and including termination of employment.

The sole exception to this item is where, at a Commission-sponsored event, the Commission permits consumption of alcoholic beverages. In such event, employees are required to use good judgment with respect to the use of alcohol (e.g., responsible consumption; identification of a “designated driver,” etc).

- C. Use of prescription drugs or other medication, in accordance with physician’s instructions, is not a violation of this policy as long as the medications do not interfere with the safe and effective performance of duties. Employees who are using prescription medication that may affect their ability to work safely are responsible for bringing the matter to their supervisor’s attention. Supervisors should be informed of the effects of any medication an employee may be taking or any illness an employee may have on the employee’s capabilities to perform work safely and efficiently. Employees who are deemed by the Commission to be temporarily unable to perform their job safely because of their use of medication will be removed from their job during the period they are required to take the medication.



Personnel Policy Handbook

Section IV: Rules and Regulations

SUBSTANCE ABUSE

Effective Date: Pending

Revision Date: 08/01/2008

Supersedes: 07/01/2007

Policy #: 403

- D. An employee reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and removed from the worksite. The employee shall be transported to a Commission-designated medical clinic for the appropriate substance abuse testing procedure, unless the employee admits to the substance abuse, in which event corrective action may be taken, up to and including termination. If the employee refuses to take a drug test the Commission may take corrective action, up to and including termination.
- E. Employees who engage in off-the-job or off-premises alcohol or illegal drug activity that impairs their work performance, causes damage to the Commission premises or property, jeopardizes their own safety or that of coworkers, or the general public, or undermines the public's confidence in the Commission to provide service will also be subject to corrective action, up to and including termination of employment.
- F. Employees who observe or encounter evidence, or who otherwise have good reason to believe that a Commission employee, while on the job or on Commission property, has possession of, is using, or is involved in furnishing, selling or offering illegal drugs must report that information to the President and Chief Executive Officer or designee.
- G. Employees and supervisors are encouraged to seek assistance before drug or alcohol abuse negatively affects job performance. If an employee comes forward, prior to corrective action, and requests time off without pay to address a drug or alcohol abuse problem, the Commission may provide assistance in identifying appropriate treatment programs and will make reasonable accommodation to assist the employee. Participation in a program is at the employee's expense, although some health plans may partially cover some expenses.
- H. An employee's participation in an assistance program does not relieve the employee of responsibility to meet work performance requirements.
- I. Employees are expected to fully cooperate in any interview or investigation of possible violation of the substance abuse rules. When employees are on duty or on Commission-owned or leased properties, including parking lots, as well as, when employees are operating vehicles, the Commission reserves the right to require employees to agree to inspections of Commission property and/or their personal property and to implement other measures necessary to deter and detect abuse of this policy. An employee's refusal to consent to such an inspection or to otherwise cooperate in a proper investigation conducted under this policy is grounds for corrective action, up to and including termination.
- J. Employees must, as a condition of employment, abide by the terms of this policy statement.
- K. As part of a conditional offer of employment with the Commission, a candidate is required to undergo a drug-screening test.



Personnel Policy Handbook

Section IV:	Rules and Regulations	PRIVACY AND SECURITY	Effective Date:	Pending
Policy #:	404		Revision Date:	08/01/2008
			Supersedes:	07/01/2007

POLICY

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

GUIDELINES

A. Neatness

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

B. Right of Inspection

The Commission reserves the right, at all times, and without prior notice, to inspect and search any and all the Commission property for the purpose of determining whether this policy or any other Commission policies have been violated, or whether further inspection and investigation is necessary for purposes of promoting safety in the workplace or compliance with state and federal laws. Such inspections may be conducted before, during or after business hours, in the presence or absence of the employee.

C. Prior Authorization

Prior authorization must be obtained before any Commission property may be removed from the premises.

D. Use of Telephones

The Commission recognizes that employees may occasionally find it necessary to use the Commission telephones for personal use. Such calls must be kept to a minimum. Abuse of telephone privileges may result in corrective action, up to and including termination. Any personal long distance call shall only be made using a phone card.

The Commission's voicemail systems are to be used for business purposes only. The President and Chief Executive Officer or designee reserves the right to listen to voicemail messages to ensure compliance with this rule, with or without notice to the employee and/or in the employee's presence or absence.



Personnel Policy Handbook

Section IV:	Rules and Regulations	COMPUTER AND E-MAIL POLICY	Effective Date:	Pending
Policy #:	405		Revision Date:	08/01/2008
			Supersedes:	07/01/2007

POLICY

The Commission's computer systems, including any E-mail systems, are to be used for business purposes only. The President and Chief Executive Officer or designee reserves the right to access, copy and retain e-mail messages to ensure compliance with this rule, with or without notice to the employee and/or in the employee's presence or absence.

Employees shall adhere to the guidelines as defined in the Administrative Regulation #214.000: Electronic Mail, Network and Internet Usage.



Personnel Policy Handbook

Section IV: Rules and Regulations	SAFETY AND WORKPLACE VIOLENCE	Effective Date:	Pending
Policy #: 406		Revision Date:	08/01/2008
		Supersedes:	07/01/2007

POLICY

The Commission has developed guidelines to help maintain a safe workplace. This safety policy is intended to keep the Commission’s employees safe and to protect its possessions, confidential information and equipment.

GUIDELINES

A. OSHA-mandated Safety

It is the policy of the Commission to provide a safe place to work, in accordance with the Occupational Safety and Health Act (OSHA) standards.

Employees shall observe all safety regulations and requirements given verbally or in writing. An employee, in addition to guarding his/her own safety and the Commission’s property, shall seek to safeguard his/her fellow workers and other people affected by his/her work. An employee shall report to his/her supervisor any accident, illness or disease occurring to himself/herself arising out of employment and shall, if observing, report any apparent unsafe condition to his/her supervisor. The supervisor shall consider each situation on a case by case basis and may consider administrative leave, referral, or approve annual leave or other option to safeguard the workplace.

B. Violence in the Workplace

The Commission has zero tolerance against any threats of violence made in the workplace, either implied or direct, made by any individual.

Threatening or intimidating behavior, threats, or acts of violence will not be tolerated and may be grounds for immediate termination, arrest and prosecution or a civil harassment action. Any individual who engages in threatening behavior or violent acts (or who makes comments about inflicting self-harm or harming others) while on Commission property will be removed from the premises and may not return until the incident is fully investigated. The Commission reserves the right to have any such incident assessed by a professional who specializes in threat assessment.

Threats to or intimidation of employees in the workplace by individuals outside the Commission are not tolerated and must be reported to the Commission or designee. This may include acts of domestic violence and threats of harm from customers or vendors toward employees or Commission property.

Employees must be aware of persons loitering for no apparent reason in parking areas, walkways, entrances and exits. Employees must report any suspicious persons or activities to the President and Chief Executive Officer or designee.

If an employee witnesses or receives a threat, or learns that another person has witnessed or received a threat, they must notify their supervisor or the President and Chief Executive Officer or designee immediately. Reports must be made of all incidents no matter who was involved or their relationship to each other. If an employee applies for or obtains a protective order or restraining order that lists Commission locations as protected, they must send a copy to Human Resources.

The safety of the office, as well as, the welfare of employees depends upon the alertness and sensitivity of every individual to potential safety risks. Employees should immediately notify management when unknown persons are acting in a suspicious manner in or around the office.



Personnel Policy Handbook

Section IV: Rules and Regulations	SAFETY AND WORKPLACE VIOLENCE	Effective Date:	Pending
Policy #: 406		Revision Date:	08/01/2008
		Supersedes:	07/01/2007

When an employee is personally threatened by an individual as a direct result of his/her working relationship with the Commission, the employee may request that the Commission conduct a prompt investigation to determine whether any one or more of the following actions would be appropriate:

1. Work reassignment;
2. Temporary transfer to another position or work location;
3. Other actions as may be deemed appropriate;
4. If the investigation shows that the personal threat interferes with the employee's performance of his/her job duties, the Commission will request injunctive Court action against the threatening individual(s) in conformance with Code of Civil Procedure, Section 527.6 prohibiting harassment.

C. Use of Personal Items on the Job

The Commission provides the necessary equipment required for employees to accomplish their job and tasks in the most efficient and safe manner. However, employees who want to use their personal items at work may do so with the understanding that they are responsible for the property, that it must be used safely and responsibly, and that the Commission will not replace or pay for personal items that are damaged or destroyed on the job.

Before employees may use their own equipment on the job, they must request written approval from their supervisor.

Employees must secure their desk, office or vehicle at the end of the day. When called away from the work area for an extended length of time, employees should not leave valuable and/or personal articles in or around the workstation/vehicle that may be accessible. The Commission is not responsible for the loss or damage to any personal property or equipment.

D. Property Damage/Theft

A written report shall be made of damage to Commission property (excluding vehicles) or theft and shall contain the following information:

- A description of item(s) damaged or stolen;
- Value of the item(s); and
- Circumstances surrounding the damage or theft.

If the damaged or stolen item is of significant value or if a number of items are affected, this should be reported to the police and the Commission immediately. The police report shall then be made available to the Commission.

The location of the theft or damage shall determine from which department the written report originates. Non-supervisory employees who discover theft or property damage shall report this information to their immediate supervisor who, in turn, will be responsible for writing and submitting the required report to the President and Chief Executive Officer or designee. Supervisory or management staff, who themselves find evidence of theft or damage shall be responsible for preparing and submitting a report to their immediate supervisor. In all instances, damage or theft reports shall be subsequently reported to the President and Chief Executive Officer or designee for appropriate action.



Personnel Policy Handbook

Section IV:	Rules and Regulations	Effective Date:	Pending
Policy #:	407	Revision Date:	08/01/2008
		Supersedes:	07/01/2007

DRESS CODE

POLICY

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

Depending upon position responsibility and for health and safety reasons, employees may be provided, at Commission expense, uniforms and related safety equipment (hard hat/safety boots/safety glasses) for use only while on duty.

Employees are not permitted to alter the appearance of provided uniforms. The purpose of providing uniforms is to present a standardized and neat appearance to the public and ensure the safety of employees. Protective clothing must be worn at all times as directed by each department's supervisor and shall not be worn for any other purpose than in the service of the Commission.

Employees shall adhere to the Commission Business Appearance Guidelines.



Personnel Policy Handbook

Section IV: Rules and Regulations	DRIVING POLICY	Effective Date:	Pending
Policy #: 408		Revision Date:	08/01/2008
		Supersedes:	07/01/2007

POLICY

When driving on Commission business, the employee should always obey the rules of the road and be courteous to other drivers and pedestrians. As further safety precautions, the employee may not drive on Commission business while under the influence of alcohol or drugs. For insurance purposes, the employee should notify the Human Resources immediately if he/she has received a D.U.I. conviction.

GUIDELINES

A. Reimbursement When Using Own Vehicle for Commission Business

Employees required to drive their own vehicle on the Commission business shall be reimbursed for actual miles at the annually established rate by the Internal Revenue Service.

B. Use of Commission Vehicles

1. A Commission vehicle is to be used for Commission business only.
2. The use of driver and passenger seat belts is mandatory.
3. The Commission vehicle is to be driven only by licensed Commission staff while performing Commission business.
4. The Commission vehicle shall be kept at the appropriate office location. The only exception shall be when an employee has authorization to use the vehicle for an over-night business trip and/or late night or early morning meetings that would cause a significant inconvenience to return the car.
5. When an employee retains the car overnight, or over a weekend, leaving his/her personal vehicle at the Commission office, the employee is permitted to use the car for necessary local errands.

C. Department of Motor Vehicles Employer Pull Notice Program

In an effort to ensure safe driving on Commission business, the Commission is enrolled in the Department of Motor Vehicles' (DMV) Employer Pull Notice (EPN) program. The EPN program was established to provide employers and regulatory agencies with a means of promoting driver safety through the ongoing review of driver records.

Designated employees will be enrolled in the program, as follows:

- Designated positions requiring driving;
- Positions receiving a monthly car allowance; and
- Positions receiving mileage reimbursement for driving a personal vehicle on Commission business.

The EPN program allows the Commission to monitor driver license records of employees who drive on the Commission's behalf and is intended to promote the safety and security of employees.



Personnel Policy Handbook

Section IV: Rules and Regulations

DRIVING POLICY

Effective Date: Pending

Revision Date: 08/01/2008

Policy #: 408

Supersedes: 07/01/2007

D. Injury/Accident When Driving on Commission Business

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

E. Vehicle Accident

An employee or contract employee involved in an accident, however slight, while driving a Commission vehicle, must inform his/her supervisor immediately and complete a written report as soon as possible after the incident.

It is the responsibility of the employee's supervisor to ensure that this report is complete and submitted to the insurance carrier.

F. Use of Cell Phones and Text-Based Communication While Driving

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

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



Personnel Policy Handbook

Section IV: Rules and Regulations	CONFIDENTIALITY AND PROTECTION OF PROPRIETARY INFORMATION	Effective Date:	Pending
Policy #: 409		Revision Date:	08/01/2008
		Supersedes:	07/01/2007

POLICY

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

GUIDELINES

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

- Computer processes;
- Computer programs and codes;
- Customer lists;
- Financial information;
- Marketing strategies;
- New materials research;
- Pending projects and proposals;
- Proprietary production processes;
- Research and development strategies; or
- Technological data.

HISTORY

Adopted: July 1, 1979

Revised: October 1, 1998; July 1, 2001; July 1, 2004; July 1, 2005; July 1, 2007; August 1, 2008



Personnel Policy Handbook

Attachment

**ACKNOWLEDGMENT OF PERSONNEL
POLICY HANDBOOK RECEIPT**

Effective Date: Pending

Revision Date: 08/01/2008

Supersedes: 07/01/2007

ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL POLICY HANDBOOK

I have received a copy of the San Diego Housing Commission’s Personnel Policy Handbook. I understand that it contains important information on Commission policies, as well as, my rights and responsibilities as an employee. I understand and agree that I have a duty to familiarize myself with the policies in the Handbook and abide by these policies.

I have read and understand the Handbook. I understand that I am governed by its contents. I understand that the Commission retains its discretion to make all decisions concerning my employment (including, e.g., decisions regarding promotions, demotions, transfers, job responsibilities, increases or reductions in pay, bonuses or other compensation, or any other managerial decision). No director, supervisor, or representative of the Commission has the authority to enter into any agreement, express or implied, for employment for any specific period of time, or make any agreement for employment.

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

I have also read and understand the Commission’s Unlawful Harassment Policy.

I further understand that the Commission can change, delete, or add to any policies, benefits, or practices described in the Handbook in its sole and absolute discretion with or without prior notice and in accordance with the Housing Commission/Authority.

Signature

Date

Print Name



SAN DIEGO
HOUSING
COMMISSION

Personnel Policy Handbook

Attachment

**ACKNOWLEDGMENT OF PERSONNEL
POLICY HANDBOOK RECEIPT**

Effective Date: Pending
Revision Date: 08/01/2008
Supersedes: 07/01/2007

File: Human Resources Personnel File