

# TEMPLETON COMMUNITY SERVICES DISTRICT

## PERSONNEL GUIDELINES



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# **Templeton Community Services District Personnel Guidelines**

## **1.0 Introduction**

The Templeton Community Services District (TCSD or District) expects every District employee to be thoroughly familiar with, and to comply with, these Personnel Guidelines.

### **1.1 Disclaimer**

The Guidelines do not represent a contract, nor should they be relied upon as binding, inflexible promises made by TCSD. TCSD reserves the right to change, add to, or rescind any of the guidelines at any time, as well as the right to determine their meaning, purposes, and effect.

Use this manual as a guideline of what you may expect from TCSD and what TCSD expects of you.

### **1.2 Purpose and Scope of Guidelines**

These Guidelines are intended to inform employees of TCSD's position on basic employment-related subjects. They are not all-inclusive, but address those general topics most likely to be of interest to employees in the course of ordinary, day-to-day operations of TCSD. The Guidelines are to be used as a reference by employees and supervisors.

These Guidelines apply to all employees of TCSD, except where otherwise stated.

An employee who fails to comply with one or more Guidelines may be subjected to discipline, up to and including termination.

## **1.3 Equal Employment Opportunity Policy**

TCSD's employment decisions are based on merit, qualifications, and the legitimate business-related needs of TCSD. TCSD does not discriminate against its employees or applicants because of race, color, religion, sex, pregnancy, national origin or citizenship, ancestry, age, marital status, registered domestic partner status, mental or physical disability, political affiliation, medical condition, sexual orientation, gender identity or gender expression, veteran status, genetic information, or any other basis protected by law. Equal employment opportunity is extended by the District to all persons in all aspects of the employer-employee relationship, including recruitment, hiring, training, promotion, discipline, layoff, and termination.

## **2.0 Employment Practices**

### **2.1 Hiring and Promotion**

Decisions on employment are based upon an individual's qualifications for the applicable position as described below.

- A. Selection of employees -- All persons considered for employment with TCSD shall be qualified to perform the duties of the position for which they are employed. Before

reporting for their first day of work, employees may be required to undergo a medical examination, which confirms their ability to perform the essential functions of the job.

All employees shall be required to sign an Oath of Office pursuant to state law and/or a confidentiality statement. All employees must provide necessary documentation to prove identity and their right to work in the United States in accordance with Federal and State Immigration and Naturalization laws. Failure to provide such documentation will result in disqualification from selection and/ or immediate termination.

- B. Probationary Employees – All TCSD employees are considered probationary employees from their date of hire until they complete 12 months of service with TCSD. Temporary employees who are later hired as regular TCSD employees shall begin their probationary period starting from their first day of regular, non-temporary employment. The General Manager in conjunction with the employee’s supervisor, using their sole discretion, may elect to extend the probationary period for any employee up to an additional 12 months.
- C. Regular Part-time Employees with Benefits – Employees who have served the required probationary period satisfactorily, and are regularly scheduled to work an established position on a year-round basis and were employed as of November 27, 2012, who are regularly scheduled to work between 21 -39 hours per week.
- D. Part-Time Employees Non-Benefitted – Employees who, are not temporary employees, and are not limited to 1,000 hours. Employees may work an average of no more than 36-hours per week over the course of the year (maximum 1,872 hours per fiscal year). Part-Time Employees Non-benefitted are not eligible for any employee benefits, except as required by law. A Part-Time Non-benefitted employee may take time off without pay with the approval of the Supervisor
- E. Regular Full-time Employees – Regular full-time employees are those who are regularly scheduled to work at least 40 hours per week, are not temporary employees, and who have successfully completed the probationary period.
- F. Temporary Employees – Employees serving in a position in which the requirements of their services are temporary in nature are temporary employees. A temporary employee shall not work more than 1,000 hours in a fiscal year. This classification includes, but is not limited to, personnel employed for the following: seasonal workloads and emergency extra workloads. Temporary employees are not eligible for any employee benefits, except as required by law. A temporary employee may take time off without pay with the approval of the Supervisor and shall be permitted to take time off for TCSD-recognized holidays without pay.

## 2.2 Probationary Period

The purpose of the probationary period is to give TCSD and the new employee the opportunity to determine whether employment relationship suits both parties. During the probationary period, TCSD evaluates the employee’s job performance, and it is expected that the employee will use this time period to determine whether the District employment is satisfactory to her/him. Generally, near the completion of the 12-month introductory period, the supervisor conducts a written performance evaluation to ascertain



the advisability of continued employment on a regular basis. However, written evaluations may be done at any time during the probationary period if determined to be necessary by the Supervisor or the General Manager.

Regardless of whether the supervisor completes a written performance evaluation, the District retains the right to terminate employment for any reason, or no reason, during the probationary period.

New employees hired for regular positions serve a probationary period of 12 months, commencing with their first day of employment. The General Manager, in conjunction with the employee's supervisor, may extend the probationary period one or more times if, in his or her sole and absolute discretion, it is determined that such an extension is appropriate. The status of regular employment following the probationary period shall only occur after a successful evaluation has taken place, and only if confirmed in writing by the District.

### **2.3 Vacancies**

Employees of TCSD are encouraged to apply for any vacant positions for which they are qualified. TCSD awards vacant positions to the applicants who are best suited to meet the needs of the TCSD, regardless of whether the applicant is a current TCSD employee or not. If a vacancy is awarded to a current regular employee, that employee shall serve a 6-month probationary period in that position. Within 30 days of the move to the vacant position, the employee may return to their previous position with written notice to and approval by the General Manager.

### **2.4 Promotion**

A promotion is the advancement of an employee to a position that carries more responsibility and, when warranted, a higher salary. All regular employees of TCSD are eligible to apply and be considered for promotions for which they are qualified. An employee who is promoted shall serve a 12-month probationary period in his or her new position.

### **2.5 Nepotism Policy**

#### **a. Definitions**

The following definitions apply to this Policy:

1. "Relative" means spouse, registered domestic partner, child, step-child, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, cousin, niece, nephew, or in-laws of those enumerated by marriage or domestic partnership.
2. "Spouse" means two persons who have a valid marriage or two people who are registered domestic partners.
3. "Supervisory relationship" means one in which one employee exercises the right to control, direct, reward, or punish another by virtue of the duties and responsibilities assigned to his or her District appointment.

#### **b. Policy as to Relatives**

A Department Head has discretion not to appoint, promote or transfer a person to a position within the same department in which the person's Relative already holds a position, when such employment would result in any of the following:

1. A direct or indirect supervisory relationship;
2. The two employees having job duties which require performance of shared duties on the same or related work assignment;
3. Both employees having the same immediate supervisor; or
4. A potential for creating an adverse impact on supervision, safety, security, morale, or efficiency that is greater for Relatives than for unrelated persons.

C. Policy as to Employees Who Become Spouses or Domestic Partners

1. If two District employees who work in the same department become spouses or domestic partners, the department head has discretion to transfer one of the employees to a similar position in another department. Although the wishes of the employees in question will be given consideration, the department directors retain sole discretion to determine which employee is to be transferred based upon District needs, operations, or efficiency. Notwithstanding any provision in these Policies, any such transfer that results in a salary reduction is not disciplinary and is not subject to any grievance or appeal.
2. If continuing employment of both employees cannot be accommodated in a manner that department head finds to be consistent with the District's interest in the promotion of safety, security, morale, and efficiency, then the department head retains sole discretion to separate one employee from District employment. Absent the voluntary resignation of one employee, the less senior employee will be separated. Notwithstanding any provision in these Policies, any such separation is not considered to be disciplinary and is not subject to any grievance or appeal.

**2.6 Employee Evaluations**

In order to provide employees with information concerning their employment progress and to identify areas to improve job performance, the employee's supervisor will conduct formal written employee evaluations at least once per year.

**2.7 Training, Certification and Education**

It's the employee's responsibility to maintain all appropriate/required licenses and certificates. If an employee loses a required license or certificate, he/she may be subject to discipline that includes demotion or termination. (See Section 10)

TCSD supports education and training programs that improve the skills, qualifications, performance, and proficiency of TCSD employees. In addition, some of the positions within TCSD require employees to possess certifications. It is each employee's responsibility to maintain state-mandated certificates or credentials necessary to the employee's job assignment. TCSD generally covers class

costs of required education and tests upfront. If an employee fails a test required for certification then they will generally be responsible for all costs to re-take the tests.

Where the District requires the employee to take training and/or where the employee is required by his/her position to maintain certification, employees should submit a training/certification request to TCSD.

### **3.0 Working Conditions**

#### **3.1 Normal Work Schedule**

The normal workweek is forty (40) hours for all non-exempt full-time employees, ordinarily to be worked in five (5) eight-hour shifts, unless otherwise directed. The workweek is defined as 12:01 A.M. Saturday through Friday Midnight except for those personnel working an alternative work week schedule.

For all non-exempt Fire suppression employees, a regular work week shall average 56 hours. For non-exempt Fire and Emergency Services personnel, the work period is defined as Saturday at 8:00 a.m. through 7:59 a.m., 28-days later. The Day Shift rate shall only apply during periods of time when the Fire Chief takes a Full Time 56 hour employee off the employee's 24 hour shift program for training or other purposes, not when the training hours are in addition to the regular shifts. If the Full Time 56 hour employee misses one of their normal scheduled 24 hour shifts because they have to attend a TCSD requested fire training class away from TCSD, they will be paid at their higher Day Shift rate for the time training until they work their next normal 24 hour shift. Only the hours paid for the day of the normal shift are reported to CalPERS. All other hours at the training are considered extra hours worked and are not reported to CalPERS.

Due to the nature of the service, we provide the public, non-exempt personnel may be required to work overtime, which may include weekend duty along with days which are longer than eight hours in length.

#### **3.2 Hours of Work**

Normal Office hours of TCSD, and the normal work schedule for administrative office staff, are 8:00 am until 5:00 pm, Monday through Friday. The normal schedule for the utility staff is Monday through Friday from 7:00 am until 3:30 pm. Employees working a 9/80 schedule will have either every other Monday, Wednesday, or Friday off. For employees working a 9/80 work schedule, each employee's designated FLSA work week (168 hours in length) shall begin exactly four hours after the start of his/her eight-hour shift on the day of the week that corresponds with the employee's alternating regular day off.

Operations employees and office staff may be assigned other work hours from time to time as determined by the department head and/or the General Manager to best cover the operational needs of TCSD and its customers. Employees shall report "ready" to work at the start of their shift, and work until the shift ends.

Non-exempt Fire suppression employees shall have their work hours set by the Fire Chief.

#### **3.3 On-Call**

A schedule is maintained by the Utilities Department Head whereby Operations employees may be assigned, on a rotational basis, to be "on-call" on weekends, holidays and other times not considered regular hours of work for TCSD employees.

**Weekdays:** On-Call/Weekend Duty employees are paid one (1) hour at their base Over Time (OT) rate for each weekday they are on call. If they are called back into work, they will also be paid for actual time worked with a one hour minimum at the OT rate.

**Holidays and Weekends:** On-Call employees receive three (3) hours pay per day at their OT rate for each holiday or weekend day they are assigned to on-call duty during the winter months and four (4) hours pay per day at the OT rate during the summer (from April 1 to September 30<sup>th</sup>). If an employee works more than these minimum hours, they shall be paid for their time worked over the minimum at the OT rate. If they are called back into work, (outside of the normal weekend duty shift times) they will also be paid the actual time worked during the call out with a one hour minimum at the OT rate.

When an employee is on-call, s/he shall be provided a District cell phone and/or tablet computer which will provide notification to the employee on-call in the event of an emergency repair/maintenance work need. The on-call employee is required to keep the cell phone and/or tablet computer in his/her possession during the entire on-call period of time. Notification of an emergency repair/maintenance work need may also be given orally, in person or telephonically, by the General Manager or Utilities Supervisor.

When an employee is assigned on-call duty, s/he shall be free to utilize his/her time as desired, but must be able to respond within 30 minutes to any District facility. This will enable the on-call employee time to return to work in the event of an emergency call. On-Call employees need to remain unimpaired and able to perform all duties when on-call.

**Call Backs:** Any full-time Utility employee not on call and he/she is called back to work, the employee will receive one (1) hour of Call Back Pay (1 hour of base pay at straight time) plus pay for their hours worked (at straight or OT rate depending on whether they have worked over 40 hours in the week).

All other full-time employees not on call and if he/she is called back to work, the employee will receive one (1) hour minimum.

### **3.4 Meal/Break Time**

Non-exempt administrative office staff is provided with a one-hour unpaid break for lunch. Non-exempt utility staff is provided a thirty-minute unpaid meal period. Meal periods begin at the time the employee is scheduled off-work, and not when the employee ultimately arrives at his/her meal destination.

In addition to the scheduled unpaid lunch break, non-exempt employees are entitled to one paid fifteen-minute break for each 4-hour period worked (normally one break in the morning and one in the afternoon), as scheduled by your supervisor considering work requirements. Break periods may not be combined into a single longer break period. TCSD vehicles shall not be used during paid breaks.

Non-exempt fire personnel do not have designated meal or break times and are paid through their entire shift. They will take breaks and meals (breakfast/lunch/dinner) when time is available.

### **3.5 Attendance**

Regular attendance by all employees is important to the successful operation of TCSD. Employees are expected to maintain a good attendance record and to report promptly for work in accordance with assigned work schedules.

### 3.6 Notice of Absence

Employees who must be absent from work are expected to notify their supervisor or General Manager, either directly or by a recorded message, as soon as possible but not later than the beginning of their assigned shift. The employee shall provide the general reason for, and the probable duration, of the absence.

Fire and Emergency Services employees shall notify the on-duty Fire Captain as soon as possible but no later than 2-hours before the beginning of their assigned shift.

### 3.7 Tardiness/Absence

Employees are expected to report for their work shifts on time. Excessive or repeated tardiness is not tolerated.

Fire personnel are expected to show-up and be ready for duty to relieve personnel coming off-duty at their assigned shift start time.

If an employee is absent more than three working days for any reason without notifying the employer, the employee may be considered to have voluntarily resigned.

### 3.8 Overtime

Overtime shall not be worked without prior approval by the Supervisor or in his or her absence the General Manager.

Non-exempt employees receive overtime compensation for hours actually worked, *excluding any time off for, e.g., absence, paid leave, holidays or compensatory time*, in excess of forty (40) hours during the work week (212 hours per 28-day work cycle for Fire and Emergency Services).

In addition, on-call personnel receive overtime pay under the circumstances described in the “On-Call” policy.

When a non-exempt (except Fire and Emergency Services) employee’s hours worked exceed forty (40) hours in a work week: the employee will receive overtime pay at the rate of one and one-half (1 ½) times the regular rate of pay per FLSA guidelines, unless the employee has chosen to receive compensatory time for such work.

Fire and Emergency Services non-exempt employees receive overtime in accordance with the special laws concerning such employees based on a 28-day work cycle.

Section 7(k) of the FLSA provides that employees engaged in fire protection may be paid overtime on a “work period” basis. A “work period” may be from 7 consecutive days to 28 consecutive days in length. For work periods of at least 7 but less than 28 days, overtime pay is required when the number

of hours worked exceeds the number of hours that bears the same relationship to 212 (fire) as the number of days in the work period bears to 28. For example, fire protection personnel are due overtime under such a plan after 212 hours worked during a 28-day work period.

Work Period (days)	Maximum Non-Overtime Hours
28.....	212

The California Public Employee’s Retirement System (CalPERS) requires that certain compensation listed in the California Code of Regulations (CCR) Section 571 (a) be included as reportable compensation to CalPERS, CCR Section 571 (b) was amended to ensure greater transparency and disclosure of special compensation items in written labor policies. TCSD has identified two of the CCR Section 571 (a) listed (FLSA Premium Pay and Holiday Pay for Non-Exempt Fire Suppression Personnel) items to be applicable to certain designated job classifications within TCSD.

**3.9 Compensatory Leave Time (“Comp Time”)**

Employees may elect to receive compensatory leave time in lieu of monetary compensation for overtime hours worked. Compensatory leave time is paid time off recorded at one and one-half (1½) paid hours off for each overtime hour worked.

Employees may accrue up to a maximum of two hundred forty (240) hours of compensatory leave at any time. Comp time is not cashed out except at the employee’s termination.

An employee may use comp time in the same pay period that it is earned.

**3.10 Pay Period**

The TCSD payday is generally every other Thursday for the two-week pay period ending the previous Friday.

**3.11 Safety**

TCSD has safety rules with which employees are expected to comply. It is the responsibility of each employee to learn and observe all applicable safety practices, policies, directives, or procedures. In addition, each employee is responsible for maintaining a safe work environment. Safety-related questions, or reports of any unsafe working conditions, real or potential, should be directed to the General Manager.

**3.12 Accidents; Reporting**

Any work-related accident, or other accident occurring on the worksite, involving employees or other persons shall be reported to the General Manager, or his designee. Such reports must be made immediately following the accident, and in no event more than 24 hours following the accident on forms provided by the District. Employees are covered for employment-related injury or illness by the California Worker’s Compensation Act. Under the Act, failure to report or delays in reporting a work-related injury or illness may result in a loss of benefits.

**3.13 Maintenance – Housekeeping**

Each employee is responsible for the condition and maintenance of the equipment s/he uses on the job. The employee should report to the department supervisor or the General Manager any equipment which is damaged, worn, or in need of maintenance. Employees should direct any safety concerns regarding the use of equipment to the supervisor.

Cleanliness and orderliness are important to the operation and safety of TCSD. Employees are responsible for keeping their work areas clean and orderly.

### 3.14 **Dress Code**

All Utility, Fire and Parks and Recreation employees that are required to wear uniforms shall wear the appropriate uniform for their work area. Employees are permitted to wear the uniform only during their work hours and/or work time and/or traveling to and from work or while representing the District.

Maintenance and Utility field staff will be provided with uniforms to perform their duties, along with uniform cleaning service. Maintenance and Utility field staff that are required to wear safety footwear to perform TCSD work may be reimbursed up to \$200 per fiscal year to cover the cost of protective footwear.

Neatness, cleanliness, and good personal hygiene are expected of all TCSD employees while working. Employees should dress appropriately, in good taste, and according to the requirements of her or his position.

Employee uniforms remain the property of TCSD and must be returned at the termination of employment with TCSD, or otherwise when requested.

The Fire Chief has the authority to modify the Department's Dress Code as deemed appropriate.

### 3.15 **Tattoo and Piercing Policy**

Employees of the District are expected to project a professional appearance while at work. Towards that end, employees are expected to comply with the following rules:

#### Tattoos:

1. No tattoos are allowed anywhere on the head, face or neck.
2. Any visible tattoos cannot be obscene, sexually explicit, or otherwise violate the District's policy against unlawful harassment or discrimination. Extremist, and/or gang-related tattoos are also not permitted.
3. Visible tattoos may not be larger than 4 to 6 inches.
4. Any non-conforming tattoos must be covered with clothing or a bandage while at work, or must be removed.
5. If an employee has a question about the tattoo policy, s/he should raise it with their supervisor.

#### Piercing:

1. No objects, articles, jewelry or ornamentation of any kind shall be attached to or through the skin if visible on any body part (including the tongue or any part of the mouth) except that an employee may wear two sets (i.e., four holes total) of reasonable-sized (i.e., small and professional-looking) earrings in the ear lobes.

2. Any non-conforming piercing shall be removed, covered with a bandage, or replaced with a clear, plastic spacer while the employee is working.
3. If an employee has a question about the piercing policy, the matter should be raised with their supervisor.

## 4.0 Compensation

### 4.1 Holidays

Full-time TCSD employees (except for non-exempt Fire and Emergency Services employees), both regular and probationary, are paid for the following TCSD Holidays whether or not they are scheduled to actually work on that holiday. Full-time employees receive eight (8) hours of holiday pay at straight time on the observed holiday. Temporary and part-time employees are not eligible for holiday pay.

TCSD generally recognizes the following twelve and a half (12.5) days as paid holidays:

New Years Day	Thanksgiving Day
Martin Luther King Jr Day	Friday Following Thanksgiving
President’s Day	Veterans’ Day
Memorial Day	Christmas Eve
Independence Day	Christmas Day
Labor Day	½ Day New Years’ Eve
April 1 <sup>st</sup> (for Non-Exempt Fire & Emergency Services Employees only)	

A Floating Holiday is credited to each regular full-time employee (except non-exempt Fire and Emergency Services employees) on July 1<sup>st</sup> of each fiscal year, to be used at the employee’s discretion in the manner similar to vacation time. Unlike vacation time, employees are not required to complete six months of employment prior to using their Floating Holiday. Employees may bank only one Floating Holiday day during any fiscal year. Accordingly, the Floating Holiday hours need to be used in the year granted in order for the employee to receive an additional Floating Holiday at the beginning of a new fiscal year. Eligible employees hired after July 1<sup>st</sup> will not be credited with a Floating Holiday until the following July 1<sup>st</sup>.

If a District-paid holiday falls on a Saturday, eligible employees are generally given the preceding Friday off. If a District-paid holiday falls on a Sunday, employees are generally given the following Monday off. If the day of holiday observance falls during an employee’s vacation period, and falls on a day the employee is regularly scheduled to work (but for his/her vacation), that day shall be considered as a paid holiday and not vacation time.

### Holiday Pay for Non-Exempt Fire and Emergency Services Employees (Full-Time) – Special Compensation

This type of compensation applies to job classifications that are normally required to work on approved TCSD holidays because they are assigned to specific positions that require scheduled staffing without regard to designated holidays. Job classifications identified as required to be scheduled without regard to holiday are as follows:

Employees who are permanently assigned a 56-hour work week shall be paid 11.2 (1.4 x 8 hours) hours for each holiday (5.6 hours for New Year’s Eve). When an employee in one of the identified job



classifications is normally scheduled to work on a TCSD approved holiday, the employee will be compensated with holiday pay and the actual number of hours worked on the holiday at their base hourly pay rate. The sum total of this compensation will be reported to CalPERS in the applicable reporting period.

The California Public Employee’s Retirement System (CalPERS) requires that certain compensation listed in the California Code of Regulations (CCR) Section 571 (a) be included as reportable compensation to CalPERS, CCR Section 571 (b) was amended to ensure greater transparency and disclosure of special compensation items in written labor policies. TCSD has identified two of the CCR Section 571 (a) listed (FLSA Premium Pay and Holiday Pay for Non-Exempt Fire Suppression Personnel) items to be applicable to certain designated job classifications within TCSD.

**4.2 Vacation**

Full-time benefitted TCSD employees, both regular and probationary, are eligible for vacation benefits. Employees are encouraged to use their accrued paid vacation time because taking time off can enhance productivity.

Employees must complete six months of employment prior to using any accrued vacation benefits. Employees shall not accrue vacation time during any period of unpaid absence from work.

Employees accrue vacation benefits beginning the first pay period of employment in accordance with the following schedule, which is based on bi-weekly pay periods of eighty (80) hours (i.e., based on a full-time schedule):

<b>YEARS OF SERVICE</b>	<b>VACATION BENEFIT PER PAY PERIOD</b>	<b>*ACCRUAL 56-HR. EMPLOYEES</b>	<b>WEEKS PER YEAR</b>	<b>ACCRUAL CAP</b>	<b>*ACCRUAL CAP 56 HOUR EMP.</b>
00 – 04 Years	3.08 Hours	4.31 Hours	2 Weeks	160 Hours	224 Hours
05 – 14 Years	4.62 Hours	6.47 Hours	3 Weeks	240 Hours	336 Hours
15, plus Years	6.15 Hours	8.61 Hours	4 Weeks	320 Hours	448 Hours

\*56-hour employees are non-exempt Fire and Emergency Services employees who are permanently assigned to a 56-hour work week.

Accrual of vacation is limited (maximum) to the above schedule, regardless of the hours worked in a pay period. In other words, if an employee works more than their regular hours during a pay period, the employee’s vacation accrual is not increased.

However, if an employee starts employment in the middle of a pay period, vacation accrual is prorated during the pay period beginning on the day the employee starts work.

If an employee takes time off without pay for one day or less the employee’s vacation accrual is not prorated.

At termination of employment for any reason, TCSD shall compensate the employee for her or his unused, accrued vacation time at the employee’s then-current straight time rate of pay.

TCSD does not require an employee to take vacation time during periods of illness. However, the employee may elect to take vacation time in case of extended illness where paid sick leave, if any, has been exhausted.

Vacations may be taken at any time during the year upon advance approval of the employee’s supervisor. An employee may use their paid vacation time in the same period that it is earned.

Vacation Benefit Cap: Employees are encouraged to use their vacation benefits. No employee shall be eligible to accrue more than a maximum of two times her or his annual entitlement to vacation pay at one time. Once an employee reaches this cap, the employee will cease accruing any additional vacation pay. When the employee uses enough vacation pay to fall below the cap, the employee will start accruing vacation pay again.

<u>YEARS OF SERVICE</u>	<u>VACATION BENEFIT PER PAY PERIOD</u>	<u>*ACCRUAL 56-HR. EMPLOYEES</u>	<u>WEEKS PER YEAR</u>	<u>ACCRUAL CAP</u>	<u>*ACCRUAL CAP 56 HOUR EMP.</u>
00 – 04 Years	3.08 Hours	4.31 Hours	2 Weeks	160 Hours	224 Hours
05 – 14 Years	4.62 Hours	6.47 Hours	3 Weeks	240 Hours	336 Hours
15, plus Years	6.15 Hours	8.61 Hours	4 Weeks	320 Hours	448 Hours

\*56-hour employees are non-exempt Fire and Emergency Services employees who are permanently assigned to a 56-hour work week.

1. Vacation cash-out: An employee may cash-out up to 80-hours of vacation each fiscal year provided that the employee has at least 80-hours of vacation available after any cash-out. Employees who are on a permanent 56-hour work week can cash-out up to 112 hours, provided that the employee has at least 112 hours of vacation available after the cash-out.

#### 4.3 Sick Leave

This policy shall apply to all employees.

Sick leave is defined as absence of work due to illness or non-industrial injury; diagnosis, care or treatment of an existing health condition of, or preventive care for, an employee or an employee’s family member and, for an employee who is a victim of domestic violence, sexual assault, or stalking to engage in protected activities, such as obtaining a restraining order, seeking medical attention or psychological counseling, or participating in safety planning.

Full time employees may also use sick leave in connection with the death of an immediate relative. (See Bereavement Leave – Section 4.6, below)

Family member means any of the following:

- A. A child, which for purposes of this policy means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands loco parentis. This definition of a child is applicable regardless of age or dependency status.
- B. A biological, adoptive or foster parent, stepparent, parents-in-law or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood loco parentis when the employee was a minor child.
- C. A spouse.
- D. A registered domestic partner.

- E. A grandparent.
- F. A grandchild.
- G. A sibling.
- H. A “designated person” who is an individual related by blood or whose association with the employee is the equivalent of a family relationship who served or will serve in the role of a parent.

#### Rates of Accrual:

Full time employees accrue paid sick leave benefits beginning with the first pay period of employment at the rate of three (3.69) hours, per pay period. However, if an employee starts employment in the middle of a pay period, sick leave accrual is prorated during the pay period beginning on the day the employee starts work. Employees permanently assigned to a 56-hour work week will accrue 5.17 hours per pay period.

If an employee takes time off without pay for one day or less the employee’s sick leave accrual is not prorated.

If an employee works more than their regular hours during a pay period, the employee’s sick leave accrual is not increased.

All other employees, as defined in section 2.1, shall be entitled to paid sick leave. Sick leave for eligible temporary or seasonal employees, beginning at the commencement of employment, shall accrue at the rate of one (1) hour for every thirty (30) hours worked and accrual of sick leave shall be capped at 80 hours.

Employees are not permitted to take more paid sick leave than they have accrued. However, full-time employees may use their paid sick leave in the same pay period that it is earned. Employees on leave of absence without pay for any reason accrue no paid sick leave during the unpaid absence.

Employees who leave TCSD employment for any reason other than retirement will not receive pay or other compensation for any accrued but unused sick leave accumulated at the time of the termination of their employment.

If an employee separates from employment and is rehired within one year from the date of separation, previously accrued and unused paid sick days shall be reinstated. The employee shall be entitled to use those previously accrued and unused paid sick days and to accrue additional paid sick days upon reemployment.

Sick leave may be used for fractions of workdays in increments of a minimum of  $\frac{1}{4}$  of an hour.

Notification: If an employee is unable to report to work because of sickness or injury, the employee must notify her or his supervisor of the absence before or within the first working hour of the first day of absence, unless such notification is impossible. Fire and Emergency Services employees shall notify the on-duty Fire Captain as soon as possible but no later than 2-hours before the beginning of their assigned shift.

If an employee exhausts all of her or his paid sick leave, and is absent because of illness or injury, the employee may use accrued vacation time and or accrued compensatory time, if any, or else may request to take unpaid time off.

#### **4.4 Physician's Report for Sick Leave**

TCSD reserves the right to require that an employee using sick leave, or returning from sick leave, provide a written statement of a physician as to the expected duration of the absence and the employee's fitness to return to work, as appropriate. The General Manager or his/her designee may require the employee to provide a statement from the employee's physician certifying the need for leave.

#### **4.5 Military Leave**

Employees are provided military leave in accordance with the law.

#### **4.6 Bereavement Leave**

Employees may use up to a maximum of 40-hours of leave to take time off on the account of the death of a member of his/her immediate family. Up to 24 hours of this 40 hours may be taken as sick leave. Non-exempt Fire and Emergency Services employees permanently assigned to a 56-hour work week may use up to 48-hours of sick leave. For purposes of this policy, "immediate family" is spouse, domestic partner, child, step-child, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, cousin, niece, nephew, or in-laws (or analogous relationship of those enumerated above in connection with a domestic partnership. Under special circumstances the General Manager may grant additional time beyond three days when approved in advance.

#### **4.7 Medical Leave**

Employees who are temporarily unable to work because of a medical condition may request a medical leave of absence. Employees granted a medical leave are required to exhaust any accrued paid sick leave during the absence. Employees may, but are not required, to exhaust any accrued unused vacation during an otherwise unpaid medical leave.

A request for medical leave must be accompanied by medical certification from the employee's health care provider that the employee is unable to work, and a statement of the anticipated duration of the need for medical leave. An employee who plans to take a medical leave must provide reasonable notice of the date the leave will commence, the estimated duration of the leave, and the date on which it is expected that the employee will be able to return to work. When an unplanned medical situation or emergency occurs that does not allow the employee to provide advance notification of the need for a medical leave, the employee must notify the General Manager of the situation within three working days of an absence.

Employees who must be absent from the workplace for an extended period due to an injury or illness, must maintain regular communication with their supervisor. The purpose of this communication is to keep TCSD informed of the employee's return-to-work status.

When an employee is eligible for State Disability Insurance (SDI) Benefits and the District has agreed to a policy of integration/coordination of benefits the employee's vacation and sick leave accruals shall be prorated for the hours paid by Templeton CSD.

#### **4.8 Pregnancy Disability Leave**

An employee is entitled to a leave of absence for the period of time that she is required to be absent from work due to pregnancy-related disability, including childbirth, for up to a maximum of four months. The employee must exhaust her accrued paid sick leave time, during the pregnancy disability leave, and may elect to use her accumulated paid time off benefits (e.g., vacation, comp time), during any such period of leave.

#### **4.9 FMLA/CFRA Leave**

Under the Family Care and Medical Leave Act ("FMLA") and California Family Rights Act ("CFRA"), employees who have more than 12 months of service with the District, and have worked at least 1,250 hours in the preceding 12-month period, may request an unpaid leave for family care or medical reasons. This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of a child with the employee, or for the employee's own serious health condition or the serious health condition of the employee's child, parent, parents-in-law, spouse or registered domestic partner, "designated person" who is any individual related by blood or whose association with the employee is the equivalent of a family relationship who served or will serve in the role of a parent, or in connection with the call to active duty of a family member. In addition, eligible employees may request up to 26 weeks in a 12-month period to care for a family member (including a "next of kin") with a serious health condition incurred while on active military duty.

In order to be eligible for leave under the FMLA/CFRA, employees must work at a District facility employing at least 50 employees in a 75-mile radius. If the District employs fewer than 50 individuals at the time an employee requests an FMLA/CFRA leave, the employee will not be eligible to take such a leave.

Employees who are eligible to, and do, take a leave under this policy will be reinstated at the conclusion of the leave to the same or to a comparable position, in accordance with the law.

If possible, employees must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for the employee or for a family member). For events which are unforeseeable, employees must notify their immediate supervisor, at least verbally, as soon as the employee 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 District requires certification from the employee's health care provider before allowing an eligible employee a leave for his/her own serious health condition. In addition, the District requires certification from the health care provider of the employee's child, parent, spouse or registered domestic partner with has a serious health condition before allowing a leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

For eligible employees taking a leave for the birth, adoption, or foster care placement of a child, the basic minimum duration of such leave is two weeks, and must be concluded within one year of the birth or placement for adoption or foster care.

Taking an FMLA/CFRA leave may affect certain employee benefits and/or seniority date. Employees who want more information regarding eligibility for a leave and/or the impact of the leave on seniority and benefits should contact the Finance Officer.

#### **4.10 Catastrophic Leave**

- I. Purpose: To establish a consistent policy with regards to the procedures for administering Catastrophic Leave.
- II. Statement of Policy: This policy applies to all full-time and part-time benefitted employees. The following procedures should be followed in the administration of Catastrophic Leave.
  - a. Catastrophic leave benefits have been established for qualified Templeton CSD employees who have exhausted all days) accumulated vacation, sick leave, administrative leave, holiday leave and compensatory time off. The purpose of this benefit is to provide a portion or all of the employee's pay during the time the employee would otherwise be on medical leave of absence without pay pursuant to the District's Personnel Guidelines. Catastrophic leave benefits are contingent on the receipt of donated time in the manner described below.
  - b. Catastrophic leave shall conform to the guidelines for leave of absence without pay set forth in the District's Personnel Guidelines except that, during the portion of the leave of absence that is also catastrophic leave, the employee will be paid. Although employees on catastrophic leave will receive catastrophic pay, for all other purposes, except as indicated below such employees will be considered on a leave of absence without pay pursuant to the District's Personnel Rules and they shall not accrue any leave rights while on catastrophic leave.
  - c. In no event, may an employee take more than six (6) months of catastrophic leave during any twelve (12) month period. To calculate the remaining leave entitlement, the balance shall be any balance of the six (6) months that has not been used during the immediately preceding 12 months.
  - d. Catastrophic leave and leaves of absence without pay shall run concurrently.
  - e. An employee is eligible for catastrophic leave when the employee faces injury, prolonged illness (based on documented medical evidence) or a family member which will result in the employee being absent from work because the employee is a primary caregiver to such family member. Family members include the employee's spouse, parent, child, foster child, step-parent, step-child, foster child or other family member approved by the General Manager.
  - f. Catastrophic leave requests are not accepted, or considered, for pregnancy related leave. Any event during pregnancy or birth that has resulted in a significant medical condition or illness may be considered.
  - g. Any District employee may donate vacation and/or compensatory time to any covered employee who meets the conditions described above. Employees may not donate sick leave, holiday leave, administrative leave, floating holiday, or any other leaves.
  - h. Employees (or their designees) requesting establishment of a catastrophic leave bank must submit a written request to Human Resources. The request must provide sufficient information to enable the General Manager, or designee, to determine whether the reason for the leave qualified as catastrophic. This information will be maintained

confidentially to the extent required by law. Catastrophic leave requests for injury/illness must include supporting medical verification form a licensed physician. Leave requests must include the estimated date of return to work.

- i. Human Resources will canvass employees for leave donations and donations are voluntary.
- j. Donations must be made on the District-approved authorization form submitted to Human Resources to be deducted in the order received. All donations are irrevocable. Donations are taxable on the part of the recipient, in accordance with IRS regulations, and are subject to withholding as required by law.
- k. Donations must be a minimum of two (2) hours. The donated hours will be allocated to the requesting employee based on the hourly rate of pay for the donor, converted to the hourly rate of pay for the recipient. For examples, if the recipient has a rate of pay of \$20 per hour and the donor has a rate of pay of \$20 per hour, the donated time shall be hour for hour. However, if the donor has an hourly rate of pay of \$40 per hour the donated time shall be two hours for every hour. And, if the donor has a rate of pay of \$10 per hour, the donated time shall be ½ hour for every hour.
- l. Health insurance coverage and retirement contributions will continue in the same manner as if the recipient employee were on sick leave. The recipient employee will not accrue sick leave or vacation benefits while using catastrophic leave.
- m. Catastrophic leave shall be terminated when one or more of the following occurs:
  - i. The employee has exhausted six (6) months of catastrophic leave during the period defined in II (c) above.
  - ii. The employee has exhausted all of his or her rights under the District's Personnel Guidelines for unpaid medical leaves of absence, whether paid in part or in full from catastrophic leave.
  - iii. Donated leave balance has been exhausted.
  - iv. Death of the ill or injured employee or subject family member.
  - v. The employee returns to full-time, active District employment.

#### **4.11 Educational Training Time**

In support of TCSD's overall belief in the continuing education and development of staff, employees may request educational leave for time spent attending classes, training, seminars, or other training specified or approved in advance by the General Manager. The amount of the educational time granted, if any, and whether or not some or all of the time will be paid, will be determined in advance of attendance and at the sole discretion of the General Manager. Employees will be paid their regular wages when required to attend classes or courses for the benefit of TCSD, and/or when needed for the employee's continuing education for required licenses or certification.

#### **4.12 Jury Duty**

Any employee who is summoned for jury duty will be allowed time off as necessary to fulfill jury duty responsibilities. A copy of the subpoena or order requiring such duty must be submitted with a leave request.

Employees will receive paid time while serving on jury duty if it occurs during their normal work days. Employees who are normally scheduled to work 21 hours or more per week qualify for pay. Upon release from jury duty employees shall provide a receipt from the Court Clerk verifying times away from work.

#### 4.13 **Voting**

Any employee whose work schedule effectively prevents him or her from voting in a federal, state, or municipal election before or after work hours, or during break time, shall be permitted paid leave for this purpose not to exceed two (2) hours.

#### 4.14 **Health – Medical Insurance Benefits**

TCSD provides paid group medical insurance benefits, through CalPERS, for eligible employees and one dependent. Eligible employees include all employees regularly scheduled to work at least 21 hours per week and CalPERS members. Employees may elect to cover costs associated with additional dependents through a payroll deduction. Employees are encouraged to consult with Human Resources regarding eligibility, costs and enrollment procedures.

Eligible employees may enroll in group health benefits on their hire date.

### **5.0 District Honesty Policy**

#### 5.1 **Purpose**

TCSD is a public entity whose mission involves the public trust. This policy requires that each and every employee, vendor, contractor or other party that works for or with TCSD is required to act honestly and truthfully with respect to TCSD business at all times. TCSD will not tolerate any form of dishonesty or fraud.

#### 5.2 **Scope**

The term dishonesty includes dishonest speech (for example, lying) and dishonest acts (for example, theft), as well as fraud, and misappropriation of funds or property. Dishonesty also includes, but is not limited to:

- A. Any dishonest, fraudulent, or otherwise unlawful act;
- B. Misappropriation or misapplication of funds, property or other assets;
- C. Profiting on insider knowledge;
- D. Destroying or taking without authorization any TCSD records, property or other assets;
- E. Unauthorized disclosure of the District's confidential information, including but not limited to information discussed in Executive Closed Sessions of the Board;
- F. Forgery or altering TCSD documents or the documents of third parties submitted to the TCSD;
- G. Falsely reporting transactions, events, work schedules or other TCSD events;



- H. Receiving kickbacks, gifts from valued over \$50 from any single source per year, or other favors.

### 5.3 Employee Duty to Report

Any employee who believes that an act of dishonesty in violation of this Policy has occurred shall immediately contact either their department head or the General Manager. In the event that the employee is unable, for any reason, to report the conduct to their department head or to the General Manager, or in the event that the General Manager is the person accused, the employee shall report the conduct to the TCSD Board President. This report may be made in writing or orally.

### 5.4 Investigation

The General Manager or other person appointed by the TCSD Board of Directors shall investigate any report of dishonesty promptly and thoroughly. Furthermore, to the extent possible and compatible with an investigation, a report of dishonesty shall be kept confidential. Following the investigation, the General Manager or TCSD Board of Directors, as necessary and appropriate, shall take appropriate corrective action. In all events, the investigation and corrective action shall be accomplished as soon as possible.

### 5.5 No Reprisals

TCSD prohibits retaliation of any kind against a reporting employee or any other employee who has assisted in any way in the investigation of a report of dishonesty.

### 5.6 Policy Prohibiting Harassment and Discrimination

Harassment and discrimination in employment on the basis of sex, race, color, national origin, ancestry, citizenship, religion, age, physical or mental disability, medical condition, sexual orientation, gender identity or gender expression, veteran status, marital status, registered domestic partner status, genetic information, or any other protected basis is prohibited by federal and/or state law. The District does not tolerate unlawful discrimination or harassment in the workplace or in a work-related situation. Unlawful discrimination and harassment are a violation of the District's rules of conduct.

**Unlawful harassment** in employment may take many different forms. Some examples are:

- Verbal conduct such as epithets, derogatory comments, slurs, or unwanted comments and jokes;
- Visual conduct such as derogatory posters, cartoons, drawings, or gestures;
- Physical conduct such as blocking normal movement, restraining, touching, or otherwise physically interfering with work of another individual;
- Threatening or demanding that an individual submit to certain conduct or to perform certain actions in order to keep or get a job, to avoid some other loss, or as a condition of job benefits, security, or promotion; and

- Retaliation by any of the above means for having reported harassment or discrimination, or having assisted another employee to report harassment or discrimination.

**Sexual harassment** under State and Federal laws \_includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or otherwise creates an intimidating, hostile, or offensive working environment.

### **Internal Complaint Procedure**

Every individual is entitled to work free of discrimination and harassment based on sex, race, color, national origin, ancestry, citizenship, religion, age, physical or mental disability, medical condition, sexual orientation, gender identity or gender expression, veteran status, marital status, registered domestic partner status, genetic information, or any other protected basis. Accordingly, discrimination and harassment will not be tolerated. In addition, the District prohibits retaliation for having made a report and/or otherwise participated in the reporting or investigative process under this policy. Violation of this policy will result in disciplinary action up to, and including, immediate discharge.

Any individual who believes that he or she is the object of harassment or discrimination on any prohibited basis, or who has observed such harassment or discrimination, or who believes he or she has been subjected to retaliation, should first notify his or her supervisor, the District's General Manager or his/her designee. The District will investigate the matter and take such action as is warranted under the circumstances. If a complaint is made against the General Manager, then the employee should report the issue to the Templeton CSD Board President.

### **Agency Complaint Procedure**

Both the state and federal governments have agencies whose purpose is to address unlawful discrimination in the workplace. If an individual who provides services to the District believes he/she has been harmed by unlawful workplace discrimination or harassment, and is not satisfied with the District's response to the problem, he or she may file a written complaint with these agencies. For the State of California, the agency is called the Department of Fair Employment and Housing ("DFEH"). The local address for the DFEH is 1277 East Alluvial Avenue, Suite 101, Fresno, California 93720 (559) 244-4760. For the federal government, the agency is called the Equal Opportunity Commission ("EEOC"). The local address for the EEOC is 2300 Tulare Street, Suite 215, Fresno, California 93712.

If, after an investigation and hearing, either of these agencies finds that unlawful harassment or discrimination has occurred, the injured employee may, depending on the circumstances, be entitled to reinstatement or promotion, with or without back pay.

## **Retaliation**

Retaliation against any individual for making a report, or for participating in an investigation, under this policy is strictly prohibited. Individuals are protected by law and by District policy from retaliation for opposing unlawful discriminatory practices, for filing an internal complaint under this policy or for filing a complaint with the DFEH or EEOC, or for otherwise participating in any proceedings conducted by the District under this policy and/or by either of these agencies.

## **6.0 No Smoking/Tobacco Policy**

### **6.1 Smoking/Vaping**

TCSD is committed to a philosophy of good health and a safe workplace. In keeping with this philosophy, smoking/vaping is not permitted inside TCSD offices, vehicles or enclosed work areas or anywhere else prohibited by law.

### **6.2 Chewing Tobacco**

TCSD is committed to a philosophy of good health and a safe workplace. In keeping with this philosophy, chewing tobacco is not permitted inside TCSD offices, the Fire Station, vehicles or work areas or anywhere else prohibited by law.

## **7.0 Drug and Alcohol-Free Workplace**

TCSD recognizes the problem of substance abuse, which we perceive as a serious threat to the welfare of our employees and the public. To address this problem, TCSD has implemented this Drug and Alcohol-Free Workplace Policy. The ultimate goal of this Policy is to maintain a safe, productive, drug- and alcohol-free working environment.

Towards that end, the use, possession, distribution, or sale of alcohol or illegal drugs at the workplace, or elsewhere while conducting TCSD business, is prohibited and is considered a violation of District policy without the prior consent of the General Manager. TCSD also prohibits intoxication or impairment on the job because of alcohol or drugs. All employees must report to work in a condition fit to perform their jobs safely and efficiently.

### **7.1 Definitions**

The following definitions shall apply to this Policy:

- A. Alcohol means ethanol, isopropanol or methanol.
- B. TCSD means the Templeton Community Services District.
- C. Drug or Drugs mean any substance considered unlawful under the law, including, but is not limited to: marijuana, other cannabis drugs, cocaine, methamphetamine and other

amphetamines, LSD, PCP, ecstasy, stimulants, tranquilizers, sleeping pills, etc. This list is not all-inclusive.

- D. Employee means any person in the service of TCSD including full-time, part-time, or temporary Employees.
- E. Manager means the General Manager of TCSD or his/her designee.
- F. Prescription Drugs shall mean drugs or medications that have been properly obtained by the employee through a prescription from a medical professional.
- G. “Reasonable Suspicion” means observations or information sufficient to lead a reasonably prudent person to suspect that the Employee is impaired and/or under the influence of Alcohol or Drugs in violation of this Policy. Reasonable Suspicion may be based on a variety of factors, including but not limited to, slurred speech, inability to walk a straight line, erratic, abnormal or unusual behavior, direct observation of Drug- or Alcohol-related activity, sudden and unexplained changes in work performance, violations of TCSD safety policies or failure to follow safe work practices, unexplained or excessive negligence or carelessness, discovery or presence of Drugs or Alcohol in an Employee's possession or in an area controlled or used by the Employee (including but not limited to an Employee's locker, desk, workspace and/or vehicle being used by the Employee), odor peculiar to some Drugs or Alcohol, information received from a reliable person that an Employee has violated this Policy, etc. In general, Reasonable Suspicion sufficient to justify a Drug and Alcohol test under this Policy occurs when there is some behavior, pattern, act, accident, incident, observation, or occurrence which indicates that there is reason to believe that Alcohol or Drugs are involved.
- H. Prospective Employee means any person who has made a written or oral application to TCSD to become an Employee.
- I. Sample means breath, urine, blood, saliva, other bodily fluids, hair, or other substances from the person being tested.
- J. Workplace means the land and improvements owned or operated by TCSD, and any vehicles or personal property owned by TCSD. Workplace includes the administrative offices, fire offices, and water and wastewater plants of TCSD, any public utility easements or job sites where TCSD work is being carried out or vehicles used for TCSD business, both public and private.

## **7.2 Alcohol and Drug-Free Workplace Requirements**

This Policy applies to all Employees of TSCD and requires them to refrain from:

- The use, possession, manufacture, distribution, purchase or sale of illegal drugs, or of Prescription Drugs illegally obtained, on or off the job.
- The abuse or misuse of Prescription Drugs or over-the-counter Drugs.

- Arriving to work or working under the influence of Alcohol, Drugs, or Prescription Drugs.

If an Employee is taking a Prescription or non-prescription Drug legally that does or may, even to the slightest degree, impact his or her ability to properly or safely perform his or her job responsibilities, the Employee must inform the General Manager of that fact before reporting to work.

### 7.3 Drug and Alcohol Testing

Drug or Alcohol tests of Employees and Prospective Employees are required as outlined below.

1. **Prospective Employees.** All Prospective Employees that are being considered for employment in safety sensitive positions must undergo a test for Drugs after they have been given a conditional offer of employment, but before their hiring is final and before commencement of work. A Prospective Employee who tests positive may not be eligible for hire.
2. **Current Employees.** Drug and Alcohol testing of Employees may be conducted under the following circumstances:
  - **Reasonable Suspicion.** When an Employee's supervisor or the General Manager has Reasonable Suspicion to believe that an Employee has used or misused Drugs or Alcohol or has otherwise acted in violation of this Policy.
  - **Safety Violation.** An Employee may be tested following a safety violation if there is Reasonable Suspicion to believe the safety violation was caused, in whole or in part, because of Drugs or Alcohol.
  - **Follow-up.** As part of a follow-up to a TCSD approved rehabilitation or counseling program.

### 7.4 Conviction of Alcohol or Drug-Related Crime

Any Employee who is convicted of any Drug or Alcohol related crime, statute or offense, including any Alcohol related driving offense, must notify the General Manager within five (5) days after such conviction.

### 7.5 Discipline

Any Employee or Prospective Employee who tests positive for Alcohol or drugs, or who otherwise violates this policy, will be subject to discipline, up to and including termination, in the sole discretion of TCSD as it deems appropriate on a case-by-case basis and may, at the District's option, include a requirement that the Employee participate in a treatment or rehabilitation program under terms acceptable to TCSD.

Upon request, the Employee or Prospective Employee will be given an opportunity to explain, in a confidential setting, a Positive Test Result, and the presence of any Drug (including Prescription Drugs or non-prescription drugs) or Alcohol in his or her system, and to substantiate the explanation with medical evidence.

In keeping with TCSD philosophy, reasonable efforts will be made to help the Employee deal with a drug or alcohol problem.

## **7.6 Rehabilitation**

Rehabilitation is the responsibility of the individual Employee. An Employee with a drug or alcohol abuse problem is encouraged to use any resources to resolve the problem, including but not limited to treatment or rehabilitative services available under TCSD's group health plan.

## **8.0 Conflict of Interest**

TCSD employees shall not place their personal business interest above the best interest of TCSD or Board's constituents. Accordingly, employees of TCSD shall not:

- A. Engage in a substantial financial transaction for private business purposes with another employee whom he or she supervises;
- n. Take any official action directly and substantially affecting his/her economic benefit with any business, undertaking, or enterprise doing business with TCSD;
- C. Disclose or use confidential information acquired in the course of his or her official duties without authorization from the District; or
- D. Employees may not receive gifts valued over \$50 from any single source per year.

## **9.0 District Property**

### **9.1 Use of TCSD Property**

TCSD property is to be used only for official district business, in an appropriate manner, and in accordance with all applicable rules, operating procedures, or directives. No employee shall remove, misuse, damage, or destroy TCSD property, or the property of other employees, from the TCSD premises or work site without proper authorization.

### **9.2 Use of TCSD Vehicles**

TCSD vehicles may be used only for the purpose and in the manner authorized by the General Manager. Only authorized and qualified TCSD employees may operate TCSD vehicles, in accordance with all applicable traffic laws, and designated proper use. Use of TCSD vehicles outside the District boundaries is permitted only with prior approval. District vehicles may not be used for travel during employees' paid 15-minute break times. The District encourages employees to carpool when on official business. District employees may not have family members or friends in District vehicles without prior approval of the General Manager. Employees are expected to leave vehicles in clean and working order.

### **9.3 Fire and Emergency Services Vehicles Use Policy**

Templeton Fire & Emergency Services (TFES) vehicles may be used only for the purpose and in the manner authorized by the Fire Chief or General Manager. Only authorized and qualified TFES employees may operate fire apparatus, in accordance with all applicable traffic laws. Use of TFES vehicles inside and outside the District boundaries is permitted only for on-duty staff and for the use of daily operations of an engine company. Use of Fire apparatus for essential errands or shopping (such as for station supplies or meals/groceries for on-duty staff) is an authorized use. TFES fire apparatus should not be more than one (1) mile outside the District boundaries, unless responding to or returning from a call for assistance or if approved by the Fire Chief. TFES employees may not have family members or friends in fire apparatus without prior approval of the Fire Chief or General Manager. Employees are expected to leave vehicles in clean and working order.

#### 9.4 Standby Vehicle Policy

This document establishes a policy regarding the effective usage of Templeton CSD owned vehicles for standby purposes. Employees assigned to standby may be authorized by their department head to take a District vehicle home when the employee is assigned to duties which may require an emergency first response to a real or present threat to life or property or when an employee is required to have immediate access to specialized vehicles, tools, or equipment when responding to after-hour emergencies. Vehicle assignment will be based primarily on the operational needs of the department.

A District employee must not use the standby vehicle for personal purposes, other than for commuting or *de minimis* use. This document is intended to serve as a written policy required pursuant to Treasury Regulations 1.61-21 (f).

#### PROCEDURES

##### Absences

Should an employee with a standby vehicle be unable to perform standby duties, they must return or make arrangements to return the standby vehicle on the next business day.

##### Carpooling and Standby Vehicles

A standby District vehicle may be used as a carpool vehicle if the employee is a carpool driver at the time of the standby assignment. The District will not incur any additional expense due to the carpooling.

Professional standards of conduct will apply to all occupants of the District vehicle at all times including appropriate use of safety equipment such as seatbelts. Each passenger must have their own seatbelt. It is each rider's responsibility to be on time to work. Therefore, it is each rider's responsibility to arrange for other transportation if the standby employee is called to work and unable to pick up the other carpoolers.

#### Definitions

For the purposes of this policy:

**De minimis** means a minimal amount of use secondary to the primary vehicle use of benefit to the District. Example: A stop for a brief personal errand on the direct route between work and the employee's home.

**Employee** means any individual employed by the Templeton CSD.

**On-Call duty** is defined as that circumstance which requires an employee so assigned to: Be ready to respond immediately to a call for service; be readily available at all hours by telephone or other agreed-upon communication equipment; and refrain from activities which might impair his/her assigned duties upon call.

### Citations and Violations

An employee who is operating a District vehicle is required to pay for moving violations and/or parking citations incurred when on standby for which he/she is responsible.

### Other Employment

Standby vehicles shall not be driven to and from other non-District employment.

### Public Perception

Use of a District vehicle by an employee is neither a right nor a privilege; rather, it is a trust conferred to facilitate necessary performance of job duties. Use of a District vehicle should always lead to positive perceptions by our citizens. *Employees should be impartial and dedicated to the best interests of the District. They should conduct themselves, both inside and outside the District's service, so as not to cause distrust of their impartiality or of their dedication to the District's best interests.*

### Residency Requirement

Employees are not permitted to use a standby vehicle for travel between home and the work site if they reside more than 30 minutes from District facilities.

### Safety

District vehicles shall be operated in a safe and courteous manner at all times. Drivers must have an appropriate valid driver's license for the vehicle they are operating. While all employees are on the DMV Pull Notice Program, if driver's license status changes, the employee must notify their supervisor and the General Manager by the close of the next business day. Drivers are required to comply with the laws and ordinances concerning operation of motor vehicles and rules of the road and shall not be operated by an individual using or under the influence of drugs and/or alcohol. Seat belts for drivers and any passenger must be fastened at all times.

It is the employee's responsibility to check to make certain that all vehicle safety equipment is working properly. Any vehicle damage or defect affecting the safe operation of the vehicle must be documented and reported to the employee's supervisor and the Utilities Manager.

### Smoking

Smoking and the use of tobacco products are prohibited in District vehicles.

### Supplemental Policies

Department Heads may develop supplemental policies on the use of standby vehicles to address issues specific to their operations provided that these policies are:

1. Consistent with the intent and purpose of this policy.
2. Reviewed and approved by the General Manager.

### **Towing and Transporting Personal Items**



District vehicles shall not be used for towing personal items or transporting personal property from one place to another. No alcohol or firearms should be carried in a District vehicle unless specifically authorized in advance for the performance of official District business.

### Vehicle Storage and Security

An employee who is assigned a vehicle while on standby, especially those with District equipment stored in them, must take reasonable precautions to secure and safeguard all District property. When possible, employees will provide secure, off-street parking for standby vehicles.

### EXAMPLES

The following are examples of standby vehicle use that are likely to be allowed or not allowed under this policy and the IRS definition of de minimis use. (Note: These examples are just that: examples to help guide implementation of this policy.)

#### *Allowed – Considered De Minimis Use*

1. Jim makes a brief stop at a grocery store for a non-alcoholic item on the direct route while on the way home from work.
2. Joe stops by the bank and uses the ATM machine on the way to work before his scheduled shift.
3. Lynn lives in Morro Bay, but often stays over at her friend's house in Atascadero.
  - a. While her friend's house is not on the route between work and home, this is allowed if Lynn is using the friend's house as her residence that night.

#### *Not Allowed*

1. Mary lives in Atascadero, but decides to take the District vehicle to dinner in Morro Bay. This would not be allowed as the District would be incurring gas and vehicle usage cost, and a negative public perception may be created.
2. Bob drops off his daughter at school on the way to reporting to work. Only, transportation of District employees is allowed.
3. Doug stops at a furniture store on the direct route between home and work to transport a new sofa. While no additional miles are being driven, this could lead to negative public perception when the public views a sofa in the back of a District truck.
4. Betty and Drew are dating. Betty lives in Atascadero and Drew lives in Paso Robles. Betty often goes to dinner at Drew's house in Paso Robles. Betty should not be taking the standby vehicle to Drew's house as the trip to Paso Robles would not be considered a de minimis trip.
5. Greta lives in Paso Robles and uses the standby vehicle to visit her mother in San Luis Obispo. This would not be considered de minimis use as the District would be incurring gas and vehicle usage costs.
6. Shawn makes a brief stop at a winery to pick up his recent wine order. This could be interpreted negatively by the public and Shawn should not be transporting alcohol in his District vehicle.
7. On Kyle's day off he goes to the barber to get his haircut. The barber is on the direct route between home and work. The standby vehicle should not be used for personal errands that are not part of the workday commute.

8. After work one evening, Chris stops by an equipment rental business and rents a tow-behind cement mixer for use at his home. The standby vehicle should not be used to tow non-District owned or rented equipment for personal use.

## **9.5 Cellular Telephone Usage**

Employees may be provided with a business cell phone and/or camera for conducting official business. All uses of cell phones and/or cameras shall be done in conformance with District policies and federal/State law.

Personal cellular telephones may be used by employees during work time hours only for essential personal calls, or for an occasional personal business call. Essential personal calls are defined as calls of minimal duration and frequency that are urgent in nature and cannot be made at another time. Examples of essential personal calls are calls to arrange for care of a child or other family emergency, to alert a family member of an unexpected delay due to a change in work schedule, or to arrange for transportation or service in the event of car trouble, etc.

To the extent possible, personal cellular telephone usage should be confined to rest and lunch breaks, and in locations such that the conversation is not disrupting to other employees or District business.

For safety reasons personal and District-owned cellular telephone usage is not be permitted while employees are engaged in a continuous operation, such as a member on a utility crew engaged in the construction or repair of District facilities.

Employees are expected to operate District vehicles and equipment in a safe and prudent manner. Accordingly, employees may not use cell phones while driving unless the phone is specifically designed and configured to allow hands-free listening and talking. Similarly, employees are not permitted to text while driving.

## **10.0 Discipline**

### **10.1 Purpose**

The purpose of this policy is to communicate to all employees the District's standards of conduct. Such policies and procedures are necessary for the orderly operation of our business, and for the protection and proper treatment of all employees and the general public. Employees are urged to use reasonable judgment at all times and to seek supervisory advice as appropriate.

### **10.2 General Rules of Conduct**

TCSD expects all of its employees to act in the best interest of TCSD and its customers and residents. It is the responsibility of all employees to observe all rules, guidelines, operating procedures, and directives of TCSD. TCSD further expects that each of its employees will act in a polite and professional manner when dealing with members of the public and other employees. These General Rules of Conduct, along with the Examples of Unacceptable Conduct listed below, are not meant to be all-inclusive, but rather to provide illustrations of acceptable conduct versus problematic conduct.

### **10.3 Examples of Unacceptable Conduct**

The following list presents examples of some of the types of unacceptable conduct that may result in disciplinary action, up to and including immediate termination:

- A. Inadequate job performance;
- B. Insubordination;
- C. Violence or threat violence;
- D. Conviction of a crime;
- E. Falsification of, or material omission from any employment application, payroll records, time reports, or other TCSD documents;
- F. Violation of any of the TCSD's Policies, Procedures, Administrative or Operational Directives, including any policies in these Personnel Guidelines, or inducing other employees to violate any such rules;
- G. Violation of safety rules or practices;
- H. Unauthorized and/or excessive absence or tardiness;
- I. Possession of firearms or dangerous weapons on TCSD property;
- J. Unauthorized disclosure of or other failure to properly protect confidential information of TCSD;
- K. Violation of the District's policy prohibiting harassment or discrimination;
- L. Violation of the District's Drug and Alcohol-Free Workplace Policy;

#### **10.4 Disciplinary Notice/Appeal Procedure**

This Section 10.4 does not apply to probationary or temporary employees.

##### **1. Minor Discipline**

In the event the District imposes disciplinary action consisting of a written reprimand or a suspension without pay of five days or fewer, the employee will be given a Notice of the disciplinary action. The Notice shall include: 1) the action taken and its effective date; 2) the specific grounds/particular facts upon which the discipline was taken; 3) the materials upon which the action is based; and 4) a statement informing the employee of his/her right to respond in writing to the discipline by the date specified in the notice. The affected employee may appeal such discipline in the manner set forth below.

- (1) Within ten (10) calendar days of the date an employee received the disciplinary notice, the employee may file a written appeal with the General Manager. The General Manager shall schedule a meeting with the employee to discuss the appeal. Within ten (10) calendar days after that meeting, or such longer period as the General Manager

deems necessary, the General Manager shall provide the employee with a written response to the appeal. This response shall be final and binding.

(2) In the case of a written reprimand, the employee may also, within ten (10) calendar days of the date an employee received the disciplinary notice, submit to the General Manager a written response to the reprimand, which will be maintained in the employee's personnel file, along with the reprimand.

(3) If an employee does not in a timely manner file an appeal as set forth herein, the right to appeal shall be considered waived.

## 2. Major Discipline

When the District is considering taking disciplinary action consisting of a suspension without pay of more than five days, reduction in pay, demotion, or termination (i.e., a "Major Disciplinary Action"), the employee will be given a Notice of the disciplinary action. The Notice shall include: 1) the proposed action taken and the date it is intended to become effective; 2) the specific grounds/particular facts upon which the discipline was taken; 3) the materials upon which the proposed action is based; and 4) a statement informing the employee of his/her right to respond, either orally in writing, to the proposed discipline by the date specified in the notice (and before the effective date of the proposed discipline).

The affected employee may appeal such discipline in the manner set forth below.

### Before Effective Date of Discipline

- (1) If the employee does not respond within the time specified in the notice of proposed disciplinary action, the proposed disciplinary action will be considered conclusive and shall take effect as described in the notice.
- (2) If the employee does respond within the time specified in the notice of proposed disciplinary action, the General Manager or his designee will consider the employee's response and all of the information upon which the charge(s) is based. The General Manager shall then issue a determination on the notice of proposed disciplinary action.

The District may, during the time disciplinary action is pending against an employee, place the employee on paid administrative leave.

### After Effective Date of Discipline

If the determination sustains or includes Major Disciplinary Action as described above, the employee will be notified of his/her right to appeal such determination in writing by submitting a request for hearing to the General Manager within ten (10) calendar days of the effective date of the determination. If no such appeal is timely filed, the determination of disciplinary action shall stand.

### Hearing to Review Major Disciplinary Decisions

- (1) In the event that an employee timely files an appeal and request for hearing, as described above, the General Manager will select an impartial hearing officer/arbitrator who will work with the parties to schedule a date for the hearing.

- (2) The arbitrator will issue a recommendation to the Board of Directors. The arbitrator's recommendation shall be limited to the issue of whether "cause" existed for the discipline imposed. The arbitrator shall have no authority to add to, detract from, alter, amend, or modify any of the District's rules, policies, or procedures.
- (3) Within thirty (30) calendar days after the arbitrator issues his/her recommendation, the Board will review it and issue a determination, accepting, rejecting or modifying the arbitrator's recommendation. The Board's decision shall be final and binding.

## **11.0 Grievance Procedure**

This policy shall apply to all regular full-time and regular part-time employees. Probationary and temporary employees are not covered by this policy.

With the exceptions below, a grievance is defined as a complaint by a regular employee that the District has violated a written policy contained in this Manual. Specifically excluded from the grievance procedure are claims or complaints of alleged discrimination or harassment (Section 10.3), performance evaluations (Section 2.6), and all disciplinary actions (Section 10.3). Specific procedures for concerns regarding those items are addressed in separate sections of these Guidelines.

### **11.1 Grievance Procedure Steps**

**Level I, Preliminary Informal Resolution.** An employee who believes she/he has a grievance shall present it orally to her/his immediate supervisor within seven (7) calendar days after the employee knew, or reasonably should have known, of the circumstances that form the basis for the grievance. The immediate supervisor will discuss the grievance with the employee and respond to the employee in writing within five (5) calendar days after their discussion. If the grievance is against the employee's supervisor, the grievant may skip Level I and advance to Level II, provided s/he complies with all applicable time limits and other requirements for Level I.

**Level II, Designee of General Manager.** If the grievance is not resolved at Level I, the grievant may present her/his grievance in writing to the Department Head or Manager within seven (7) calendar days of the date of the Level I response. If the grievance is against the Department Head, the grievant may skip Level II and advance to Level III, but must comply with the time limit and other requirements for Level II.

The Level II grievance shall include the following:

- a. A concise statement of the grievance, including specific reference to the policy allegedly violated;
- b. The circumstances involved;
- c. The decision rendered at Level I;
- d. The dates when: (i) the grievance was first discussed with the immediate supervisor; (ii) the Level 1 response was issued; and (iii) the employee submitted the grievance to Level II;
- e. The specific remedy sought.

Within ten (10) calendar days of receipt of the employee's Level II grievance, the Department Head or Manager shall meet with the grievant and try to resolve the dispute. He/she shall issue a written response to the grievant within ten (10) calendar days of the meeting with the grievant. If no response is issued within the time limit, the grievance will be deemed denied at that level and the grievant may appeal to the next level.

**Level III, General Manager.** In the event the grievance is not resolved at Level II, the grievant may, within seven (7) calendar days of the date of the Level II response, appeal the decision in writing to the General Manager. If the decision being applied was made by the General Manager then the employee may skip Level II and proceed to Level IV. The Level III appeal shall include a copy of the original grievance; a copy of the written Level II decision; and a clear, concise statement of the reasons for the appeal to Level III.

Within ten (10) calendar days from the date of General Manager's receipt of the Level III grievance, the General Manager will issue a written determination to the grievant.

**Level IV, Hearing.** If the grievance is not resolved at Level III, the grievant may, within seven (7) calendar days of the date of the Level III written response, appeal the decision by submitting to the General Manager a written request for appeal by a designated Hearing Officer. The General Manager will designate a Hearing Officer, who will then schedule and hear the appeal. Both the parties to the appeal and their respective representatives may be present and submit testimony and/or evidence at the hearing before the Hearing Officer. The costs, if any, for the services of the Hearing Officer will be split equally between the grievant and the District, except the grievant will not, in any event, be required to spend more than \$500 on this cost. After the hearing, the Hearing Officer will submit an advisory written recommendation on the matter to the Board of Directors, who will consider the recommendation in closed session. The Board of Directors will then issue a final and binding decision on the appeal.

## 11.2 Rules

**General Rules for Grievances.** All employee grievances must follow the steps outlined above. Except as expressly stated in this policy, at no time may an employee bypass a step. At no time may an employee approach the General Manager with a grievance as an initial matter. Time limits set forth above may be extended upon the written consent of both parties. Employees will not be retaliated against for filing or pursuing a grievance in good faith under this procedure.

If an employee does not present the grievance, or does not appeal the decision rendered regarding the grievance, within the time limits specified above, the grievance shall be considered withdrawn.

A copy of all formal grievance decisions shall be placed in a grievance file belonging to TCSD. A copy of the grievance decision will be provided to the grievant.

## 12.0 Employee Records

### 12.1 Personnel Records and Information

TCSD retains personnel records concerning its employees. Such records ordinarily include, e.g.: applications, insurance forms, payroll deduction authorizations, performance appraisals, certain pay records, transfer and promotion forms, records of disciplinary action, training records, and any

certificates or credentials required for an employee's job. Other information concerning employees may be kept as personnel records at the discretion of TCSD.

In order to keep personnel records current, the General Manager or his or her designee must be notified of any change in an employee's personal status/information, such as: changes of address, telephone number, marital status, or military status, any birth or death in an employee's immediate family, any change in the name or telephone number of the person to be notified in case of emergency, any change in insurance beneficiary, or any other information needed to maintain accurate records. Each employee is also responsible for providing TCSD with records concerning any licenses or certificates required in the performance of his or her job, as well as any documents showing that education or training relevant to employment has been completed.

## **12.2 Release of Information**

Personnel records are considered confidential. Employees may examine their own personnel records, except for letters of reference, by contacting the General Manager or his or her designee. Employees may authorize the release of their own personnel records by executing a written request identifying the records to be released and the person or entity to which they may be released.

Ordinarily, no information on past or present employees shall be provided by TCSD, other than employment dates and job title, unless such requests for information are accompanied by a signed authorization by the employee to release the information requested.

## **13.0 Separation from Employment**

### **13.1 Disciplinary Termination**

Employees who are terminated for disciplinary reasons are not eligible for rehire.

### **13.2 Layoff Policy and Procedure:**

1. **Statement of Intent:** Whenever, the Board of Directors, determines, necessary to abolish any District position, the employee holding such position or employment may be laid off or demoted without disciplinary action and without the right of appeal.
2. **Notification:** Employees to be laid off will be given, whenever possible, at least 14 calendar days prior notice, if possible.
3. **Order of Layoff:** Employees are generally laid off in the inverse order of their seniority in their classification in the department, although this order is subject to business needs. Seniority is determined based upon date of hire in the department. Within each class, and subject to business needs, employees will generally be laid off in the following order: temporary, part-time, probationary, and regular.

In cases where there are two or more employees in the classification in the department from which the layoff is to be made who have the same seniority date, such employees will be laid off on the basis of the last evaluation rating in the class, providing such rating has been on file at least 30 days and no more than 12 months prior to lay off, as follows:

First, all employees having ratings of “improvement needed;” second, all employees having ratings of “competent;” third, all employees having rating of “outstanding.”

4. Re-employment Rights for Laid Off Employees: Regular employees who have been laid off shall be automatically placed on a re-employment list for 2 years from the date of layoff for the classification from which they were laid off.

### 13.3 Voluntary Resignations in Good Standing

An employee who resigns in good standing is eligible to seek for re-employment with TCSD. Good standing shall mean providing at least a two (2) week notice and the completion of all necessary exit forms and exit interview.

### 13.4 General Guidelines

Employees who separate from TCSD for any reason will be paid for any comp time and/or vacation time that is accrued but unused at the time of their termination. Employees do not receive any pay out for accrued but unused sick leave at termination, or at any other time.

Terminating employees may be eligible to continue coverage under TCSD’s group health insurance at their own expense pursuant to COBRA.

### 13.5 Retirement Health Benefits

Government Code Section 22892(a) provides that a local agency contracting under the Public Employees’ Medical and Hospital Care Act shall fix the amount of the employer’s contribution at an amount not less than the amount required under Section 22892(b) of the Act.

That the employer’s contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of:

Management & Confidential	PEMHCA Minimum
Safety	PEMHCA Minimum
Miscellaneous	PEMHCA Minimum

### 13.6 Retirement Health Benefits- Current Employees and Annuitants Hired Before May 1, 2014

The employer’s contribution for each annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of PERS Choice other/Southern 2 party basic/supplemental. The District shall fund the difference between this plan and the PEMHCA minimum through a monthly reimbursement to the annuitant. If only the annuitant is enrolled in CalPERS health insurance, the District shall provide reimbursement the employee rate less the PEMHCA minimum. If the annuitant and one or more dependent(s) are enrolled, the District shall provide reimbursement the employee plus one rate, less the PEMHCA minimum.



## **14.0 Internet, E-mail and Electronic Communications**

TCSD believes that employee access to and use of the internet, e-mail, and other electronic communications resources benefits TCSD and makes it a more successful local public agency. However, the misuses of these resources have the potential to harm TCSD's short- and long-term success.

TCSD has established this policy to ensure that TCSD employees use the TCSD-provided computer resources, such as the internet and e-mail, in an appropriate manner.

### **14.1 Rules Regarding Prohibited Use**

Employees shall not use the District internet and e-mail in an inappropriate manner. Prohibited use of the internet and e-mail systems includes, but is not limited to:

1. Accessing internet sites that are generally be regarded in the community as offensive (e.g., sites containing pornography or that exploit children), or accessing sites for which there is no official business purpose.
2. Engaging in any profane, defamatory, harassing, illegal, discriminatory, or offensive conduct or in any conduct that is otherwise inconsistent in any way with TCSD policies.
3. Distributing copyrighted materials.
4. As computer viruses can become attached to executable files and program files. Receiving and/or downloading executable files and programs via electronic mail or the internet without express permission of the Systems Administrator is prohibited. This includes, but is not limited to, software programs and software upgrades. This does not include e-mail and/or documents received via e-mail and the internet.
5. Use of another person's name/account, without express permission of the System Administrator, is strictly prohibited.
6. Using TCSD's computer resources for personal commercial activity.
7. Employees must respect all copyright and licensed agreements regarding software or publication they access or download from the internet. TCSD does not condone violations of copyright laws and licenses and the employee will be personally liable for any fines or sanctions caused by the employee's license or copyright infringement.

### **14.2 Additional Guidelines**

TCSD employees are expected to understand and comply with the following additional guidelines regarding use of the internet and District computer systems.

1. Internet access is to be used for TCS D business purposes only. Employees who have completed all job tasks should seek additional work assignments. Use of the internet should not interfere with the timely and efficient performance of job duties. Personal access to the internet and e-mail is not a benefit of employment with TCS D. Limited personal use of the District's systems to access internet, e-mail, and other electronic communications may be permitted only during the employee's authorized break time.
2. Employees do not have any right or expectation to privacy in any TCS D computer resources, including e-mail messages produced, sent, or received on TCS D computers or transmitted via TCS D's servers and network. TCS D may monitor the contents of all computer files and e-mail messages to promote the administration of TCS D operations and policies.
3. Employees' access to and use of the internet, e-mail, and other electronic communications on TCS D systems is monitored, and such files and electronic communications may be reviewed by TCS D at any time.
4. Deleting an e-mail message does not necessarily mean the message cannot be retrieved from TCS D's computer system. Backup copies of all documents, including e-mail messages, that are produced, sent, and received on TCS D's computer system, can be made.
5. E-mail and any attachments are subject to the same ethical standards, and standards of good conduct, as are memos, letters, and other paper-based documents.
6. Currently all District e-mail sent is not encrypted. Unencrypted electronic mail is not a secure way of exchanging information or files. Accordingly, employees are cautioned against transmitting information in an electronic mail message that should not be written in a letter, memorandum, or document available to the public.
7. E-mail, once transmitted, can be printed, forwarded, and disclosed by the receiving party without the consent of the sender. Use caution in addressing messages to ensure that messages are not inadvertently sent to the wrong person.
8. Virus scanning software shall be used where provided.
9. It is advisable for all employees of TCS D to remind customers/clients/contractors of security issues when sending confidential electronic mail and/or documents to TCS D via electronic mail. If applicable, our customer/clients/contractors should be reminded to implement a security policy and make sure their employees understand the ramifications of sending confidential information via electronic mail.
10. Employees must scan all downloadable materials before using or opening them on their computers to prevent the introduction of any computer virus.
11. Fire and Emergency Services Employees may use available internet during rest periods for personal use in accordance with Department policy.

## **15.0 Miscellaneous Policies**

### **15.1 Political Activity**

Every TCSD employee has the right as a citizen to participate fully in the political process. Employees are encouraged to participate by attending public meetings, running for elected office, voting, and otherwise participating in the community as a good citizen. No TCSD employee, however, shall campaign for himself or herself or any other candidate or cause on TCSD work time or using TCSD resources. No TCSD employee shall publicly campaign for any candidate or cause while wearing a TCSD uniform, insignia, or otherwise while representing TCSD.

### **15.2 Desks/Lockers/Storage/Personal Inspections**

TCSD reserves the right to open and enter any office, desk, locker, file cabinet, or other storage location on TCSD premises or work sites (including TCSD parking areas) and to inspect vehicles or any containers brought into the workplace or work site.

Although an employee may be assigned an office, desk, vehicle, locker, file cabinet, or other storage area or device by TCSD, such assignment shall not create an expectation of privacy in the use of such items or areas. These items remain the property of TCSD and may be searched at any time.

### **15.3 District Visitors**

Access to TCSD facilities, except for public areas, is restricted for safety reasons. Employees shall not receive visitors at non-public areas of District facilities office except with the express permission of the General Manager. All visitors must check in at the business office and wait until TCSD personnel are available to meet with them at the business office.

### **15.4 Fire Station Visitors**

#### **i. Policy**

- A. The on-duty Command Officer or designee is responsible for the operation of the Fire Station during their shift.
- B. The Fire Station shall be maintained and operated in a manner which promotes efficiency, good appearance, and safety to the personnel assigned there and to the public.
- C. All personnel shall abide by those guidelines contained within this policy.

#### **ii. Security**

- A. All members shall be responsible for overall Fire Station security.
- B. All personnel shall be mindful of Station security and abide by all those policies which concern the same.
- C. During normal business hours (8 a.m. – 5 p.m.) and when occupied, the Station shall be open to the public.

- D. During those business hours, unless otherwise engage in station duties, personnel will remain on the first floor of the station.
- E. When not occupied or members are unable to monitor the facility, the Fire Station shall be secured with doors and windows locked.
- F. Business Hours may be altered for specific functions as may be necessary to better serve the public.
- G. If it is discovered that any part of the Fire Station, its contents or grounds have been damaged, stolen or vandalized, the Officer-In-Charged shall be notified immediately.
- H. The Officer-In-Charge shall assess the situation and contact the Sheriff's Office to file an incident report. The Fire Chief shall also be notified as to the circumstances involved.

iii. Visitors

- A. Visitors shall be in accordance with Station hours and policy.
- B. Visitors staying beyond Station hours must have the permission of the Officer-In-Charge.
- C. Visitors may only be in the Station between the hours of 7 a.m. and 9:00 p.m.

**15.5 Templeton Firefighters Association (TFA) – Use of Facilities**

- A. The Association shall have the ability to use TCSD bulleting board space allocated for Association materials and notices at all work sites.
- B. Upon prior arrangement with the General Manager or Fire Chief, TCSD shall provide a meeting room in the Fire Station, if available, at no cost to TFA for the purpose of conducting Association meetings, as well as special events, i.e., Fourth of July Pancake Breakfast, Flower Sales, THS Senior Day Breakfast, etc. TFA is responsible for clean-up and associated costs with clean-up.

**15.6 Media Contact Policy**

The General Manager is the designated point of contact for TCSD for all media contact, as the General Manager is the official spokesperson for TCSD. Any contact by the media to an employee of TCSD regarding TCSD shall be immediately reported to the General Manager. Unless approved by the General Manager, no employee shall issue a statement or communicate with the media on behalf of TCSD.

**15.7 Phone Policy**

The personal use of the TCSD phones should be limited to break and lunch times unless it is an emergency. Long distance use of any TCSD landline for personal use is prohibited unless specifically authorized by the employee's supervisor or General Manager.

**16.0 Disaster Response Reporting for Duty/Recall of Full Time & Part-time Employees (Not Applicable to Seasonal Employees)**

**16.1 POLICY:**

The purpose of this policy is to clarify how District employees should respond to work in response to a disaster emergency. Major disasters or emergencies can occur with little or no warning, and may result in severe conditions that require some or all District departments to recall off-duty personnel to assist with the District's response. Some disasters/emergencies may provide the opportunity for a planned or orderly recall of District employees, while other types of disaster/emergencies (i.e., a major earthquake) may result in extreme conditions that impact or prevent direct contact and may require emergency recall through the media or other methods.

## 16.2 Disaster Service Workers

In the event of a declaration of a local emergency by the General Manager or his/her designee all full-time and part-time public employees, whether in technical specialties or not, are considered *essential* and are deemed disaster service workers. As such, employees:

- A. Are provided the immunities, protections, and benefits as provided in the California Emergency Services Act and the Master Mutual Aid Agreement (California Labor Code, Division 4, Chapter 1, Section 3211.92);
- B. must remain on their jobs until authorized to leave;
- C. may be required to remain on their jobs after their shift ends;
- D. are expected to report to their normal work locations if at all possible and understand they may be reassigned to other departments, other facilities, or to do work that they do not normally perform;
- E. may be asked to cancel vacations that were approved before the disaster occurred; and
- F. may be pre-identified, trained, and deployed to disaster areas, with the concurrence of their supervisors or managers.

## 16.3 Reporting to Work

- A. The Templeton Community Services District and its employees have responsibility to staff their positions and assist the District in the event of a declared disaster or emergency. Upon declaration of an emergency (as declared by the General Manager or his/her designee and ratified by the Board of Directors at the next Board meeting), which impacts the District, it shall be the duty of every District employee to report to work as further directed by the employee's respective department recall procedure.
- B. For declared disasters or emergencies occurring during work hours, it shall be the duty of every employee to respond to the disaster or emergency and to work towards its mitigation. This response to the disaster/emergency should be further directed by the employee's respective department recall procedure. This includes working overtime hours as deemed necessary and making every effort to be of assistance.
- C. For disasters or emergencies occurring during non-working hours, it shall be the duty of every employee, upon being recalled or made aware of the disaster/emergency recall, to

report to work or attempt to report to work as further directed by the employee's respective department recall procedure.

- D. In the event that a major disaster or emergency occurs resulting in substantial widespread damage and/or risks to life and property, and electronic communications are impacted and prevent contact of the employee per the recall procedure, an employee shall report to work to determine the status of disaster work assignments.
- E. If the extent of the disaster is unknown and electronic communications are impacted and prevent contact of the employee per the recall procedure, employees must:
  - 1. Follow their respective department response plans.
  - 2. Monitor local television news media, local radio stations, monitor phones with numbers on record, and the District's Website and Facebook for instructions.
  - 3. Attempt to make contact with the General Manager, Utilities Manager or Fire Chief for instructions.
  - 4. Report for their next scheduled shifts if no emergency instructions are available.
- F. When reporting to work in response to a disaster, all employees shall immediately complete ICS Form 211 (or its successor form) to be eligible for possible Federal and State funding reimbursement. All employees will be provided ICS Form 214 (or its successor form) in order to track all time worked on disaster related activities.

#### 16.4 **Recall Roster**

- A. The District will maintain a master recall roster of all full and part-time personnel, including the Templeton Fire Department. This master roster will be maintained on the District's network for limited authorized access to be used only in a test recall or an actual emergency.
- B. It shall be the responsibility of the Payroll Department to maintain a complete and up to date roster based on District employment status.
- C. All District departments, including the Templeton Fire Department, shall forward any changes in contact information regarding individual employees assigned to their respective department on a Payroll Action Form to be submitted to the Administrative Department within 72 hours of being notified of the change.
- D. The master recall roster shall be divided into individual department lists that include as a minimum the following:
  - 1. Title/position (In department rank order)
  - 2. Last name, first name
  - 3. Residence address

4. Home telephone number
5. Mobile telephone number
6. Personal email address

#### 16.5 **Authority**

The authority for declaring all employees to be Disaster Service Workers is set forth in California Government Code, Chapter 8 of Division 4 of Title 1, Section 3100.