



WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS

PERSONNEL POLICIES AND PROCEDURES

REVISED

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I. WRCOG BACKGROUND

Western Riverside Council of Governments (“WRCOG”) was formed in 1991 as a joint powers authority, and now consists of 18 cities in the Western portion of Riverside County, the County of Riverside, the Eastern Municipal Water District, Western Municipal Water District, and the Riverside County Superintendent of Schools as members. WRCOG serves as a forum to discuss and plan strategies to cope with the tremendous growth occurring, and forecast to occur, in the region. The Western Riverside area is defined as all the unincorporated and incorporated areas of Riverside County westerly of and including the City of Banning and bounded by San Diego County to the south, San Bernardino County to the north, and Orange County to the west.

WRCOG is governed by a General Assembly with voting membership consisting of elected officials from its member agencies. The General Assembly meets annually. The joint powers agreement also established an Executive Committee composed of elected officials from each member city, four County Supervisors, a board member from each of Eastern Municipal Water District and Western Municipal Water District's. The Riverside County Superintendent of Schools also sits on the Executive Committee but only in an ex-officio, advisory capacity with no voting privileges. The Executive Committee exercises the powers of the joint powers agreement between sessions of the General Assembly. The agreement further provides for the position of an Executive Director who is designated to be the Chief Administrative Officer of the Administration & Finance Committee acting on behalf of the Executive Committee. The powers and duties of the Executive Director are subject to the authority of the Executive Committee and in pertinent part these duties include: to appoint, direct, and remove employees of WRCOG; and to serve as Secretary of WRCOG and of the Executive Committee.

WRCOG has adopted implementing Bylaws that assign the powers and functions to the Executive Committee, including selection and employment of an Executive Director who has administrative supervision over all other employees of WRCOG. The Executive Committee is called upon to establish personnel policies and procedures and provide for compensation of WRCOG staff.

II. GENERAL PROVISIONS

A. Purpose

The purpose of this Personnel Policies and Procedures Manual (Manual) is to (1) act as a compendium of established personnel rules and regulations; (2) guide the Executive Committee and Executive Director in the management of employees of WRCOG; and (3) promote fair and effective communication between WRCOG and staff regarding the terms and conditions of employment.

B. Policies Repealed

In the event that the terms and provisions of this Manual are inconsistent or in conflict with the terms and provisions of any prior WRCOG Personnel Policies and Procedures, resolutions, or rules and regulations governing the same subject, the terms of this Manual are to prevail and such inconsistent or conflicting provisions or prior resolutions, rules and regulations are hereby superseded and/or repealed.

C. Term of Personnel Manual

This Manual takes effect immediately after adoption by the Executive Committee, and remains in effect unless repealed, in whole or part, by WRCOG. Immediate notice is to be provided to employees of actual changes to terms and conditions of employment or other personnel policies and procedures. WRCOG may, in its sole discretion, add to, delete, or otherwise modify these policies and procedures with such notice.

D. Distribution of Personnel Policies

This Manual will be available to all employees for review through the Human Resources office and will be electronically transmitted to all employees. Some specific policies may be reprinted individually and distributed to employees to call attention to the information provided.

Adoption and amendment of these policies and procedures for unrepresented employees is not subject to the "Meyers–Milias–Brown Act" for purposes of meeting and conferring regarding wages, hours, and other terms and conditions of employment.

E. Right to Revise

WRCOG reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this Manual, or any other document. Any such changes will be in writing and their adoption must be attested to by the Executive Director, acting as Secretary of WRCOG and the Executive Committee.

The provisions of this Manual set forth the entire agreement between employees of WRCOG as to the duration of employment and the circumstances under which employment may be terminated. Nothing in this Manual, or other personnel documents, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee.

III. FAIR EMPLOYMENT STANDARDS

A. Equal Employment Opportunity

WRCOG is committed to providing equal opportunity in all its employment practices in compliance with all applicable laws. This commitment applies to all persons involved in WRCOG administration and prohibits unlawful discrimination by any employee of WRCOG, including supervisors and co-workers, on the basis of race (including traits associated with race, such as hair texture and protective hairstyles), color, religion, religious creed (including religious dress and religious grooming), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity (including transgender identity), gender expression (including transgender expression), because an individual has transitioned, is transitioning, or is perceived to be transitioning (to live as the gender with which they identify), sex stereotype, sexual orientation, national origin, ancestry, citizenship, age (40 years and older), physical or mental disability (including HIV and AIDS), legally protected medical condition or information (including genetic information), protected medical leaves or medical leave status, military caregiver status, military and/or veteran status, service, or obligation, marital status, domestic partner status, status as a victim of domestic violence, sexual assault, stalking, or crime, enrollment in a public assistance program, or holding or presenting a driver's license issued under section 12801.9 of the Vehicle Code, or any other basis protected by local, state, or federal laws. This policy applies to all areas of employment including, but not limited to, recruitment, hiring, training, promotion, compensation, benefits, transfer, disciplinary action, social and recreational programs, layoff, recall, and termination.

WRCOG will make reasonable accommodations that are necessary to comply with state and federal disability discrimination laws. This means that WRCOG will make reasonable accommodations for the known physical or mental disability or known medical condition of an otherwise qualified individual who is an applicant or an employee unless undue hardship would result.

Any applicant or employee requiring an accommodation to perform the essential functions of the job should contact the Executive Director, or his/her designee, and request such an accommodation. Thereafter, WRCOG will conduct an interactive process meeting with the disabled applicant or employee to determine effective reasonable accommodations, if any, that can be made to assist them to perform the essential functions of the position they seek or occupy.

B. Policy against Harassment

WRCOG is committed to providing a workplace free of unlawful harassment. In accordance with applicable law, WRCOG prohibits harassment based on sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions, gender identity, gender expression, sex stereotype, sexual orientation, gender and transgender) and harassment on the basis of race (including traits associated with race, such as hair texture and protective hairstyles), color, religion, religious creed (including religious dress and religious

grooming), national origin, ancestry, citizenship, age, physical or mental disability, legally protected medical condition, genetic information, family care or medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, status as a victim of domestic violence, sexual assault, stalking, or crime, enrollment in a public assistance program, or any other basis protected by local, state, or federal laws. All such harassment is unlawful and will not be tolerated, whether it be harassment of employees, applicants, interns, persons providing services pursuant to a contract or volunteers by managers, supervisors, co-workers, or non-employees with whom WRCOG has a business, service or professional relationship, such as vendors and clients. Similarly, WRCOG will not tolerate harassment by its employees of non-employees with whom WRCOG has a business, service or professional relationship, like vendors and clients.

Sexual Harassment

Sexual harassment (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions, gender identity, gender expression, sex stereotype, sexual orientation, gender and transgender harassment) is defined as unwanted sexual advances, or visual, written, verbal or physical conduct of a sexual nature that creates an intimidating, offensive, or hostile working environment or that interferes with an employee's work performance. Such conduct constitutes harassment when (1) submission to the conduct is made either an explicit or implicit condition of employment or promotion; (2) submission or rejection of the conduct is used as the basis for an employment decision; or (3) the unwelcomed comments or conduct based on sex unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Sexual harassment includes many forms of offensive behavior. It can also include gender-based harassment of a person of the same sex as the harasser, gender identity, gender expression, or sexual orientation. Furthermore, sexually harassing conduct need not be motivated by sexual desire. The following is a partial list of violations:

- Unwanted sexual advances, propositions or requests for sexual favors.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct: leering, making sexual gestures, displaying of suggestive objects, posters, photographs, cartoons, or drawings.
- Verbal conduct: making or using derogatory comments, epithets, slurs, jokes, verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, foul or obscene language, conversation containing sexual comments.
- Written conduct: suggestive or obscene letters, emails, drawings, notes or invitations.

- Physical conduct: unwanted touching, assault, impeding or blocking movements, and violating someone's "personal space."
- Retaliation for reporting harassment or threatening to report harassment.

Other Types of Harassment

Harassment can take many forms beyond sexual harassment. Harassment on the basis of race (including traits associated with race), color, religion, religious creed (including religious dress and religious grooming), national origin, ancestry, citizenship, age, physical or mental disability, legally protected medical condition or information (including genetic information), family care or medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, or any other basis protected by local, state, or federal laws, is also prohibited and will not be tolerated by WRCOG. Such harassment includes but is not limited to the following when based upon an employee's protected status as noted above:

- Verbal conduct such as making or using derogatory comments, epithets, slurs, jokes, or verbal abuse.
- Visual conduct such as gestures and displaying of objects, posters, photographs, cartoons, or drawings.
- Written conduct such as suggestive or obscene letters, emails, drawings, notes or invitations.
- Physical conduct such as assault, unwanted touching, or blocking normal movement, or violating someone's "personal space."
- Retaliation for reporting harassment or threatening to report harassment.

C. Policy against Retaliation

State and federal law and WRCOG prohibit retaliation against any employee for making a good faith complaint of discrimination or harassment or for cooperating, assisting, testifying, or participating in any of the discrimination or harassment Internal or External Complaint Procedures below. Claims of retaliation are taken seriously and are subject to the same Internal and External Complaint Procedures below.

D. Internal Complaint Procedure

WRCOG's complaint procedure provides for an immediate, thorough, objective and confidential investigation of any claim of unlawful or prohibited discrimination, harassment and/or retaliation, appropriate disciplinary action against one found to have engaged in prohibited discrimination, harassment and/or retaliation, and appropriate remedies for any victim of discrimination, harassment and/or retaliation.

If you believe you have been discriminated against, harassed and/or retaliated

against on the job, or if you are aware of the discrimination, harassment and/or retaliation of others, you must provide a written, email-typed, or verbal complaint to your supervisor or to any other WRCOG supervisor, Human Resources Office, or to the Executive Director as soon as possible. You are not required to complain to any individual who is the one discriminating against or harassing and/or retaliating against you, nor do you have to complain directly to your immediate supervisor. Instead, as indicated, you may report discrimination, harassment and/or retaliation to any other member of management, including but not limited to the Executive Director. Your complaint should be as detailed as possible, including the names of individuals involved, the names of any witnesses, direct quotations when language is relevant, and any documentary evidence (notes, pictures, text messages, social media, emails, etcetera).

WRCOG will maintain confidentiality to the extent possible. Any supervisor who is informed of a complaint of discrimination, harassment and/or retaliation by an employee, or any other individual, must report said complaint to the Executive Director immediately and must otherwise keep the matter confidential. The Executive Director must also keep the matter confidential and not disclose the matter to any person who is not involved in the investigation or does not have legitimate work-related reasons for knowing of the complaint. Any supervisor or member of management who fails to comply with this paragraph will be subject to disciplinary action, up to and including termination of employment.

All incidents of prohibited discrimination, harassment and/or retaliation that are reported will be subject to an impartial, fair, timely and thorough investigation by either a management representative qualified to perform the investigation or an outside investigator, depending on the circumstances. The investigation will provide all parties appropriate due process and will reach reasonable conclusions based on the evidence collected. WRCOG will document the timely, thorough, and objective investigation of the discrimination, harassment and/or retaliation allegations to ensure reasonable progress is being made in the investigation. WRCOG will inform the employee who initiated the complaint of the progress of the investigation upon request of that employee.

E. Corrective Action

At the conclusion of the timely investigation, if it is determined that prohibited discrimination, harassment, and/or retaliation has occurred, WRCOG will take immediate and effective remedial action commensurate with the circumstances. Corrective action may include, for example: training, referral to counseling, or disciplinary action including but not limited to verbal or written warning, suspension, transfer, demotion, reclassifying, and termination of employment, depending on the circumstances.

The employee who initiated the complaint will be notified when the investigation has been completed and will be informed of the general outcome of the investigation, i.e., whether the complaint has been substantiated or unsubstantiated. However, the employee is not entitled to know the corrective

action, if any, imposed on the accused, as that information is protected by the accused's right to privacy. Appropriate action will be taken to ensure the employee who has been found to have been discriminated against, harassed and/or retaliated against will not be discriminated against, harassed and/or retaliated against in the future, including but not limited to redistribution of this Policy, training, transfer, etc.

F. External Complaint Procedure

In addition to WRCOG's internal complaint procedure, employees who believe that they have been unlawfully discriminated, harassed and/or retaliated against may file a complaint with the federal Equal Employment Opportunity Commission (EEOC), and/or the California Department of Fair Employment and Housing (DFEH).

Contact information for the DFEH can be obtained at www.dfeh.ca.gov. Contact information for the EEOC can be obtained at www.eeoc.gov.

IV. AT-WILL EMPLOYMENT STATUS

Regular employees hired or reclassified from temporary or casual employee status to regular employee status on or after March 1, 2012, or who have completed their probationary period of employment on or after March 1, 2012, irrespective of when first hired, and temporary and casual employees, whenever hired, are employed on an at-will basis. Employment at-will may be terminated at any time by the employee or WRCOG with or without cause, with or without notice, and without right of appeal or hearing. Nothing in these Personnel Policies and Procedures should be interpreted to limit the right of an employee or WRCOG to terminate at-will employment. By way of example, and not limitation, discipline for cause, notice, response and appeal or hearing rights provided in the Employee Standards of Discipline and Conduct section or elsewhere in these Policies and Procedures shall not apply to at-will employees. No manager, supervisor, or employee of WRCOG has any authority to enter into an agreement for employment for any specified period of time or to make an agreement which limits or alters at-will employment status. Only the Executive Director has the authority to make any such agreement, which is binding only if it is in writing.

V. EMPLOYMENT POLICIES AND PRACTICES

A. Recruitment, Selection and Placement

Vacancies

When a permanent vacancy occurs in an authorized position, the supervisor may recommend that the vacant position be filled with an existing WRCOG employee who is qualified for the position and is willing to accept the employment change. The Executive Director will make a determination whether the vacant position may be filled by an existing WRCOG employee or fill the position through internal or external recruitment. The Executive Director may determine that it is in WRCOG's best interest to leave the position vacant. This paragraph is not to be construed to limit in any way the Executive Director's responsibility to hire the most qualified person available to fill any vacancy.

Salary Placement of New Employees

New employees of WRCOG are generally hired at the minimum salary range for the position. In the event a potential employee possesses extraordinary skill, training or ability, or where exceptional recruitment difficulties are encountered, the Executive Director has discretion to authorize employment offers at a higher rate than indicated in the job announcement, subject to the budget constraints.

Disqualification

The Executive Director may disqualify an applicant or refuse to consider any person for employment for any legal reason, including but not limited to the following reasons:

- The applicant does not possess the necessary qualifications established for the position.
- The applicant has practiced or attempted to practice any deception, fraud or omission of material fact in the application or interview, or in securing eligibility for employment.

Offer of Employment

Offers of employment will be extended to selected candidates only at the direction of the Executive Director (or his/her designee). Employment offers for all positions must be made in writing and are to include starting wage on an hourly, weekly, or monthly basis. In no event shall an employment offer be made in terms of annual salary or otherwise imply a yearly contract.

Keys and Security Cards

Keys to WRCOG facilities and related security access cards will be issued only to those employees designated by the Executive Director. Keys and security access cards are the property of WRCOG administration and must be surrendered to WRCOG upon termination of employment. Employees are required to immediately report lost or stolen keys and related security cards to the Human Resources office.

B. Promotional Probationary Period for Employees Hired Prior To March 1, 2012

All employees hired prior to March 1, 2012, that are promoted to another position in WRCOG will be probationary employees during the first six months or 1,040 regularly scheduled working hours (whichever occurs later) in the new position. Employees failing to perform satisfactorily in the newly assigned position may be rejected and returned to their former position or to a position requiring similar skill and in a similar pay grade without recourse or any appeal right. If no similar position is available, the employee will be terminated without recourse procedure or any appeal right. (Employees will be informed in writing of this possibility at the time of application for the promotional position.)

If the promotion is from the training level in a job classification series to the full working level, the employee will not be returned to the training level, but rather performance issues may be evaluated further. In this instance, the probationary period may be extended up to a second six months, if a Performance Improvement Plan is initiated. Prior to the end of any extended probationary period, the Executive Director, upon the advice of the probationary employee's immediate supervisor, will determine if the employee can function satisfactorily in the position, and may terminate the employee without recourse or any appeal right if he or she has not substantially completed the Performance Improvement Plan and met expectations.

At-will employees are not entitled to promotional probationary periods. All at-will employees promoted to another position in WRCOG will be required to sign an updated employment contract.

C. Job Duties

Upon hire or the assumption of any new position, a supervisor will explain the job tasks, responsibilities, and performance standards expected of the employee. The job tasks, responsibilities, and performance standards of any position may change at any time during an employee's employment. From time to time, employees may be asked to work on special projects or to assist with other work necessary or important to the operation of WRCOG. Employee cooperation and assistance in performing such additional work is expected.

The Executive Director reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities for both Exempt and Non-Exempt Employees

Exempt Employees

Certain employees may be designated as "Exempt" from certain provisions of the Fair Labor Standards Act (FLSA). Exempt positions are those designated as Professional / Supervisory, Management, or Executive Management. These designations shall conform to the guidelines and criteria set forth in the FLSA pertaining thereto. Employees designated as Exempt are entitled to all benefits

provided to general employees, excluding payment of overtime.

Exempt employees will generally receive their full salaries for any week in which the employees perform work, unless deductions are otherwise authorized by law. Exempt employees are encouraged to direct any questions concerning their salary pay to the Human Resources office.

It is WRCOG's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that Exempt employees are paid properly and that no improper deductions are made, Exempt employees must review your pay stubs promptly to identify and report all errors.

Exempt employees will be credited with 2.3 hours of administrative leave per pay period, up to a maximum of 60 hours. Once an employee has accrued 60 hours of administrative leave, no additional administrative leave will be accrued until administrative leave usage reduces the balance of administrative leave to below 60 hours. Accrued administrative leave from one fiscal year will transfer into the next fiscal year subject to the 60-hour cap.

Non-Exempt Employees

All employees other than those that are designated as Exempt will be considered non-Exempt and will be entitled to overtime pay.

WRCOG provides compensation for all overtime hours worked by non-Exempt employees in accordance with federal law. Only actual hours worked (i.e., not vacation time, sick leave, holidays) will be considered in determining whether an employee is entitled to overtime for any particular workweek.

It is the policy of WRCOG to avoid overtime work whenever possible. Overtime work is to be used only to supply essential member services or perform necessary duties during emergencies or where performance of overtime work by employees is more economical than adding new employees by creation of a new regular or temporary position. All overtime work must be previously authorized by a supervisor.

D. Categories of Employees

Regular Employees

The term "regular employee" includes employees except temporary or casual employees. Regular employees may be either full-time or part-time employees, depending upon the number of hours they work.

Regular employees hired before March 1, 2012, who have completed their probationary period of employment before March 1, 2012, are entitled to the notice, response, and appeal rights set forth in the Employee Standards of Discipline and Conduct section of these Policies and Procedures.

Regular employees hired or reclassified from temporary or casual to regular

employee status on or after March 1, 2012, or who completed their probationary period of employment on or after March 1, 2012, irrespective of when first hired, are at-will and are not entitled to the notice, response, and appeal rights set forth in the Employee Standards of Discipline and Conduct sections of these Policies and Procedures.

Full-Time Employees

Regular full-time employees are those who are scheduled for and do work 40 hours per week, work a 9/80, or work a 4/10 and are eligible for all benefits provided to WRCOG employees.

Part-Time Employees

Regular part-time employees are those who are scheduled for and do work fewer than 40 hours per week, but not fewer than 20 hours. Part-time employees are eligible for WRCOG benefits on a pro-rata basis, except retirement benefits under the California Public Employees' Retirement System (CalPERS) which are not provided unless the employee meets the statutory minimum hours requirement for eligibility for CalPERS benefits.

Temporary and Casual Employees

Temporary employees are employees hired for specific assignments and/or for specific and limited durations. They may work full-time or part-time, but the length of their employment is specified at the time of hire. Employees hired on a temporary basis are excluded from eligibility for all but statutorily required (e.g., State Disability Insurance) benefits. WRCOG retains the discretion to determine the period deemed temporary for the position hired, provided, however, that temporary employees must work less than 960 hours per fiscal year. WRCOG reserves the right to extend the duration of any temporary employment assignment. An extension of the duration of temporary employment does not create, imply, or grant any right to the employee to receive benefits during the extension, nor does it change the temporary nature of the employment. All temporary employment is at-will and may be terminated at any time with or without cause, without prior notice to the employee, and without right of appeal or hearing.

Casual employees are compensated on an hourly basis or per diem, as specified at the time of hire. Casual employees must work less than 960 hours in a fiscal year. Casual employees are not eligible for participation in any benefit program established by WRCOG, except as required by State and/or Federal Law. Casual employees are not eligible for merit or other pay increases and do not receive performance evaluations. Casual employment is at-will and may be terminated at any time with or without cause, without prior notice to the employee, and without right of appeal or hearing.

Inactive Status

Employees who are on any type of leave of absence, work-related or non-work-related, that exceeds four months will be placed on inactive status. During the time the employee is on inactive status, unless required by law, no benefits will accrue

or be earned, and seniority will not continue to accrue.

E. Work Schedules and Workweek

WRCOG employees generally work a 9/80 weekly schedule. Supervisors will assign individual work schedules to each employee. All employees are expected to be at their desks or workstations at the start of their scheduled day, ready to work. WRCOG reserves the right to modify work schedules as deemed necessary.

If an employee needs to change his or her work schedule, the employee must submit a written request to his or her supervisor. The supervisor will review the employee's request with the Executive Director and authorize a change if reasonably possible. Work schedule changes that interfere with normal operations, result in overtime pay, or are without sufficient reason (i.e., for the mere convenience of an employee), will not be approved.

A workweek is defined as beginning on Monday at 12:01 a.m. and ending on Sunday at midnight. For employees working a 9/80 weekly schedule, the workweek begins four hours after the scheduled start time of their shift on Friday and ends at one minute before that same time on the following Friday.

F. Telecommuting

The purpose of the Telecommuting Policy is to provide an additional alternative to the office workplace environment and to maintain WRCOG's employees' current excellent levels of output and performance.

Telecommuting or working from home pursuant to this Policy is a privilege. WRCOG is not obligated to approve telecommuting for any employee, and no employee is obligated to participate. Each arrangement may be terminated at any time and at will by the employee or the employee's immediate supervisor or the Executive Director. See Telecommuting Policy for more information.

G. Meal Periods and Rest Breaks

Meal Periods

Employees who work more than five hours in a workday are provided an unpaid, off-duty meal period of at least 30 minutes. If six hours of work will complete the day's work, you may voluntarily waive your meal period in writing. See Human Resources if you would like to sign and submit a form that waives your right to a meal period if you work no more than six hours in a day. Employees who work more than 10 hours in a day are entitled to a second unpaid, off-duty 30-minute meal period. If an employee works no more than 12 hours, the employee may waive his or her second meal period, but only if the first one was not waived in any manner. Any waiver of the second meal period must be in writing and submitted before the second meal period. See the Human Resources administrator if you would like to sign and submit a form that waives your right to a second meal period, as explained above. If you work more than 12 hours you may not waive and are required to take your second unpaid, off-duty 30-minute meal period.

Your supervisor is responsible for scheduling your meal period, but it should begin no later than the end of your fifth hour of work. For example, an employee who begins working at 8:00 a.m. must begin his or her meal period no later than 1:00 p.m. Employees are encouraged to and should take their meal periods. .

During your meal period, you are relieved of all duty and you should not work during this time. When taking your meal period, you should be completely off work for at least 30 minutes. Employees are prohibited from working "off the clock" during their meal period. Those employees who record their time manually must accurately record their meal periods by recording the beginning and end of each work period.

Rest Breaks

Non-Exempt employees who work 3 1/2 or more hours per day are provided one 10-minute rest break for every four hours or major fraction thereof worked. For purposes of this Policy, "major fraction" means any time greater than two hours. For example, if you work more than six hours, but no more than 10 hours in a workday, you are provided, and should take, two 10-minute rest breaks: one during the first half of your shift and a second rest break during the second half of your shift.

Your supervisor is responsible for scheduling your rest breaks, but they should be taken as close to the middle of each work period as is practical.

Employees are encouraged to take their rest breaks; they are not expected to and should not work during their rest breaks. Non-Exempt employees are paid for all rest break periods. Accordingly, you do not need to record your time when taking a rest break.

H. Timekeeping Requirements

All non-Exempt employees are required to record their time at the start and at the end of each work day, including before and after their lunch break.

Non-Exempt employees are required to record their time whenever they leave the building for any reason other than WRCOG business or as otherwise instructed by their supervisor.

Misreporting or altering a time record is prohibited and is subject to disciplinary action. Any errors on an employee's time sheet should be reported immediately to their supervisor. Managers must verify and approve timesheets at the end of each pay period, and make sure timesheets are completed and approved per the payroll schedule.

I. Biweekly Payments

All employees of WRCOG are paid every other Thursday through direct deposit to their financial institution or by check for work performed during the previous two-week pay period. If a regular payday falls on a holiday, employees will be paid on the last day worked before the holiday.

J. Pay for Mandatory Meetings / Training

WRCOG will pay non-Exempt employees for their attendance at mandatory meetings, lectures, and training programs. An employee who is required to attend such meetings, lectures, or training programs will be notified of the necessity for such attendance by his or her supervisor.

K. Compensatory Time-Off Policy

Accrual of compensatory time off is a restricted resource within WRCOG policies and utmost care should be utilized when authorization is given to staff for overtime work.

Non-Exempt employees may, in lieu of overtime pay, accumulate compensatory time off at the rate of 1 1/2 hours for every hour worked over 40 hours in a workweek (see definition above). Only actual hours worked will be considered in determining whether an employee has exceeded 40 hours in a workweek.

In order to receive compensatory time off in lieu of overtime pay, non-Exempt employees must make such request to their supervisor prior to the overtime work actually being performed.

No employee shall be allowed to accumulate more than 60 hours of compensatory time off. Non-Exempt employees who have accumulated 60 hours of compensatory time, and who subsequently work overtime hours, will receive overtime pay.

An employee with accumulated compensatory time will be permitted to use that time within a reasonable period after making a request unless using the compensatory time will unduly disrupt WRCOG operations. Requests for use of compensatory time should be directed to an employee's supervisor. All compensatory time that has been accumulated but not used will be paid out at the end of the fiscal year or grant cycle in accordance with applicable local, State and Federal laws.

As explained in more detail below, if an employee is on an approved medical leave under the FMLA or CFRA, the employee is required to substitute accrued compensatory time off for the unpaid leave.

L. Advances

WRCOG does not permit advances against paychecks or against un-accrued vacation.

M. Salary Review

Periodically, under the direction of the Executive Director, the salary ranges assigned to each administrative position within WRCOG will be reviewed. The Executive Director may use this information to make recommendations to the Executive Committee. The salary review and any related recommendation may consider the following:

- Existing position descriptions, salaries, benefit levels and number of authorized positions within WRCOG.
- Comparison of salaries paid by other employers, public and private to employees performing work similar to that performed by WRCOG employees.
- Review of inflation, changes in salary adjustments, and other measure of the economy.
- Other areas as the Executive Director deems appropriate.

Changes in the salary ranges, if any, shall be determined within the sole discretion of WRCOG.

N. Reports and Record Keeping

Personnel Files

The Human Resources office (or designee) is to maintain a personnel record for each employee of WRCOG, which record shall state the name and address of the employee, the position held by the employee, the work unit to which the employee is assigned, the employee's salary or hourly rate, all changes in employment status, and any such other information that may be required by law.

WRCOG is required by law to keep current all employees' names and addresses. Employees are responsible for notifying the Human Resources office in the event of a name or address change.

Employees shall be furnished a copy of any statement written for inclusion in the employee's personnel file concerning the employee's conduct or performance. An employee may prepare material for insertion in his/her personnel file in response or rebuttal to any derogatory material in the file.

Personnel Action Forms

A Personnel Action Form recording personnel action must be completed for each employee hired by WRCOG. The Form is to contain all employee information including benefit selection information. A copy of the completed Form is to be included in the employee's personnel file. The signature of the Executive Director, or the Deputy Executive Director (in his or her absence), is required on Personnel Action Forms as a result of an appointment, promotion, demotion, transfer and/or dismissal.

Personnel Records – Access

Employees have a right to inspect documents in their personnel file, as provided by law, in the presence of a WRCOG representative at a mutually convenient time,

but no later than 30 calendar days from the WRCOG receives a written request. Employees may also request a copy of their personnel files and records related to performance or any grievance concerning the employee. WRCOG shall restrict disclosure of an employee's personnel file to authorized individuals within WRCOG or its designated agents. Any request for information contained in personnel files must be directed to the Human Resources office. Only the Executive Director is authorized to release information about current or former employees. Personnel information will only be disclosed to outside sources as authorized by the employee, in response to requests from authorized law enforcement or local, state, or federal agencies conducting official investigations, or as otherwise legally required.

Employee References

All requests for references must be directed to the Human Resources office. No other manager, supervisor, or employee is authorized to release references for current or former employees unless so designated by the Executive Director. By policy, WRCOG discloses only the dates of employment and the title of the last position held by former employees.

O. Performance Evaluations

It is the administrative policy of WRCOG to evaluate employee performance on a regularly scheduled basis. Performance evaluations are normally conducted by the employee's immediate supervisor and must be discussed with the employee. The employee's immediate supervisor has the responsibility to carefully consider each item of the performance evaluation in relation to the duties outlined in the employee's position description.

Employee performance evaluations may review factors such as the quality and quantity of the work performed by the employee, knowledge of the job, initiative, work attitude, and attitude toward others. The performance evaluations are intended to make employees aware of their progress, areas for improvement, and objectives or goals for future work performance. Favorable performance evaluations do not guarantee increases in salary or promotions. Salary increases and promotions are solely within the discretion of the Executive Director and depend upon many factors in addition to performance. Employees will be asked to sign the completed performance evaluation report to acknowledge that it has been presented to them, that they have discussed it with their supervisor, and that they are aware of its contents. The performance evaluation report must be reviewed and signed by the Executive Director, either acting as the direct supervisor, or in acknowledgement and agreement with the assessment made by the immediate supervisor.

A performance evaluation must be completed six months after date of hire or reclassification from temporary or casual status for all new regular employees. The performance evaluation will be completed on an annual basis for all employees at or around the beginning of the fiscal year. For new employees, a performance evaluation must be completed immediately prior to the completion of their first

twelve months of employment.

It is the supervisor's responsibility to ensure that the performance evaluation is prepared and returned to the Executive Director consistent with the timeframes above.

It is the supervisor's responsibility to meet with supervised employees and ensure that performance evaluations are prepared completely and submitted to the Executive Director's office. The performance evaluation will be reviewed, and counter signed by the Executive Director if deemed acceptable.

P. Open-Door Policy

WRCOG welcomes suggestions for improving its administrative functions from new and continuing employees. At some time, employees may have a complaint, suggestion, or question about their job, working conditions, or the treatment they are receiving. Good-faith complaints, questions, and suggestions are all of concern to WRCOG management. These matters will receive serious and deserving consideration. Moreover, WRCOG encourages employees to submit these matters, positive or otherwise, without fear of retaliation. If the matter concerns working conditions or treatment, or other serious complaint, employees should take the following steps:

- Within a week of the occurrence of the matter, or as soon thereafter as is possible, employees should notify their immediate supervisor, who will review and provide a solution or explanation to the employee.
- If the matter persists, employees should, as soon as possible, present their complaint to the Executive Director or designee. The Executive Director or designee will attempt to reach a final resolution. Employees needing assistance with a written complaint should contact the Human Resources office for help.

WRCOG believes that this complaint resolution procedure is important to both employees and management of WRCOG for the resolution of employee matters. WRCOG cannot, however, guarantee that every employee's problem will have the outcome requested / desired by the employee.

Q. Employment of Elected Officials

To ensure efficiency in implementing the administrative management policies of WRCOG, it is necessary to address the employment of elected and appointed officers of WRCOG that serve on its Executive Committee. For the purpose of this Policy, any elected or appointed official cannot be hired as an employee by WRCOG unless that official has not served on WRCOG's Executive Committee for the past 12-months.

R. Employment of Relatives

To ensure efficiency in implementing the administrative management policies of WRCOG, it is necessary to restrict the employment of relatives of elected and

appointed officers of WRCOG and the relatives of WRCOG employees. For the purpose of this Policy, a relative is defined as a spouse, registered domestic partner, child, step-child, parent, step-parent, parent-in-law, legal guardian, sibling, sibling-in-law, step-sibling, aunt, uncle, niece, nephew, grandchild, or grandparent, regardless of his or her place of residence, or any other individual related by blood or marriage living within the same household as a WRCOG employee or persons having an equivalent relationship with the employee.

Therefore:

- Relatives of the Executive Director, WRCOG Legal Counsel, and elected officers of WRCOG will not be eligible for employment.
- Relatives of WRCOG-appointed Committee members will not be considered for employment by the Executive Director within the area of responsibility of such WRCOG-appointed Committee.
- Relatives of WRCOG employees will not be employed in the same work unit of WRCOG when such employment would be detrimental to the supervision, safety, security or morale of the work unit or WRCOG, as determined by the Executive Director, nor will any employee be placed in a position which exercises supervisory authority over a relative.
- In no event is an employee to participate directly or indirectly in the recruitment or selection process for a position in which an employee's relative has filed an employment application.
- With regard to spouses or registered domestic partners, WRCOG may refuse to place one spouse or registered domestic partner under the direct supervision of the other spouse or registered domestic partner, or in the same department, division or facility, for business reasons, including but not limited to supervision, safety, security or morale, and/or to avoid conflicts of interest. If co-employees marry or become registered domestic partners, WRCOG will attempt to make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security, and morale.

S. Conflicts of Interest

All employees are required to avoid situations involving actual or potential conflicts of interest. An actual and/or potential conflict of interest exists when personal involvement with a member agency employee, appointed or elected official, or subordinate employee of WRCOG impairs an employee's ability to exercise good judgment on behalf of WRCOG. Supervisor-subordinate personal relationships also create conflicts of interest because such relationships can lead to supervisory problems, possible claims of sexual harassment, and morale problems.

An employee involved in any such relationship is required to disclose the relevant circumstances to his or her immediate supervisor, or any other appropriate supervisor, for a determination about whether a potential or actual conflict exists. If an actual or potential conflict is determined to exist, the Executive Director may take whatever corrective action he or she deems appropriate under the circumstances. Failure of employee(s) to appropriately disclose facts regarding

potential conflicts of interest is grounds for disciplinary action.

T. Changes in Employment Positions

Layoff Policy and Procedure

a. Reductions in Force.

Under some circumstances, the Executive Director may need to restructure or reduce the administrative workforce. If restructuring the administrative operations or reducing the number of employees becomes necessary, the Executive Director will attempt to provide advance notice, if possible, of the nature of the restructure or layoff.

b. Layoffs.

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

c. Reemployment after Layoff.

Regular and probationary employees laid off or demoted in lieu of layoff may be reemployed at the sole discretion of the Executive Director.

Promotion

It is the administrative policy of WRCOG management to fill vacancies in authorized positions with the most qualified individual available and to provide promotional opportunities for qualified employees. For purposes of this Policy, promotion is defined as movement to a higher position in the salary schedule. Employees interested in promotion to a vacant position for which they are qualified must submit an employment application to the Human Resources office, if a recruitment is being conducted for the position.

Employees promoted to a new position are placed within the salary range which represents approximately a five percent increase in the employee's current salary unless otherwise authorized by the Executive Director

Promotional offers are extended to successful candidates only by the Executive Director. Employment offers for all promotional positions will be made in accordance with procedures specified by the Executive Director.

Reclassification

The Executive Director may approve a reclassification of a non-vacant position(s) if it is determined that an employee's duties do not meet the current job description. A reclassification involves the classification of an existing position(s) into a new job title / category and/or pay grade due to a significant change in job content. This reclassification must be based on more than an increase / decrease in work volume or the addition / deletion of minor duties. A reclassification may result in the placement of a position in a higher, lower, or the same pay grade.

a. Reclassification Procedure. Supervisors seeking the reclassification of a non-

vacant position or positions must complete a Reclassification Request Form and submit it to the Executive Director (or his or her designee) and Human Resources.

Such request must include:

1. Identification of the position(s) proposed for reclassification, including the current salary range of the position(s).
2. Identification of the position title and salary range that the position or positions are proposed to be reclassified to.
3. A written justification for the requested reclassification including discussion of the specific job duties, comparison of those duties to the new position title, and an existing or proposed organization chart that conveys where the new position fits within the unit / department / agency.
4. Copies of the current and proposed job description for the position(s) being re-classified.

Demotion

The Executive Director may demote an employee whose performance of required duties fall below standard or for disciplinary purposes. An employee otherwise eligible for a demotion may be terminated if he or she does not possess the desirable qualifications for the position. Employees demoted shall have their salary adjusted consistent with the position to which they are demoted.

Suspension

The Executive Director may suspend an employee from a position at any time for a disciplinary purpose.

Reinstatement

Employees who have resigned from WRCOG employment may be eligible for reinstatement to their former position or to a position which requires similar skill and is in a similar pay grade providing all of the following criteria are met:

- b. There is a vacancy in the position for which the employee seeks reinstatement.
- c. The request for reinstatement is received within six months from the date the employee resigned.
- d. Performance evaluations at the time of resignation were satisfactory.
- e. The former employee provided at least two weeks' notice upon resignation.
- f. The Executive Director approves the reinstatement request and the appointment.

Former employees do not have a right to reinstatement. Reinstatement is at the sole discretion of the Executive Director. WRCOG administrative management reserves the right to consider the restoration of salary, seniority, and other employee benefits on an individual basis and at the sole discretion of the Executive Director. Employees reinstated on or after March 1, 2012, shall be at-will.

Termination

WRCOG may discharge non-at-will regular employees (those regular employees hired before March 1, 2012) for disciplinary matters including, but not limited to, prohibited conduct. Any employee released from duty will forfeit all employee benefits except benefits accrued under CalPERS and benefits to which the employee is statutorily entitled.

At-will employees (those employees hired on or after March 1, 2012, as well as Temporary and Casual employees) do not serve a probationary period and may be terminated at any time with or without cause, without prior notice, and without right of appeal or hearing.

Voluntary Termination

Voluntary termination results when an employee voluntarily resigns his or her employment at WRCOG or fails to report to work for three consecutively scheduled workdays without notice provided to, or approval by, his or her supervisor. The use of protected sick leave will not be considered in determining whether an employee has voluntarily terminated for failure to report to work.

Employees wishing to voluntarily terminate employment with WRCOG are requested to provide a minimum of two weeks written notice to their immediate supervisor. The written notice is to be considered accepted by Executive Director immediately upon submission by the employee and will be forwarded for processing. Requests to revoke a resignation may be granted or denied at the sole discretion of the Executive Director. Any employee failing to provide a minimum of two weeks written notice is ineligible for consideration for future employment with WRCOG.

Death of Employee

Upon the death of a WRCOG employee, all earned wages and benefits due shall be paid in accordance with the laws of the State of California.

U. Return of Property at Separation

All WRCOG-owned property, including vehicles, computer equipment, cellular phones, keys, identification badges, and credit cards must be returned immediately upon separation of employment.

VI. STANDARDS OF DISCIPLINE AND CONDUCT

A. Employee Discipline

General Disciplinary Standards

The Executive Director has the right to demote, dismiss, reduce in pay, or suspend without pay any employee for engaging in any of the prohibited conduct indicated herein or for any other reason, including but not limited to engaging in behavior that threatens security, personal safety, employee welfare and/or WRCOG administrative operations.

Disciplinary action may range from informal conversations to termination, depending on the nature of the conduct at issue. The Executive Director is not, however, obligated to first initiate informal actions before taking formal action, nor is the Executive Director obligated to initiate any disciplinary action in any particular order at all. Disciplinary actions may include the following informal and formal actions, at the discretion of the Executive Director:

Counseling: The employee may engage in an informal discussion to review standards, to evaluate strengths and weaknesses, or to offer suggestions or remedies for performance or to address specific issues.

Reprimand: The employee may be given an oral warning to improve performance and/or behavior, or a written notice that indicates that further disciplinary action may be taken unless performance or behavior improves.

Suspension: The employee may be placed on unpaid suspension.

Demotion: An employee may be assigned to a lower paying position.

Termination: The employee may be removed from WRCOG service.

Discipline of Non-At-Will Employees

The Executive Director must follow the appropriate disciplinary procedures in cases where the contemplated disciplinary action involves a non-at-will employee's rights. In such instances, before a final disciplinary action is taken, the following steps will be taken:

Notice of Proposed Action: A written notice of the proposed disciplinary action will be delivered to the employee by the Executive Director or designee.

Conduct Necessitating the Proposed Action: The written notice will include a description of the prohibited conduct or other behavior that gave rise to the proposed disciplinary action.

Materials Supporting Proposed Action: The employee will be given a copy of, or be provided access to, written materials, reports and documents, if any, upon which the action is based.

Right to Respond: The employee has the right to respond to any notice of proposed disciplinary action within five working days, unless such period of time is extended by the Executive Director. Such response can be made by the employee in person or through a representative. The response can be a) oral, b) written or, c) both, and must be submitted to the Executive Director.

Notice of Determination: The Executive Director will notify the employee by written notice of: a) the discipline; b) the original allegation(s); c) the determination as to the charges; d) the level of disciplinary action to be received; and e) any applicable final admonition(s). The Executive Director will similarly notify the employee if no disciplinary action will be taken. Except where the employee has the right to appeal, the determination of the Executive Director shall be final.

Appeal: In the case of a reduction in pay, suspension without pay in excess of five days, demotion, or termination, the employee may appeal the disciplinary action imposed by the Executive Director to the Administration & Finance Committee or its designee. The appeal procedure shall be determined by the Administration & Finance Committee or designee in accordance with applicable law.

Representation

Any time that an employee is to be disciplined or interviewed regarding a matter in which there is reason to believe that the employee may be disciplined, he or she will have the right to representation. It is the employee's responsibility to request that representation be present, and failure to so request will constitute a waiver of representation at that stage.

The Executive Director or designee has the authority to place any employee on paid administrative leave when, in his or her belief, doing so is in the best interests of WRCOG.

B. Prohibited Conduct

The following conduct is prohibited and will not be tolerated by WRCOG. This list of prohibited conduct is illustrative only. Other types of conduct not appearing on this list that threatens security, personal safety, employee welfare and WRCOG administrative operations also may be prohibited. All such conduct is grounds for disciplinary action.

- Falsifying employment records, employment information, or other WRCOG records.
- Falsifying work time records, either your own or another employee's.
- Theft and/or deliberate or careless damage or destruction of any WRCOG property, or the property of any employee or member agency.
- Removing or borrowing WRCOG property without prior authorization.
- Unauthorized use of WRCOG equipment (time, materials, or facilities).
- Provoking a fight or fighting during working hours or on WRCOG property.
- Participating in horseplay or practical jokes on WRCOG time or on WRCOG premises.

- Carrying firearms or any other dangerous weapons on WRCOG premises at any time.
- Engaging in criminal conduct related to job performance or otherwise having an adverse impact on WRCOG.
- Causing, creating, or participating in a disruption of any kind during working hours on WRCOG property.
- Insubordination, including, but not limited to, failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management.
- Inappropriate use of e-mail or other electronic media.
- Using abusive language at any time on WRCOG premises.
- Failing to notify a supervisor when unable to report to work.
- Failing to obtain permission to leave work for any reason during normal working hours.
- Failing to observe working schedules, including rest and lunch periods.
- Sleeping or malingering on the job.
- Making or accepting personal telephone calls of such length or quantity as to interfere with the quality or quantity of work performed or to create a disruptive work environment for others, whether WRCOG or personal telephone equipment is used, except in cases of emergency.
- Working overtime without authorization or refusing to work assigned overtime.
- Wearing unprofessional or inappropriate styles of dress or hair while working.
- Violating any safety, health, security or WRCOG policy, rule, or procedure.
- Possessing, selling, and/or being under the influence of alcohol, illegal drugs or marijuana while on WRCOG premises or conducting WRCOG business offsite.
- Committing a fraudulent act or a breach of trust under any circumstances.
- Committing or participating in any act of harassment, discrimination, or retaliation of another individual.
- Discourteous treatment of the public or other employees.

C. Off-Duty Conduct

While WRCOG does not seek to interfere with the off-duty and personal conduct of its employees, it discourages certain types of off-duty conduct that may interfere with WRCOG's legitimate business interests. For this reason, employees are expected to conduct their personal affairs in a manner that does not adversely affect WRCOG. Illegal off-duty conduct by an employee that adversely affects WRCOG's legitimate business interests or the employee's ability to perform his or her job will not be tolerated.

While employed by WRCOG, employees are expected to devote their energies to their jobs with WRCOG. The following types of employment elsewhere are strictly prohibited:

- Additional employment that conflicts with an employee's work schedule, duties, and responsibilities at WRCOG.
- Additional employment that creates a conflict of interest or is incompatible with

- the employee's position with WRCOG.
- Any additional employment that requires the employee to conduct work or related activities on WRCOG property during the employee's working hours or WRCOG facilities and/or equipment.
- Additional employment that directly or indirectly competes with the quasi-governmental services or the interests of WRCOG.

Employees wishing to engage in additional employment that may create a real or apparent conflict of interest are required to submit a written request to the Executive Director explaining the details of the additional employment. Such work cannot commence until written authorization is provided by the Executive Director. Authorization to engage in additional employment can be revoked at any time.

D. Political Activity

WRCOG employees are prohibited from engaging in political activities while on duty and/or on the premises of WRCOG, including but not limited to:

- An employee of WRCOG shall not, directly or indirectly, solicit political funds or contributions, knowingly, from other officers or employees of WRCOG. (Government Code Section 3205).
- No employee of WRCOG shall engage in political activity during working hours as defined in Government Code Section 3207.
- No signs, posters or other political advertising materials shall be posted on WRCOG premises at any time.

E. Drug and Alcohol Abuse

Purpose

The objective of WRCOG is to promote a safe, healthy, and productive work environment for all employees and to have a work force that is free from the influence of alcohol and controlled substances. Therefore, it is the policy of WRCOG to prohibit its employees from using alcohol or drugs (including marijuana) in connection with their employment in order to maintain a work environment free from the effects of drug and alcohol use. Substance abuse can affect job performance, employee and public safety, and the public's perception of WRCOG and its operations.

Employees who believe that they may have a substance abuse problem are urged to voluntarily seek confidential assistance from the Human Resources office. Thereafter, WRCOG may, in its sole discretion, consider a referral for professional assistance or otherwise permit an employee to take time off to address the substance abuse problem.

WRCOG will be firm in identifying and disciplining those employees who do not voluntarily seek assistance and who continue to use drugs or alcohol in violation of WRCOG's policies. WRCOG has a significant interest in ensuring the health and safety of its employees, in avoiding accidents, to promote and maintain safe

and efficient working conditions for its employees, and to protect its property, equipment, and operations. The use of illegal drugs, marijuana, alcohol, or any other substances which alters an employee's behavior can affect an employee's ability to perform his or her duties safely and effectively, and increase the potential for accidents, absenteeism, substandard performance, poor employee morale, and can damage WRCOG's reputation. As a condition of continued employment with WRCOG, each employee must abide by this Policy.

Definitions

For purposes of this Policy:

“Illegal drugs or other controlled substances” mean any drug or substance that (a) is not legally obtainable; or (b) is legally obtainable but has not been legally obtained; or (c) has been legally obtained but is being sold or distributed unlawfully. Furthermore, despite its legal status in California, marijuana remains an illegal drug under Federal law. Accordingly, marijuana is considered an illegal drug for the purpose of WRCOG’s Policy.

“Legal drug” means any drug, including any prescription drug or over-the-counter drug, or marijuana that has been legally obtained and that is not unlawfully sold or distributed.

“Abuse of any legal drug” means the use of any legal drug (a) for any purpose other than the purpose for which it was prescribed or manufactured; or (b) in a quantity, frequency, or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.

“Possession” means that an employee has the substance on his or her person or otherwise under his or her control.

“Reasonable Suspicion” includes a suspicion that is based on specific personal observations such as an employee’s manner, disposition, muscular movement, appearance, behavior, speech or breath odor; information provided to management by an employee, by law enforcement officials, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.

Prohibited Conduct

a. Scope

The prohibitions of this section apply whenever the interests of WRCOG may be adversely affected, including any time an employee is:

- On WRCOG premises.
- Conducting or performing WRCOG business, regardless of location.
- Operating or responsible for the operation, custody, or care of WRCOG equipment or other property.
- Responsible for the safety of others in connection with, or while performing,

WRCOG-related business.

b. Alcohol

The following acts are prohibited and will subject an employee to discharge:

- The unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol.
- Being under the influence of alcohol.

c. Illegal Drugs

The following acts are prohibited and will subject an employee to discharge:

- The use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance.
- Being under the influence of any illegal drug or other controlled substance.

d. Legal Drugs

The following acts are prohibited and will subject an employee to discharge:

- The abuse of any legal drug.
- The purchase, sale, manufacture, distribution, transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with law.
- Working while impaired by the use of a legal drug whenever such impairment might:
 - Endanger the safety of the employee, member of the public, or some other person.
 - Pose a risk of significant damage to WRCOG property or equipment.
 - Substantially interfere with the employee's job performance or the efficient operation of WRCOG, or WRCOG's equipment.

Disciplinary Action

- a. First Violation: A first violation of this Policy will result in discipline up to and including termination. In determining the level of discipline, WRCOG may consider whether an employee satisfactorily participates in and completes an approved drug or alcohol abuse 'assistance' or rehabilitation program when recommended by WRCOG.
- b. Second Violation: A second violation of this Policy at any time will result in immediate discharge.
- c. Effect of Discharge on Eligibility for Rehire: Employees who are discharged for a violation of this Policy will not be eligible for rehire by WRCOG.
- d. Effect of Criminal Conviction: An employee who is convicted under a criminal drug statute for a violation occurring in the workplace or during any WRCOG related activity or event will be deemed to have violated this Policy.

Use of Legal Drugs

WRCOG recognizes that employees may, from time to time, be prescribed legal

drugs that, when taken as prescribed or according to the manufacturer's instructions, may result in impairment. Employees may not work while impaired by the use of legal drugs if the impairment might endanger the employee or someone else, pose a risk of significant damage to WRCOG property, or substantially interfere with the employee's job performance. If an employee is so impaired by the appropriate use of legal drugs, he or she may not report to work. To accommodate the absence, the employee may use accrued sick leave or vacation time. The employee may also contact the Human Resources office to determine whether or not he or she qualifies for an unpaid leave of absence, such as family care or medical leave. Nothing in this Policy is intended to sanction the use of accrued sick leave or vacation time to accommodate absences due to the abuse of legal drugs. Further, nothing in this Policy is intended to diminish WRCOG's commitment to employ and reasonably accommodate qualified disabled individuals. WRCOG will reasonably accommodate qualified disabled employees who must take legal drugs because of their disability.

Unregulated or Authorized Conduct

- a. Customary Use of Over-the-Counter Drugs: Nothing in this Policy is intended to prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over-the-counter drugs, so long as that activity does not violate any law or result in an employee being impaired by the use of such drugs in violation of this Policy.
- b. Off-the-Job Conduct: This Policy is not intended to regulate off-the-job conduct, so long as the employee's off-the-job use of alcohol or drugs does not result in the employee being under the influence of or impaired by the use of alcohol or drugs in violation of this Policy.

Confidentiality

Disclosures made by employees to the Executive Director concerning their use of legal drugs will be treated confidentially and will not be revealed to managers or supervisors unless there is an important work-related reason to do so in order to determine whether it is advisable for the employee to continue working. Disclosures made by employees to the Executive Director concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially.

Counseling / Employee Assistance

Employees who suspect they may have alcohol or drug problems, even in the early stages, are encouraged voluntarily to seek diagnosis and to follow through with the treatment as prescribed by qualified professionals. Employees who wish to voluntarily enter and participate in an approved alcohol or drug rehabilitation program are encouraged to contact the Executive Director, who will determine whether WRCOG can accommodate the employee by providing unpaid leave for the time necessary to complete participation in the program. Employees should be aware that participation in a rehabilitation program will not necessarily shield them from disciplinary action for a violation of this Policy, particularly if discipline is imposed for a violation occurring before the employee seeks assistance.

Pre-Employment Testing

As part of WRCOG's employment screening process, all applicants to whom an offer of employment with WRCOG is made must undergo and pass urine-controlled substance testing and breath alcohol testing. The offer of employment is conditioned on a negative test result. A negative test result will disqualify the applicant from further consideration for employment. Additionally, if an applicant refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result. Pre-employment testing requirements will be conducted in compliance with current law. Applicants will be informed of WRCOG's drug testing Policy in the employment application.

Post-Accident Testing

All employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident that results in a fatality. This includes all employees directly involved in the accident and any other employee whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility, or where one or more vehicles incurs disabling damage that requires towing from the site, or where the employee receives a citation under State or local law for a moving traffic violation arising from the accident.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours for alcohol and 32 hours for controlled substances. Any employee who leaves the scene of an accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and is subject to termination.

Please note: drug and alcohol testing will not be conducted if the testing is retaliatory pursuant to the federal Occupational Safety and Health Administration's applicable rules.

If an employee refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result.

Procedures for Drug Testing

WRCOG will refer the applicant or employee to an independent, National Institute on Drug Abuse (NIDA)-certified medical clinic or laboratory, which will administer the test. WRCOG will pay the cost of the test and reasonable transportation costs to the testing facility. The applicant / employee will have the opportunity to alert the clinic or laboratory personnel to any prescription or non-prescription drugs that he or she has taken that may affect the outcome of the test. All drug testing will be performed by urinalysis. Initial screening will be done by EMIT II. Positive results will be confirmed by gas chromatography / mass spectrometry.

The clinic or laboratory will inform WRCOG as to whether the applicant / employee

passed or failed the drug test. If an employee fails the test, he or she will be considered to be in violation of this Policy and will be subject to discipline accordingly.

Acknowledgment and Consent

Any employee / applicant subject to testing under this Policy will be asked to sign a form acknowledging the procedures governing testing and consenting to (1) the collection of a urine sample for the purpose of determining the presence of alcohol or drugs, and (2) the release to WRCOG of medical information regarding the test results. Refusal to sign the agreement and consent form, or to submit to the drug test, will result in the revocation of an applicant's job offer, or will subject an employee to discipline up to and including termination.

Contact Individual

Any questions regarding this Policy should be directed to the Executive Director.

F. Civility Code

Purpose

The objective of WRCOG is to promote a productive work environment for all employees and have a work force that is free from disruptive behavior.

The following outlines the manner in which employees are to treat their co-workers and members of the public. Violations of this Policy may result in employee discharge or disciplinary action.

- When interacting with others – whether in person, on the telephone or other electronic device, or in written correspondence – all employees and volunteers shall conduct themselves in a courteous, professional, and business-like manner at all times.
- Employees shall use courteous and business-like language when addressing others.
- Employees shall refrain from the use of profanity, unprofessional language, slang, nicknames (even if intended with affection), sarcasm, abrasive tones, or unnecessary volume.
- Employees shall refrain from physical postures or gestures intended to convey acrimony or displeasure, including but not limited to eye rolls, raised hands, and arm crossing.
- Employees providing services to the public shall not keep those awaiting services waiting unnecessarily. Where possible, employees should respond immediately to those requesting service. In no instance should an employee make a member of the public wait for the employee to finish personal business. Where a wait is unavoidable, the employee shall greet the person, and verbally inform him or her of the approximate wait time.
- Employees providing services to the public shall generally not engage in personal or private business in view of the public.
- Employees should not groom, drink (except from a discrete cup), eat, engage

- in personal reading (e.g., newspapers, computer, smartphone, tablet, etc.), listen to an electronic device for personal reasons (e.g., radio, headphones, Bluetooth ear piece, etc.) in view of the public.
- Employees are prohibited from using profane or offensive language or similarly discourteous treatment to others, whether or not the person at whom the language or conduct is directed objects. The use of profane or offensive language or similarly discourteous treatment shall be reported immediately to the supervisor of the offending party.
- Conduct intended to belittle or ostracize co-workers is unacceptable on WRCOG premises or in the public. During work hours and in work locations visible to the public, employees shall not engage in angry or sarcastic banter, whisper campaigns, or other conduct that could be perceived as an attempt to belittle or ostracize co-workers.

G. Punctuality and Attendance

Employees are expected to report to work as scheduled, on time, and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized WRCOG business. Late arrival, early departure, or other unanticipated and unapproved absences from scheduled hours are disruptive and must be avoided when possible. Employees should schedule personal appointments outside their working hours whenever possible.

If an employee is unable to report for work on any day, they must contact their immediate supervisor, or if their immediate supervisor is unavailable, must contact any other manager or supervisor in the office, within one hour of the time they are scheduled to begin working for that day. An employee who does not call or arrive at their scheduled time to begin work is to be considered tardy for that day. Employees also must inform their supervisor of the expected duration of any absence. Excessive absenteeism or tardiness (excluding appropriate use of sick leave), whether excused or not, will not be tolerated and will be reviewed and evaluated during the employee's annual performance evaluation.

If an employee fails to report for work without any notification to a supervisor and his or her absence continues for a period of three scheduled work days, WRCOG will consider that employee to have abandoned his or her employment. The permitted use of sick leave will not be considered in determining whether an employee abandoned his employment.

All employees are required to keep daily attendance records (time sheets) which are to be signed and submitted to the employee's supervisor on a bi-weekly basis. WRCOG will maintain records of employee attendance and retain the employee's signed and approved time sheets.

H. Dress Code and Other Personal Standards

In General

Employees are expected to wear clothing appropriate for the professional nature

of WRCOG's services and the individual type of work performed. Clothing should be neat, clean, and tasteful. The Executive Director may issue more specific guidelines.

Casual Day

WRCOG observes a casual dress day on the last day of the work week, (currently Friday). Employees having WRCOG-related or other public meetings and/or agency member contact may not be permitted to participate in the casual dress day.

Employees participating in a casual dress day are expected to report to work properly groomed. Unacceptable business casual dress includes ripped or torn clothing, t-shirts or sweat shirts of any kind (with or without a written message), tank or halter tops, clothing with a bare midriff, or shorts. The Executive Director may issue more specific guidelines concerning any exceptions to this Policy.

I. Confidentiality

Each employee is responsible for safeguarding the confidential information obtained during employment. In the course of work, employees may have access to sensitive political or confidential information regarding WRCOG, member agencies, agency employees and representatives, or fellow employees. Employees are precluded from revealing or divulging any such information unless it is necessary to do so in the performance of your duties. Access to confidential information is on a "need-to-know" basis and must be authorized by the direct supervisor. Any breach of this Policy will not be tolerated, and disciplinary and legal action may be taken by WRCOG.

J. Business Conduct and Ethics

Employees are encouraged to not accept gifts or gratuities (excluding occasional business meals) from any member government, agency employee, member representative, or other person or vendor conducting business with WRCOG. Employees must receive approval for the payment by others for expenses for business meals or trips from WRCOG administrative management in advance. Such gifts and gratuities must be monitored and, when required, reported as required by (Form 700, etc.).

K. News Media Contacts

Employees may be approached for interviews or comments by the news media. Only contact people designated by the Executive Director may comment to news reporters on WRCOG policy or events relevant to WRCOG.

VII. OPERATIONAL CONSIDERATIONS

A. Computer and Electronic Systems and Devices Policy

Purpose

The purpose of computer and other electronic systems and devices, including, but not limited to, electronic and voice mail systems, cell phones, text messaging, and internet connections are to provide an efficient and effective means of internal and external communications and information gathering related to WRCOG's business operations. This general Policy addresses access to and the disclosure of information from such electronic systems and devices.

WRCOG computer, electronic and voice mail systems, cell phones, text messaging, internet connection and other electronic communication systems and devices are a business tool. These systems must be used in a professional manner for legitimate business purposes only and, at all times, remain the property of WRCOG.

Access and Disclosure

Because all electronic systems and devices remain the property of WRCOG and are for official WRCOG use only, records, files, transmissions, messages, passwords, and other products or contents of these systems and devices are accessible by authorized WRCOG staff at all times. Therefore, employees can have no expectation of privacy in any documents or other materials they write, receive, store, or send in the use of these systems or devices.

Passwords and login credentials do not confer any right of privacy upon any employee of WRCOG. Thus, even though employees may maintain passwords or be provided with login credentials for accessing electronic systems and devices, employees must not expect that any information maintained on electronic systems and devices, including electronic mail and voicemail messages, are private. Employees are expected to maintain their passwords and login credentials as confidential. Employees must not share passwords, or forward login credentials unless authorized by the Executive Director and must not access coworkers' systems without express authorization.

WRCOG administrative management reserves the right to access and disclose all products and contents of these systems and devices for any purpose, at any time, and without notice. WRCOG reserves the right to monitor use of these systems and devices to prevent abuse, enforce other policies, for purposes of legal proceedings, to access information, or for any other business purpose. Access may be necessary at the very least because of situations indicating impropriety, violation of WRCOG policy, legal requirements, suspected criminal activities, breach of system security, or to locate substantive information or monitor employee performance and conduct, among other things. Authorized employees in WRCOG's IT department may override any applicable passwords or codes to inspect, investigate, or search an employee's files and messages. All passwords

must be made available upon request.

The contents of these systems and devices may be disclosed within or outside of WRCOG without employee permission.

WRCOG has unlimited access to protect the security of these systems and devices or WRCOG's property rights.

Personal Use

Incidental and occasional personal use of the electronic systems and devices covered by this Policy is permitted within WRCOG, but such use will be treated no differently from official use. There is no expectation of privacy with respect to such personal use, as such use is subject to the same access and review rights of any other use of these systems and devices.

B. Use of Electronic Media

WRCOG uses various forms of electronic communication including, but not limited to, computers, e-mail, telephones, and Internet. All electronic communications, including all software, databases, hardware, and digital files, remain the sole property of WRCOG and are to be used only for WRCOG business and not for any personal use, except as noted above. The following restrictions and provisions should be observed in the use of electronic media:

- Employees are prohibited from using electronic communication and media in any manner that is discriminatory, harassing, or obscene, or constitutes defamation, copyright or trademark infringement, misappropriation of agency secrets, or for any other purpose that is illegal, against WRCOG administrative management policy, or not in the best interest of WRCOG.
- Employees who violate this Policy will be subject to discipline and/or immediate termination.
- Employees are prohibited from installing personal software on WRCOG computer systems, unless approved in writing by the IT Administrator and the employee's immediate supervisor.
- All electronic information created by any employee using any means of electronic communication is the property of WRCOG and remains the property of WRCOG. Personal passwords may be used for purposes of security, but the use of a personal password does not affect WRCOG's ownership of and unfettered access to the electronic information.
- WRCOG will override all personal passwords if necessary for any reason.
- WRCOG reserves the right to access and review electronic files, messages, mail, and other digital archives, and to monitor the use of electronic communications as necessary to ensure that no misuse or violation of WRCOG policy or any law occurs.
- Employees are prohibited from accessing the electronic communications of other employees or third parties unless directed to do so by WRCOG

management.

- Employees are prohibited from installing or using anonymous e-mail transmission programs or encryption of e-mail communications.
- Employees who use devices on which information may be received and/or stored, including but not limited to, cell phones, cordless phones, portable computers, fax machines, and voice mail communications are required to use these methods in strict compliance with this Policy and any other confidential communication policy established by WRCOG.
- Access to the Internet, websites, and other types of WRCOG-paid computer access are to be used for WRCOG-related business only, except as noted above. The Executive Director, at his or her sole discretion, may provide for any exceptions to this Policy.
- Information about WRCOG, its member agencies or services, or other types of information that will appear in the electronic media about WRCOG must be approved by the Executive Director before the information is placed on an electronic information resource that is accessible to others.
- Questions about access to electronic communications or issues relating to security should be addressed to the Executive Director.

C. Employee Guidelines for the Use of E-Mail

The following are general guidelines for reference when using e-mail:

- WRCOG's electronic mail system is for official WRCOG business and is not to be used for unrelated purposes, including, but not limited to, the following:
 - a. To send "chain" or similar type "letters."
 - b. To send documents in violation of copyright laws.
 - c. To knowingly open mail not directed to you.
 - d. Use for personal or social purposes other than occasional, incidental use.
 - e. To send messages in violation of WRCOG security policies.
- Avoid "carbon copying" individuals who have **NO** direct involvement or "need to know." Likewise, "e-mail all" should only be used on very rare occasions when every person on the system has a direct need to know. E-mail communications should only be disclosed to authorized employees.
- Avoid "forwarding" e-mail to a third party unless necessary (see "carbon copying"). When forwarding, explain the reason for the forwarding action and edit out any potentially inappropriate contents. If in doubt about the appropriateness of forwarding a given piece of mail, check with the originator for guidance.
- When sending an e-mail requiring "action," be sure to indicate which "TO" addressee(s) is/are to take the action.
- Do not say anything in an e-mail message that could prove embarrassing or compromising to you or others. Despite what you think, e-mail is not a "private" system (see WRCOG policy regarding access and disclosure).
- Avoid potentially contentious exchanges through e-mail.
- Remember that you are solely responsible for the management of your mailbox and its associated folders. E-mail documents will remain in a folder until you

"delete " or "trash" them. Even then they still exist in your "wastebasket." E-mail that you wish to maintain for longer periods should be moved to and stored in specified folders and/or converted to hard copy.

- Use common sense in determining when to use e mail, in what is said, and to whom.
- Language which is insulting, offensive, disrespectful, demeaning, or sexually suggestive will not be tolerated. Harassment and/or discrimination of any form, sexual or ethnic slurs, and obscenities, or any representation of obscenities, or to send anonymous communications is strictly prohibited. Sending a carbon copy of these types of offensive e-mail messages to a separate party will not be tolerated. Failure to comply will result in disciplinary action up to and including termination.

It is important to understand that electronic communications are the property of WRCOG, are subject to complete access and review by WRCOG officials, may be subpoenaed by a court of law, and are not subject to a right of privacy.

Please note that nothing in this section infringes on your right to complain of harassment, discrimination, or retaliation, as outlined within this Manual.

D. Prohibited Use of Mobile Phone or Messaging Devices While Driving

In the interest of the safety of our employees and other drivers, WRCOG employees are prohibited from using cell phones, unless using a hands-free device, and text message and e-mail devices while driving on WRCOG business and/or WRCOG time.

Employees whose job requires that they keep their cell phone turned on while driving must use a hands-free device, or, if no hands-free device is available, safely pull off the road before conducting WRCOG business. Under no circumstances should employees initiate or answer phone calls while operating a motor vehicle while driving on WRCOG business and/or WRCOG time unless the employee is utilizing a hands-free device.

E. Mobile Telephone Policy

It is the Policy of WRCOG to provide certain employees with mobile telephones for purposes of performing essential company business. For purpose of satisfying the requirements of IRS Notice 2011-72, which establishes criteria for the exclusion from income of the costs and value associated with an employee's use of employer-owned mobile phones as a working condition fringe benefit (as defined under Internal Revenue Code §132(d)), WRCOG hereby establishes the following policy for the usage of WRCOG-owned mobile telephones.

Acquisition and Assignment of Mobile Telephones

The purchase and assignment of mobile phones by WRCOG for an employee shall

be limited to those employees who have a business need. Such need shall be determined by the nature of the employee's job duties and whether the employee is required to be accessible by telephone regardless of the time of day, day of week or geographical location. The purchase of mobile telephones shall be subject to approval by Executive Director and will be processed by the Chief Financial Officer (CFO).

Responsibility

The CFO shall oversee the use of all WRCOG mobile telephones. The CFO shall assign each mobile telephone to one specific employee and shall monitor the use and return of the mobile telephones. The CFO shall also ensure that all employees assigned a WRCOG mobile telephone have read and signed an agreement which acknowledges that they have read and understand this Policy prior to issuance.

Use of Company-Owned Mobile Phones

- a. Business Purposes: WRCOG will provide eligible employees with a mobile phone, subject to the terms and conditions stated herein. Only the employee shall be permitted to use the mobile telephone assigned to him or her. Employees may use WRCOG-owned mobile telephone to occasionally make and receive personal telephone calls; however, the employee's usage of the mobile telephone will be primarily for business purposes.
- b. Compliance with WRCOG Rules: Employees are prohibited from using their WRCOG-issued mobile phone in any manner that constitutes a violation of this handbook, including but not limited to, the policies against harassment, discrimination and retaliation.
- c. No Privacy: Employees have no right of privacy in their mobile phones. Please refer to the Computer and Electronic Systems and Devices Policy herein for additional information. Cellular transmissions are not secure, and employees shall exercise discretion in relaying confidential information. WRCOG reserves the right to monitor the use of all WRCOG mobile telephones.
- d. Theft; Vandalism: Reasonable precautions should be made to prevent theft and vandalism of any WRCOG mobile telephone. In the event that a mobile telephone is lost, stolen, or vandalized due to an employee's failure to use reasonable precautions, WRCOG may require the responsible employee to reimburse WRCOG for the replacement cost of the equipment. Employees should immediately report theft, vandalism, or loss of a WRCOG-issued mobile phone to the CFO.
- e. Safety: Employees shall limit the use of mobile telephones while operating an automobile and any such use shall comply with applicable laws and this Manual.
- f. Responsibility for Payment; Service Plan: All mobile phones issued by WRCOG and the corresponding number assigned to each mobile phone shall be covered under WRCOG's service plan. WRCOG shall have the right to enter into a contract with one or more service providers for the purposes of obtaining mobile phone coverage that is appropriate for business purposes. WRCOG has the right to replace or alter the terms of its contracts at any time.

WRCOG shall be responsible for payment of the charges attributable to the phones and for costs related to the purpose or replacement of a phone, if any.

g. Excessive Personal Use: WRCOG shall routinely review the monthly statements for an employee's WRCOG-issued mobile phone for purposes of identifying excessive personal use. The responsibility for additional charges and fees not included in the basic service agreement (e.g., roaming charges, overage charges, ring tone, etc.) shall be determined by WRCOG on a case by case basis if such charges are excessive and not attributable to a legitimate business purpose.

Cessation of Employee Usage

Change in Status: WRCOG may terminate an employee's use of a WRCOG mobile telephone and demand the return of the mobile telephone at any time for any reason upon written or oral notice to the employee. In addition, an employee will be required to immediately return the WRCOG mobile telephone upon the occurrence of any of the following events:

- a. A change of job status or duties with WRCOG wherein the new position does not necessitate the use of a WRCOG mobile telephone.
- b. Termination of employment or retirement from WRCOG.
- c. The total destruction of the WRCOG mobile telephone.

Return of Company property: Following notification by WRCOG of the termination of the employee's use of a mobile telephone, the employee must return the mobile telephone to the CFO in the same condition in which it was delivered, excepting only ordinary wear and tear, immediately.

Failure to Comply with Policy: If an employee fails to comply with the responsibilities and obligations under this Policy, WRCOG will have the right to take possession of the phone and terminate the phone number assigned to the employee without prior notice to the employee.

Amendment; Termination of Policy

WRCOG reserves the right to amend this Mobile Telephone Policy at any time if deemed necessary or appropriate to conform to federal or state tax requirements. WRCOG may discontinue or terminate this Policy at any time.

F. Non-Work-Related (Off-duty) Use of Facilities

Employees are prohibited from remaining on WRCOG premises or making use of WRCOG facilities while not engaged in performance of their assigned duties. Employees are expressly prohibited from using WRCOG facilities, WRCOG property, or WRCOG equipment for personal use, except as noted herein.

G. Security

WRCOG has developed guidelines to help maintain a secure workplace.

Employees should be aware of persons loitering for no apparent reason in parking areas, walkways, entrances and exits, and service areas. Employees should report any suspicious persons or activities to WRCOG management and building security. Employees are responsible for securing their desk or the office at the end of the day. When employees are called away from their work area for an extended length of time, they are not to leave valuable and/or personal articles in or around their workstation that may be accessible. The security of facilities as well as the welfare of our employees depends upon the alertness and sensitivity of every individual to potential security risks. Employees should immediately notify their supervisor when unknown persons are acting in a suspicious manner in or around the offices controlled by WRCOG, or when keys, security passes, or identification badges are missing.

H. Workplace Violence

WRCOG recognizes that workplace violence is a concern among employers and employees across the country. WRCOG is committed to providing a safe, violence-free workplace. In this regard, WRCOG strictly prohibits employees, consultants, customers, visitors, or anyone else on WRCOG premises or engaging in a WRCOG-related activity from behaving in a violent or threatening manner. Moreover, WRCOG seeks to prevent workplace violence before it begins and reserves the right to address certain behaviors, even in the absence of violent behavior.

Workplace violence includes, but is not limited to, the following:

1. Threats of any kind.
2. Threatening, physically aggressive, or violent behavior, such as intimidation of or attempts to instill fear in others.
3. Other behavior that suggests a propensity towards violence, which can include belligerent speech, excessive arguing or swearing, sabotage, or threats of sabotage of WRCOG property, or a demonstrated pattern of refusal to follow WRCOG policies and procedures.
4. Defacing WRCOG property or causing physical damage to the facilities.
5. With the exception of security personnel, bringing weapons or firearms of any kind on WRCOG premises, in WRCOG parking lots, or while conducting WRCOG business.

If any employee observes or becomes aware of any of the above-listed actions or behavior by an employee, customer, consultant, visitor, or anyone else, he or she must notify management or the Executive Director immediately.

Further, employees must notify the Executive Director if any restraining order is in effect, or if a potentially violent non-work-related situation exists that could result in violence in the workplace.

All reports of workplace violence will be taken seriously and will be investigated

promptly and thoroughly. In appropriate circumstances, WRCOG will inform the reporting individual of the results of the investigation. To the extent possible, WRCOG will maintain the confidentiality of the reporting employee and of the investigation. WRCOG may, however, need to disclose results in appropriate circumstances, for example, in order to protect individual safety. WRCOG will not tolerate retaliation against any employee who reports workplace violence.

If WRCOG determines that workplace violence in violation of this Policy has occurred, WRCOG will take appropriate corrective action and will impose discipline on offending employees. The appropriate discipline will depend on the particular facts but may include written or oral warnings, reassignment of responsibilities, suspension with or without pay, demotion or termination. If the violent behavior is that of a non-employee, WRCOG will take appropriate corrective action in an attempt to ensure that such behavior is not repeated.

I. Health and Safety

All employees are responsible for their own safety, as well as that of others in the workplace. In order to maintain a safe workplace, every employee must be safety-conscious at all times. All work-related injuries or illnesses must be immediately reported to a supervisor or to the Human Resources office. In compliance with California law, and to promote the concept of a safe workplace, WRCOG maintains an Injury and Illness Prevention Program. The Injury and Illness Prevention Program is available for review by employees in the Human Resources office.

In compliance with Proposition 65, WRCOG will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

J. Smoking

Smoking is not permitted in any enclosed area of the office facility or outdoor areas, except where designated by signage. This prohibition on smoking includes the use of e-cigarettes, cigars, and pipes.

K. Housekeeping

All employees are expected to keep their work areas clean and organized. Common areas such as lunch rooms and restrooms are expected to be kept sanitary. Employees are responsible for clean up after meals and proper disposal of trash.

L. Parking

Employees may park their vehicles in permissible areas in the vicinity of WRCOG offices. WRCOG is not responsible for any loss or damage to employee vehicles or contents while parked in public / employee lots or structures, whether public or privately owned.

M. Solicitation and Distribution of Literature

In order to ensure efficient operation of WRCOG's business activities and to prevent disruption to employees, solicitations and distribution of literature on WRCOG-occupied property is prohibited. The following rules are to be strictly observed by all employees.

- Employees are prohibited from engaging in solicitation while on Paid Working Status. For the purposes of this Policy, Paid Working Status means any time the employee is on the clock with the exception of meal and rest breaks.
- Employees engaging in solicitation while not on Paid Working Status are prohibited from engaging in solicitation in a manner that is disruptive to other employees who are on Paid Working Status and/or to the WRCOG's customers.
- Employees may distribute or circulate non-WRCOG written materials only while not on Paid Working Status and only in non-work areas. Non-work areas are defined as anywhere off WRCOG property, with the exception of the break room. If an employee is not certain whether an area is a work or non-work area, he or she should consult his or her immediate supervisor for clarification.
- Solicitation or distribution in any way connected with the sale of any goods or services for profit is strictly prohibited anywhere on WRCOG property at any time. Similarly, solicitation or distribution of literature for any purpose by non-employees is strictly prohibited on WRCOG property at any time.
- WRCOG has bulletin boards located throughout the facility for the purpose of communicating with employees. Postings on these boards are limited to items posted by WRCOG, including statutory and legal notices, safety and disciplinary rules, WRCOG policies, memos of general interest relating to WRCOG, local operating rules, and other WRCOG items. All postings require prior approval of the Executive Director or designee. No postings will be permitted for any other purpose.
- Any employee who does not understand the application of these rules should consult with the Executive Director or designee.

N. Vehicle Operation Policy

No employee is to operate or drive any motor vehicle on behalf of WRCOG unless the employee is licensed for the class of vehicle to be driven, possesses a valid California Driver's License, and maintains adequate insurance. WRCOG retains the right to suspend or terminate an employee whose license is revoked, or who fails to maintain personal automobile insurance coverage, or who is uninsurable under a WRCOG policy when operation of a motor vehicle is an essential function of the employee's position.

O. Expense Reimbursement

WRCOG administrative management will reimburse employees of WRCOG for eligible travel, lodging, meals and other reasonable expenses directly related to the conduct of WRCOG business.

Employees are required to complete an expense reimbursement form in order to obtain reimbursement for expenses. The expense reimbursement form, with supporting receipts and documentation attached, is to be submitted to the employees' supervisor for approval. WRCOG will reimburse approved employee travel expenses by check. All expense claims must be submitted no later than the earlier of the close of the grant cycle or the end of the fiscal year for reimbursement. Exceptions to the rule can only be approved by the Executive Director. Failure to comply with this Policy will result in discipline, up to and including termination of employment.

VIII. TIME-OFF OF WORK AND LEAVES OF ABSENCES

A. Holidays

All full-time and part-time employees of WRCOG are eligible for paid holidays. Full-time employees will receive eight hours holiday pay at their normal base rate. Part-time employees accrue holiday pay on a pro-rata basis.

The following are approved paid holidays for WRCOG (the day of observance may be changed at the discretion of WRCOG management):

- New Year's Day
- Dr. Martin Luther King Jr.'s Birthday
- Washington's Birthday
- Memorial Day
- June 19 - Juneteenth
- July 4th
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday following Thanksgiving
- Christmas Eve
- Christmas Day
- New Year's Eve

Holidays falling on Saturdays will normally be observed on the preceding Friday. Holidays falling on Sundays will normally be observed on the following Monday. Holidays that occur during an eligible employee's vacation will not be counted as vacation days taken.

To be eligible for holiday pay, employees must work the business day before and after the holiday, unless the employee is absent from work due to use of accrued but unused vacation time or California paid sick leave. All employees are ineligible for holiday benefits while they are on a leave of absence.

B. Vacation

WRCOG employees are entitled to paid annual vacation based on length of credited service with WRCOG. Such vacation allowance is to be available for use on the first day following the pay period in which it is earned provided an employee has completed six months of continuous service from the employee's anniversary date as follows:

- For full-time employees:
 - Six months after hiring through three years of service (0 through 6,240 hours), the employee will accrue vacation at a rate of 80 hours (10 days) per year. No vacation is earned, and none may be taken during the first six

- months of employment.
- Years four through nine of service (6,248 through 18,720 hours) the employee will accrue vacation at a rate of approximately 4.6 hours per pay period, for a total of 120 hours (15 days) per year.
- Years 10 through 14 (18,728 hours through 29,120) the employee will accrue vacation at a rate of approximately 6.2 hours per pay period, for a total of 160 hours per year (20 days).
- Years 15 or more (29,128 hours or more) the employee will accrue vacation at a rate of approximately 7.7 hours per pay period, for a total of 200 hours per year (25 days).
- Part-time employees of WRCOG who have completed six months of continuous service will receive vacation leave accumulation on a pro-rata basis. Part-time employees of WRCOG who accept full-time employment with WRCOG without a break in service will receive service credit on a pro-rata basis.
- Temporary and seasonal employees of WRCOG are not eligible for vacation leave benefits.

Accrued vacation may not exceed two times an employee's current annual entitlement (i.e., 50 days for an employee with more than fifteen years of service). Once this maximum is reached, all further accruals will cease. Vacation accruals will recommence after the employee has taken vacation and his or her accrued hours have dropped below the maximum.

An employee is not permitted to borrow on future accrual of vacation benefits, except with the approval of the Executive Director. Employees who use any vacation days before they have been accrued and then leave the employ of WRCOG must repay any overdrawn amount to WRCOG at the time of termination. Earned vacation leave may be taken in multiples of one-half hour with the approval of the employee's immediate supervisor and at such time as will not impair the work schedule and efficiency of the work unit. Should employee vacation requests conflict with staffing requirements, supervisors are to arrange a mutually acceptable vacation schedule based on length of employee service.

Accrued, unused vacation will be paid upon termination of employment.

Employees will receive an annual notice of their accrued vacation leave time, on or about July 30th of each year.

C. Annual Leave

WRCOG directors shall not accrue vacation or sick time. They will instead earn Annual Leave according to each payroll accrual rates based on years of service.

Accrual Rates:

MONTHS OF SERVICE	BI-WEEKLY ACCRUAL
(0 TO < 36 MONTHS)	10.10
(36 TO <108 MONTHS)	12.50

(108 OR MORE MONTHS)

14.00

Effective July 14, 2021, 50% of sick leave balances will be converted to Annual leave. The remaining sick hours may be used until the sick leave is exhausted, or upon retirement, disability retirement, or death of the employee, it may be credited to the employee's balance in the Public Retirement System.

D. Vacation Leave Cash-Out Policy

Although WRCOG encourages employees to take time off away from work in order to have a more balanced life style, WRCOG offers a vacation leave cash-out option for eligible employees. This program is intended to provide you with more flexibility in utilizing your vacation leave benefits, without triggering a taxable event for those employees who may elect to cash out accrued vacation leave but choose not to.

- An election period will be held two times per fiscal year in December and June, during which time you will have the opportunity to make an **irrevocable** election to cash-out vacation hours.
- You must submit a **new** election for every period in which you wish to cash-out vacation hours accruing in a subsequent period. Due to IRS regulations, elections will not carry over from one period to the next. The election form will be made available to you in December and June by the Human Resources administrator.
- You may elect to cash out up to 80 vacation hours in each election.
- A minimum of 40 hours **MUST** remain in your vacation leave bank immediately after your election. The vacation hours you will accrue in the accrual period subsequent to your election that you elect to cash-out **will not be available** for your use. If your accrual rate changes (such as due to a leave or change in scheduled hours) so that there are insufficient hours accrued in the plan year to cover your election, you will receive only the balance of your elected vacation cash-out available at the time of the cash-out that is in excess of the foregoing minimums. If there are no hours available, no cash-out will occur.
- Your elected cash-out for the First Accrual Period will be paid within one week after the first payday in June of the year in which the vacation leave has accrued. Your elected cash-out for the Second Accrual Period will be paid within one week after the first payday in December of the year in which the vacation leave has accrued.
- The vacation cash-out will be a separate live check. The check will be available in payroll for pickup after 12:00 p.m. on the day the check is due, unless you direct the check to be direct deposited. If the check is not picked-up in payroll by 3:00 p.m. and you have not directed it be direct deposited, it will be mailed to your home.
- If you are a part-time employee, the number of hours you can elect to cash-out is not pro-rated. However, the actual amount you can cash-out is limited by

your expected annual accrual. A minimum of 40 hours **MUST** remain in your vacation leave bank immediately after your election.

- The Executive Director, at his or her own discretion, may lift the above restrictions based on the occurrence of an unforeseeable financial emergency in accordance with IRS regulations.

E. California Paid Sick Leave

All eligible employees are entitled to Paid Sick Leave pursuant to California law and WRCOG policy. To be eligible for Paid Sick Leave, employees must work in California for 30 or more days within a year of their hire date. Employees accrue Paid Sick Leave on the first day of employment but do not become eligible to use accrued Paid Sick Leave until the 90th day of employment.

Basic Leave Entitlement

Paid Sick Leave may be taken for below prescribed purposes:

1. The diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member; or
2. To attend legal proceedings, or to obtain medical treatment, counseling or other victims' services for domestic violence, sexual assault, or stalking.

A "family member" for these purposes is defined as a child regardless of age (a biological, adopted, or foster child, stepchild, legal ward, child of a registered domestic partner, or a child to whom the employee stands in loco parentis), a parent (a biological, adoptive or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), a spouse or registered domestic partner, a grandparent, grandchild and sibling.

Accrual

WRCOG's full-time employees accrue Paid Sick Leave at a rate of four hours sick leave for each payroll period completed (there are 80 hours in a standard payroll period). Accrued but unused Paid Sick Leave carries over into the following year, except that there is a cap on the maximum amount of accrued Paid Sick Leave allowed. For full-time employees employed by WRCOG prior to November 7, 2016, their total accrued amount of Paid Sick Leave cannot exceed 1,000 hours or 125 days, whichever is greater, at any given time. For full-time employees employed by WRCOG on or after November 7, 2016, their total accrued amount of Paid Sick Leave cannot exceed 240 hours or 30 days, whichever is greater, at any given time. Full-time employees who reach their designated caps will cease to accrue further Paid Sick Leave hours until Paid Sick Leave is used, and the accrued Paid Sick Leave balance falls below the cap, at which point the employee will begin to accrue additional Paid Sick Leave (up to the designated cap).

All non-full-time employees accrue Paid Sick Leave at a rate of one hour for every 30 hours worked. Non-full-time employees may only use a maximum of three days or 24 hours, whichever is greater, of Paid Sick Leave per year. Accrued but unused Paid Sick Leave carries over into the following year, except that there is a cap on the maximum amount of accrued Paid Sick Leave allowed. A non-full-time employee's total accrued amount of Paid Sick Leave cannot exceed 48 hours or six days, whichever is greater, at any given time. Employees who reach this cap will cease to accrue further Paid Sick Leave hours until Paid Sick Leave is used, and the accrued Paid Sick Leave balance falls below the cap, at which point the employee will begin to accrue additional Paid Sick Leave (up to the designated cap).

Separation of Employment

Employees who voluntarily separate from employment with WRCOG and who have a continuous five years of service (10,400 hours of service) shall receive payment for 50% of any accrued sick leave. Employees who voluntarily separate from employment and have less than five years of continuous service, as well as employees who are involuntarily terminated, are not entitled to receive payment upon separation for accrued sick leave. Unused paid sick days which were not cashed out at separation pursuant to this Policy must be reinstated if an employee separates from employment and then is rehired within one year.

Increments

Employees may use Paid Sick Leave in 30-minute increments.

Notice

To the extent possible, employees must provide reasonable advance notice of their need for Paid Sick Leave under this Policy. If the need for leave is not foreseeable, an employee must provide notice as soon as practicable.

Benefits Continuation

Paid Sick Leave under this Policy will not constitute a break in the employee's continuous service for the purpose of WRCOG benefits and seniority.

Relationship with Other Leave Policies

If a law or regulation provides for greater accrual or use of sick days, the law, regulation, or policy with the greater protection may apply. For questions regarding the interplay between your entitlement to leave under other laws or regulations and your entitlement to leave under the Paid Sick Leave Law, please contact Human Resources.

Job Restoration

Upon expiration of Paid Sick Leave, an employee will generally be reinstated to his or her position with equivalent seniority, benefits, pay, and other terms and

conditions of employment.

Retaliation and Discrimination Prohibited

WRCOG strictly prohibits any form of retaliation, harassment, or discrimination against an employee for attempting to use or using Paid Sick Leave under this Policy, and for any other reason prohibited by applicable law. Employees who believe they have been discriminated, harassed, or retaliated against should report their concerns to Human Resources immediately.

Paid Sick Leave during Vacation Leave

Employees who become ill or otherwise need to use Paid Sick Leave while on approved vacation leave may request to have vacation time converted to Paid Sick Leave, provided the employee has accrued Paid Sick Leave available for use.

F. Family and Medical Leave under the FMLA and CFRA

WRCOG complies with the Federal Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA), which requires covered employers to grant unpaid leaves of absence to eligible workers for certain family care and medical reasons. Under circumstances where FMLA and CFRA apply to the employee, WRCOG will apply each leave concurrently. The more generous provisions of the two laws will apply to the employee if the employee is eligible under both FMLA and CFRA.

Eligibility

To be eligible for leave, an employee must (1) have worked for WRCOG for at least 12 months prior to the date on which the leave is to commence; and (2) have worked at least 1,250 hours in the 12 months preceding the leave.

Permissible Uses

FMLA and/or CFRA leave may be requested for the following reasons:

1. The birth of an employee's newborn child or the placement of a child with the employee for adoption or foster care;
2. To care for the employee's spouse, registered domestic partner, child, parent, grandparent, grandchild, or sibling who has a serious health condition;
3. The employee's own serious health condition that renders the employee unable to perform the functions of the job; or
4. A qualifying exigency that arises because the employee's spouse, domestic partner, child or parent is a covered military member on covered active duty (or has been notified of an impending call or order to covered active duty).

Under the CFRA, “child” means biological, adopted, or foster child, stepchild, child of domestic partner, or a person to whom the employee stands in loco parentis. Additionally, “parent” means a biological, foster, or adoptive parent, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child. “Parent” does not include a parent-in-law.

A “serious health condition” is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

The right to take CFRA leave is separate and distinct from the right to take a Pregnancy Disability Leave (PDL). In other words, an employee who requires a leave of absence on account of the employee’s disability due to pregnancy, childbirth, or related medical condition, may be entitled to take a PDL. A leave designated as PDL does not run concurrently with a CFRA leave, but may run concurrently with FMLA leave.

Military Caregiver Leave Entitlement

In addition to the above reasons for taking leave, the FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 workweeks of unpaid leave during a single 12-month period to care for a covered service member with a serious injury or illness. This leave applies if the employee is the spouse, son, daughter, parent, or next of kin of the covered service member.

A “covered service member” is either (1) a current member of the Armed Forces (including the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list for a serious injury or illness, or (2) a veteran of the Armed Forces (including the National Guard or Reserves) discharged within five years before the family member first takes this leave, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

A “serious injury or illness” is one that may render (1) a current service member medically unfit to perform military duties, or (2) a veteran medically unfit to perform military duties or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially the veteran’s ability to work. For veterans, it also includes injuries or illnesses that were incurred or aggravated during military service but did not manifest until after the veteran left active duty.

This military caregiver leave is not provided under the CFRA.

Substitution of Paid Leave

Employees are required to substitute accrued vacation time and other paid personal leave like compensatory time off (except Paid Sick Leave) for all medical leaves. Employees are required to substitute Paid Sick Leave only for the employee's own medical leaves. Employees may elect to substitute Paid Sick Leave to for the birth, adoption or foster care of a child, or to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the employee with a serious health condition, or as otherwise permitted under the California Paid Sick Leave Policy above, upon mutual agreement by WRCOG and the employee.

Amount of Leave

Provided all the conditions of this Policy are met, an employee may take a maximum of 12 weeks of family care and medical leave in a rolling 12-month period measured backwards from the date the employee's leave commences.

Under the CFRA, spouses employed by WRCOG are each entitled to take up to 12 weeks of leave for the birth of a newborn child, for the placement of a child for adoption or foster care. The leave may be taken at the same time or separately, but for each spouse, leave must be completed within 12 months from the date of birth, adoption or foster child placement.

Intermittent Leave

Medical leave for the employee's own serious health condition and the serious health condition of the employee's spouse, domestic partner, parent, grandparent, child, grandchild, or sibling may be taken intermittently or on a reduced schedule when medically necessary. Where the intermittent or reduced schedule leave is for planned medical treatment, the employee must make an attempt to schedule the treatment so as not to disrupt unduly WRCOG's operations. Where the family care leave is to be taken in connection with the birth, adoption, or foster placement of a child, the minimum duration for each period of leave is two weeks, except that the employee may request leave of less than two weeks' duration on any two occasions.

Leaves Effect on Pay

Except to the extent that other paid leave is substituted for family care and medical leave, leave under the FMLA and the CFRA is unpaid. However, employees may be entitled to receive partial wage replacement benefits through the California State Disability Insurance (SDI) when leave is taken for their own serious health condition.

Employees also may be entitled to partial wage replacement benefits through the Paid Family Leave (PFL) for up to eight weeks in any 12-month period during

leaves to care for qualifying family members. PFL provides a partial wage replacement for absences from work to care for a seriously ill or injured family member, for bonding with a minor child within one year of the birth or placement of the child in connection with foster care or adoption, or to participate in a qualifying event because of a family member's military deployment. Employee contributions provide funding for this program. PFL is administered, like SDI, by the California Employment Development Department. PFL must be taken concurrently with applicable leaves and does not entitle an employee to take any additional time off. In addition, an employee must use up to two weeks of any accrued but unused vacation and compensatory time off before the employee will be eligible to receive PFL.

SDI and PFL simply provides benefit payments. Neither are a leave of absence nor provide job protection.

Leaves Effect on Benefits

During an employee's family care and medical leave, WRCOG will continue to pay for the employee's participation in WRCOG's group health plans and other benefit plans, to the same extent and under the same terms and conditions as would apply had the employee not taken leave.

Thus, the employee must continue to pay his or her share of the health plan premiums during the leave. If the employee substitutes paid leave for the unpaid leave, such payments will be deducted from the employee's pay through the regular payroll deductions. Otherwise, the employee must make arrangements with WRCOG for the payment of such premiums. All other benefits will be governed in accordance with the terms of each benefit plan and are the sole responsibility of the employee.

If the employee fails to pay his or her share of the premiums during leave, or if the employee fails to return from the leave at the expiration of authorized leave for a reason other than the recurrence, continuation, or onset of a serious health condition for which leave under this Policy is allowed or other circumstances beyond the employee's control, WRCOG can recover any health plan premiums paid by WRCOG on the employee's behalf during any periods of the leave.

Employees on family care and medical leave accrue employment benefits such as sick leave, vacation benefits, or seniority only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual.

Use of FMLA / CFRA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Application for Leave

In all cases, an employee requesting leave must complete the "Leave of Absence

Request" form and return it to their direct supervisor. The completed request form should include enough information to make WRCOG aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave, if known. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, or the need for hospitalization or continuing treatment by a health care provider. Employees also must inform WRCOG if the requested leave is for a reason for which FMLA / CFRA leave was previously taken or certified.

Notice of Leave

Employees must notify WRCOG of their request for medical leave as soon as they are aware of the need for such leave. For a foreseeable leave, the employee must provide 30 calendar days' advance notice to WRCOG of the need for leave. For events that are unforeseeable 30 days in advance, the employee must notify WRCOG as soon as is practicable and generally must comply with WRCOG's normal call-in or notice procedures. If the leave is requested in connection with a planned, non-emergency medical treatment, the employee must make an attempt to schedule such treatment so as to avoid unduly disrupting WRCOG operations and may be requested to reschedule the treatment so as to minimize disruption of WRCOG's business.

Medical Certification of Leave

Any request for medical leave based on the serious health condition of the employee or the employee's spouse, domestic partner, child, parent, grandparent, grandchild, or sibling, must be supported by a "Medical Certification" completed by the applicable health care provider. The medical certification for leave for the employee's own serious health condition must include (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; (c) a statement that, due to the serious health condition, the employee is unable to perform the essential functions of his or her position; and (d) in the case of intermittent leave or reduced schedule leave where medically necessary, the probable duration of such a schedule. The medical certification for a family member (as defined above) with a serious health condition must state (a) the date on which the serious health condition or serious injury or illness commenced; (b) the probable duration of the condition or injury or illness; (c) the health care provider's estimate of the amount of time needed for family care; (d) the health care provider's assurance that the health care condition or injury or illness warrants the participation of the employee to provide family care; and (e) in the case of intermittent or reduced schedule leave where medically necessary, the probable duration of such a schedule. For foreseeable leaves, employees must provide the required medical certification before the leave begins. When this is not possible, employees must provide the required certification within 15 calendar days after WRCOG's request for certification, unless it is not practicable under the circumstances to do so, despite the employee's good faith efforts.

The Leave of Absence form and Medical Certification must be obtained from

employees' Supervisor and/or the Executive Director.

WRCOG reserves the right to require the employee to obtain a second opinion, and, at its own expense, to require a third opinion, pursuant to and in accordance with applicable state and federal law.

Extension of Medical Leave

An employee who requests an extension of family or medical leave due to the continuation, recurrence or onset of his or her own serious health condition, or of the serious health condition of the employee's spouse, domestic partner, child, parent, grandparent, grandchild, or sibling, must submit a request for extension, in writing, to the employee's immediate supervisor and provide medical certification to support the need for the extended leave. This written request should be made as soon as the employee realizes that he / she will not be able to return to work at the expiration of the leave period. WRCOG will require the employee to obtain recertification (an updated medical certification) from the treating health care provider. The recertification must contain the above information as required for the initial certification.

Leave Designation and Notification

WRCOG will promptly, no longer than within five days of receipt of the Leave of Absence form, inform the employee of whether the eligibility requirements have been met. Upon review of the Medical Certification, WRCOG will promptly notify the employee if the request for leave has been approved. Additionally, WRCOG will advise the employee, in writing, as to how the requested leave is being counted against the employee's FMLA and/or CFRA entitlement and of all rights in accordance with FMLA and/or CFRA.

If an employee does not expressly request FMLA and/or CFRA leave, WRCOG reserves the right to designate a qualifying absence as FMLA / CFRA leave and will give notice of the FMLA / CFRA designation to the employee. If an absence is a qualifying event under FMLA and/or CFRA, the leave will run concurrently with short-term disability, long-term disability, workers' compensation, and/or any other leave when permitted by federal and state law.

Return from Leave

Where the leave is for the employee's own serious health condition, WRCOG requires employees to provide medical certification that he or she is released to return to work and able to do so. WRCOG may delay restoring the employee to employment or terminate the employee without such certificate. If an employee wishes to return to work prior to the expiration date of a family care or medical leave of absence, notification must be given to the employee's supervisor at least five days prior to the employee's planned return.

Employee's timely returning from a leave covered under this Policy are entitled to reinstatement to the same or equivalent position consistent with applicable law.

An employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. WRCOG will comply with all applicable laws pertaining to reinstatement of employees, including where required, the reasonable accommodation of employees who have been on an approved leave.

WRCOG complies with applicable medical leave laws. Under FMLA /CFRA it is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA / CFRA, or discharge or discriminate against any person for opposing any practice made unlawful by FMLA / CFRA or for involvement in any proceeding under or relating to FMLA / CFRA. If an employer has done so, an employee may file a complaint with the U.S. Department of Labor or California Department of Fair Employment and Housing (www.dfeh.ca.gov) and may bring a private lawsuit against an employer. FMLA / CFRA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights. If you have questions or would like further clarification about your rights under FMLA / CFRA or other types of leave, please contact Human Resources.

Failure to Return from Leave

An employee who fails to report to work on the expected date of return from leave of absence under this policy, without obtaining approval to extend the leave or take additional time off, WRCOG will consider the employee has voluntarily resigned the employment. WRCOG will thereafter complete and process any necessary paperwork to finalize the employment separation.

G. Pregnancy Disability Leave

Leaves of Absence and Transfers

WRCOG recognizes that female employees may be unable to work for temporary but extended periods of time due to pregnancy, childbirth, or related medical conditions. Accordingly, for any employee who is disabled on account of pregnancy, childbirth, or related medical conditions, WRCOG provides Pregnancy Disability leave (PDL) for the period of actual disability, up to a maximum of four months pursuant to the California Fair Employment and Housing Act (FEHA). PDL may be taken intermittently, or on a reduced-hours schedule, as medically necessary.

Duration of pregnancy disability leave will be determined by the advice of the employee's physician, but employees disabled by pregnancy may take up to four months (or 17 1/3 weeks) of leave per pregnancy. Part-time employees are entitled to leave on a pro rata basis. The four months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care, doctor-ordered bed rest, as well as other reasons. The employee's health care provider determines how much time is needed for the employee's

disability.

Need for Leave/Transfer or Other Reasonable Accommodation Requests

- Pregnant employees should notify their direct supervisor as soon as possible regarding their intent/need to take a leave of absence, to transfer, or for a reasonable accommodation due to pregnancy, childbirth or related medical conditions. Such notice should specify the anticipated timing and duration of the leave, transfer, or reasonable accommodation.
- Where the need for a leave of absence, transfer, or reasonable accommodation is foreseeable, employees must provide such notice at least 30 days prior to the date the transfer, or reasonable accommodation is to begin. Further, employees must consult with their direct supervisor and make a reasonable effort to schedule any planned medical treatment or supervision so as to minimize any disruption to WRCOG's operations. (Actual scheduling is subject to the approval of the employee's health care provider.)
- Where 30 days' advance notice is not possible, notice must be given as soon as possible. However, WRCOG will not deny a PDL, transfer, or reasonable accommodation where the need for leave is an emergency or was otherwise unforeseeable on the basis that an employee did not provide sufficient advance notice.
- WRCOG shall respond to the leave or transfer request as soon as practicable and, in any event, no later than 10 calendar days after receiving the request. If the pregnancy leave also qualifies as FMLA leave, WRCOG will respond within five business days, unless extenuating circumstances exist. WRCOG shall attempt to respond to the leave request before the date the leave is due to begin. Once given, approval shall be deemed retroactive to the date of the first day of the leave.

Intermittent Leave

PDL need not be taken in one continuous block. It may be taken on an as-needed basis, intermittently or on a reduced work schedule.

- If it is medically advisable and foreseeable that an employee will be taking intermittent leave or leave on a reduced work schedule, WRCOG may require that the employee transfer temporarily to an available alternative position.
- An "alternative position" is one that provides pay and benefits equivalent to those of the employee's regular position and better accommodates recurring periods of leave than the employee's regular job. It does not have to have equivalent duties. However, the employee must be qualified for the position.
- Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work schedule.

Temporary Transfers

An employee may request a temporary transfer to a position with less strenuous or less hazardous duties when the employee's health care provider certifies that

such a transfer is medically advisable.

Temporary transfers will be granted where appropriate and when WRCOG is able to reasonably accommodate the transfer, provided that the transfer would not require WRCOG to:

- Create additional employment;
- Discharge another employee;
- Violate a collective bargaining agreement;
- Transfer a more senior employee in order to make room for the pregnant employee's transfer; or
- Promote or transfer the employee or any other employee to a position for which he/she is not qualified.

Certifications

An employee requesting PDL must provide medical certification from her health care provider. Failure to provide the required certification in a timely manner (within 15 days of the leave request) may result in denial of leave benefits until such certification is provided. Any such PDL medical certification from a health care provider shall provide the following information:

- The date on which the employee became disabled due to pregnancy, childbirth, or a related medical condition;
- The probable duration of the period or periods of disability; and
- An explanatory statement that, due to the disability, the employee is unable to work at all or is unable to perform any one or more of the essential functions of her position without undue risk to herself, her pregnancy, or to other persons.

In the case of a Pregnancy Disability transfer or reasonable accommodation, the medical certification shall provide the following information:

- The date on which the need to transfer or reasonably accommodate became medically advisable;
- The estimated duration of the reasonable accommodation or transfer;
- An explanatory statement that, due to the employee's pregnancy, the transfer or reasonable accommodation is medically advisable; and
- A description of the requested reasonable accommodation or transfer.

Re-certifications are required if PDL is sought after expiration of the time estimated by the health care provider. Failure to submit required re-certifications can result in termination of the leave.

Substitution of Paid Leave for Pregnancy-Disability Leave

An employee taking PDL must substitute any accrued Paid Sick Leave for her PDL. The employee, however, has the option of substituting any accrued vacation or compensatory time off for her leave. Except to the extent that paid leave is substituted for PDL, leave will be unpaid. The substitution of paid leave for PDL does not extend the total duration of the leave to which an employee is entitled.

Leave's Effect on Benefits

During an employee's PDL, WRCOG will continue to pay for the employee's participation in WRCOG's group health plans, to the same extent and under the same terms and conditions as would apply had the employee not taken leave.

Thus, the employee must continue to pay her share of the health plan premiums during the leave. If the employee substitutes paid leave for the unpaid leave, such payments will be deducted from the employee's pay through the regular payroll deductions. Otherwise, the employee must make arrangements with WRCOG for the payment of such premiums.

WRCOG may recover from the employee the premium that WRCOG paid to maintain coverage for the employee under the group health plan if the employee fails to return from leave after the period of leave has expired and the employee's failure to return is for a reason other than (1) the continuation, recurrence, or onset of a health condition that entitles the employee to leave for Pregnancy-Disability, or other circumstances beyond the employee's control; (2) non-pregnancy related medical conditions that require further leave, unless the employee chooses not to return to work following the leave; or (3) any circumstances beyond the control of the employee, including, but not limited to, circumstances where the employer is responsible for the employee's failure to return (the employee is not returned to her same position or to a comparable position)

Employees on PDL, will accrue employment benefits, such as vacation time and sick time only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual.

Employee benefits may be continued during the unpaid portion of the PDL according to the provisions of WRCOG's various employee benefit plans.

Return to Work Certification

Consistent with WRCOG's practice for other employees returning from a disability leave for reasons other than pregnancy, WRCOG requires that an employee returning from matters related to PDL provide a release to return to work from her health care provider stating she can resume her original job or duties.

Leave's Effect on Reinstatement

Employees returning from matters related to PDL generally are entitled to be

reinstated in the same position, subject to certain conditions, and consistent with applicable law.

Other Terms and Conditions of Leave

An employee's pregnancy-related disability is considered to be a serious health condition under FMLA and may run concurrently with an employee's FMLA leave. PDL will not run concurrently with CFRA leave. However, when eligible, an employee will be entitled to an additional 12-weeks of CFRA leave for the purpose of bonding with the newborn once the employee is no longer disabled due to her pregnancy.

H. Other Disability Leaves

In addition to medical and pregnancy-related disability leaves described above, an employee may take a temporary disability leave of absence if necessary to accommodate a workplace injury or a disability under the ADA or FEHA. Any disability leave under this section will run concurrently with any medical leave to which the employee is entitled under the FMLA / CFRA / California New Parent Leave.

Disability leaves under this section will be unpaid.

Employees taking disability leave must comply with the above medical leave provisions regarding substitution of paid leaves, notice, and medical certification.

If a disability leave under this section extends beyond 12 weeks in a 12-month period, the employee will not be entitled to any continued employer contributions towards any employee benefit plan unless otherwise required by law. An employee, however, may elect to continue participating in such benefit plans, at the employee's own expense, to the extent permitted by such plans.

The duration of a leave under this section shall be consistent with applicable law, but in no event shall the leave extend past the date on which an employee becomes capable of performing the essential functions of his or her position, with or without reasonable accommodation. For a full explanation of leave duration and reinstatement rights, employees should contact Human Resources.

I. Bereavement Leave

WRCOG grants a leave of absence to employees in the event of the death of the employee's spouse, child, parent, legal guardian, brother, sister, grandparent, or grandchild; or mother-, father-, sister-, brother-, son-, or daughter-in-law, registered domestic partner, aunt, uncle, niece, nephew or first cousins. An employee with such a death in the family may take up to five scheduled work days of paid time off, with the approval of WRCOG. The Executive Director must approve the use of sick leave for other family not named in the preceding or as

defined by Kin Care provisions.

J. Kin Care

Employees may use up to one-half of their yearly paid sick leave accrual to attend to a family member with an illness or for the preventative care of a family member. For purposes of this policy, “family member” includes an employee’s child, parent or guardian, spouse, registered domestic partner, grandchild, grandparent, and sibling. Leave for this purpose may not be taken until it has actually accrued. Please note that employees can use the entire amount of paid sick leave accrued pursuant to the sick leave policies located in the California Paid Sick Leave section of this Handbook to care for defined family members. Please contact Human Resources if you have any questions.

K. Workers’ Compensation Benefits

WRCOG carries workers’ compensation insurance coverage as required by law to protect employees injured on the job. This insurance provides coverage for certain medical, surgical, and hospital treatment in addition to payment for a portion of any lost earnings that result from work-related injuries. Compensation payments generally begin on the first day of an employee’s hospitalization or on the fourth day following the injury if an employee is not hospitalized. The cost of this coverage is paid completely by WRCOG. Employees may use accrued Paid Sick Leave, if such leave is available, for days in which the employee is not receiving worker’s compensation but suffers from a work-related injury.

L. Voluntary Time-Bank Policy

Time-Bank Program

The Time-Bank Program is a voluntary Program wherein employees of WRCOG can donate accrued but unused California Paid Sick Leave to the Time-Bank of an eligible employee to be used by the eligible employee as necessary in the event of a catastrophic illness or injury and upon the exhaustion of his or her own accrued leave. The maximum amount of time that an eligible employee can carry (employee’s sick time and donated sick time combined) is 480 hours or 12-weeks.

An employee who receives donated time based on a family catastrophic illness or injury must, while using the time, regularly check-in weekly with his / her supervisor and ensure that his / her job duties are being completed.

Eligible Employee

Only employees in regular positions who anticipate exhausting their leave balances are eligible to participate in the Voluntary Time-Bank Program. Employees receiving disability payments or Workers’ Compensation may be eligible for a pro-rated Time-Bank reimbursement such that total payments do not exceed 100% of their regular pay.

Catastrophic Illness or Injury

“Catastrophic illness or injury” is defined as a debilitating medical condition or severe illness or injury which is expected to incapacitate the employee for an extended period (at least 30 calendar days) and which creates a financial hardship because the employee has exhausted all accumulated paid leave. Common illnesses or injuries which are short-term and are without complications are not catastrophic events.

Family Catastrophic Illness or Injury

A “family catastrophic illness or injury” is defined as a debilitating medical condition of an immediate family member where the employee, as the primary care giver, is required to take off from work for at least 30 calendar days. An immediate family member is defined as spouse, registered domestic partner, child, step-child, foster child, parent, grandparent, sibling, or any other person living in the immediate household of the employee.

Conditions and Procedures

- a. Only the Agency head (which includes the Executive Director, Deputy Executive Director, or Chief Financial Officer) may establish a Time-Bank for an employee within the department who is suffering a hardship due to a catastrophic illness or injury.
- b. When the Agency head has determined that an employee would benefit from the establishment of a Time-Bank, the Agency head will contact the employee to determine if the employee desires to participate in the Time-Bank Program. If the employee desires to participate in the Time-Bank Program, the Agency head will contact the Executive Director and establish the Time-Bank. An employee must meet all the following qualifications to donate to the Catastrophic Leave Bank:
 - Regular full-time employees must be in a permanent position with WRCOG. Part-time employees are not allowed to donate.
 - Regular full-time employees must have a minimum of at least 100 hours of accrued California Paid Sick Leave hours *after* donating leave time.
- c. An eligible Regular full-time employee who wishes to donate leave credits may donate a minimum of eight hours and a maximum of 20 hours of California Paid Sick Leave.
- d. All donations to the Time-Bank shall remain confidential and are strictly voluntary.
- e. The Time-Bank will be established on behalf of an individual employee. The Time-Bank will accept transfers of leave credits from one or more employees.
- f. The use of leave credits will be calculated on a dollar-for-dollar value and will be tracked on a first in, first used basis.
- g. The Executive Director will advise the employee needing the donation that participation by the employee in the Time-Bank Program will require the employee to sign the “Employee Section” on the Request for Establishment of a Voluntary Time-Bank Form.

- h. Thereafter, the Executive Director will inform all regular and/or full-time employees of (1) the establishment of the Time-Bank for the eligible employee; (2) their opportunity to transfer accrued Paid Sick Leave within the above guidelines; (3) how transfers are submitted; and (4) that the Program can be terminated or modified at any time by WRCOG or the eligible employee. No personal medical information will be provided to employees from whom donations of leave are being requested.
- i. The Executive Director will establish and operate the approved Time-Bank. No donation will be processed until the effective date of the Time-Bank. The effective date for the Time-Bank is either (1) the date the employee exhausted his or her leave balance, or (2) the date the employee submitted both the completed Request for Establishment of a Voluntary Time-Bank Form and the completed Voluntary Time-Bank Physician Statement; whichever date is later.
- j. Human Resources will ensure that only necessary credits are donated. Donor employees will be required to complete and sign a Voluntary Time-Bank Form. Donations will be processed by Human Resources and will be posted to the employee's sick leave bank on a pay period-by-pay period basis. Unprocessed donations forms will be returned to the donor.

M. Military Leave

WRCOG supports the military obligations of all employees and grants leaves to employees absent from work due to service in the uniformed service in accordance with applicable federal and state laws. Affected employees shall be entitled to all rights concerning Military Service Leave that are provided for in the California Military and Veterans' Code, and established in the federal Uniformed Services Employment and Reemployment Rights Act (USERRA).

Under USERRA, "uniformed services" includes the Army, Navy, Air Force, Marine Corps, Coast Guards, Reserves, Army National Guard, Air National Guard, commissioned corps of the Public Health Service, and any other category of people designated by the president in time of war or national emergency. "Service" is defined as:

- Active duty
- Active duty for training
- Initial active duty for training
- Inactive duty training
- Full-time National Guard duty
- Absences for examinations to determine fitness for active duty
- Absences for purposes of performing funeral honors duty.

Employees taking a Military Service Leave under USERRA is entitled to take a cumulative five years of leave. There are limited exceptions to this five-year leave period. Consult Human Resources for further clarifications. In addition to the above federal protections, California provides Military Service Leave to employees who are members of the California National Guard ordered into active state service for

emergency purposes or called to active duty, or who are members of the National Guard in another state and are called into service by the other state or by the president.

Employees who serve in the military and need to take time off for uniformed services, should contact the Human Resources office for information about their rights before and after such leave.

WRCOG will grant a Military Spouse Leave to employees who work 20 hours or more per week, who are spouses of military personnel, and who provide notice that their spouse will be on leave from deployment.

Employees may use accrued vacation or other paid leave (excluding Paid Sick Leave) while taking a Military Service or Military Spouse Leave. WRCOG will pay employees on a Military Service Leave under USERRA or California law their full pay, minus tax withholdings and deductions, for up to 30 days during the leave.

Employees placed on a Military Service Leave or Military Spouse Leave, will be reinstated to their position upon return from leave. However, WRCOG is not obligated to reinstate an employee to same position if (1) WRCOG business circumstances have changed so much that re-employment is impossible or unreasonable, (2) retraining or accommodating a disabled individual would pose an undue hardship for WRCOG, or (3) the employment prior to the leave was for a brief, non-recurrent period, and there was no reasonable expectation that the employment would continue indefinitely or for a significant period of time.

N. Jury Duty and Witness Leave

WRCOG will provide employees time off to serve, as required by law, on a jury or grand jury if the employee provides reasonable advance notice. WRCOG will also provide employees with time off to appear in court or other judicial proceedings as a witness to comply with a valid subpoena or other court order.

All employees will be granted an unlimited paid leave of absence.

Employees are required to provide reasonable advance notice of the need for jury and/or witness leave. Employees also are expected to report to work each day or portion of a day they are not performing jury / witness duty.

O. Time Off for Voting

If an employee does not have sufficient time outside of working hours to vote in an official state-wide election during the time the polls are open, the employee may request time off to vote. If possible, employees should make their request at least two days in advance of the election. Up to two hours of paid time off will be provided, at the beginning or end of the employee's regular shift, whichever will allow the freest time for voting and the least time off of work.

P. School Conference Involving Suspension

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert his or her supervisor or the Human Resources office as soon as possible before leaving work. In agreement with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose.

Q. School Activities Leave

WRCOG allows employees to take up to 40 hours of leave each year to participate in a child's school or child care related activities, such as teacher conferences, to enroll or re-enroll the child(ren) in school or with a licensed child care provider. Time off for these reasons shall not exceed eight hours in any calendar month. Employees may also take time off to address a school or child care emergency. There is no 8-hour per calendar month limit when taking leave for school or child care emergencies.

To be eligible to take a leave of absence under this policy, the employee must be a parent, legal guardian, grandparent, stepparent, foster parent, or person standing in loco parentis to a child of the age to attend kindergarten through grade 12 or of the age to attend a licensed child care provider.

Employees must first use available vacation time and take any remaining time off as unpaid.

R. External Employee Education Reimbursement

Some employees may need to attend training programs, seminars, conferences, lectures, meetings, or other outside activities for the benefit of WRCOG or the individual employees. Attendance at such activities, whether required by WRCOG or requested by individual employees, requires the written approval of the Executive Director if reimbursement for reasonable expenses is sought. To obtain approval, any employee wishing to attend an activity must submit a written request detailing all relevant information, including date, hours, location, cost, expenses, and the nature, purpose, and justification for attendance. Attendance at any such event is subject to the following policies on reimbursement and compensation:

For attendance at events required or authorized by WRCOG, customary and reasonable expenses will be reimbursed upon submission of proper receipts. Acceptable expenses generally include registration fees, materials, meals, transportation, and parking. Reimbursement policies regarding these expenses should be discussed with the Human Resources office in advance. For more information, please see the Executive Director and the specific reimbursement policies.

If WRCOG requires an employee to attend training programs, seminars, conferences, lectures, meetings, or other outside activities for the benefit of WRCOG, and the employee is a non-exempt employee, attendance at that event will be considered hours worked and will be compensated in accordance with normal payroll practices.

This Policy does not apply to an employee's voluntary attendance, outside of normal working hours, at formal or informal educational sessions, even if such sessions may generally lead to improved job performance. While the Executive Director generally encourages all employees to improve their knowledge, job skills, and promotional qualifications, such activities do not qualify for reimbursement or compensation under this Policy unless prior written approval is obtained as described previously.

S. Other Types of Leave

WRCOG offers additional leaves of absence according to applicable state and federal law. Please see the Human Resources office for additional information.

IX. EMPLOYEE BENEFITS

A. Health Benefits

In the event of an increase in medical insurance premium rates, all employees may be required to contribute to the cost of increased premiums to retain coverage.

During Employment

WRCOG provides health and medical benefits to its employees under the CalPERS Health Benefits Program pursuant to the Public Employees' Medical and Health Care Act (PEMHCA). Employees are eligible to participate in and receive certain employer-paid health benefits under the Program. The level of benefit varies depending upon the date of employment with WRCOG and applicable law. For additional information, please see the applicable Plan Document. Should the terms of this Policy and the applicable Plan Document conflict, the terms of the applicable Plan Document control.

During Retirement

Employees who retire from WRCOG may be eligible to receive continued health and medical benefits during their retirement. Please see the Human Resources office for additional information.

B. Pension Benefits

CalPERS Plan

All full- and part-time employees become members of CalPERS at the time of hire.

WRCOG pays only the employer contribution. Employees are responsible for the full membership contribution. The member contribution required depends on when the employee was hired. Please see the Human Resources office for more detailed information.

Applicable state and federal law govern these pension benefits, and to the extent this Policy conflicts with applicable state and federal law, applicable state and federal law control.

Deferred Compensation – 457 Plan

All full- and part-time employees are eligible to enroll in a 457 Deferred Compensation plan offered by WRCOG as of the first day of employment. This is an employee-funded plan. Maximum employee contribution is in accordance to the amount set by the federal law and as the plan allows. For additional information, please see the applicable Plan Document.

C. Other Benefits

Short-Term Disability Insurance

WRCOG provides short-term disability insurance for full- and part-time employees. The premiums are fully paid by the employee. Employees are required to enroll in the Program at the time of hire and must remain in the Program while employed at WRCOG. WRCOG agrees to provide these benefits subject to carrier requirements. Selection of the insurance provider(s) and the method of computing premiums is within the sole discretion of WRCOG management.

Contributions are made through a payroll deduction. Disability insurance is payable pursuant to applicable state law when the employee cannot work because of illness or injury not caused by employment at WRCOG, or when the employee is entitled to temporary workers' compensation at a rate less than the daily disability benefit amount. Specific rules and regulations governing disability are available from the Human Resources office, and are governed by applicable state and federal law

Dental Insurance

WRCOG provides dental insurance for full-time employees and their dependents. This benefit will also be provided to part-time employees on a pro-rata basis based on the hours worked. For additional information, please see the applicable Plan Document. Should the terms of this Policy and the applicable Plan Document conflict, the terms of the applicable Plan Document control.

Vision Insurance

WRCOG provides vision insurance for all full-time employees. This benefit will also be provided to part-time employees on a pro-rata basis based on hours worked. For additional information, please see the applicable Plan Document. Should the terms of this Policy and the applicable Plan Document conflict, the terms of the applicable Plan Document control.

Cafeteria Plan

- a. **Benefits:** WRCOG has established a cafeteria plan in accordance with Section 125 of the Internal Revenue Code in order to provide a variety of benefits to eligible employees and their covered dependents. For additional information, please see the applicable Plan Document. Should the terms of this Policy and the applicable Plan Document conflict, the terms of the applicable Plan Document control.
- b. **Health Benefit Incentive Policy:** Employees who wish to waive enrollment in a group health plan offered by CalPERS pursuant to PEMHCA and who demonstrate to the satisfaction of WRCOG their enrollment in another group health plan, shall receive cash incentive in lieu of health benefits. For additional information, please see the applicable Plan Document. Should the terms of this Policy and the applicable Plan Document conflict, the terms of the applicable Plan Document control.

X. PAID LEAVE FOR COVID-19 RELATED REASONS

A. Emergency Paid Sick Leave (“EPSL”)

WRCOG provides all employees with time off due to COVID-19 related reasons from January 1, 2021 through September 30, 2021 in accordance with California’s 2021 COVID-19 Supplemental Paid Sick Leave law. Employees may take leave if they are unable to work or telework for any of the following qualifying reasons:

1. Employee is subject to a COVID-19 related federal, state, or local quarantine or isolation order;
2. Employee has been advised by a health care provider to self-quarantine due to COVID-19 related concerns;
3. Employee is experiencing COVID-19 symptoms and seeking a medical diagnosis;
4. Employee is caring for an individual who is either subject to a COVID-19 quarantine or isolation order or advised to self-quarantine by a health care provider;
5. Employee is required to care for a child (under the age of 18) whose school or place of care closed, or the employee’s childcare provider is unavailable due to reasons related to COVID-19;
6. Employee is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury;
7. Employee is seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19 and the employee has been exposed to COVID-19 or WRCOG has requested the test or diagnosis; or
8. Employee is obtaining the COVID-19 vaccine or recovering from any injury, disability, illness, or condition related to the vaccine.

Full-time employees are eligible to take up to 80 hours of EPSL. Part-time employees with a regular weekly schedule, are entitled to a pro-rated number of hours equal to the number of hours the part-time employee is normally scheduled to work over two weeks. Part-time employees with variable schedules are entitled to take 14 times the average number of hours worked per day over the past six months. Prior EPSL time used prior to April 1, 2021, will not count towards the maximum hours allowed under this policy.

Non-exempt employees will be paid the highest of the following for each hour of leave: (1) regular rate of pay for the workweek in which leave is taken, (2) state minimum

wage, (3) local minimum wage, or (4) the average hourly pay for the preceding 90 days (not including overtime pay). Exempt employees will be paid at the same rate of pay as wages are calculated for all other paid leave time. Under this policy, employees' pay will not exceed \$511 per day and a total of \$5,110.

Where leave is foreseeable, employees must provide notice as soon as practicable. WRCOG may also require the employee to provide further reasonable notice to continue to receive EPSL.

B. Emergency Family And Medical Leave (“EFML”) Policy

Under the Emergency Family and Medical Leave Expansion Act provided by the FFCRA and extended by the ARPA from April 1, 2021 through September 30, 2021, eligible employees may take up to 12 weeks of paid Emergency Family and Medical Leave (“EFML”), assuming the employee has not taken any prior EFML.

EFML may be used for the following qualifying reasons:

1. To care for children whose schools or place of care is closed or whose care provider is unavailable due to reasons related to COVID-19;
2. Starting April 1, 2021, for any of the qualifying reasons to take EPSL provided in the Emergency Paid Sick Leave Policy above.

Employees taking EFML receives two-thirds of the employee's regular rate of pay, subject to a daily pay cap of applicable minimum wage or \$200, whichever is greater, and a total of \$2,000 over a two-week period. To receive this paid EFML, the employee must be employed by WRCOG for 30 calendar days and is unable to work or telework due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Any unused EFML leave not taken by December 30, 2020, will not carryover to leave entitlement for the calendar year of 2021.

Leave taken under EFML and FMLA do not run concurrently. Additionally, any FMLA leave used for reasons unrelated to COVID-19, reduces the amount of EFML leave available.

APPENDIX

DEFINITION OF TERMS

The terms used in these Policies and Procedures have the operational meaning assigned to them below (except as may be otherwise stated in the individual policies and/or by applicable local, state or federal law):

Applicant: Any person submitting a formal completed application for employment with WRCOG.

At-will employee: At-will employees are those so designated by these Policies and Procedures or individuals that are employed by WRCOG pursuant to the terms of an individual employment contract which sets forth terms and conditions of employment. At-will employees may be terminated at any time, with or without cause, with or without advance notice, and without right of appeal or hearing.

Authorized position: A specific work position within WRCOG which is or may be held by an employee.

Casual employee: An employee of WRCOG scheduled on an irregular basis or on a regular basis for an average of 20 or fewer hours per week, not to exceed 960 hours in a calendar year. Such employees are at-will.

Compensation: Salary, wages, fees, benefits, allowances or other monies paid to or on behalf of an employee for personal services.

Continuous employment: Employment which is uninterrupted except by authorized absences.

Days: Calendar days, unless otherwise stated.

Demotion: The movement of an employee from one authorized position to another having a lower maximum base rate of pay.

Disciplinary action: Includes, but is not limited to, the discharge, demotion, reduction in pay, suspension, and/or oral or written reprimands of an employee.

Electronic systems and devices: Electronic systems and devices include, but are not limited to, electronic voice mail systems, cell phones, text messaging, computers and internet connections.

Employment list: A list of names of persons who may be considered for employment with WRCOG under specified conditions. Employment lists will be prepared as needed as determined by the Executive Director.

Employee: A person who is occupying a position in WRCOG's service or who is on an authorized leave of absence from such position.

Executive Committee: A committee comprised of four of the County Supervisors (with

the fifth being an alternate), the Mayor or Councilmember designee from each one of the member cities, one designated Board Member from each one of the member water districts, one designated Tribal Councilmember from the Morongo Band of Mission Indians, and the Riverside County Superintendent of Schools.

Executive Director: The Chief Administrative Officer of the Executive Committee, as set forth in the JPA. The powers and duties of the Executive Director are subject to the authority of the Executive Committee and include to appoint, direct and remove employees of WRCOG.

Fiscal Year: The fiscal year for WRCOG begins on July 1 and ends on June 30 of the next year.

Immediate supervisor: The most immediate person to whom an employee reports for work assignments and direction.

Intern: This is a paid and/or non-paid voluntary position for the purpose of on the job training.

Job classification: The descriptive title of a certain type of job performed by a WRCOG employee. Inherent in each classification are certain duties, responsibilities, and degrees of authority.

Layoff: The separation of an employee from WRCOG service which has been made necessary by lack of work or funds, reorganization, and other reasons not related to the fault, delinquency, or misconduct on the part of the employee.

Performance evaluation: A review and evaluation of an employee's performance and capabilities in the employee's authorized position by the employee's immediate supervisor or other manager.

Personnel Policies and Procedures Manual: A group of personnel policies and procedures concerning employment with WRCOG.

Position: A group of current duties and responsibilities assigned or delegated by competent authority and requiring the full- or part-time services of one employee.

Promotion: The movement of an employee from one position to another having a higher maximum salary rate with an increase in duties and responsibilities over the employee's present position.

Reduction in pay: A temporary or permanent decrease in salary.

Regular employee: A non-at-will employee hired before March 1, 2012, who has successfully completed the probationary period before March 1, 2012, and has been retained as hereafter provided in these Policies, and an at-will employee hired or reclassified from temporary or casual employee status to regular employee status on or after March 1, 2012, or an employee hired before March 1, 2012, but who completes the Probationary Period on or after March 1, 2012.

Reinstatement: The restoration without examination of a former employee or probationary employee to a position in which the employee formerly served as a regular non-probationary employee.

Resignation: Voluntary termination of employment by an employee.

Salary range: Categories which determine the minimum and maximum salary payable for each employment position.

Supervisor: A person who has responsibility for the direction of the work of a specific employee.

Suspension: Unpaid suspension is the temporary separation from service of an employee without pay for disciplinary purposes. Paid suspension is leave, with pay, wherein the employee is fully or partially relieved of duty, with pay and benefits, pending investigation of employee conduct or for other reasons deemed appropriate by WRCOG management.

Temporary employee: An employee hired for a specified purpose for a limited period of time, not to exceed 960 hours in a fiscal year. Such employees are at-will.

Termination: The involuntary separation of employment with WRCOG.

Transfer: The movement of an employee within a work unit or between work units from one position to another position having the same maximum salary, involving the performance of similar duties, and requiring substantially the same basic qualification.

Vacancy: An unfilled authorized position in WRCOG employment.

Work unit: A group of staff reporting to a single supervisor.

WRCOG: Western Riverside Council of Governments.

Years of service: A year of service with WRCOG is 12 consecutive months totaling 2,080 hours of compensated employment. Compensated employment includes wages, vacation, and sick leave utilized. Years of service expire six months after termination of employment with WRCOG.