



Napa Sanitation District

Human Resources
Policies & Procedures

May 2021

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Welcome! This handbook tells you about the Napa Sanitation District (NapaSan) or “the District”). In these pages we have tried to give specific answers to most of the questions from our employees. You may have other questions, which are not answered here; if you have additional questions, do not hesitate to ask them. Your supervisor, our Human Resources Office and I all look forward to helping you understand your responsibilities and how we serve our community. We are aware of the many different needs employees may have and are eager to help you meet them.

As an employee of NapaSan, you are an important member of a team effort. We hope that you will find your position with our organization rewarding, challenging and productive. Because our success depends upon the dedication of our employees, we are highly selective in choosing new members for our team. We look to you to contribute to the success of NapaSan. At the same time, we are committed to providing all employees with challenge, recognition, and benefits, as we achieve our organizational mission and goals.

This Human Resources Policy and Procedure Handbook was prepared as a [complement](#) to other documents that deal with various aspects of employment with the District. Those documents include Memorandum of Understanding agreements as well as a number of health and welfare insurance plan documents.

NapaSan is an independent special district that has been serving the public since it was organized under the California Health and Safety Code in November 1945 and provides wastewater collection, treatment and disposal services to the residents and businesses in the City of Napa and surrounding unincorporated areas of Napa County.

We wish you every success in your work with NapaSan.

Very truly yours,

Timothy Healy
General Manager

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NapaSan

Vision, Mission and Values Statements

Vision Statement

NapaSan will provide reliable service to its customers in its management of Napa's critical water resources, manage risks intelligently and will remain in full compliance with all applicable regulations while anticipating and preparing for the future.

Mission Statement

The mission of NapaSan is to collect, treat, beneficially reuse and dispose of wastewater in an effective and fiscally responsible manner that respects the environment, maintains the public's health and meets or exceeds all local, state and federal regulations.

Values

NapaSan staff and Board members adhere to a set of core values in all aspects of operations:

- Safety
- Fiscal Responsibility
- Manage Risks Intelligently
- Environmental Stewardship
- Quality Customer Service
- Collaboration
- Transparency
- Pragmatism
- Professional Excellence
- Fairness
- Innovation
- Inclusivity

SECTION I:

LEGAL

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POLICY

This Human Resources Policy Handbook contains the human resources policies, practices, guidelines and procedures that the Napa Sanitation District (NapaSan) has in effect at the time of publication. All employees should read, understand, and comply with all provisions of the handbook. It describes many of the responsibilities as an employee and outlines the programs developed by NapaSan to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth while delivering high-quality plans, projects, and programs to the public.

All previously issued human resources handbooks, manuals, resolutions, and/or policy statements or memoranda are superseded by this policy handbook.

NapaSan reserves the right to revise, modify, delete or add to any and all policies, procedures, work rules or benefits stated in this handbook or in any other document. Any changes must be in writing and must be signed by the General Manager of NapaSan or authorized designee. Any such written changes to this handbook will be generally distributed so that supervisors and employees will be aware of the new policies or procedures. No oral statements or representations can in any way change or alter the provisions of this handbook.

The General Manager shall establish specific policies, procedures, and guidelines to implement all policies and procedures to ensure NapaSan complies with any laws mandated by federal, state, and local jurisdictions.

The policies and practices set out in this handbook or in any other personnel document, including benefit plan descriptions, are not intended to imply a contractual relationship, nor are they intended to create a promise or representation of continued employment for any employee.

Reference to NapaSan throughout this handbook refers to the organization, Napa Sanitation District, and its staff. It is intended that wherever reference is made in this handbook to decisions/recommendations being made or actions taken by NapaSan, those decisions/recommendations are being made by the General Manager or authorized designee.

This handbook will specifically reference NapaSan's Governing Board of Directors when decisions/recommendations are referred to that level.

POLICY

Napa Sanitation District (NapaSan) is an equal opportunity employer and makes employment decisions based on merit. It is our goal to have the best qualified persons in every position. NapaSan policy prohibits unlawful discrimination on the basis of:

- race, (including, but not limited to **hair texture** and protective styles)
- gender (including gender identity and gender expression),
- genetic information,
- color,
- sexual orientation,
- marital status,
- creed,
- military and veteran status,
- registered domestic partnership status,
- national origin or ancestry,
- age (40 and above),
- or any other basis protected by Federal, State or local law, ordinance, or regulation.
- religion (including religious dress and grooming practices),
- disability: physical or mental (including HIV and AIDS),
- sex (including pregnancy, childbirth, breast feeding, or related medical conditions),
- medical condition (including cancer, or a record or history of cancer, and genetic characteristics),

It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics or is associated with a person who has or is perceived as having any of those characteristics. Discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship. All such discrimination is unlawful.

Equal Opportunities to Individuals With Disabilities and/or Accommodation Needs

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the District will, to the best of its abilities, make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless [the accommodation would result in](#) undue hardship [to the District](#).

Interactive Discussions for Reasonable Accommodations

The District will engage in an interactive discussion/communication processes to identify the needs required by employees and applicants who require accommodations to successfully perform the essential functions of their position or the selection process. If the accommodation is reasonable and will not impose an undue hardship, the District will make the accommodation.

The District will ensure all decisions are communicated in a timely manner.

- An employee who requires an accommodation in order to perform the essential functions of the job should contact their supervisor or Human Resources and as best as possible, identify what accommodation they need to perform their job.
- Human Resources will communicate with applicants to pro-actively identify the need for possible accommodations needed to successfully perform the essential functions of the selection process.

An employee or applicant who requires an accommodation of a religious belief or practice (including religious dress and grooming practices) should contact Human Resources and discuss the need for an accommodation.

Commitment to Diversity

The District is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the District and are valued for their skills, experience, and unique perspectives.

NapaSan is committed to complying with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the operations of the District and prohibits unlawful discrimination by any employee of the District, including supervisors and co-workers. NapaSan considers the attainment of equal employment a major District objective and is committed to providing equal employment opportunities to all qualified persons.

No Discrimination During Recruitment, Employment Decisions:

NapaSan will not discriminate with respect to recruitment, hiring, training, promotion, and other terms and conditions of employment. All other personnel actions or programs such as compensation, benefits, transfers, layoffs, recalls, District-sponsored training, education, tuition assistance, social and recreational programs will be administered in a non-discriminatory manner. All employment decisions will be consistent with the principle of equal employment opportunity (EEO).

An employee or applicant who requires an accommodation in order to perform the essential functions of the job should contact the Human Resources Officer and discuss the need for an accommodation. The District will engage in an interactive process with the employee or applicant to identify possible accommodations, if any, that will help the employee or applicant perform the job. If the accommodation is reasonable and will not impose an undue hardship, the District will make the accommodation.

An employee or applicant who requires an accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles) should contact the Human Resources Officer or authorized designee and discuss the need for an accommodation.

COMPLAINT PROCEDURE

An employee or applicant who believes that they have been subjected to any form of unlawful discrimination should submit a written complaint to their supervisor, department head or General Manager. The complaint should be specific and should include the names of the individuals involved and the names of any witnesses. If the employee needs assistance with their complaint, or if they prefer to make a complaint in person, they should contact the Human Resources Officer.

NapaSan management will immediately undertake an effective, thorough, and [impartial](#) investigation and attempt to resolve the situation. Please see Policy 105, **Conducting an Investigation** for details.

If NapaSan determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future discrimination.

The District will not retaliate against any employee or applicant for filing a complaint. [Retaliation against any employees or applicants for reporting discrimination is strictly prohibited.](#)

POLICY

NapaSan is committed to providing a work environment that is free of harassment, disrespectful [conduct](#), or other unprofessional conduct. NapaSan's policy prohibits disrespectful or other unprofessional conduct, as well as harassment based on:

- race (including, but not limited to, hair texture [and protective styles](#))
- gender (including gender identity and gender expression),
- genetic information,
- color,
- sexual orientation,
- marital status,
- creed,
- military and veteran status,
- registered domestic partnership status,
- national origin or ancestry,
- age (40 and above),
- or any other basis protected by Federal, State or local law, ordinance, or regulation.
- religion (including religious dress and grooming practices),
- disability: physical or mental (including HIV and AIDS),
- sex (including pregnancy, childbirth, breast feeding, or related medical conditions),
- medical condition (including cancer, or a record or history of cancer, and genetic characteristics),

This policy also prohibits harassment based on the perception that anyone has any of the above-mentioned characteristics or is associated with a person who has or is perceived as having any of those characteristics. It is intended that any applicable change or modification to existing law will become part of NapaSan's policy.

All such harassment is unlawful and violates District policy.

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

NapaSan's harassment prevention policy applies to all persons involved in the operation of NapaSan, including Board of Directors Members and consultants working on District-related projects, and prohibits harassment by any employee of NapaSan, including supervisors and coworkers. This policy also applies to and is meant to protect District employees from harassment by non-employees, vendors and other third parties who may come in contact with employees in the course of their work for NapaSan.

DEFINITION

Harassment, disrespectful, or other unprofessional conduct includes, but is not limited to, the following behavior:

1. Verbal conduct such as derogatory comments; epithets; slurs; sexual innuendos; jokes or comments that make another employee uncomfortable; slurs or unwanted sexual advances, invitations or comments.
2. Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures.
3. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work because of sex, race or any other protected basis.
4. Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors.
5. Retaliation for having reported or threatened to report harassment.
6. Communication via electronic media of any type that includes any conduct that is prohibited by State and/or Federal law, or by District policy.
7. Hostile treatment of other that amounts to unlawful sexual harassment regardless of whether the treatment was motivated by any sexual desire.
8. Unwelcome sexual conduct that unreasonably interferes with an individual's job performance.
9. Conduct that creates an intimidating, hostile or offensive work environment, even if it does not lead to tangible or economic job consequences.

RESPONSIBILITY AND PROCEDURE

If an employee believes that they have been unlawfully harassed or subjected to other prohibited conduct, they should provide a complaint to the employee's own supervisor, or the Human Resources Officer or authorized designee, as soon as possible after the incident. If the complaint concerns the employee's own supervisor, then the employee should provide the complaint to the Human Resources Officer. If the complaint concerns the Human Resources Officer, the employee should provide the complaint to the General Manager. If the complaint concerns the General Manager, the employee should provide the complaint to the Human Resources Officer.

Managers and supervisory employees who observe unlawful harassment or receive complaints of unlawful harassment are required to immediately report the incident to Human Resources. Employees who observe unlawful discrimination are encouraged to report the incident to their supervisor or Human Resources.

Submit complaint in writing

The employee is encouraged to submit the complaint in writing, but this is not a requirement. The employee's complaint should include details of the incident or incidents, names of individuals involved and names of any witnesses. Supervisors will refer all harassment complaints to the Human Resources Officer, authorized designee, or the General Manager. The Human Resources Officer or the General Manager will immediately undertake an effective, thorough, and impartial investigation of the harassment allegations. Confidentiality will be maintained to the fullest extent possible under the circumstances and in accordance with State, Federal and local laws.

As appropriate, an investigation will be conducted following the investigation procedures outlined in the Investigation Policy, # 105.

If the investigating official determines that unlawful harassment or other prohibited conduct has occurred, effective remedial action will be taken in accordance with the circumstances involved.

Any employee determined by NapaSan to be responsible for harassment or other prohibited conduct will be subject to appropriate disciplinary action, up to and including termination of employment.

NapaSan will take appropriate action to remedy any loss to the employee resulting from harassment.

NapaSan will not retaliate against the employee for filing a complaint and will not tolerate or permit retaliation by management, employees, or coworkers. Any employee who feels as if they have been retaliated against should promptly report such conduct to their supervisor or Human Resources.

Disciplinary action may also be taken against any supervisor or manager who condones or ignores harassment or otherwise fails to take appropriate action to enforce this harassment prevention policy.

NapaSan encourages all employees to report any incidents of harassment or other prohibited conduct forbidden by this policy immediately so that complaints can be quickly and fairly resolved.

The employee should also be aware that the Federal Equal Employment Opportunity [Commission](#) (EEOC) and the California Department of Fair Employment and Housing (DFEH) may investigate and prosecute complaints of prohibited harassment in employment. If an employee thinks that they have been harassed or retaliated against for resisting or complaining, the employee may file a complaint with the appropriate agency [by using the contact information provided below](#).

[California Department of Fair Employment and Housing](#)

[2218 Kausen Drive, Suite 100](#)

[Elk Grove, CA 95758](#)

[800-884-1684 \(voice\), 800-700-2320 \(TTY\) or California's Relay Service at 711](#)

contact.center@dfeh.ca.gov

<https://www.dfeh.ca.gov>

[U.S. Equal Employment Opportunity Commission](#)

[450 Golden Gate Avenue 5 West,](#)

[P.O. Box 36025](#)

[San Francisco, CA 94102-3661](#)

[1-800-669-4000 or 510-735-8909 \(Deaf/hard-of-hearing callers only\)](#)

www.eeoc.gov/employees

Policy

The purpose of this policy is to provide a respectful workplace for all and prohibit workplace bullying ([also known as “abusive conduct”](#)). The Napa Sanitation District is committed to providing a work environment where all NapaSan services are delivered in an atmosphere of respect, collaboration, dignity, openness, safety and equality; and is free from negative, and inappropriate behaviors. It reinforces the District’s other policies prohibiting harassment and/or discrimination.

All persons involved in the operation of the District and receiving services by its employees have the right to dignity and respect. The District’s Respectful Workplace policy extends to all employees, supervisors, and all persons involved in the operation of the District including members of the Board of Directors, and Committee members, consultants, clients, customers and other business contacts and any other third parties who may encounter employees in the course of their work for the District. It also covers off-site and work-related social events.

[Under California law, abusive conduct \(or workplace bullying\) is defined as conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious. NapaSan prohibits abusive conduct in the workplace. Those who engage in abusive conduct may be subject to disciplinary action, up to and including termination.](#)

Definition Of Acceptable And Healthy Workplace Behaviors

Acceptable and healthy workplace behaviors are any behaviors that promote respect, positivity and civility in our workplace. They include, but are not limited to:

- Using respectful, supportive, and encouraging language in all interactions, no matter the subject of conversation.
- Politely offering your thoughts or disagreements on an issue.
- Listening to your peers with an open mind and engaging with others with a true desire for resolution.
- Being open to innovative and creative ideas, even if they seem impossible to achieve at first.
- Giving peers direct, solution-oriented, constructive feedback.
- Recognizing and expressing appreciation for work done correctly and in a timely manner.
- Maintaining a positive attitude with all co-workers, clients, and customers.

Workplace Bullying

Workplace bullying behaviors can take many different forms, from the obvious (direct) to the more subtle (indirect), and occurs when an individual, or a group of individuals, behave in a way that causes others to be humiliated or degraded through physical and/or psychological abuse creating an unhealthy and unprofessional power imbalance. These behaviors cause poor morale and creates a risk to employee health and safety. The following types of malicious behavior are those that a reasonable person would find unprofessional, disturbing, and harmful to their psychological and physical health and are not tolerated.

- Abusive, insulting or offensive language including talking down to others, using degrading remarks, using a condescending tone, criticizing, or pointing out mistakes to others in front of a group.
- Practical jokes, violent, aggressive, or intimidating conduct.
- Belittling or humiliating comments; victimization, gossiping or spreading rumors.
- Undermining another's work by withholding pertinent work-related information, access to supervision, or resources, to the detriment of the worker; giving impossible to meet deadlines or workloads, blaming others for things out of their control.
- Changing work assignments and leave schedules to deliberately inconvenience a particular worker or workers.
- Arbitrary or punitive punishment without cause; inconsistent discipline.
- Ignoring others, silent treatment; and
- On-line (computer based/cyberbullying) including humiliating or degrading remarks about a person.

If you wish to discuss the behaviors on this list or are unsure whether some behaviors not on this list constitutes bullying, you should immediately contact your supervisor or the District's Human Resources Officer.

Management Responsibility

Management and others in positions of authority and workplace representatives have a responsibility to ensure that healthy and appropriate behaviors are always being exhibited and that complaints are addressed speedily. District leaders, management and supervisors will:

- Provide good examples by treating all with courtesy and respect.
- Be vigilant for signs of inappropriate behaviors at work through observation and information seeking and take action to resolve/stop the behavior before it escalates.
- Promote awareness of the policy, monitor, and follow up the situation after a complaint is made to prevent recurrence of the behavior and ensure District complaint procedures are provided to impacted employees.
- Ensure that an employee making a complaint is not victimized or retaliated against for doing so and seek resolution of such behavior if it occurs.

Employee Responsibilities

All employees, whether permanent or probational, must contribute to achieving and maintaining a work environment that does not tolerate harassment, discrimination, disrespectful and/or bullying behavior. If employees believe that non-respectful/bullying activities are taking place, they should report them to their supervisor or the Human Resources Officer. These people will help them resolve the situation(s). Employees may also file a complaint, instructions follow.

Process for Investigation and Resolution of Complaints

An employee who believes that they have been the recipient of or have witnessed disrespectful /bullying behavior should report the incident immediately to a supervisor, the Human Resources Officer or the District's General Manager. The District will follow the procedures outlined in the **Investigation and Resolution of Complaints policy** so that the complaint can be resolved quickly and fairly. A finding of vexatious complaints will also be dealt with through appropriate procedures.

Resolution will include any number and combination of possibilities, depending upon the outcome of the complaint process (e.g., training, disciplinary actions, transfer of employees involved, etc.) and will be provided in a timely manner.

Policy

The Napa Sanitation District encourages all employees to immediately report any incidents of harassment, discriminatory, disrespectful, and/or bullying behavior so that complaints can be quickly and fairly resolved. [Managers and supervisors are required to immediately report any incidents of such behavior to Human Resources.](#) The complaints filed under this policy include complaints about unlawful harassment, unlawful discrimination, disrespectful and bullying behaviors.

The aim and objectives of a formal complaint process include a thorough investigation of allegations of illegal, negative, aggressive, and inappropriate behaviors that are defined in the District's Equal Opportunity and Commitment to Diversity policies, or if not defined, appear to be actions of an illegal and/or of a disrespectful nature.

NapaSan expects the allegations to be provided in the form of written documentation from all parties involved. A verbal complaint will also be acted upon as a catalyst to begin conducting the investigation. [W](#)ritten documentation will be requested to confirm the allegation(s).

The resolution(s) will be provided in a timely manner. Resolution will include any number and combination of possibilities, depending upon the outcome of the complaint process (e.g., training, transfer of employees involved, disciplinary actions up to and including termination of employment etc.).

If any employee has any questions regarding the District's policy regarding filing complaints, the investigative process, and/or the resolution of complaints they shall contact their supervisor, Human Resources Officer or the General Manager.

Complaint Procedure:

If an employee believes that they have been subject to or have witnessed illegal discrimination, including sexual or other forms of unlawful harassment; acts of discrimination toward themselves or another employee, and/or acts of disrespectful or bullying behavior, the employee should immediately bring the complaint to their supervisor. If the employee's supervisor is the alleged harasser/person acting in a discriminatory or in a disrespectful manner, the complaint should be filed with the department manager. If the department manager is the alleged harasser/person acting in a discriminatory or in a disrespectful manner, the complaint should be filed with the Human Resources Officer. In the event the alleged harassment and/or discrimination involves the General Manager, the employee should bring their complaint directly to the Human Resources Officer. In the event the alleged harassment and/or discrimination involves the Human Resources Officer/Clerk of Board, the employee should bring their complaint directly to the General Manager.

All complaints should be filed as soon as possible after the incident so timely investigations can be undertaken while the actions are still fresh in people's minds and the complaint can be resolved quickly and fairly. The employee will be asked to provide details of the incident or incidents, names of individuals involved and names of any witnesses.

Any person seeking to file a complaint against an alleged aggressor should take special care to ensure the complaint is confined to and consists of precise details of each illegal, negative, aggressive, and/or inappropriate behavior, including dates, times, locations and any witnesses. Confidentiality will be maintained to the fullest extent possible under the circumstances [and in accordance with State, Federal and local laws.](#)

Investigation Procedures:

Upon receiving a complaint, the District will immediately undertake an effective, thorough, and [impartial](#) investigation of the allegations. If the employee is not satisfied with the outcome of the investigation, they can bring the matter before the Board of Directors.

The objective of the investigation is to ascertain whether the behaviors / actions complained of occurred, and therefore will include interviewing the person complained of, witnesses, supervisors and any other party that may be involved with or had witness to the alleged behaviors. All interviews will be documented in writing to maintain clarity throughout the investigation. The investigation will be conducted thoroughly, objectively, with sensitivity and utmost confidentiality, and with due respect for the rights of both the complainant and the alleged aggressor. The investigation will be completed as quickly as possible.

An employee who believes that they have been the recipient of illegal harassment, discrimination, [or](#) disrespectful/bullying behavior should report the incident immediately and to the extent possible, follow the steps outlined below:

Step 1: Direct Communication with the Harasser / Discriminator / Disrespectful Person / Bully

An employee who believes that they have been subject to any form of harassment, discrimination, disrespectful/bullying behavior, whenever possible, should confront the person(s) and tell the person(s) to stop. If the employee does not feel comfortable doing this, they shall immediately follow Step 2.

Step 2: Submit Complaint to Supervisor or Other Delegated Receiver of Complaints

If an acceptable solution cannot be reached in Step 1, the employee shall immediately submit a complaint to their immediate supervisor, Human Resources Officer or the General Manager. The complaint should be submitted in writing, although this is not required. The complaint shall be specific and shall include date(s) and time(s) of any

incident(s), if applicable, details on the incident(s), names of individuals involved, and the names of any witnesses, if applicable.

Step 3: Investigation of Allegations

The person receiving the complaint will immediately contact the Human Resources Officer. Immediately upon receipt of the complaint, the organization will undertake an effective, thorough, and [impartial](#) investigation and attempt to resolve the situation [in a timely manner](#).

Upon completion of the investigation, the investigator will submit a timely report to the Human Resources Officer or General Manager, as appropriate, that will include the investigator's conclusions.

Step 4: Following Receipt of Investigation Report

The District will make timely decisions upon reviewing the investigator's report. If it has been determined that unlawful harassment, discrimination, and/or disrespectful/bullying actions have occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by the District to be responsible for unlawful harassment, discrimination and/or disrespectful actions will be subject to appropriate disciplinary action, up to and including termination of employment.

The Human Resources Officer will advise the concerned parties of the results of the investigation that can be shared.

Step 5: Investigation Review and Appeal

The impacted employees will have the opportunity to appeal the remedial actions taken by the organization. Appeals should include a detailed outline of the reason for the appeal in writing and should be submitted to and heard by another party identified by the General Manager that did not participate in the initial report or investigation as designated by management.

Failure to request an appeal within ten (10) days of receiving the results of the investigation and, as appropriate, the remedial actions, terminates the right to a hearing and the remedial decision will be final.

If an appeal is filed with the General Manager, as soon as is reasonably possible, a hearing will be held to examine all the facts and available evidence regarding the authorized designee's decision, and to question witnesses. At the end of the hearing, within a timely

manner, the authorized designee will determine whether the decision should be upheld or revoked.

Where the results of the investigation are upheld, management will follow appropriate disciplinary procedures against the person complained against and will decide what regarding the complaint is necessary. The employer will continue to keep the situation under review and will ensure preventative measures will be taken to ensure elimination of the illegal, discriminatory, disrespectful and/or bullying behavior in the future and reduce effects of the prior exposure.

Other Ways to File a Complaint

The California Department of Fair Employment and Housing and the federal Equal Employment Opportunity Commission also investigate and prosecute complaints of prohibited harassment and discrimination in employment. If an employee believes they have been harassed, discriminated against or retaliated against for filing a complaint or resisting to be part of an investigation, they may file a complaint with the appropriate agency. Information about whom to contact is available on the Equal Employment Opportunity information poster posted on the bulletin boards in the employee break rooms and in the general computer area in the Collection Department.

Withdrawal of Complaint and/or Appeal

At any time throughout the complaint process, the employee may withdraw their complaint, if they so choose. NapaSan will not encourage, discourage, or solicit the withdrawal of a complaint.

No Retaliation for Filing a Complaint or Appealing Management Decisions Following Investigations

NapaSan will not retaliate against the employee(s) for filing a complaint and [does not](#) permit retaliation by supervisory employees, management, or coworkers.

POLICY

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

Each new and rehired employee must provide original and current documentation to NapaSan to establish employment eligibility and identification. A completed Employment Eligibility Verification Form I-9 must be furnished to NapaSan within seventy-two (72) hours of [the](#) date of hire. Providing false documentation or making false statements on the verification form will be grounds for immediate termination.

POLICY

It is the policy of NapaSan to conduct business in accordance with the letter and the spirit of the law and in conformity with ethical standards.

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

It would be virtually impossible to cite examples of every type of activity that might give rise to a question of unethical conduct. Therefore, it is important that employees rely on their own good judgment in the performance of their duties and responsibilities. When those situations occur where the proper course of action is unclear, employees are to request advice and counsel from their supervisor or the General Manager. The reputation and good name of NapaSan depends upon the honesty and integrity of each employee.

Certain management employees are subject to NapaSan's Conflict of Interest Code disclosure requirements.

GUIDELINES

The following are guidelines for ethical conduct that NapaSan employees are expected to practice.

1. Ethical Standards Expected At All Times

While employed by NapaSan, employees are expected to devote their energies to their jobs with NapaSan. Employees are expected to adhere to high ethical standards and avoid situations that create an actual or potential conflict between the employee's personal interests and the interests of NapaSan. A conflict of interest exists when the employee's loyalties or actions are divided between NapaSan's interests and those of another, such as a political figure or vendor/supplier. Both the fact and the appearance of a conflict of interest should be avoided.

2. **No Outside Employment Without General Manager's Authorization**

Regular full-time employees may not hold an outside salaried or fee based job without approval from the General Manager. The General Manager may provide written approval of the outside employment, either upon hire by NapaSan or when an employee requests additional employment so long as the outside job will not interfere with the employee providing satisfactory performance of their job responsibilities for NapaSan. Outside employment will present a conflict of interest and be prohibited if it has an actual or potential adverse impact on NapaSan.

The following types of employment elsewhere are strictly prohibited:

- Additional employment that conflicts with an employee's work schedule, duties, and responsibilities at NapaSan;
- Additional employment that creates a conflict of interest or is incompatible with the employee's position with NapaSan;
- Additional employment that impairs or has a detrimental effect on the employee's work performance with NapaSan;
- Additional employment that requires the employee to conduct work or related activities on District property during the employee's working hours or using District facilities and/or equipment; and
- Additional employment that directly or indirectly competes with the business or the interests of NapaSan.

Employees who wish to engage in additional employment that may create a real or apparent conflict of interest must submit a written request to the General Manager explaining the details of the additional employment. If the additional employment is authorized, NapaSan assumes no responsibility for it. NapaSan shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of additional employment. Authorization to engage in additional employment can be revoked at any time.

3. **District funds and property may not be used for any unlawful purpose.**

This prohibition includes, but is not limited to:

- a. unlawful political contributions,
- b. payments to governmental officials or employees,
- c. illegal rebates or refunds, and
- d. payments or commitments made with the understanding or under circumstances that would indicate that these payments are kickbacks, bribes, or to obtain influence.

4. No unrecorded fund shall be established or maintained for any purpose. All financial transactions shall be promptly recorded on the books of NapaSan.
5. **No false or misleading entry shall be made for any reason.**
All substantive commitments and agreements over \$75,000 must be documented, properly authorized, and disclosed to the Board of Directors.
6. **Employees shall not make commitments or agreements beyond what is authorized by the Board of Directors.**
This authorization may be in the budget document or by explicit policy or resolution, or minute order.
7. No payments shall be made with the understanding that any part is to be used for any purpose other than that described by the records supporting the payment.
8. **Cash or Cash Equivalent Gifts Not Permissible If Exceed Established Limits**
Gifts of cash or cash equivalents from any person or entity doing business with NapaSan are never permissible if the amount exceeds the limits established by the Fair Political Practices Commission. Gifts, favors and entertainment may be given to others at NapaSan's expense only if they are consistent with accepted business practices and are of such limited value that they cannot be considered as a bribe or pay-off (see Gratuities Policy).
9. **The highest standards of honorable and ethical conduct must be observed in all relationships with other agencies and the public.**
It is prohibited to make disparaging statements, take any other unfair actions, or participate in any activity intended to damage NapaSan, other agencies or the public.
10. **No Unlawful Acts**
If an employee is asked by another employee or supervisor to:
 - a. perform any act that appears unlawful,
 - b. make any unlawful entry on NapaSan's records or reports,
 - c. omit any entry that should lawfully be made,
 - d. suppress or hide any information that may result in detriment to NapaSan or be in violation of the law, or
 - e. disclose information of a confidential nature except when legitimately required.

It is that employee's duty and responsibility to bring the matter to the attention of their manager, Department Head, and/or the General Manager. An employee who files a grievance of this nature will not be retaliated against.

11. District letterhead/stationery may be used only for District matters and not for personal or non-official correspondence.
12. **Behavior Expectations To Be Observed**
Employees are expected to treat each other with courtesy, honesty, respect and understanding. Job-related problems should be discussed openly, and differences resolved fairly, professionally, and promptly. Confidential matters pertaining to employees will be respected.
13. **Customer Service Expectations To Be Observed**
Employees are expected to be polite, courteous, prompt, and attentive to every person who calls or visits NapaSan's offices and to each other. When a situation arises where the employee does not feel comfortable or capable of handling an issue from the public, the employee's supervisor should be contacted for assistance.
14. **Safeguard Confidential Information**
Employees are responsible for safeguarding confidential information obtained during employment. In the course of the work, employees may have access to confidential information regarding NapaSan, its customers, elected officials or fellow employees. It is the employee's responsibility to protect and in no way reveal any such information, including to any media, unless it is necessary for the employee to do so in the performance of duties or required by law.

SECTION II:

EMPLOYMENT PRACTICES

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POLICY

NapaSan employs people in one of three (3) different kinds of status: Regular Full-Time, Regular Part-Time and Temporary Help.

1. Regular Full-Time Employee

Employees in this category are those who regularly work a minimum of forty (40) hours per week on a continuous scheduled basis. Regular full-time employees are eligible for most employee benefits described in this manual, subject to the terms, conditions, and limitations of each benefit program.

2. Regular Part-Time Employee

Employees in this category are those who complete a satisfactory probationary period and are scheduled for and do work less than eight (8) hours per day. If an employee works more than twenty (20) hours per week, they may receive some benefits on a prorated basis, based on actual hours worked.

3. Temporary Help

The District may hire full-time or part-time temporary help to assist District personnel in the accomplishments of specific projects. Such temporary help shall be hired for less than nine hundred sixty (960) hours each fiscal year.

Temporary employees are paid on an hourly basis and are not eligible to participate in any benefits other than those that are mandated by State and/or Federal laws and regulations. Temporary employee status is not considered for seniority or benefit longevity purposes if the employee is subsequently hired as a regular full-time or part-time employee.

EMPLOYMENT CLASSIFICATIONS

All District positions are classified as either exempt or non-exempt according to Federal and State legal guidelines.

1. Exempt Positions

If a position is classified as exempt as defined by applicable Federal laws, no overtime compensation will be paid to employees occupying that position.

Exempt Positions (continued)

The salary of an exempt employee consists of a predetermined amount irrespective of the number of hours worked. If an exempt employee has exhausted all accrued paid time off benefits and misses additional days or hours of work for personal reasons, the amount of time the employee misses may be deducted in hour per hour increments from the employee's salary. (Title 29 Code of Federal Regulations Section 541.[710](#))

2. Non-exempt Positions

Employees designated as non-exempt are paid on an hourly basis with overtime compensation paid or compensatory time earned for more than eight (8) hours in one day or forty (40) hours in one week, unless a 9/80 work schedule or 4/10 work schedule has been implemented in accordance with a Memorandum of Understanding.

Compensatory Time in Lieu of Paid Overtime

Non-exempt employees may choose to take compensatory time off in lieu of overtime pay (compensatory time is earned at one-and-a half hours for each hour of overtime worked).

POLICY

The probationary period is an intrinsic part and extension of the employee selection process during which the employee will be considered in training and under careful observation and evaluation by supervisory personnel. Generally, this period will be utilized to train the employee for their job responsibilities and to determine whether there is a fit between NapaSan's business needs and the qualifications of the employee. During the probationary period, employment may be terminated with or without cause and with or without notice by either NapaSan or the employee.

A new employee whose employment is terminated during the probationary period needs to be told only that the probationary period was not satisfactorily completed, and the employee's employment with the District is terminated.

With the exception of temporary employees, all other newly appointed employees will serve a probationary period of twelve (12) months. This period can, with notice, be extended up to one additional year at the recommendation of the supervisor and the approval of the General Manager.

New Employees Accrue Benefits

Probationary employees will accrue benefits, such as vacation and sick leave at the designated accrual rate.

Evaluation During Probation Period

Probationary employees will receive a performance evaluation after the first three (3), six (6), nine (9) and twelve (12) months of employment. At the time of the six-month appraisal, a work plan establishing employee goals and objectives for the remaining six months of the probationary period is to be developed and communicated with the employee. While continuous communication between supervisor and employee is expected during this period, the evaluation of these goals and objectives will occur at the time of the annual evaluation.

New Position Probation

Employees promoted, transferred, laterally reassigned, or demoted to a new position will serve a probationary period of twelve (12) months before obtaining regular status in the position to which the employee was assigned. The anniversary date of the employee shall be revised to coincide with the date of the promotion, transfer, reassignment, or demotion. Employees in new positions will continue to accrue benefits per their seniority in the District.

POLICY

The goal of the NapaSan Classification Plan is to develop a system that encourages employee development, provides opportunities for career advancement, and creates an understanding of the roles, responsibilities, and relationships of each classification within the District.

A Classification Plan is comprised of individual class descriptions.

Class descriptions identify the essential duties, responsibilities, level of authority, knowledge, skills, education, experience, licenses, and certifications required to meet the minimum performance standards for each classification at the District.

The Board is responsible for adopting the Classification Plan and authorizing the number of District positions. The Human Resources Officer is responsible for ensuring that accurate class descriptions exist for all positions. The General Manager will ensure new job descriptions are communicated to the Board.

PROCEDURE

Whenever one or more new positions or classifications are to be established, or whenever, because of any change in organization or method, a significant change in duties or responsibilities of any existing position is to be made that requires the amendment of the classification plan, such revision and amendment of the classification plan shall be made in the manner as provided herein:

1. Whenever the General Manager proposes that a new class be created or that a significant change in duties or responsibilities of an existing class exists, they shall report the significant facts in writing to the Personnel Committee of the Board.
2. The Personnel Committee shall first determine whether a new position shall be created or if there has been a significant change of duties to the current class. If there has been a significant change of duties, the Human Resources Officer and/or General Manager or a competent consultant, shall evaluate the new duties/responsibilities to determine an appropriate classification and salary range. If a new class is established, a class description similar to those contained in the Classification Plan shall be prepared and the official Position Control Roster and Salary Schedule shall be amended by the Board of Directors.

3. The Human Resources Officer and/or General Manager shall be responsible for the preparation of a class specification for each classification in the Position Control Roster and Salary Schedule adopted by the Board of Directors. The class specifications shall describe common distinguishing characteristics for each classification such as title, nature of work, supervision received and exercised, examples of typical and related duties, qualifications, requirements, and relationship to other classifications in the career series, if applicable. Class specifications shall be updated, maintained, or may be created on a temporary basis as the General Manager determines necessary to properly describe the work performed and to accomplish NapaSan's mission, purpose, and programs.
4. The Human Resources Officer is responsible for the classification of individual positions and the assignment of classes to salary ranges within currently approved salary schedules as may be required to accomplish NapaSan's mission, purpose, and programs, provided that such actions are consistent with policy and will not exceed the approved budget for personnel expenses. For reassignment of a particular class to a different salary range, the Human Resources Officer shall prepare documentation for the General Manager who shall request the official Position Control Roster and Salary Schedule to be amended by the Board of Directors.

POLICY

NapaSan's compensation program is designed to attract, retain, motivate, and reward the best possible workforce in an equitable manner. To accomplish this, NapaSan and its Board are responsible for establishing and administering a Compensation Program. The General Manager and the Board regularly review the program, to ensure market competitiveness and internal equity.

PROCEDURE

1. Compensation Plan

The District is responsible for preparing a Compensation Plan for all classes of positions whose compensation shall be determined by the General Manager and the Board. The Plan shall consist of a base salary, salary range or hourly wage rate for each separate class of employment.

2. Hiring Rate

All new employees shall be advised at the time of hire as to their starting rate of pay. Employees are normally hired at the starting salary level. New employees may, however, be hired at a pay rate greater than the minimum in consideration of such factors as advanced or specialized education or training, level of experience, possession of highly developed technical skills, demonstrated achievements or labor market competitiveness. An applicant recommended for hiring above the starting salary rate shall receive advance approval of the General Manager; above the "5" step, Board approval is required.

3. Step Increases

As a general rule, upon determination of progress and productivity, as evidenced by a satisfactory or better annual performance evaluation, employees may be considered eligible for an increase in salary annually or according to the plan outlined in the current MOU, as follows:

A. The numbers 1,2,3,4,5,6, and 7, respectively, denote the various steps in the pay range.

B. Step on Initial Employment

Step "1" shall be paid upon initial employment, for a period of one year, except when the General Manager authorizes an employee to start above Step "1". In order for a new hire to be placed at above Step "5" the General Manager must be granted authority from the Board of Directors.

C. At the satisfactory completion of twelve months' service at their current step, employees with satisfactory performance or above may be considered for increase to the next step of their pay scale.

D. Once employees complete their last step on their job class pay scale, they may be considered for any pay increases provided by the District through Board Order.

4. **Advance in pay steps is not automatic**

Advance in pay steps is not automatic upon completion of specific periods of service outlined above. Employee performance as established by the employee's service, and after approval of the General Manager, will designate whether an employee receives an advance in pay. Increases of more than one (1) step are to be approved by the General Manager. Increases in pay may be withheld in cases of inferior work, lack of application, indifferent attitude, or any other sufficient reason as determined by the General Manager.

5. **Step Decreases**

In cases where the quality and manner of performance of services do not justify the current pay being received, an employee's pay may be reduced to a lower step within the same pay range established upon recommendation of the General Manager. A Skelly process is required before an employee's pay can be reduced.

6. **Promotions**

In case of promotion of any employee in the District service to a position in a class with a higher pay range, such employee shall be entitled to receive the rate of compensation in the entrance step of the class to which they have been promoted. In cases where the pay range overlaps, promotion shall be effected at the next higher step in the range of the new class. The next higher step shall be determined on the basis of the base pay and shall not consider any base pay additives. A new anniversary date shall be established for purposes of eligibility for future step increases as of the effective date of the promotion.

7. **Transfers and Demotions**

In the case of a voluntary permanent transfer of any employee from one position to another position in a class with a lower pay range, such employee shall be placed in step one of the lower pay range unless a higher step is authorized by the General Manager. In such cases the employee shall have a new anniversary date.

In the case of the permanent transfer of any employee from one position to another in the same class, or to another class to which the same pay range is applicable, the employee shall remain at the same pay step and shall retain their original anniversary date.

8. **Out-Of-Class Assignment**

An out-of-class assignment is the assignment of an employee in a lower job classification to the full-time performance, as determined by the District, of a higher job classification due to a vacancy in the higher classification, because of leave without pay, vacation relief, extended sick leave, or for meeting emergencies or peak work assignments. An out-of-class assignment shall be made in writing by the employee's supervisor or Department Head and must be approved by the General Manager.

After an employee has performed an out-of-class assignment for five (5) consecutive working days, such employee shall receive additional compensation per hour as required by the applicable MOU, or, in the absence of a MOU, as determined by the General Manager, beginning on the sixth (6th) day and continuing until said employee returns to his or her regular class.

Out-of-class appointments of an employee serving a limited term appointment in a vacant position (defined as a position that is vacant during recruitment for a permanent appointment, and not a position that is currently available due to another employee's leave of absence) shall not exceed 960 working hours in a fiscal year. See the AMPNSD MOU for their Out-of-Class Pay guidelines.

9. **Pay Period and Pay Day**

NapaSan pays its employees bi-weekly. Paychecks cover the eighty-hour (80), two (2) week period of time beginning on 12:01 AM Saturday and ending at 12:00 midnight, inclusive, on the second Friday following. Overtime pay earned after the pay period cut-off date will be paid the following pay period. Each paycheck shall reflect the base hourly rate of pay, overtime, holiday pay or premium pay earned during that pay period.

Employees are paid for work performed during the previous pay period. When a payday falls on a legal holiday, employees shall receive their payroll warrants on the day preceding the normal payday.

10. Payroll Deductions

There are two kinds of salary deductions: mandatory (those required by law) and voluntary (those authorized by the employee). By law, required deductions must be made in each pay period for Federal and State income taxes, and State disability insurance.

If there is a discrepancy in pay or the employee feels that payroll made a mistake, they should notify Accounting, who will address the issue within a reasonable amount of time.

11. Direct Deposit

The District provides employees with the convenience of having their paycheck directly deposited to a financial institution of their choice. There shall be a limit of two (2) accounts per employee. Direct Deposit authorization forms are available from the Human Resources Officer. Two pay periods are required to process the Direct Deposit arrangement.

12. Natural Disaster Compensation Policy

This policy sets forth the manner in which NapaSan employees shall be compensated when unable to work because of a natural disaster or equivalent event as determined by the District. This policy applies to all District employees and shall be applicable on a fiscal-to-fiscal year basis.

In the event of a natural disaster or equivalent event that significantly impacts the local area and/or requires the Board of Directors or the General Manager to temporarily close a District facility, the General Manager shall use this policy for compensation purposes as follows:

- A. When employees are ordered to leave work or ordered not to report to work by the authority of the General Manager, employee shall be compensation one (1) hour of base pay (designated as Paid Leave – Other) for each scheduled work hour missed.
- B. When employees are injured due to the natural disaster, or their property is damaged or destroyed, the General Manager may grant up to forty (40) hours of base pay (designated as Paid Leave – Other) for scheduled work missed, based on the severity of the circumstances.

- C. When employees are ordered by local law enforcement to evacuate their property as part of a mandatory evacuation, the General Manager may grant up to eight (8) hours of base pay (designated as Paid Leave – Other) for scheduled work missed, based on the severity of the circumstances and specific impacts to the employee.
- D. Employees who were on scheduled vacation, sick leave, workers compensation or any other scheduled leave, whether or not paid, shall not be eligible for compensation as described above.

POLICY

NapaSan establishes working hours consistent with the operating requirements and responsibilities of the District. Based on operating conditions and requirements of the District, work shifts, days, hours and break periods can be established and modified by the District within the limits prescribed by law.

The District has the right to require employees to work overtime that may occur any time before or after the standard workweek including weekends, evenings and/or holidays schedules that show workdays, shifts and hours shall be posted on District Bulletin Boards.

All employees shall be assigned work schedules with regular starting and quitting times. Employees may not change their own work schedule without the express approval of the General Manager/designee. At the discretion of the Department Head, with approval from the General Manager, a work schedule may be implemented to provide for weekend work or ten (10) hour days for specific projects.

PROCEDURE

1. Regular Work Schedule

The regular work schedule shall consist of one of the following schedules, upon determination by the Department Head and General Manager that sufficient, qualified employees will be available to perform necessary work, with no loss of qualified productivity or operational efficiency in any aspect of District operations.

A. Regular forty (40) hour workweek

Five (5) consecutive workdays of a maximum of eight (8) hours within a seven (7) calendar day period followed by two (2) consecutive days off consisting of forty-eight (48) consecutive hours.

B. Fourteen (14) day schedule, 44/36 – 80 hours in any two (2) week period

1. Any combination of eight (8) working days of a maximum of nine (9) hours per day and one (1) working day of a maximum of eight (8) hours, that results in no more than 80 hours being worked within a fourteen (14) calendar day period.

2. The fourteen (14) calendar day period shall consist of one (1) seven (7) day period which consists of five (5) consecutive working days and two (2) consecutive days off of forty-eight (48) hours and a second seven (7) day period consisting of four (4) consecutive working days and (3) consecutive days off of seventy-two (72) hours. The two (2) seven (7) day periods can be scheduled in any order.
3. A work period for employees on a 9/80 work schedule shall begin midway through the employee's 8 hour day.
4. Employees assigned a District vehicle may have minimal use of that District vehicle such as stopping for lunch or going through a fast food drive thru only if the lunch stop is in the immediate assigned work area.
5. Employees whose job requires a uniform or special clothing are expected to arrive at work early enough to change clothes before their shift begins in order to be at their assigned work locations at their designated starting time.
6. When necessary, employees will be permitted up to five (5) minutes of paid time at the end of a work shift to perform such activities as cleaning up a work area, putting away tools and personal wash-up and changing clothes.

Employees are expected to observe their assigned working hours and the time allowed for meal and rest periods.

2. Rest Breaks

For non-exempt employees, two paid rest breaks of fifteen (15) minutes each are allowed in an eight (8) hour day, one during the first four (4) hours of a shift and one again during the last four (4) hours of a shift. To the extent possible, rest periods should be taken in the middle of work periods and be scheduled by the supervisor. Break periods cannot be added on to the lunch period, nor taken at the end of the workday, nor saved for use at another time.

3. Meal Periods

All non-exempt employees will be provided an uninterrupted unpaid meal period of at least thirty (30) minutes per day. As per state law, non-exempt employees should take their meal breaks no later than at the end of the employee's fifth hour of work (i.e. no later than the start of the employee's sixth hour of work).

4. Standby Duty

Employees in the treatment and collections departments, on a rotating basis, shall be responsible for a period of standby duty of at least a week. The supervisor or department head shall implement a schedule. Employees may change the established schedule if the department head approves the change.

In addition to hours actually worked on standby, the amount of compensation for employees serving weekly standby duty shall be two (2) hours pay at regular time rate for each weekday standby and four (4) hours pay at regular time rate for each day of weekend standby. Each employee shall receive four (4) regular time hours for each holiday day and night. All work performed shall be at an overtime rate (one and one-half times regular time rate) with a two-hour minimum per call. A paging system (beeper) or cellular phone will be provided to the employees who are on standby duty. For those employees on standby, a vehicle will be provided.

5. Shift Differential

Employees assigned by the Department Head to shift work (a minimum of one complete shift to be worked) i.e., other than overtime, standby or call outs, will be paid a shift differential of an additional 5% for each hour actually worked in addition to their base pay. Employees scheduled to work graveyard shift (defined as a starting time between 9:00 P.M. and 3:30 A.M.) will be paid a shift differential of an additional 7% for each hour actually worked in addition to their base pay.

Overtime which is worked by an employee assigned to a regular day shift does not qualify for shift differential.

6. Timekeeping Requirements

Accurate recording of time worked is the responsibility of every employee. Federal and State laws require NapaSan to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Employees are not allowed to work "off the clock." Working off the clock violates District policy and State law.

All work and time off must be accurately reported on the employee's timesheet.

Non-exempt employees must accurately record on a timesheet the number of hours worked daily, in one-tenth hour increments.

Exempt employees must record days taken off for vacation, sick or personal leave. Exempt employees are not eligible for overtime pay.

Any handwritten marks or changes on the timesheet must be initialed by a supervisor. Any errors on a timesheet should be reported immediately to the supervisor, who will attempt to correct legitimate errors.

It is the employee's responsibility to certify the accuracy of all time recorded. Supervisors must review and then approve the timesheets before submitting them for payroll processing. Tampering, altering, or falsifying time or billing records may result in disciplinary action, up to and including termination.

POLICY

Employees may be required to work overtime as necessary. All District positions will be classified as either exempt or non-exempt in accordance with the Federal Fair Labor Standards Act (see Policy #201: Employment Categories). In accordance with that Act, exempt positions are defined as being primarily administrative, professional, or executive in the performance of their job duties and are not eligible for overtime compensation. Non-exempt employees are eligible to earn overtime compensation and/or compensatory time off at overtime rates. All overtime work must be previously authorized by a supervisor.

PROCEDURE

1. Non-Exempt Employees (Eligible for Overtime and Compensatory Time Off)

- A. Incumbents in non-exempt positions can earn overtime or compensatory time off (CTO) at the rate of one and one-half (1 1/2) times the regular hourly rate of pay for all hours worked in excess of their regular schedule.
- B. An employee may elect, by so stating in writing on the appropriate timecard, a preference to earn compensatory overtime in lieu of overtime pay. An employee may accumulate up to a maximum of eighty (80) hours of compensatory hours. If the eighty (80) hours is exceeded, then the District may exercise its option to pay an employee for their compensatory time accrued in excess of eighty (80) hours. An employee may use up to eighty (80) hours of compensatory time during a fiscal year.
- C. Compensatory time accrued in excess of eighty (80) hours shall be used within ninety (90) days of being earned, at a time convenient to the District. A request to use CTO cannot result in overtime being required by another employee.
- D. Employees earn overtime for all hours worked in excess of eight (8) hours per day, forty (40) hours per week or the employee's standard workday or week, whichever is longer. This can be altered through the implementation of alternative work schedules in accordance with a Memorandum of Understanding.
- E. The procedure for requesting approval to use compensatory time is the same as that required to schedule vacation time.
 - 1. If an employee and the District cannot find an agreeable time to take off, then the employee shall be paid for the time.

- 2. Employees shall obtain supervisory approval prior to taking the time off at the discretion of the supervisor; time off in excess of one (1) week must be approved at least one (1) month in advance.
- 3. Compensatory time off may be taken only when it does not result in an economic cost to the District.
- F. For the purposes of calculating overtime, paid time taken off for vacation, sick leave, and/or holidays is counted as hours worked.
- G. **Cannot carry comp time into exempt position if promoted**
Any non-exempt employee who has been promoted into an exempt position, and who has compensatory time in their 'comp time bank' must either use the leave before beginning the exempt position responsibilities or the District will pay the employee their compensatory time at their non-exempt position rate before they begin working in the exempt position.

2. Exempt Employees

Exempt employees will not receive any additional compensation for hours worked in excess of eight (8) hours per day or forty (40) hours per workweek.

POLICY

Consistent attendance and punctuality are expected from each employee. Poor, uncertain, or irregular attendance produces disruptive results for District operations, lowers overall productivity and continuity of work and often is burdensome to other employees.

Employees are expected to report to work as scheduled to their designated work location at the start of their work shift, on time and be prepared to start work. Employees are also expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized District business. Late arrivals, early departures or other absences from scheduled hours are disruptive and must be avoided.

Tardiness, unexcused absence or failure to report as required may result in disciplinary action, up to and including termination. The attendance record of an employee who is consistently late or absent will be evaluated on a case-by-case basis to determine the appropriate disciplinary action, up to and including termination.

PROCEDURE

A. REPORTING

1. Employees unable to report to work as scheduled shall notify their direct supervisor **at least one hour prior to shift start time.** If applicable, the probable duration of absence should be provided.
2. In all cases of an employee's absence or tardiness, the employee shall provide their direct supervisor with a reason for the absence. NapaSan reserves the right to require an employee to bring in a doctor's certification or any absences related to illness.
3. An employee who is out of work due to a prolonged illness or disability is required to contact their direct supervisor regularly, as determined by the supervisor, but not less than once per week, to provide a medical status report.
4. In the event of an emergency that makes it impossible for the employee to comply with the procedures outlined above, the employee must notify an appropriate District representative (supervisor or department head) as soon as possible after the emergency or be prepared to provide evidence of extenuating circumstances.
5. An employee who is absent for three (3) consecutive days without having contacted an appropriate District representative will be considered to have voluntarily quit.

C. MONITORING

NapaSan monitors attendance and sick leave in a fair and consistent manner utilizing the following guidelines:

1. An attendance review will be conducted every six (6) months by the employee's supervisor.
2. The supervisor may counsel any employee who has used the equivalent of four (4) days or more of sick leave in a two-month period or who has a pattern of unscheduled absences connected with scheduled days off, unless an obvious reason for the sick leave usage is identified, or leave was taken due to a reason protected by state or federal law.

The supervisor shall consider each case separately and take special circumstances into consideration. For example, if a number of leave hours consist of many headaches, colds, flu, etc. and these days are connected to scheduled time off, a reasonable doubt may exist as to whether the leave taken was legitimate. If a reasonable doubt exists, the employee may be given written notice that they may be required to bring in a doctor's verification for days taken off in the future, regardless of the number of consecutive days.

3. If an employee does not comply with the request for a doctor's verification of illness, the time absent will be charged to leave without pay and disciplinary measures may be taken, up to and including termination.
4. An employee may be removed from the program of doctor's verification of illness if a significant improvement in sick leave usage has been demonstrated at the time of the next six (6) month attendance review.

POLICY

The District observes the following procedures when filling vacant positions. The General Manager/designee shall recruit and appoint personnel to fill positions.

PROCEDURE

Vacant positions will be advertised to the public (external applicants) and District employees at the same time unless it is a promotional position (as determined by the General Manager). The General Manager shall have the final decision on who shall be appointed to fill the vacancy.

The District shall use an Examination Board, consisting of up to four (4) members (example three (3) District employees and one (1) non-District employee) selected by the District, to independently rate each candidate based on how their experience, skills and abilities meet the requirements of the position. After the interviews are completed, the scores shall be tallied, and a list created with each candidate in rank order from highest to lowest score. The General Manager shall select the most qualified candidate meeting the needs of the District.

Certain District positions have been allocated as flexibly staffed positions that allow an incumbent to move from one classification to another after acquiring class description-specified skills/abilities/experience/certification. The movement from one position to another depends upon satisfactory job performance in the current position and acquisition of the necessary skills/abilities/requirements and does not require competitive examination.

1. Job Announcement and Application Package

The job announcement and other advertisement(s) shall identify a Final Filing Date and Time.

All application materials shall be received **electronically** by the date and time specified for consideration for the position. All job applicants shall complete an Application Form and submit it electronically. The application form must be complete and accurate, regardless of whether or not a resume is attached. Refusal to provide a completed application form will automatically disqualify an applicant from further consideration.

2. Application Review

The Human Resources Officer and Department Manager, or designee, shall review all of the application packages and determine those that are the most qualified. The District shall notify all applicants of their eligibility.

3. Examination Process

The examination process may be written, practical, oral or any combination thereof. The members of the Examination Board shall rate each candidate based on their combined rating scores from the tests and/or interviews and submit a list ranking each candidate in order, with the most qualified as number (1) and proceeding downward with number two (2), three (3) and so on. The District has the right to select any of the top three (3) candidates for appointment. The final ranking will influence the weighted factors as described in the announcement.

However, if after reasonable effort, qualified persons cannot be recruited, the General Manager may authorize the appointment of persons having less than the desirable qualifications.

4. Pre-Placement/Reclassification Physical Examination and Drug & Alcohol Screen

The purpose of the pre-placement/reclassification physical examination program is to reduce the chances of NapaSan assigning candidates with a prior medical history or condition which could render the person unable to perform the essential physical requirements of the job, or which could render the person more susceptible to on-the-job injuries.

A post-offer, pre-employment drug and alcohol test will be performed for candidates applying for classifications that are deemed "high-risk, safety-sensitive" positions and performing high-risk, safety-sensitive activities, including one or more of the following:

- Respond to emergency events;
- Tow trailers and drive throughout the District;
- Participate in confined space activities, including performing confined space entries, tying critical knots, operating main hoists, and performing emergency confined space rescue activities;
- Operate heavy equipment;
- Operate welding equipment; and
- Isolate energized systems to allow for safe maintenance or repair work.

NapaSan's classifications listed below are deemed as "high-risk, safety-sensitive" positions and shall require post-offer, pre-employment drug and alcohol testing.

- Assistant Engineer
- Associate Engineer
- Asset Management Analyst
- Collection System Supervisor
- Collection System Manager
- Collection System Worker-in-Training
- Collection System Worker I, II and III
- District Inspector I and II
- Equipment Maintenance Specialist I and II
- Equipment Maintenance Trainee
- **General Manager**
- Junior Engineer
- Laboratory Assistant
- Laboratory Analyst I and II
- Operations Supervisor
- Operator-in-Training
- Operator I, II and III
- Plant Attendant
- Plant Maintenance Supervisor
- Operations Services Director
- Reclamation System Manager
- Reclamation System Worker I and II
- Regulatory Compliance Manager
- Senior Civil Engineer
- **Technical Services Director**

The procedure for the examination is as follows:

- A. The District Human Resources Officer will make the arrangements for the physical examination with the doctor after a conditional offer of employment has been made.
- B. Employee shall undergo a physical examination and the Physical Requirements form signed by the physician will be sent to the Human Resources Officer.

5. Reference Checking

All candidates shall provide information on previous employment and other references as required on the Application Form. Final offers of employment shall not be made until the District has had an opportunity to verify the information.

The Human Resources Officer, **General Manager or designee**, shall be responsible for conducting and verifying all reference sources. Reference information is confidential and is handled on a need to know basis.

6. Background Checking

All candidates who are selected for a potential appointment to District service shall be subject to a background check that may include review of their credit record (if applicable to the position for which they are applying), personal history, education, professional credentials, military record, DMV and criminal records, to the extent permitted under applicable law. The District shall obtain the candidate's written authorization before conducting the background check. Criminal records will only be checked after a conditional offer of employment has been made.

7. Applicant Package Retention

The Administrative Department shall retain all application package documents in a confidential manner for two (2) years, or as otherwise required by law.

8. Job Offer

Job offers are contingent upon meeting all of the applicable elements of the position's Minimum Qualifications, which may include the successful completion of any required physical exams, drug and alcohol screenings, background checks, and the verification of the possession of a valid California driver's license.

The job offer will contain the start date, job title and level, pay rate and include that the employee must serve a 12-month probation period during which they can be released if the candidate is not a good fit for the position.

9. Interactive Discussion/Reasonable Accommodation for New Employees

As outlined in the District's Equal Opportunities and Diversity policy, if successful candidates/new employees need reasonable accommodation(s) to perform the essential functions of the position, they must identify those needs, and request an interactive discussion to identify reasonable accommodations to be provided so the incumbent can be successful in performing the duties of their position.

POLICY

Members of the immediate family of elected or appointed officials shall not be appointed to District employment.

Ordinarily, members of the immediate family of regular employees shall not be appointed to the same department, be transferred, promoted or demoted into the same department or be placed in such a position as to evaluate a relative or be in the same line of supervision, if doing so could result in actual or potential problems in supervision, security, safety, or morale, or if doing so could create potential conflicts of interest. Each situation shall be addressed based on the individual circumstances of the situation.

Members of the immediate family of regular employees will not be hired on a temporary basis.

If two employees become married, become otherwise directly related, or become involved in a relationship causing actual or potential problems such as those described above, only one of the employees will be retained with NapaSan, unless reasonable arrangements may be made to eliminate the actual or potential problems. In the event such arrangements may not be made, the affected employees will have 30 days to decide which employee will stay with NapaSan. If this decision is not made within the time allowed, the General Manager will make the decision, taking the employment history and job performance of both employees into account.

For the purpose of this policy, immediate family member is defined as spouse, child, foster child, mother, father, sister, brother, the corresponding step relationship, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law or son-in-law, and registered domestic partners and their children. Notwithstanding this definition, no employee, prospective employee, or applicant shall be improperly denied employment or benefits of employment on the basis of marital status with another employee or official of the District.

POLICY

The performance evaluation process at NapaSan is designed to motivate, recognize, and reward employees' efforts and achievements. The District strives to create a work environment in which employees are recognized and rewarded for their contributions and where employees understand, contribute, and help meet the District's overall goals.

Supervisors are encouraged to give individual feedback to employees on a regular basis. NapaSan's performance evaluation process is designed so that each employee will be evaluated formally at least once during the year.

GUIDELINES

1. Continuous Communication/Feedback

Supervisors will give feedback throughout the year regarding an employee's success in achieving job expectations and job requirements. The purpose of engaging in frequent check ins is to ensure employees are completing performance objectives satisfactorily. Regular feedback also enables supervisors to determine if performance objectives require adjusting due to changes in District or job priorities.

New employees, or employees who are not performing as well as expected, should receive more frequent feedback to provide additional guidance.

2. Performance Objectives

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

3. Types of Review

A. Probationary Period

A probationary period progress evaluation is given to new employees at three (3), six (6), nine (9) and twelve (12) months to determine if the individual is appropriately suited for the position to which they are assigned. Before the end of the twelve-month probationary period, a determination should be made regarding retention or termination of the employee.

B. Informal Feedback

Supervisors will conduct informal feedback sessions during the year and document those sessions for use in completing the employee's annual performance evaluation. Documentation can be informal, such as maintaining a supervisor's file for each employee with notes documenting dates and times of meetings with employees and what was discussed. The supervisor may also keep electronic and/or email files with notes regarding employee feedback throughout the year.

C. Annual Review

An annual written review is required for each employee. Except as approved by the General Manager, all employees will be evaluated on the employee's anniversary date of hire or promotion/reclassification.

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

Employees submit their Goals and Objectives for the upcoming evaluation period to their Supervisor before the appraisal meeting. The supervisor will complete the Performance Evaluation Form during this review referencing the employee's job performance and goals and objectives previously agreed to. The General Manager will review the supervisor's completed performance evaluation before it is provided to the employee. The employee will then be provided a draft copy of the completed performance evaluation. If no changes are needed, the review becomes final and supervisor and employee sign off on the evaluation and the following year's goals and objectives.

The employee will have an opportunity to review the written evaluation and the employee and their supervisor will meet again to discuss its contents. If appropriate and agreed to, changes can be made to the draft document.

D. Six Month Check-In

Six (6) months into the review period, supervisors and employees are to meet and discuss the previously established goals and objectives that were developed at the beginning of the review period. Understanding that circumstances and priorities often change, any needed revisions and updates to the goals and objectives should be made at this time. Employee and supervisor will meet and complete the Semiannual Review Worksheet.

E. Unsatisfactory Performance

If an employee is not performing at a satisfactory level, their supervisor may meet with them to discuss expectations in order for the employee to make the necessary changes to perform as required. After such discussion, their supervisor may recommend corrective action to ensure that the employee meets performance expectations.

4. Performance Evaluation Form Processing

After the performance evaluation interview is completed, a copy of the completed performance evaluation form will be provided to the employee. The employee may submit a written response or written comments, which will be attached to the form for retention in the employee's personnel file. After the supervisor and the employee have signed the form, the form will be submitted for review and signature to the General Manager. An employee's signature on their performance evaluation only means that they acknowledge that they have received it but does not necessarily mean that they agree with everything that is contained in the evaluation.

After all signatures are affixed, a copy will be made for the employee and the supervisor and the original will be retained in the employee's personnel file.

POLICY

Personnel files are the property of NapaSan. They are confidential and the District will [limit the access to](#) and disclosure of personnel files [only](#) to authorized individuals within the District who have a legitimate business reason to see such files. Personnel files are located in the Human Resource Officer's office. [Individuals may request access from the General Manager or Human Resource Officer to receive or inspect a copy of their personnel file.](#) Employees' medical information and health records will be kept in a separate confidential file in accordance with Health Insurance Portability and Accountability Act (HIPAA) regulations.

PROCEDURE

1. Content and Retention

Personnel records are confidential documents maintained in accordance with State and Federal laws and regulations. All performance evaluations, as well as other forms, letters and memoranda shall be addressed to or signed by the employee, acknowledging receipt of a copy prior to being placed in the personnel file. If an employee refuses to sign a form or letter, the supervisor shall sign their name as a witness to the fact that the employee has refused to sign, and the document shall then be placed in the employee's personnel file.

2. Update Employee Information

Employees are responsible for notifying the Human Resources Officer of changes in name, address, telephone number, driver's license, number of dependents, marital status, beneficiary, education certificates or any other pertinent information.

A letter of reprimand or other written record of discipline shall remain in an employee's file for three (3) years. If there are other incidents within the three (3) year period, then another three (3) year period begins from the date of the most recent incident. However, if there are no other incidents during the three (3) year period, the letter of reprimand or other written record of discipline shall be removed.

3. Access/Confidentiality

All personnel employment records and employee health records are confidential. Each employee has a right to inspect their own personnel file and request a copy thereof. Any request to inspect or copy personnel records must be made in writing to the Human Resources Officer. Employees can obtain a form for making such a written request from the Human Resources Officer.

Employees may review their own files upon request by scheduling an appointment with the Human Resources Officer. Employees may request a copy of any information contained in their file; however, removal of any information is prohibited.

The employee may designate a representative to conduct the inspection of the record or receive a copy of the records. However, any designated representative must be authorized by the employee in writing to inspect or receive a copy of the records. The District may take reasonable steps to verify the identity of such representative.

Files must be reviewed in NapaSan's office in the presence of a supervisor or the Human Resources Officer during normal office hours. Supervisors may review the personnel file of those employees they supervise. The District will also disclose personnel files to law enforcement agents if required by law.

4. Reference [Inquiries](#)

The District is authorized to verify position and employment dates only. No other reference information will be released. Any other information, including address and phone numbers, may be released only with a written authorization by the employee. All reference inquiries regarding District employees shall be referred to the Human Resources Officer.

POLICY

The General Manager may separate employees from employment as necessary and as provided by these policies. Reasons for employee [separation](#) from employment [may include](#) disciplinary action, resignation, unexcused absence, retirement, layoff, or death.

The last day worked and/or the last day in active pay status is the last day of employment for employees who resign or are terminated from the District. All employees will be paid in full for accrued and unused vacation, management, personal leave, and compensatory time off on the last day of employment or within the appropriate timeframe based on Federal and State laws.

PROCEDURE

1. Final Pay

Employees shall receive the final paycheck on the District's next scheduled pay date. An employee shall be paid off for accrued and unused vacation and other applicable benefit accruals.

2. Notification

Employees and supervisors are requested to give ten (10) working days' notice of intent to resign. Managers are requested to give thirty (30) working days' notice.

3. Return of District Property

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

4. Continuation of Group Health Benefits- C.O.B.R.A.

In accordance with Federal law, employees, and their [family members covered under their benefit plan at the time of separation may](#), at their expense, have a temporary extension of health coverage at group rates in certain instances where coverage under the plan would otherwise terminate. Contact the Human Resources Officer for more information about this benefit.

POLICY

The District provides a comprehensive retirement benefits package through the California Public Employees Retirement System (CalPERS).

PROCEDURE

1. District Notification

Employees planning to retire from District service shall give both the District and CalPERS at least ninety (90) calendar days' notice prior to the date of intent to retire.

2. Retiree Medical Insurance

Eligible retiring employees shall be provided with the option to elect medical coverage for themselves and family members, if applicable, in accordance with the District's contract with CalPERS. Contact the Human Resources Officer for more information about this benefit.

3. CalPERS Retirement Benefits Information

CalPERS annually provides you with information on the present and projected value of your accrued benefits.

Call CalPERS at **888-225-7377** to speak to a retirement plan specialist if you have any questions about your retirement benefit.

Policy

NapaSan understands that an injury or illness can adversely affect an employee's ability to work. Therefore, according to this Policy, upon an employee's return to work from medical leave due to an illness or injury, NapaSan will consider providing temporary Modified Duty Assignments to enable employees to return to work while recovering from the injury or illness. Any such potential Assignment shall be consistent with the business needs of the department and agency.

Purpose

The purpose of the Return-to-Work and Modified Duty Program ("Program") is to allow employees to work in a temporary modified work assignment with fewer physical and/or mental demands while the employee recovers from an injury or illness. At the end of the Modified Duty Assignment, an employee must be able to perform the essential functions of their job, with or without a reasonable accommodation.

If an employee is represented by a union or association that has negotiated a Memorandum of Understanding (MOU) with the District that includes language that applies to light or modified duty, this Policy shall be considered a supplement to such MOU language and should be interpreted to be consistent with the MOU.

Administration

The Return-to-Work and Modified Duty Program covers several scenarios where an employee's ability to return to work is affected due to an employee's injury or illness. Examples of when an employee's medical provider certifies that an employee can return to work yet cannot perform their full job, and/or work normal hours for a specific period of time, include but are not limited to:

- An employee returning to work on a regular schedule with restrictions and assigned a Modified Duty Assignment, if available.
- An employee returning to work on a reduced schedule without restrictions.
- An employee returning to work with work restrictions and assigned a Modified Duty Assignment, if available.
- An employee is unable to return to work (e.g., because of the unavailability of a Modified Duty Assignment, employee's inability to perform the essential functions of his or her job, with or without an accommodation.)

1. Eligibility

Employees with non-industrial injuries and illnesses, who have been released by their primary treating physician to perform a temporary modified work assignment may be eligible for a Modified Duty Assignment. Modified Duty Assignments may not always be available depending on the nature of an employee's job position, the applicable job restrictions and anticipated durations thereof, and NapaSan's operations. Therefore, a Modified Duty Assignment is not guaranteed and shall not be offered in all circumstances.

2. Modified or Light Duty Definition

Modified duty assignments may occur when an employee has been medically released for limited work based on specified restrictions. The District will require the disabled employee to provide the Human Resources Officer/designee with the treating physician's statement of work restriction(s) or a status report specifying the employee's anticipated date of return to modified or full duty.

Modified Duty Assignments are not intended to be a permanent assignment, but a temporary way to bridge between an employee's inability to work due to injury or illness and a return to full employment status.

Modified or Light Duty means an assignment with duties that are less physically and/or mentally demanding created specifically for the purpose of providing alternative work for employees who are temporarily unable to perform some or all of their normal duties due to illness or injury. Modified Duty is for a specified and limited period of time that is appropriate to the employee's skills and level of experience as determined by NapaSan, and which the employee can perform without violating any medical restriction imposed as a result of a temporary illness or injury.

Modified Duty may include temporary modification of job functions, reduced working hours, changes in working conditions, or physical modification to the workplace. NapaSan shall determine, at its sole discretion, whether a Modified Duty Assignment can be made and the type of Assignment to be provided.

Any Modified Duty Assignment must be meaningful and add value to NapaSan's operations. NapaSan will not provide a Modified Duty Assignment that is inconsistent with the business needs of the agency, would pose an undue hardship upon its operations or other employees, or an Assignment that would endanger the health or safety of the returning employee or to others.

SECTION: Employment Practices

SUBJECT: *RETURN-TO-WORK AND MODIFIED DUTY PROGRAM*

3. Fitness-for-Duty Exam and Medical Certification

Employees participating in the Return-to-Work Modified Duty Program may be required to undergo a Fitness-for-Duty medical examination to determine the extent of an employee's ability to perform his or her job functions and any work restrictions. The District reserves the right to have an employee examined by a designated District physician at no cost to the employee, prior to authorizing modified duty.

Employees are required to submit a Fitness for Duty and/or a Return to Work Certification ("RTW") Form completed by his or her primary treating physician before initiating any Modified Duty Assignment.

4. Interactive Process

In accordance with the Americans with Disabilities Act (ADA), the District shall make reasonable accommodations to provide modified duty assignments to an employee whose ADA-protected injury or illness results in their inability to perform the essential functions of their job, as long as such accommodation does not result in undue hardship to the District. Every effort will also be made to provide modified duty assignments to any employee whose injury or illness has been established as work-related.

The District will coordinate with the employee after receipt of the treating physician's statement of work restriction(s) to set up an interactive process meeting to evaluate whether a modified duty assignment can be accommodated. The General Manager/Human Resources Officer/designee shall determine what constitutes reasonable accommodation for modified duty based on a case-by-case evaluation of such factors as the nature of the employee's disability and work restriction(s), availability and priority of modified duty work, budgetary circumstances, length of disability, and the mutual welfare of the employee and District operations. When an employee is assigned modified duty, the employee shall be compensated for hours worked at the regular rate of pay established for the class of work performed or as determined by the General Manager, unless otherwise required under applicable governing laws.

After the employee submits a completed RTW Form, the employee, the employee's supervisor, and the Human Resources Officer ("HRO") shall engage in a discussion, or an "interactive process," to identify possible options for a Modified Duty Assignment.

The interactive process will include an analysis, including but not limited to the following:

- What essential job functions the employee is able to perform, with or without an accommodation, as well as which job functions cannot be performed.
- Information provided by the employee's primary treating physician on the Return-to-Work Certification Form.
- Whether a Modified Duty Assignment is feasible, considering the nature of the employee's position and NapaSan's overall operations.
- Whether a Modified Duty Assignment will cause an undue hardship on NapaSan.
- Whether the employee is able to safely perform their job functions without causing harm to themselves and others.

5. Length of Modified Duty

There is no limitation on modified duty hours worked, unless specifically designated in the physician's release. The Modified Duty Assignment shall be temporary and shall end on the earliest of:

1. The date the employee is medically released to his or her regular position with no restrictions, according to the RTW Form completed by the employee's primary treating physician.
2. The date the employee's treating physician determines the employee has permanent restrictions that prohibit the employee from performing the essential functions of his or her job, with or without a reasonable accommodation.
3. The date the agency determines within its discretion that the Modified Duty Assignment period ends.
4. The date the employee fails to undergo a required medical examination, without good cause.

Generally, a Modified Duty Assignment should not last more than forty five (45) calendar days. Requests for an extended Modified Duty Assignment may be granted, up to an additional one-hundred-and-twenty (120) calendar days, upon approval by the General Manager. The General Manager will consider whether, according to an employee's primary treating physician, the employee's medical condition is improving and there is an expectation that the need for continued work modification will end at a determinable date within one-hundred-and-twenty (120) calendar days from the end of the initial Modified Duty Assignment period.

If, at the end of the specified Modified Duty Assignment period, an employee is unable to perform the essential functions of his or her job, NapaSan and the employee shall engage in a good faith interactive process to identify possible reasonable accommodation(s), to the extent the accommodation(s) do not cause an undue hardship on NapaSan.

6. Coordination of Benefits

Modified Duty Assignments that include reduced working hours or intermittent leave may be coordinated with short-term and long-term disability insurance, as appropriate. Such leave shall be administered in compliance with applicable state and federal laws regarding medical leave and disabilities.

If an employee is assigned to modified duty less than full-time and if the employee is eligible, compensation for hours worked may be supplemented by partial payments from either State Disability Insurance or Workers' Compensation Insurance as well as other accrued sick, vacation, holiday, or compensatory time.

i. No Discrimination or Retaliation for Modified Duty Assignment

Modified Duty Assignments shall not be assigned as a form of discipline or retaliation to the employee. Further, during or after completing a Modified Duty Assignment, employees shall not be discriminated or retaliated against because of an employee's Modified Duty Assignment.

ii. Application Process

Employees who are participating in the Return-To-Work and/or a Modified Duty Program must follow the following application process:

a) Notice Requirements**i. For Non-Industrial Illness or Injury**

If an employee's non-industrial illness or injury requires a medical leave of absence of five (5) or more days or requires intermittent leave for medical purposes, the employee is required to inform their immediate supervisor and the HRO as soon as possible after experiencing the illness or injury. If the need for leave is expected to be longer than seven (7) or more calendar days and the employee desires to coordinate their leave with short-term disability insurance, the employee shall inform the HRO of this fact as soon as practicable.

ii. For Industrial-related Illness or Injury

Employees shall follow the notice requirements for industrial illness and injury as described in the Napa Sanitation District Injury and Illness Prevention Program.

b) Complete Return-to-Work (RTW) Form

The HRO shall provide the employee with a Return-to-Work (RTW) Form, the employee's job description, and any other available information to help the employee's primary treating physician make a determination of the employee's ability to return to work.

The employee must submit a completed RTW Form, signed by the employee's primary treating physician before an employee may begin a Modified Duty Assignment. The employee will not be allowed to return to work and perform any work assignments until the RTW Form is completed, signed, and returned to the NapaSan Human Resources Officer.

c) Engage in the Interactive Process

The HRO, the employee, and the employee's supervisor or manager shall engage in discussion to determine what, if any, Modified Duty Assignment is available, as provided above in Section 4. Interactive Process.

d) Respond to Modified Duty Offer Letter

The HRO shall prepare an offer letter to the employee describing the Modified Duty Assignment, if any, that NapaSan is willing to extend to the employee. This offer shall include the start and end date of the Modified Duty Assignment period and the specific modifications being offered. The employee shall have seven (7) calendar days from the date of the offer letter, to accept or reject the offer.

If an employee believes the Modified Duty Assignment is difficult, they can request another Interactive Process meeting to discuss the need for more accommodations. If the primary treating physician makes a change to the employee's work restrictions or finds that the modified assignment is not within the employee's restrictions, NapaSan will re-evaluate the availability of a Modified Duty Assignment and provide a new Modified Duty Offer Letter.

If the employee is not able to perform the essential functions of their job with or without an accommodation or is unwilling to accept the modified duty offer after the interactive process, the District will look at other options available to the employee, including Disability Retirement with CalPERS.

e) Submit New Return-To-Work (RTW) Form

At the end of the Modified Duty Assignment period, the employee must provide NapaSan with a new RTW Form completed and signed by the treating physician, indicating that the employee is released **to return to their normal work expectations**, or if the employee has reached maximum medical improvement, identifying any work restrictions.

No Fraudulent Use of These Benefits

An employee who is found to abuse or fraudulently use these temporary disability provisions may be subject to disciplinary action up to and including termination.

Policy

The District provides a reasonable amount of break time to accommodate a female employee's need to express breast milk for the employee's infant child. NapaSan will also make a reasonable effort to provide the employee with the use of a room or other location in close proximity to the employee's work area for the employee to express milk in private. (Ref: California SB 142, effective 1/1/2020.)

Purpose

To provide guidance to District staff regarding the Lactation Accommodation Policy and define the rights and responsibilities of District employees and staff.

Definitions

Eligible Employee:

An employee returning to work after maternity leave that wishes to express breast milk during working hours.

Lactation Room:

A private room or other location close to the employee's work area, shielded from view, and free from intrusion while the employee is expressing milk. (This will not be a toilet stall or restroom.) This room will be safe, clean, contain a surface to place a breast pump and personal items, contain a place to sit, and have access to electricity or alternative devices needed to operate an electric or battery-powered breast pump. The use of this room for lactation shall take precedence over other uses, but only for the time it is in use for lactation purposes. A sign will be provided to post when the room is being used in order to ensure privacy. The room will be left open after use so that others will know that the room is unoccupied.

Refrigeration Area:

If requested by the employee, a section of the District's refrigerators and/or freezers will be designated for breast milk storage.

Breaks:

A breastfeeding employee shall be provided a flexible schedule for expressing breast milk for her child. The time would not exceed normal time allowed for lunch and breaks. For time that may be needed beyond the usual break times, employees may use personal leave or may make up the time as negotiated with their supervisor.

Procedure

Employees requesting an accommodation under the policy should comply with the following requirements:

1. The employee should contact her supervisor and Human Resources to request designation of a location and time to express breast milk under this policy.
2. The requested break time should, if possible, be taken concurrently with other scheduled break periods.
3. The employee should indicate to their supervisor and Human Resources if they will need refrigeration space for the expressed milk.
4. All parties shall communicate on a regular basis to ensure lactation needs are being met and break times and work are being accommodated until the lactation period has been completed.

Employee Responsibility

Employees who wish to express breast milk during the work period are responsible for communicating their needs to their supervisor and the Human Resources Officer so that appropriate accommodations can be made to satisfy the needs of both the employee and the District.

Employees are responsible for keeping the milk expression areas clean and are responsible for labeling all milk expressed with their name and date collected to avoid any possible confusion with another employee's milk. Each employee is responsible for proper storage of her milk using the provided refrigerator/freezer.

If the employee feels that their lactation accommodations are not sufficient, the employee should contact the Human Resources Officer who will work with the employee to find the best suitable solution. The employee also has the right to file a complaint with the California Labor Commissioner for violations of this policy.

California Labor Commissioner Contact Information:

<https://www.dir.ca.gov/dlse/HowToReportViolationtoBOFE.htm>

Management Responsibility

Management is responsible for providing a lactation room as defined above. Management will work with the employee to make the appropriate accommodations needed, including allowing for flexible break periods if necessary and with Human Resources to ensure proper administration of this policy. Management will not discriminate or retaliate against any employee for exercising or attempting to exercise their rights under this policy.

SECTION III:

BENEFITS

Leave blank

POLICY

Regular full-time employees shall be eligible for eleven (11) paid holidays per calendar year, as shown below:

REGULAR HOLIDAYS

New Year's Day	Veteran's Day
Martin Luther King Day	Thanksgiving
President's Day	Day After Thanksgiving
Memorial Day	Christmas Eve
Independence Day	Christmas Day
Labor Day	

Also, every day appointed by the President or Governor for a Holiday and Cesar Chavez Day when observed by rank and file employees of the City and/or County of Napa.

Employees shall be entitled to the paid scheduled holidays listed above provided they are in a paid status during any portion of the working day immediately preceding and the one succeeding the scheduled holiday. A new employee whose first working day is after a paid scheduled holiday shall not be paid for the holiday, and an employee who is separated from the District and whose last day is the day before a paid scheduled holiday shall not be paid for that holiday. Employees who are on a part-time schedule, reduced work week or are in an unpaid status shall have **prorated holiday pay**.

PROCEDURE

1. If a holiday falls on Saturday, it will be observed on the preceding Friday.
2. If a holiday falls on a Sunday, it will be observed on the following Monday.
3. If a holiday falls on an employee's scheduled day off, the holiday will be paid to the employee at straight time based on the number of hours of the employee's regular schedule.
4. Hours worked on a holiday will be paid at one and a half (1 ½) times the employee's rate of pay.

POLICY

All regular full-time employees accrue paid vacation from the first day of employment.

Vacation accrual for non-exempt employees is calculated in hourly increments per pay period, as set forth below. Vacation accrual will be pro-rated when an employee is on leave of absence without pay in conjunction with State Disability or workers compensation leave.

Total Months of Service	Vacation Hours Per Pay Period	Total Annual Days Vacation Leave	Maximum Vacation Accrual
001-036	3.08	10	190
037-132	4.62	15	270
133-156	5.24	17	302
157-180	5.54	18	318
181-204	6.16	20	350
205-228	6.47	21	366
229+	7.69	25	430

Vacation accrual for exempt employees is calculated in hourly increments per pay period as set forth below.

Total Months of Service	Vacation Hours Per Pay Period	Total Annual Days Vacation Leave	Maximum Vacation Accrual
001-132	4.62	15	270
133-156	5.24	17	302
157-180	5.54	18	318
181-204	6.16	20	350
205-228	6.47	21	366
229+	7.69	25	430

Vacation time accrues only while employees receive District pay. Vacation time does not accrue during periods of unpaid absence from work.

Regular part-time employees shall accrue vacation leave on a pro-rated basis.

Accrual of Management Leave shall be consistent with the current MOU.

The salary of an exempt employee consists of a predetermined amount irrespective of the amount of hours worked. If an exempt employee has exhausted all accrued paid time off benefits and misses additional days or hours of work for personal reasons, the amount of time the employee misses may be deducted in hour per hour increments from the employee's salary.
(Title 29 Code of Federal Regulations Part 5 Section 541.5d)

PROCEDURE

1. Scheduling

- A. Vacations may be scheduled at any time during the year upon approval of the General Manager or their designee. Scheduling for vacations should be made in such a manner as to ensure continuous and efficient operations for NapaSan. All vacations are subject to cancellation in case of emergency conditions.

A written request for vacation time of at least three (3) consecutive days should be presented for approval at least thirty (30) calendar days prior to the time requested and the request must be approved by the employee's supervisor before the time can be taken.

- B. If a holiday falls on a workday during an employee's vacation period, that day shall be considered as a paid holiday and not vacation time.
- C. The employee shall use vacation time in case of an extended illness where sick leave or other accrued paid leave has been fully exhausted, unless the employee receives paid disability payments (such as state disability insurance, workers' compensation or other disability payments).
- D. If an employee or their immediate family member suffers a bona fide illness or injury during a vacation and is able to provide a doctor's certification regarding that illness or injury, the employee may request that sick leave be substituted for vacation leave. Granting sick leave in lieu of vacation is at the discretion of the General Manager.

2. Vacation Pay Out

Employees who separate from the District shall receive accrued and unused vacation in a lump sum payment with the final paycheck.

3. Maximum Vacation Accrual

Once an employee reaches the maximum vacation accrual (see table above), the employee will cease accruing any additional vacation leave until such time as the accrued unused vacation is below the maximum vacation accrual hours allowed.

4. Use of Vacation Time While on an Unpaid Leave

Employees can take accrued and unused paid leave before taking unpaid leave or having unpaid absences. This includes Family Care, Medical, and Pregnancy Disability Leave. If the employee is receiving wage replacement through a disability leave plan (such as State Disability Insurance or Paid Family Leave), accrued and unused vacation time can be integrated with disability benefits.

SDI waiting period can be paid with accrued vacation time

Employees who are absent because of their own disability may be eligible for State Disability Insurance (SDI) benefits. SDI payments do not begin until after an employee has been absent from work for seven (7) calendar days. If the employee has accrued vacation time, vacation or sick leave can be used for the first seven (7) days before SDI payments begin.

SDI benefits can be supplemented with vacation time

SDI benefits do not replace all usual wages. The employee may choose to supplement SDI benefits with vacation time. If the employee is absent for a reason that qualifies for Paid Family Leave (PFL) payments, the employee may choose to supplement PFL benefits with vacation time.

POLICY

Regular full-time employees accrue sick leave from the first day of employment.

1. Purpose

Sick leave is a form of insurance that is accumulated in order to provide a cushion for incapacitation due to illness. It is to be used only when actually required to recover from illness or injury; sick leave is not for “personal” absences. Time off for medical and dental appointments will be treated as sick leave. The District will not tolerate abuse of the sick leave privilege.

2. Accrual of Sick Leave

Sick leave with pay shall accrue at the rate of three point six nine two (3.692) hours per pay period, a total of twelve (12) workdays per calendar year. Sick leave accrues only while an employee receives District pay. No sick leave shall be accrued for a pay period wherein the employee is on leave of absence without pay for that entire pay period. There shall be no maximum accumulation of sick leave. Regular part time employees accrue sick leave on a pro-rated basis.

3. Permitted Sick Leave Usage

A. Personal Illness, Injury or Emergency

Sick leave is intended for the absence from duty of an employee because of illness, injury or exposure to a contagious disease that incapacitates the employee. Employee may also use up to 24 hours of his or her accrued and available sick leave benefits in a fiscal year if the employee is a victim of domestic violence, sexual assault or stalking in accordance with the Paid Sick Leave Law (AB 1522, 2015).

B. Family Member Illness or Injury

Sick leave may also be taken due to the illness of a member of an employee’s immediate family—defined as father, mother, sister, brother, spouse, registered domestic partner, children, including children with a serious health condition regardless of age,* parent-in-law, grandchild or grandparent—that requires the employee’s personal care and attention. Use of sick leave for this purpose shall be covered by the leave benefits provided in the FMLA policy if the employee meets the qualification requirements. If the employee does not meet the FMLA qualification requirements, they will be permitted to take leave for a reasonable period of time, until alternate arrangements for care can be made.

(*Ref: California SB 1383 eff. 1/1/2021)

Employees may use up to 72 hours of his or her accrued and available sick leave benefits in a fiscal year for diagnosis, care, or treatment of an existing health condition or for preventive care for the employee's immediate family member.

C. Medical Appointments

Accrued sick leave may be used to engage in programs of preventative medicine. Routine physical checkups, examinations and dental visits are included in this category. Prior written approval is required, if possible. Appointments should be scheduled for the first or last hour of the workday, if possible. If unable to report to work immediately following an appointment, the employee must contact the immediate supervisor advising them of the health status and anticipated return to work date.

D. Baby Bonding

The District allows employees on Paid Family Leave (PFL) for baby bonding to use up to 72 hours of sick leave bank (family sick leave) in combination with PFL benefits. Employees then use other leaves – for example: vacation or compensatory time.

4. Monitoring

To monitor sick leave usage and absences the supervisor is responsible for maintaining a confidential record of use by reviewing personnel records and absentee reports. This will serve to stop the abuse of sick leave through counseling and discipline, if necessary.

The following circumstances are examples of abuse of sick leave:

- A. A pattern of sick leave use, such as using sick time adjacent to scheduled days off or calling in on the same day of the week or month.
- B. Refusal or inability to provide doctor's verification of illness when requested.
- C. Frequent absences with vague or questionable substantiation.
- D. Frequent or reoccurring exhaustion of sick leave as soon as it is earned.
- E. Other activity which is inconsistent with the legitimate use of Sick Leave.

The use of sick leave is one of the factors utilized in the evaluation of step increases and promotions. The substantiated abuse of sick leave may result in the reduction from one step to another, demotion or dismissal.

5. Administration

A Personnel Action Form for all doctor and dental appointments should be submitted at least three (3) days in advance. Such leave shall be at the convenience of the District unless there is an emergency.

A. Notice of Illness/Emergency

It is the responsibility of the employee to personally notify their immediate supervisor of illness, injury, or emergency unless medical conditions make personal notification impossible. If applicable, the probable duration of absence should also be provided. In cases of prolonged illness, employees are required to contact their direct supervisor once per week to provide a status report on their condition.

If an employee does not call to notify of an absence before the time they are to report to work, the employee shall be docked pay for the time off, unless there are extenuating circumstances preventing the employee from doing so.

Day Shift Employees:

Notification shall be given at least **one (1) hour** prior to the normal start time, or as soon as possible.

Graveyard, Swing-shift or Weekend Employees:

Notification shall be given at least two (2) hours prior to the normal start time, [or as soon as possible.](#)

B. Documentation

i. Three (3) Days of Consecutive Sick Leave, or a Pattern of Frequent Intermittent Leave

Doctor's verification may be required for more than three (3) days' consecutive sick leave.

The District may require doctor's verification at any time if it appears that an employee is abusing the sick leave privilege.

- ii. **Five (5) Days of Consecutive Leave or Five Days of Intermittent Leave in One Month**
If any employee experiences five (5) or more days of consecutive leave, or five (5) days of intermittent leave in one month they and/or their supervisor must immediately contact the HR Officer, who will ascertain whether they have FMLA rights.

C. Integration of Paid Leave Accruals and State Disability Insurance/Paid Family Leave
(amended 5-18-05 MR05-039)

An employee who becomes disabled due to an illness or injury not caused by work and who is eligible for State Disability Insurance (SDI) payments must apply for such payments. Informational pamphlets and application forms are available from the Human Resources Officer. The District shall continue to contribute its share to the health, dental and life insurance premiums of an employee receiving SDI benefits so long as they are in a payroll status. An employee is in a payroll status if they are using accrued sick time, vacation, personal leave or compensatory time off in conjunction with SDI benefits.

Integration of State Disability Payments and Employee's Available Leave Benefits

SDI payments and the employee's available sick leave shall be integrated so the employee will continue to receive the equivalent of a normal bi-weekly paycheck. If an employee has no available sick leave, they may substitute vacation, holiday, or compensatory time benefits, subject to prior approval by the General Manager. The District shall charge the employee's appropriate sick leave, vacation, holiday, or comp time benefit account on a pro-rata basis. If an employee exhausts all paid leave accruals and the disability continues the employee shall be placed on a leave of absence without pay.

Paid Family Leave

Paid Family Leave is an extension of the state disability program and provides financial support for individuals who take time off of work to care for a seriously ill child, spouse, parent, or domestic partner, or to bond with a new child. Paid Family Leave does not provide employees with leave beyond that provided by the Family Medical Leave Act (FMLA) or the California Family Rights Act (CFRA). PFL payments and the employee's available sick leave shall be integrated so the employee will continue to receive the equivalent of a normal bi-weekly paycheck. The District shall charge the employee's appropriate sick leave time benefit account on a pro-rata basis. If an employee exhausts all paid leave accruals and the disability continues the employee shall be placed in unpaid status. PFL benefits are available up to six (6) weeks during a 12-month period.

D. Interactive Discussions for Reasonable Accommodations

An employee who requires an accommodation in order to perform the essential functions of the job should contact their supervisor or Human Resources and as best as possible, identify what accommodation they need to perform their job.

The District will engage in an interactive discussion/communication processes to identify the needs required by employees who require accommodations to successfully perform the essential functions of their position. If the accommodation is reasonable and will not impose an undue hardship [on the District](#), the District will make the accommodation. The District will ensure all decisions are communicated in a timely manner.

E. Fitness For Duty Examination

An employee who is chronically unable to perform their assigned duties as scheduled may be required to undergo a Fitness For Duty Examination. The purpose of the examination is to determine the employee's physical and/or psychological ability to withstand the rigors of a full-time position. The District will assume the cost of the examination.

6. Work Related Injury or Illness

A. Integration of Benefits

An employee may elect to use available sick leave, vacation, holiday or compensatory time benefits between the date of injury or illness and the date such injury or illness is determined to be eligible for Workers' Compensation insurance benefits. When an employee becomes eligible for Workers' Compensation benefits, the District shall pay their regular salary for a period of up to thirty (30) calendar days, or one hundred seventy-six (176) hours, if they are not participating in a physical fitness program; for sixty (60) days, or three hundred fifty-two (352) hours if they are participating in a physical fitness program. No deduction from the employee's sick leave or vacation time shall occur during the periods stated above. In return, they must return the Workers' Compensation benefit check to the District for the same period. Please note that no vacation or sick leave will be earned during the thirty (30) day or sixty (60) day periods.

If an employee is off for a longer period of time than is stated in the above paragraph, then they may request payment from earned sick leave, vacation, compensatory time off or other accrued paid leave. If an employee exhausts all paid leave accruals and the workers' compensation disability continues the employee shall be placed on a leave of absence without pay. See *Policy #306* for details on Leaves of Absence.

B. Return to Work

An employee who has returned to work following a work related injury or illness and who is required by their physician to leave work for treatment during working hours shall have the option of charging that time to their available sick leave accrual, compensatory time, personal leave or vacation time.

7. Unused Sick Leave

Before December 1st, of each year, an employee who has accumulated over five hundred (500) hours of sick leave may convert a portion of their current fiscal year's unused sick leave to personal leave. See **Personal Leave Policy #304** for details.

8. Conversion For Retirement Benefits

Any accumulated sick leave at the time of retirement shall be converted to service credit for retirement purposes at the rate set by CalPERS and in accordance with any CalPERS or other rules, statutes, or regulations governing such conversions.

POLICY

All employees shall accrue three and one half (3 ½) days per year of Personal Leave.

PROCEDURE

1. Employees who have accumulated over five hundred (500) hours of sick leave, and have used less than forty nine hours of sick leave in the current calendar year, may convert up to forty eight hours of unused sick leave to personal leave time. Employees must request the conversion plan each year by notifying the District's payroll department by December 1st. While on the conversion plan, employees shall use Personal Leave or other accrued leave except for Sick Leave for medical, dental or laboratory appointments.
2. Earned personal leave will appear on the employee's pay stub and be available as soon as processed by Payroll. Personal leave may be taken in hourly increments or in total at the discretion of the department head.
3. Any unused personal leave accumulated by employees and not used each fiscal year by the payroll period containing December 15th will be forfeited.
4. Management employees who have accumulated over five hundred (500) hours of sick leave may convert up to six (6) days, (forty-eight (48) hours) of the current fiscal year's unused sick leave to personal leave time and carry it forward into succeeding years, but are only eligible to convert additional leave in subsequent years if on December 1st of each year, the amount of accumulated unused personal leave has fallen below ninety-six (96) hours and if the amount of the requested conversion will not cause accumulated, unused personal leave to exceed ninety-six (96) hours.

Policy

The District wants to ensure that its employees have the time to heal from their own serious health condition(s) and/or help their family members heal from their serious health condition(s) or provide family care. Therefore, the District complies with the California Family Rights Act of 1993 ("CFRA") and the federal Family Medical Leave Act of 1993 ("FMLA"). Since there are many requirements, qualifications, and exceptions under these laws, employees are encouraged to contact the Business Office to discuss options for leave as soon as a need for leave is known.

Eligibility Criteria for Leave Under CFRA/FMLA

Under the Federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA), employees may have the right to an unpaid, [job-protected](#) family or medical leave of up to twelve (12) workweeks in a twelve (12)-month period, under the following conditions:

1. The employee has more than twelve (12) months of service. If the leave is for FMLA only, the twelve (12) months of service must have accumulated within the previous seven (7) years. There is no such cap under CFRA.
2. The employee has worked at least 1,250 hours during the preceding twelve (12)-month period before the need for leave.

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

1. For the birth, adoption, or foster care placement of the employee's child (FMLA/CFRA).
2. For a serious health condition that makes the employee unable to perform their job (FMLA/CFRA).
3. To care for [the employee's immediate family member with a serious health condition](#). [Covered family members include the employee's spouse, registered domestic partner, child \(regardless of age\), child of domestic partner \(regardless of age\), parent, siblings, grandparents, or grandchildren \(FMLA/CFRA as amended by SB 1383 eff. 1/1/2021\).](#)
4. For any "Qualifying Exigency" (defined by federal regulation) because the employee is the spouse, [domestic partner](#), son, daughter, or parent of any individual on covered active duty (or has been notified of an impending call or order to active duty) in the Armed Forces (FMLA only); or
5. An employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a twelve (12)-month period to care for the service member (FMLA/CFRA for twelve (12) weeks if the care provider is eligible for both, followed by fourteen (14) weeks of FMLA only), or 26 weeks of FMLA only if leave is not CFRA covered leave).

B. Calculating the Twelve (12)-month Period

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

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

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

For leave to care for a covered service member, the twelve (12)-month period begins on the first day of the leave, regardless of how the twelve (12)-month period is calculated for other leaves. Leave to care for a covered service member is for a maximum of 26 workweeks during a twelve (12)-month period.

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

If an employee is disabled by pregnancy, childbirth, or related medical conditions, she is entitled to take a pregnancy disability leave (PDL) of up to four (4) months, depending on the period(s) of actual disability. Leave because of the employee's disability for pregnancy, childbirth or related medical condition is not counted as time used under CFRA. Time off because of pregnancy disability, childbirth or related medical condition does count as FMLA leave. Employees who take time off for pregnancy disability and who are eligible for Family Medical Leave will also be placed on Family Medical Leave that runs at the same time as their PDL. Once the pregnant employee is no longer disabled, she may apply for leave under CFRA for purposes of baby bonding.

D. Intermittent Family Medical Leave

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

E. Serious Health Condition Leave

There is no minimum duration of time for a leave under this section, so long as the leave is medically necessary as certified by the employee's health care provider. FMLA/CFRA provide 12 weeks of protected leave. Any leave greater than 12 weeks will have to be discussed and approval sought from the General Manager. Any leave longer than 12 weeks, becomes "unprotected" and the employee loses the guaranteed rights to their former position. The District will do its utmost to bring the employee back into a position for which they are qualified and provides similar pay as the position they previously occupied.

If the employee cannot carry out the full duties of their position when their doctor certifies they can return to work, the District will engage in the interactive process to ascertain the best possible position for the employee.

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

E. Notice Requirements

If possible, the employee must contact the Human Resources Officer and/or the General Manager or designee to provide at least thirty (30) days' advance notice for foreseeable events (such as the expected birth of a child, the employee's own planned medical treatment or that of a family member, or qualifying military exigencies). If the employee cannot provide thirty (30) days' notice, the District must be informed as soon as is practical.

For events that are unforeseeable, the employee must notify the District, at least verbally as soon as they learn of the need for the leave.

Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until the employee complies with this notice policy.

The District will respond to an employee's request for FMLA/CFRA leave as soon as practicable, and in any event, no later than ten (10) days after receiving the request, and preferably before the leave is to begin. The final leave approval will be conditional upon receiving the requested information.

The employee must consult with their supervisor regarding scheduling of any planned medical treatment or time off for a qualifying military exigency in order to minimize disruption to the District's operations. Any such scheduling is subject to the approval of the healthcare provider of the employee or the healthcare provider of the employee's child, parent, spouse or domestic partner, or per notification of a qualifying military exigency.

F. Second Opinion

If the Family Medical Leave request is made because of the employee's own serious health condition, the District may require, at its expense, a second opinion from a health care provider that the District chooses. The health care provider designated to give a second opinion will not be one who is employed on a regular basis by the District.

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

G. Certification Requirements

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

If the employee does not provide medical certification in a timely manner to substantiate the need for Family Medical Leave, the District may delay approval of the leave, or continuation thereof, until certification is received.

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

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

If both parents are employed by the District, and both request leave for the birth or placement for adoption or foster care of a child, the District will not grant more than a total of twelve (12) workweeks between the two parents of Family Medical Leave for this reason.

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

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

The District will require certification by the employee's health care provider that the employee is fit to return to their job.

Failure to provide certification by the health care provider of the employee's fitness to return to work will result in denial of reinstatement for the employee until the certificate is obtained.

A leave taken due to a qualifying exigency related to military service must be supported by a certification of its necessity. A leave taken due to the need to care for a service member shall be supported by a certification by the service member's health care provider.

H. Continuation of Health and Other Benefits

An employee taking Family Medical Leave will be allowed to continue participating in any health and welfare benefit plans in which they were enrolled before the first day of the leave (for a maximum of twelve (12) workweeks, or 26 workweeks if the leave is to care for a covered service member) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. The District will continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins. The District reserves the right to recover from an employee premium paid to maintain health coverage if the employee fails to return to work following Family Medical Leave.

Employees on pregnancy disability leave will be allowed to continue to participate in group health coverage for up to a maximum of four (4) months of pregnancy disability leave (if such insurance was provided before the leave was taken) on the same terms as if the employee had continued to work during that time.

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

I. Benefit Coverage for Leave Extending Past the Legally Protected Period

If the employee must remain on medical leave after the conclusion of the 12 weeks of protected leave and provides appropriate documentation in a timely manner to the District and applies for the District's **Discretionary Unpaid Leave of Absence**, the District will review their application for extended leave in a timely basis. If it agrees the employee may remain on an extended leave of absence, the District will provide notice to the employee of their COBRA rights including the amount the employee owes to continue in the health and other insurance benefits provided by the District. The employee will be responsible for making their own payments at the COBRA rate of the District's benefits to the organizations providing insurance.

J. District May Recover Premiums Under Certain Circumstances

The District reserves the right to recover the premium that the District paid for maintaining group health coverage if:

- the employee fails to return from leave or works less than 30 days after returning from leave;
and
- The employee's failure to return is caused by a reason other than a serious health condition or other circumstances beyond the employee's control.

Leave Benefits Do Not Accrue While On Unpaid Leave

Employees on Family Medical Leave will not continue to accrue vacation, sick leave, or any other paid time off during unpaid portions of their leave.

K. Substitution of Paid Leave

Generally, FMLA/CFRA leave is unpaid. Employees on approved Family Medical Leave will be required to exhaust accrued paid sick time (if appropriate) and also to exhaust other accrued paid time off to the extent permitted by law. Once accrued paid time off is exhausted, any remaining Family Medical Leave will be unpaid.

L. Intermittent Leaves and Temporary Transfers:

The District may temporarily transfer an employee taking CFRA/FMLA intermittent leave or leave on a reduced schedule for planned medical treatment to a different job which better accommodates recurring periods of leave than does the employee's regular position.

M. FMLA leave may be taken in hourly amounts by exempt employees

Exempt employees who have been certified to take FMLA may take intermittent time off provided this is what their medical certificate documents is needed. This intermittent time will be recorded on timesheets as X hours off per situation, i.e., they do not have to be for four (4) hour increments and will be deducted from their sick leave accruals accordingly.

- If working intermittently the employee's leave entitlement and accruals will be adjusted accordingly.

N. Return to Work

When an employee is deemed well enough to return to work, they must immediately inform their supervisor that they are ready to return. The employee must submit a "return to work" certificate from their health care provider, or the health care provider of their family member. The District and the returning employee will agree on a return to work date.

Reinstatement

Under most circumstances, upon return from Family Medical Leave, an employee will be reinstated to his or her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if they had been continuously employed rather than on leave. For example, if an employee on Family Medical Leave would have been laid off had they not gone on leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement.

In granting a leave under CFRA/FMLA, the District guarantees its employee reinstatement to the same or a comparable position at the conclusion of the leave (unless the employee would not otherwise be employed at the time, or the employee is a "key employee" and reinstatement would result in substantial and grievous economic injury). In addition, an employee's use of Family Medical Leave will not result in the loss of any employment benefit that the employee earned before using family/medical leave.

O. Reasonable Accommodation/Interactive Meetings When Necessary

If an interactive discussion to discuss the need for reasonable accommodations is requested by the returning employee, the discussion and required reasonable accommodations, not creating a hardship for the District, will be made as agreed, in a timely manner.

P. No outside work while on FMLA except for military or public service requirements

Employees may not perform work for self-employment or for any other employer during an approved leave of absence, except when the leave is for military or public service or when the District has approved the outside employment and the employee's reason for FMLA leave does not preclude the outside employment.

POLICY

All regular full-time employees are entitled to the leave provisions outlined below, subject to the approval of the General Manager/designee. All leave time must be requested and approved by the employee's supervisor and department manager/director prior to submitting to the **Human Resources Officer for certification when necessary and to the** General Manager/designee for final approval.

PROCEDURES

1. General Provisions

- A. A leave of absence may include both paid and unpaid days. An employee will continue to receive health insurance benefits at the same level and under the same conditions that coverage would have been provided had the employee continued active employment. If the employee contributed to the group plan premium before taking leave, they must continue to pay their portion while on leave.
- B. Unless governing law indicates otherwise, seniority, vacation, sick leave and holiday benefits do not accrue during periods of unpaid leave of absence.
- C. Regular merit increase consideration shall be delayed for the length of time that an employee is on an unpaid leave of absence.
- D. An employee granted a leave of absence exceeding thirty (30) days must provide the District with two (2) weeks' notice prior to their anticipated return to work date.
- E. An employee requiring an extension to a leave of absence must request the extension two (2) weeks before the original leave expires.
- F. Depending on the type of leave, the employee shall complete the appropriate section of the time sheet and/or the appropriate Leave of Absence Request Form.
- G. In accordance with the Americans with Disabilities Act (ADA), the District shall make every reasonable accommodation to provide a modified duty assignment to a disabled employee covered under the ADA who is unable to perform the essential functions of their job.
- H. Failure to return to work on the next scheduled workday following the expiration of a leave of absence may result in termination.

Bereavement Leave

NapaSan grants employees up to three (3) days of paid leave due to the death of a member of the employee's immediate family. Such bereavement leave will not be charged to vacation or sick leave and is limited to five (5) days maximum within a fiscal year. The employee must notify their supervisor prior to the leave and must submit the written leave request upon return to work. If additional time off is desired, approval is required and shall be charged to accrued time off.

For the purpose of this policy, immediate family member is defined as spouse, registered domestic partner, child, foster child, mother, father sister, brother, the corresponding step relationship, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, aunt, uncle, niece, nephew or any other relative living in the employee's household.

Blood Donation

An employee may, with advance approval, take paid time off of up to one (1) hour to donate blood to a local Blood Bank. This may be utilized no more than twice in a calendar year.

Child Support Leaves:

i. Child's Suspension

An employee who is the parent or guardian of a child who has been suspended from school shall be given time off if requested to appear at the school in connection with that suspension. The employee must give reasonable notice to the District of the request.

ii. School Visits Leave

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

- A. Employees must provide their supervisor with reasonable notice of the planned time off by completing the appropriate leave request form.
- B. Employees may elect to use available paid time off, with the exception of sick leave time, to cover the time taken for the school visit(s).
- C. Upon the District's request, employees must provide written verification from the school of parental participation specifying the date and time of the activity.

Jury Duty

Any regular or probationary employee ordered to serve on a jury shall be entitled to their regular District pay provided the following conditions are met:

- A. When an employee is informed of the need to serve on jury duty, the employee shall notify their supervisor so that adequate arrangements can be made for their absence.
- B. An employee shall obtain a release slip from jury duty that shall be dated, time releases indicated, and signed by the Court Clerk. Employees who do not have a jury duty release slip will not be allowed to charge the time off to jury duty leave.
- C. If an employee, because of the time released from jury duty, cannot report to work in sufficient time to be on the job for at least one (1) hour, either before or after the report time then the employee is not required to report to work. If an employee wishes to take leave after jury duty in lieu of reporting back to work, then all time after the release from jury duty will be charged to either vacation, compensatory time off or personal leave.
- D. The employee shall turn in all fees for such jury duty services, exclusive of mileage, within thirty (30) calendar days after their excused absence for such duty.
- E. Any employee who is granted leave for jury duty shall be paid at their regular base rate.

Kin Care (new)

Kin care leave is time provided to employees to take time off work to care for a family member. This allows employees to use up to half of their sick leave for specific family members as defined by California law.

Family Members

The types of family members covered by the law includes a:

- Child, i.e., biological child, adopted child, foster child, stepchild, legal ward, or a child for which the employee stand's *in loco parentis*; **The child may be any age. (as per SB 1383 eff. 1/1/2021)**
- Parent, i.e., biological parent, adoptive parent, foster parent, stepparent, or legal guardian;
- spouse;
- registered domestic partner;
- grandparent;

Kin Care (continued)

- a grandchild; or
- a sibling.

Number of Days Off of Work

Up to half of an employee's yearly allotted sick leave may be used for kin care purposes.

Reasons an Employee Can Take Time Off from Work

Employees are entitled to take accrued sick time off from work in order to:

- seek diagnosis, care, or treatment for an existing health condition of an employee's family member, and:
- support a family member who was the victim of:
 - domestic violence,
 - sexual assault, or
 - stalking.

No Adverse Action by the District against employees properly using Kin Care

The District will not retaliate against any employee taking time off for proper use of kin care leave.

Medical Certificates May Be Requested

As with all sick leaves, the District may request medical evidence of the illness.

The employee is responsible for providing requested documentation in a timely manner and also for providing timely notice to their supervisor of the need to take such leave.

The District may also withhold pay pending verification if it suspects the leave is being misused.

(Effective 1/1/2021, Assembly Bill 2017, which revises Labor Code § 233, commonly known as Kin Care)

Leave to Vote

If an employee does not have sufficient time outside of working hours to vote in an official state-sanctioned election, the employee may take off enough working time to vote. Such time off shall be taken at the beginning or end of the regular working shift, whichever allows for more free time and the time taken off shall be combined with the voting time available outside of working hours to a maximum of two (2) hours combined. Under these circumstances, an employee will be allowed a maximum of two hours of time off during an election day without loss of pay. When possible, an employee requesting time off to vote shall give their supervisor at least two (2) days' notice.

Military Leave

An employee who is a member of the Army, Navy, Air Force, Marine Corps, Coast Guard and the Reserves for each of those branches, 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, shall be allowed leave in accordance with the provisions of law governing such leaves. The provisions shown below describe only the most basic aspects of the law. The District shall follow all governing laws in effect at the time of an employee's request for Military Leave and the employee should contact the **Human Resources Officer** for more information.

- A. An employee who is called to military service is entitled to up to thirty (30) calendar days per fiscal year, with full pay and benefits.
- B. A total of up to five (5) cumulative years may be allowed for absences related to military duty.
- C. An employee requiring military leave must provide advance written or verbal notice of the need for a leave, unless prevented from doing so by military necessity or if providing notice would be impossible or unreasonable. A copy of the military orders must be attached to the employee's completed Leave of Absence Request form unless the employee is prevented from doing so by military necessity.

Military Leave (continued)

- D. An employee returning from military leave of less than thirty-one (31) days shall report to work on the first full regular workday following completion of service, plus time for safe transportation back to the employee's residence plus an additional eight (8) hours. If reporting at that time is impossible or unreasonable through no fault of the employee, then they must report as soon as possible. An employee whose military leave exceeds thirty (30) days must submit an application for re-employment within fourteen (14) days after the completion of service from thirty-one (31) to one hundred eighty (180) days.

If submitting an application within that time frame is impossible or unreasonable through no fault of the employee, then they must submit the application on the next full calendar day when it becomes possible. An employee whose military leave exceeds one hundred eighty (180) days must submit an application for re-employment within ninety (90) days after completion of service.

- E. An employee returning from a military leave shall be reinstated to the position held previously and at the salary they would have received had employment with the District been continuous, exclusive of step increases/shift assignments.
- F. If an employee becomes disabled as a result of military service and is no longer able to perform the essential functions of the job held previously, and if, after the District provides reasonable accommodation the employee is still unable to perform the job, the District shall provide another position of equivalent seniority, pay and status for which the employee is qualified. If neither of these options is possible due to the disability, the District shall provide another position of lesser status and pay but with full seniority.

Organ and Bone Marrow Donor Leave

Employees who are donors for organ or bone marrow may take paid time off as follows:

1. Employees may take up to thirty (30) workdays of leave in a one-year period for the purpose of donating an organ to another person.
2. Employees may take up to five (5) workdays of leave in a one-year period for the purpose of donating bone marrow to another person. The one-year period is calculated from the date the employee's leave begins.

During the leave for organ/bone marrow donors, the Agency will continue to provide for any group health plan benefits the employee was enrolled in prior to the leave of absence.

Leave taken for the purpose of organ or bone marrow donation is not leave for the purpose of Family Medical Leave under state law, the California Family Rights Act (CFRA).

The District requires that employees taking leave for:

- i. **Organ** donation use two (2) weeks of accrued but unused sick leave and/or vacation.
- ii. **Bone marrow** donation use five (5) days of accrued but unused sick leave and/or vacation.

Once a donor has exhausted the required paid sick and/or vacation leave, the employee will be paid for the remaining leave of absence, if additional leave is needed, up to the maximum allowed by law.

Pregnancy Disability Leave of Absence

If an employee becomes unable to perform the duties of her position as a result of a medical disability related to pregnancy, childbirth, or related medical conditions, the employee may be eligible for placement on pregnancy disability leave (PDL). While NapaSan must provide this leave, medical certification is required from the employee's health care provider indicating the beginning and potential end of this leave and whether it will be continuous or intermittent in nature. The leave of absence will be extended to the employee for the duration of the disability, up to a maximum of four (4) months, measured from the onset of the disability. Any leave does not need to be taken in one continuous period of time.

A. Notice of Pregnancy Disability Leave

An employee planning to take PDL should advise her supervisor as early as possible. The individual should make an appointment with the supervisor to discuss the following conditions:

1. Duration of Leave:

The duration of the leave will be determined by the advice of the employee's health care provider. Employees disabled by pregnancy, childbirth, and/or related medical condition may take up to a maximum of four (4) months off. Part-time employees are entitled to leave on a pro-rata basis. The four (4) months of leave include 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.

2. Scheduling of Leave:

Employees who need to take PDL must inform NapaSan when a leave is expected to begin and how long it will likely last. If the need for a leave is foreseeable, employees must provide notification at least thirty (30) days before the medical or pregnancy disability leave is to begin. Employees must consult with their supervisors, department head, or the General Manager regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the District's operations. Any such scheduling is subject to the approval of the employee's health care provider. If thirty (30) days' advance notice is not possible, notice must be given as soon as practical. Failure to give reasonable advance notice may result in the delay of leave, reasonable accommodation, or transfer.

Pregnancy Disability Leave of Absence (continued)

3. Change of Work Assignment:

In the case of a pregnancy disability, upon the request of an employee and recommendation of the employee's physician, the employee's work assignment may be changed if necessary, to protect the health and safety of the employee and her child.

4. Job Duties:

In the case of a pregnancy disability, requests for transfers of job duties will be reasonably accommodated if the job and security rights of others are not breached and the accommodation does not create undue hardship for NapaSan.

5. Temporary transfers:

Temporary transfers due to pregnancy disability to a less strenuous or hazardous position (where one is available) or duties will be granted when possible. However, the transferred employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons.

6. Physician Certification:

PDL usually begins when ordered by the employee's physician. The employee must provide the District with a certificate from a health care provider. The certification should contain:

- The date on which the employee became disabled due to pregnancy or related medical conditions;
- The probable duration of the period or periods of disability; and
- A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself or to other persons.

7. Return from Leave:

Leave returns will be allowed only after the employee provides a release from their physician.

8. Use of Sick Leave and Other Paid Leave:

The employee will be required to use any accrued unused sick leave and will be allowed to use any other accrued leave (if otherwise eligible to take the time) during a PDL.

9. Other Employment:

An employee on PDL may not accept outside employment without the express written approval of the General Manager.

Pregnancy Disability Leave of Absence (continued)

B. Pregnancy Disability Leave Time Periods

PDL does not need to be taken in one continuous period of time and may be taken in increments of not less than one tenth of one hour.

C. Accrual of Benefits

Employees on PDL will not accrue sick leave, vacation, or holiday benefits during the period of any unpaid absence. All District benefits will continue to accrue during the period of integration with State Disability Insurance benefits and accrued vacation/sick leave.

D. Health Insurance Coverage during Medical or Pregnancy Disability Leave

The District will continue to provide up to four (4) months of coverage under any health benefit plan during Pregnancy Disability Leave at the same level and under the same conditions as if the employee had continued in employment continuously for the duration of the leave.

The District reserves the right to recover from an employee the premiums paid to maintain health coverage if the employee fails to return to work following her PDL.

E. Return to Work from a Pregnancy Disability Leave

Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a pregnancy disability leave, an employee will be reinstated to the same position held at the time the leave began or, in certain instances, to a comparable position, if available. There are limited exceptions to this policy. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed.

Work Related Injury or Illness Leave of Absence

California Workers' Compensation laws cover all employees. These laws are important if employees are injured or become ill as a result of work or working conditions. In addition to temporary disability benefits, workers' compensation insurance coverage also provides permanent disability benefits, rehabilitation, and death benefits. The District pays the full cost of workers' compensation insurance premiums.

- A. If an employee is injured or becomes ill as a result of District-related work, the employee must report this to their supervisor immediately. The supervisor will see that the employee gets immediate medical attention, if necessary, and that the required reports of the injury or illness are completed. If an employee does not report promptly, workers' compensation insurance benefit rights may be lost.
- B. An employee on a leave of absence due to a workers' compensation claim shall complete the Workers' Compensation Form. If off work for more than three (3) days, the employee shall report regularly to their supervisor so that the supervisor can be fully apprised of the employee's medical status.
- C. In order for an employee to be eligible for workers' compensation benefits, the District must determine that the injury/illness is work related, time off work is warranted, and the duration of time off work is warranted. Benefits received from the Workers' Compensation Insurance Fund shall be integrated with the employee's available sick leave, as described in **Sick Leave** Policy # 303 in this manual, and other accrued paid leave, as appropriate.
- D. Workers' Compensation leave shall continue until the employee:
 - 1. Is determined to be physically able to return to duty.
 - 2. Accepts employment outside the District.
 - 3. Accepts employment in another District position.
 - 4. Is permanently disabled; or
 - 5. Elects retirement, as provided by law.

Work Related Injury or Illness Leave of Absence (continued)

- E. An employee who has returned to work following an accepted Workers' Compensation injury or illness and who is required by their physician to leave work to undergo therapy, diagnostic testing or treatment due to an industrial injury/illness shall receive District paid time for those appointments under the following conditions:
- i. Treatments are being authorized under Worker's Compensation.
 - ii. The therapy, test and/or treatment fall within the employee's normal working hours.
 - iii. The leave shall be limited to two (2) hours per appointment, including travel time to and from the appointment.
 - iv. Appointments should be scheduled at the beginning or end of the shift as often as possible.
 - v. Leave shall be granted during the period up to six (6) months from the date the employee returns to work from the injury or illness but shall not be granted once an employee is declared permanent and stationery.

Victims of Crime

An employee who is a victim or who is the family member of a victim of a violent felony or serious felony may take time off from work under the following circumstances:

- The crime must be a violent or serious felony, as defined by law; and
- The employee must be the victim of a crime or must be an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim.
 - An immediate family member is defined as: a spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father or stepfather, grandparent.
 - A registered domestic partner means a domestic partner who is registered in accordance with California State law.

The absence from work must be in order to attend judicial proceedings related to a crime listed above, including court proceedings involving the alleged perpetrator of the crime.

Victims of Crime (continued)

Before the employee is absent for such a reason, they must provide documentation of the scheduled proceeding. Such notice is typically given to the victim of the crime by a court or government agency setting the hearing, a district attorney or prosecuting attorney's office or a victim/witness office.

If advance notice is not possible, the employee must provide appropriate documentation within a reasonable time after the absence.

Any absence from work to attend judicial proceedings will be unpaid, unless the employee chooses to take paid time off, such as accrued vacation or sick leave, or any other accrued paid time off.

Victims of Domestic Violence, Sexual Assault, or Stalking

Policy

The District supports the needs of employees who have been victims of domestic violence and recognizes that they may from time to time need time away from work to attend to their legal obligations and/or other needs caused by being victims of a crime. It also supports the needs of employees to take time off work to support their immediate family who have been victims of a crime. For immediate family members see the definitions in the Sick Leave policy. The District will not retaliate against any employee taking time off to attend to the issues caused by being a victim of a crime.

Procedure

A victim of domestic violence, sexual assault, or stalking must give the District reasonable advance notice of the intention to take time off (unless reasonable notice is not feasible, then as soon as possible) in order to obtain:

1. A temporary restraining order.
2. Restraining order.
3. Court assistance.
4. Medical attention for injuries caused by domestic violence; and
5. Services from a shelter, program or counselor related to domestic violence.

Victims of Crime (continued)

An employee covered by this policy may elect to use sick leave, vacation, personal leave compensatory time off, or unpaid leave.

If the time off is an unscheduled absence, the employee may be required to notify their supervisor as soon as possible of his or her absence and provide documentation to the District within a reasonable time after the absence. Acceptable documentation includes a police report, court order or other evidence from the court, or a note from a medical professional, domestic violence advocate, health care provider, or counselor.

Volunteer Civil Service Personnel

Employees will be allowed to take time off to perform emergency duty as a volunteer firefighter, peace officer or emergency rescue personnel. If an employee is an official volunteer firefighter, they should alert their supervisor, department head, and/or Human Resources Officer that they might have to take time off for emergency duty. When taking time off for emergency duty, the supervisor should be advised before doing so when possible. Time taken in such an emergency will be considered administrative time and must be approved by the General Manager.

Witness Leave

Any regular or probationary employee ordered to serve or to appear as a witness in court, other than as a litigant, for reasons not brought about through the connivance or misconduct of the employee or any outside employment, shall be entitled to their regular District pay, provided the employee returns to the District all fees for such services, exclusive of mileage, within thirty (30) calendar days after their excused absence for such duty.

In order to receive witness leave, the employee must notify their supervisor of the subpoena as soon as it is received.

POLICY

The District shall reimburse employees for conference, meeting, seminar and training costs when those costs are directly related to the employee's job at the District.

Employees are expected to maximize local training opportunities, video casts and web casts, thereby minimizing the need for travel. The District shall reimburse employees for the cost of registration, travel, and overnight lodging costs directly related to seminars, meetings or conferences attended by District employees as part of their employment with the District.

The Board of Directors shall follow the same reimbursement policy and procedures as District employees.

PROCEDURE

A. Meals

The District shall reimburse meals when the employee is required to attend a meeting, training, seminar or conference, as follows:

1. Reimbursement for Actual Costs.

The District shall reimburse the employee for the actual cost of meals, and incidentals such as food purchased at a grocery or convenience store in lieu of a meal. District shall reimburse for taxes and gratuity (gratuity not to exceed 20% of the cost of meal and drinks, excluding taxes). Employees must provide *itemized* receipts for food and beverage purchases. Any reimbursement for meals without an itemized receipt requires additional documentation and approval by the Director of Administrative Services/CFO or the General Manager.

2. Meal Allowance With Overnight Lodging.

For days when the District pays for overnight lodging, the District's daily reimbursement for meals and incidentals shall be limited to the Federal Per Diem Meals and Incidental Expenses rates for that city, as published by the U.S. General Services Administration. Meals for international travel shall be limited to the Per Diem rates as published by the U.S. State Department. Exceedance of these limits may be authorized by the General Manager, with documented rationale.

3. Meal Allowance Without Overnight Lodging.

For days when the conference, meeting, seminar or training includes the customary lunch period and you are required to be there directly before and after the lunch period and the District does not pay for overnight lodging, the District reimbursement for meals shall be limited to 30% of the Napa per diem rate for lunch. If the employee is away from the District beyond 7:00pm, the District shall also allow reimbursement for dinner not to exceed 50% of the Napa per diem rate.

4. Meals Provided by Conference or Training.

When a meal is provided as part of a training or conference registration fee, the employee may not claim reimbursement for that same meal period. (Exceptions can be made for food allergies or restricted diets.) For the remainder of that day, the per diem meal allowance will be reduced as follows:

If breakfast is included in the fee – 20% reduction in per diem

If lunch is included in the fee – 30% reduction in per diem

If dinner is included in the fee – 50% reduction in per diem

5. Alcoholic Beverages.

The District shall not reimburse costs for alcoholic beverages or any associated taxes or tip.

B. Travel

The District shall reimburse travel expenses when the employee is required to attend a meeting, training, seminar or conference.

1. **Mode of Transportation.** The District retains the right to determine the mode of transportation the employee takes for required travel.
2. **Coordination of Travel.** Employees are encouraged to travel together in District vehicles, or in other ways coordinate travel to reduce overall transportation costs.
3. **Use of District Vehicles.** Employees are encouraged to utilize district vehicles for travel when feasible. However, for trips that are multi-day, it is preferable for the employee to use their own personal vehicle so that NapaSan vehicles are still available at the District for use by other employees.

4. **Use of Personal Vehicle.** Mileage for use of a personal vehicle shall be reimbursed at the current IRS Standard Mileage Rate for business miles driven. Mileage shall be calculated starting from the employee's point of origin (e.g., employee's home) and starting from the District, with the employee being reimbursed miles for the lesser distance.
5. **Parking Fees and Tolls.** The District shall reimburse employee for parking fees and bridge/road tolls. The District is not responsible for any parking or moving violations incurred by employees associated with District approved travel.
6. **Air Travel.** Generally, when booking air travel, employees should find the least expensive route and flight times that still meet the business need. Employees may book direct flights in lieu of multi-leg flights, even if more expensive, if the benefit from the time savings associated with the direct flight exceeds the cost differential. NapaSan will reimburse for expenses related to seat assignment and checked and carry-on baggage fees. Employees may use personal credit cards that earn frequent flyer points and/or provide priority access only when doing so results in savings to the District, such as waived baggage fees.
7. **Use of Airline Miles.** Employees may use personal airline/frequent flyer miles to upgrade the class or level of service when flying for District business; however, employees shall not be reimbursed for tickets purchased using frequent flyer miles.
8. **Taxis and Ride Share.** While traveling at a destination without a personal or District vehicle, the employee is encouraged to use local transportation in lieu of renting a vehicle, unless cost analysis shows vehicle rental to be the best option. Employees may use taxis or ride share services and shall be reimbursed for costs, including driver gratuities up to 20%.

C. Overnight Lodging Accommodations

1. **Lodging Authorized.** The District shall reimburse overnight lodging accommodations when determined to be necessary and approved by the Department Director. Generally, overnight lodging shall be authorized when the training, seminar, meeting, or conference is multi-day and is located more than 50 miles from the District. Overnight lodging may be authorized for closer distances when travel is of sufficient length, or meetings are early or late enough to justify overnight accommodations, as determined by the General Manager or Department Director.

2. **Additional Fees and Services.** The District shall not reimburse employees for movie rentals, personal telephone calls, or other incidental expenses related to overnight lodging accommodations. The District shall reimburse “resort fees,” “utility surcharge fees,” and similar fees only if they are required and are not optional. The District shall reimburse “internet fees” if approved by the supervisor and the employee uses internet services for work-related activities. The District shall reimburse parking fees associated with overnight accommodations. Spouse/companion travel expenses are not reimbursable.

D. Approvals

All expenses incurred and reimbursed under this policy must have prior approval.

1. Prior approval by the employee’s supervisor is required prior to seminar/conference registration or incurring expenses to the District.
2. The Board of Directors shall approve all out-of-state travel prior to the employee incurring expenses to the District. For the purpose of this policy, the Reno/Lake Tahoe area in Nevada shall not be considered out-of-state travel.

(Policy updated July 18, 2018, MR 18-057)

1. Education Reimbursement

The District may reimburse the cost of tuition, enrollment fees and books for courses that employees take at recognized institutions. Refer to the appropriate MOU for specific amounts. These courses must be pre-approved by the supervisor and General Manager and must provide increased competence in the employee's present job or prepare them for advancement in the District.

Normally, an employee must be employed by the District when the course is completed in order to qualify for reimbursement. If an employee leaves the District within one year of reimbursement, the allowance shall be prorated based on number of months employed during that year and collected from the employee by deducting from their last paycheck upon separation. If an employee separates during enrollment because of reduction in force or elimination of the job or is unable to complete the course because of any other action initiated by the District, they will be reimbursed for all costs incurred up to the date of separation.

Class attendance and completion of study assignments must be accomplished outside the employee's regular working hours. Employees must receive a passing grade (grade point average of 2.0 or better) as well as satisfactory job performance during enrollment or educational reimbursement shall be forfeited.

Application forms are available in the Administration office. Records of educational programs completed by each employee will be maintained in the employee's personnel file.

2. Certifications/Licenses

When certificates are required for a position, the District will reimburse the employee for the cost of renewing the certificate. The employee is responsible for the original cost of obtaining the certificate. The District will provide reimbursement for employees who renew/maintain their Class A and/or B Drivers Licenses.

3. Seminars/Workshops

The District may, at its expense, elect to send employees to approved training programs, seminars and/or conferences from time to time. While these programs are normally scheduled during regular working hours, there may be evening or weekend classes or activities. In the event that the program requires overnight accommodations, overtime will not be paid for any portion of these programs. A non-exempt employee attending a District-paid one-day meeting shall be paid for any overtime hours incurred for traveling on that day.

Employees requesting approval to attend a seminar must make written request, including estimated expenses. The request should be submitted to the Department Manager for approval.

4. Professional Associations/ Technical Groups

The District supports and encourages its employees to maintain their professionalism by joining and participating in appropriate professional associations and technical groups.

To accomplish this, the District allows employees to attend dinner meetings that sometimes include late afternoon workshops. With prior approval, the District will allow the employee to attend the workshop, at District expense (for the dinner) and on District time. However, the District will not pay overtime for any time after normal working hours.

POLICY

Employees shall have the option of participating in a District wide fitness program.

PROCEDURE

1. Health Club Memberships

To qualify for District reimbursement of health club membership fees, an employee shall be required to attend a minimum of fifty (50) days in a six-month period. The employee is responsible for paying any initiation fee required by the health club.

Participating employees are required to turn in the computer generated attendance reports from the health club they attend. After a six (6) month period of successful attendance, an employee shall be reimbursed their actual monthly health club fees for the past six (6) months participation, based on the highest Napa County negotiated Napa health club rates. The six-month periods are January 1 – June 30 and July 1 – December 31 of each year.

2. Physical Fitness Incentive

A. For an employee injured on the job who participates in the physical fitness program:

For a period up to sixty (60) calendar days (352 working hours), during which the employee is eligible for workers' compensation benefits, the District shall pay the employee their regular salary. Pay shall be in whole eight (8) hour days only. In return, the employee shall remit their workers' compensation check to the District.

To qualify for this program, employees must have been members of the physical fitness program for a minimum of ninety (90) days and must maintain an average participation rate of fifty (50) days per six (6) month period.

B. For an employee injured on the job who does not participate in the physical fitness program:

For a period up to thirty (30) calendar days (176 working hours), during which the employee is eligible for workers' compensation benefits, the District shall pay the employee their regular salary. Pay shall be in whole eight (8) hour days only. In return, the employee shall remit their workers' compensation check to the District.

- C. No deduction from or accrual to the employee's sick leave or vacation time shall occur during the periods stated above.

If the injury was a result of an employee's negligent act, then no District supplemental reimbursement shall occur, other than workers' compensation benefits. The employee shall have the option of using sick leave and vacation to supplement the workers' compensation payment.

There will be no District supplemental reimbursement, as outlined in paragraphs A and B above, for an employee claiming an emotional disorder caused by job-related stress, not to exclude any entitlements derived from workers' compensation.

PURPOSE

Employees shall be allowed to contribute a portion of their accrued paid vacation, personal leave, management leave, or compensatory time, to another employee when the other employee has suffered a catastrophic illness or injury requiring absence from work for a prolonged period of time.

DEFINITION

A catastrophic illness or injury is a medically certifiable condition due to a life threatening or debilitating illness or injury that results in an employee being incapacitated and unable to work for a prolonged period of at least 30 consecutive days.

RECIPIENT ELIGIBILITY

1. Participation in this program is voluntary. Recipient employees shall not offer anything of value to another employee in exchange for donating leave.
2. An employee is only eligible to receive leave donations under this policy if they
 - i. regularly work 35 hours or more per week; and
 - ii. has successfully completed their probationary period.
3. An employee who requests catastrophic leave donations must personally be suffering from a catastrophic illness or injury that has resulted in, or is anticipated to result in, the exhaustion of all of their accrued paid leave, including but not limited to sick leave, vacation leave, personal leave, management leave and compensatory time. Employees are not eligible to receive leave donations in order to care for others.
4. The District has the discretion to deny catastrophic leave for employees with a written record of sick leave abuse or misuse within the past 24 months.
5. In order to be eligible to receive leave donations under this policy, an employee must first provide satisfactory written medical verification of the need for the medical leave.
6. There is no right to receive catastrophic leave. The General Manager must approve any request to receive catastrophic leave. A maximum of 174 hours of catastrophic leave donations, per occurrence, may be available for an individual. If the illness or injury exceeds the need for 174 hours of donated leave, the General Manager may approve an additional 174 hours of catastrophic leave. Catastrophic leave is only available when and if employees donate catastrophic leave.

DONOR ELIGIBILITY

1. Participation in this program is voluntary. Donating employees shall not receive anything of value from another employee in exchange for donating leave.
2. Donating employees must have successfully passed their probationary period to donate leave.
3. The donating employee may not donate more leave than the employee accrues in a calendar year and must retain an accrued vacation leave balance of at least 40 hours after the donation of leave.
4. Donating employees shall remain anonymous. Management will not identify the donor publicly or to the recipient employee, but some employees may need to be made aware of the donation in order to process and administer the donation.

PROCEDURE

1. All requests for catastrophic leave shall be made by filling out and submitting the Catastrophic Leave Donation Request Form. All donations of leave shall be made by filling out and submitting the Catastrophic Leave Donation Donor Form.
2. Upon approval of a requested donation, the amount of donated leave shall be deducted from the donor's leave bank and added to the recipient's sick leave bank. Donated leave is forfeited upon donation. The decision to donate leave is irrevocable.
3. Donations shall be in whole hour increments.
4. For purposes of health care coverage, employees receiving catastrophic leave donations shall be considered to be in "paid status" by the District. While the employee is in paid status, seniority and all other benefits will continue to accrue.
5. Donations shall be on an hour-for-hour basis, regardless of the pay rates of the donor and recipient.
6. Regardless of the type of time donated by the donor employee (e.g., vacation leave, management leave, etc.), the time donated shall be placed into the recipient employee's sick leave bank and may only be used for catastrophic leave.
7. If the recipient's employment with the District ceases, or the recipient returns to work, all unused catastrophic leave hours shall be returned to the donors' accounts on a pro-rata basis.
8. Any and all leave received and used by an employee under this policy is considered Family and Medical Leave (FMLA/CFRA) and will count towards the employee's FMLA and/or CFRA entitlement.

9. In the case of any recipient employee who is receiving Workers' Compensation or State Disability Insurance (SDI) benefits, the use of assigned leave may be integrated with the workers' compensation or SDI benefits so as to provide a combined biweekly gross income equivalent to the recipient's regular biweekly gross pay.
10. Donations and receipt of catastrophic leave are subject to the approval of the General Manager and shall be based upon a determination that the requested transfer is in accordance with this policy. The General Manager's decision is not subject to the grievance procedure.
11. This policy is intended to be a bona fide employer-sponsored (medical) leave-sharing arrangement described in IRS Rev. Rul. 90-29, 1990-1 C.B. 11. In accordance with that ruling, leave transfers under this policy will not be considered wages for the donating employee and will therefore not be included in gross income or subject to withholding. The donating employee incurs no deductible expense or loss either upon the donation or use by the recipient. Leave hours used by the recipient shall be paid at the recipient's normal rate of compensation and is subject to all usual taxes and payroll deductions.

TERMINATION OF LEAVE

Catastrophic leave terminates when the recipient employee's employment terminates, the health care provider releases the employee to return to work, maximum catastrophic leave benefit has been exhausted, or the recipient is granted benefits such as CalPERS disability retirement or Social Security disability. The recipient shall promptly notify the Human Resources Officer when they become eligible for such benefits.

POLICY

It is the policy of the Napa Sanitation District to enhance an employee's compensation for various skills that are beyond the scope of the employee's Job Specification Sheet. The following items are eligible for compensation.

- Bilingual Pay
- Possession of a Class A Driver's License
- Possession of specific certifications

PURPOSE

To ensure the District has well round and qualified staff.

PROCEDURE

The District shall provide employees additional compensation if they meet the criteria listed below. Additional compensation shall be limited to a maximum of two (2) of the additional differentials listed. If an additional pay differential is list as a minimum qualification of the employee's job classification, the employee shall not be eligible for the additional compensation listed below.

Bilingual Pay

The General Manager shall designate which language(s) are desirable for employees to know, other than English, and whether skills in that language shall be compensated under this policy. The employee must be in a position approved by the General Manager to receive bilingual pay. The General Manager retains the sole right to determine the number of eligible positions for bilingual pay and who shall be placed in those positions. Eligible employees are appointed for a period of 4 years. Employees can be reappointed by the General Manager. An employee may receive additional compensation for Level I or Level II, but not both.

Level I

- An employee must be able to speak the designated language. The ability to speak the designated language will be determined by a test given by an outside provider.
- A qualifying employee shall receive additional compensation of \$50.00 per month

Level II

- To be eligible for Level II, the employee must be able to speak, read, and write the designated language. The employee's ability to speak, read, and write the designate language will be determine by test(s) given by an outside provider.
- A qualifying employee shall receive additional compensation of \$100.00 per month.

Class A Driver's License

An employee who possesses a Class A California Driver's License will be eligible for a differential of \$100.00 per month as follows:

- The District shall develop a list of eligible employees who volunteer to utilize their Class A Driver's License for District operations.
- The General Manager shall select individuals from the list of volunteers.
- The District retains the sole right to determine the number of eligible positions and who shall be placed in those positions. It is expected that, when this policy is first implemented, there will be four eligible positions in the Collections Department and one eligible position in the Reclamation Department.
- If the number of volunteers exceeds the available positions the District shall place eligible employees on a waiting list.
- Eligible employees shall be selected for a 4 year period unless the employee transfers to another Department or Division.

Over Certification Pay

The District shall compensate employees who earn and maintain certifications beyond what is required as part of their Job Specification Sheet. Additional certificate compensation is limited to certificates related to the classification requirements. To be eligible for over certification pay an employee must possess and maintain the following certificate(s):

Classification	First Level of Eligibility	Second Level of Eligibility
Collection System Worker IT / I / II	Grade III	Grade IV
Operator OIT / I / II / III	Grade IV	Grade V
Equipment Maintenance Specialist I / II	Grade III	Grade IV
Laboratory Technician I / II	Grade III	Grade IV
As approved by General Manager	TBD	TBD

For certifications not specifically listed in the above, the General Manager may approve the certification for additional compensation based on the following criteria. Certification must be:

- Related to skills or abilities that will provide benefit to the District.
- Related to work being performed by the employee, or the work of a promotional position for that employee.
- Competency-based, where the employee must pass a test administered or sponsored by a professional association, demonstrating competency in the skills and abilities.
- Contingent on continuing education requirements to maintain the certification.

Additional Compensation shall be as follows:

- i. First level of eligibility - \$25.00 per month
- ii. Second level of eligibility - \$50.00 per month
- iii. GM approved - up to \$50.00 per month

SECTION IV:

RULES AND REGULATIONS

Leave blank

POLICY

NapaSan is committed to maintaining a safe drug and alcohol-free workplace. The District is committed to complying with the Drug Free Workplace Act of 1988 and with the Omnibus Transportation Employee Testing Act of 1991 (OTETA) and all applicable rules and regulations adopted there under. It is the purpose of the District to protect the public and employees from accidents, injuries and risks to public health and safety from the misuse of alcohol and drugs in the workplace.

The District may assist employees to deal effectively with drug or alcohol problems, provided the employees seek and accept therapeutic assistance. For first time offenders, the District will not take punitive action against employees who voluntarily identify themselves—before any violation of these policies—as unfit to perform a safety sensitive function because of an alcohol or drug problem if a willingness to treat their problem effectively is demonstrated. (See Section 5 – Self Identification).

The District has a public responsibility to maintain a safe, healthful and efficient working environment and to protect its employees, its property and operations. Therefore, NapaSan retains the authority to deal with alcohol or drug problems that are not resolved by the above therapeutic approach with appropriate personnel actions in accordance with the District's disciplinary policies.

PROCEDURE

Drug and Alcohol Testing Program

The OTETA requires the District to establish alcohol and drug testing programs to help prevent the misuse of alcohol and drugs by drivers of commercial motor vehicles. The District has established the following alcohol and drug testing procedures and program in compliance with OTETA, hereafter referred to as "the program".

Employees covered by this program are subject to pre-employment, random and cause testing and may be the subject of post-accident, return-to-duty and unannounced, follow-up testing. For alcohol testing, an evidential breath-testing (EBT) device is used. For drug testing, urine specimen collection and testing by a laboratory certified by the Department of Health and Human Services is required. If the Medical Review Officer determines that an employee has used drugs or alcohol in violation of this program, the District will remove the employee from safety sensitive functions and may reduce employee's pay to seventy-five (75) percent of current pay.

The employee will not perform safety-sensitive functions until they meet the requirements established in this program that will include referral to a substance abuse professional, possible participation in a rehabilitation program, return-to-duty testing and/or follow-up testing.

Definitions

The following is a list of definitions for the Drug and Alcohol Testing Program. This is a list of major definition areas and is not intended to be an all-inclusive list of definitions or terms.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol Concentration: The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

Alcohol Use: The consumption of any beverage, mixture or preparation, including any medication, containing alcohol.

Collection Agency: State licensed service provider that follows procedures for the collection of urine samples in a split specimen process for delivery to a toxicological laboratory for testing.

Collection Site: Place where individuals present themselves for the purpose of providing breath or urine samples to be analyzed for specified alcohol or drugs.

Commercial Motor Vehicle (CMV): Motor vehicle or combination of motor vehicles used in commerce to transport passengers or property in the motor vehicle:

1. Has a gross vehicle weight rating of 26,001 or more pounds; or
2. Has a gross combination weight rating of 26,001 or more pounds inclusive of towed unit with a gross vehicle rating of more than 10,000 pounds; or
3. Is designated to transport 16 or more passengers including the driver; or
4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Materials Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172. subpart F).

Controlled Substance: Drugs as deemed under this policy include marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

DOT: Federal Department of Transportation

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Driver: Any person who operates a commercial motor vehicle. This includes, but is not limited to: full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operated contractors who are either directly employed by or under lease of the District or who operate a commercial motor vehicle at the direction of or with employment/pre duty-testing only, the term “driver” includes a person applying to the District to drive a commercial motor vehicle.

Drug: Any substance (other than alcohol) that is a controlled substance as defined above and 49 CFR Part 40.

FHWA: Federal Highway Administration, U.S. Department of Transportation.

Owner-Operator: Driver(s) who has been contracted for services with the District. For the purposes of these procedures and the District’s Alcohol and Controlled Substances Abuse Policy, owner-operators are not to be considered employees, but will be required to participate in the District’s Alcohol and Controlled Substances Abuse Policy like all employee drivers.

Medical Review Officer: Licensed physician (medical doctor or osteopath) responsible for receiving laboratory results generated by an employer’s drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant biomedical information.

On Duty Time: All time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. “On duty time” shall include:

1. All time at a District facility or other District property, or on any public or private property, waiting to be dispatched, unless the driver has been relieved from duty by the District.
2. All time inspecting, servicing or conditioning any commercial motor vehicle at any time.
3. All driving time.
4. All time, other than driving time, in or upon any commercial motor vehicle.
5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle or in giving or receiving receipts for shipments loaded or unloaded.
6. All time spent performing the driver requirements relating to accidents and drug and alcohol testing time.
7. All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

Performing (a safety sensitive function): A driver is considered to be performing a safety-sensitive function during any period in which the driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Positive Test: A test is only positive and reported to the District when the initial screening test is positive, the confirming test is positive, and the Medical Review Officer has discussed with the employee the results of the two tests and ascertained that the tests are accurate. A positive test is any drug test with a positive result or an alcohol test with a result of greater than or equal to 0.04 BAC.

Provider: Certified professional/agency contracted to provide services prescribed by this problem.

Reasonable Cause: NapaSan believes the actions or appearance or conduct of a commercial motor vehicle driver who is on duty as defined below, are indicative of the use of alcohol or drugs.

Refuse to Submit (to an alcohol or drug test): A covered employee who (1) refuses to take an alcohol or drug test; (2) fails to provide adequate breath for testing without a valid medical explanation after they has received notice of the requirement for breath testing in accordance with FHWA regulations; (3) fails to provide adequate urine for drug testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with FHWA regulations; or (4) engages in conduct that clearly obstructs the testing process. A refusal includes not providing a breath sample or urine as directed, refusing to sign appropriate control forms, not being readily available following an accident, using alcohol within eight (8) hours of an accident or tampering with a sample.

Safety-Sensitive Function: Any of those on-duty functions set forth in 49 CFR section 395.2 and as defined under "On duty time."

Split-Specimen: A division of the original urine sample that is stored by the lab when provided by the collection agency for a second test to be used when the primary test results are challenged.

Substance Abuse Professional: A licensed physician, or licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the Nation Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug related disorders.

Toxicological Laboratory: A drug abuse service laboratory licensed to perform alcohol and drug testing under the auspices of the federal government with specific expertise and chain of custody procedures, split specimen sampling and drug/alcohol record-keeping methodologies. The agency must have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary and long-term storage and transportation or shipment of the samples to a laboratory.

1. Covered Employees

- A. Covered employees must comply with the alcohol and drug testing requirements of this program. "Covered employees" are those employees who are required to drive, may be required to drive, have the potential to drive and who meet any of the three (3) following qualifications.
1. They are required by the District to possess a Commercial Driver's License (Class A or B) to do their jobs.
 - a. This includes all regular, probationary, temporary, and work out of class assignments in job positions that require a Commercial Driver's License.
 - b. This also includes applicants to jobs with the District which require the possession of a Commercial Driver's License
 2. They operate a commercial motor vehicle.
 3. They are performing safety-sensitive functions.
 - a. Employees who have the required commercial license and who want to be immediately available to perform safety sensitive functions in a temporary or work out-of-class status, will be subject to the provisions of this program.
 4. Covered employees will also include any employee who has a Commercial Driver's License where the medical examination and/or license fees are paid for by the District.
- B. This program focuses on function rather than a defined job or position. Employees who are required to have a Commercial Driver's License to perform their job may be engaged in several different functions, some of which are safety sensitive. In order to be subject to the alcohol and drug testing requirements of this program, the employee must be both required to have a Commercial Driver's License and performing a safety sensitive function.

2. General Provisions for Alcohol and Drug Testing Program

- A. Each covered employee will be provided with a copy of this policy and a certificate of receipt will be placed in their employee file.
- B. NapaSan has designated a Drug Program Coordinator in the Personnel Department to answer employee questions about the District's alcohol and drug testing program and procedures. C. In compliance with the record retention requirements under the OTETA, the District shall maintain confidential records of its alcohol and drug use prevention program in a secure location with controlled access. Records to be retained for five (5) years in accordance with Federal Law include, but are not limited to, positive results, documentation of refusals to take tests, calibration documentation for breath testing devices and driver evaluation and referrals.

The District shall generate an annual calendar year summary of the results of its program, which will also be retained for five (5) years. Records to be retained for two (2) years include, but are not limited to, alcohol and drug collection process and training, including collection logbooks, documents relating to the random selection process, breath alcohol technician training, documents relating to reasonable cause tests, post-accident tests and random tests, compliance and evaluation.

Collection and test records of employees producing negative alcohol and drug tests shall be maintained for one (1) year. The District shall prepare an annual summary by March 15 for the previous year containing specific information as to the number of covered employees, the number of types of tests given, the results, the number of covered employees who refused to submit to tests, the number of supervisors receiving training, the covered employees who returned to duty after a positive test and other similar information.

- D. Covered employees are entitled, upon written request to the Personnel Department, to obtain copies of any records pertaining to the employee's misuse of alcohol or drugs, including any records pertaining to their alcohol or drug tests. The District shall promptly provide the records requested by the employee. Copies of the information in these records shall not be otherwise related to any other person except as follows:
 - 1. To the Drug Program Coordinator and the Drug Program Manager (General Manager), who require access to these records to comply with the requirements of federal law and this program;

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2. To federal or state officials with regulatory authority over the District and who have legitimate need for access;
 3. To a subsequent employer upon receipt of a written request from a covered employee. This access is only as expressly authorized by the terms of the employee's request;
 4. To a decision maker in connection with a lawsuit, grievance or other proceeding initiated by, or on behalf, of the individual and arising from the results of an alcohol and/or drug test administered under this program, or from the District's determination that the covered employee engaged in conduct prohibited by Section #3 of this program; or
 5. To a person identified by the covered employee in accordance with the terms of the employee's written consent authorizing such release.
- E. The District will comply with the confidentiality and record keeping requirements. As such, the District stipulates that, with the exception of the Drug Program Coordinator, Drug Program Manager (General Manager), Collection Facility, Testing Laboratory, Medical review Officer and Substance Abuse Professional, (SAP) the results of individual tests shall not be released to anyone without the expressed written authorization of the tested individual, unless ordered by means of proper legal procedure and appropriate legal authority, such as a court ordered subpoena, or in connection with a District disciplinary, grievance or arbitration proceeding initiated by or on behalf of the individual and arising from a certified positive alcohol or drug test. The General Manager has a right to access such information for purposes of discipline.

To maintain confidentiality, records pertaining to program administration, the collection process and individual test records will not be part of the individual personnel file. A separate test records retention system will be secured and maintained by the Drug Program Coordinator.

The release to district management of such information from the Drug Program Coordinator or medical sources of the Medical Review Officer other than the Drug Program Manager will require a signed release by the employee.

However, information related to an employee's availability for work will be provided to the employee's supervisor in order to ensure that an employee when necessary is removed from a safety sensitive function, accommodated in a non-safety-sensitive position, and returned to a safety-sensitive function. The General-Manager will receive the results of the alcohol and/or drug tests. The following list of records shall be retained and maintained by the Drug Program Coordinator:

1. Supporting documents for pre-employment, post-accident, reasonable cause or random testing decisions.
2. Records of the collection process to indicate specimen identification, accountability and chain of custody.
3. Any individual reports or records provided directly to the tested employee by the Medical Review Officer (MRO).
4. Records of test results and any information provided by the affected employee concerning split samples, retests or follow-up tests.
5. Return to work test records.
6. All reports forwarded to reporting agencies.
7. Records and documents provided by the Drug Program Coordinator, Rehabilitation Agencies and any consultants.

3. Prohibitions

A. It is unlawful for covered employees to do the following:

1. Perform safety sensitive functions after a confirmed alcohol test result indicating a 0.02 or higher Breath Alcohol Content (BAC) or a positive drug test result, regardless of when the alcohol or drug was ingested and whether or not the employee is under the influence of alcohol or drugs.
2. Use or possess alcohol or products containing alcohol while performing safety sensitive functions.
3. Perform safety sensitive functions within four (4) hours after using alcohol or products containing alcohol.
4. Use alcohol or products containing alcohol for eight (8) hours following an accident for which the employee is required to take a post-accident alcohol test.

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5. Report for duty or remain on duty and perform safety sensitive functions when the employee is currently using a drug, unless the use of the drug is prescribed by a physician and the employee provides their supervisor with certification from the employee's physician permitting the employee to perform safety-sensitive functions under the influence of the prescribed drug. or safety sensitive duty. (paragraph updated 1/2017)
 6. Refusal to submit to any of the alcohol or drug tests required by OTETA (random, post-accident, reasonable cause, follow-up, return to duty test) and alcohol/drug testing rules as described in this program. or
 7. Report for duty or remain on duty requiring the performance of a safety sensitive function while having an alcohol concentration of 0.04 or greater. A "refusal to submit" to an alcohol or drug test means that a covered employee:
 - a. Refuses to take the test;
 - b. Fails to provide adequate breath for testing without a valid medical explanation after they have received notice of the requirement for breath testing in accordance with this program;
 - c. Fails to provide adequate urine for drug testing without a valid medical explanation after they have received notice of the requirement for urine testing in accordance with this program; or
 - d. Engages in conduct that clearly obstructs the testing process.
- B. The following drugs are specified in the law and will be analyzed during drug testing. If the DOT regulations change by adding or deleting the specific drugs listed in their regulations, our policy would include those changes.
- a. Marijuana
 - b. Cocaine
 - c. Amphetamines/methamphetamines
 - d. Opiates
 - e. Phencyclidine (PCP)

4. Consequences of engaging in any general prohibition

Any covered employee who engages in any action prohibited by this program under Section #3 will be subject to the following consequences:

- A. The employee shall be relieved from performing safety sensitive functions;
- B. The employee shall be evaluated by a substance abuse professional that shall determine what assistance, if any, the employee needs in resolving problems associated with the abuse of alcohol or drugs.
 - 1. Any covered employee who has engaged in conduct in violation of Section #3 concerning the use of alcohol or who has had a confirmed alcohol test with a result of 0.04 or greater BAC shall not perform a safety sensitive function until they have submitted to a return to duty alcohol test with a verified negative result. Any employee with a confirmed BAC of 0.02 but less than 0.04 shall be removed from performing a safety-sensitive function until their next scheduled duty period but not less than 24 hours following the administration of the test. In both cases, the SAP will evaluate the employee and a treatment methodology developed, if necessary.
 - 2. Any covered employee who has engaged in conduct in violation of Section #3 concerning the use of drugs or who has had a drug test with a positive result shall not perform a safety sensitive function until the employee has submitted to a return duty drug test with a verified negative result. In addition, the employee will be evaluated by the SAP and develop a treatment methodology, if necessary.
 - 3. Pending an investigation of a violation of this Policy, an employee may be placed on administrative leave.

Any employee who is engaged in conduct in violation of this program may not return to a safety-sensitive position until evaluated by the MRO and SAP, and until the MRO and SAP agree that the employee may return.

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At the District's discretion, the covered employee may return to work in a non-safety sensitive position and may receive a reduction in pay to seventy-five (75) percent of current pay, until they have been cleared to return to work in a safety-sensitive function. In no event shall the assignment to a non-safety-sensitive position exceed (60) days. As an alternative, the employee may elect to take accrued paid leave, sick leave or be placed on an authorized leave without pay. The employee shall continue on leave until they meet the conditions for reassignment to safety-sensitive functions or until six (6) months have passed. In no event, shall the District be required to return an employee to a safety-sensitive function more than six (6) months after a positive test without the approval of both the SAP and MRO.

- C. The District shall treat any covered employee who refuses to submit to alcohol or drug tests required by this program, as if they have a verified alcohol test result of 0.04 BAC or greater or had a positive drug test result and the employee shall be subject to the conditions in Section #7.
- D. The District's Drug Program Coordinator/designee will advise the employee of the resources available to them for the evaluation and resolution of problems associated with the misuse of alcohol or drugs, including the names, addresses and telephone numbers of substance abuse professionals, counseling and treatment programs.

5. Self-Identification Procedure

Covered employees are encouraged to advise the District if they are involved with the misuse of alcohol or drugs. This procedure is available only to covered employees who have not been notified of a random test, reasonable cause to test or a post-accident test. This procedure cannot be used by covered employees to avoid the consequences for a positive test or as a refusal to test.

Procedure

If an employee self-identifies a problem with alcohol or drugs, the District will refer the employee to SAP. Prior to returning to a safety sensitive position, the employee will be tested.

If an employee self-identifies a second time, the employee will be referred to an SAP. The District will document the incident as if it were a first incident positive test through random testing.

6. Payment and Participation in NapaSan Rehabilitation

When a SAP has referred a covered employee to participate in a rehabilitation program, the District will pay up to \$1,000 per employee rehabilitation for assistance beyond what the District health plans offer with a maximum available per year of \$5,000. When the number of Department of Transportation (DOT) covered employees exceeds 15, this amount shall be increased by \$300 for each additional employee. (Note: NapaSan health plans provide for rehabilitation. Should an employee choose health coverage as an additional insurance through another carrier (a program not sponsored by the District the \$1,000 rehabilitation assistance will be allowed only up to the amount that would have been paid if the employee had subscribed to Kaiser.) Further participation by the employee in subsequent rehabilitation programs within five (5) years shall be entirely at the employee's expense. The District will only share in the cost of rehabilitation two (2) times in the employee's career at the District.

7. Personnel Actions

- A. Any covered employee who engages in an act prohibited by Section #3 of this program violates federal law. Employee violations of this program may constitute misconduct. Consistent with the District's practices, disciplinary action shall be considered on an individual basis, taking into account the nature of the offense, the employee's previous work, conduct record and the length of the service of the employee concerned. In appropriate circumstances and solely within its discretion, the District may consider the employee's commitment to recover and/or the employee's agreement to enter into a "Last Chance Agreement" as mitigating factors in the assessment of an appropriate disciplinary penalty.
- B. Nothing in this section shall be interpreted as interfering with the District's right to remove an employee from the workplace if they pose a direct threat to the safety of themselves or others.
- C. All disciplinary action under this program is subject to the grievance procedure in the *Grievance Procedure Policy*. Referral to a SAP, evaluation by an SAP and rehabilitation deemed necessary by a SAP shall not be considered a disciplinary action and shall not be subject to the grievance procedure.
- D. A guideline for disciplinary action when an employee violates the District's alcohol and drug program follows. Discipline shall be based on the degree and severity of the offense based on the following guidelines:

Random Testing

1st Incident:

- **Last Chance** agreement
- Disciplinary action, or
- Counseling
- Mandatory participation and completion of rehabilitation, if deemed necessary by SAP. Failure to complete rehabilitation as prescribed by SAP will result in termination.

2nd Incident:

- Termination

Post-Accident Testing

1st Incident:

- -Discipline, suspension or termination depends upon the seriousness of the incident, employee's previous work and conduct record.
- District reserves the right to terminate an employee's employment if the incident is of significant consequence.
- Employee may request:
 - i. **Last Chance** agreement
 - ii. Mandatory participation and completion of rehabilitation, if deemed necessary by SAP. Failure to complete rehabilitation as prescribed by SAP will result in termination.

2nd Incident:

- Termination

Reasonable Cause

1st Incident:

- Up to fifteen (15) days suspension, the length of suspension shall depend on previous work and conduct record.
- **Last Chance** agreement
- Mandatory completion of rehabilitation, if deemed necessary by SAP. Failure to complete rehabilitation as prescribed by SAP will result in termination.

2nd Incident:

- Termination

Self-Identification

1st Incident:

- No discipline.
- Referral to SAP.
- Completion of rehabilitation, if necessary.

2nd Incident:

- Treated as the first step of random testing.

Probationary Employees

Positive Drug Test:

- Termination of employment.

Positive Alcohol Test:

- Termination of employment.

Other Factors:

1. If an employee has a confirmed positive test from follow-up testing, the employee will be moved to the next step in the disciplinary guidelines.
2. If an employee is required by an SAP to participate in rehabilitation and the employee refuses to participate in the required program, the next step of the disciplinary guidelines will be implemented.

If an employee is required by an SAP to participate in rehabilitation and the employee fails to complete the rehabilitation program, the employee will be required to reimburse the District for its share of the cost of the rehabilitation program. Employees who have any subsequent positive alcohol or drug tests will be disciplined in accordance with the next step of the disciplinary guidelines.

8. Drug and alcohol testing methodology

- A. Alcohol testing shall be done based on an “evidential breath testing device” as used by law enforcement officials in drunk driving cases. A Breath Alcohol Technician shall explain the test to the employee being tested and administer the test to the employee.

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- B. Drug testing shall be done using a “split specimen” procedure for collecting and analyzing urine samples. The specimen will be divided into primary and secondary specimens. If the primary specimen test is positive, the employee shall be informed of their right to request a test of the secondary specimen by a separate laboratory or by the same laboratory, if they choose, at the employee’s expense. If not already removed, the employee will be removed from safety sensitive functions pending the outcome of the secondary sample test results.
- C. The employee has seventy-two (72) hours to make the request for the secondary sample test. If the secondary test result is negative, the District shall reimburse the employee the cost of the secondary test, any loss of pay and all references to the positive test shall be removed from all records. If the secondary test result is positive, the employee will be subject to the procedures from section 4 of this program.
- D. All required alcohol and drug tests administered to covered employees under this program shall be conducted by the District’s service providers to ensure appropriate chain of custody and confidentiality of results.

9. Pre-employment alcohol and drug testing

Before the first time an employee performs safety-sensitive functions for the District, the employee or applicant shall undergo testing for alcohol and drugs. NapaSan shall not allow an employee to perform safety-sensitive functions unless the employee has received an alcohol test result of alcohol concentration less than 0.02 and received a verified negative drug test result.

- A. All regular, probationary, temporary and limited term safety-sensitive positions are subject to pre-employment testing.
- B. District and outside applicants’ drug testing samples may be collected during pre-employment medical examinations and the samples will then be provided to the District’s certified laboratory.
- C. Every job announcement and internal transfer opportunities bulletin for a safety-sensitive position will include a written statement of the alcohol and drug-testing requirement as stated above.
- D. All pre-employment alcohol and drug tests will be conducted by NapaSan’s service providers to ensure appropriate chain of custody and confidentiality of results.

If the pre-employment alcohol test result contains alcohol content of 0.02 or greater, the employee or applicant will be removed from the employment list and will not be appointed to the position. The employee or applicant may, reapply for any position with the District in the next application period.

Outside applicants

Outside applicants for covered positions with the District must submit to post-offer pre-employment alcohol and drug testing without exception. Any applicant who has a confirmed positive test of 0.02 or greater for alcohol or drugs, or who refuses to take the test, will not be hired.

10. Random Alcohol and Drug Testing

Covered employees are required to submit to alcohol and drug testing on a random basis. Twenty-five (25) percent of the average number of covered positions shall be subject to random alcohol testing each calendar year. Fifty (50) percent of the average number of covered employee positions shall be subject to random drug testing in each calendar year. The District will change the minimum annual percentage-testing rate to comply with all changes of the Federal Highway Administration (FHWA) Administrator to the annual violation rate. The FHWA annual violation rate is based on the reported violation rate for commercial drivers.

- A. The Provider shall randomly select a sufficient number of covered employees for alcohol and drug testing during each calendar year to equal an annual rate not less than the minimum annual percentage rate established by the FHWA Administrator.
- B. The Provider shall select covered employees for random alcohol and drug testing by a scientifically valid method, such as random number table of a computer-based random number generator matched with the covered employees' Social Security numbers, District identification numbers or other comparable identifying number. The above mentioned selection process allows that each covered employee shall have an equal chance of being tested each time selections are made.
- C. Random alcohol and drug tests shall be unannounced and the dates for administering random alcohol and drug tests shall be spread reasonably throughout the calendar year.
- D. Each covered employee who is notified of selection for random alcohol or drug testing shall go to the test site immediately. If a notified employee is performing a safety sensitive function, the employee shall cease to perform that safety-sensitive function and go to the testing site as soon as possible.
- E. A covered employee shall only be tested for alcohol while the employee is performing safety sensitive functions just before the employee is to perform safety-sensitive functions or just after the employee has ceased performing such functions. The employee will be on District paid time during the testing process.
- F. A covered employee may be tested for drugs at any time while at work for the District.

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- G. NapaSan shall not require any covered employee to submit to a random test while the employee is off work. If a covered employee is off work, the District will skip the employee's name and the next name on the selection list will be selected and tested. The District shall document that the employee was off work and that he or she was in the random selection pool for that cycle.

Consequences

Covered employees shall be subject to the referral, evaluation and rehabilitation requirement in Sections 4-6 and may be subject to disciplinary action Section 7 of this program if they refuse to submit to a random alcohol or drug test or if they have an alcohol test with a result indicating an alcohol concentration of 0.04 or greater or a drug test with a verified positive test result.

To employees who have a test result of 0.04 or greater BAC or test positive for drugs, the District may offer positions that do not have safety sensitive duties subject to the employees' qualifications to perform the positions and the availability of such positions, provided the SAP or MRO has certified that the employee is safe to return to work in a non-safety-sensitive function. If no such position is available for which the employee is qualified, the employee shall be placed on leave, if the employee has accrued leave, or on authorized leave without pay, if the employee has no accrued leave. The employee shall continue on leave until a non-safety-sensitive position for which the employee is qualified becomes available or until the employee meets the conditions for reassignment to safety-sensitive duties established in Section 4 of this program.

Any covered employee who has engaged in conduct in violation of Section 3 concerning the use of alcohol or who has had an alcohol test result of 0.04 or greater BAC shall not perform safety sensitive functions until they have submitted to a return to duty alcohol test with a verified below 0.02 result. In addition, the employee shall be evaluated by the SAP who will develop a treatment methodology, if necessary. The District will pay for one return to duty test.

For any covered employee with a BAC test result of 0.02 to 0.039, the employee shall be off duty until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following the administration of the test. For this 24 hour period, the employee may use vacation leave, accrued compensatory time off, personal leave or leave without pay. Before returning to work, the employee shall be evaluated by the SAP who will develop a treatment methodology, if necessary.

11. Post-Accident Alcohol and Drug Testing

As soon as practical, following an accident, the District shall test a surviving covered employee for alcohol and drugs, where the accident has resulted in any of the following conditions:

1. Death of a human being.
2. Bodily injury to a person who, as a result of the accident, receives medical treatment away from the scene of the accident.
3. Property damage amounting to \$50,000 or more. If it is not immediately known if the above criteria is met, the employee will provide a sample that will not be tested until it is determined that the criteria for post-accident testing is met.
4. At least one of the involved vehicles is required to be towed from the scene at the accident.

Following the accident, the covered employee will be tested as soon as possible, not to exceed eight (8) hours for alcohol and thirty-two (32) hours for drugs.

1. The covered employee shall notify their supervisor as soon as possible following an accident. The covered employee shall refrain from using alcohol for eight (8) hours following the accident until they undergo a post-accident alcohol test or a supervisor determines that a post-accident alcohol test is not required as provided by law. Any employee leaving the scene of the accident without appropriate authorization before submitting to an alcohol or drug test or being released by the supervisor will be considered to have refused to test.
2. The supervisor at the site of an accident shall:
 - a. Attend to any emergency needs of employees, passengers, pedestrians, etc., by requesting medical, fire and/or police assistance and the presence of another supervisor.
 - b. Evaluate the accident to determine whether a post-accident test is required under this program and document with written notes the supervisor's decision of whether a post-accident alcohol and drug test is required.
3. If the supervisor at the site affirms that a post-accident alcohol or drug test of the covered employee is required, the supervisor shall take the following actions:
 - a. Inform the covered employee that the test is required by the OTETA, and explain that refusal to take the alcohol and drug tests, will subject the employee to
 - 1) a mandatory referral for evaluation and rehabilitation requirements of this program; and
 - 2) to disciplinary action.

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Any employee who refuses to submit to a post-accident test as required by federal law shall be offered the opportunity to be safely transported home and placed on leave without pay until such time as the employee meets the conditions for reassignment to safety sensitive duties under section 4 of this program. If an employee appears to be impaired, refuses the post-accident alcohol and drug test and intends or attempts to drive home, NapaSan will inform the employee that it is required to notify the proper authorities. An employee who has refused to submit to the post-accident test will be disciplined.

- b. The supervisor shall transport the employee to the designated collection site to take the necessary tests. The supervisor shall inform the employee that they have a right to request a Union representative. However, the process will proceed whether or not the Union representative is present. The supervisor transporting the employee will stay with the employee, verify the employee's identification at the collection site and later return the employee to the employee's division or work unit.
 - c. If the covered employee is injured and requires off-site treatment, the supervisor shall escort the employee to a hospital or other appropriate treatment facility. The hospital will be requested to collect the necessary specimen and provide safekeeping of it until the sample is picked up by the District collection agency.
 - d. The supervisor shall ensure that the covered employee does not perform any safety sensitive function until the employee is cleared by the post-accident results. This includes ensuring that neither the covered employee nor any other employee involved in the accident operates the vehicle any further. If necessary, the supervisor will move the vehicle or request another employee not involved in the accident to do so.
4. If the supervisor at the site of the accident determines that the accident does not meet the criteria for a post-accident alcohol and drug test, the covered employee may continue to perform safety sensitive functions.
5. If the covered employee is taken into police custody at the site of an accident and the site supervisor has affirmed that the accident is one requiring post-accident drug testing, the District's collection agency will be requested to test the employee for alcohol and drugs.

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6. If a post-accident alcohol test is required and is not administered within two hours following the accident, the District shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If an alcohol test is not administered within eight (8) hours, the District shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.
7. If a post-accident drug test is required and not administered within 32 hours following the accident, the District shall cease attempts to administer a drug test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered.

Consequences

Covered employees shall be subject to the referral, evaluation and rehabilitation requirements in Sections 4-6 and may be subject to disciplinary action under Section 7 of this program if they refuse to submit to a random alcohol or drug test or if they have an alcohol test with a result indicating an alcohol concentration of 0.04 or greater or a drug test with a verified positive test result.

To employees who have a test result of 0.04 or greater BAC or test positive for drugs, the District may offer positions that do not have safety sensitive duties subject to the employees' qualifications to perform the positions and the availability of such positions provided the SAP or MRO has certified that the employee is safe to return to work in a non-safety sensitive function. If no such position is available for which the employee is qualified, the employee shall be placed on leave, if the employee has accrued leave, or on authorized leave without pay, if the employee has no accrued leave. The employee shall continue on leave until a non-safety position for which the employee is qualified becomes available or until the employee meets the conditions for reassignment to safety-sensitive duties established in Section 4 of this program.

Any covered employee who has engaged in conduct in violation of Section 3 concerning the use of alcohol or who has had an alcohol test result of 0.04 or greater BAC shall not perform a safety sensitive function until they have submitted to a return to duty alcohol test with a verified below 0.02 result. In addition, the employee shall be evaluated by the SAP who will develop a treatment methodology, if necessary. The District will pay for only one return to duty test.

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For any covered employee with a BAC test result of 0.02 to 0.039, the employee shall be off duty until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test. For this 24-hour period, the employee may use personal leave or leave without pay. Prior to returning to work the employee shall be evaluated by the SAP who will develop a treatment methodology, if necessary.

12. Reasonable Cause Alcohol and Drug Testing

NapaSan shall require a covered employee to submit to an alcohol and/or drug test when the District has reasonable cause to believe that they are under the influence of alcohol or drugs.

1. NapaSan's decision to require a covered employee to submit to a reasonable cause alcohol and/or drug test shall be based on a supervisor's determination that reasonable cause exists that the employee is in violation of Section 3 of this program. The District's determination must be based on:
 - A. Specific personal and articulable observations concerning the appearance, behavior, body odor, speech or performance of the employee; or
 - B. Violation of a safety rule or other unsafe work incident that after further investigation of the employee's behavior, leads the supervisor(s) to believe that alcohol or drug use may be a contributing factor; or
 - C. Other physical, circumstantial or contemporaneous indicators of alcohol or drug use.
 - D. Suspicion based solely on third party observation violation of safety rule or unsafe work incident is not reasonable cause for testing. However, such suspicion may be a basis for further investigation, or for action to protect the safety of others, such as ordering the employee to stop work.
 - E. No action shall be taken against a covered employee based solely on the employee's behavior and appearance, with respect to alcohol or drug use without a positive test.
2. The supervisor will obtain the assistance of another supervisor, to independently observe and independently document the above behavior or factors.

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3. The supervisor shall inform the employee of the facts which reasonable cause is based, advise the employee that the supervisor wishes to question the employee about the employee's behavior or conduct which reasonable cause is based and advise the employee that they have the right to request the presence of a Union representative before answering the Program Manager's questions.
 - A. If the employee chooses to be represented, the representative will be allowed up to one hour to arrive. If no representative is available within one hour, the supervisor should continue the procedure.
 - B. The supervisor shall request an explanation from the employee concerning the employee's behavior or conduct upon which the reasonable cause is based. If a satisfactory explanation is not provided, the employee will be tested.
 - C. The supervisor must complete the Observation/Incident Report within one hour of the incident. A copy shall be given to the employee.
4. If the employee refuses to submit to the test, the test shall be presumed positive and the employee will be placed on sick leave, vacation or authorized leave without pay and shall be offered the opportunity of safe transportation home. The employee shall remain on sick leave, vacation or authorized leave without pay until they meet the conditions for reassignment to safety sensitive functions in Section 4 of this program.
5. If the employee submits to the reasonable cause alcohol and/or drug test, the supervisor will assign the employee to non-safety sensitive duties until the supervisor receives the test results, unless in the supervisor's judgment, the continued presence of the employee in the workplace poses a significant safety risk to the employee or others or is disrupting the workplace. In that event, the supervisor shall place the employee on sick leave or other accrued leave and arrange to safely transport the employee home.
 - A. If the alcohol and/or drug test is negative, the employee will be returned to safety sensitive functions and any leave time is re-credited.
 - B. If the alcohol and/or drug test is positive, the employee will be subject to the return to duty/follow-up testing program and procedures.
6. No supervisor shall physically search an employee or an employee's private property (purse, briefcase, car) based on the supervisor's reasonable cause that the employee has violated Section 3 of this program.

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7. The supervisor(s) or District official(s) who observe(s) the employee's behavior on which reasonable cause testing is based must have received at least 60 minutes of training on alcohol misuse and an additional 60 minutes of training on drug use. The training must cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of drugs. The supervisor who decides that reasonable cause exists shall not conduct the alcohol test of the covered employee.
8. If an alcohol test is not conducted within two hours of the observation, the District must prepare and maintain a record stating the reasons the alcohol test was not properly administered. If eight hours have passed, the District will not administer the test.
9. A written record must be made of the observations leading to an alcohol or drug reasonable cause test, and signed by the supervisor or District official who made the observations, within one hour of the observed behavior or before the results of the alcohol or drug test are received, whichever is earlier or the test is invalid.

Consequences

1. Covered employees shall be subject to the referral, evaluation and rehabilitation requirement in Sections 4-6 and may be subject to disciplinary action under section 7 of this program if they refuse to submit to a random alcohol or drug test or if they have an alcohol test with a result indicating an alcohol concentration of 0.04 or greater or a drug test with a verified positive test result.

To employees who have a test result of 0.04 or greater BAC or test positive for drugs, the District may offer positions that do not have safety sensitive duties subject to the employees' qualifications to perform the positions and the availability of such positions provided the SAP or MRO has certified the employee as safe to return to work in a non-safety sensitive function. If no such position is available for which the employee is qualified, the employee shall be placed on leave, if the employee has accrued leave, or on authorized leave without pay, if the employee has no accrued leave. The employee shall continue on leave until a non-safety position for which the employee is qualified becomes available or until the employee meets the conditions for reassignment to safety-sensitive duties established in Section 4 of this program.

2. Any covered employee who has engaged in conduct in violation of Section 3 concerning the use of alcohol or who has had an alcohol test with a result of 0.04 or greater BAC shall not perform a safety sensitive function until the employee has submitted to a return to duty alcohol test with a verified below 0.02 result. In addition, the employee shall be evaluated by the SAP who will develop a treatment methodology, if necessary. The District will pay for only one return to duty test.

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3. For any covered employee with a BAC test result of 0.02 to 0.039, the employee shall be off duty until the start of the employee's next regularly scheduled work period, but not less than 24 hours following administration of the test. During this 24-hour period, the employee may use vacation leave, accrued compensatory time off, personal leave or leave without pay. Prior to returning to work, the SAP shall evaluate the employee and a treatment methodology will be developed, if necessary.

13. Return to Duty/Follow-up Testing

Covered employees who have alcohol test results of 0.04 BAC or greater, or who test positive for drug use are subject to return-to-duty testing and are also subject to unannounced follow-up alcohol and/or drug tests following their return to duty.

Return to duty test

- A. Any covered employee who has engaged in conduct in violation of Section 3 concerning the use of alcohol or who has had an alcohol test with a result of 0.04 BAC or greater shall not perform a safety sensitive function until the employee has submitted to a return to duty alcohol test with a verified negative result. The SAP shall evaluate the employee, and will develop a treatment methodology, if necessary.
- B. Any covered employee who has engaged in conduct on violation of Section 3 concerning the use of drugs or who has had a drug test with a positive result shall not perform a safety sensitive function until they have submitted to a return to duty drug test with a verified negative result. In addition, the SAP will evaluate the employee and a treatment methodology will be developed, if necessary.
- C. Any covered employee who has engaged in conduct in violation of Section 3 may return to work in a non-safety sensitive position:
 1. After the employee has been evaluated by the MRO and SAP and they agree that the individual may return to work in a non-safety sensitive position.
 2. The District will accommodate employees based on operational needs and availability of positions. Employees who test positive will be accommodated within their current classification, if possible, by being assigned to a non-safety sensitive position for a maximum of 60 workdays. Employees, whose driving duties are required and/or a regular part of their work will, if possible, be transferred or demoted to another position for up to 60 work days positions in which they meet minimum qualifications. If the District cannot accommodate the employee in a non-safety-sensitive position, the employee will be placed on accrued leave, or authorized leave without pay.

Follow-up Testing

- A. If an employee has a confirmed positive test for alcohol or drugs, the employee will be subject to follow-up testing determined and required by the SAP; or as otherwise agreed to by the employee. Negative tests will be paid for by the District.
- B. Follow-up alcohol testing shall be conducted only when the employee is performing safety sensitive functions, just before the employee is to perform safety-sensitive functions or just after the employee has ceased performing safety-sensitive functions.
- C. Follow-up testing may be conducted at any time while the employee is at work for the District.

Consequences

The employee shall be subject to the provisions of Section 4, as a consequence of refusing to submit to follow-up testing for either drugs or alcohol or if testing for drugs or of alcohol tests over 0.04 BAC.

14. Document Distribution and Training

Every employee who is covered by the federal alcohol and drug testing regulations as explained in this program shall be provided with a copy of this program prior to the start of alcohol and drug testing. Each employee is required to sign a statement certifying that they have received a copy of this program. The District will maintain the original of the signed document in the official drug testing file and will provide a copy of certificate to the employee.

Every covered employee will participate in an on-line training course on the District's Alcohol and Drug Testing Programs and Procedures. Each employee will receive a certificate of completion for this training. A copy of the certificate of completion will be on file with the Safety Officer. Yearly on-line refresher training will be provided.

All supervisors of covered employees, up to the Division Manager level, will receive a minimum of one hour of on-line training for alcohol and drugs related to the District's Alcohol and Drug Testing Programs and Procedures. In addition, supervisors will be trained on alcohol and drug usage, impairment and strategies for dealing with these issues. Each supervisor will receive a certificate of completion of this training. A copy of this certificate will be on file with the Safety Officer. Yearly on-line refresher training will be provided.

Policy Updated July 10, 2013 MR13-054

POLICY

NapaSan is a non-smoking workplace and specifically prohibits smoking, “vaping” (smoking e-cigarettes), and chewing tobacco in enclosed areas, District vehicles, or areas in proximity of entrances on District property.

POLICY

District vehicles are to be used for District business only, with some minor exceptions. Employees assigned District vehicles because they are "on call" may use the vehicle for commuting or minimal use such as a stop for a personal errand or activity (e.g., going to gym, attending a family function) on the direct route between a business activity or the employee's home. The employee shall ask for and receive permission from the supervisor for any exceptional use of the District vehicle outside of the direct commute route.

Employees driving a District vehicle during their normal work shift, in order to perform their job, may have minimal use of that District vehicle such as stopping for lunch or going through a fast food drive thru only if the lunch stop is in the immediate assigned work area.

This policy is to be a commonsense policy. The use of a District vehicle is a privilege to be enjoyed as long as it does not bring discredit to the District in either fact or appearance. If there is a question about vehicle use, check with your supervisor.

PROCEDURE

The District retains the right to transfer to an alternative position, suspend or terminate an employee who holds a position that requires operating motor vehicles to perform the position's job and whose license is revoked or who is uninsurable under the District's insurance policy.

1. District Responsibility

- A. All employees shall be informed of this policy's minimum eligibility standards (hereafter known as standards) and acknowledge the reading of same by signing an "Acknowledgment of District Driving Policy Statement" that shall be retained in the employee's personnel file.
- B. Job Descriptions shall state that employees must continue to meet the established driving standard and that it is a condition of employment for that position.
- C. Driving standards shall be enforced consistently and fairly among all employees working in classifications where driving is required.
- D. Department of Motor Vehicle license checks shall be made regularly on employees who drive a vehicle on District business.
- E. The names of employees not meeting the standards shall be provided to the employee's supervisor within fifteen (15) days upon the District's awareness of such employee's failure to comply with the standards.

- F. The employee shall be notified by the District when two violation points have been assigned to the employee's Department of Motor Vehicle's record, as shown on the DMV employee pull notice.

2. Employee Responsibility Driving Standards

Minimum Eligibility Standards include:

- A. Employees must possess a valid California Driver's License to legally operate the class of vehicle(s) the employee is required to operate in his or her employment.
- An employee is responsible for notifying the District if his or her license is suspended or if the employee receives notification from the Department of Motor Vehicles of intent to suspend the employee's license.
- B. All occupants of District owned vehicles or motor trucks shall utilize safety belts. Any defective safety belts shall be immediately reported to the supervisor.
- C. Employees accumulating four (4) violation points as valued and enumerated on the Violation Point Assessment C.V.C. 12810 (please refer to the DMV website for this information at www.dmv.ca.gov) within the past three (3) years, shall be considered in a disciplinary status and shall be required to attend a Defensive Driving class. Upon completion of the training, the District shall provide the Program Director with either a copy of the Certificate of Completion or a written description of the duration and contents of the training course attended.
- D. Employees accumulating six (6) violation points as valued and enumerated on the Department of Motor Vehicle Negligent Operator Count sheet (please refer to the DMV website for this information www.dmv.ca.gov) within the last three (3) years, shall be excluded from the pooled layer of Automobile Liability coverage. The District may implement further disciplinary action up to and including termination if an employee is unable to perform the position requirement of operating a motor vehicle.
- E. The conviction date as determined by the DMV shall be considered as the starting date for the three (3) year period discussed in items C and D above.
- F. The provisions of items C and D shall apply regardless of whether the negligent driving that resulted in acquiring the violation points was or was not in the course of employment.

POLICY

It is essential that employees perform to the best of their ability at all times. It is expected that employees understand and demonstrate certain standards of job performance, interpersonal skills and conduct in compliance with high standards of performance and behavior required in a professional workplace and consistent with NapaSan's Business Ethics Policy (see Policy #105). Each employee is responsible for correcting any unsatisfactory performance or behavior in order to maintain high workplace standards.

If an employee's performance or behavior is unsatisfactory or deficient, the employee may face or behavioral deficiency, its frequency, its consequences and the employee's record of prior performance and behavior.

Supervisors in consultation with the Human Resources Officer and the General Manager may take disciplinary actions regarding an employee's unsatisfactory or deficient performance or behavior and propose corrective actions which the employee should take to bring performance or behavior to expected standards including, but not limited to:

1. Verbal counseling.
2. Written notice or reprimand.
3. Suspension of employee from work with or without pay.
4. Demotion of employee from current position to lower-paid position or class; and/or
5. Termination of employment.

NapaSan is not required to treat each form of discipline as a step in a series to be followed with an employee before termination of employment. A serious or major performance or behavioral deficiency may result in a more severe disciplinary action, including immediate termination of employment, and may not necessarily be preceded by less severe forms of disciplinary action.

PROCEDURE

1. Grounds for Discipline

The District expects efficiency, productivity and cooperation among its employees. In addition to the District's Business Ethics Policy, the following are examples of types of conduct that are not permitted and that may result in disciplinary action, up to and including immediate termination. Although it is not possible to provide an exhaustive list of all types of unacceptable conduct, performance, or group interaction, the following are some examples:

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- a. Fraud in securing appointment/employment; falsifying employment records, including timecards, employment information, or other District records (note that employment information includes Social Security Numbers and any other documents used to verify identity and ability to work in the United States).
- b. Incompetence, inefficiency, inexcusable neglect of duties, or failure to perform duties.
- c. Insubordination, including but not limited to, failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management.
- d. Dishonesty.
- e. Consumption of alcoholic beverages while on duty.
- f. The use of any drug, legal or illegal that would impair one's ability to safely perform the duties of their job.
- g. Absence without authorization or 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.
- h. Excessive tardiness, absenteeism, and/or abuse of sick leave.
- i. Removing or borrowing District property or funds without prior authorization, misuse of District property or funds.
- j. Negligence or willful misconduct resulting in damage to or destruction of District or public property or waste of public supplies; theft of any District property or the property of any employee or customer.
- k. Violating any safety, health, security or District policy, rule or procedure, or failure to properly use required personal protective gear or equipment.
- l. Discourteous or non-cooperative treatment of the public or other District personnel.
- m. Acceptance of gifts or gratuities for the performance of services, functions and duties of which you perform for the District.
- n. Conviction of a misdemeanor involving moral turpitude; committing a fraudulent act or a breach of trust under any circumstances.
- o. Engaging in any employment, activity or enterprise that is inconsistent or incompatible with, in conflict with performance of services, functions and duties for which retained by the District.
- p. Any conduct which casts discredit upon the District.

- q. Conviction of a felony based upon the nature of the offense and its relevance to the position; engaging in criminal conduct whether or not related to job performance; engaging in any unlawful acts, as governed by State and Federal laws.
- r. Sleeping, inactivity, or excessive attention to personal matters versus work matters during working hours.
- s. Provoking a fight or fighting during working hours or on District property.
- t. Carrying firearms or any other dangerous weapons on District premises at any time.
- u. Using abusive language at any time on District premises.
- v. Failing to provide a physician's certificate when requested or required to do so.
- w. Mailing, emailing, or accepting telephone calls for personal reasons of more than a few minutes during working hours, except in cases of emergency.
- x. Working overtime without authorization or refusing to work assigned overtime, except under extenuating circumstances.
- y. Clothing and appearance not maintained in a neat and safe manner. Clothing inappropriate for interacting with NapaSan clients and containing inappropriate logos.
- z. Harassing (sexually or otherwise), discriminating against, bullying, threatening, intimidating or coercing any other employee, customer or the public.
- aa. Any other conduct of equal gravity to the reasons enumerated above as determined by the District.

2. Performance Improvement Process

A. Verbal Counseling Session

1. The supervisor shall counsel the employee verbally, specifying the unacceptable behavior/performance and identify what corrective action or behavior is needed to meet a satisfactory level of performance.
2. The supervisor shall provide an opportunity for the employee to express concerns and mutually agree on a course of action to improve behavior/performance and allow for positive two-way communication.
3. Documentation, if any, shall be retained in the supervisor's file. Informal documentation shall include date and time of incident, date of counseling and responses given by the employee.

B. Written Warnings

If the employee does not improve after the verbal counseling session or if there are repeated incidents of the unacceptable behavior/performance or if the nature of the behavior/performance issue warrants a formal written warning, then the supervisor shall complete a written warning documenting the matter.

C. Suspension, Demotion, Reduction in Pay, Termination

Before taking a disciplinary action of suspension, demotion and/or reduction in pay or termination the supervisor shall consult with the Human Resources Officer and/or the General Manager/designee to ensure that all procedures meet legal requirements (e.g., Skelly Requirements). Demotion in pay may be considered only in cases when an employee has previously held a lower level position at the District, the circumstances are appropriate, and an appropriate vacancy exists.

If the suspension, demotion, reduction in pay is for more than five (5) days, the employee shall be notified of the District's intent and shall be given the opportunity to meet with the General Manager/designee to discuss the suspension, demotion or reduction in pay, prior to its effective date. The General Manager or designee shall deliver to the employee, a Notice of Proposed Action.

In any disciplinary action to dismiss, suspend, reduce salary or demote an employee having regular status, after having complied with the Skelly requirements where applicable, the General Manager or designee, shall document the action in writing stating specifically the causes for the action.

Pending response to Notice of Proposed Action, within the first ten (10) days or extension thereof, the General Manager/designee, for cause specified in writing may place the employee on temporary leave of absence with pay.

Employee Appeals Order.

The employee may appeal an order of suspension, reduction in salary, demotion or dismissal through the Appeal process that follows, if the appeal is filed in writing with the Secretary of the Board within fifteen (15) calendar days after service of said order.

D. Disciplinary Appeal Process

An appeal filed with the Secretary of the Board shall be presented to the Board of Directors at its next regular meeting following such filing. The Board of Directors may, at its discretion, appoint an Administrative Hearing Officer to conduct the hearing. Such hearings shall be conducted in accordance with applicable Government Code provisions. If the Board determines that the appeal shall be heard by a Hearing Officer, it shall set the matter for hearing within thirty (30) days after the appeal has been presented.

After the appeal process is completed, the General Manager/designee will advise the employee, in writing, of the decision.

POLICY

The District has established an internal problem-solving process to provide a prompt and fair review of employees' work-related issues.

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

PROCEDURE

1. Definition

Eligible grievances include a complaint over the interpretation, application or compliance with established Personnel Rules and Policies, Resolutions or Memorandum of Understanding.

The employee has the right to the assistance of a representative in the preparation of a written grievance and to be represented in all grievance meetings.

Any level or review or any time limits established in this procedure may be waived or extended by mutual agreement, if confirmed in writing. If a particular grievance is of an unusual or unique nature that may place it outside the scope of authority of an immediate supervisor, the grieving party may contact the General Manager to determine the appropriate level for filing such grievance. The determination of the General Manager in this regard shall be final.

2. Processing and Filing of a Grievance

All grievances shall be processed in the following manner:

- A. The grieving employee shall initiate an informal discussion regarding the grievance with the immediate supervisor within ten (10) days from the occurrence of the matter on which the grievance is based, or within ten (10) days from the time the employee would reasonably be expected to know of the occurrence. The supervisor shall give an immediate decision, if possible, or within ten (10) days.
- B. If the employee is dissatisfied with the response from Step (A), the employee may discuss the grievance with their union representative. The Union may represent or assist the employee.

- C. The employee, with or without the representative has ten (10) days from the response of the supervisor to document the grievance in writing and submit to the supervisor.
- D. The supervisor shall submit to the employee a written response within ten (10) days after receipt of the written grievance.
- E. If the employee and/or their representative are still dissatisfied, they may request a hearing with the General Manager. The request must be made within ten (10) days after receiving the supervisor's written response in Step (D).

Within ten (10) days after the request is received, the General Manager shall arrange a hearing where all sides to the grievance can be heard. Within ten (10) days after that hearing, the General Manager will respond with a written decision.

- F. If the employee and/or their representative are dissatisfied with the General Manager's decision, they may request a hearing before the Board of Directors and/or its delegated representative within five (5) days. The Board has twenty (20) days in which to arrange for that hearing that will involve a full investigation of the grievance. The decision of the Board is final and will be received by the employee within ten (10) days after the hearing.

POLICY

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

PROCEDURE

1. Neatness

All NapaSan property must be kept clean and is to be used only for work-related purposes.

2. Right of Inspection

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

3. Removal of District Policy

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

4. Investigation of Facts

The District may occasionally find it necessary to investigate current employees, where behavior or other relevant circumstances raise legitimate questions concerning work performance, reliability, honesty, trust-worthiness, or potential threat to the safety of co-employees or others.

When an investigation is initiated, certain records may be required, and employees subject to such investigations are expected to reasonably cooperate with the efforts to obtain relevant information that is pertinent to the investigation.

Employees are not expected to waive any rights under the law. An outright refusal by an employee to cooperate could be construed as insubordination that could be subject to further disciplinary action.

If an investigative interview takes place with an employee and there is a potential disciplinary action, the employee may have union representation at the meeting, if applicable.

5. Protection of District Records

Employees may access only files or programs, whether computerized or not, that they have permission to enter. Unauthorized review, duplication, dissemination, removal, damage or alteration of files, passwords, computer systems or programs, or other property of the District, or improper use of information obtained by unauthorized means, may be cause for disciplinary action, up to and including termination.

6. Use of Telephones and Mail

A. District-maintained systems

District phones and voicemail systems including texting, pagers, cell phones and mobile email are maintained by NapaSan in order to facilitate District business. Therefore, all messages sent, received, composed, and/or stored on these systems are property of the District.

B. Personal use extremely limited

These systems are to be used by employees in conducting business. Personal use of the systems is allowed to a limited degree. Abuse of telephone privileges may result in disciplinary action, up to and including termination of employment. Any personal long distance call should only be made using a personal billing card.

C. Privacy not guaranteed

NapaSan reserves the right to access an employee's voice-mail (outgoing and incoming), email messages and District computer at any time. The existence of a password on any system is not intended to indicate that messages will remain private.

D. Erasure not reliable

Employees should be aware that even when a message has been erased, it still may be possible to retrieve it from a backup system. Therefore, employees should not rely on the erasure of messages to assume a message has remained private.

E. Harassment and discrimination

Messages on NapaSan's voicemail and email systems are subject to the same policies regarding harassment and discrimination, as are any other workplace communications. Offensive, harassing or discriminatory content in such messages will not be tolerated.

The use of employer-paid postage for personal correspondence is not permitted.

7. Policy Improvements

Because the technology encompassed by this policy is rapidly changing, the District may update this policy frequently. The employee is to assume that new technologies not specifically mentioned in this policy and that are District property, are all included in this policy about District property.

POLICY

NapaSan has expended significant resources to provide computers and other electronic devices for the purpose of promoting its legitimate business interests. In order to ensure that all individuals who use the District's computers and resources do so in a lawful, ethical, and proper manner, the District has established this *Internet and Electronic Communications Policy*. This policy recognizes that individuals who use the District's computers may have access to the Internet and are able to transmit electronic communications ("E-mail") with the use of computers and electronic devices.

The District's Communications Systems

This policy applies to the entire network of the company's electronic Communications Systems. The term "Communications Systems" is intended to apply broadly to all of the various forms of electronic communication used by or in the District. For example, it includes E-mail, connections to the Internet, World Wide Web and other internal or external networks, voice mail, video conferencing, facsimiles and telephones, as well as any other form of electronic communication used in or by the District either now or in the future.

The Communications Systems are the sole and exclusive property of NapaSan. They are provided or made accessible by the District solely for use in conducting the District's business. Employees should understand that the District reserves its property interest in all information, data and communications that are stored in, transmitted by, or received from or on the Communications Systems. Furthermore, no one at the District, other than the General Manager, has the ability to convey, license, assign, sell, limit, or impair these systems.

PROCEDURE

The use of the Communications Systems is strictly restricted and subject to a number of rules that are designed to ensure compliance with the promotion of the District's business interests. Any individuals who use the Communications Systems must do so in a professional and appropriate manner that promotes the District's business interests. Employees must engage in and conduct all activities involving the use of the Communications Systems with the utmost care. Their actions must reflect the same sound judgment and level of responsibility that they would exercise when sending letters or memoranda that are written on the District's letterhead.

Particular attention should be given to issues involving the use of the Internet and awareness that information posted on commercial on-line systems or the Internet creates the potential for broad distribution of and access to such information. Employees should also understand that it is not possible to guarantee complete security of electronic communications either within or outside the District. Therefore, it is important that employees exercise care when sending or receiving sensitive, privileged, proprietary or confidential information electronically.

1. Specific Prohibitions

Any unlawful or otherwise inappropriate use of the Communications Systems is strictly prohibited and may result in severe disciplinary action, up to and including termination. While it is not possible to provide an exhaustive list of every type of inappropriate use of the Communications Systems, the following examples should offer employees guidance:

- A. **Harassment and Discrimination.** The District maintains strict policies against unlawful discrimination and harassment based on any characteristic protected by state or federal law. These anti-discrimination and anti-harassment policies apply to all employee conduct and extend to the use of the Communications Systems. For example, the District strictly prohibits the use of the Communications Systems to create, send or deliver a message or information that is either harassing or offensive on the basis of any legally protected characteristic, such as race, color, religion, sex, national origin, ancestry, physical disability, mental disability or age, or other protected classes as defined by state and federal laws and regulations. This includes off-color, sexual or offensive information that involves or relates to any legally protected characteristics.
- B. **Offensive and Defamatory Conduct.** The use of the Communications Systems to send, transmit, deliver or invite the receipt of annoying, offensive, defamatory, derogatory or harassing messages or information is strictly prohibited.
- C. **Sexually-Suggestive Material.** The use of the Communications Systems to disseminate, display, store, transmit, publish, solicit or purposely receive any pornographic, obscene or sexually suggestive or explicit material is strictly prohibited.
- D. **Gambling.** The use of the Communications Systems to participate or engage, directly or indirectly, in any gambling activities or participate in games of chance or risk is strictly prohibited.
- E. **Trademark, Copyrights and Licenses.** Individuals who use the Communications Systems must honor, respect and comply with all laws and standards applicable to trademarks, copyrights, patents and licenses to software and other on-line information.

- F. Proprietary, Confidential and Trade Secret Information.** Employees are strictly prohibited from altering, transmitting, copying, downloading or removing any proprietary, confidential, trade secret or other information of any company, proprietary software or other files without proper and legally binding authorization.
- G. Improper Purposes.** Employees may not use or allow the Communications Systems to be used for any purpose that is either damaging to or competitive with the District, detrimental to its interests or that creates an actual, potential or apparent conflict of interest.
- H. Unintended Recipients.** No individual may read, record, copy or listen to messages and information delivered to another person's E-mail or voice mail mailboxes without proper authorization from the General Manager. If an individual receives an electronic communication and it is evident that the individual is not the intended recipient, the individual must immediately inform the sender of the fact and delete the message from his or her E-mail or voice mail mailbox, whichever is applicable.

2. Access and Disclosure

The Communications Systems are provided for the sole purpose of conducting business. NapaSan must also maintain its ability to monitor and enforce this policy. To accomplish this objective, it must maintain the maximum right to gain access to all information and materials stored in or transmitted by any component of the Communications Systems. Employees who use the Communications Systems should not maintain any expectation of privacy, either personal or otherwise, with respect to any information, materials, data, or matters stored in, created with or on, received by, delivered by, or sent over or to the Communications Systems. The District reserves the right to gain access to all information in or on the Communications Systems, as well as information, material, data, and matters that have been transmitted or received with the aid of the Communications Systems. It may do so for any purpose, including but not limited to, its desire to protect the integrity of the Communications Systems from unauthorized or improper use and to monitor and enforce this policy. This can occur with or without prior notice to any employee, either before, during or after work.

NapaSan also reserves the right to delegate the authority to any individual to retrieve, monitor, access, copy, download, listen to or delete anything stored in, created or received by, delivered with the aid of or sent over its Communications Systems without the permission or prior notice of any individual.

NapaSan reserves the right to use and disclose any electronic communications and any information or material it obtains from its Communications Systems without the permission of and without providing advance notice to any individual. This right includes the right to make disclosures to law enforcement officials.

3. Use of District Equipment

Employees are permitted to use District equipment for occasional, non-District purposes during rest and meal periods. Nevertheless, the employee has no right of privacy as to any information or file maintained in or on District property or transmitted or stored through NapaSan's computer systems, voice mail, E-mail, cell phones, iPhones, other smart phones or PDAs, or other technical resources.

4. Computer Privacy

Employees may access only files or programs, whether computerized or not, that they have permission to enter. Unauthorized review, duplication, dissemination, removal, damage or alteration of files, passwords, computer systems or programs, or other property of the District, or improper use of information obtained by unauthorized means, may be cause for disciplinary action, up to and including termination.

5. Software Licensing

NapaSan's policy is to purchase appropriate software licenses for each computer program required for employees to perform their job functions in a timely and efficient manner. It is the District's policy to respect all computer software copyrights and adhere to the terms of all software licenses. Software may only be installed on hardware explicitly allowed under the terms and conditions of that particular software's license. Normally, the software is copyrighted by the software developer, and unless explicitly allowed by an existing license, NapaSan or its employees have no right to make copies of the software except for backup or archival purposes.

6. Computer Passwords

Personal passwords may be used for purposes of security, but the use of a personal password does not affect NapaSan's ownership of the electronic information.

7. Remote Access

Remote access to NapaSan's network is a privilege granted only to appropriate users at the discretion of the General Manager and may be revoked at any time. It is the responsibility of the Remote Access user to ensure that unauthorized use does not occur at any time.

When using the District's Remote Access technology, the authorized user must acknowledge that their remote machines are a de facto extension of NapaSan's network and subject to the same rules, regulations and procedures that apply to District owned equipment.

8. Social Media

NapaSan does not use nor does it condone the use of social media in the workplace for any purpose other than those directly related to work, and then only by authorized users. Social media is a set of Internet tools that aid in the facilitation of interaction between people on the Internet. Use of Internet based programs such as Facebook, LinkedIn, or Twitter (this is not meant to be an exhaustive list; [if](#) employees have specific questions about which programs NapaSan deems to be social media, they can consult with their supervisor or the General Manager) for any use other than official District business is a violation of District policy and use of these programs either on District owned property or on employees' personal property during work hours on the work premises can result in disciplinary action, up to and including termination.

Employees can use their own personal devices to engage in social media during non-working times, such as breaks and meal periods; however, all other District policies against inappropriate usage, including the District's no tolerance for discrimination, harassment, or retaliation in the workplace, and protection of confidential or proprietary information, apply.

Nothing in NapaSan's social media policy is designed to interfere with, restrain or prevent employee communications regarding wages, hours, or other terms and conditions of employment.

POLICY

Employees are expected to wear clothing appropriate for District business and the type of work performed. Clothing should be professional, neat, and clean. Do not wear clothing that creates a safety hazard.

PROCEDURE

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

The District provides uniforms and laundry services to all personnel potentially coming in contact with sewage or chemicals. Operations, maintenance, reclamation and collection personnel must wear their uniforms at all times while on the job. Laboratory personnel must wear a laboratory coat or uniform while performing sampling, analysis, or any activity where they potentially come into contact with sewage or chemicals.

Gloves, rain gear, safety goggles or face masks, respirators, hearing protection, hard hats, aprons and other safety equipment provided by the District shall be worn by all employees when required by the particular work or circumstances.

The following job classifications are eligible for uniforms:

Plant Attendant	Operator series
Regulatory Compliance Manager	Laboratory Technician series
Collection System Supervisor	Collection System Worker series
Equipment Maintenance Specialist series	Plant Maintenance Supervisor
Reclamation Maintenance Worker series	Operations Supervisor
Collection System Technician	Reclamation System Manager

Safety Shoes

The District shall pay a maximum dollar amount (as established by the MOU) per fiscal year, toward the purchase of safety shoes. Any unused safety shoe allowance may be used for resoling or purchasing a second pair of shoes. Unused safety shoe allowances will not be carried over to the next fiscal year.

Eligible new regular employees shall be allocated a specific dollar amount toward the purchase of the required two pairs of safety shoes at the time of their employment.

Employees may purchase safety shoes from a local retailer and then submit the paid receipt(s) to the accounting department for reimbursement.

Employees purchasing shoes from the mobile shoe dealer shall pay that portion of the cost that exceeds the District allowance.

POLICY

It is the policy of NapaSan to ensure that all employees are provided with a safe working environment and to take whatever actions may be necessary to prevent on-the-job accidents or injuries. Employees are responsible for following the District's Injury and Illness Prevention Program as contained in the online IIPP.

The District also has a zero tolerance policy for acts of violence and threats of violence in the workplace.

PROCEDURE**1. Violence in the Workplace**

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

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

Possession of a weapon on District premises and at District-sponsored events shall constitute a threat of violence.

If an employee witnesses or receives a threat or learns that another person has witnessed or received a threat, they must notify their supervisor or the General Manager immediately. Reports must be made of all incidents no matter who was involved or their relationship to each other. If an employee applies for or obtains a protective or restraining order that lists District locations as protected, they must provide a copy to the General Manager. NapaSan understands the sensitivity of such information and uses confidentiality procedures that recognize and respect employees' privacy.

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

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

The General Manager/designee shall respond to and conduct any necessary investigation of any potential threats of violence.

Specific procedures regarding violence in the workplace shall be promulgated through the Injury and Illness Prevention Program, in accordance with CalOSHA requirements.

2. Use of Personal Items on the Job

NapaSan provides the necessary equipment that employees require to accomplish their job and tasks in the most efficient and safe manner. However, employees who want to use their personal items at work may do so with the understanding that they are liable for the property and that it must be safe and used responsibly.

3. Orientation

All employees participate in an employee orientation that includes District administrative and safety practices and procedures.

SECTION: Rules and Regulations

SUBJECT: *VEHICLE USE/DRIVING RENTAL OR PERSONALLY OWNED VEHICLES ON DISTRICT BUSINESS*

POLICY

Employees will be reimbursed for costs associated with driving their personal automobile on NapaSan business, if authorized in advance to do so by the employee's supervisor. Reimbursement will be based on the mileage reimbursement rate established by the Internal Revenue Service (IRS) at that time, which contemplates expenses such as wear and tear on the vehicle, gas, insurance, etc. While driving on District business, the employee's personal auto insurance is intended to provide the primary insurance coverage. Employees who operate their own vehicles on NapaSan business may do so provided the following conditions are followed:

- The vehicle must be in sound and safe operating condition and maintained as such at the employee's own expense.
- The employee and vehicle must be insured as outlined below (Paragraph 1).
- The employee must obey all state and local driving laws and observe driving conditions with the utmost care, including but not limited to wearing a seat belt.
- The employee must possess and maintain a valid California driver's license.
- All vehicles driven on NapaSan business must be properly registered with the California Department of Motor Vehicles.
- The employee must provide authorization for the District to access the employee's driver license record through the DMV Employer Pull Notice Program.
- Employees who have their driver's license suspended or revoked are required to report these conditions to their supervisor promptly.
- NapaSan accepts no responsibility for citations issued to an employee by any law enforcement agency while driving a vehicle on District business under any circumstance.

NOTE: All liabilities created by any citation will be the responsibility of employees who receive them.

SECTION: Rules and Regulations

SUBJECT: *VEHICLE USE/DRIVING RENTAL OR PERSONALLY OWNED VEHICLES ON DISTRICT BUSINESS*

1. Personal Auto Insurance Requirements:

All employees who use their personal vehicle for business travel are required to maintain general automobile liability insurance of at least the minimum amounts required by the State of California and such insurance shall not exclude business use. Employees must provide proof of adequate insurance coverage to the Safety Training Fleet Maintenance Officer (STFMO). Any employee who does not maintain the required insurance coverage will not be authorized to drive his or her personal vehicle on NapaSan business.

The District does not provide primary liability or comprehensive/collision coverage for use of a personal vehicle. The mileage reimbursement paid by NapaSan covers the employee's costs for such coverage. This means that the District is not responsible for damage to or loss of a personal vehicle, even if that damage or loss occurred while performing NapaSan business.

Notwithstanding the above, the use of personal and/or rental vehicles by employees may create an exposure for the District. Therefore, NapaSan may obtain excess liability coverage that could be applicable in the event a loss exceeds the limits of the employees' personal liability coverage. In the event of an accident where the employee is determined to be at fault while on approved District business and the loss exceeds the personal auto policy limits of liability, then NapaSan coverage will become secondary to the personal auto policy.

2. Rental vehicle insurance:

NapaSan's insurance carrier as well as the District credit card provides comprehensive/collision coverage for most "non-exotic" vehicles, as long as the vehicle was rented using the District credit card. Therefore, when renting a car, employees should decline the optional physical damage and supplemental liability coverage. If purchased, this coverage is at the employee's expense.

3. Accident reporting:

If an employee sustains damage to or loss to their private vehicle or approved rental vehicle or is involved in an accident while on NapaSan business they must immediately notify their supervisor, STFMO and the Human Resources Officer.

SECTION: Rules and Regulations

SUBJECT: *VEHICLE USE/DRIVING RENTAL OR PERSONALLY OWNED VEHICLES ON DISTRICT BUSINESS*

Employees who are involved in an accident in the course of using vehicles on District business are expected to adhere to the following procedure:

- A. Do not argue, do not admit liability/fault, and do not make a statement to anyone except the police, employee's supervisor, or other appropriate NapaSan management.
- B. Obtain the names, addresses and phone numbers of:
 - Owner(s) of other vehicle(s)
 - Insurance Carrier of the other driver(s)
 - Witnesses
 - Injured person(s)
 - Other driver(s), including the number of and state issuing the driver's license
 - Licenses plate number and/or vehicle identification number of other vehicle(s)
- C. Note these items:
 - Speed of each vehicle with its direction of travel
 - Signal given by each driver if any
 - Point and time of accident
 - Any mechanical aspect of the other vehicle, which may have caused the accident (e.g., no brake lights, etc.)
 - Promptly report to management any damage done to a customer, the public, NapaSan an employee, or their property.
- D. Take photos of:
 - All vehicles involved
 - Any damage incurred
 - People/witnesses involved

Accident reports will be promptly handled by the Safety Training Fleet Maintenance Officer.

DEFINITIONS**Cellular Phone:**

Devices that uses cellular/wireless technology for telephonic purposes, and includes the phone, adapter, battery pack and other equipment specific to the phone used for District business purposes.

Smart Phone:

A specialized cellular phone that provides an “always-on” end-to-end solution, combining hardware, software and wireless connectivity, offering complete telephonic, email, messaging, calendar, web browsing and other business solutions.

Tablet PC:

An internet-enabled, mobile computer primarily operated by touching the screen.

De minimus personal use:

Any non-District use of the phone for less than a total accumulated time of 20 minutes per month, whether during, before or after working hours. Personal use of cellular phones should be infrequent/incidental and only done in cases of significant situations or actual emergencies. Such calls should be kept to a minimum both in length and number of calls made and received. Calls made by employees to notify their family that they must work overtime or have been called back to work are considered business calls for purposes of this policy.

POLICY**District-provided Cellular Phones:**

The District may provide employees with cellular phones to facilitate District business. The General Manager may delegate to Department Managers the determination of which employees should be issued cellular phones. District-provided cellular phones shall be used for District business, with only de minimus personal use allowed.

Smart Phone Allowance:

The District will not provide District-owned smart phones to employees, except under specific circumstances when the job requires it. The General Manager, Executive Team and all employees in the Management and Professional Employee Unit are eligible to receive a smart phone allowance, provided that the employee uses their personally-owned smart phone for District business purposes, and the phone integrates wirelessly with the District’s email and electronic calendar systems. The allowance shall be \$60 per month.

Tablet PC Cellular Allowance

In order to promote increased efficiency, lower costs and reduce waste, Board Agenda Packets will be made available electronically to Board members for use on tablet PCs. The District will not provide tablet PCs to Board members. The District shall provide a tablet PC cellular allowance for those Board members who receive Board Agenda packets electronically for use on their tablet PC during or in preparation for Board meetings, and if no other public agency otherwise provides for tablet PC connectivity or an allowance for tablet PC cellular connectivity. The allowance shall be \$20 per month.

Taxability

The cellular phone and tablet PC allowances will be paid through the payroll system as taxable income. For determination of individual taxability, employees should check with their tax advisor.

Compliance with Motor Vehicle Laws

All District employees shall comply with motor vehicle laws regarding cellular phones.

All employees are prohibited from using a handheld wireless telephone while operating a District motor vehicle or while driving a personal vehicle for District business unless a hands-free device is used.

Employees are allowed to use a cell phone to make emergency calls to a law enforcement agency, a medical provider, the fire department, or other emergency services agency.

Employees while driving are not allowed to enter a telephone number, message, text, email or otherwise enter data into a cellular or smart phone.

Employees are not allowed to use the "Push-to-Talk" features of the phone while driving.

Any employee who receives a citation for violation of the Motor Vehicle Code Cell Phone laws while in a District vehicle or while conducting District business in a personal vehicle must inform their supervisor and furnish the District with a copy of the violation within one working day of the violation.

PROCEDURES

Full-time employees, as determined by the Department Manager, shall be issued a District-owned cellular phone.

District staff shall review the cellular bills on a monthly basis for any irregularities or excessive incidental personal usage of District equipment and notify the Department Manager. The Department Manager shall contact employees and review their personal usage.

The District shall ensure all employees are trained on this policy and cell phone usage. A signed acknowledgement of this policy shall be placed in the employee's personnel file and the employee training file.

NapaSan shall maintain a comprehensive inventory list of all District-owned cellular phones and the users. District staff shall periodically conduct an internal audit on an as-needed basis to determine the accuracy of the list to assure that all items are appropriately accounted.

District staff shall periodically review the cellular phone rates being charged to the District and determine the most cost-efficient rates available. It is the District's prerogative to determine the appropriate type of phone to be assigned to employees based on phone features, frequency of use and cost.

Acknowledgement

By signing below, I acknowledge that I understand and have received a copy of Policy# 411 Cellular Phone/*Electronic Device* Policy. I will adhere to the laws regarding cellular phone use while driving.

I further acknowledge that if I receive an allowance under this policy that I am eligible to receive that allowance, and that I will notify the District if my eligibility changes.

Name (Printed)

Signature

Date

POLICY

To prevent inconvenience and disruption in operations and to ensure efficient operation of District business, it is necessary to control visitations and solicitations on District property.

PROCEDURE

1. Visitors

All visitors must be met at the reception desk by the employee and escorted to and from the employee's worksite. Personal visits by friends and relatives should be kept to a minimum and be of short duration, preferably during break and meal periods. Visitors who are disruptive to the office or its employees should be reported to the General Manager and will be asked to leave.

2. Employee Solicitation

It is against District policy to use District stationery, supplies or equipment (including bulletin boards, photocopy machines, fax machines, interoffice mail, etc.) for solicitation or distribution of other business or charitable items or offers.

Employees may not solicit during working time for any purpose. Employees may not distribute literature at any time for any purpose in working areas. Working time includes the working time of both the employees doing the soliciting or distributing and the employee to whom the solicitation or distribution is being directed. Working time does not include break periods, meal periods, or any other specified periods during the workday when employees are not engaged in performing their work tasks.

3. Non-Employee Solicitation

Solicitation or distribution of literature by non-employees of NapaSan is prohibited. Access to working areas is limited to employees, on-site consultants, and authorized personnel.

Individuals from organizations representing outside interests may not conduct their business on District premises unless authorized by the General Manager. This includes service organizations; community and education groups; product and sales organizations; and any other club, group or organization.

A supervisor should politely but firmly ask the visitors to leave and reserves the right to contact local law enforcement to assist.

POLICY

It is the policy of the District to provide all information to the public that is not expressly prohibited from disclosure by the Public Records Act. Any request for a public document by a member of the public, shall be duly noted, with the date, time and substance of the request, as well as the name of the person making the request.

If staff has any question that a request is legally protected, they shall address their question to the General Manager or their designee who shall then address the question directly with legal counsel, if necessary. Examples might be personnel records, communications between counsel and representatives of the District, or consultants' reports prepared with the participation of counsel.

If a copy of a document is requested, as opposed to an inspection of a public document, the copy shall be provided as soon as possible, not to exceed ten (10) days to prepare the copies and provide them to the requesting party.

Requests for Information from Board Members

When a Board Member seeks clarification on informational items, the Board Member will be referred directly to the General Manager or appropriate management personnel for information needed to supplement, upgrade, or enhance the Board Member's knowledge. When a Board Member seeks clarification on policy related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns will be referred directly to the General Manager and/or Legal Counsel.

Media Contact

Employees may be approached for interviews or comments by the news media. Only contact people designated by the General Manager may comment to news reporters or other media on programs, projects, policies, or events that have an impact on NapaSan. Otherwise, all media contacts and requests for information or interviews must be referred to the General Manager.

POLICY

An employee's obligation under this policy is in addition to and does not in any way change their obligation under NapaSan's Business Ethics Policy. The purpose of this policy is to ensure that District employees do not receive or accept excessive gifts or gratuities that may improperly influence their decision-making or job performance, subject to the business needs of the NapaSan.

District employees may not receive a gratuity from any individual, organization, or vendor doing business with the District where doing so could influence or be perceived to influence the business decisions of the District.

The job requirements of employees in the positions of General Manager, Assistant General Manager/District Engineer, Director of Administrative Services/CFO, Human Resources Officer/Clerk of the Board, Plant Manager, Collection System Manager, Reclamation System Director, Senior Accountant, Senior Civil Engineer, Associate Engineer, Laboratory Supervisor, Operations Supervisor, Plant Maintenance Supervisor, Collection System Supervisor and Safety, Training & Fleet Officer may include attendance at conferences or other business gatherings, or may present other circumstances where it is necessary for business purposes for these employees to be able to accept gifts or gratuities. Accordingly, employees in these positions may not receive a gratuity from any individual, organization, or vendor doing business with the District that has an estimated aggregate value exceeding the maximum amount allowable by the FPC.

All gratuities received or offered to the employee should be reported to the employee's supervisor. Individual employees may accept gratuities in excess of \$20 only upon the approval of the General Manager.

For the purpose of this policy, a gratuity is defined as a gift or service rendered to an individual. Gifts include, but are not limited to money, candy, alcoholic beverages, tickets to events, trips, or the use of equipment or property.

Employees are required to comply with the Political Reform Act of 1974 and, as appropriate, to complete and file Form 700-FPPC, which is a public document, intended to disclose potential conflicts of interest.

Minor unsolicited gifts that may be accepted by employees are:

- Unsolicited promotional materials or advertising of nominal value such as calendars, notepads, coffee mugs, or pens.
- Food or refreshments of modest value offered as part of a reception, banquet, or social event, provided on an infrequent basis in the ordinary course of business; if the refreshments, meal, reception, or banquet occurs in an open setting, and the food or refreshment is also offered to other participants and/or attendees.
- Gifts of minimal value that are given without any expectations of special service or favorable decision-making.
- An occasional lunch or dinner provided as part of a meeting where District business is discussed, and the cost of the employee's share of the meal is tracked and reported in accordance with FPPC regulation.
- Gifts of informational material provided to assist the employee in the performance of his or her official duties (e.g., books, pamphlets, reports, calendars, periodicals, or educational seminars); or
- Gifts of similar value exchanged between the employee and an individual, other than a lobbyist, on holidays, birthdays, or similar occasions.

ACKNOWLEDGMENT OF RECEIPT OF HUMAN RESOURCES POLICY HANDBOOK

I have received a copy of the Napa Sanitation District's Human Resources Policy Handbook. I understand that it contains important information on District policies, as well as my rights and responsibilities as an employee. I understand and agree that it is my responsibility to familiarize myself with the policies in the Handbook and abide by these policies.

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

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

I have also read and understand NapaSan's **Harassment Prevention and Respectful Workplace Policies**.

I further understand that, except for employment at-will status, NapaSan can change, delete, or add to any policies, benefits, or practices described in the Handbook in its sole and absolute discretion with or without prior notice and in accordance with the Board of Directors.

Signature

Date

Print Name