



Tehachapi Valley

Recreation & Park District

Tehachapi Valley Recreation and Park District

POLICY MANUAL



Tehachapi Valley
Recreation & Park District

CHAPTER 1: INTRODUCTION

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Tehachapi Valley
Recreation & Park District

Chapter 1-100: Introduction to Policy Handbook

PURPOSE

The purpose of this policy handbook is to facilitate the communication of policies and procedures affecting the operations of Tehachapi Valley Recreation and Park District and to keep this information in a manner easy for reference. Functions of this handbook are:

- To serve as a comprehensive source of the organization's policies and procedures;
- To facilitate fair and consistent administration of the organization;
- To promote continuity in management style throughout the organization;
- To define the chain of command, authority levels and the distribution of responsibilities;
- To serve as an orientation training tool for employees.

It is important that this handbook be reviewed and understood by all District employees so that operations are handled in a consistent, efficient, and expedient manner.

SUBJECT INDEX

To provide a convenient reference system, the policy handbook will be divided by various areas of administration as follows:

- Introduction
- Administration
- Board of Directors
- Personnel
- Marketing
- Finance
- Safety
- Public Regulations
- Recreation and Park
- Development

Distribution of Policy Handbook

The following ~~administrative locations~~departments will maintain an updated policy handbook:

- Administration Department
- Recreation Department
- Maintenance Department
- Board of Directors
- ~~Office of the District Manager~~
- ~~Personnel Office~~
- ~~Business Office~~
- ~~Maintenance Office~~
- ~~Recreation Office~~
- ~~West Park Activity Center~~
- Stephen Shy Activity Center

Additional copies of the policy handbook will be supplied to each ~~administrative location~~department so that they may be distributed to key staff members within the organization, when appropriate, for their information. In this manner, the staff of the District will be kept informed of policies and procedures as they are developed.

Policies, rules and regulations are also available electronically on the District's computer server.

EFFECTIVE PERIOD OF POLICY HANDBOOK

The policies, rules, and regulations contained in this handbook supersede and replace all policies, rules, and regulations contained in prior handbooks or policy statements. All instructions contained in this policy handbook are correct at ~~November 14, 2014~~Fill in ; ~~but~~date but may be subject to change. These instructions are to be carried out as specified until such time as a written policy is issued that supersedes or countermands the instructions given. If a staff member or supervisor takes exception to any of the regulations or procedures set forth, or if a policy needs clarification, this information should be submitted through the normal chain of responsibility with appropriate comments at each level. The fact that exception has been taken to information in the policy handbook or a policy is in the process of revision does not in any way alleviate the responsibility of staff members to follow the handbook until such time as it is changed.

RIGHT TO CHANGE, SUSPEND, REVOKE, TERMINATE OR SUPERSEDE

Tehachapi Valley Recreation and Park District reserves the right to change, suspend, revoke, terminate, or supersede policies, rules, regulations, or benefits described herein in any manner that it believes to be in the District's best interest and consistent with applicable laws. Nothing in this manual is to be construed as constituting the terms of an employment contract. In any situation concerning insurance or other employee benefits the terms of the insurance policy or benefit plan text are controlling, irrespective of any statements contained in these policies.



Chapter 1-200: Introduction to Tehachapi Valley Recreation and Park District

Special District Status

Tehachapi Valley Recreation and Park District is a Special District operating under Section 5780 of the California Public Resources Code. Special Districts are legally constituted governmental entities, which are neither city nor county, established for the purpose of carrying on specific activities within defined boundaries. The activities of a recreation and park district are to organize, promote, conduct and advertise programs of community recreation, including but not limited to parks and open space, parking, transportation, and other services that improve the community’s quality of life; establish systems of recreation and recreation facilities, including but not limited to parks and open space; acquire, construct, improve, maintain, and operate recreation facilities, including but not limited to parks and open space, both inside and beyond the District’s boundaries.

HISTORY

The District, known as the Tehachapi Valley Recreation and Park District, upon conforming with all provisions and requirements of the State of California Recreation and Park District Act as set forth in Chapter 4, Division 5, of the Public Resources Code and the provisions of the District Organization Law as set forth in Chapter 1, Article 4, Division I, Title 6, of the Government Code, was approved by the voters of the Tehachapi Valley at a general election held within the boundaries of the District on November 4, 1958.

The results of the election were as follows:

Proposition I: Formation of the Tehachapi Valley Recreation and Park District in accordance with the State of California Public Resources Code:

For the formation of the District:	800
Against the formation of the District:	278
Total votes case:	1,078

Proposition II: Establishment of tax rate in the amount of twenty cents (.20) on each on hundred dollars (\$100) of assessed valuation:

For the tax:	735
Against the tax:	278
Total votes cast:	1,013

The Kern County Board of Supervisors, upon receiving the results of the election, on December 2, 1958, adopted a resolution declaring the Tehachapi Valley Recreation and Park District officially formed and established.

DISTRICT BOUNDARIES

Tehachapi Valley Recreation and Park District spans an area of 299,776 acres (approximately 468 square miles). All of the City of Tehachapi is included in the District boundaries. Although the geographic territory covered by the TVRPD includes most of the Tehachapi area, it does not encompass Bear Valley Springs or Stallion Springs. (See District Boundary Map at the end of this chapter.)

REVENUES

Property tax revenues come from a portion of the 1% county-wide tax collection for all commercial, residential, and mineral property within the District. In addition to tax revenues, the District charges for some services. Fees on development within areas of the District offset the cost of new parkland acquisition and basic park development including grading, landscaping, irrigation, picnic facilities, off street parking and restrooms.

2013 PARK AND RECREATION MASTER PLAN

It is important to establish criteria to guide future development within the TVRPD District. The 2013 Park and Recreation Master Plan is a pre-established set of goals, objectives, and policies giving direction to the board, staff, and the community to provide a quality recreation and park system equitable to all TVRPD residents; adopting standards for recreation and park services which meet the needs of TVRPD residents; and developing and practicing preservation and conservation in programming and development.

PARKS AND FACILITIES

The Tehachapi Valley Recreation and Park District operates parks and several recreation facilities including an indoor swimming facility, a community gymnasium/activity center,

and a [sportskate](#) park. Although TVRPD is the primary provider of parks and recreation facilities in the Tehachapi community, a significant array of parks and recreation facilities are also available through other public and private agencies. These include the City of Tehachapi, which in recent years has developed several small parks throughout the city, even though it does not have a dedicated Parks and Recreation component within its government structure. Other major providers of parks and recreation facilities include the Tehachapi Unified School District (TUSD), Kern County, the State of California, and a private community-based organization operating a local soccer facility. The nearby communities of Bear Valley Springs and Stallion Springs also provide some recreation facilities but are located outside the boundaries of the TVRPD service area.

Maintenance for the TVRPD park facilities is carried out by the District's own maintenance staff.

The following definition of TVRPD park types are included within the 2013 Park and Recreation Master Plan:

"Neighborhood Parks"

Neighborhood parks provide nearby residents with access to basic recreation opportunities. Typically three acres or less in size, these parks provide easy access – particularly for pedestrians and cyclists – to close-to-home park and recreation facilities, such as children's playgrounds, turf fields and sports courts, as well as walking paths and picnic areas. Amenities and facilities should support local use. Neighborhood parks can be developed in conjunction with elementary schools, libraries or other complementary, compatible public facilities, when opportunities are available. These sites help enhance neighborhood identity, preserve or provide open space, and improve the quality of life of nearby residents.

"Community Parks"

Community parks are larger parks (3–10 acres) and focus on serving the active and passive recreational needs of the surrounding community. Typically, community parks accommodate large group activities and offer a wide variety of facilities such as athletic complexes, aquatic facilities, activity centers, gymnasiums, children's playground equipment, walking paths, natural areas, event space and picnic areas. Community parks should have restrooms in at least one part of the park site. The site should allow for organized group activities and offer other recreational opportunities too impactful or too large-scale for the neighborhood park level. The site should be easily accessible by motorists, pedestrians and bicyclists. Community parks may be developed in conjunction with a junior high or high school or other compatible public facilities when opportunities are available.

“Regional Parks”

REGIONAL PARKS Regional parks are large (10 acres or greater), multi-use parks that can include a wide variety of facilities. These parks can be very large versions of community parks that provide sports fields, specialized facilities for performance or large group gatherings, or unique facilities that are not appropriate for local parks due to the large number of people using them. Other types of regional parks are themed around a particular facility, historical reference or natural resource that attracts a high level of interest, including areas that preserve significant environmental features. This classification is desirable if the site is contiguous to or encompasses unique natural features. The primary distinction of a regional park is that it draws visitors from a very large geographic area due to the uniqueness of the facilities, setting or theme within the region. Regional parks are intended to serve the population of an entire County.

TVRPD OWNED PARKS AND FACILITIES IN TEHACHAPI VALLEY

Existing Park	Type	Total Acres
Brite Lake Recreation Area	Regional	90.0
Philip Marx’s Central Park	Community	4.68
Meadowbrook Park	Community	8.0
Meadowbrook Dog Park	Neighborhood	1.0
West Park	Regional	13.0
EXISTING PARKS SUBTOTAL		116.68
Recreation Facilities	Type	Total
Dye Natatorium	Pool	2.0
Ollie Mountain Sports skate Park	Facility	.25
TVRPD Offices	Facility	3,000 sq. ft.
West Park Activity Center ABIAC	Facility	10,000 sq. ft.
RECREATION FACILITIES SUBTOTAL		2.54
TOTAL DEVELOPED PARK ACREAGE		119.22 acres
Undeveloped Parks	Type	Total Acres
Elijah Morris Memorial Sports Park	Undeveloped	20
Jamison Mountain Park	Undeveloped	60
UNDEVELOPED PARKS SUBTOTAL		80

Amenities vary by park site and/or park type but could include softball or baseball diamonds, multi-purpose sports fields, basketball courts, volleyball courts, ~~tennis courts~~, mature shade trees, swimming pools, ~~water play areas~~, restrooms, family picnic areas, group picnic areas, children’s play areas and open play areas.

PROGRAMS

The TVRPD works diligently to offer several recreational pursuits to the community. Other entities provide recreational opportunities such as the school district and neighboring communities like Bear Valley and Stallion Springs that some residents partake in. However, the TVRPD is the primary provider of parks and recreation in the Tehachapi Valley.

Recreation facilities operated by the District include the ~~West Park Activity Center~~ Aspen Builders Inc. Activity Center, Brite Lake Recreation Area and the Dye Natatorium Pool. After school and summer recreation programs are operated by the TVRPD, ~~by the AYSO,~~ ~~and by the Tehachapi Unified School District at various sites.~~

TVRPD WEB SITE

The District maintains a comprehensive Web site with information regarding board meetings, calendars of events, parks, facilities, programs, league schedules, TVRPD publications, and staff listings. Visit the TVRPD Web site at www.tvrpd.org.



Chapter 1-300: Mission and Quality Assurance Statement

TVRPD Mission Statement

The Tehachapi Valley Recreation and Park District enriches lives and fosters harmony within the community through area-wide leisure services targeted to improve healthy life styles, educational and recreational opportunities, public participation, and environmental and economical stewardship.

Quality Assurance Statement

We accomplish this through community outreach, quality programming, activities and events, and well-maintained parks and facilities, and an aesthetically pleasing environment that is provided by professional and caring employees, contractors and volunteers.

Quality Assurance Duties and Responsibilities

- Provide outstanding customer service.
- Interact with customers and co-workers in a positive and courteous manner.
- As a TVRPD team member, be responsible for the efficient and effective delivery of services.

TVRPD Sustainability Vision Statement

Vision

Establish TVRPD within the community by adopting and developing sustainable practices to assist the District in its goal of impacting social, environmental and economic evolution of the Greater Tehachapi Area.

This will be achieved through 3 goals:

1) Awareness

- *Maintaining a partnership with the Global Institute of Sustainability*
- *Educating our the public of the importance of sustainable lifestyles and the positive impact on the environment*

2) Role Modeling

- *TRVPD staff will be active in participation of sustainable practices*

3) Behavior Change

- *TVRPD will establish baseline studies that measure the effectiveness of the steps taken to encourage sustainable lifestyles.*
- *Baseline studies will assist in future planning of projects and services.*



CHAPTER 2: ADMINISTRATION

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Chapter 2-100: Conflict of Interest Code

**CONFLICT OF INTEREST CODE
OF THE
TEHACHAPI VALLEY RECREATION AND PARK DISTRICT
OF THE
COUNTY OF KERN**

The Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted regulations, 2 Cal. Code of Regs. Section 18730, which contain the terms of a standard conflict of interest code. It can be incorporated by reference, and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. **Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference** and, along with the **attached Appendix** in which members and employees are designated and disclosure categories are set forth, constitute the conflict of interest code of the Tehachapi Valley Recreation and Park District.

Designated employees shall file their statements with the Tehachapi Valley Recreation and Park District. Upon receipt of the statements of economic interest of the head of the agency and Board of Directors, the agency shall make a copy of each and forward the originals of these statements to the Clerk of the Board of Supervisors, the filing officer with respect to these statements, who will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Tehachapi Valley Recreation and Park District will retain "copies" of the original statements of the head of the agency and Board of Directors and "original" statements for all other designated employees.

APPENDIX A

DESIGNATED DISTRICT POSITIONS

DESIGNATED POSITION	DISCLOSURE CATEGORY
Members of the Board of Directors	Category 1
District Manager	Category 1
District Legal Counsel	Category 1
Maintenance Foreman <u>Park and Facility</u>	Category 1
Maintenance Supervisor	
Recreation Manager <u>Supervisor</u>	Categories 2 & 3
Tots Manager	<u>Categories 2 & 3</u>
Facility Supervisor	<u>Categories 2 & 3</u>
Human Resource <u>Business</u> Manager	Categories 2 & 3
Consultants*	Category 1*

* Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The District Manager may determine in writing that a particular consultant, although a “designated position” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirement in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The District Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

APPENDIX B
DISCLOSURE CATEGORIES

Category 1

A designated employee in this category must report all interests in real property located within the jurisdiction, as well as investments, business positions and sources of income, including gifts, loans and travel payments.

Category 2

A designated employee in this category must report all investments and business positions in, or income from business entities, including gifts, loans and travel payments, which manufacture or sell supplies, books, machinery or equipment of the type utilized by the department for which the designated employee is Manager or Director.

Category 3

A designated employee in this category must report all investments and business positions in, or income from business entities, including gifts, loans, and travel payments, which are contractors or subcontractors engaged in the performance of work or services of the type utilized by the department for which the designated employee is Manager or Director.



Chapter 2-200: General Agreements

General Agreements

PURPOSE

In order to provide the greatest range of services possible to the community, it is the policy of Tehachapi Valley Recreation and Park District to encourage the development of cooperative agreements between public and private agencies whenever feasible if such agreements:

- Minimize duplication of efforts, equipment, and facilities;
- Promote planned, integrated, and orderly development of the entire community;
- Provide for the greatest range of services possible at the lowest cost.

NATURE OF AGREEMENTS

Although the District makes use of informal, unwritten agreements under certain conditions, this practice is kept to a minimum. Written agreements constitute the majority of cooperative agreements in order to insure continuity, stability, and legality.

Such written agreements utilize policy statements, resolutions, leases, and binding contractual agreements. Each agreement entered will state in detail:

- Specific areas of agreement;
- Services and staffing to be provided by each party;
- Financial responsibilities of each party;
- Length of agreement;
- Procedures for terminating the agreement;
- Liabilities of each party; and
- All other statements deemed necessary to clarify the agreement and make it legally binding.

CHAPTER 2-200: General Agreements

All first-time agreements and renewal agreements with significant changes entered into by the District will be reviewed by District legal counsel and approved and signed by the Board of Directors or by the District Manager as authorized by the Board.

The District will not enter into an agreement that is deemed by the TVRPD Board of Directors:

- To be detrimental to the interests of the District or its citizens;
- Of no immediate interest to the District; or
- Would significantly impact District operations.

The District will strive to arrive at agreements mutually beneficial to all parties concerned.

ENABLING LEGISLATION

The statute providing primary authority to enter into agreements is Section 5786.1 (f) (k) of the Public Resources Code.

SCHOOL DISTRICT AGREEMENTS

Tehachapi Valley Recreation and Park District recognizes the relationship between the public educational system and recreation services. It is the policy of the District to utilize, wherever possible, the park-school concept in order to achieve the most efficient use of land resources.

In addition to maintaining a planning relationship with the public educational system, the District will strive, in the appropriate circumstances, to develop agreements regarding:

- Mutual use of facilities, equipment, personnel;
- Mutual financing of specific operations;
- Circulation of public relations information; or
- Exchange of research resources designed to produce better, more accurate knowledge in the field of recreation.

County/City Agreements

Tehachapi Valley Recreation and Park District recognizes the relationship between the District, the County and City in providing the greatest range of services possible to the community. The District will strive, in the appropriate circumstances, to develop agreements regarding:

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CHAPTER 2-200: General Agreements

- County/City support in financing land acquisition and development;

- Mutual use of facilities;
- Tax assessment and collection by the County for the District;
- County/City provision of law enforcement services during program activities;
- County purchasing of specified items; and
- Other such agreements encouraged in the effective service to the public.

State and Federal Agreements

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Agreements with the State of California and the Federal government will revolve primarily around financial assistance in the form of grants and/or loans under State and Federally administered programs.

Agreements with Private Business

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The District may, in the course of its operations, enter into agreements with private businesses for any appropriate purpose deemed advantageous to the promotion or conduct of District functions. This includes, but is not limited to:

- Business sponsorship of District activities;
- Contractual agreements for the provision of services by business;
- District use of facilities; or
- Other such agreements.



CHAPTER 3: BOARD OF DIRECTORS

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Policy Handbook of the Board of Directors

Chapter 3-100: Introduction

PURPOSE

The handbook of the Board of Directors is comprised of the Board's current policies, being the rules and regulations enacted by the Board describing how the Board of Directors shall govern itself as a legislative body and conduct the business of the District. The handbook has been developed in order to provide information and guidance to Board members, employees, and members of the public on Board processes and procedures.

Establishment of these policies is intended to assist in the efficient and effective operation of the District. By following consistent Board operational policies, the Board is better able to focus on the business of the District.

If any policy or portion of a policy contained within the Board Policy Handbook is in conflict with rules, regulations, or legislation having authority over the Tehachapi Valley Recreation and Park District, said rules, regulations, or legislation shall prevail.

Legal Authority, History and Organization of the District

The District, known as the Tehachapi Valley Recreation and Park District, upon conforming with all provisions and requirements of the State of California Recreation and Parks District Act as set forth in Chapter 4, Division 5, of the Public Resources Code and the provisions of the District Organization Law as set forth in Chapter 1, Article 4, Division I, Title 6, of the Government Code, was approved by the voters of the Tehachapi Valley at a general election held within the boundaries of the District on November 4, 1958.

The results of the election were as follows:

Proposition I: Formation of the Tehachapi Valley Recreation and Park District in accordance with the State of California Public Resources Code:

For the formation of the District:	800
Against the formation of the District:	278
Total votes cast:	1,078

Proposition II: Establishment of tax rate in the amount of twenty cents (.20) on each on hundred dollars (\$100) of assessed valuation:

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The Kern County Board of Supervisors, upon receiving the results of the election, on December 2, 1958, adopted a resolution declaring the Tehachapi Valley Recreation and Park District officially formed and established.

Powers and Duties

An appointed five-member Board of Directors governs the District. Three directors are appointed by the Kern County Board of Supervisors; two by the Tehachapi City Council. The Board of Directors is the legislative body of the District and establishes policy and provides broad guidance and general direction for District operation. The state statute, California Public Resources Code, Division 5, Chapter 4, gives the Board wide power and latitude in District operation.

Under the statutes (Article 7, Section 5786), the District is authorized to:

- (a) Organize, promote, conduct, and advertise programs of community recreation, including but not limited to parks and open space, parking, transportation, and other services that improve the community's quality of life.
- (b) Establish systems of recreation and recreation facilities, including but not limited to parks and open space.
- (c) Acquire, construct, improve, maintain, and operate recreation facilities, including but not limited to parks and open space, both inside and beyond the District's boundaries.

In order to carry out the functions of the District, the statutes (Article 7, Section 5786.1) give the District the following rights and powers:

- (a) To sue and be sued.
- (b) To acquire any real or personal property within or outside the District, to hold, manage, occupy, dispose of, convey and encumber the property, and to create a leasehold interest in the property for the benefit of the District.

- (c) To acquire any real or personal property by eminent domain within the boundaries of the District.
- (d) To appoint necessary employees, to define their qualifications and duties, and to provide a schedule of compensation for performance of their duties.
- (e) To engage counsel and other professional services.
- (f) To enter into and perform all necessary contracts.
- (g) To borrow money, give security therefore, and purchase on contract.
- (h) To adopt a seal and alter it at pleasure.
- (i) To adopt ordinances.
- (j) To adopt and enforce rules and regulations for the administration, operation, use and maintenance of the recreation facilities, programs and services listed in Section 5786.
- (k) To enter into joint powers agreements.
- (l) To provide insurance.
- (m) To perform any acts necessary to carry out the provisions of this chapter.



Chapter 3-101: Statement of Board Standards

It is recognized that:

The Board of Directors is the unit of authority within the District. Apart from his/her normal function as part of this entity, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

Each member of the Board of Directors is vested with an equal sharing of authority.

The responsibility of the Board of Directors is to govern the Tehachapi Valley Recreation and Park District. The Board commits itself and its members to ethical, businesslike, and lawful conduct. This includes proper use of authority and appropriate decorum when acting as Board Members.

Members of the Board of Directors come from diverse backgrounds and bring different experiences, perspectives, and skill sets to the deliberations they undertake in exercising their responsibilities as Directors of the Tehachapi Valley Recreation and Park District. It is expected that Board debate and decision-making will be conducted with respect for differences of opinion and in a constructive fashion. Every Board member has a responsibility to voice his or her viewpoint and to contribute to the debate on issues that come before the Board. In any decision taken, a member of the Board has the responsibility to vote on the matter according to what he or she believes is in the best interests of the District as a whole. Directors do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole.

Once the Board of Directors takes action, that action becomes the position of the District.

Board members must avoid conflicts of interest and the appearance of conflicts of interest with respect to their responsibilities.

Board members will respect the confidentiality appropriate to issues of a sensitive nature; act honestly and openly at all times; and keep the confidentiality of privileged and closed session information



Tehachapi Valley
Recreation & Park District

Chapter 3-102: Adoption/Amendment of Policies

Consideration by the Board of Directors to adopt a new policy or to amend an existing policy may be initiated by any Director or by the District Manager by requesting that the item be included for consideration on the agenda of the appropriate noticed meeting of the Board of Directors.

Adoption of a new policy or amendment of an existing policy shall be accomplished at a noticed meeting of the Board of Directors and shall require a majority affirmative vote of the entire Board of Directors.

Before considering adopting or amending any policy, Directors shall have the opportunity to review the proposed adoption or amendment. Copies of the proposed policy adoption or amendment shall be included in the agenda information packet for any meeting of consideration. The agenda information packets with said copies shall be made available to each Director for review at least three (3) days prior to any meeting of consideration.



Tehachapi Valley
Recreation & Park District

Chapter 3-103: Public Complaints

The Board of Directors desires that public complaints be resolved at the lowest possible administrative level and that the method for resolution of complaints be logical and systematic.

A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, state, or federal statute by which the individual has been adversely affected.

The method of resolving complaints shall be as follows:

- The individual with a complaint shall first discuss the matter with the appropriate responsible employee with the objective of resolving the matter informally.
- If the individual registering the complaint is not satisfied with the disposition of the complaint by the responsible employee, the complaint may be filed with the District Manager. Within a reasonable time, the District Manager shall contact the person filing the complaint to resolve the matter. The District Manager may conduct conferences and take testimony or written documentation in the resolution of the complaint. The individual filing the complaint may request a written decision from the District Manager.
- If the individual filing the complaint is not satisfied with the disposition of the matter by the District Manager, a written complaint may be filed with the Chairperson of the Board of Directors within ten (10) days of receiving the District Manager's decision. The Chairperson may direct consideration of the matter at the next regular meeting, or call a special meeting, or refer the matter to a committee for review and recommendation. The Board will expeditiously resolve the matter. The individual filing the complaint may request a written decision from the Chairperson.

This policy in no way prohibits or is intended to deter a member of the community or staff member from appearing before the Board to present verbally a testimony, complaint, or statement in regard to actions of the Board, District programs or services, or impending considerations of the Board.



Tehachapi Valley
Recreation & Park District

Chapter 3-104: Personnel System

The Board of Directors is responsible for the establishment of a personnel system and its thorough administration. The Board of Directors will act as the authoritative body in all personnel matters and will be responsible for the execution of the following functions:

- The Board of Directors will appoint the District Manager, who will in turn appoint all other District employees.
- The Board of Directors will establish all classes and positions.
- The classification plan will be adopted by the Board of Directors and may be amended from time to time, as the Board deems necessary. Annual reviews of the classification plan will take place during the budgeting process.
- The Board of Directors will hear appeals submitted by any person within District service, or their representative, relative to any charge contesting a suspension, reduction in pay, demotion, or discharge and will certify its findings and decisions. At its option, the Board may refer appeals to a neutral hearing officer, whose finding shall be non-binding on the Board.

The terms and conditions of the employment of the District Manager may be specified in an Agreement of Employment established between the District Manager and the Board of Directors. The Agreement of Employment shall be for the period of time as specified therein.

Performance reviews for the District Manager shall be conducted on an annual basis on his or her anniversary date, unless otherwise stated in an Agreement of Employment, which shall prevail if there is a difference between the two dates.

Whenever the Agreement of Employment established between the District Manager and the Board of Directors is in conflict with any District policy, said Agreement of Employment shall prevail.



Chapter 3-105: Code of Ethics

The Board of Directors of the Tehachapi Valley Recreation and Park District is committed to providing excellence in legislative leadership that results in the provision of the highest quality of services to its constituents.

The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.

Directors should practice the following procedures:

- In seeking clarification on informational items, Directors may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
- In handling complaints from residents and property owners of the District, said complaints should be referred to the District Manager.
- In handling items related to safety, concerns for safety or hazards should be reported to the District Manager or to the District Office. Emergency situations should be dealt with immediately by seeking appropriate assistance.
- In presenting items for discussion at Board meetings, the procedure as set forth in Policy 3-114 will be followed.
- In seeking clarification for policy-related concerns, especially those involving personnel; legal action; land acquisition and development; finances; and programming, said concerns should be referred to the District Manager.

The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.

When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

Directors should develop a working relationship with the District Manager wherein current issues, concerns and District projects can be discussed comfortably and openly.

Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.



Tehachapi Valley
Recreation & Park District

Chapter 3-106: Attendance at Meetings

Members of the Board of Directors should attend all regular and special meetings of the Board.

Members of the Board of Directors should notify the District Manager in advance of any absences at meetings of the Board.

When a vacancy has occurred on the Board of Directors, such vacancy shall be filled only in accordance with the Public Resources Code Section 5784.3.



Tehachapi Valley
Recreation & Park District

Chapter 3-107: Remuneration and Reimbursement

Members of the Board of Directors do not receive compensation. In the event that the Board of Directors elects to receive compensation, any monthly compensation shall be established in accordance with the limits and conditions set forth in Section 5784.15 of the Public Resources Code.

Members of the Board of Directors shall be reimbursed for necessary and legitimate incidental expenses in the performance of official business of the District when the Board has directed such business.

The District may use the annual budget process to establish funding for professional and vocational meetings to be attended by members of the Board of Directors.

Members of the Board of Directors who otherwise qualify for participation, are entitled to participate, at the member's own expense, in those benefits available to Tehachapi Valley Recreation and Park District employees.



Tehachapi Valley
Recreation & Park District

Chapter 3-108: Board Officers–Elections and Duties

The officers of the Board of Directors shall be the Chairperson and the Vice-Chairperson of the Board. Officers of the Board of Directors shall be elected at the regular December Board Meeting.

Terms of office for the Chairperson and Vice-Chairperson shall be for one year and on a calendar year basis beginning in January.

The Chairperson and Vice-Chairperson of the Board shall each be elected to office upon majority vote of the Board of Directors.

The Board of Directors establishes the nomination voting procedures, as follows:

- The Chairperson of the Board will open the floor for nominations. Any member of the Board may nominate any other member, including him/herself for an office. Nominations do not require a second. When no further nominations are forthcoming, the Vice-Chairperson shall close nominations for the office under consideration. The Board Chairperson shall call for a voice vote for each nominated candidate in turn until one candidate receives a majority vote.

The Chairperson of the Board shall have the duties and responsibilities, powers, and authority as hereinafter outlined:

- Presides and provides leadership at meetings of the Board in a way which: encourages openness, participation, and motivation of members; maintains order and respects appropriate rules of procedures; ensures that Board activities/deliberations are effective and properly focused on policy, planning and accountability issues; advances the Board’s annual and longer-term objectives.
- Calls special meetings if necessary.
- Determines committees and appoints committee chairs and members.

- Assists the District Manager in preparing agendas for Board Meetings.
- Works in partnership with the District Manager to make sure Board policy is carried out and that the organization's mission is achieved.
- Represents and acts as a spokesperson for the Board; serves as advocate and ambassador for the District.
- May assist the District Manager in conducting new Board Member orientations.
- Oversees searches for a new District Manager and coordinates the District Manager's performance evaluations.

He/she shall have the same rights as the other members of the Board in voting; introducing motions; resolutions and ordinances; and any discussion of questions that follow said actions.

The Vice-Chairperson of the Board shall have the duties and responsibilities, powers and authority as hereinafter outlined:

- In the absence of the Chairperson, the Vice-Chairperson of the Board of Directors shall serve as Chairperson over all meetings of the Board. If the Chairperson and Vice-Chairperson of the Board are both absent, the remaining members present shall select one of themselves to act as Chairperson of the meeting.
- Carry out special assignments as requested by the Board Chairperson.
- Participate as a vital part of the Board leadership



Tehachapi Valley
Recreation & Park District

Chapter 3-109: Board, Staff, and Legal Counsel Responsibilities

BOARD OF DIRECTORS' RESPONSIBILITIES

- Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors.
- Directors shall defer to the Chairperson for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.
- Directors may request that brief comments pertinent to an agenda item be included in meeting minutes, however, only at the meeting at which that item is discussed (including, if desired, a position on abstention or dissenting vote).
- Unless a conflict of interest exists, Directors should not abstain from the Board's decision-making responsibilities.

DISTRICT MANAGER RESPONSIBILITIES

- Administers District affairs in accordance with the policy directives of the Board of Directors.
- Attends all Board Meetings and acts as the chief administrative advisor.
- Keeps the Board informed regarding District fiscal, personnel, programs, facilities, and other administrative matters.
- Assists the Board in its public relations activities.

LEGAL COUNSEL RESPONSIBILITIES

- Responsible for the legal representation of the District.
- Ensures District compliance with the open meeting and other laws of the state governing recreation and park districts.

- Reports directly to and receives direction from the Board of Directors. Such direction should be given formally, in an open session of the Board, unless the subject involves a matter appropriate for closed sessions.
- Legal counsel may act on the request of individual Board Members on matters that affect the legality of that member's actions in his or her official capacity. An example would be an individual member's question regarding a potential conflict of interest on an upcoming vote.

CLERK RESPONSIBILITIES

- Record minutes of all Board Meetings.
- Maintain records of all Board Meetings and actions, including a register of Board Members.
- Provide Board Members with records and information as requested.
- Call roll as necessary.
- Issue notice of all regular and special meetings.
- Aid in correspondence of the Board of Directors.



Chapter 3-110: Representation and Committees of the Board

Each Board Member shall bear his or her proportionate share of responsibility for service on District committees and representation of the District at special events unless the Board Member is unable to perform said duties because of personal hardship.

It is recognized that it will be necessary for the District to be represented by individual Board Members and District committees in dealing with other governmental agencies, developers, associations, and other entities and individuals. The Board of Directors shall consider the need for such representation on a case-by-case basis and, when it determines that such representation is necessary, appoint, by majority vote, a committee or individual to represent the Board in such dealings.

Additionally from time to time, the Board may establish ad hoc committees to help carry out its responsibilities. Committees will assist the Board chiefly by conducting a more intensive and thorough analysis of items, preparing policy alternatives, and developing recommendations for Board deliberation. Any determination resulting from committee review should be submitted to the Board via oral or written report.

The Board Chairperson will appoint ad hoc committees with the concurrence by majority vote of the Board of Directors. The duties of the ad hoc committees shall be outlined at the time of appointment and the committee shall be considered dissolved when its final report has been made.

Neither Board committees nor individual members may speak or act for the Board, except when formally given such authority for specific and time-limited purposes. Such authority will be carefully stated.



Tehachapi Valley
Recreation & Park District

Chapter 3-111: Communications “To” and “From” the Board

EXTERNAL COMMUNICATIONS

Written communications to the Board shall be routed through the District Manager, who will ensure dissemination of the information to all Board Members.

Communications from the Board to the press and the public should, whenever possible, be transmitted by and through the Chairperson of the Board. Inquiries in regard to matters upon which the Board has taken, or probably will take a position, should be referred to the District Manager.

There will be cases when an individual member of the Board will feel obligated to answer inquiries. In the case where a Board Member is expressing an opinion on a topic where there is no official position taken by the Board of Directors, or is contrary to the position taken by the Board, the Board Member should make it clear that he or she is expressing an individual opinion which is not the position of the District.

INTERNAL COMMUNICATION

In the event Board Members desire information or staff assistance in completing individual or committee assignments given him or her by the Board, the request should be presented to the District Manager who may, in turn, refer the Board Member to another staff member.

Any Board Member wishing to initiate action or changes in District programs or facilities shall present his or her suggestions to the Board of Directors at a meeting of the Board. Staff action in implementing such suggestions shall be taken only upon direction of the Board.



Chapter 3-112: Training, Education, Conferences, and Memberships

Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purpose of such activities is to improve District operation.

Members of the Board of Directors may hold membership in and attend meetings of such national, state, and local associations as may exist which have applicability to the functions of the District, and shall look upon such memberships as an opportunity for in-service training and as an opportunity to promote the goals and objectives of the District.

It is the policy of the District to encourage Board development and excellence of performance by reimbursing expenses incurred for registration, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state, and national conferences associated with the interests of the District. (Public Resources Code 5786.29)

- An amount to cover Board training, education, and conference expenses shall be designated each fiscal year in the District's annual budget.
- When away from the District while attending conferences, conventions, and meetings on official business, members of the Board shall receive per diem or reimbursement for actual expenses as set forth in Administrative Directive – Travel Policy.
- The District Manager is responsible for making arrangements for Directors for conference and registration expenses and for per diem. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the District Manager, together with validated receipts.
- The Board of Directors is encouraged and expected to practice economy for expenditures related to training, education and conferences.
- Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, Directors are required to provide a brief report to other Board Members and/or staff at a Regular Meeting of the Board of Directors.

All Directors and Board-designated employees are required to take at least two hours of ethics training at least every two years and receive a certificate of completion. New Directors must

complete the training within one year of taking office. The District must keep records for five years indicating when Directors completed the training and who provided the training



Chapter 3-113: Board Meetings

All meetings of the Board of Directors shall be held in compliance with the Ralph M. Brown Act, California Government Code §54950 through §54962.

REGULAR BOARD MEETINGS

Regular meetings of the Board of Directors will be held once monthly, the third Tuesday of each month, commencing at 5:30 P.M. at the ~~Administrative District~~ Office and conclude upon a duly accepted motion to adjourn. Should the third Tuesday of any given month correspond to a legal state holiday, the regular meeting shall be held on the Tuesday thereafter. The Board may, at its discretion, change the date and time of its regular meetings provided that the appropriate written notice is posted.

A regular meeting of the Board may be adjourned upon motion to any date prescribed provided that written notice of adjournment shall be posted within 24 hours of adjournment on or near the door of the place where the adjourned meeting was held. Such notice shall state the date, time, and place of the adjourned regular meeting. If the order of adjournment of a meeting fails to state the time of which the adjourned meeting will be held, the meeting will be held at the usual hour specified for regular meetings.

SPECIAL BOARD MEETINGS

Special Meetings of the Board of Directors will be held as necessary and may be called by the Board Chairperson by a majority of the members of the Board of Directors or by the District Manager.

STUDY SESSIONS

Study Sessions may be called for the purpose of investigating and analyzing a given issue or issues of importance. Such sessions may be scheduled as regular, adjourned regular or special meetings. However, no definitive conclusions or decisions shall be made at a study session.

EXECUTIVE SESSIONS

The Board may, during any regular or special meeting, call for an executive session at which the public is excluded and only those designated by the Board are present. An executive session may be called only for the purpose of discussing any matters relevant to:

- District personnel, including consultations with employee organizations (*Government Code Sections 54957.10; 54957.6; or 54957*); or
- Planned, anticipated or pending litigation in which the District is involved (*Government Code Section 54956.9*); or
- Real property negotiations (*Government Code Section 54956.8*); or
- Tort or public or workers' compensation liability (*Government Code Section 54956.95*); or
- License applications by personnel with prior criminal records (*Government Code Section 54956.7*); or
- Threats to public security (*Government Code Section 54957*); or
- When a public meeting is interrupted such that the orderly conduct of that meeting is unfeasible (*Government Code 54957.9*); or
- To present testimony to a grand jury (*Government Code 54953.1*); or
- Any other purpose as described in/and pursuant to California Code.

HEARINGS

The Board may, in the course of considering matters concerning 1) District personnel, 2) budget, or 3) other matters deemed appropriate, conduct quasi-judicial hearings. Such hearings may be called by either 1) the Board itself, 2) at the request of any District personnel against whom charges, complaints or actions have been brought, or 3) on matters legally mandated by law. In the course of conducting such hearings, the Board shall have the power to examine witnesses under oath, and to exclude from such hearings, during the examination of witnesses, any or all other witnesses in the matter being investigated. The purpose of such proceedings shall be investigative with intent to arrive at a fair decision based on the evidence presented (*Government Code Section 54957*).

AGENDA ORDER

The Chairperson of the meetings described herein shall determine the order in which the Board shall consider agenda items for discussion and/or action.

AGENDA INFORMATION

The Chairperson and the District Manager shall ensure that adequate and appropriate information is available for the audience at meetings of the Board of Directors and that physical facilities for said meetings are functional and appropriate.

Copies of agendas and other writings (except for privileged documents) distributed to a majority of the Board of Directors at open Board meetings shall be made available to the public. A limited quantity (based on normal audience attendance) of such documents shall be copied in advance of each meeting and made available to the public in attendance at no charge. Individuals requesting copies of such documents prior to the Board Meeting will be charged an administrative fee as determined by the District Manager.



Tehachapi Valley
Recreation & Park District

Chapter 3-114: Board Meeting Agenda

Board Meeting Agenda

The District Manager shall prepare an agenda for each regular and special meeting of the Board of Directors. Any Director may call the District Manager and request any item to be placed on the agenda no later than 5:00 P.M. one week prior to the meeting date. The Board Chairperson will review the agenda prior to circulation.

Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors, subject to the following conditions:

The request must be in writing and be submitted to the District Manager together with supporting documents and information, if any, at least one week prior to the date of the meeting.

- The District Manager shall be the sole judge of whether the public request is or is not a "matter directly related to District business."
- No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy.
- The Board of Directors may place limitations on the total time to be devoted to a public request issue at any meeting and may limit the time allowed for any one person to speak on the issue at the meeting.

The clerk shall, upon closing the agenda, not later than the third business day prior to the Board Meeting, deliver or mail an agenda and information packet to each Board Member and the District Legal Counsel. Agendas shall also be mailed to each requesting newspaper. Copies of reports, statements, and other written information referring to agenda items and provided to Board Members, shall likewise be supplied or made available to representatives of the press upon request.

At least seventy-two (72) hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action

by the Board, shall be posted conspicuously for public review within the District Administrative Center.

At least twenty-four (24) hours prior to the time of all special meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review within the District Administrative Center.

This policy does not prevent the Board from taking testimony at regular meetings of the Board on matters that are not on the agenda that a member of the public may wish to bring before the Board.

Except for matters presented by citizens under "Public Time" or matters presented by Board Members under "Board Member Items," no matters other than those listed on the agenda shall be presented to the Board.

The Board shall take no action with regard to items that are not on the agenda. The Board may, however, accept questions and information for the purpose of establishing future agenda items.



Chapter 3-115: Board Meeting Procedure

The Chairperson in a manner consistent with the policies of the District shall conduct meetings of the Board of Directors. Robert's Rules of Order shall be used as a general guideline for meeting protocol.

Promptly at the hour set by the Board of Directors on the day of each regular meeting, members of the Board, the District Manager, Division Heads, the Clerk, the District's legal counsel and the Chairperson shall take their regular stations at the meeting. All Board meetings shall commence at the time stated on the agenda and shall be guided by same.

At the discretion of the Chairperson of the Board, the order in which the Board of Directors address agenda items during a meeting may be rearranged.

Before proceeding with the business of the Board, the Chairperson shall call the roll of the members and the names of those present and those absent shall be entered into the minutes.

Simple majority of three (3) of the Board Members shall constitute a quorum for the transaction of business.

Less than a majority of three (3) may adjourn from time to time and compel attendance of absent members.

The business of the Board shall be taken up for consideration and disposition in the following order, unless rearranged by the Chairperson:

1. Call to Order
2. Flag Salute
3. Roll Call
4. Public Comment
5. Consent Calendar
6. Public Hearing (as required)
7. Staff Reports
8. Agenda Items
9. Executive Session (as required)
10. Board of Directors' Time
- ~~11. Other Business~~
- 12.11. Adjournment

Matters considered under the Consent Agenda are considered routine and shall be acted upon without discussion by one motion, unless discussion is desired. In that event, the item will be removed from the Consent Agenda for consideration under Board Business.

Unless a Member of the Board requests a reading of the minutes of a Board Meeting, such minutes may be approved without reading if the Clerk has previously furnished each member with a synopsis of the minutes.



Tehachapi Valley
Recreation & Park District

Chapter 3-116: Public Addresses to Board of Directors

Public Time is a portion of the Board Meeting reserved for persons desiring to address the Board on any matter not on the agenda and over which the Board has jurisdiction.

Interested persons or their authorized representatives may address the Board by written communications.

Interested persons or their authorized representatives may address the Board by reading of protests; petitions; or communications relating to matters within the jurisdiction of the District; hearings on protests; appeals and petitions; or similar matters in regard to matters then under consideration.

Each person addressing the Board shall step up before the Board, give his or her name and address in an audible tone of voice for the record, and, unless further time is granted by the Board, shall limit his or her address to two minutes. All remarks shall be addressed to the Board as a body and not to any member thereof. No person, other than the Board and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board, without the permission of the Presiding Officer. No question shall be asked of a Board Member except through the Presiding Officer.

After a motion is made by the Board, no person other than Board Members and District staff shall address the Board without first securing the permission of the Board.



Tehachapi Valley
Recreation & Park District

Chapter 3-117: Maintaining Decorum at Board Meetings

Decorum: The Chairperson shall maintain the orderly conduct of Board meetings, taking such action as allowed under the Brown Act.



Tehachapi Valley
Recreation & Park District

Chapter 3-118: Board Actions and Decisions

All resolutions and contract documents shall, before presentation to the Board, have been reviewed and approved by the division head under whose jurisdiction the subject matter falls, by the District Manager and by the District's legal counsel as to form and legality.

Actions by the Board of Directors include but are not limited to the following:

- Adoption or rejection of regulations or policies;
- Adoption or rejection of a Resolution;
- Adoption or rejection of an ordinance;
- Approval or rejection of any contract or expenditure;
- Approval or rejection of any proposal which commits District funds or facilities; and
- Approval or disapproval of matters that require or may require the District or its employees to take action and/or provide services.

Upon consideration of every motion, the vote of the Board shall be taken either by voice, roll call, or general consent. Any member may demand that a roll call of votes be taken regarding any question before the Board.

In compliance with the Political Reform Act, no Board Member shall cast his vote on any questions in which said member has a direct or indirect personal or pecuniary interest.

Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors represent a quorum for the conduct of business. Actions taken at a meeting where only a quorum is present, therefore, require all three (3) votes to be effective (unless policy or other law requires a 4/5 vote).

A member abstaining in a vote is considered as absent for that vote.

Example. If 3 of 5 Directors are present at a meeting, a quorum exists and business can be conducted. However, if 1 Director abstains on a particular action and the

other 2 cast "aye" votes, the action is not approved because a "majority of the Board" did not vote in favor of the action.

Example. If an action is proposed requiring a two-thirds vote and 2 Directors abstain, the proposed action is not approved because 4 of the 5 Directors need to vote in favor of the action.

The Board may give directions that are not formal action. Such directions do not require formal procedural process. Such directions include the Board's directives and instructions to the District Manager.

- The Chairperson shall determine by consensus a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the Chairperson, a voice vote may be requested.
- A formal motion may be made to place a disputed directive on a future agenda for Board consideration or to take some other action (such as refer the matter to the District Manager for review and recommendation, etc.).
- Informal action by the Board is still Board action and shall only occur regarding matters that appear on the agenda for the Board Meeting during which said informal action is taken.



Tehachapi Valley
Recreation & Park District

Chapter 3-119: Review of Administrative Decisions

The provisions of 1094.6 of the Code of Civil Procedure of the State of California shall be applicable to judicial review of all administrative decisions of the Board of Directors pursuant to the provisions of 1094.5 of said code. The provisions of 1094.6 shall prevail over any conflicting provision and any otherwise applicable law, rule, policy or regulation of the District, affecting the subject matter of an appeal.

This policy affects those administrative decisions rendered by the Board of Directors governing acts of the District, in the conduct of the District's operations, and those affecting personnel operating policies.

The purpose of this policy is to ensure efficient administration of the District and the expeditious review of decisions rendered by the Board of Directors.



Tehachapi Valley
Recreation & Park District

Chapter 3-120: Rules of Order for Board and Committee Meetings

GENERAL

Action items shall be brought before and considered by the Board in accordance with this policy. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting; therefore, deviations from the formalized Robert's Rules of Order may occur.

If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order—not requiring a second—to the Chairperson. If the ruling of the Chairperson is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.

SEQUENCE WHEN CONSIDERING AN AGENDA ITEM

The following sequence will be observed when considering an agenda item during meetings of the Board of Directors:

- 1) Introduction of topic by Chairperson.
- 2) Staff and/or consultant presentation.
- 3) Directors question staff and/or consultant.
- 4) Public Comment taken on agenda item.
- 5) Chairperson calls for a motion.
- 6) Motion is made and seconded.
- 7) Chairperson clarifies motion if necessary.
- 8) Board discussion and debate.
- 9) Chairperson restates motion, calls for a vote, and announces outcome.

OBTAINING THE FLOOR

Any Director desiring to speak should first address the Chairperson and, upon recognition by the Chairperson, may address the subject under discussion.

Once a Director has been recognized, he/she has been granted the floor and another Director may not interrupt him or her.

MOTIONS

Any Director, including the Chairperson, may make or second a motion.

- A Director is required to obtain the floor before making motions.
- No motion is in order that does not directly relate to the question under consideration.
- The maker of a motion has the first right to speak to it and may speak again only after other speakers are finished, unless called upon by the Chairperson.
- Debate must be directed to motions and not motives, principles, or personalities. The Chairperson of the Board will rule personal remarks out of order.

Secondary Motions. Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motions or business are considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

Motion to Amend. A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded or by a new motion and second.

Motion to Table. A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.

Motion to Postpone. A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.

Motion to Refer to Committee. A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.

Motion to Close Debate and Vote Immediately. Any Director may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.

Motion to Adjourn. A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.

AMENDMENT OF RULES OF ORDER

By motion made, seconded, and approved by a majority vote, the Board may, at its discretion and at any meeting: a) temporarily suspend these rules in whole or in part; b) amend these rules in whole or in part; or, c) both.



Tehachapi Valley
Recreation & Park District

Chapter 3-121: Minutes of Board Meetings

The Clerk of the Board of Directors shall keep minutes of all regular and special meetings of the Board.

Copies of said minutes shall be distributed to Directors with the agenda for the next regular Board Meeting.

The official minutes of the regular and special meetings of the Board are archived in hard and digital copy.

DIGITAL AUDIO RECORDING

A digital audio recording of any meeting of the Board of Directors will be made.

Although recordings of meetings may be made, the written, approved minutes of meetings of the Board of Directors are to be considered the official records of said meetings.

The Chairperson will announce the fact that a recording is being made at the beginning of the meeting, and the recording device shall be placed in plain view of all present, so far as is possible.

Recordings made during closed sessions of the Board are deemed not to be public records.

MOTIONS, RESOLUTIONS, OR ORDINANCES

Motions, resolutions, or ordinances shall be recorded as having passed or failed and individual votes will be recorded unless the action was unanimous.

All resolutions and ordinances adopted by the Board shall be numbered consecutively.

BOARD MEETING MINUTES

The minutes of Board meetings shall be maintained as hereinafter outlined.

Procedure:

- Date, place and type of each meeting;
- Directors present and absent by name;
- Call to order;
- Arrival of tardy Directors by name;
- Pre-adjournment departure of Directors by name or if absence takes place when any agenda items are acted upon;
- Adjournment of the meeting;
- Record of written notice of special meetings; and,
- Record of items to be considered at special meetings.

Board Actions:

- Approval or amended approval of the minutes of preceding meetings;
- Complete information as to each subject of the Board's deliberation;
- Complete information as to each subject including the roll call record of the vote on a motion if not unanimous;
- All Board resolutions and ordinances in complete context, numbered serially;
- A record of all contracts entered into;
- A record of all bid procedures, including calls for bids authorized, bids received, and other action taken;
- A record by number of all warrants approved for payment;

- Adoption of the annual budget;
- Financial reports, including collections received and deposited and sales of District property, shall be presented to the Board every month;
- A record of correspondence addressed to the Board of Directors;
- A record of the District Manager's report to the Board;
- Approval of all policies and Board-adopted regulations; and,
- A record of all visitors and delegations appearing before the Board.



Tehachapi Valley
Recreation & Park District

Chapter 3-200: Guide to Board Meeting Agenda and Resolutions

Guide to Board Meeting Agenda and Resolutions

Purpose

The purpose of this policy is to identify those organizational decisions that require Board approval. It will also insure that decisions requested of the Board of Directors will be presented in a standard format.

Timelines

“Requests” for proposed agenda items are to be submitted to the District Manager’s office by the close of business at least two weeks preceding the Board Meeting.

“Written agenda items” are to be received in the District Manager’s office by the close of business one week preceding the Board Meeting.

Agenda dates may be obtained by calling the Clerk of the Board of Directors.

Format For Agenda Item Report (See Attachment A)

All items proposed to be included on the Board of Directors’ agenda must be supported by a staff report and resolution. (Resolutions are not required for “information only” items.)

Heading

Staff reports are to be addressed to the Board of Directors. The author of the report is to be identified by job title. A brief summary title must be provided as well as an agenda item number (provided by the Clerk of the Board of Directors).

Title

Brief title of the specific issue to be addressed.

Recommendation

Report should identify the preferred course of action consistent with the proposed resolution. Alternate courses of action should be addressed in the background section.

Fiscal Impact

Source of funding and statement of long-term financial impact.

Previous Board Action

Identify any previous Board Action including dates and resolution numbers relating to the agenda item.

Background

Must be concise and yet provide pertinent facts, i.e., who, what, when, where, why, how.

Attachments

Attach documentation, i.e., agreements, contracts, location maps, booklets, etc.

Resolution (See Attachment B)

The Resolution must clearly indicate the parameters of an issue.

Items Requiring Board Approval

- Strategic, comprehensive, and master plans, including changes to these plans.
- Annual operating plan and budget.
- Major changes in organizational structure.
- Cash outlay and debt policy.
- Purchasing regulation updates and changes.
- Changes to contingencies and reserves.
- Requests to apply for State, Federal, and other major grants.
- New contracts and licenses and renewal contracts and licenses with significant changes.
- Selection and evaluation of District Manager.
- Personnel rules and regulations including wages, salaries, and benefits.
- Acquisition of real property.
- Capital equipment and other expenditures greater than \$5,000.

- Public hearings as required by law.
- All other items related to applicable laws and regulations requiring Board of Director approval.

Attachment B

Sample – Board Resolution

**THE BOARD OF DIRECTORS
OF THE
TEHACHAPI VALLEY RECREATION AND PARK DISTRICT**

IN THE MATTER OF:

PROVIDE EXPLANATORY TITLE

I, (Clerk Name), Clerk of the Board of Directors of the Tehachapi Valley Recreation and Park District, of the County of Kern, State of California, do hereby certify that the following resolution proposed by Director _____ and seconded by Director _____ was duly passed and adopted by said Board of Directors at an official meeting thereof this (day of Board Meeting) day of (month/year of Board Meeting) by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Clerk of the Board of Directors
of Tehachapi Valley Recreation
and Park District

RESOLUTION #XX-XX**

WHEREAS; Tehachapi Valley Recreation and Park District operates recreation and community service programs for the community; and

WHEREAS, the District currently operates a full-day day care licensed center at WillowTree Children's Center; and

WHEREAS, WillowTree Children's Center was recently expanded through a Community Development Block Grant; and

WHEREAS, the State Department of Social Services has jurisdiction over the licensing and operation of child care facilities, including Willow Tree Children's Center; and

WHEREAS, the State Department of Social Services requires authorization from the governing Board of a child care facility to apply for an increase to the capacity of childcare facilities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors authorizes staff to apply to the State Department of Social Services for the Toddler Option Program for WillowTree's new addition, increasing the capacity of the program at WillowTree Children's Center; and

BE IT FURTHER RESOLVED that the Board of Directors empowers (insert name), Recreation Supervisor, along with (insert name), District Manager, to act on their behalf in matters pertaining to the application for an increase to the capacity at these sites.

* Clerk of the Board of Directors will provide resolution number.



Chapter 3-300: Open Meetings Act–Agenda Reimbursement

Open Meetings Act

Agenda Reimbursement

Summary

Any city, county, city and county, or special district that incurs increased costs as a direct result of the Open Meetings Act is eligible to claim reimbursement of these costs.

The Open Meetings Act requires the legislative body of a local agency or its designee to post an agenda containing a brief general description of each item of business to be transacted or discussed at the regular meeting, subject to some exceptions, specifying the time and location of the regular meeting. It also requires that the agenda be posted at least 72 hours before the meeting in a location freely accessible to the public (*Government Code Section 54954.2*). Additionally, *Government Code Section 54954.3* requires that members of the public be provided an opportunity to address the legislative body on specific agenda items or an item of interest that is within the subject matter jurisdiction of the legislative body. The legislation requires that this opportunity be stated on the posted agenda.

The Commission on State Mandates determined that the Open Meetings Act (October 22, 1987) and the Open Meetings Act/Brown Act Reform (June 28, 2001) resulted in state-mandated costs that are reimbursable under *Government Code Section 17561*.

Parameters and Guidelines establish the state mandate and define reimbursement criteria. In compliance with *Government Code Section 17558*, the State Controller’s Office issues claiming instructions for mandated programs to assist local agencies in claiming reimbursable costs.

A local agency may claim costs using the 1) actual-time reimbursement option; 2) the standard-time reimbursement option; or 3) the flat rate reimbursement option. Tehachapi Valley Recreation and Park District uses the flat rate reimbursement option.

Filing Deadlines

The claimant must file a reimbursement claim by January 15 for the preceding year. Claims filed after the deadline will be reduced by a late penalty of 10%, not to exceed \$1,000. All claims are prepared by the Tehachapi Valley Recreation and Park District Clerk of the Board of Directors, approved by the District Manager.

Office of the State Controller

Information and forms needed to complete the reimbursement claim are available at the Office of the State Controller's website at www.sco.ca.gov. All claims are filed with the Office of the State Controller.



CHAPTER 4: PERSONNEL POLICIES AND PROCEDURES

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Chapter 4-100: Introduction

Policy No: 4-100

Tehachapi Valley Recreation and Park District has prepared this manual to state the existing policies of the District in order to facilitate compliance with existing law and to be the administrative guide for management and employees.

It contains personnel policies and procedures; work rules and benefit descriptions; and is intended as a resource that will assist management and supervisory staff to maintain uniform and consistent policies that should be applied in an evenhanded and nondiscriminatory manner and are written so that management and supervisory staff can inform employees of standard District personnel policies and procedures. However, the manual cannot anticipate every situation. Accordingly, management and supervisors are expected to exercise sound judgment and common sense when administering personnel policies and making employment-related decisions.

It is the responsibility of every member of management to administer these policies in a consistent and impartial manner. In this way, our goals of establishing equitable and uniform procedures, of attracting the best and most competent personnel, and of assuring appointments and promotions on the basis of merit, qualifications, and competence can be most effectively realized.

These policies and procedures supersede all previously issued rules and regulations. It is important to recognize that circumstances require that policies, practices, and benefits described in the manual change from time to time. The District must reserve the right to amend, supplement, rescind or revise any policies, practices or benefits described in the manual-as it deems appropriate, in its sole and absolute discretion, with or without notice and in any manner that it believes to be in the District's best interest and consistent with applicable laws. In any situation concerning insurance or other employee benefits, the terms of the current insurance policy or benefit plan text are controlling, irrespective of any statements contained in these policies. Nothing in this manual is intended to constitute a legal document or to create any express or implied contractual obligations.

Employees are required to read, learn, follow and adhere to all policies set forth in this Handbook. Failure to follow all additional rules, policies and procedures, whether those are

CHAPTER 4: Introduction

set forth in this Chapter or other Chapters in this Handbook, may lead to disciplinary action, up to and including termination.

The District is constantly striving to improve its policies, as well as the services that it provides. Questions or suggestions for improvements should be directed to the District Manager or **BusinessPersonnel** Supervisor. We hope that by working together we can share a common pride in our workplace and services.



Chapter 4-200: Organization of Personnel System

ADOPTION, AMENDMENT AND REVISION OF POLICY

POLICY: 4-201

Actions On Personnel Policies: Personnel policies are statements approved by the Board of Directors designed to establish a course or method of action for present and future use in the handling of District personnel matters. The District's Board of Directors will resolve all questions of policy regarding personnel rules and regulations. Amendments and revisions in policy will become effective immediately upon adoption by the Board of Directors, unless otherwise specified.

Policy Areas: The Board of Directors will establish policies governing the personnel system including but not limited to the following areas:

- Preparation, installation, revision and maintenance of a position classification plan covering all positions in the District service including employment standards and qualifications.
- Announcement of job openings and tests, if applicable.
- Preparation, validation, and administration of tests and the establishment and use of resulting employment lists containing the names of persons eligible for appointment.
- Certification and appointment of persons from employment lists and making provisional appointments.
- Establishment of trial periods.
- Evaluation of employee performance during the trial period.
- Transfer, promotion, demotion, reinstatement, disciplinary action, and layoff of employees.
- Separation of employees from District service.
- Establishment of adequate personnel records located at one site and available for review by employees.
- The establishment of appeals procedures concerning the interpretation or application of this policy.
- Training programs for District employees.

Personnel Duties of the Board: The Board of Directors is responsible for the establishment of a personnel system and its thorough administration. The Board of Directors will act as the authoritative body in all personnel matters and will be responsible for the execution of the following functions:

Appointing Power: The Board of Directors will appoint the District Manager, who will in turn appoint all other District employees.

Preparation of Classification Plan: The Board of Directors shall establish all classes and positions. The District Manager will ascertain and record the duties and responsibilities of all positions in the District service. After consulting with each ~~department~~division head, the District Manager will recommend a classification plan for said positions. The classification plan will consist of categorized positions in the District service defined by class specifications including the job title. The plan will be developed and maintained so that all positions substantially similar in duties, responsibilities, authority, and character of work are included within the same class and so that the same schedules of compensation may be made to apply equitably under like working conditions to all positions in the same class.

Adoption, Amendment, and Revision of Plan: The classification plan will be adopted by the Board of Directors and may be amended from time to time as the Board deems necessary. Annual reviews will take place during the budgeting process.

Allocation of Positions: An allocation is the assignment of a single position to its proper class in accordance with the duties performed and the authority and responsibilities exercised. Following Board adoption of the classification plan, the District Manager will allocate every position in the District service to one of the classes established by the plan.

New Positions: When the Board of Directors creates a new position, no person will be appointed or employed to fill that position until the classification plan has been amended. The District Manager may appoint an employee to the new position or create an employment list. A provisional appointment may be made if the District Manager certifies that critical business needs requires a provisional appointment.

Reclassification: The District Manager will allocate positions whose duties have changed materially so as to necessitate reclassification, whether new or already existing, to the

appropriate class. Reclassifications will not be used for the purpose of avoiding restrictions and obligations of this policy.

Appeals: The Board of Directors, as provided in Policy 4-902 of this manual, will hear appeals submitted by any person within District service, or their representative, relative to any charge contesting a suspension, reduction in pay, demotion or discharge and will certify its findings and decisions as provided by this personnel system. At its option, the Board may refer appeals to a neutral hearing officer, whose findings shall be non-binding on the Board.

District Manager: The District Manager will act as the chief administrator of personnel policies. As such, the District Manager may delegate any of the powers and duties conferred on the District Manager to any other officer or employee of the District or may recommend that such powers and duties be performed under contract.

Personnel Duties of the District Manager: The duties and responsibilities of the District Manager in the area of personnel administration include but are not limited to the following:

- Be represented at all meetings of the Board of Directors pertaining to personnel matters.
- Administer all of the provisions of this policy not specifically reserved by the Board of Directors.
- Prepare and recommend to the Board of Directors personnel policies and amendments to or revisions of policy.
- Prepare or cause to be prepared a position classification plan, including class specifications and revisions of the plan. The plan and any amendments will become effective upon approval of the Board of Directors.
- Provide for the publishing and posting of notices concerning tests for positions in District service, the receiving of applications and the validation, administration and grading of tests, and the certification of an employment list of all persons eligible for appointment to the appropriate position in District service.
- Issue administrative procedures as necessary to fully implement the provisions of these personnel policies and procedures.

Right to Contract for Special Service: The District Manager will consider and make recommendations to the Board of Directors regarding the procurement of contractual agreements for the performance of technical services in connection with the establishment or operation of the District personnel system. The Board of Directors may contract with any qualified person or private or public organization for the performance of all or any of the responsibilities and duties imposed by this policy.

APPLICANTS AND APPLICATIONS

POLICY: 4-203

Announcement: The District Manager will cause notice of new positions, vacancies, promotional positions and examinations as deemed appropriate. The notice will include sufficient information that the employees and the public may fairly decide to apply.

Application Forms: Employment applications must be submitted to the Personnel District Office by the posted closing date.

Disqualification: The District Manager may refuse to examine anyone who:

- Does not meet the minimum qualifications and standards specified in the public announcement for the position.
- Has previously been employed by the District and performed substandard work or who has been terminated from the District for cause.
- Has a prior criminal conviction that disqualifies them by law, or where such conviction is based upon a crime that is incompatible with the position.

EXAMINATION PROCEDURES

POLICY: 4-204

Administration Discretion and the Pre-Selection Process: It will be to the discretion of the District Manager, constrained by the parameters established by law, to execute the pre-selection process in the manner deemed most conducive to the best interest of the District.

Nature and Types of Examinations: The selection techniques used in the examination process will be impartial and relate to those criteria which, by decision of the District Manager, reliably measure the relative capabilities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed according to the Uniform Guidelines for Employee Selection procedures published by the Equal Employment Opportunity Commission, et al.

Promotional Examination: A promotional examination is an examination for a particular position that is open only to regular full-time or regular part-time employees meeting the minimum qualifications for the class. Promotional examinations will be administered whenever, in the opinion of the District Manager, the needs of the District require. Only regular full-time or regular part-time employees who meet the minimum requirements set forth in the announcements for upcoming promotional exams may compete.

Open Examination: An open examination is an examination for a particular position that is open to all persons meeting the minimum qualifications for the class. Open examinations may be administered at the discretion of the District Manager who will decide on the basis of District needs. Names will be placed on employment lists according to the procedures as outlined in Appointment Procedures, Policy 4-205.

Administration of Examinations: The District Manager may contract with any competent agency or individual for the preparation and/or administration of examinations. The District Manager will arrange for the use of public buildings and equipment to conduct examinations.

Modification of Selection Process: The District Manager may modify the announced selection process if the size of the applicant group warrants.

Employment Lists:

- **Formation of Lists:** As soon as possible after the completion of the examination process, the District Manager will prepare and keep available an employment list, containing the names of the candidates who have qualified.
- **Duration of Lists:** Employment lists will remain in effect for no longer than one year, unless exhausted sooner.

APPOINTMENT PROCEDURE

POLICY: 4-205

Types of Appointment: Appointment to and promotions within the District will be based on merit, qualifications, and competence according to procedures established by the District Manager. Examinations may be utilized and conducted to aid in the decision-making process. While the District will normally first attempt to fill all vacancies in the District through transfers, demotions, promotions, reinstatement or from eligible employees from the appropriate lists certified by the District Manager, at the discretion of the District Manager, vacancies may also be filled through new hires.

Filling a Vacancy: If a vacancy appears in the District service, the District Manager will prescribe and initiate the manner of appointment.

Certification of Employment Lists: If the District Manager does not consider it in the best interest of the District to fill a vacancy by reinstatement, transfer, promotion, or demotion, certification of eligible employees shall be made from the appropriate employment list and in rank order, provided said eligible employees are available. When a vacant position is to be filled by appointment from either a promotional or open

CHAPTER 4-200: Organization of Personnel System

employment list, the District Manager will select and certify, from the list in rank order, the names of the individuals possessing the qualifications required.

In the event that there are fewer than three certified individuals derived from the appropriate employment list willing to accept appointment, the District Manager may either make the appointment from among such certified eligible employees or create a new list according to established procedures.

Pre-Appointment Interview: Certified candidates who are willing to accept appointment may undergo a personal interview. The interview will be considered an extension of the examination process and will be designed to assess the candidate's qualifications and inform the candidate about the job and working conditions.

Residency Requirement: The District will not establish a policy requiring any employee or potential employee to maintain residence within the District's jurisdictional boundary as a condition of employment. However, if in the selection process any numbers of eligible candidates are deemed to be equally competent based on all other considerations, residency may be utilized as a final distinguishing variable.

Appointment: Upon completing a thorough evaluation of all certified candidates' applications, examinations and interviews, the District Manager will appoint the individual deemed most suited to fulfill the District's needs. The person accepting the appointment will present himself or herself to the District Manager or his or her designee for processing on or before the date of appointment. If the applicant accepts the appointment and presents himself or herself for duty within the period of time prescribed, then he or she will be deemed appointed, otherwise, he or she will be deemed to have declined the appointment.

Pre-Employment Drug and Alcohol Screening: Dependent upon position being offered, an applicant may be required to consent to and satisfactorily complete a pre-employment drug and alcohol screening prior to being considered for employment.

Post Offer Pre-Placement Medical Exam: All regular full-time and certain designated regular part-time and hourly part-time classifications require a post-offer pre-placement medical examination. This examination is provided by the employer at its sole expense; consequently, there is no cost to the employee. Offers of employment are contingent upon the successful completion of the medical examination certifying that the employee can perform the essential functions of the position with or without accommodation.

Criminal History Background Check: An applicant who receives an offer of employment will be required to consent to a fingerprint evaluation. This evaluation is provided by the

employer at its sole expense; consequently, there is no cost to the employee. Prior criminal convictions are not a bar from employment, except where required by law or when, in the opinion of the District Manager, the position and the crime are incompatible.

Reinstatement: Reinstatement is the re-employment without examination of a former regular full-time or regular part-time employee.

- If an employee leaves District employment in good standing and returns for reinstatement in an open position of a similar nature within one (1) year of termination, the reinstatement may be made free of the competitive selection process.
- Reinstatement after one (1) year of service will require authorization of the Board of Directors as recommended by the District Manager.
- Employees who terminate employment with the District in good standing and are reinstated as a regular full-time employee within thirty (30) days after termination will retain full credit for all accumulated sick leave earned up to the time of termination.
- Reinstated employees will be subject to the prescribed trial period.

Emergency Appointments: In order to prevent the stoppage or inefficient conduct of business or the creation of other damaging circumstances confronting District operations, the District Manager may make emergency appointments of a three- (3) to six- (6) month duration free from the provisions governing the competitive selection process, including advertising. No special credit will be given for services rendered under an emergency appointment.

DELEGATION OF AUTHORITY

POLICY: 4-206

It will be within the discretion of the District Manager to delegate all of his or her authority in the employee selection process, or any portion thereof, to any representative he or she may duly designate from among the District staff. In such cases, all of the policies and procedures established herein, will appropriately govern the actions of said representatives.

PROCEDURE FOR FILLING A VACANT POSITION

POLICY: 4-207

Initial Position Request

Existing Position: The immediate supervisor reviews the job description to ensure it adequately describes the responsibilities of the position and submits the job description and any revisions to the department head for approval.

New Position: The immediate supervisor completes the New Position Request form to include position qualifications and job duties to the department head for approval.

The department head reviews and approves the position to include, a.) any changes to an existing position; or b.) new position qualifications and job duties and submits paperwork to the Personnel Supervisor for review, revision, and approval by the District Manager. The District Manager will verify that the position is an approved, budgeted position and that funds are available in the budget. Once the job description has been approved, then the recruitment process will begin.

Advertising and Recruitment

The Personnel Supervisor shall determine the appropriate method for recruiting/advertising. Vacancies may be filled by promotion from within the staff ranks approved by the District Manager at his or her discretion. Only regular full-time or regular part-time employees who meet the minimum requirements set forth in the position job description are eligible for promotion.

The Personnel Supervisor will determine the appropriate deadline to receive employment applications in order to allow sufficient time for application review, interviewing and testing, reference checks, job offer, fingerprinting, and medical exams for placement on payroll.

Employment Application and Certificates

All potential employees must complete a District Employment Application in order to be considered for any position with the District. Résumés will not be accepted in lieu of a completed application but may accompany it.

Current employees can submit an updated Employment Application or résumé.

Any required certificates must be submitted along with application.

Application Evaluation Method

The Personnel Supervisor will determine the appropriate evaluation method in order to rank applications. Applications will be received and screened against the qualifications stated on the job description.

The Personnel Supervisor may extend the review to include the immediate supervisor who will receive copies of the screened applications. May notify by written or by phone |

The Personnel Department Head will maintain a file of all the original applications submitted for a minimum of one (1) year and for employees who are hired the employee should retain the original application for the duration of employment plus an additional four (4) years. |

Examination Process

The Personnel Department Supervisor shall determine the appropriate examination(s) for the selection process. Where written and/or practical tests are to be utilized, the Personnel Supervisor will provide and conduct the testing and will notify individuals from the ranked list of names who are eligible for consideration for employment. |

Interview Process

Once a suitable number of qualified applications have been selected, the Personnel Department shall notify the applicants of the time and date of their interview. |

At least two qualified people will be appointed to an Interview Panel by the Personnel Department Supervisor, one of which shall be in the chain of command of the subject position. The Personnel Supervisor will provide the panel with the necessary materials and training to conduct the interview. |

Hourly/Seasonal Positions and Ongoing Recruitments: The supervisor may conduct interviews for hourly/seasonal positions and for ongoing recruitment of regular part-time positions. The supervisor shall notify the applicants of the time and date of their interview, and, as soon as possible, notify the Personnel Department of all applicants that are not being considered for interviews so that timely notification of such applicants can be made.

References

The Personnel Supervisor will conduct reference checks on the highest-ranking candidates.

Offer of Employment

Upon completion of a thorough evaluation of all certified candidates' applications, examinations and interviews, the Personnel Supervisor, in concurrence with the immediate supervisor, shall contact and make the offer of employment to the selected candidate. Where applicable, for positions that require a post-offer physical examination, all offers of employment are conditional subject to successful completion of the required exam and successful background check.

The Personnel Department Supervisor will notify, in writing, those applicants not being hired for the position. For internal promotional positions, the immediate supervisor should notify, in person, the employee not being hired for the position and then notify the Personnel Supervisor for documentation.

Initial Orientation

The Personnel Supervisor shall meet with the new employee, prior to starting, for initial orientation to assist with hiring paperwork, fingerprinting, benefit enrollment forms (if applicable), and scheduling of required medical exams in preparation for placement on payroll.

Other Considerations

In the event that there are fewer than three certified individuals willing to accept appointment, appointment may be made from among such certified eligibles, or a new list shall be created according to established procedures.

Hourly and Seasonal Positions

For positions that do not require a competitive selection process, the supervisor should meet with the candidate and, with the appropriate approvals, communicate to the Personnel Department prior to sending applicants in to complete any hiring paperwork or fingerprinting.

Reinstatement

Reinstatement is the re-employment without examination of a former regular full-time or regular part-time employee. If an employee leaves District employment in good standing and returns for reinstatement in an open position of a similar nature within one (1) year of termination, the reinstatement may be made free of the competitive selection process. Reinstatement after one (1) year of service will require authorization of the District Manager.

Emergency Appointments

In order to prevent the stoppage of business, or of other damaging circumstances confronting District operations, the District Manager may make emergency appointments of three (3) to six (6) month duration, free from the provisions governing the competitive selection process. No special credit will be given for services rendered under an emergency appointment.

SUCCESSION PLANNING POLICY

POLICY: 4-208

Succession planning is an effort designed to ensure the continued effective performance of Tehachapi Valley Recreation and Park District by making provisions for the development and replacement of key positions over time.

Desired Results

The desired results of succession planning are to:

- Identify high-potential employees capable of advancement to positions of higher responsibility than those they presently occupy.
- Ensure the systematic and long-term development of individuals to replace key job incumbents as the need arises due to deaths, disabilities, retirements, and other unexpected losses.
- Provide a continuous flow of talented people to meet the organization's needs.

Procedures

- Review of the previous year's succession planning efforts;
- Assessment of how well the District is positioned to meet replacement requirements by promotions or other personnel movements from within;
- Identification of key positions and skills and competencies required for those positions;
- Inform employees of the possible job opportunities, communicate key competencies needed for those jobs and give employees the opportunity to express interest in possible job openings and willingness to participate in succession planning activities.

CRIMINAL HISTORY INFORMATION OF APPLICANTS, EMPLOYEES AND VOLUNTEERS

POLICY: 4-209

In order to determine that applicants have a background that is appropriate to employment or volunteer service in the District, the Tehachapi Valley Recreation and Park District Board of Directors authorizes the District Manager to acquire criminal history information on each applicant. Any offer of employment or volunteer service will be contingent upon a fingerprint clearance. Classes of crimes for which conviction will result in disqualification from employment or volunteer service with the District have been established within this policy.

Nothing herein contained shall be construed to limit the District's recruiting practices except as specifically set forth herein. Further, nothing contained herein shall, in any way, restrict the District's right to terminate or otherwise discipline an employee.

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Employment or Volunteer Forms: Volunteers and employees are asked to disclose criminal history conviction information on the Fingerprint Questionnaire about an arrest for which the volunteer or employee is out on bail or on his/her own recognizance pending trial. The District will check the accuracy of certain criminal history information provided. If a criminal conviction is revealed that was not disclosed when completing the application, that employee or volunteer may be terminated.

As used in this subsection, a conviction will include a plea, a verdict, or finding of guilt, regardless of whether sentence is imposed by the court.

Summary of Criminal History Information: Fingerprints are submitted for criminal record investigation to qualify for employment or volunteer service with the District. A master record of information maintained by the Attorney General pertaining to the identification and criminal history, if any, of any person, such as name, date of birth, physical description, date of arrest, arresting agency, and booking numbers, charges, dispositions and similar data about such person will be received. By using this process, the District attempts to identify those who have backgrounds appropriate for employment or volunteer service with the District.

Records Security Officer: The Personnel Supervisor is designated as the Records Security Officer and is responsible to assure confidentiality and security of all criminal history information.

The information received is used solely by the District. Criminal history information received is not shared with any other agency including federal, state or local government, or any group within the private business sector, unless bound to do so by a duly issued court order.

Mandatory Denial Section: In recruiting future employees or volunteers of the District, an individual shall **not** be considered for employment or for volunteer service for the following:

1. Refusal to submit to fingerprinting will lead to an end of further consideration for employment or volunteer service with the District.
2. An applicant for a position involving the operation of motor vehicles for the transportation of District patrons:
 - A. Who has been determined to be a mentally disordered sex offender;
 - B. Who has been convicted within four years of the date of application of a narcotics offense;

- C. Who has been convicted within three years of the date of application or has been convicted of any such offense three or more times during their driving career for the following California Vehicle code offenses:
 - (1.) Driving under influence; blood alcohol percentage; presumptions; or
 - (2.) Driving under the influence and causing bodily injury to another person; blood alcohol percentage; presumptions.
- 3. An applicant for a position involving the operation of District power equipment or vehicles:
 - A. Who has been convicted within four years of the date of application of a narcotics offense;
 - B. Who, within the last two years, has a traffic violation(s) that resulted in a major conviction(s). Time reference is from the date of conviction, not the date the citation was issued. Major convictions include, but are not limited to:
 - (1.) Driving while intoxicated or under the influence of alcohol or drugs;
 - (2.) Failure to stop and report an accident;
 - (3.) Homicide, manslaughter, or assault arising out of the operating of a motor vehicle;
 - (4.) Driving during a period when license is suspended or revoked;
 - (5.) Reckless driving;
 - (6.) Possession of an open container of alcoholic beverage;
 - (7.) Speed contest, drag or highway racing, or trying to elude a Peace officer.
- 4. An applicant or volunteer for a position involving supervisory or disciplinary power over a minor who has been convicted of any sex crime, drug crime, or crime of violence.
 - A. California State Law enacted through Public Resources Code Section 5164 states in part: Special Districts shall not hire a person for employment or volunteer to perform services at a park, playground, recreational center, or beach used for recreational purposes, in a position having supervisory or disciplinary authority over any minor, if that person has been convicted of certain crimes.
 - (1.) Public Resources Code 5164 identifies specific crimes, for which recreation and park districts SHALL NOT HIRE if the person has ever been convicted of any violation or attempted violation of crimes, whether a felony or misdemeanor, under specified sections that include:
 - (a) Assault with intent to commit mayhem, rape, sodomy, oral copulation, rape in concert with another, lascivious acts upon a child, or penetration of genitals or anus with foreign object;
 - (b) Rape; rape of spouse; sodomy, genital or anal penetration with a foreign object; unlawful oral copulation;
 - (c) Unlawful sexual intercourse with a female under age 18;
 - (d) Inveiglement or enticement of unmarried female under 18 for purposes of prostitution, aiding and abetting, procuring a female for

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- illegal intercourse by false pretenses, abduction of person under 18 for purposes of prostitution; advertising for sale or distribution materials depicting a person under age 18 engaging in or simulating sexual conduct;
- (e) Procurement of child under age 16 for lewd or lascivious acts; lewd or lascivious acts with child under 14;
 - (f) Causing, encouraging or contributing to the delinquency of persons under 18 years; willful cruelty or unjustifiable punishment of a child; endangering life or health;
 - (g) Corporal punishment or injury of a child; corporal injury of spouse or cohabitant of opposite sex;
 - (h) Incest; annoying or molesting a child under 18;
 - (i) Sending, receiving, printing exhibiting, distributing materials depicting sexual conduct by a minor; depicting by film, photograph, videotape, etc. sexual conduct by a person under 14; employment of a minor to perform prohibited acts; possession or control of material depicting a person under 14 engaging in or simulating sexual conduct;
 - (j) Lewd or obscene conduct, indecent exposure, obscene exhibition; engaging in or lewd or dissolute conduct in a public place or in any place open to the public; loitering in or about a public toilet for the purpose of engaging in or soliciting a lewd or lascivious or unlawful act;
 - (k) Anyone committed as a mentally disordered sex offender under the Welfare and Institutions Code;
 - (l) Sexually assaulting an animal.
- (2.) Public Resources Code 5164 also identifies specific crimes for which recreation and park districts SHALL NOT hire if the person has been convicted or incarcerated for violating or attempting to violate, whether a felony or misdemeanor, crimes under specified sections occurring within ten years of the date of the employer's request. This section includes but is not limited to:
- (a) Kidnapping using a deadly or dangerous weapon in the commission of the crime;
 - (b) Robbery using a deadly or dangerous weapon in the commission of the crime;
 - (c) Carjacking using a deadly or dangerous weapon in the commission of the crime;
 - (d) False imprisonment;
 - (e) Assault, assault on a public official; upon custodial officer; on school property; against transportation personnel or passenger; on a peace officer of school district; against jurors; with caustic chemicals, stun gun or taser; with deadly weapon or force likely to produce great bodily injury; with deadly weapon or force likely to produce great

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- bodily injury on transportation personnel or passenger or on a custodial officer;
 - (f) Battery; battery against custodial officer in performance of duties; on school property; against transportation personnel or passenger; against jurors; sexual battery;
 - (g) Shooting at inhabited dwelling house, occupied building or vehicle, or inhabited house, car or camper; shooting at unoccupied aircraft or motor vehicle; discharge of laser at aircraft;
 - (h) Sentencing enhancements for various crimes of violence.
- B. Drug crime violations within the California Uniform Controlled Substances Act contained in Division 10 of the Health and Safety Code of any one (1) felony or three (3) or more misdemeanor convictions within 10 years of the date of application.
- C. Crimes of violence of any one (1) felony or three (3) or more misdemeanor convictions within 10 years of the date of application for:
- (1.) Violation of prior prison terms;
 - (2.) Enhancement of prison terms;
 - (3.) New offenses;
 - (4.) Violent felonies to include but not limited to:
 - (a) Murder or voluntary manslaughter; attempted murder; or mayhem;
 - (b) Rape or sexual penetration, sodomy, oral copulation; or using force or violence for rape, spousal rape, or sexual penetration;
 - (c) Continuous sexual abuse of a child;
 - (d) Lewd or lascivious act;
 - (e) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice;
 - (f) Assault and battery;
 - (g) Any robbery or arson;
 - (h) Any burglary of the first degree, wherein another person, other than an accomplice, was present in the residence during the commission of the burglary;
 - (i) Persons convicted of enumerated felonies who use firearms in commission of the crime;
 - (j) Explosion, attempt to explode or ignition of destructive device or explosive with intent to murder, causing death, mayhem or bodily injury;
 - (k) Kidnapping or kidnapping with assault with the intent to commit a specified felony;
 - (l) Carjacking, in the possession of another, from his or her person or immediate presence or from a passenger of the motor vehicle, against his or her will by means of force or fear;
 - (m) Extortion, participation in criminal street gang;
 - (n) Threats to victims or witnesses;

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- (o) Weapons of mass destruction, possession, transfer, uses in a form that may cause widespread disabling illness or injury in human beings and, in a form that may cause widespread and significant damage to public natural resources;
 - (p) False Imprisonment.
- D. An employee or volunteer who has a conviction for a violation or attempted violation of an offense committed outside the State of California, for a sex crime, crimes against children, drug crime, or crime of violence if the offense would have been a crime as defined in this document if committed in California.

Discretionary Denial Section

Employees, applicants for employment or volunteers may be rejected who have been convicted of a felony or misdemeanor involving moral turpitude (conduct done knowingly contrary to justice, honesty or good morals) provided, however, such conviction may be disregarded if a finding and determination that mitigating circumstances exist, such as, but not limited to, evidence of rehabilitation, length of time elapsed since such conviction, the age of such person at the time of conviction, or the fact that the classification applied for is unrelated to such conviction.

When evaluating evidence of rehabilitation and weighing mitigating circumstances, references supplied by the applicant or volunteer and consultations with agencies whose purpose is to assist in the rehabilitation and assistance of ex-offenders or their families shall be considered.

Examples of types of crimes that are related to classification applied for are:

- A. Embezzlement, grand theft and robbery, when position applied for involves the entrustment of money, District funds, or other financial matters.
- B. Crimes involving harm to persons or property while under the influence of alcohol or narcotics when position applied for involves the operation of power equipment.
- C. Crimes of violence when position applied for involves more or less continual exposure to and responsibility for members of the public in an unsupervised circumstance.

Authorization to Acquire

The District Manager, or his or her designated representative, will be authorized to acquire fingerprints of a job applicant or volunteer after offer of employment or volunteer service. Any offer will be contingent upon a fingerprint clearance. Tehachapi Valley Recreation and Park District will submit fingerprints to the Attorney General to acquire applicant or volunteer Summary Criminal History Information. That information will be used to determine whether the applicant or volunteer has a background that is appropriate to employment or volunteer service with the District in accordance with the standards set forth in this document.

Finding of Necessity

In accordance with Section 11105 (b) (10) and Section 13300 (b) (10) of the California Penal Code, the Tehachapi Valley Recreation and Park District Board of Directors finds that access to Summary Criminal History information is needed in order to assist in fulfilling employment duties.

Training of Staff Handling Criminal Offender Record Information

Staff with access to criminal offender record information are trained and counseled on the handling of criminal offender record information and sign employment statement forms acknowledging an understanding of the criminal penalties for the misuse of criminal offender record information as provided for in Penal Code Sections 502, 11142 and 11143.

Costs of Acquisition

The District Manager is authorized to pay all costs associated with the acquisition of Summary Criminal History Information. Fees or charges shall be valid expenditures of Tehachapi Valley Recreation and Park District funds.

Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this policy is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this policy. The Board of Directors of Tehachapi Valley Recreation and Park District hereby declares that it would have adopted this policy and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.



Chapter 4-300: Employment Classifications

EXEMPT FULL-TIME EMPLOYEES

POLICY: 4-301

Exempt full-time employees are those individuals who are classified by the District as exempt under the federal Fair Labor Standards Act and any applicable state laws. Exempt full-time employees hold managerial-level positions and are responsible for completing job duties regardless of the time it takes to complete those duties. Exempt employees are expected to work a minimum of 40 hours per week but may have to work hours beyond their normal schedules as work demands require.

REGULAR FULL-TIME EMPLOYEES

POLICY: 4-302

Regular full-time employees are those individuals who are regularly scheduled to work and who do work a schedule of 40 hours per week for a period of indefinite duration.

REGULAR PART-TIME EMPLOYEES

POLICY: 4-303

Regular part-time employees are those individuals who are normally scheduled to work and who do work a schedule of 19.29 or less hours per week for a period of indefinite duration. Even if a regular part-time employee works in excess of 19.29 hours per week on an irregular basis, or in connection with certain special assignments, the employee does not become a regular full-time employee.

HOURLY AND SEASONAL EMPLOYEES

POLICY: 4-304

Hourly part-time employees are employed to work for short-term, seasonal, special or minimal-hour assignments. An employee will not change from hourly to any other employee classification simply because of the length of time spent as an hourly employee or by virtue of being employed for successive such assignments.

TRIAL PERIOD EMPLOYEES

POLICY: 4-305

The trial period is regarded as an extension of the examination process and will be used by the District to monitor the progress and adaptation of the employee, as well as assess the employee's performance in his or her assigned position.

Trial Period: The first six months of continuous employment in any exempt full-time, regular full-time ~~or regular part-time position~~, including any promotion of an existing employee, is considered as a trial period by the District. The trial period does not apply to hourly part-time employees.

Extension of Trial Period: At the District's discretion, the trial period may be extended one or more times if determined that such an extension is appropriate. The trial period will also be extended for the same length of time that an employee is absent from his or her position due to an excused absence from work.

Separation from Employment: Upon recommendation by the immediate supervisor and approval by the District Manager, a trial period employee may be separated for any lawful reason, at any time during the trial period, with or without cause, without right of appeal or hearing, except if he or she alleges that the dismissal is in violation of state or federal law.

Regular Employee Status: At the successful completion of the trial period and/or any extensions thereof, the employee will become a regular employee, as recommended by the immediate supervisor and documented by a performance evaluation.

MINORS

POLICY: 4-306

Minors—young workers under the age of 18 years old—will not be permitted to work unless they are legally able to do so under all applicable state and federal laws. Law requires a valid work permit that specifically authorizes the minor to work for the District. The minor will be permitted to work only in accordance with the terms, restrictions, and limitations set forth in the work permit.

Since all employees are hired for an unspecified duration, these classifications do not guarantee employment for any specific length of time.



Chapter 4-400: Employee Benefits

This section provides some of the significant features of the District's benefit program.

In addition, while it is the District's present intention to continue these benefits, the District reserves the right, whether in an individual case or more generally, to modify, curtail, reduce or eliminate any benefit, in whole or in part, either with or without notice.

WORKERS' COMPENSATION

POLICY: 4-401

The District provides workers' compensation insurance coverage as required by law to protect all employees and volunteers of the District who are injured on the job. The cost of this coverage is paid completely by the District.

SOCIAL SECURITY

Policy: 4-402

All employees of the District are covered under the provisions of the federal Social Security law (FICA). Social Security benefits are often a significant step to provide you and your family a retirement income, in addition to disability and survivors benefits. These benefits are financed through Social Security deductions.

UNEMPLOYMENT INSURANCE

Policy: 4-403

A program created to provide partial wage replacement to eligible unemployed workers while they conduct an active search for new work. This program, which is financed through the District's Unemployment Insurance tax contributions, is administered through the Employment Development Department. In most cases, an employee must file a claim in order to collect this benefit. Should such a situation arise, the employee should inquire about unemployment insurance at the time of his or her separation from service. The Personnel Department will explain the employee's rights under the law.

RETIREMENT PLAN

Policy: 4-404

Full-time and regular part-time employees who are hired to work more than 1,000 hours a year are eligible to participate in the District’s retirement plan through California Public Employee’s Retirement System (CalPERS). CalPERS is a defined benefit pension plan providing retirement, disability and death benefits to plan members and beneficiaries. A CalPERS retiree hired into a full-time, regular part time, or hourly position may be subject to certain restrictions and should contact CalPERS for further information.

EMPLOYEE PARTICIPATION PROGRAM

POLICY: 4-405

The Employee Participation Program allows all full-time and eligible regular part-time employees of the District and immediate family members to participate in certain District activities at a reduced registration fee.

Eligible Employee

~~Any board member serving on the TVRPD Board of Directors or an~~ employee who is employed in a classification listed within the full-time or regular part-time salary:

- | | |
|-------------------------------------|--|
| Administrative Assistant | Recreation Specialist Coordinator |
| Custodian | Recreation Manager Supervisor |
| District Manager | <u>Business Manager</u> |
| Park Maintenance Worker I/II | <u>Facility Supervisor</u> |
| Groundskeeper I/II | <u>Office Specialist</u> |
| Maintenance Foreman | <u>Tots Manager</u> |
| Receptionist | |

Immediate Family Member

A board member or an employee’s spouse, employee’s or spouse’s dependent children, and individuals over which an employee or employee’s spouse has legal guardianship.

Eligibility of Retirees

~~Any eligible employee who retires with ten or more years of service, and any Board Member who has served two or more terms (eight years), may request a card that will allow lifetime eligibility in the Employee Participation Program.~~

Eligible Activities and Fee Reduction

The following fee reduction will be applied to the registration fee only:

CHAPTER 4-400: Employee Benefits

ACTIVITY	FEE REDUCTION
Classes Where Fees Are Collected at Class by Instructor (Zumba, etc.)	No Discount
Adult Programs Recreational Swim & Lap Swim	No Charge
Open Gym	No Charge
Events (i.e., runs)	No Charge
Summer Ball Program Youth Sports	25%No Charge
Parent & Me, Tot Enrichment Monthly Tuition FeeTehachapi Tots	25%No Charge
Swim Lessons Youth Programs	25%No Charge
Specialty Camps	25%No Charge
Special Interest Classes	25%No Charge
Ongoing Monthly Special Interest Classes	25%No Charge
FACILITY RESERVATIONS	
Shelters	No Charge
Buildings	25%No Charge
Pools (<u>Limit one reservation per year per employee</u>) (No Discount to Lifeguard Rates)	
.....	25%No Charge

Special Conditions

Additional fees charged for late registration or additional material costs (as advertised in promotional material) are not eligible for a fee reduction.

Processing of Employee Participation Program

Employees and/or immediate family members who wish to participate in recreational swim or open gym must request a seasonal pass from the District Office. The seasonal pass must then be shown to the cashier upon entering the aquatic facility or gymnasium.

All other activities require completion of a District registration form. The employee must inform the clerk that he/she wishes to participate in the reduced fee program that is available to District employees. The clerk will make the appropriate fee adjustment.

Subject to Changes

Each year as a part of the budget process, the Employee Participation Program will be evaluated and recommendations made in conformance with budgetary guidelines.

FULL-TIME – VACATION LEAVE

POLICY: 4-406

The District provides vacations to full-time employees as a period of exemption from work with pay for the purpose of rest, relaxation, and recreation.

- Employees are eligible for an annual paid vacation, the length of which will be determined by the number of years of continuous District service.

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- Employees begin to accrue vacation leave from the date of active employment, however, no vacation time may be taken by an employee until he or she has completed six (6) months of active service.
- Trial period employees will be credited with the appropriate number of vacation days and will be allowed to use accrued vacation leave once regular full-time status has been achieved.

Vacation Accrual: Vacation leave will be credited in the following amounts:

- Less than three (3) years of continuous service will be credited with 4 hours per pay period.
- Three years or more of continuous service will be credited with 6 hours per pay period.
- Fifteen years or more of continuous service will be credited with 8 hours per pay period.

Effects on Other Leaves: For the purpose of computing an employee's years of continuous service in arriving at the amount of vacation leave earned, no duly authorized leave of absence taken will be deemed to interrupt said continuous employment but rather, shall be computed as a part of the period of employment required.

Request for Use of Vacation Leave: Requests for vacation leave must be submitted to the employee's immediate supervisor for approval. The District reserves the right to grant, deny, or modify any vacation request.

Scheduling of Vacation: The scheduling of vacation leave must be submitted to the employee's immediate supervisor for approval and should be scheduled so as to cause the least inconvenience to District operations. The District reserves the right to decline an employee's request to take a vacation at a particular time if it would be disruptive to the District or inconvenient to grant the request. In order to allow for a well-coordinated schedule, employees should submit proposed vacation plans at least two weeks prior to the first day of the requested leave. The department's schedule determines permissible vacation periods, which employees may need to defer to or otherwise adjust accordingly. Regardless of the number of accumulated vacation days, no employee will be authorized to leave his or her position while on vacation leave for a period of longer than twenty (20) consecutive workdays. The District also reserves the right to schedule an employee to take vacation at a particular time if the employee fails to schedule his own vacation in a timely manner or if the District determines that it is appropriate to do so. In such a case, the employee must take the vacation when it is scheduled.

Maximum Accumulation: In those instances in which an employee fails to take his or her vacation leave within twelve months of accrual, vacation leave may be accumulated to the following maximum levels:

- Thirty (30) days for employees with less than three (3) years of service.
 - 240 hours for non-exempt employees and 300 hours for exempt employees.
- Forty-five (45) days for employees with three or more years of service.
 - 360 hours for non-exempt employees and 450 hours for exempt employees.
- Sixty (60) days for employees with fifteen (15) years or more of service.
 - 480 hours for non-exempt employees and 600 hours for exempt employees.

Vacation leave will not be accumulated beyond the maximum levels as designated on June 30 of each year. Extra compensation is not payable in lieu of vacation unless the Board of Directors makes special dispensation. If the employee later uses enough vacation pay to fall below maximum, he will resume earning vacation from that date forward. In such a case, no benefits will be earned for the period in which the employee's benefits were at the maximum.

Vacation Accrual While Employee is On Leave of Absence: Employees on an unpaid leave of absence will not continue to accrue vacation leave.

Rate of Pay: The rate of pay provided an employee during the course of an earned vacation leave will be equivalent to that which was otherwise earnable if the leave had not been taken.

Effect of Vacation on Overtime: If an employee takes time off for vacation, the time off will not be counted as hours worked (even though it is paid as vacation time) when determining whether or how much overtime work has been performed during a workweek.

Vacation and Workers' Compensation: Workers' compensation benefits usually do not cover absences for medical treatment and only covers a portion of the employee's weekly salary when a health care provider takes the employee off work. The employee may, at his or her option, use accrued vacation leave subsequent to exhausting all accrued sick leave.

Scheduled Holiday During Vacation: A District holiday falling within an employee's requested vacation leave does not count against the vacation leave.

Termination of Employment: Upon an employee's termination, irrespective of the reason, all vacation leave earned up to the designated accrual maximums will be paid to the employee or his or her heirs at the rate of pay being received upon termination.

FULL-TIME AND SEASONAL EMPLOYEE – SICK LEAVE

POLICY: 4-407

Sick leave may be used in the following instances only:

- actual illness or injury of an employee;
- to attend a doctor, dental, visual, or chiropractic appointment;
- to attend to an employee's ill child, parent, spouse, domestic partner, or domestic partner's child;
- to attend to dentist and doctor appointments and prescribed sickness prevention measures for an employee's ill child, parent, spouse, domestic partner, or domestic partner's child.

For purpose of this policy, the term "child" means a biological, foster, or adopted child, a step-child, a legal ward, or a child of a person standing in loco parentis. The term "parent" means a biological, foster, or adopted parent, a stepparent, or a legal guardian. The term "spouse" means a legal spouse, as defined by state law.

When attending to an employee's ill child, parent, spouse, domestic partner, or domestic partner's child, an employee may only use up to one-half of the employee's yearly sick leave accrual; otherwise, the use of sick leave benefits for such family members is subject to the same conditions as the use of sick leave benefits for an employee's own illness.

Accrual: Sick leave will accrue to each employee at a rate of four (4) hours per pay period. All employees should be expressly encouraged to accumulate sick leave days in order to protect themselves from long term illnesses or injuries that may arise unexpectedly. Leave may not be taken until it has actually accrued. Employees may accrue a maximum of 180 days.

Seasonal Employee Accrual: Seasonal employees that have been employed for 30 days or longer will accrue ~~1 hour of sick time for every 30 hours worked~~ **40 hours (or 5 days) of paid sick leave at the beginning of each 12-month-period**, and may be taken following 90 days of employment. Unused hours will carry over the next year. The maximum number of sick hours that may be accrued is ~~40~~ **24** hours. Tehachapi Valley Recreation and Park District is not required to provide compensation to a seasonal employee for accrued, unused paid sick days upon termination, resignation, retirement, or other separation from employment as stated in AB 1522.

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Reporting: Any employee who is unable to report to work due to illness or injury must contact by telephone or other means his or her immediate supervisor as soon as possible or, if unable to reach his or her supervisor, leave a message with the office. The message should give the reason for the absence, the employee's supervisor and the expected date of return. The message must be promptly forwarded to the employee's immediate supervisor.

If an employee becomes sick during the day, the supervisor must be notified before the employee leaves the work site unless it is not possible to do so. Failure to follow these procedures will result in treatment of the day as an unexcused absence and can result in disciplinary action. Sick leave is prohibited for any day the employee would otherwise not have worked.

Physician's Certification: The District reserves the right to require a satisfactory statement of a qualified health care provider whenever an employee misses work due to an illness, injury, or disability. The health care provider's statement should verify that an injury or disability existed, its beginning and ending dates, and/or the employee's ability to return to work without presenting an immediate and significant risk to his or her own health or safety or the health or safety of others. When requested, such verifications and releases may be a condition to receiving sick leave benefits and returning to work.

Illness or injury resulting in an absence in excess of three (3) working days will be required to be verified by a physician's certificate. Although a health care provider's statement normally will not be requested for absences of three or less working days, the District may request such a statement in situations where it determines that it is warranted.

Sick Leave Accrual While Employee is on Leave of Absence: Employees on an unpaid leave of absence will not continue to accrue sick leave.

Sick Leave and Workers' Compensation: Workers' compensation benefits usually do not cover absences for medical treatment and only covers a portion of the employee's weekly salary when a health care provider takes the employee off work. The employee may request the use of accrued sick leave for unpaid absences in an amount equal to the difference between the employee's salary and temporary disability compensation and to cover absences for medical treatment.

Effect of Sick Leave on Overtime: If an employee is off for sick leave, the time off will not be counted as hours worked (even though it is paid as sick time) when determining whether or how much overtime work has been performed during a workweek.

Effect of Change of Employment Status: Employees who have accumulated sick leave and who terminate employment with the District in good standing and who are subsequently re-employed as a regular full-time employee within thirty (30) days, will retain full credit for all accumulated sick leave earned up to the time of termination. Employees converted from full-time status to part-time status will have their accrued sick leave held in abeyance until such time as the employee either returns to full-time status or retires. Upon return to full-time status, the employee's accrued sick leave will be restored. Upon retirement, if the employee has not returned to full-time status at that time, compensation for sick leave accrued during the employee's full-time employment will be paid as set forth below. Under no other circumstances will employees receive credit or reimbursement for accumulated sick leave upon voluntary termination or involuntary termination absent a situation involving retirement or death.

Effect of Retirement or Death: Employees who terminate employment with the District for reasons of retirement or death will be entitled to compensation for one-half of all accumulated sick leave up to a maximum of 144 days. In cases of death, the compensation will be made to the employee's surviving beneficiaries.

Absenteeism and Sick Leave Pay: Employees should not automatically assume that absenteeism is permissible merely because they have sufficient sick pay benefits available to cover all or a portion of their time off. The District may determine that absenteeism is excessive if, based on all the facts and circumstances, it is found disruptive to the District, co-workers or customers. Each case must be evaluated based on the surrounding facts and circumstances. Absenteeism that is determined to be excessive may lead to disciplinary action up to and including the possibility of immediate termination.

FULL-TIME – PAID HOLIDAYS

POLICY: 4-408

Full-time employees will be granted an equivalent of ~~fourteen~~^{twelve} (12) paid holidays per year. The holiday schedule will be recommended annually by the District Manager, approved by the Board of Directors, and distributed to employees upon Board approval.

Full-time employees who, by the nature of duties performed, must work on a designated holiday will receive another day off of his or her choosing and as mutually agreed upon by the employee and supervisor.

Employees on a leave of absence for any reason are ineligible for holiday benefits for holidays that are observed during the period they are on leave of absence.

Medical Insurance: The District provides a comprehensive group medical plan to full-time employees. Employees are covered and have the option to add dependents within the designated monthly contribution or pay the additional difference at his or her option.

In the event of an increase in medical insurance premium rates, all employees may be required to contribute to the cost of increased premiums to retain coverage. Specific details about the medical insurance coverage are included in the new hire insurance packet.

Medical Flexible Benefit Plan (Cafeteria Plan): This plan allows full-time employees to select various types of medical benefits such as dependent care, medical/dental insurance premiums and additional medical/dental expenses and pay for these benefits.

Health Insurance Continuation: Employees and their dependents are eligible to continue their group health plan coverage when there is a “qualifying event” that would result in a loss of coverage. Through COBRA, employees may— through the District and in conjunction with applicable federal and state COBRA laws, regulations, and guidelines— continue health insurance coverage by making any and all required monthly payments to the District for the amount of the applicable premiums. Coverage will remain in effect unless terminated or restricted in accordance with the applicable laws, regulations, and/or guidelines. Details regarding the COBRA rules are presented to employees when they begin participation in the District’s group health plan and, again, when they experience a qualifying event that triggers the right to continue participation in the group health plan. For additional information about your rights and obligations under the Plan and under federal law, you should review the Plan’s Summary Plan Description or contact the Personnel Office.

Another federal law, called the Health Insurance Portability and Accountability Act (“HIPAA”), allows certain individuals to transition from one job to another without losing their health insurance coverage or reducing the amount of time they may be excluded from coverage under a new employer’s health insurance plan. The District complies with its obligations under HIPAA and recognizes coverage that a new employee had under a prior employer’s group health plan to the extent required by the law.

REGULAR PART-TIME/PART-TIME LEAVE

POLICY: 4-410

Part-time leave may be used in the event of illness or injury and/or as paid vacation. Use of part-time leave is prohibited for any hours/days the employee would otherwise not have worked.

Eligibility: Regular part-time employees who work within a regular part-time classification as listed on the Board approved salary schedule and who are hired to work 40 or more hours per bi-weekly pay period on a regular basis are eligible for part-time leave.

Eligibility Period: Part-time leave may not be taken until an employee has completed three months of active service with the District.

Accrual of Part-Time Leave: Part-time leave will accrue to eligible regular part-time employees at a rate of four (4) hours for each eighty (80) hours of service. Part-time employees will not begin to accrue part-time leave until the completion of three months of active service with the District.

Use of Part-Time Leave for Employee's Illness or Injury: An employee can use part-time leave when the employee is unable to report to work due to illness or injury or to attend to an employee's ill child, parent, spouse, domestic partner, or domestic partner's child. In addition, part-time leave can also be used for dentist and doctor appointments and prescribed sickness prevention measures.

Reporting Use of Part-Time Leave For Illness or Injury: Any employee who is unable to report to work due to illness or injury must contact, by telephone or other means, his or her immediate supervisor or leave a message with the office as soon as possible. The message should give the reason for the absence, the employee's supervisor and the expected date of return. The message must be promptly forwarded to the employee's immediate supervisor.

For purpose of this policy, the term "child" means a biological, foster or adopted child, a step-child, a legal ward, or a child of a person standing in loco parentis. The term "parent" means a biological, foster or adopted parent, a stepparent, or a legal guardian. The term "spouse" means a legal spouse, as defined by state law.

When attending to an employee's ill child, parent, spouse, domestic partner, or domestic partner's child, an employee may only use up to one-half of the employee's yearly part-time leave accrual. The use of part-time leave benefits for such family members is

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subject to the same conditions as the use of part-time leave benefits for an employee's own illness.

Physician's Certification: Illness or injury resulting in an absence in excess of three (3) working days will be required to be verified by a physician's certificate. The District reserves the right to require a satisfactory statement of a qualified health care provider whenever an employee misses work due to an illness, injury or disability. The health care providers statement should verify that an injury or disability existed, its beginning and ending dates, and/or the employee's ability to return to work without presenting an immediate and significant risk to his own health or safety or the health or safety of others. When requested, such verifications and releases may be a condition to receiving part-time leave benefits and returning to work. Although a health care provider's statement normally will not be requested for absences of less than three working days, the District may request such a statement in situations where it determines that it is warranted.

Part-Time Leave and Workers' Compensation: Employees who have a work-related illness or injury are covered by workers' compensation insurance. However, workers' compensation benefits usually do not cover absences for medical treatment and only pays a portion of an employee's weekly salary when a health care provider takes the employee off work. The employee may request the use of accrued part time leave for unpaid work related absences.

Scheduling Use of Part-Time Leave for Vacation: The scheduling of part-time leave for vacation must be submitted to the employee's immediate supervisor for approval and should be scheduled so as to cause the least inconvenience to District operations. In order to allow for a well-coordinated schedule, employees should submit proposed vacation plans at least two weeks prior to the first day of the requested leave. The department's schedule determines permissible vacation periods, which employees may need to defer or otherwise adjust accordingly. The District reserves the right to grant, deny, or modify any vacation request.

Maximum Accumulation: In those instances in which an employee fails to take his or her part-time leave within twelve months of accrual, the time may be accumulated up to the maximum of 480 hours.

Rate of Pay: The rate of pay provided an employee during the course of use of part-time leave will be equivalent to that which was otherwise earnable if the leave had not been taken.

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Change of Status from Regular Part-Time to Regular Full-Time: Upon change of status from Regular Part-time to Regular Full-time, accrued part-time leave will be allocated at a rate of 50% each to full-time vacation leave and sick leave.

Termination of Employment: Upon an employee's termination, all part-time leave earned up to the accrual maximum will be paid to the employee.

Absenteeism and Part-Time Leave Pay: Employees should not automatically assume that absenteeism is permissible merely because they have sufficient part-time leave pay benefits available to cover all or a portion of their time off. The District may determine that absenteeism is excessive if, based on all the facts and circumstances, it is found disruptive to the District, co-workers or customers. Each case must be evaluated based on the surrounding facts and circumstances. Absenteeism that is determined to be excessive may lead to disciplinary action up to and including the possibility of immediate termination.



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EQUAL EMPLOYMENT OPPORTUNITY

POLICY: 4-501

The District is an equal opportunity employer and makes employment decisions on the basis of merit, qualifications and competence. District policy prohibits unlawful discrimination based on race, color, creed, gender, religion, marital status, registered domestic partner status, age, national origin or ancestry, physical or mental disability, medical condition including genetic characteristics, sexual orientation, or any other consideration made unlawful by federal, state, or local laws. It also includes a perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful.

The District is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in District operations and prohibits unlawful discrimination by any employee of the District, including supervisors and co-workers.

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact the Personnel Supervisor and request such an accommodation. The individual with the disability should specify what accommodation he or she needs to perform the job. The District will participate in a timely, good faith, interactive process with the disabled applicant or employee to determine effective reasonable accommodations, if any, which can be made in response to a request for accommodations.

The District will conduct an investigation to identify the barriers that interfere with the equal opportunity of the applicant or employee to perform his or her job. The District will identify possible accommodations, if any, which will help eliminate the limitation. If the accommodation is reasonable and will not impose an undue hardship, the District will make the accommodation. By working together in good faith, the District hopes to implement any reasonable accommodations for the known physical or mental disability or known medical condition of an applicant or employee that are appropriate and consistent with its legal obligations.

If you believe that you have been subjected to any form of unlawful discrimination, a written complaint should be submitted to your immediate supervisor or any other

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District supervisor, the Personnel Supervisor or the District Manager. The District emphasizes that an employee is not required to complain first to his or her supervisor if the supervisor is the individual who is discriminating against the employee. The complaint should be specific and should include the names of the individuals involved and the names of any witnesses. If you need assistance with the complaint, or if you prefer to make a complaint in person, you can contact the Personnel Supervisor or the District Manager. The District will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation.

If the District 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 an employee for filing a complaint and will not knowingly permit retaliation by management employees or co-workers.

UNLAWFUL HARASSMENT POLICY

POLICY: 4-502

Tehachapi Valley Recreation and Park District is committed to providing a work environment free of unlawful harassment. District policy prohibits sexual harassment and harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, gender, national origin or ancestry, physical or mental disability, medical condition, marital status, registered domestic partner status, age, sexual orientation or any other basis protected by federal, state or local law or ordinance or regulation. It also prohibits unlawful harassment based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such harassment is unlawful.

The District's anti-harassment policy applies to all persons involved in the operation of the District and prohibits unlawful harassment by any employee of the District, including supervisors and managers, as well as agreement employees, vendors, customers and any other persons.

Prohibited unlawful harassment includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, or comments;
- Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings, gestures, or leering;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis;

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- 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; and
- Retaliation for reporting or threatening to report harassment.

If any employee has any questions about what constitutes harassing behavior, the employee can ask his or her supervisor, a member of management, the ~~Personnel Business Manager Supervisor~~ or the District Manager.

Any employee or other person who believes he or she has been unlawfully harassed should report the facts of the incident or incidents and the names of the individuals involved or names of any witnesses to his or her supervisor ~~or any other district supervisor~~, the ~~Personnel Supervisor Business Manager~~ or the District Manager, as soon as possible after the incident. It would be best to communicate the complaint in writing, but this is not mandatory. The District emphasizes that an employee is not required to complain first to his or her supervisor if the supervisor is the individual who is harassing the employee. Supervisors should immediately report any incidents of harassment to the ~~Personnel Supervisor Business Manager~~ or the District Manager of the District. The District will immediately undertake an effective, thorough and objective investigation of the harassment allegations.

If the District determines that unlawful harassment has 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 will be subject to appropriate disciplinary action, up to, and including termination. With regard to acts of harassment by outside individuals, including customers or vendors, the District will attempt to undertake corrective action upon consultation with the appropriate management personnel. A District representative will advise all parties concerned of the results of the investigation.

Employees will not be subject to retaliation for registering any complaint of unlawful harassment in good faith. The District will not tolerate or permit retaliation by management, employees or co-workers. Employees should feel free to report valid claims without fear of retaliation of any kind.

It is the responsibility of each employee to immediately report any violation or suspected violation of this policy immediately so that complaints can be quickly and fairly resolved. Employees should also be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment in employment. If an employee thinks that he or she has been harassed or has been retaliated against for resisting or

complaining, that employee may file a complaint with the appropriate agency. The nearest office is listed in the telephone book.

WORKPLACE VIOLENCE POLICY

POLICY: 4-503

The District is firmly committed to providing a workplace that is free from acts of violence or threats of violence. In keeping with our commitment, we have established a strict policy that prohibits any employee from threatening or committing any act of violence in the workplace, while on duty, while on District-related business, or while operating any vehicle or equipment owned or leased by the District. This policy applies to all employees, including managers, supervisors, and non-supervisory employees. Without exception, acts and threats of violence are not permitted. All such acts and threats, even those made in apparent jest, will be taken seriously, and will lead to discipline up to and including termination.

Compliance with this policy and the District's commitment to a "zero tolerance" policy with respect to workplace violence is every employee's responsibility. Therefore, employees are required to report any incident which may be threatening to the employee or co-workers or any event which the employee reasonably believes is threatening or violent immediately to their Supervisor or, if they prefer, to any other District Supervisor, the ~~Personnel Supervisor~~**Business Manager** or the District Manager. The reported incident will be investigated and appropriate action will be taken. This may include the imposition of disciplinary action upon any employee who violates this policy, up to and possibly including immediate termination.

A threat includes, but is not limited to, any indication of intent to harm a person or damage District property. Threats may be direct or indirect, and they may be communicated verbally or non-verbally.

If employees become aware of any workplace security hazards or identify methods of increasing security in the workplace, they should report that information to their Supervisor, any other District Supervisor, the ~~Personnel Supervisor~~**Business Manager**, or the District Manager.

The security of facilities as well as the welfare of our employees depends upon the alertness and sensitivity of every individual to potential security risks. The District has developed guidelines to help maintain a secure workplace.

- Be aware of persons loitering for no apparent reason in parking areas, walkways, entrances and exits, and service areas.
- Employees should report any suspicious persons or activities to their supervisors.

- Employees should immediately notify their supervisors when unknown persons are acting in a suspicious manner in or around the facilities.
- Employees should secure their desks, offices or work areas 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 that may be accessible.

Employees are required to report violations of this policy, including any incidents involving actual or threatened violence. They may do so without fear of retaliation of any kind.

ALCOHOL, DRUGS AND CONTROLLED SUBSTANCES POLICY

POLICY: 4-504

The District has an obligation to its employees, its customers, and the public at-large to take reasonable steps to ensure safety in the workplace and safety in the services and venues supplied by the District. With these goals in mind, the District must effectively deal with the problems of alcohol and drug use. Employees who are under the influence of a drug or alcohol while on the job compromise the District's interests, endanger their own health and safety, as well as the health and safety of others. Their actions can cause a loss of efficiency, affect productivity, create a disruptive work environment, and pose risks to our customers and the public.

Problems with alcohol and drug use are everyone's responsibility, including family, District supervisors, and individuals themselves. It is the responsibility of all to recognize that problems with regard to substance abuse exist in our society, and to see that employees with such problems are identified and appropriately disciplined. It is the intent of the District to maintain a workplace that is free of drugs and alcohol and to discourage drug and alcohol abuse by its employees and supervisors.

To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, and to protect its customers, the public at-large, and its own business, property and operations, the District has established this program concerning the use of alcohol and drugs. As a condition of continued employment with the District, employees must abide by this program.

District Consent for Use of Legal Drugs

Use Of Legal Drugs – Prescription and/or Over-The-Counter Medications: The District recognizes that it may be necessary for employees to use legal drugs from time to time. The District also recognizes that the drug might impair an employee who is using legal drugs such that the employee's ability to perform or to perform safely would be

compromised. In order to accommodate employees who might be required to use legal drugs and to help assure that no serious adverse consequences in the workplace result from such drug use, an employee is required to obtain the District's consent under the circumstances listed under "Duty to Disclose," below.

When Consent is Required: If an employee knows or should know that his or her use of legal drugs might endanger the employee or someone else, pose a risk of significant damage to company property, or substantially interfere with the employee's job performance, the employee must report such drug use to his or her supervisor, the ~~Personnel Supervisor~~**Business Manager**, and the District Manager and obtain the District's consent to continue working. The District reserves the right to have a District physician or the employee's own physician determine whether it is advisable for the employee to continue working while taking such drugs.

Duty To Disclose: If an employee operates or is responsible in any way for the operation, custody, or care of District property, or for the safety of any other person, that employee has a duty to disclose the nature of his or her job duties to any prescribing physician and/or to a District physician and to inquire of such physician(s) whether use of the drugs prescribed might result in the dangers, risks, or impairment that this program is intended to prevent.

Restrictions On Work: The District hereby reserves the right to restrict an employee's work activities while the employee is using legal drugs that impair his or her abilities or require that the employee take a leave of absence while taking such drugs.

Duty to Refrain from Working if Impaired: If the District permits an employee to work while he or she is using legal drugs, the employee cannot report for work in any case if he or she is impaired by the use of the drugs if the impairment might endanger the employee's own safety or the safety of anyone else, pose a risk of significant damage to District property, or substantially interfere with the employee's job performance or the efficient operation of the District's business.

Prohibited Conduct

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

- On District premises;
- Conducting or performing District business, regardless of location;
- Operating or responsible for the operation, custody, or care of District equipment or other property, including, but not limited to, any District vehicle or any vehicle used in connection with District business;

CHAPTER 4-500: General Workplace Policies

- Responsible for the safety of others;
- Using the employee's position within the District, or the use of District property or business to make or traffic in intoxicants, illegal drugs and/or controlled substances; and/or
- In possession of, trafficking, or otherwise utilizing intoxicants, illegal drugs, and/or controlled substances in a manner which is detrimental to the interests of this District, its employees, or the public at-large.

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

- Unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol;
- Being under the influence of alcohol; and/or
- Reporting to work under the influence of alcohol.

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

- Use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance;
- Being under the influence of any illegal drug or other controlled substance; and/or
- Reporting to work under the influence of an illegal drug or other controlled substance.

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

- Abuse of any legal drug;
- Purchase, sale, manufacture, distribution, transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with law; and/or
- Working while impaired by the use of legal drug as described above.

Investigation and Testing Programs

Scope: Consistent with the goals expressed above, the concerns of the District, and the prohibited actions set forth above, the District hereby reserves the right to engage in the following activities:

- **Pre-Employment Screening:** From this point forward, any and all individuals filing an employment application may be required to submit to a test for intoxicants, illegal drugs, and/or controlled substances as a condition of obtaining employment.

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- **Incident Testing:** The District reserves the right to require any employee who is involved in an incident or accident which results in either personal injury and/or property damage during the employee's working hours to immediately report to a physician, nurse, medical clinic, laboratory, or hospital designated by the District and thereafter submit to a test for intoxicants, illegal drugs, and/or controlled substances.
- **Suspected Prohibited Conduct:** Where the District has any reason to believe that an employee is violating any aspect of the District's policy against the use of intoxicants, illegal drugs, and/or controlled substances, the employee may be asked by the District to submit immediately to a medical examination and/or test for the presence of intoxicants, illegal drugs, and/or controlled substances.

Consent to Test: Where requested to submit to a medical examination and/or a test for the presence of intoxicants, illegal drugs, and/or controlled substances, the employee will be requested to consent to such search and/or test and agree that the results of such search and/or test can be furnished to and used by the District with respect to disciplinary action taken by the District against that employee.

Cooperation with Investigating Agencies: The District will cooperate with law enforcement agencies in helping prosecute any individual for any legal violations involving the sale or use of any intoxicants, illegal drugs, and/or controlled substances.

Suspension During Investigation: The District hereby reserves the right where it has reason to believe that an employee is violating this Policy to immediately suspend that employee, with or without pay, pending the completion of an investigation and review of such investigation.

Disciplinary Action as it Relates to this Policy

Discharge For Violation Of Policy: A first violation of this Policy may result in immediate discharge depending upon the circumstances of the violation.

Disciplinary Action For Failure To Cooperate In Investigation Or Tests: The District hereby reserves the right to take disciplinary action against any employee, up to and including termination, where an employee refuses to consent to a test for intoxicants, illegal drugs and/or controlled substances, or refuses to cooperate with an investigation of a purported violation of this Policy.

Discretion Not To Discharge: The District, in the discretion of management, may choose not to discharge an employee for a first violation of this Policy or a failure to cooperate in an investigation, or test, if the violation did not:

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- Cause an injury to or endanger the employee's safety or the safety of anyone else.
- Result in significant damage to District property or pose a risk of significant damage.
- Involve the possession of illegal drugs or other controlled substances in quantities greater than for personal use.

If an employee is not discharged for a first violation of this Policy, the employee will receive a final written warning and the District reserves the right to impose additional disciplinary action against the employee, including, but not limited to, suspension without pay.

Effect on Criminal Conviction: If an employee is convicted under a criminal drug statute for a violation, he or she will be deemed to have violated this Policy.

Effect of Discharge on Eligibility for Rehire: If an employee is discharged for a violation of this Policy, he or she will not be eligible for rehire by the District.

Drug-Free Awareness Program

Employee Awareness: The District has established this Policy to help keep employees informed about the dangers of drug abuse in the workplace and to help assure that employees are familiar with this Policy and with the disciplinary actions that can result from a violation of this Policy.

Management Awareness: Management staff should be attentive to the performance and conduct of those who work with them and should not permit an employee to work in an impaired condition or otherwise in violation of this Policy. When management has reasonable suspicion to believe an employee or employees are working in violation of this Policy, prompt action will be taken.

Criminal Convictions: An employee is required by this Policy to notify the District of any conviction under a criminal drug statute for a violation immediately. When required by federal law, the District will notify any federal or state agency with which it has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace.

Unregulated or Authorized Conduct

Customary Use of Over-the-Counter Drugs: Nothing in this Policy is intended to prohibit the customary and ordinary use of over-the-counter drugs, so long as such activity does not violate any law or result in an employee or anyone else being under the influence of drugs in violation of this Policy.

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Confidentiality

Disclosures an employee makes to the District concerning his or her use of legal drugs or participation in any drug or alcohol counseling or rehabilitation program will be treated confidentially.

Counseling/Employee Assistance

The District encourages and will reasonably accommodate employees with chemical dependencies (alcohol or drug) to seek treatment and/or rehabilitation. To this end, employees desiring such assistance should request a treatment or rehabilitation leave. The District is not obligated, however, to continue to employ any person whose performance of essential job duties is impaired because of drug or alcohol use, nor is the District obligated to re-employ any person who has participated in treatment and/or rehabilitation if that person's job performance remains impaired as a result of dependency.

Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency or problem will not automatically be given a second opportunity to seek treatment and/or rehabilitation. This policy on treatment and rehabilitation is not intended to affect the District's treatment of employees who violate the regulations described above. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

DRUG-FREE WORKPLACE POLICY

POLICY: 4-505

Tehachapi Valley Recreation and Park District maintains a drug-free workplace in accordance with the provisions of the California Drug-Free Workplace Act of 1990. The District strictly prohibits the unlawful manufacture, distribution, dispensation, possession, use or being under the influence of any controlled substance in the workplace. Employees who violate this policy will be subject to serious disciplinary action, up to and possibly including immediate termination.

Additionally, whenever any employee operating a District vehicle or piece of motorized equipment has an accident or whenever any employee is subject to job-related injury that results in required medical attention, then testing for drug and alcohol shall be ordered as part of the investigation process.

The District has also established a drug-free awareness program pursuant to the Drug-Free Workplace Act of 1990. It is important that employees understand the dangers of

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drug abuse in the workplace and the employer's policy of maintaining a drug-free workplace. Employees who believe they have a drug or substance abuse problem should be aware of the counseling that is available through their medical insurance provider or an Employee Assistance Program (EAP). The Personnel Office can provide employees with a list of counselors in the area. Every employee must acknowledge receipt of this policy and agree as a condition of employment, to abide by its terms.

SMOKING POLICY

POLICY: 4-506

The District is committed to maintaining a safe and healthful environment for all participants, spectators, and staff involved in District activities and at District facilities.

Ample research exists demonstrating the health hazards of the use of tobacco products, including smoking and the breathing of second-hand smoke. Therefore, in the best interest of the health and safety of employees and the general public, it shall be unlawful for any person to engage in the use of tobacco products of any kind or description as follows: On or within District property as outlined in TVRPD Ordinance 01-10.

The effectiveness of the District's Smoking Policy depends on the thoughtfulness, consideration, and cooperation of smokers and non-smokers alike. Smokers are expected to comply with existing District policy regarding break time. Any conflicts or violations of the policy should be brought to the attention of appropriate supervisory or management authority. Employees who violate this smoking policy will be subject to disciplinary action up to and including termination or referral to a smoking cessation program.

IMMIGRATION LAW COMPLIANCE

POLICY: 4-507

The District is committed to full compliance with the federal immigration laws. These laws require that all individuals pass an employment verification procedure before they are permitted to work. This procedure has been established by law and requires that every individual provide satisfactory evidence of his or her identity and legal authority to work in the United States. Accordingly, all new hires must comply with this procedure upon offer of employment.

FINGERPRINT POLICY

POLICY: 4-508

The District requires that any job offer would be contingent upon a fingerprint clearance.

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This is done to protect Tehachapi Valley Recreation and Park District, its participants and its employees. The purpose is to check the accuracy of certain criminal history information provided on the application. Fingerprints are submitted for criminal record investigation to the Department of Justice. By using this process, the District attempts to identify those who have backgrounds appropriate for employment with the District.

Classes of crimes for which conviction will result in disqualification from employment with the District have been established. Therefore, refusal to submit to fingerprinting will lead to an end of further consideration for employment with the District. If a criminal conviction is revealed that was not disclosed when completing the application, that employee may be terminated. Prior criminal convictions are not a bar from employment, except where required by law or when, in the opinion of the District Manager, the position and the crime are incompatible. Subsequent arrest notifications are received from the Department of Justice for active employees and volunteers of the District.

The information received is used solely by the District. Criminal history information received is not given to any other agency, to the federal, state or local government, or any group within the private business sector unless bound to by a duly issued court order. Reports are destroyed once the District's business need is fulfilled.

An employee is required under the Alcohol, Drug, and Controlled Substance Abuse Policy to notify the District immediately of any conviction for a violation under a criminal drug statute. When required by federal law, the District will notify any federal or state agency with which it has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace.

EMPLOYMENT OF RELATIVES

POLICY: 4-509

Relatives of employees may be eligible for employment with the District only if individuals involved do not work in a direct supervisory relationship. For purposes of this policy, the District defines "relatives" as spouses, children, siblings, parents, in-laws, and step-relatives. Present employees who marry will be permitted to continue to work only if they do not work in direct supervisory relationship with one another.



Chapter 4-600: Compensation

SALARY SCHEDULE

POLICY: 4-601

Following the creation of a job classification plan, the District Manager will prepare a recommended salary schedule for each designated job class to be reviewed and approved by the Board of Directors. Compensation will be assigned to a position in the form of a salary range consisting of a minimum and maximum.

Preparation and Maintenance of Schedule: It will be the policy of this District to prepare and maintain a salary schedule that enhances the ability of the District to attract and retain competent professional personnel, as constrained by budgetary limitations. In creating a schedule conducive to such, the District Manager will, in preparing and recommending a uniform salary schedule or amendments, conduct the following activities in conjunction with the budgeting cycle:

- Re-evaluate job descriptions and classifications;
- Assess the availability of qualified applicants;
- Subsequent to preparing the recommended schedule or amendments, the District Manager will submit the schedule to the Board for official review and adoption during the budget review sessions.

Progression: Progression through the appropriate salary range will be as determined by the pay increase guidelines in effect and as approved by the Board of Directors.

SALARY RANGE ADJUSTMENT

POLICY: 4-602

Whenever deemed necessary for recruitment, administrative, or other purposes, the District Manager may establish and/or change salary ranges within guidelines approved by the Board to fully implement the provisions of these regulations. In most cases, range adjustments involve increases to the salary range. However, downward adjustments are also possible: if the employee's position is reclassified to a lower salary range and the employee's salary is above the maximum rate of the new salary range, the employee's salary rate will be determined by the District Manager.

New Full-Time and Regular Part-Time Employees: Under most circumstances, new employees hired to work within a regular full-time or regular part-time classification will initially be placed below Step 3 of the salary range established for the position class to which he or she is assigned. However, if the District encounters exceptionally difficult recruiting problems or the applicant under consideration has unusually high qualifications beyond those minimally required by the job class, the District Manager may place an individual higher in the range. The employee shall have a merit advancement date that is 12 months following the appointment date.

Reinstated Employees: If a former employee who was employed in a regular full-time or regular part-time position requests reinstatement to the same or similar position, the following conditions for reinstatement will apply:

- Such reinstatement must occur within twelve (12) months from the date of separation;
- The reinstatement must be approved;
- Upon approval of the reinstatement, the employee will be placed at the same salary rate paid when separated;
- If the salary range has increased and the rate paid to the employee at separation is below the salary range, he or she will be placed at Step 1 of the new salary range.

Promotional Employees: Any regular full-time and regular part-time employee assigned to a position as the result of a promotion will be placed in the new position within the salary range for the subject position as determined by the District Manager. The employee shall have a new merit advancement date, which shall be one year from the date of promotion.

Demotion: Demotion is the movement of an employee from one job class to another having a lower salary range. The District Manager may demote an employee, subject to appeal procedures, whose ability to execute the duties and responsibilities of a particular position fall below standard, or for disciplinary purposes. Additionally, an employee may request a demotion. Upon an employee's request and with the approval of the District Manager, demotion may be made to a vacant position. No employee will be demoted to a position for which he or she does not possess the minimum qualifications. If an employee is demoted to a lower position classification, the employee will be placed within the new salary range. Placement within the new salary range will be as determined by the District Manager.

PERFORMING DUTIES OF A HIGHER CLASSIFICATION

POLICY: 4-604

In the event that an employee is required to perform the duties and retain the responsibilities of a class position which is valued with a salary range at least 10% higher than the salary range for the employee's regular position for more than fifteen (15) working days, the employee will receive a 5% adjustment in salary for the time worked at the higher class. The employee shall revert to their prior salary range upon their return to their regular position.

OVERTIME PAY

POLICY: 4-605

It will be the policy of the District that overtime work will normally be unnecessary and that the regular shift assigned will normally be sufficient time to complete assigned duties. However, occasionally, employees may be required to work overtime as necessary to meet deadlines or emergencies. The following regulations will apply in regard to overtime:

- All overtime work must be previously authorized by the supervisor except in extreme emergencies. Failure to obtain supervisor authorization may be cause for disciplinary action.
- Overtime will be assigned to the employee most qualified to complete the job. If there exists more than one qualified employee, overtime will be distributed equitably.

The District provides compensation for all overtime hours worked by non-exempt employees, employees that by the nature of their work are not designated as exempt and who are subject to the overtime provisions of the Fair Labor Standards Act in accordance with federal law as follows:

- All hours worked in excess of 40 hours in a workweek by non-exempt employees will be treated as overtime. Workweeks begin each Saturday at 12:01 a.m. and end on the following Friday at 12:00 midnight.
- Only actual hours worked in a given workweek will apply in calculating overtime. This includes all the time an employee is required to be on duty or on the District premises or at a prescribed workplace. Sick, vacation, and part-time leave are not hours worked, therefore, do not apply in calculating overtime.
- Overtime will occur in one-quarter hour increments.
- Compensation for overtime will be paid at a rate one and one-half times the employee's regular rate of pay.

CHAPTER 4-600: Compensation

- Seasonal employees may not be entitled to overtime considerations beyond receiving the normal hourly rate of pay for each hour worked depending upon position.
- Exempt employees are not covered by the overtime provisions and do not receive overtime pay. Exempt employees may have to work hours beyond their normal schedules as work demands require.
- Employees who voluntarily choose to work occasionally or sporadically in another position with the District on a part-time basis in a capacity different from their regular employment will not have those hours combined with their regular hours for the purpose of determining overtime liability under the Fair Labor Standards Act (FLSA) for state or local government employees.

The District does not have a Compensatory Time Off (Comp Time) Policy and, therefore, does not permit employees to accumulate hours for time off at a later time or to take time off in lieu of receiving overtime pay.

TIMEKEEPING REQUIREMENTS

POLICY: 4-606

Time cards are used as a means of accurately recording hours worked and calculating pay. They record hours worked, overtime, and absences. All non-exempt employees are required to record their hours worked on the time card. Hours worked includes all the time an employee is required to be on duty or on the District premises or at a prescribed workplace. Employees must record their own time. The employee and supervisor must initial any changes on the time card. Recording time and/or altering another employee's time card is not permissible and is subject to disciplinary action. Any errors on an employee's time card should be reported immediately to the employee's supervisor.

The District reserves the right to request that an exempt employee record their time on duty using the time card cover sheet on a periodic basis as needed.

PAYMENT OF WAGES

POLICY: 4-607

- Pay Periods: The District operates under a bi-weekly payroll system. Each bi-weekly payroll period begins at 12:01 A.M. on Saturday and ends two weeks later on Friday at 12:00 midnight.
- Paydays: All employees are paid on Friday, seven days following the end of the pay period. If a payday falls on a holiday, employees will be paid on Thursday preceding the normal Friday payday.

- Paychecks: Payroll checks may be received by mail or direct deposit. Employees choosing to receive pay by direct deposit must authorize such action through the Business Office.

PAYROLL DEDUCTIONS

POLICY: 4-608

As required by Federal and State law, certain deductions will be made from the gross pay of all District employees. These include:

- Federal and State Income Tax and Social Security payments;
- An employee may, at his or her discretion, authorize other deductions as authorized by the District Manager and subject to the rules and regulations established by the Business Office; and
- The District is required by law to recognize certain court orders, liens, and wage assignments. Employees are encouraged to avoid financial transactions that result in wage garnishments.

PAYMENT UPON TERMINATION OR RESIGNATION

POLICY: 4-609

Payment of final wages upon termination from employment, whether the termination is a voluntary or involuntary termination, will occur within 24 hours.

Payment of final wages upon resignation from employment will occur within 72 hours of the last day worked.

District property such as keys, uniforms, and equipment must be returned by each employee prior to or at the time that the final paycheck is provided.



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ORIENTATION

POLICY: 4-701

The District has established an orientation program to help employees make a satisfactory adjustment to their new work situation. Orientation is an introduction to the District, its history, its operations, and various personnel policies. Attendance at one of the regularly scheduled orientation sessions will be arranged during the first 30 days of employment. In addition to the District orientation program, employees will receive orientation from their department head or supervisor regarding their departmental procedures.

WORK SCHEDULES

POLICY: 4-702

The District Office is normally open for business between the hours of 8:00 A.M. and 6:00 P.M., Monday through Thursday; however, department schedules may vary dependent upon division and/or site assigned. The employee's supervisor will assign individual work schedules. Various factors, such as workloads, operational efficiency, and staffing needs may require variations in an employee's starting and quitting times and total hours worked each day or each week. The District reserves the right to assign employees to jobs other than their usual assignments when required.

Exchanging work schedules with other employees is discouraged. However, employees who need to exchange schedules should notify their supervisor, who may authorize an exchange if possible. Work schedule exchanges will not be approved for the mere convenience of an employee or if the exchange interferes with normal operations or results in excessive overtime.

JOB DUTIES

POLICY: 4-703

During the trial period, employees are provided with an explanation of job responsibilities and expected performance standards. Employees should be aware that their job responsibilities might change at any time during employment. From time to time, employees may be asked to work on special projects, or to assist with other work

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necessary or important to the operation of their division or the District. Employee cooperation and assistance in performing such additional work is expected.

The District reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job duties.

MEAL AND REST PERIODS

POLICY: 4-704

Employees are provided with an unpaid meal period at least 30 minutes in length for every five hours of work, to be taken approximately in the middle of the workday. When a work period of not more than six (6) hours will complete the day's work, the meal period may be waived by mutual consent of the District and the employee.

Employees are provided with a paid 10-minute rest period for every four hours of work or major portion thereof. Paid rest periods may not be combined or added to an employee's lunch period.

Supervisors will schedule meal and rest periods to ensure that the employee's position and duties will be covered during those periods. Employees are expected to observe their assigned working hours and the time allowed for meal and rest periods and must be prepared to resume work promptly at the end of their scheduled meal and rest periods. Employees who abuse their meal or rest periods will be subject to disciplinary action.

PUNCTUALITY AND ATTENDANCE

POLICY: 4-705

Employees are expected to report to work as scheduled, on time, and 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 arrival, leaving early in connection with scheduled work times, breaks, or meal periods, or other unanticipated and unapproved absences from scheduled hours are disruptive and must be avoided. Repeated incidents of tardiness or leaving work early may result in disciplinary action, including possible termination.

If an employee is unable to report for work on any particular day, the employee must, under all but the most extenuating circumstances, call his or her immediate supervisor prior to the beginning of the work shift. In all cases of absence or tardiness, employees must provide their supervisor with an honest reason or explanation. Employees also must inform their supervisor of the expected duration of any absence.

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Employees should not automatically assume that absenteeism is permissible merely because they have sufficient sick pay benefits available to cover all or a portion of their time off. The District may determine that absenteeism is excessive if, based on all the facts and circumstances, it is found disruptive to their department, co-workers or customers. Each case must be evaluated based on the surrounding facts and circumstances. Absenteeism that is determined to be excessive may lead to disciplinary action up to and including the possibility of immediate termination.

Furthermore, disciplinary action up to and possibly including immediate termination may be imposed against an employee who is absent for one or more days without proper notice or justification found satisfactory by the District. An employee who fails to report for work without any notification to his or her supervisor, including failure to report for work from an expired leave of absence, and the absence continues for a period of three or more consecutive work days, will be considered to have abandoned his or her job and will be considered to have voluntarily resigned unless a reasonable excuse is offered and accepted by the District.

DRESS CODE & UNIFORMS

POLICY: 4-706

Dress Code: The District prides itself on the professional atmosphere it maintains and the favorable image that employees present as representatives of the District. Employees are expected to observe good habits of grooming and personal hygiene and use their best judgment in determining their appearance and dress, consistent with the District's standards and the positive image and professional atmosphere it wishes to maintain.

Employees are expected to wear clothing appropriate for the nature of our business and the type of work performed. Clothing should be neat, clean, and tasteful. Avoid clothing that can create a safety hazard. Bare midriffs, unduly short shorts, and sagging pants or shorts that expose under garments are prohibited. The District has the discretion to require tattoos and body piercing jewelry, other than earrings, to be covered up. If there are any questions as to what constitutes proper attire within a given department, the supervisor or department head should be consulted. Individual departments may issue more specific guidelines.

With specific regard to facility maintenance employees:

Shirts:

- No evidence of wear on cuffs, collar points, or other places
- Clean and neat at beginning of each work day or shift
- Worn neatly tucked in
- All buttons kept buttoned, except the top button of shirt

Trousers:

- Fit properly with appropriate length
- Show no signs of wear
- Pockets do not bulge

Personal Appearance

- Hair (including facial hair) is neat, clean and well-groomed; style does not detract from wearing hat or interfere with effective communication or safe performance of job
- ~~Long hair must be kept tied back.~~

Personal Items

- Personal rings and watches should not be conspicuous, gaudy or numerous
- Dog tag chains or necklaces not visible
- Campaigning buttons, length of service pins, service club service pins, etc. not worn while in uniform
- Nose rings, posts, etc. not worn with uniform or when on duty
- ~~Earrings limited to buttons, posts, single loops~~
- Sunglasses worn only when necessary (never indoors)
- Glasses with reflective lenses never worn
- No personal item is worn which interferes with safe performance of job.

Uniforms: Certain employees may be required to wear uniforms or safety equipment as a condition of employment for their safety and to enhance their visibility. The supervisor must approve any deviations from these guidelines.

The District will provide the uniforms to employees who are required to wear uniforms. ~~Some uniforms are also laundered and maintained by the District at no cost to the employee. However~~ Employees are responsible for the safekeeping of all uniforms they are furnished.

When an employee's employment terminates voluntarily or involuntarily, the employee must return all uniforms received before he or she picks up the final paycheck. Employees may be asked to sign an agreement that verifies his or her responsibility for any uniforms that are furnished. In the event that an employee does not return any of their assigned uniforms at the time of their separation of employment, the employee will be asked to sign a wage deduction at that time to cover the costs of uniforms which are not returned.

PERFORMANCE EVALUATIONS

POLICY: 4-707

Performance evaluations are an important part of the District's personnel policies. They provide an objective, consistent, and fair way to gauge each employee's on-the-job effectiveness. The evaluation process should inform employees of their standing in the District and communicate expected standards of performance. It is also used to discuss work standards and areas where improvement is needed.

Completed performance evaluations will be used to provide District management and employees feedback in order to recognize good performance, clarify training needs and develop employee potential. They will also serve as supplementary materials in making decisions regarding promotions, pay increases, demotions, layoffs, discharges, re-employment and other such matters. One copy will be placed in the employee's personnel record and retained permanently. All evaluations will be formulated and documented on the appropriate form as issued by the Personnel Office.

Evaluations should be reviewed in a private meeting between employees and their immediate supervisors. The frequency of performance evaluations may vary depending upon changes in job duties or recurring performance problems. Trial period employees will have their work performance evaluated after three months of service, then after six months of service. Regular full-time and regular part-time employees will have their work performance evaluated at least two times per year, generally at six-month intervals. Hourly part-time employees will have their work performance evaluated on an annual basis. Hourly part-time employees who work in a seasonal position will be evaluated at the discretion of the program supervisor. If an employee is transferred or promoted, a performance review will be completed and at the time of the promotion or transfer the employee's review date may be adjusted.

Conducting Performance Evaluations

Completed performance evaluations will be used to provide District management and employees feedback that recognizes good performance, clarifies training needs and develops employee potential. They will also serve as supplementary materials for making decisions regarding promotions, pay increases, demotions, layoffs, discharges, re-employment, and other such matters.

Supervisors should welcome this opportunity to counsel employees, to encourage career development, and to convey their evaluations in a quiet, objective, straightforward manner.

The function represented by the Evaluation is one of the most important responsibilities of any supervisor. It is vital that the evaluation be completed and interpreted to the employee honestly, thoughtfully, and courageously.

The evaluation should be the supervisor's accurate appraisal of the employee's performance. Evaluations:

- Let the employee know how he/she is doing.
- Aim to increase the productivity and efficiency of the employee.
- Improve employee-supervisor communications.
- Give deserved recognition for positive ratings.
- Substantiate in writing negative ratings.
- Provide a written record of performance.
- Provide the basis for justifying or denying merit salary increases.

When Performance Evaluations Are Required: Performance evaluations must be completed as follows:

- At ~~six month annual~~ intervals for regular full-time and regular part-time employees.
- At ~~three months of hire and a final by the sixth month of hire~~ ninety days for trial-period employees.
- Upon changes in job duties.
- For recurring performance problems.
- At the time of separation.
- ~~Annually for hourly part-time employees.~~

~~**NOTE:** With the exception of the Aquatics Program, performance evaluations are not required for hourly part-time employees assigned to a "seasonal" position. Performance issues, however, where an employee would not be eligible for rehire must be documented.~~

Guidelines in Evaluating Employees: Each area evaluated is rated as Outstanding, Above Standard, Standard, or Unsatisfactory.

The following descriptions are provided as guidelines in evaluating employees:

- "Outstanding" is actual performance well beyond that required for the position. It is exceptional or signals performance definitely superior or extraordinary. Few qualify for outstanding.

- “Above Standard” represents performance which is better than that expected of a fully competent employee. It is superior to that which is expected but is not of such rare nature as to warrant outstanding.
- “Standard” is the performance expected of a fully competent employee. It means thoroughly satisfactory and meeting the standards required for the position.
- “Unsatisfactory” performance is inferior to the standards required for the position. It is inadequate or undesirable performance. Work at this level of performance cannot be tolerated.

Performance Plan for the Rating Period

At the time an employee is appointed or promoted to a position, the supervisor should meet with the employee to discuss position responsibilities, the expected level of performance, and specific goals for the rating period.

During the rating period, the supervisor should document any performance issues and address as necessary.

Suggestions for the Evaluation Interview

- Discuss the employee’s strengths first. This helps start the interview off in a positive mode. The goal is to encourage or sustain high quality performance.
- While building on the employee’s strengths, do not fail to discuss his/her weaknesses, an improvement program, and expected date of improvement.
- Clarify reasons why the ratings were given. Use specific examples of performance. Deal with facts, not generalities.
- Make sure the employee knows what is expected of him/her. There may be confusion as to the supervisor’s expectations.
- Ask questions and listen. Allow the employee to express reactions to the evaluation. There may be job issues that prevent the employee from effectively performing his/her job duties.
- Ask the employee for suggestions on how his/her performance can be improved.
- Keep appraisal job-focused (not personal).
- Reassure the employee of your interest in his/her progress. Close the interview with whatever points you intended to cover and make sure they are mutually understood.
- If the employee refuses to sign the performance report, note that fact on the form and initial it. You may point out to the employee that signing the performance report indicates only that he/she has seen the report and not necessarily that he/she agrees with the contents of the report. The employee is welcome to submit a letter of rebuttal for his/her file.

Preparation for Evaluation

- Schedule an appointment for the evaluation interview. Allow sufficient time for a respectfully paced, unrushed meeting. Select a time when you and the employee are not under great pressure.
- Allow for privacy with no interruptions.
- Have clearly in mind your reasons for giving the specific rating and what improvement might be needed if applicable.
- Consider the employee's point of view.
- Have necessary forms or factual information ready.

Evaluation Procedure: Evaluations for trial-period and regular employee are initiated by the Personnel Department in accordance with the employee's hire date or annual date. Evaluations completed at the time of separation or for special reasons originate with the immediate supervisor. The frequency of performance evaluations may vary depending upon changes in job duties or recurring performance problems.

The immediate supervisor most directly familiar with the employee's service during the rating period should complete the evaluation. If the employee has had more than one supervisor during the rating period, other supervisors should be consulted.

The completed Performance Evaluation is sent to the department head, who approves by signing the form. Any changes made in the ratings should be in ink on both copies of the rating form. It should be initialed by the person making the changes and sent to the Personnel Department.

The Personnel Department is responsible for final distribution of the completed evaluation. The original copy is sent to the personnel file and a copy is distributed to the employee/supervisor.

Pay for Performance

The District operates a merit/performance pay system. Advancement to a higher salary within a salary range may be granted to regular full-time and regular part-time employees for efficient and effective performance by the employee. Salary rate increases are not to be considered a right of the employee.

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Upon hire or promotion, after a regular full-time employee or regular part-time employee completes one year of continuous service within a job classification, the employee may be advanced to a higher rate of compensation. Thereafter, advancements to a higher rate of compensation may be recommended annually at the employee's salary anniversary date. Hourly part-time employees are not eligible for merit/performance salary increases.

Failure to complete required training programs by the employee's annual salary anniversary date will result in a delay in the employee's advancement to a higher rate of compensation (if such advancement was recommended) until such time that all required training programs are satisfactorily completed.

Advancement in the salary range will be based on the guidelines in effect at the time of the employee's salary anniversary date and, for regular part-time employees, the number of hours worked during the performance year. Each year as part of the budget process, the availability of funding for salary rate increases will be evaluated and recommendations made in conformance with budgetary guidelines.

Pay Increase Procedure:

- After a regular full-time employee or regular part-time employee completes one year of continuous service within a job classification, the immediate supervisor may recommend a salary increase to be approved by the Department Head and District Manager.
- Salary rate increases will be earned for "Outstanding" and "Above Standard" performance ratings as indicated on the employee's performance evaluation for the rating period. No written explanation is required to justify the merit performance increase.
- The immediate supervisor may recommend a salary rate increase for a "Standard" performance rating, subject to a written justification by the immediate supervisor and approval by the Department Head and District Manager.
- If the overall rating for this period is "Needs Improvement" or "Unsatisfactory," the employee is not eligible for a merit performance increase.

The District operates a merit/performance pay system. Advancement to a higher salary within the limits of the salary range may be granted to regular full-time and regular part-time employees for efficient and effective performance by the employee.

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Salary rate increases are not to be considered a right of the employee. Salary rate increases may be earned for "Above Standard or Outstanding" performance ratings as indicated on the employee's performance evaluation for the rating period. The immediate supervisor may recommend a salary rate increase for a "Standard" performance rating, subject to justification by the immediate supervisor and approval by the division head and District Manager.

Upon hire or promotion, after a regular full-time or regular part-time employee completes one year of continuous service within a job classification, the employee may be advanced to a higher rate of compensation after a performance review and recommendation from the immediate supervisor and division head. Thereafter, advancements to a higher rate of compensation will be recommended annually at the employee's merit advancement date. ~~Hourly part-time employees are not eligible for merit/performance salary increases.~~

In cases where performance issues are identified on the performance review, the District Manager may delay authorizing the merit advancement up to 90 days without affecting the normal merit advancement date in an effort to provide an opportunity to correct performance issues. In such cases, the employee's merit advancement shall be effective the first day of the pay period following the District Manager's authorization. If authorization for merit advancement is delayed beyond six months from the employee's merit advancement date, the employee will not be eligible for a merit increase until his/her next normal merit advancement date.

Advancement within the salary range will be based on the pay increase guidelines in effect at the time of the employee's salary anniversary date and, for regular part-time employees, the number of hours worked during the performance year.

Each year as a part of the budget process, the availability of funding for salary rate increases will be evaluated and recommendations made in conformance with budgetary guidelines.

TRANSFER

POLICY: 4-709

Upon notice to the District Manager, an employee may be transferred at any time by his or her division head from one position to another in a comparable class. For transfer purposes, a comparable class will be one with a salary range not greater than 10%, involving the performance of similar duties and requiring substantially similar qualifications. No employee will be transferred to a position for which he or she does not possess the minimum qualifications. In addition to employee's qualifications, past

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performance and potential of the employee will be evaluated. Should a transfer involve a move from one division to another, both division heads must consent to the transfer prior to the action occurring, unless otherwise ordered by the District Manager. No transfer will be used to effectuate a promotion, demotion, advancement or reduction.

PROMOTION

POLICY: 4-710

Only regular full-time or regular part-time employees who meet the minimum requirements set forth in the position job description are eligible for promotion. In addition to qualifications, promotions shall be based on the past performance, ability, potential and capacity to assume the increased responsibilities of the position. Insofar as is consistent with the best interest of the District, vacancies in the District service will be filled by promotion from within the staff ranks. The District Manager may, at his or her discretion, promote an employee to a position or administer a promotional examination and establish a promotional list. All promotions will be made on the sole basis of merit.

DISTRICT PROPERTY

POLICY: 4-711

Desks, computers, vehicles, equipment, tools, and any other District owned items are the District's property and must be maintained according to District policies and procedures. They must be kept clean and are to be used only for work-related purposes. The District reserves the right to inspect all District property to ensure compliance with its policies and procedures, without notice to the employee and at any time, not necessarily in the employee's presence.

Prior authorization must be obtained before any District property may be removed from the premises. For security reasons, employees should not leave personal belongings of value in the workplace. Personal items are subject to inspection and search, with or without notice, with or without the employee's prior consent.

Terminated employees should remove any personal items at the time they leave the District. Personal items left in the workplace are subject to disposal if not claimed at the time of an employee's termination.

USE OF ELECTRONIC COMMUNICATION DEVICES

POLICY: 4-712

The District believes that employee access to and use of electronic communication resources benefits the District and makes it a more profitable and successful local public

agency. However, the misuse of these resources has the potential to harm the District's short and long-term success.

The District has established this electronic communications policy in an effort to make certain that employees utilize electronic communication devices in a legal, ethical, and appropriate manner.

The District uses various forms of electronic communication devices including, but not limited to telephones, voice mail, e-mail, computers, connections to the Internet, and other internal or external networks. Any other form of electronic communication used by employees currently or in the future is also intended to be encompassed under this policy.

It may not be possible to identify every standard and rule applicable to the use of electronic communication devices. Employees are therefore encouraged to utilize sound judgment whenever using any feature of the communications systems.

Employees shall not use electronic communication devices in an inappropriate manner. Inappropriate use includes, but is not limited to:

- Accessing Internet sites that contain pornography, exploit children, or would generally be regarded in the community as offensive, or for which there is no official business purpose to access.
- Employees may not communicate messages that would constitute sexual harassment, may not use sexually suggestive screen savers, and may not receive or transmit any pornographic, obscene, or sexually offensive material or information.
- Employees may not participate in profane, defamatory, harassing, illegal, discriminatory, or offensive activity or any activity that is inconsistent in any way with the District's policies.
- Internet access is to be used for District business purposes. Employees who have completed all job tasks should seek additional work assignments. Use of the Internet should not interfere with the timely and efficient performance of job duties.
- Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by District management.

The District must retain the right and ability to enforce this policy and to monitor compliance with its terms. While computers and other electronic devices including all software, databases, hardware, and digital files, are made accessible to employees to assist them to perform their jobs and to promote the District's interests, all such computers and electronic devices, whether used entirely or partially on the District's

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premises or with the aid of the District equipment or resources, must remain fully accessible to the District, and, to the maximum extent permitted by law, will remain the sole and exclusive property of the District. All electronic information created by any employee using any means of electronic communication is the property of the District and remains the property of the District.

Employees should not maintain any expectation of privacy with respect to information transmitted over, received by, or stored in any electronic communication device owned, leased, or operated in whole or in part by or on behalf of the District. The District retains the right to gain access to any information received by, transmitted by, or stored in any such electronic communication device, by and through its agents, employees, or representatives, at any time, either with or without an employee's or third party's knowledge, consent or approval.

Personal passwords may be used for purposes of security, but the use of a personal password does not affect the District's ownership of the electronic information. All employees must make passwords known to the District. The District will override all personal passwords if necessary for any reason.

The District Manager must approve any information about the District, its products or services, or other types of information that will appear in the electronic media about the District before the information is placed on an electronic information resource that is accessible to others. Employees are not authorized to create any type of Web site referencing the District.

Employees who violate any aspect of this policy or who demonstrate poor judgment in the manner in which they use any electronic communication device will be subject to disciplinary action, up to and including the possibility of immediate termination.

CELL PHONE POLICY

POLICY: 4-713

District-Owned Cell Phones: District-owned cell phones provided to employees are intended to be used for business purposes only. The District will require employees issued cellular phones to review their monthly usage statement and reimburse the cost for any personal calls (either made or received). The "personal call" reimbursement will be calculated at the cost-per-minute rate in effect at the time of billing, regardless of time of day or weekend use.

Personal Cell Phones: Employees have the option of utilizing the District's Phone Stipend Program. Eligible Full Time employees receive a bi-weekly stipend so that he/she may use their personal device to conduct District business. Under this program, employees are required to maintain their device in good working condition at all times. If found unreachable during work hours, the District reserves the right to revoke stipend allowance.

Personal cell phones may be used by employees during hours of work for essential personal calls or for an occasional personal business call. Essential personal calls are defined as calls of minimal duration and frequency that are urgent in nature and cannot be made at another time or from a different telephone. Examples of essential personal calls are calls to arrange for care of a child or other family emergency, to alert a family member of an unexpected delay due to a change in work schedule, or to arrange for transportation or service in the event of car trouble, etc. To the extent possible, personal cell phone usage should be confined to rest and lunch breaks and in locations such that the conversation is not disrupting to other employees or District business.

~~The use of personal cell phones for District business is unavoidable for certain administrative positions and therefore shall be considered an expense of doing business and reimbursable as such. The Board of Directors will establish the amount of reimbursement. Cell phone reimbursement for approved personnel is a non-substantiated reimbursement that is subject to taxes and the approved amount will be paid in 26 pay periods.~~

Cell phones should be turned off or set to vibration mode during meetings, training sessions or during work hours if the employee's workstation is in close proximity to others.

Cell phones are required to be in full working condition

~~**Text Messaging:** Text Messaging devices shall not be used by employees to communicate with each other during work hours unless specifically authorized for District purposes by a supervisor.~~

Camera Phones: Camera phones shall not be used in situations where any individual may have an expectation of privacy. This includes but is not limited to restrooms and locker rooms.

OPERATION OF VEHICLES

POLICY: 4-714

Employees are expected to operate motor vehicles safely in accordance with all applicable laws. Among other things, these laws prohibit the operation of motor vehicles in excess of applicable speed limits, while under the influence of alcohol, controlled substances, or medications that impair driving abilities, use of cell phone while operating a vehicle, or in any other unsafe manner.

The District is committed to making certain that employees who have driving responsibilities do not place the District, employees, or members of the general public at risk. Only authorized employees may operate vehicles in the course of their employment with the District. Unless management has granted prior permission, District vehicles are not to be used for personal business. District vehicles are also not to be operated by family members, friends, unauthorized employees, or other unauthorized persons. In order to operate a District vehicle or utilize any vehicle on District business all employees must abide by the foregoing conditions and the following additional rules:

Driver's Licenses and Driving Records: Any employee who operates a vehicle in the course of his or her employment with the District must possess a valid driver's license, any and all applicable licenses or registrations for the operation of a particular vehicle, and an acceptable driving record. An acceptable driving record shall be defined as a driving record with five (5) or fewer points. Any adverse change in the status of an employee's driver's license or driving record must be immediately reported to the employee's supervisor, ~~the Personnel Supervisor~~ and the District Manager. Having a driving record that is unacceptable to District management or the District's insurance carrier, or failure to make prompt notification of an adverse change in an employee's driving record or of a license suspension or restriction, may result in loss of driving privileges and/or disciplinary action up to and including termination.

DMV Print Out and Pull Notice: Job applicants and current employees who will be required to drive a District vehicle, must submit a DMV printout prior to driving and complete the DMV Pull notice authorization. The District participates in a system that regularly checks California Department of Motor Vehicles (DMV) records of all employees who drive as part of their job.

Automobile Insurance: Any employee who utilizes his or her personal vehicle in the course of employment with the District must submit proof of automobile insurance for the vehicle being utilized. Any change in the status of an employee's automobile insurance must be immediately reported to the employee's supervisor, the Personnel Supervisor and the District Manager. Failure to make prompt notification of a change to the employee's automobile insurance or provide proof of automobile insurance may

result in loss of driving privileges and/or disciplinary action up to and including termination.

Mileage Reimbursement: Mileage reimbursement for the utilization of private vehicles on District business will be compensated at a rate as approved by the District Manager Board of Directors.

Drugs And Alcohol: Operation of a District vehicle or any other vehicle while under the influence of alcohol or drugs, or while mentally or physically impaired by prescription drugs or other foreign substances, may result in the loss of driving privileges and/or disciplinary action up to and including immediate termination.

Seat Belt: As required by law, and where available, all employees must wear seat belts at all times while operating or riding in any District vehicle or while operating or riding in any other motor vehicle during the course of their employment.

Prohibited Use of Cell Phone While Driving: In the interest of the safety of our employees and other drivers, District employees are prohibited from using cell phones, both business and personal, while driving on District business and/or District time. Under no circumstances should employees place phone calls while operating a motor vehicle while driving on District business and/or District time. If your job requires that you keep your cell phone turned on while you are driving, you must use a hands-free device and safely pull off the road before conducting District business. (The prohibition would not apply to such a person using a wireless telephone or a mobile service device for emergency purposes.) Violating this policy is a violation of the law and a violation of District rules.

Prohibited Use of Cell Phone While Driving for Employees Under 18: A person under the age of 18 years is prohibited from driving a motor vehicle while using a wireless telephone, even if equipped with a hands-free device, or while using a mobile service device. (The prohibition would not apply to such a person using a wireless telephone or a mobile service device for emergency purposes.) Violating this policy is a violation of the law and a violation of District rules.

Prohibited Use of Tobacco Products in or Around District Vehicles: Employees shall not use tobacco products in or around District vehicles per TVRPD Ordinance 01-10.

Damages: In the event of a collision involving property or vehicle damage or personal injury, your supervisor, the Maintenance Foreman/Operations Manager, and the District Manager must be immediately notified. Employees are required to submit to a drug

screen soon after any vehicle accident. Employees who are at fault in a collision may be required to pay all or a portion of the District's cost of repairs or other damages to which the District is subjected, and are subject to disciplinary action up to and including termination.

Condition of Vehicle: Each employee is expected and required to keep their assigned District vehicle in a clean condition, free of debris and excess personal materials. Vehicle shall be cleaned weekly. Cleaning of the vehicle will include exterior, interior, truck bed, wash windows.

Mechanical Condition: Each employee is required to report any and all mechanical problems that they have experienced with a District vehicle to their supervisor or the ~~Maintenance Foreman~~Operations Manager. Vehicle fluids and tire pressure are to be checked weekly.

Vehicle Logs: Employees are to maintain vehicle logs for their assigned vehicle, to include oil changes, transmission service, replacement of air filters, replacement of tires, and all repairs. Employee is to monitor vehicle log, and take vehicle for oil or transmission service according to vehicle maintenance schedule and to fill out a vehicle maintenance request form for other suspected repairs needed. The vehicle maintenance request form is to be turned in to the ~~Maintenance Foreman~~Operations Manager for approval.

The District retains the right to transfer to an alternative position, suspend, or terminate an employee whose license is revoked, or who fails to maintain personal automobile insurance coverage or who is uninsurable under the District's policy.

USE OF PERSONAL VEHICLES

POLICY: 4-715

Only authorized employees or volunteers may operate their personal vehicles in the course of business with the District.

Authorized employees must:

- Possess and maintain a valid California driver's license; and
- Possess any and all applicable licenses or registrations for the operation of a particular vehicle; and
- Submit proof, including any updates, of automobile insurance for the vehicle being utilized; and
- Possess and maintain an acceptable driving record; and
- ~~Be included on the "driver eligibility list" published by the Personnel Office.~~

Rate of Mileage Reimbursements

Mileage for District employees or volunteers will be reimbursed at the IRS rate per mile in effect at the time of business-related travel. Only business-related travel is eligible for reimbursement (does not include travel to and from home). Travel must be by the most direct practical route and verified through a Web-based map calculation ~~such as MapQuest. Only employees or volunteers listed on the "driver eligibility list" are eligible for reimbursement.~~

Reimbursement Process

Claims for mileage must be submitted on forms provided by the ~~Business Office~~ **Business Manager**. Information required includes date(s) of travel, and travel destination(s). The immediate supervisor must approve all claim forms. Prior to approving the claim form, the supervisor must ensure that the employee or volunteer is ~~included on the "driver eligibility list."~~ **an approved driver.**

CONTACTS FROM PRESS OR MEDIA

POLICY: 4-716

The District has established protocols and procedures for dealing with inquiries from outside sources, including any representative of the press or media. Only contact people designated by the District Manager are authorized to comment on District policy or events relevant to the District. Employees may be approached for interviews or comments by the news media. Employees must refrain from answering any questions or providing any information, in written or verbal form, to any representative of the press or media. This includes both on and off the record statements. Violations of this policy are extremely serious and may result in disciplinary action, including the possibility of immediate termination.

EMPLOYEE POLITICAL ACTIVITY

POLICY: 4-717

In accordance with the provisions of Section 3201-3206 of the Government Code, all District employees must adhere to the following regulations:

- Employees must not, directly or indirectly, solicit political funds or contributions, knowingly, from other officers or employees of the District or from persons on the employment lists of the District.
- Employees must not participate in political activities of any kind whatsoever while in uniform, on duty, or on District premises.

OUTSIDE EMPLOYMENT AND OTHER EXTERNAL ACTIVITIES

POLICY: 4-718

Outside employment or an employee serving in an advisory capacity for another organization or serving on the board of an organization will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, or refusal to work different hours. Employees are prohibited from performing any services that involve the unauthorized use of District resources and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during the employee's regular paid work time. If outside work activity causes or contributes to job-related problems, normal disciplinary procedures, if necessary, will be followed to deal with the specific problem. Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination. The determination of adverse effect shall be at the discretion of the District Manager.

EMPLOYEE SUGGESTIONS

POLICY: 4-719

All suggestions are considered by management and evaluated for appropriate action. The District encourages employees to share their ideas regarding improvements and safety with their supervisor or department head either directly or indirectly. Employees who wish recognition for their suggestions should include their name to suggestions. Anonymous entries are also welcome.

SAFETY TRAINING

POLICY: 4-720

One of the primary goals of TVRPD is to provide for the safety and security of all program participants, park patrons, and employees. To achieve this goal, designated employees must complete selected safety training programs. Failure to complete these required training programs by the employee's annual salary anniversary date will result in a delay in the employee's advancement to a higher rate of compensation (if such advancement was recommended by the employee's supervisor based on merit/performance) until such time that all required training programs are satisfactorily completed.

Mandatory Employee Training

Required for:

- Regular full-time employees;
- Regular part-time employees assigned to work within the parks and/or maintenance divisions;
- Employees who work on a regular basis at the District Office;
- Transportation employees; and

- Selected hourly part-time positions

Training Includes:

CPR, AED, and First Aid: Every two years or per agency's expiration date. Certain positions may require additional modules.

Drug and Alcohol Free Workplace: Every two years.

Sexual Harassment Awareness: Every two years.

Defensive Driver's Education: Required every two years by all employees identified on the "Authorized Drivers" list maintained by the Personnel Office Administration Department. (Authorized Drivers have completed the requirements to either operate a District vehicle or their personal vehicle in the course of employment or volunteer service with TVRPD.) Training is required annually for designated driving positions for any authorized driver involved in an "at-fault" accident while driving on TVRPD business within the last two years; and for any authorized driver with a DMV point total of three or more.

Supervisory Training

Additionally, supervisory training is required for any employees with "supervisory responsibilities." This includes any employee having the authority to exercise independent judgment to:

- Direct the work of other employees or adjust their grievances;
- Hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees; or
- Effectively recommend any of these actions.

Additional Supervisory Training Includes

Supervisor's Drug Awareness: Required every two years.

Supervisor's Sexual Harassment Awareness: Required every two years. New supervisors must complete within six months of being hired.

Additional Training

Additionally, training may be required for specific positions.

EMPLOYEE TRAINING AND DEVELOPMENT

POLICY: 4-721

Statement of Policy: It will be the policy of the District to develop maximum competence and efficiency in its employees by creating opportunities for training and growth in areas of official duties and responsibilities. Use of such training avenues as staff meetings, professional conferences and workshops, correspondence and extension courses and in-house manuals should be encouraged. All other factors being equal, priority consideration will be given to training opportunities sponsored by and/or conducted within the District.

Administrative Responsibility: The District Manager will have general responsibility for the supervision and control of all training and development programs, subject to periodic review by the District Board. The District Manager may, from time to time and in accordance with the review authority of the Board, revise, supplement and prescribe additional employee training and development regulations.

Training Objective: Training and development programs will be designed and operated to continually improve public service in park and recreation administration through teaching new skills and operating methods and thorough communication of policies and procedures. All employees will be treated fairly and equitably with respect to the availability of and compensation for training and education.

Budgeting: The District Manager, in cooperation with each division head, will annually prepare budget recommendations for District training and employee development needs. The Board of Directors will review and approve a training and development budget each year as part of the annual budget approval cycle.

Professional Associations, Conferences, Conventions and Meetings: It will be the policy of this District that professional personnel and Board Members may attend recognized professional activities at District expense. The District Manager will approve attendance, subject to budgetary limitations set by the Board of Directors.

~~Continuing Education: The District encourages all of its employees to continue to advance their education. Employees will be permitted to attend the local community college and/or university and to undertake other educational activities when attendance does not hamper the effective performance of District duties.~~

~~With the prior approval of the District Manager, an employee may be reimbursed for costs incurred in purchasing books and paying enrollment fees. Reimbursement will only be given with respect to approved courses completed with a passing grade of "C" or~~

~~better. Proof of such passage may be required. Courses approved will include those particularly useful in furthering an employee's ability to perform his or her duties.~~

~~All materials purchased for the course must be returned to the District upon completion of the course for future use by other District employees.~~

~~**Effects on Promotions:** Any District employee who successfully completes approved training programs will have such accomplishments taken into consideration in filling a District position for which he or she may be a promotional candidate.~~

Professional Development

It is believed that conferences, seminars, meetings and workshops can benefit District board members and employees through educational opportunities and the exchange of philosophies and practices. As such, this policy provides for the payment of actual and necessary expenses related to conferences, seminars, meetings and workshops.

Authorization for Attendance: Attendance will depend upon funding availability and the benefit of the conference, seminar, meeting or workshop to the individual and the District. Attendance will be granted so as not to hamper the conduct of District business.

- Attendance at local seminars, meetings and workshops must be approved, in advance, by the immediate supervisor.
- Attendance at non-local conferences, seminars, meetings and workshops must be approved, in advance, by the District Manager.

Expense Payment: The District will pay for reasonable business related expenses incurred by staff or board member attendance and participation at authorized conferences, seminars, meetings and workshops.

Payment Methods and Forms used to Process Payment for Training and Travel

Employee Expense Claim Form: Employee Expense Claim forms may be used to request:

- A petty cash advance or reimbursement for low-cost registration fees
- A petty cash advance or reimbursement for meal expenses (local training only)
- A petty cash advance or reimbursement for low-cost miscellaneous expenses related to local and non-local training, i.e. parking expenses.

~~**Request for Purchase Form:** Request for Purchase forms may be used to request payment, by check, for local or non-local travel or training registration fees.~~

Bank Card Charges Form: A Bank Card Charges Form must be completed when using District bank cards and may be used to pay for travel expenses as follows:

- Registration fees for local or non-local travel or training

- Meal expense for local training.
- Airfare for non-local travel or training
- Lodging for non-local travel or training
- Telephone calls for non-local travel or training
- Gas for non-local travel or training

~~Travel Per Diem Claim Form: The Travel Per Diem Claim Form must be used to request meal expenses for non-local travel or training.~~

Mileage Claim for Use of Private Car: The Mileage Claim for Use of Private Car must be completed to request reimbursement of mileage for use of a private vehicle for travel and training.

Gasoline Credit Card: When using a gasoline credit card, all expenditure receipts must be forwarded to the ~~Administration Department~~ Business Office or Maintenance Clerk.

Local Seminars, Meetings or Workshops

Local seminars, meetings or workshops are defined as those incurred in a normal workday where the employee or board member does not travel away from the Bakersfield or Kern County area.

Registration: In an effort to minimize costs, registration should be made in advance, when possible, in order to take advantage of special discounts.

- ~~To make cash payment for low-cost registration, employees or board members may request a petty cash advance: Complete the Employee Expense Claim Form, including required supervisor approval signature and a training flyer or brochure (if available) and submit to the Business Office for the advance. Upon completion of training, submit any receipts or records evidencing the expense.~~
- ~~To receive petty cash reimbursement for cash payment for low-cost registration paid by the employee or board member: Complete the Employee Expense Claim Form, including required supervisor approval signature and a training flyer or brochure (if available) and submit to the Business Office for the reimbursement. Submit any records or receipts evidencing the expense.~~
- ~~To make payment for registration by District check: Complete a Request for Purchase form, including division head signature, and submit to the Business Office at least two weeks in advance of training. A flyer or brochure (if available) should be attached to the form documenting the training.~~

- ~~• To make payment for registration using a District credit card: Request and sign for use of a District credit card from the Business Office. Once registered, return the card along with a completed Bank Card Charges form, including division head signature, and submit to the Business Office with a flyer or brochure (if available) attached to the form documenting the training. Any receipts or records evidencing the expense must be attached.~~

Meals: If a local seminar, meeting or workshop occurs during the mealtime and the meal is not provided as a part of the seminar, meeting or workshop, an attending employee or board member may request the following:

- A petty cash advance for meal expense: Complete the Employee Expense Claim Form, including required supervisor approval signature, and ~~submit~~**submit it** to the ~~Business Office Administration Department~~ for the advance. Upon completion of the training, submit a copy of the meal receipt to the Business Office.
- A petty cash reimbursement for meal expenses paid by the employee or Board Member Complete the Employee Expense Claim Form, including required supervisor approval signature, and submit to the Business Office with the meal receipt attached.
- Use of a District credit card for meal expense: Request and sign for use of a District credit card from the ~~Business Office Administration Department~~. Upon completion of the training, return the credit card along with a completed Bank Card Charges form, including division head signature, and submit to the ~~Business Office Administration Department~~ with the meal receipt attached.

Per Diem: Travel costs other than those outlined in this policy shall be paid on the basis of a daily per diem of ~~a daily amount approved by the District Manager~~**\$40 per day**. Per diem may only be used for traveling out-of-district for periods in excess of 24 hours. Expenses covered by this per diem include but are not limited to: all charges for meals, gratuities, valet service, local telephone calls, and other miscellaneous expenses that may be encountered. Receipts for these items should be included with the expense report when submitted. ~~Per diem will be provided as follows: Breakfast—\$10; Lunch—\$10; Dinner—\$20.~~ Subsistence expenses for out-of-District travel of less than 24 hours shall be reimbursed at the actual cost and receipts must be attached to the report when submitted.

Travel: Any employee or board member using a District vehicle for travel purposes must be ~~listed on the Driver Eligibility List for District Vehicles~~**an approved driver of the District**. Any employee or board member requesting mileage reimbursement for use of his or her personal vehicle for travel purposes must be ~~listed on the Driver Eligibility List for Personal Vehicles~~**an approved driver of the District**.

The cost for travel in a private vehicle for business purposes will be reimbursed at ~~the IRS rate~~ rate approved by the District Manager. Travel from home to the office and back home is not reimbursable. Claims for reimbursement of travel costs must be made on the *Mileage Claim for Use of Private Car* form and submitted to the Business Office Administration Department. Odometer readings must be provided. The claim form must include the supervisor's signature.

General Information

In all cases of attendance at local seminars, meetings or workshops:

- The allowable meal expense may not exceed the US Government Services Administration (GSA) rate for the Kern County area, unless documentation is provided that the meal expense for the seminar, meeting or workshop is greater than the GSA rate.
- Tips may not exceed 15% of the cost of the meal.
- Alcohol is considered a non-reimbursable expense.
- Meals consisting solely of employees of the District are considered non-reimbursable expenses, unless otherwise authorized by the District Manager.

Non-Local Conferences, Seminars, Meetings or Workshops

~~Non-local travel/training is defined as attendance at a conference, seminar, meeting or workshop that requires that the employee or board member travel away from the Tehachapi or Kern County area and may include an overnight or more stay.~~

~~**Authorization for Non-Local Travel/Training:** All requests for non-local conferences, seminars, meetings or workshops must be approved by the District Manager. Requestors must submit a memorandum to the District Manager detailing the training, including costs, and signed by division head, accompanied by a training flyer or brochure.~~

~~Employees are not authorized to make training or travel arrangements until the District Manager has approved the training request, as evidenced by an approval signature on the memorandum request. Once the District Manager approves the training request, travel/training arrangements can be made.~~

~~**Registration:** In an effort to minimize costs, registration should be made in advance, when possible, in order to take advantage of special discounts.~~

- ~~To make payment for registration by District check: Complete a Request for Purchase form and submit to the Business Office at least two weeks in advance of~~

training. The approved memorandum request and training flyer or brochure must be attached to the Request for Purchase form.

- To make payment for registration using a District credit card: Request and sign for use of a District credit card from the Business Office. Once registered, return the card along with a completed Bank Card Charges form. The approved memorandum request and training flyer or brochure must be attached to the Bank Card Charges form. Any receipts or records evidencing the expense must also be attached.

Airfare: In an effort to minimize costs, airfare arrangements should be made in advance in order to take advantage of special discounts. Expense for airfare will be based on the prevailing coach fare at the time of travel. Generally, costs for airfare expenses are processed using a District credit card.

Meals: Meals for non-local travel/training will be provided through per diem expenditures. Per diem expenditures for meals are limited to US Government Services Administration (GSA) rates, unless otherwise authorized by the District Manager.

To request a per diem advance, complete a *Travel Per Diem Claim Form* providing meal details accompanied by supporting documents. Meals included as part of the registration fee should be deducted from the daily per diem rate. The *Travel Per Diem Claim Form* should be submitted at least two weeks prior to the travel/training. A check will be issued to the attending employee prior to the event.

Lodging and Telephone Calls: Lodging is limited to what is considered reasonable in the area visited. Additional costs associated with in-room movies, refreshments, etc. will not be reimbursed. Reimbursement will be made for District employees and Board Members only. Employees or board members will be allowed one paid phone call of reasonable length per day.

Lodging and allowable telephone calls are generally charged to a District credit card.

- To make payment for lodging and telephone calls using a District credit card: Upon return from travel/training, return the card along with a completed Bank Card Charges Form, detailing all credit card expenses, including allowable telephone calls. All receipts and records evidencing the expenses must be attached to the form. The division head and Business Director must approve all expenses.

Vehicle Travel: Use of personal vehicles for non-local travel will only be allowed if a District vehicle is not available and must be approved by the District Manager.

CHAPTER 4-700: Employee Policies

~~Any employee or board member using a District vehicle for travel purposes must be listed on the *Driver Eligibility List for District Vehicles*. Any employee or board member requesting mileage reimbursement for use of his or her personal vehicle for travel purposes must be listed on the *Driver Eligibility List for Personal Vehicles*.~~

~~Travel must be by the most direct practical route. The cost for travel in a private vehicle for business purposes will be reimbursed at the IRS rate. Claims for reimbursement of travel costs for use of a private vehicle must be made on the *Mileage Claim for Use of Private Car* form and submitted to the Business Office. Odometer readings must be provided. The claim form must include the supervisor's signature.~~

~~If using a District vehicle, costs for gas are generally charged to a District credit card or gas card.~~

- ~~● Use of District credit card for gas: Request and sign for use of a District credit card from the Business Office. Upon return from travel/training, return the card along with a completed Bank Charge Form detailing all credit card expenses. All receipts and records evidencing the expenses must be attached to the form. The division head and Business Director must approve all expenses.~~
- ~~● Use of District gas card for gas: Request and sign for use of a District gas card from the Business Office. Upon return from travel/training, return the gas card along with all receipts and records evidencing the purchases. Receipts should be initialed by the user with identification of training noted.~~

PERSONNEL RECORDS

POLICY: 4-722

The District is required by law to keep current all employees' names and addresses. Employees are responsible for notifying the District in the event of a name or address change and must notify the Personnel Office or Business Office of such changes.

Employees have a right to inspect certain documents in their personnel files, as provided by law, in the presence of a District representative and as soon as practicable but no later than 21 calendar days from the date of the request. Such requests should be submitted to the Personnel Supervisor, either verbally or in writing. After receiving a request, the Personnel Supervisor will schedule the inspection to occur at a reasonable time. No copies of documents in an employee's file may be made, with the exception of documents previously signed by the employee. Employees who wish to obtain a copy of records may be required to reimburse the District for the actual cost of making the copies. An employee may add his or her comments to any disputed item in the file. Where a former employee makes a request, the individual may be required to provide satisfactory evidence of his or her identity.

The District will restrict disclosure of an employee's personnel file to authorized individuals within the District. Any request for information contained in personnel files must be directed to the Personnel Supervisor. Only the Personnel Supervisor is authorized to release information about current or former employees. Disclosure of personnel information to outside sources will be limited. However, the District will cooperate with requests from authorized law enforcement or local, state or federal agencies conducting official investigations and as otherwise legally required.

EMPLOYEE REFERENCES

POLICY: 4-723

All requests for references must be directed to the [Personnel Supervisor Administration Department](#). No other manager, supervisor or employee is authorized to provide any information regarding current or former employees or volunteers to any outside agency, organization, institution or person who is not employed by the District. An employee who receives a request for any information concerning a past or present employee or volunteer of the District should refer the person making the request to the Personnel Department without engaging in any on or "off the record" conversation about the individual. Requests that should be referred to the Personnel Supervisor include, but are not limited to, requests for verifications of employment, employment references, and requests for comments regarding performance from any outside agency, organization or person.

STANDARD OF INTEGRITY

POLICY: 4-724

An employee is prohibited from using positions of employment within the District to gain an insider's personal advantage for himself, herself or others or to take any action that constitutes the improper influence of others.



Chapter 4-800: Leave of Absence Policies

FAMILY AND MEDICAL LEAVE

POLICY: 4-801

State and federal family and medical leave laws provide up to 12 workweeks of unpaid family/medical leave within a 12-month period, under the following conditions:

- The employee has more than 12 months of service. If the leave is for Family and Medical Leave only, the 12 months of service must have accumulated within the previous seven years. There is no cap under the California Family Rights Act.
- The employee has worked at least 1,250 hours during the previous 12-month period before the need for leave; and
- The employee is employed at a work site where there are 50 or more employees within a 75-mile radius.

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

- The birth of the employee's child, or placement of a child with the employee for adoption or foster care (FMLA/CFRA);
- To care for the employee's spouse, child, or parent who has a serious health condition (FMLA/CFRA);
- To care for the employee's registered domestic partner (CFRA only);
- For a serious health condition which results in the employee's inability to perform his or her job (FMLA/CFRA);
- For any "qualifying exigency" (as defined by federal regulation) because the employee is the spouse, son, daughter or parent of an individual on covered active duty. Covered active duty for a member of the regular Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country. For members of a reserve component of the Armed Forces, covered active duty means duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law.
- ~~An employee who is the spouse, son, daughter, parent, or next of kin of an injured covered service member shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the service member (FMLA only).~~

Calculating the 12-month Period: For purposes of calculating the 12-month period during which 12 weeks of leave may be taken, the District uses a 12-month period

CHAPTER 4-800: Leave of Absence Policies

measured forward from the beginning date of an employee's first family/medical leave. Successive 12-month periods commence on the date of an employee's first use of such leave after the preceding 12-month period has ended. No carryover of unused leave from one 12-month period to the next 12-month period is permitted.

Leave granted under any of the reasons provided by state and federal law will be counted as family/medical leave and will be considered as part of the 12-work week entitlement in a 12-month period.

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 12 weeks of family and medical leave in the designated 12-month period.

For a qualifying exigency or leave to care for a covered service member, the 12-month period begins on the first day of the leave, regardless of how the 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 12-month period.

Pregnancy, Childbirth or Related Conditions: Leave because of the employee's disability for pregnancy, childbirth, or related medical condition is not counted as time used under California law (the California Family Rights Act). Time off because of pregnancy disability, childbirth, or related medical condition does count as family and medical leave under federal law (the Family and Medical Leave Act). Employees who take time off for pregnancy disability and who are eligible for family and medical leave will also be placed on family and medical leave that runs at the same time as their pregnancy disability leave. Once the pregnant employee is no longer disabled, she may apply for leave under the California Family Rights Act, for purposes of baby bonding.

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. California Family Rights Act leave taken for the birth or placement of a child will be granted in minimum amounts of two weeks. However, the District will grant a request for a California Family Rights Act leave (for birth/placement of a child) of less than two weeks' duration on any two occasions. Any leave taken must be concluded within one year of the birth or placement of the child with the employee.

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

Leave for Employee's Own Health Condition: Please contact the [Personnel Office Administrative Department](#) as soon as you realize the need for family/medical leave.

If the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, the employee must notify the District at least 30 days before leave is to begin. The employee must consult with his or her supervisor regarding scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the District. Any such scheduling is subject to the approval of the health care provider of the employee or the health care provider of the employee's child, parent, or spouse. If the employee cannot provide 30 days' notice, the District must be informed as soon as is practical.

If the Family and Medical Leave Act/California Family Rights Act 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.

The District requires the employee to provide certification within 15 days of any request for family and medical leave under state and federal law, unless it is not practicable to do so. The District will require re-certification from the health care provider if additional leave is required. (For example, if an employee needs two weeks of family and medical leave, but following the two weeks needs intermittent leave, a new medical certification will be requested and required.) If the employee does not provide medical certification in a timely manner to substantiate the need for family and medical leave, the District may delay approval of the leave, or continuation thereof, until certification is received. If certification is never received, the leave may not be considered family and medical leave.

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

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

The District will require certification by the employee's health care provider that the employee is fit to return to his or her job. Failure to provide certification by the health care provider of the employee's fitness to return to work will result in denial of reinstatement for the employee until the certificate is obtained.

Leave to Care for a Family Member: If the leave is needed to care for a sick spouse, registered domestic partner, child 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.

Leave Related to Military Service: 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.

Intermittent Leave: Employees may take Family and Medical Leave Act/California Family Rights Act leave intermittently (in blocks of time, or by reducing the normal weekly or daily work schedule) if the leave is for a serious health condition of the employee's child, parent or spouse, or of the employee, and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. Intermittent leave should be scheduled so as to be the least disruptive to the department. The employee should work with the supervisor in determining a time when the leave can accommodate the work schedule. An employee who seeks intermittent leave or leave on reduced-leave schedule because of planned medical treatment may be required to transfer temporarily to a different position, with equivalent working conditions, that accommodates recurring periods of leave better than the employee's regular job.

Employee Notification During Family/Medical Leave: While on a family/medical leave, whether on a leave or on an intermittent leave, an employee is required to furnish the District with periodic reports of his or her status and intent to return to work. If the circumstances of an employee's family/medical leave change and/or the employee is able to return to work earlier than the date indicated, the employee will be required to notify the District at least two working days prior to the date the employee intends to report to work.

Health and Benefit Plans: An employee taking family medical leave will be allowed to continue participating in any health and welfare benefit plans in which he/she was enrolled before the first day of the leave (for a maximum of 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 under Family and Medical Leave Act (e.g., for pregnancy disability leaves, qualifying exigency leave, or to care for a covered service member) or under the Family and Medical Leave Act/California Family Rights Act (e.g., for one's own serious health condition or that of one's spouse, parent or child; or baby bonding) or under the California Family Rights Act (caring for one's registered domestic partner). In some instances, the District may recover from an employee premiums paid to maintain health coverage if the employee fails to return to work following family/medical leave.

Employees on family/medical leave who are not eligible for continued paid coverage may continue their group health insurance coverage through the District in conjunction with the federal COBRA guidelines by making monthly payments to the District for the amount of the applicable premium. Payment is due when it would be made by payroll deduction. Employees should contact the Payroll Coordinator for further information.

Time Accrual: Employees on Family and Medical Leave Act/California Family Rights Act leave will be considered to be on unpaid status and will not continue to accrue vacation, sick leave, or part time leave during unpaid Family and Medical Leave Act/California Family Rights Act leave.

Substitution of Paid Leave: Family and Medical Leave is unpaid unless substituted by paid leave for the following circumstances:

- Accrued sick leave must be used by the employee for the employee's own serious health condition.
- Accrued sick leave may be used only up to one-half of the employee's yearly sick leave for the care of a family member.
- Accrued sick leave may be used for the birth or placement for adoption or foster care of a child if mutually agreed upon by the District and the employee.
- Subsequent to use of accrued sick leave or in the absence of sick leave use, accrued vacation leave must be used for all qualifying events for family and medical leave. Otherwise, family and medical leave is unpaid.
- Accrued part-time leave must be used for all qualifying events for family and medical leave. Otherwise, family and medical leave is unpaid.

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 he or she had been continuously employed rather than on leave. For example, if an employee on family/medical leave would have been laid off had he or she not gone on leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement. In addition, an employee's use of family/medical leave will not result in the loss of any employment benefit that the employee earned before using family/medical leave.

Reinstatement after family/medical leave may be denied to certain salaried "key" employees under the following conditions:

- An employee requesting reinstatement was among the highest-paid 10 percent of salaried employees employed within 75 miles of the work site at which the employee worked at the time of the leave request;
- The refusal to reinstate is necessary because reinstatement would cause substantial and grievous economic injury to the District's operations;
- The employee is notified of the District's intent to refuse reinstatement at the time the District determines the refusal is necessary; and
- If leave has already begun, the District gives the employee a reasonable opportunity to return to work following the notice described previously.

For additional information about eligibility for family/medical leave, contact the Personnel Office.

PREGNANCY DISABILITY LEAVE (PDL)

POLICY: 4-802

An employee is eligible for Pregnancy Disability Leave (PDL) from her first day on the job. However, for the employee to take leave under the California Family Rights Act (CFRA) immediately following PDL, she must have worked at least 1,250 hours in the past 12 months. Pregnancy, childbirth, or related medical conditions will be treated like any other disability.

Any female employee planning to take pregnancy disability leave should advise his or her supervisor and/or the Human Resource Director as early as possible. Employees who need to take pregnancy disability must inform the District when a leave is expected to begin and how long it will likely last. If the need for a leave or transfer is foreseeable, employees must provide notification at least 30 days before the pregnancy disability leave or transfer is to begin. Employees must consult with their supervisor or the

CHAPTER 4-800: Leave of Absence Policies

Personnel Supervisor regarding the scheduling of any planned medical treatment in order to minimize disruption to the operations of the District. Any such scheduling is subject to the approval of the employee's health care provider. If 30 days' advance notice is not possible, notice must be given as soon as practical.

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. Requests for transfers of job duties will be reasonably accommodated if the job and security rights of others are not breached. Temporary transfers due to health considerations 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.

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

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

Duration of the leave will be determined by the advice of the employee's physician, but employees disabled by pregnancy may take up to four months. Part-time employees are entitled to leave on a pro rata basis. The four months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.

Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed.

An employee will be required to use accrued sick time or part time leave during a pregnancy disability leave. An employee may request to use accrued vacation during a pregnancy disability leave, otherwise pregnancy disability leave is unpaid.

Leave returns will be allowed only when the employee's physician sends a release. 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 her same position held at the time the leave began or to an equivalent position, if available. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed.

Health and Benefit Plans in Coordination with PDL and Family/Medical Leave: Taking leave will not result in the loss of any employment benefits accrued prior to when leave commenced. The employee on pregnancy disability leave will be considered to be on unpaid status when not using substituted paid leave. While on unpaid status, vacation, sick, and part time leave do not accrue.

For full-time employees taking a pregnancy disability leave who are eligible under the federal or state family and medical leave laws, the District will maintain group health insurance coverage for up to a maximum of 12 workweeks on the same terms as if the employee had continued to work. Leave taken under the pregnancy disability policy runs concurrently with family and medical leave under federal law, but not family and medical leave under California Law. If you are ineligible under the federal and state family and medical leave laws while on pregnancy disability, you will receive continued paid coverage on the same basis as other medical leave that the District may provide and for which the employee is eligible. In some instances, the District may recover premiums it paid to maintain health coverage for you if you fail to return to work following pregnancy disability leave.

If an employee is on pregnancy disability leave and is not eligible for continued paid coverage, or if paid coverage ceases after 12 workweeks, the employee may continue his or her group health insurance coverage through the District in conjunction with federal COBRA guidelines by making monthly payments to the District for the amount of the relevant premium. Employees may contact the Human Resource Director for further information.

In some instances, the District may recover premiums it paid to maintain health coverage for you if you fail to return to work following pregnancy disability leave.

Pregnancy, childbirth, or related medical conditions will be treated like any other disability.

STATE DISABILITY AND PAID FAMILY LEAVE INSURANCE

POLICY: 4-803

State Disability Insurance (SDI) is an insurance program designed for employees who are unable to work because of sickness, injury, or pregnancy. Paid Family Leave (PFL) is an insurance program designed for employees who are absent from work to care for a seriously ill or injured family member or to bond with a minor child within one year of the birth or placement of the child in connection with foster care or adoption.

These State programs are paid for entirely by employee contributions through a payroll tax withheld from the employee's earnings.

WORKERS' COMPENSATION LEAVE

POLICY: 4-804

The District provides workers' compensation insurance coverage, as required by law, to protect employees in case of a work-related injury. A work-related injury is an illness or injury to a District employee arising out of the course and scope of employment.

The objective of the workers' compensation program is to bring about the employee's expedient recovery and return to productive work.

The insurance provides medical, surgical, and hospital treatment in addition to payment for loss of earnings that result from work-related injuries.

Specifically excluded may be those illnesses or injuries arising out of intentionally negligent behavior or misconduct and injuries sustained while in violation of federal, state, or local laws.

Employee Responsibilities: To ensure that employees receive benefits to which they may be entitled, employees need to:

- Immediately report any work-related injury to their supervisor and/or the Personnel Office;
- Complete the Employee's Claim Form (DWC Form 1) provided to the employee upon their notification to their supervisor or the Personnel Office of a work-related injury, and return it to their supervisor or the Personnel Office within 24 hours;
- Seek medical treatment and follow-up care if required;
- Provide the District with a Physician's Work Status Report, regarding the need for modified duty or leave, as well as the employee's eventual ability to return to work from the leave.

Employees who are injured in a work-related incident will be referred to a District-approved medical facility for medical treatment, unless prior to a work-related injury the District has received from the employee a written notice that the employee wishes to be treated by his or her own physician.

Waiting Period: Compensation payments begin after the third day an employee is absent from his or her duties following a work-related injury, unless the employee is hospitalized, at which time, workers' compensation payments will begin.

In order to minimize the hardship incurred during the waiting period, any full-time or regular part-time employee who is absent due to a work-related injury will be granted a waiting period leave of absence with pay on any day the employee is regularly scheduled to work, not to be deducted from the employee's accumulated sick leave or part-time leave. The absence should be recorded as Administrative Leave with pay. If the employee receives any compensation for the waiting period under the workers' compensation insurance laws, the employee must reimburse the District for the amount received by the employee for the waiting period leave.

Use of Accrued Sick Leave, Vacation Leave and/or Part-Time Leave: If a District employee is disabled from working due to a work-related injury and is receiving temporary disability compensation beyond the waiting period, the employee may, at his or her option, use accrued sick leave or part-time leave in an amount equal to the difference between the employee's salary and temporary disability compensation. In the event of a long-term illness or disability covered by this section, a full-time employee may, at his or her option, use accrued vacation leave subsequent to exhausting all accrued sick leave. The employee may request the use of accrued leave for unpaid work-related absences for medical treatment.

Physician's Certification: No employee will be entitled to a leave of absence with pay as provided within this policy, unless the employee is actually incapacitated and unable to perform his or her duties as a result of a work-related injury. Incapacitation must, in all cases, be supported by a health care provider certification.

Return to Work: All employees returning from a workers' compensation leave must provide a Physician's Work Status Report indicating the employee is able to return to work. Under most circumstances, the employee will be reinstated to his or her same position held at the time the leave began, or to an equivalent position, if available. An employee returning from a leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave.

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

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Coordination with Family and Medical Leave: In some cases, family and medical leave laws may cover an employee on workers' compensation disability leave. In such cases, leave taken under workers' compensation runs concurrently with family and medical leave.

Fraudulent Claims: The law requires the District to notify the workers' compensation insurance company of any concerns of false or fraudulent claims. The District will investigate all questionable workers' compensation claims. Any person who makes or causes to be made any knowingly false or fraudulent material statement or material misrepresentation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony and will be referred to the Bureau of Fraudulent Claims and the District Attorney's office.

PERSONAL LEAVE OF ABSENCE

POLICY: 4-805

The District Manager may grant any regular full-time or regular part-time employee a leave of absence without pay or service credit for a period not to exceed three (3) months. After three (3) months, such a leave may be extended upon an authorization granted by the District Manager.

Such leave of absence may be taken only after all accumulated vacation or part-time leave has been exhausted. If the leave of absence is for medical reasons, then all accumulated sick leave time must also be exhausted before a leave of absence can be granted.

Employees will not accrue benefits available to regular employees of the District during an unpaid leave of absence. Vacation, sick, and part-time leave will not accrue. Holiday pay will not be provided to employees during a personal leave of absence.

A personal leave of absence must be requested in writing. The request must include the reason for the request and the amount of leave being requested.

Reinstatement from a Personal Leave of Absence: Upon returning from a personal leave of absence, the employee will be offered the same position held at the time the leave began, if available. If the former position is not available, a comparable position will be offered. If neither the same nor a comparable position is available, the employee's return to work will depend on job openings existing at the time of the employee's scheduled return. The District makes no guarantees of reinstatement and the employee's return will depend on his or her qualifications for existing openings.

PAID BEREAVEMENT LEAVE

POLICY: 4-806

In accordance with California Law, the District grants leaves of absence to employees in the event of the death of the employee's current spouse, child, parent, brother, sister, grandparent, grandchild, mother-, father-, sister-, brother-, son-, or daughter-in-law, legal guardian or any other person who is a legal dependent of the employee. An employee may take up to ~~three consecutive scheduled 40 hours workdays, either consecutively or intermittently,~~ with the approval of the District. However, the leave must be completed within three months of the date of death of a family member. The employee's supervisor may approve additional time off.

~~Bereavement leave is unpaid. The District will allow employees to use any accrued sick leave or part-time leave during bereavement leave. Upon exhausting accrued sick leave, regular full-time employees may use accrued vacation leave.~~

JURY DUTY AND WITNESS LEAVE

POLICY: 4-807

The District is cognizant of the fact that employees may, from time to time, be summoned and retained for witness or jury duty and supports the fulfillment of this civic responsibility.

Employees should notify their supervisor of the need for time off for witness or jury duty as soon as a notice or summons from the court is received. Employees may be requested to provide written verification from the court clerk of performance of jury service.

If work time remains after any day of jury selection or jury duty, employees will be expected to return to work for the remainder of the work schedule.

Any regular full-time employee who is selected for witness or jury duty from which he or she may not be excused, may be granted a leave of absence with pay, provided any compensation received (excluding mileage compensation) is deposited with the Business Manager Payroll Coordinator. Failure to deposit said compensation will result in a forfeiture of all compensation otherwise granted by the District as provided within this policy.

Regular part-time employees selected for witness or jury duty may utilize accrued part-time leave, otherwise leave of absence will be unpaid. Hourly part-time employees selected for witness or jury duty will receive a leave of absence without pay.

MILITARY SERVICE AND MILITARY SPOUSE LEAVE

POLICY: 4-808

Military Leave: A military leave of absence will be granted to an employee who volunteers or is ordered into active military duty as described by the California Military and Veterans Code. An employee must submit written verification from the appropriate military authority. Upon notification of a call to active service, an employee should contact the Personnel Supervisor who will take the necessary steps to place the person on military leave of absence.

An employee on military leave, other than temporary military leave of absence, who has been in District service for a period of not less than one year immediately prior to the date on which the absence begins, will be entitled to receive his or her salary for the first 30 calendar days while engaged in the performance of ordered military leave.

An employee who returns from a military leave of absence and provides the District with a certificate of satisfactory completion of service, applies for reinstatement within the time period allowed by law, and is qualified to perform the duties of the position will be reinstated to his or her former position. If the position no longer exists or the employee is not qualified to perform the duties of the job, the employee will be reinstated to a vacant position for which he or she is qualified.

Military Spouse Leave: Employees who work more than 20 hours per week and have a spouse in the Armed Forces, National Guard or Reserves who have been deployed during a period of military conflict are eligible for up to 10 unpaid days off when their spouse is on leave from military deployment.

Employees must submit a request for this leave in writing to their supervisor or the Personnel Supervisor within two business days of receiving official notice that their spouse will be on leave. Employees requesting this leave are required to attach to the leave request written documentation certifying the spouse will be on leave from deployment.

SCHOOL VISITATION LEAVE

POLICY: 4-809

As required by state law, an employee may take time off to attend school disciplinary actions or other school activities.

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An employee who desires a school visitation leave of absence must notify his or her supervisor, in writing, of the desire for such a leave as soon as possible, and must obtain supervisor permission, in writing, before utilizing the requested leave.

School Disciplinary Action: An employee who is a parent or guardian of a child who has been suspended from school may take time off if he or she needs to appear at the school in connection with the suspension. The employee is required to give reasonable notice of the request.

School Activities: An employee who is the parent or guardian of a child in grades K-12, or attending a licensed day care facility, may take up to 40 hours off per calendar year for the purpose of participating in activities of the school or licensed day care facility.

An employee wishing school visitation leave is required to utilize any earned and available vacation or part-time leave. If such leave is not available, the employee may take time off without pay. The District may require written documentation as proof of attendance at a school activity that includes the specific date and time of activity. This type of leave is limited to eight hours per month during the school year.

VICTIMS OF CRIME LEAVE

POLICY: 4-810

Any absence from work to attend judicial proceedings will be unpaid, unless the employee chooses to take paid time off, such as accrued sick or vacation or part-time leave. This privilege will be available to employees who are victims of a violent or serious felony, as defined by law, or a felony involving theft or embezzlement. It will also be available to immediate family members of victims of such crimes. For purposes of this policy only, the term, "immediate family member" means spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, stepfather, registered domestic partner or child of a registered domestic partner.

Before the employee is absent for such reason, the employee 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.

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TIME OFF FOR VOTING

POLICY: 4-811

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

The time off for voting shall be only at the beginning or end of the regular working shift, whichever allows the most free time for voting and the least time off from the regular working shift, unless otherwise mutually agreed. When possible, an employee requesting time off to vote shall give his or her supervisor at least two ~~days notice~~day's notice.

OTHER LEGALLY REQUIRED ABSENCES

POLICY: 4-812

Employees will be granted other legally mandated leaves of absence that allows for an absence from work; however, unless mandated by statute or law, such leave will be without pay. An employee may elect to utilize accrued vacation (in the case of full-time employees) or accrued part-time leave (in the case of regular part-time employees)



Chapter 4-900: Discipline and Grievance

As an integral part of ~~an operating team~~the District, each ~~District~~ employee is expected to project a professional, respectful and caring attitude. It is essential that each employee's conduct be above reproach. Failure or inability to perform in a conscientious manner is not conducive to effective public service and may be subject to disciplinary action.

RULES OF CONDUCT

POLICY: 4-901

The District requires order and discipline to succeed and to promote efficiency, productivity, and cooperation among employees. Employees are expected to observe certain standards of job performance and good conduct. An employee's conduct is expected to reflect a positive attitude toward the District, the importance of productive and quality work, an awareness of the rights of others, and an appreciation for the authority of management.

When performance or conduct does not meet acceptable standards, the District will endeavor, when it deems appropriate, to provide the employee a reasonable opportunity to correct the deficiency. If, however, the employee fails to make a correction, he or she will be subject to discipline up to and including termination.

It is not possible to provide employees a complete list of every possible type of disciplinary offense. The rules set forth below are intended to provide employees with fair notice of what is expected of them and to provide employees some guidance concerning unacceptable behavior. Therefore, employees should be aware that conduct not specifically listed below, but which adversely affects or is otherwise detrimental to the interests of the District, other employees, or its customers, may also result in disciplinary action.

The following are some examples of types of conduct that are considered impermissible. Employees who engage in any misconduct or whose performance is unsatisfactory may be subject to disciplinary action, up to and possibly including immediate termination:

- Below-average or unsatisfactory work quality or quantity;
- Poor attitude (for example, rudeness or lack of cooperation);
- Excessive absenteeism or patterned absences on a recurring basis, tardiness or abuse of break and lunch privileges, failure to obtain approval to leave work early

or failure to notify the supervisor in advance of an anticipated tardiness or absence;

- Failure to follow instructions, District procedures, or follow established safety regulations;
- Failing to attend all mandatory scheduled or called meetings unless there is a valid reason why the employee cannot attend;
- Insubordination or improper conduct toward a supervisor or refusal to perform tasks assigned by a supervisor in the appropriate manner or other disrespectful conduct to a supervisor;
- Theft;
- Improper use of District funds or money;
- Misusing, destroying or damaging property of the District, a fellow employee, a customer or a participant;
- Dishonesty;
- Improper use of job position for personal gain;
- Disclosing or using confidential or proprietary information about the District, participants, and staff without authorization;
- Falsifying or altering any records, including time cards or an application for employment;
- Allowing personal visitors to interfere with the employee's work;
- Failing to limit personal telephone calls that may interfere with an employee's work;
- Interfering with the work performance of others;
- Possessing or bringing dangerous or unauthorized materials, such as explosives, firearms, weapons, alcohol, illegal drugs, chemicals, or other similar items on or to District property;
- Violation of common sense, safety or health rules or practices, carelessness or negligence when performing duties, or engaging in conduct that creates a safety or health hazard;
- Altercations, fighting on District property, actual or threatened physical violence;
- Discourtesy;
- Behavior that is offensive to other employees including abusive or vulgar language;
- Sexual harassment or other unlawful harassment, whether verbal, physical or visual, to employees or customers;
- Being under the influence of, manufacturing, dispensing, distributing, using, possessing or selling, alcohol, illegal or controlled substances while on District property, while on duty or conducting District business, or while operating a vehicle or potentially dangerous equipment leased or owned by the District;
- Sleeping while on duty;

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- Being convicted of a crime that indicates unfitness for the job or raises a threat to the safety or well-being of the District, its employees, customers, or property.

DISCIPLINE

POLICY: 4-902

The District reserves sole discretion as to the manner and level of disciplinary action that may be taken with respect to a violation of the standards of conduct addressed herein, as well as any other action requiring discipline. Within the context of its discretion, the District may engage in verbal counseling, verbal warnings, written warnings, suspension, reduction in pay, demotion and discharge, as related to any specific incident. While discharge for some form of warning will ordinarily precede violations of the conduct standards, certain incidents will result in an employee's immediate discharge/termination. The District reserves the right to proceed directly to termination for misconduct or performance deficiency, without prior disciplinary steps, when it alone deems such action appropriate.

Notice of Disciplinary Action: When the discipline to be imposed involves suspension, reduction in pay, demotion or discharge, full-time and regular part-time employees will receive a written notice of intended disciplinary action prior to any disciplinary action being taken. The written notice will state the proposed action, the reason for the action, the charges and materials upon which the action is based and will inform the employee regarding appeal procedures. The written notice will be delivered to the employee in person or by registered mail.

Should the District Manager believe that a genuine emergency situation exists which requires that an employee be discharged without delay, the District Manager may proceed to immediately suspend an employee without pay pending completion of the appellate process. In all such situations the District Manager will be required to fully document the reasons for invoking this extraordinary process. In the event that it is determined upon appeal that the employee is not subject to termination, and that the suspension without pay was unwarranted, the employee shall be entitled to an award of back pay for the period of any such suspension (other than any period of suspension which the Board may impose as part of any disciplinary action).

Appeals on Disciplinary Actions: A non-trial period employee who disputes that cause existed to impose the discipline of: 1) suspension without pay; 2) reduction in pay; 3) demotion; 4) discharge, or 5) claims that discipline of these types was imposed in violation of the state or federal statute prohibiting discrimination in employment, shall be entitled to file an appeal under the procedures set forth in this section.

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This section shall also apply to a trial period employee who claims that employment was terminated during or at the end of the trial period due to discrimination in violation of any federal or state law prohibiting discrimination of employment.

A trial period employee shall also have the right to obtain a hearing where he or she is dismissed before the end of the trial period and said dismissal could serve to stigmatize the employee, impair his or her ability to earn a living elsewhere, or otherwise damage the employee's reputation. However, that nature of the appellate rights held by a trial period employee under any such circumstance will be limited in scope. A trial period employee shall otherwise have no right to appeal under this section.

Method of Appeal: A person suspended, reduced in pay, demoted or discharged may appeal such action by filing a written appeal with the District Manager. The written appeal must be filed within five (5) working days after receiving the disciplinary action notice. The written appeal should include an explanation of the disciplinary action, the action desired by the employee and the reasons for the desired action. Upon receipt of the appeal, the District Manager will investigate the circumstances of the disciplinary action. The formality of a legal pleading will not be required.

Notice of Hearing: Upon the proper filing, the District Manager will set a date for a hearing on the appeal. The date will not be less than ten (10) calendar days, nor more than sixty (60) working days from the date of filing. The District Manager will notify all interested parties of the date, time and place of the hearing by the Board of Directors. The notice shall be sent at least ten (10) working days prior to the hearing date.

Employees who are subject to termination proceedings for whom the District Manager has elected to uphold the termination decision at the first level of review shall thereafter be suspended without pay pending the final appeal hearing. In the event the decision by the Board does not impose a lesser disciplinary action, the employee will be entitled to back pay for the period of any suspension that was not part of the final disciplinary action.

Conduct of Hearing: The appellant must appear personally, unless physically unable to do so, before the Board of Directors at the time and place of the hearing. He or she may be represented by any person or attorney as may be selected, providing that written notice is given to the District Manager of the person(s) representing the appellant prior to that hearing. Said representative may produce any and all relevant oral and documentary evidence on the appellant's behalf.

The District's case will be presented first and upon conclusion, opposition matter may be presented by the appellant. Rebuttal matter that is not repetitive may then be allowed at

the discretion of the Board. Cross-examination of witnesses will, in all cases, be permitted.

The conduct and decorum of the hearing will be controlled by the Board Chairperson, with due regard to the rights and privileges of the parties appearing. Hearings need not strictly adhere to legal evidentiary rules relating to the introduction of evidence and the testimony of witnesses. The hearing will be closed to the public, unless the appellant requests an open hearing in writing. Witnesses who are testifying may be excluded from the hearing room during the testimony given by other witnesses.

Findings and Resolutions: Following the close of the formal hearing session, the Board of Directors will, within ten (10) working days, certify in writing its findings and decisions. Said certification may, upon just cause, affirm, revoke, or modify the action(s) under contest. In addition, any dissenting member(s) will retain the right to include in this document a minority opposition opinion. The decisions of the Board majority will be final and definitive. The document specifying the findings and decisions will be forwarded to all parties involved in the case for final disposition.

Discipline Directive

It is imperative that District employees operate under established rules and procedures at all times, and, when they don't, that disciplinary actions be fairly and consistently administered.

It is essential that District supervisors discipline in a fair, consistent, and nondiscriminatory manner. All supervisors must follow a uniform procedure to inform employees of behavior that is contrary to standards established by the District. In all cases, it shall be determined what has taken place and the reasons why, prior to disciplinary action being taken.

Instances where discipline is not consistently applied can lead to claims of discrimination, preferential treatment, and unfairness. One method of reducing the possibility that such claims will be valid is the use of a form that requests proper information.

Documentation of Disciplinary Action: In all instances where disciplinary action is taken, either verbal or written, it shall be the duty of the supervisor to document the violation and disciplinary action and forward it to the Personnel Office Administration Department.

The following steps should be used in documenting an employee behavior problem that warrants discipline:

- Complete employee's information;
- Identify disciplinary action being taken;

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- **Performance Problem or Misconduct:** the conduct, behavior or statements that led to the disciplinary action (as well as when and where they occurred);
- **Prior Record of Counseling:** document prior counseling for any similar incidents;
- **Disciplinary Action Taken:** document the type of discipline recommended for this incident;
- **Corrective Action Plan:** the type of response or action the supervisor expects of the employee, including any corrective action, change in behavior, and the amount of time for the employee to correct the performance problem or misconduct, and the consequences that will occur if the employee does not correct the issue.

Discipline for behavior problems exhibited by employees can be taken in steps:

- **Verbal Reprimand:** The employee receives an oral warning pointing out the infraction that his or her behavior is not acceptable and that correction is expected. This warning is documented on the discipline record.
- **Written Reprimand:** A written statement is entered on the Discipline Record documenting that an employee's behavior is below standard, that correction is expected, and what action will be taken if the behavior is not corrected.
- **Suspension, Demotion, Dismissal:** Disciplinary action taken that affects the work status of an employee.

Steps one and two can be eliminated for serious behavior problems. Please consult with the [Personnel-Immediate Supervisor](#) or District Manager to determine the appropriateness of your recommended action.

This policy will result in the consistent application of corrective action by supervisors.

GRIEVANCE PROCEDURE

POLICY: 4-903

The District is committed to maintaining a positive and pleasant environment in which to work. Employees who encounter work-related problems are encouraged to discuss the problems with his or her immediate supervisor or department head as soon as possible. Every effort should be made to find an acceptable solution by informal means at the lowest possible level of supervision. If the problems are not solved to the employee's satisfaction at the department level, the employee may file a written grievance with the [Personnel-DepartmentAdministration Department](#).

A grievance is any dispute concerning the interpretation or application of a written agreement, policy, rule, regulation, procedure or order of the District that adversely

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affects the employee. Other matters for which a specific method of review is provided are not grievances.

Employees who wish to initiate the District's grievance procedure must follow the steps listed below. The steps must be followed in the appropriate order. In addition, employees must comply with the time limitations provided in this policy.

If the grievance is not settled at an informal level:

1. **Immediate Supervisor:** The employee shall prepare a written grievance and present the grievance to the immediate supervisor within fifteen (15) working days following the occurrence of the grievable act or omission. The supervisor shall attempt to resolve the grievance and respond in writing within ten (10) working days after receiving the grievance.
2. **Department Head:** If the employee is not satisfied with the response from the immediate supervisor, he or she may present the grievance in writing to the appropriate department head within five (5) working days from receiving the response from the immediate supervisor. The division head shall attempt to solve the grievance and respond in writing within ten (10) working days after receiving the grievance.
3. **District Manager:** If the employee is not satisfied with the response from the division head, he or she may present the grievance to the District Manager within five (5) working days after receiving the response from the division head. The District Manager shall resolve the grievance and respond in writing. Decisions by the District Manager on issues covered by this section will be definitive and authoritative.

Grievances not appealed by the employee within the prescribed time limit will be considered settled. Grievances not responded to by management's representative within the prescribed time limits may be appealed to the next level. However, time limits may be extended at any level by mutual agreement of the parties. Any level may be waived by mutual agreement of the parties. The employee may be assisted or represented in preparing or presenting the grievance by a representative of his or her choice. If the statement of the grievance or the remedy sought is modified at any level, the grievance will be returned to the informal level and reprocessed, unless the parties agree otherwise.

Employees will be assured of freedom from reprisal for using the grievance procedure. No employee will be discriminated or retaliated against because the employee has elected to use this procedure.

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This policy does not apply to claims involving sexual or other forms of unlawful harassment. Such claims should be reported immediately to management pursuant to the District's policy against unlawful harassment. It will be addressed in accordance with the provisions of the policy.

VIOLATION OF PROVISIONS

POLICY: 4-904

Any violation of the provisions contained within these policies and procedures may be grounds for immediate disciplinary action including rejection, suspension, demotion and discharge.

Employees who are terminated due to workplace conduct violations are considered ineligible for rehire. Employees who were classified as "ineligible for rehire" will not be considered for further employment with the District.



Chapter 4-1000: Miscellaneous Policies

TERMINATION

POLICY: 4-1100

Voluntary Termination: The District will consider an employee to have voluntarily terminated his or her employment if an employee does any of the following:

- Elects to resign from the District;
- Fails to return from an approved leave of absence on the date specified by the employee or the District; or
- Fails to report for work without notice to the District for three consecutive days.

In all cases, the supervisor must notify the [Personnel Administration](#) Department as soon as possible of an employee's voluntary termination. If the employee did not submit a written notice of resignation, the supervisor must provide details of why the employee quit without notice.

Involuntary Termination: An employee may be terminated involuntarily for reasons that may include poor performance, misconduct, or other violations of District rules of conduct. Notwithstanding any list of rules, the District reserves the right to discharge any employee under appropriate circumstances not otherwise addressed specifically under Rules of Conduct.

Full-time and regular part-time employees will receive a written notice of proposed termination prior to any action being taken. The written notice will state the reason for the action, the charges and materials upon which the action is based and will inform the employee regarding appeal procedures. The written notice will be delivered to the employee in person or by registered mail.

Trial period employees are not subject to the notice, therefore, will receive notice of termination either delivered to the employee in person or by registered mail.

Effect of Termination on Health Insurance: Terminating employees who are eligible to continue their medical coverage through COBRA may, through the District, and in conjunction with applicable federal and state COBRA laws, regulations, and guidelines, continue health insurance coverage by making any and all required monthly payments to the District for the amount of the applicable premiums. Coverage will remain in effect

unless terminated or restricted in accordance with the applicable laws, regulations and/or guidelines.

Payment upon Termination: Payment of final wages upon termination from employment, whether the termination is a voluntary or involuntary termination, will occur on the next regularly scheduled payday.

When an employee's employment terminates voluntarily or involuntarily, the employee must return all District issued equipment, uniforms, etc., received before he or she picks up his or her final paycheck. Employees may be asked to sign an agreement that verifies their responsibility for any uniforms they are furnished. The agreement will authorize a wage deduction for the costs of any uniforms and/or equipment that are not returned upon separation from the District.

Termination From Employment During Trial Period: Upon recommendation by the immediate supervisor and approval by the District Manager, a trial period employee may be separated-terminated for any lawful reason, at any time during the trial period, with or without cause, without right of appeal or hearing, except if he or she alleges that the dismissal is in violation of state or federal law.

RESIGNATION

POLICY: 4-1200

Guidelines regarding notice and exit procedures:

- Unless such time limit is waived by the District, employees leaving District service in good standing should notify their supervisor in writing at least two weeks before the effective date of resignation.
- Management employees (including mid-level supervisors) should notify their supervisor in writing at least thirty days before the effective date of resignation.
- Failure to provide such notice may be cause for denying future re-employment.
- All resignations must be confirmed in writing, including the reason for leaving and the effective date.
- If an employee provides more notice than requested, the notice will be evaluated as to whether the additional notice is necessary for effective business operations and will notify the employee to confirm the final date of employment. Circumstances may exist where the District may exercise its right to accept a resignation immediately and to accelerate the final date of employment. Written justification must be submitted by the employee's immediate supervisor for approval. The District must reserve the right to accept a resignation and recognize the termination date as any date it chooses between the date the resignation is submitted and the date designated by the employee as the last day of

employment. Whether the date designated by the employee or a date selected by the employer becomes the employee's last day of work, the employee's personnel records will normally reflect the fact that the employee resigned voluntarily.

- If the District accelerates the employee's last day of active work to a date prior to that designated by the employee in the employee's resignation notice, the employee will only receive compensation up to the employee's last day of actual work. The District does, of course, reserve the right to make exceptions to this policy and provide compensation in excess of that which it owes, as it determines appropriate in its sole and absolute discretion.
- Employees who wish to discuss concerns about their continued employment before making a final decision to resign are encouraged to do so.
- Employees will not be allowed to rescind a resignation whether given orally or in writing once the employer has confirmed the resignation. The District Manager must approve any exceptions.
- Resigning employees may be scheduled for an exit meeting to ensure that all District property, including keys and alarm code cards are returned and to provide an opportunity to discuss any questions or concerns related to employment with the District. Employees who fail to return District property including keys, credit cards, tools, uniforms, cellular phones, pagers and other equipment will be deemed ineligible for rehire and may be subject to legal proceedings on behalf of the District.
- Departing employees will be asked to confirm their forwarding address to ensure that benefits and tax information are received in a timely manner. Final pay will be mailed to this address by the next payday. Accrued but unused vacation or part-time leave will be paid out consistent with the District Vacation and Part-Time Leave Policies and federal law requirements.

RETIREMENT

POLICY: 4-1300

Retirement is subject to the terms of the California Public Employees Retirement System (CalPERS). To be eligible for retirement, you must be at least age 50 and have a minimum of five years of CalPERS-credited service. There are some exceptions to the five-year requirement. Refer to the CalPERS Member Benefit Booklet for detailed information regarding eligibility requirements and ~~pay-out~~payout information.

Retirement Notification: Employees planning to retire from District service should give at least thirty days notice prior to the effective date of retirement.

CHAPTER 4-1000: Miscellaneous Policies

Effect of Retirement on Vacation Leave and/or Part-time Leave: Upon an employee's retirement, all vacation (in the case of regular full-time employees) or part-time leave (in the case of regular part-time employees) earned up to the designated accrual maximums will be paid to the employee.

Effect of Retirement on Sick Leave: Regular full-time employees who retire from the District will be entitled to compensation for one-half of accumulated sick leave up to the maximum of 144 days.

Effect of Retirement on Health Insurance: Employees who are eligible to continue their medical coverage through COBRA may, through the District, and in conjunction with applicable federal and state COBRA laws, regulations, and guidelines, continue health insurance coverage by making any and all required monthly payments to the District for the amount of the applicable premiums. Coverage will remain in effect unless terminated or restricted in accordance with the applicable laws, regulations and/or guidelines.

Incentive Program to Induce Employee Retirement: The District does not generally offer incentives to induce employee retirement, however, if during the annual budget process it is determined that a significant budget reduction will be required, the District Manager may make recommendations, subject to approval of the Board of Directors, to offer an incentive program to induce employee retirement. The incentive program will be eligible to employees who have attained normal retirement age or early retirement age. In such cases, the incentive program may include severance pay and District paid medical insurance in conjunction with federal COBRA guidelines.

LAYOFF

POLICY: 4-1400

Under some circumstances, and as determined by the District Manager and/or the Board of Directors, the District may need to restructure or reduce its workforce for economic reasons, a lack of sufficient work or funds to warrant retention, or as a result of a duly consummated Board action abolishing a classification. If restructuring District operations or reducing the number of employees becomes necessary, the District will attempt to provide advance notice, if possible, to help prepare affected individuals. Layoffs may be implemented on a District-wide basis or in one or more departments, work groups or job classifications. Employees subject to layoff will be informed of the reason for layoff and the effective date of the layoff.

In determining which employees will be subject to layoff, the District will base its decision on factors primarily related to the performance, productivity, attitude, attendance, and punctuality of employees in those classifications where reductions will

CHAPTER 4-1000: Miscellaneous Policies

be made. All personnel policies, including policies against unlawful discrimination shall be followed.

In its sole discretion the District and its managers may also take into account other factors, including but not limited to longevity of employment, District operational requirements, the skill levels and experience of employees, and productivity levels of those employees employed in the classifications where reductions are to be undertaken.

Employees who are selected for layoff may apply to transfer to any open position in the District for which they are qualified.

Employees who are laid off shall receive all benefits, including vacation benefits, that would be payable in the event of an actual termination of their employment. No distribution will be made of benefits that would not be paid in the event of a termination.

Employees who are selected for layoff and are on a leave of absence at the time will be converted to a layoff status on the effective date of the layoff. These employees will be subject to the same conditions and privileges as other employees who are laid off, subject to any limitations or requirements established by state and federal law.

SEVERANCE POLICY

POLICY: 4-1500

Regular full-time employees who are laid off due to a restructure or reduction in the District's workforce may be eligible for severance pay dependent upon funding availability. Severance payments will be made at the sole discretion of the Board of Directors.



Tehachapi Valley
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CHAPTER 5: MARKETING

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Chapter 5-100: Marketing Guidelines

Policy No: 5-100

Marketing / Customer Relations

Properly controlled marketing of our activities and services is crucial to the success of Tehachapi Valley Recreation and Park District. The District Manager is ultimately responsible for all marketing activities within the District and, as such, all marketing activities must be run through or otherwise approved by the TVRPD District Manager.

Instructors and/or other unauthorized District representatives:

- Must not conduct marketing without direct permission of the District.
- Must not initiate contact with District customers for any purpose other than those that are deemed “class related” by the District (i.e., alerting students to changes in class time or location).

Public Relations / News Media Contacts

Only those employees designated by the District are permitted to conduct interviews with the news media. Those designees may comment to news reporters on District policy or events relevant to the District and its employees, customers, and properties.

Any press release announcements must be created by or otherwise approved by the District Manager.

Printed Materials

Printed materials created for District promotional purposes should be created according to District logo usage guidelines and approved by the District Manager.



Chapter 5-200: District Logo Usage

Policy No: 5-200

Organization Identity

The organizational logo is the most visible and recognizable element of a successful brand image. It is the best way to get credit for the positive things we do and to leave an impression in the minds of our constituents and potential customers.

The consistent and correct usage of the Tehachapi Valley Recreation and Park District (TVRPD) logo is integral to developing and maintaining a consistent image and message about ourselves that we can control. Its proper use in promotional and communication materials, such as brochures, one-sheets, ad copy, internal and external correspondence, the Internet, and direct marketing materials, is critical to building a strong and easily identifiable image for TVRPD. This also applies to the use of the logo on any forms, packaging, mailings, promotional giveaways, apparel, and/or signs at our parks and office buildings.

At first glance, a logo is simple and unassuming, but that logo, and the way we use it, is very important to TVRPD. It represents our visual identity. It is something that no other company or organization has. It *should* bring a great degree of credibility, recognition, and value to everything it is attached to.

Unfortunately, an organizational identity is also a very fragile thing. If left unchecked, it is easily compromised and potentially abused.

That is why this document is so important to the operation and success of TVRPD. It clearly defines the standards and limits for the use of our organizational identity, our logo. If we are not careful about how our logo is used, we will lose its value.

Any use of the logo of Tehachapi Valley Recreation and Park District that is not outlined in this document is not an authorized use and is, as such, strictly forbidden.

Graphic Standards Overview

All communications highlighting TVRPD activities, classes, services, or products must adhere to these general rules:

- It may not be misleading or deceptive as to price, features, authorization, parties involved, or in any other manner.
- All advertising, publicity and/or communications must be in good taste and reflect favorably on TVRPD and its partners, products, or services.
- No performance claims and/or guarantees can be made for TVRPD activities or services that are inconsistent with current TVRPD guarantees.
- All uses of the TVRPD logo must ultimately be approved by the TVRPD District Manager.
- The TVRPD logo shall maintain prominent placement on all communications and projects originating from TVRPD.
- TVRPD logos must be placed in an equal or greater position relative to the partner's logo on all communications originating from outside of TVRPD.

General Guidelines for Use of the TVRPD Logo

Note: The only logos approved for use are those obtained from TVRPD. For logos and complete usage guidelines, including logo spec and color information, contact the TVRPD District Manager at 661-822-3228.

The TVRPD logo may only be used to promote TVRPD affiliated programs or services. Do not modify or recreate the TVRPD logo for any other reason or circumstance. Use ONLY artwork provided by TVRPD.

The TVRPD logo is a valuable asset and, as such, is not generally available for third party use with the exception of approved partners of TVRPD. The logo, as a whole, is a stand-alone identifier. It may not be used as an element in a title, headline, phrase, or sentence. In these cases, plain type should be used. In other instances where the logo is used, the following rules must be followed.

- The TVRPD logo must always appear as outlined by the rules for use set forth by this document.
- The TVRPD logo cannot be altered (cropped, outlined, italicized, printed over, stretched, smashed, etc.) in any way.
- The TVRPD logo cannot be used as a border.
- The TVRPD logo must not be incorporated into any other logo, title, or design (except where outlined in this document).
- The TVRPD logo must only appear in approved colors (as defined in the specifications section of this document), solid black, or solid white.
- All black versions of the logo must appear on a white or light colored background.
- All white versions of the logo must appear on a black or dark colored background.

- All color versions (whether one, two, or full color process) of the logo must appear on a white or light colored background.
- The logo must be distinguishable from any background and easily read.
-

TVRPD Logo Preferred for Promotional Usage (Items and Apparel)



Tehachapi Valley

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The TVRPD Logo is illustrated above. Whenever possible, the TVRPD Logo should be presented in its full-color version. This logo is best suited for television, Web, and marketing collateral (flyers, brochures, etc.).

The minimum size to reproduce the logo is .75 inches long. The only exception is on promotional items with **imprintable** areas smaller than .75 inches long.

This category of items is generally used to “give away” to our customers and employees. For the most part, due to technical and financial considerations, the application of logos on promotional items will be small and single color.

DO:

- Choose a color that is close to logo colors for the item you are ordering and choose an imprint color that is opposite (within our color scheme) to that item color.
- Keep the imprint as simple as possible.

- Use the icon emblem only as a left chest adornment or an “above the bill” adornment on embroidered shirts or hats.
- Always keep the logo in the colors specified as acceptable by TVRPD (contact the District Manager for a copy of the logo technical specifications).
- ~~Always use gray, denim, white, tan, green, or blue shirts or hats.~~

DO NOT:

- Try to fit too much information on the item. The logo should be sufficient with a phone number OR Web address at most. There is not enough room on promotional items for addresses or both of the above. The web address is preferred.
- Place the logo on inappropriate or alcohol-related items, with the exception of TVRPD supported events such as “Brews on the Mountain Beer and Wine Festival.”
- Change the color of the logo to one not “approved” by TVRPD.
- Embroider a logo on the back of a shirt.
- ~~Place the logo near any competing agency logo or verbiage.~~
- Place the logo on inappropriate or morally questionable clothing or items.
- Never use the logo to promote an event not officially sponsored, created by, or sanctioned through Tehachapi Valley Recreation and Parks District.



Chapter 5-300: New Facility Openings

Policy No: 5-300

Purpose

To establish clear and consistent guidelines in planning and executing grand openings on behalf of the District related to new or improved facilities for the purpose of maximizing awareness of the facility and its services.

Definitions

Facility: A building, park or improvement installed or constructed on District property.

Grand Opening: The official opening of the District building, park, or improvement to the public. The date for the grand opening will be in close proximity to the date the District accepts the completion of construction and prior to substantial use of the facility by the public.

Policy

Since all facilities are completed to the benefit of the public, it is important that the public is aware of the new facility and its services.

The District will take the following steps to ensure the public is aware of new or improved facilities and their services.

- Prior to a designated grand opening, staff ~~may will~~ prepare an information item to be placed on the Board Meeting agenda relaying plans for the grand opening event.
- Each event will be planned in accordance with the functional purpose of the facility.
- Each event will consist of, at the minimum, a dedication ceremony open to public and other invited guests.
- Whenever possible, the Chairperson or Vice-Chairperson of the TVRPD Board of Directors will serve as the master of ceremonies for the event, and in his or her absence the ~~District General~~ Manager.
- Steps will be taken by TVRPD staff to maximize the opportunity for media coverage surrounding the event.



CHAPTER 6: FINANCE

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Chapter 6-100: Cash Collections

It is the policy of Tehachapi Valley Recreation and Park District to establish good internal controls over the handling of cash and cash equivalents to adequately safeguard and properly record District assets. This policy has been developed to provide guidance for the proper collection, recording, and management of cash funds.

Authority Over Cash Funds

Overall responsibility for this policy rests with the District Office.

Internal Controls

The District will maintain the following internal controls over cash receipts (income collection) and imprest (change or petty cash) funds:

- Written internal procedures describing the proper handling of each type of cash transaction will be provided to all departments/units.
- All departments/units will adequately safeguard cash funds (i.e., keep in a safe, locked cabinet, or locked drawer) to reduce the risk of loss or misuse of cash funds.
- The Recreation Software computerized facility reservation and activity registration system will produce receipts for all of its income collection transactions made at the District office.
- When needed, the District Office will also issue pre-numbered receipts in consecutive order for manual income collection transactions.
- Checks and other instruments of payment (i.e., money orders, traveler's checks) will be restrictively endorsed upon receipt.
- No funds administered by the District will be expended for articles or services that are for personal use.
- Personal checks will not be cashed for employees from income collections or imprest cash funds.
- The responsible supervisor for each site will assign one individual as cash custodian with the responsibility of control of the imprest cash and change fund.
- Imprest cash funds (change or petty cash funds) will be kept separate from other funds.
- Suspicion of fraud must be reported to the [site supervisor Administration Department](#) and District Office immediately for further investigation.
- Reports of non-compliance with internal control directives will be reviewed and appropriate action taken.

Cash Collections

Cash collection is the receiving of and receipting of monies (currencies, money orders, bank cards, checks, etc.) offered as payment to the District.

Cash collections received by the District must be receipted by the department/unit receiving the funds.

General:

- Checks and money orders should be made payable to Tehachapi Valley Recreation and Park District or "TVRPD."
- Upon receipt, all checks and money orders must be restrictively endorsed.
- The following checks are not acceptable:
 - Post-dated checks;
 - Checks that are not imprinted.
- Only authorized personnel may collect and receipt monies.
- All monies collected elsewhere are to be regularly brought to the District Office to the Administrative Assistant Department where they will be counted under dual custody in preparation for deposit.

Receipting

The receipting process may involve any of the following methods:

- Recreation Software computer-generated receipts;
- Two-part, pre-numbered receipts (issued by the District Office)

Recreation Software Computer-Generated Receipts: The computerized Recreation Software system generates numbered receipts for all activity registration and facility reservations as well as entries made through its miscellaneous income component.

Receipts are distributed as follows:

- One copy is given to the customer from whom funds are received.
- One copy serves as or is attached to the registration or reservation form and forwarded to the Administrative Assistant.

Manual Receipts Issued by District Office: Three-part, pre-numbered receipt books are issued to cashiers by the District's District Office. These receipts are to be used only for cash collection receivables for which the computerized Recreation Software system does not generate a receipt or when Recreation Software is out of service.

- To ensure proper processing, the receipt form must be filled out completely.
- Receipts must be written to the customer or, in the case of checks or credit cards, to the name written on the check or credit card.

- Receipts must be completed in ink only.

The two-part, pre-numbered receipt is distributed as follows:

- The “white original copy” is given to the customer from whom funds are received.
- A copy is forwarded to the ~~Administrative Assistant~~Administration Department (include accompanying documentation, i.e. registration form, attendance log, etc.), and must accompany daily deposits (which are forwarded to the District Office).
- One copy remains intact in the receipt book.

Once all receipts in a receipt book have been utilized, the receipt book, with its goldenrod copies, must be returned to the Administration Department~~Administrative Assistant~~.

All two-part, pre-numbered receipts must be accounted for at all times. When voiding a receipt, write “VOID” across the face of all copies of the receipt and forward to the Administration Department~~Administrative Assistant~~ with other receipts.

Depositing of Cash and Cash Equivalents

The Administration Department~~Administrative Assistant~~ establishes District depository bank account for the purpose of depositing cash collected at District cashiering sites. The cash deposited into this depository bank account is considered a part of the District’s general cash. All deposits are accurately recorded and checked against bank statements.

General:

- Any department/unit receiving cash, checks, certified funds, or credit card purchases must complete a daily log. Non-deposited funds must be kept under lock and key at all times for weekly deposit.
- All monies received must be deposited into the District’s depository bank account. The Administrative Assistant will hand-deliver all daily deposits to the designated bank.
- All checks and money orders must be stamped, upon receipt, with the restrictive endorsement stamp issued by the District Office.

Daily Deposits Using Recreation Software System: In preparation for completion of the daily deposit, the Recreation Software computerized system should print the following reports for cash, cash equivalents, and credit cards:

- Cash Journal Report: The Cash Journal Report includes a Cash Balancing Worksheet and Cash Journal listing the daily Recreation Software transactions.

- Summary G/L Distribution Report
- Credit Card Report

Processing Deposits Using Recreation Software Reports:

Cashier should:

- Balance cash, cash equivalents, and credit card authorization receipts in the cash drawer against the Cash Journal and Credit Card Report. Attach all signed credit card authorization receipts to the Credit Card Report.
- Complete the Cash Balancing Worksheet.
- Document any differences (overages/shortages) on the Cash Balancing Worksheet.
- Sign and date the Cash Balancing Worksheet.
- A tape of all checks must be attached to the Deposit Ticket with a reference on the Deposit Ticket noting that the tape is attached.
- Insert currency, coin, and checks with copies of the Deposit Ticket into the bank bag.
- Submit the Cash Balancing Worksheet, Cash Journal, G/L Summary Distribution Report, Credit Card Report (with credit card authorization receipts attached) and the copy of the Deposit Ticket into the bank bag.
- Place the deposit in the safe for Administrative assistant's review.
- ~~Administration Department~~Administrative Assistant hand-delivers deposit to the designated bank; paperwork is emailed to the bookkeeper to review, post to QBO, and match to banking transactions daily.

Processing Deposits Using Manual Receipts: Departments/units without access to Recreation Software must use the Daily Cash Worksheet issued by the District Office when completing deposits.

Cashiers should:

- Balance cash, cash equivalents in the cash drawer against the District "manual" receipts.
- Complete the Daily Cash Worksheet.
- Document any differences (overages/shortages) on the Daily Cash Worksheet.
- Sign and date the Daily Cash Worksheet.
- Insert currency, coin and checks into daily envelope.
- Complete the information on the outside of the envelope.
- Drop envelope into locked drop box for pick up by authorized personnel.