

**CENTRAL SIERRA CHILD SUPPORT AGENCY  
Board of Directors Meeting**

*DATE & TIME:* Monday, January 27, 2020, 1:30 pm

*PLACE:* CSCSA, 639 New York Ranch Rd, Jackson, CA

*Teleconference:* **None**

**BOARD OF DIRECTORS**

Frank Axe, Vice Chair  
Jeff Brown  
Merita Callaway  
Ryan Campbell

John Gray  
Gary Tofanelli, Chair  
Terry Woodrow

**PLEASE NOTE**

*All proceedings are conducted in English. The Board is committed to making its proceedings accessible to all citizens. Individuals with special needs may call 209-223-6449. All inquiries must be made at least 48 hours prior to the meeting. Public hearing items will commence no sooner than the times listed on the agenda. NOTE: This meeting may be teleconferenced if noted above.*

**REGULAR MEETING AGENDA**

**PUBLIC MATTERS NOT ON THE AGENDA:** Discussion items only; no action to be taken. Any person may address the Board at this time upon any subject within the jurisdiction of the Central Sierra Child Support Agency Board of Directors; however, any matter that requires action may be referred to staff for a report and recommendation for possible action at a subsequent Board meeting. Please note - there is a five (5) minute limit per topic.

**CONSENT AGENDA:** Items listed on the consent agenda are considered routine and may be enacted by one (1) motion. Any item(s) may be removed for discussion and made a part of the regular agenda at the request of a Board member(s)

1. **Minutes:** Review and approval of the minutes for the October 21, 2019, Board meeting.

**ADMINISTRATIVE MATTERS**

2. **Annual Business Matters – Board Officers:** Discussion and action concerning appointment of Board Officers
  - a. **Chair:** Appointment of Chair for the 2020 calendar year.
  - b. **Vice Chair:** Appointment of Vice Chair for the 2020 calendar year.
  - c. **Secretary:** Appointment of Secretary for the 2020 calendar year.
3. **Establishment of meeting schedule for 2020.** Discussion of 2020 Meeting Schedule and possible action.
4. **Executive Report:** Review of budget & statistical report for period ending 12/30/2019; program and administrative report.
5. **Agency Update:** Presentation & discussion of, soon to be adopted, Agency branding. *Information only.*
6. **Strategic Plan:** Presentation & discussion of newly established five-year Strategic Plan. *Information only.*
7. **Personnel Rules & Regulations:** Discussion and possible revision & update of existing Rules. *Possible action.*
8. **Board Policy Review;** Human Resources and Administration Sections: Review, discussion and possible update of existing Human Resource and Administration Board Policies. *Possible action.*

**CLOSED SESSION** may be called for labor negotiations (pursuant to Government Code §54957.6), personnel matters (pursuant to Government Code §54957), real estate negotiations/acquisitions (pursuant to Government Code §54956.8), and/or pending or potential litigation (pursuant to Government Code §54956.9).

9. **Executive Director Evaluation (Government Code Section 54957(b)).** *Possible action.*

**NEXT BOARD MEETING:** *April 20, 2020 at 1:30 pm –Date to be confirmed; Location to be determined*

**ADJOURNMENT**

# **AGENDA ITEM**

**#1**

**BOARD OF DIRECTORS**  
Central Sierra Child Support Agency  
639 New York Ranch Road  
Jackson, CA 95642

**MINUTES**  
**October 21, 2019**  
**12:30 p.m.**

The Board of Directors of the Central Sierra Child Support Agency met at the Board of Supervisors Chambers, 2 South Green Street, Sonora, California, on the above date pursuant to adjournment, and the following proceedings were had, to wit:

**Directors present: Roll call**

Gary Tofanelli, Chair  
Frank Axe  
Jeff Brown, *arrived at 12:42 p.m.*  
Merita Callaway  
Ryan Campbell  
John Gray  
Terry Woodrow

**Absent:** None

**Staff present:**

Julie Prado, Executive Director  
Liane Platt, Deputy Director  
Timothy M. Cary, General Counsel, *by phone*  
Leslie Homuth, Staff Services Specialist

**PUBLIC MATTERS NOT ON THE AGENDA:** None

**CONSENT AGENDA:**

**1. Minutes from meeting April 22, 2019**

Review of Minutes from the July 22, 2019 JPA Board meeting. Motion by Director Axe and second by Director Gray to approve the minutes as read. Motion carried 6-0-0.

## **ADMINISTRATIVE MATTERS:**

### **2. Agency Update**

Executive Director Prado, along with several staff members, made a presentation updating the Board on the Agency's newly adopted mission & vision. Several staff members attended this portion of the meeting in support of the culture update. Staff also expressed their excitement for the positive changes taking place in the Agency. There is considerable excitement related to our goal of becoming a trusted community leader. Our Agency is also working on a new logo and rebranding. The following detail was provided to the Board:

#### **Mission**

We support family self-sufficiency

#### **Core Purpose**

To empower and enrich children, families and communities

#### **Vision 2025**

Invest, Inspire, Innovate ...

The trusted community leader in family-centered services!

#### **Values**

Trust

Accountability

Courage

Ingenuity

Unity

**CLOSED SESSION:** The Board recessed into closed session at 1:07 pm and ended closed session at 1:30 pm.

**3. Public Employment Contract (Government Code Section 54957)** Title: Deputy Director & Executive Director.

**4. Executive Director Evaluation (Government Code Section 54957 (b)).**

#### **OPEN SESSION:**

**5. Report out on Action in Closed Session (Government Code Section 54957.1)** No action

**6. Unrepresented Executive Class:**

The Agency currently does not have an Unrepresented Executive Class. The purpose of establishing an unrepresented class is to place non-represented civil service employees who can

appropriately handle and negotiate labor relation issues. The Agency would create an MOU outlining employment terms and benefits for positions assigned to this class.

The Deputy Director position is currently a non-represented position. An employment contract has been used for this position as the Agency does not have a mechanism to appropriately classify a non-represented civil service employee.

Motion by Director Axe and second by Director Woodrow to – 1) Create an Unrepresented Executive Class; 2) Appoint the Deputy Director position to the Unrepresented Executive Class; 3) Direct staff to prepare an MOU for the Unrepresented Executive Class using existing employment terms already approved by the Board and appoint the Board Chair to sign the MOU, and 4) Direct that staff, in collaboration with Agency Counsel, create an agreement to be signed by the Deputy Director and the Board Chair which rescinds the existing employment contract, designates the position as civil service, and defers to the terms of the MOU. Motion carried 7-0-0.

#### **RESOLUTION 19-005**

Resolution approving the creation of an Unrepresented Executive Class.

#### **RESOLUTION 19-006**

Resolution approving the appointment of the Deputy Director position to the Unrepresented Executive Class as a civil servant employee.

#### **RESOLUTION 19-007**

Resolution approving the creation of the MOU for the Unrepresented Executive Class and direction for the Board Chair to sign the MOU.

### **7. Deputy Director Job Description and Salary Schedule:**

Executive Director Prado provided the recommended modifications to the Deputy Director job description and suggested the Board discuss a possible modification to the salary schedule as the salary schedule has not been adjusted since 2016; all other classifications have received multiple COLA's since that time. Discussion ensued. Motion by Director Gray and second by Director Axe to make the recommended modifications to the Deputy Director job description, to increase the Deputy Director salary by 5% effective October 15, 2019 and to increase the deferred compensation match from \$100 to \$200 per month. Motion carried 7-0-0.

#### **RESOLUTION 19-008**

Resolution approving the modifications to the Deputy Director job description.

## **8. Public Employment Contract (Government Code Section 54957) Title: Executive Director**

Executive Director Prado advised the Board that the employment contract for the Executive Director position currently references other bargaining contracts; she recommends those references be removed and replaced with references to the Personnel Rules and Regulations where the underlying rules are stated OR, where appropriate, describe the benefit rather than indicating that the benefit is “consistent with the MCP MOU”. Prado also suggested a revision to allow for the forfeit of the vehicle stipend in lieu of using an Agency vehicle. Prado also discussed that all employees have received a COLA increase for the 2018 negotiation year as well as for the upcoming 2019/20 year. Prado suggested the Board discuss whether or not a COLA is appropriate for the Executive Director. Discussion ensued. Motion by Director Axe and second by Director Gray to – 1) Revise the Executive Director contract to remove references to other bargaining contracts; 2) Revise the Executive Director contract to include a provision to forfeit the vehicle stipend in lieu of using an Agency vehicle; 3) Delegate that the Board Chair sign a revised contract and 4) Approve a 2% COLA increase effective October 15, 2019. Motion carried 7-0-0.

## **9. Executive Report**

**Budget:** Executive Director Prado reported that the Agency is at 25% of the year and allocation spent is 25.11% through September 30, 2019. **Reporting on checks between \$5,000 and \$10,000 other than lease payments:** One check in the amount of \$5,517.00 was written to Great West for deferred compensation deductions on behalf of Agency participants. **Staff Recognition:** Kudos to **Joette Pitcher** and **Veronica Roberts** for their work to get a lien in place which resulted in a payment of \$11,482.88. Kudos to **Jessica Fuller** and **Liane Platt** for identifying a significant issue with statewide forms and working with DCSS to get this issue resolved. Kudos to **Jessica Fuller** for her perseverance and patience to work with a family to secure full and regular child support for the first time in over two years. Kudos to **Lauren Baker** for collecting first time child support payments at the time of signature on new Stipulations on multiple cases. Kudos to **Mona Mohr** for working with our State IT department to assist in determining the root cause of spam emails. Kudos also to **Melissa Broyles** for her work with customers which resulted in a first-time payment on a case, making the obligor feel very proud of this accomplishment. **Program Report:** Staffing level is currently at 34. **Program Performance:** Review of collections and Federal Performance Measures (FPM). Review of Call Center statistics. It was noted that the State is still working to get statistics corrected. They are still experiencing issues since their conversion to a new phone system.

**NEXT BOARD MEETING:** The next meeting is scheduled for Monday, January 27, 2020 at 1:30 pm, 639 New York Ranch Road, Jackson, CA.

ADJOURNMENT: The meeting was adjourned at 2:01pm.

---

Chair, Board of Directors

---

JULIE R. PRADO  
Executive Director  
By: Leslie Homuth, Staff Services Specialist

unapproved subject to correction

# **AGENDA ITEM**

**#2**



## CENTRAL SIERRA CHILD SUPPORT AGENCY

*A regional child support agency formed by a Joint Powers Agreement  
serving the counties of Alpine, Amador, Calaveras and Tuolumne*

Julie R. Prado, Executive Director

<b>TUOLUMNE COUNTY OFFICE</b> 975 Morning Star Drive Sonora, California 95370 (209) 533-6490 (8am – 5 pm) (209) 533-6455 (FAX)	<b>JPA BUSINESS OFFICE AMADOR COUNTY MAIN OFFICE</b> 639 New York Ranch Road Jackson, California 95642 (209) 533-6490 (8am – 5 pm) (209) 223-6295 (FAX)	<b>SATELLITE OFFICES:</b> ALPINE, AMADOR & CALAVERAS COUNTIES
--	---	---

### **MEMORANDUM**

DATE: January 17, 2020

TO: Board of Directors

FROM: Julie R. Prado, Executive Director

SUBJECT: ANNUAL BUSINESS MATTERS

#### **Agenda item #2**

Pursuant to the Joint Powers Authority Agreement, the following business matters must be acted upon at the first regular meeting of each calendar year, as set forth below:

**2.a. Chair:** “A Chairperson of the Board shall be elected annually by the Board at the first regular Board meeting in each calendar year. Any Director may be authorized to represent the Board upon approval of the Chairperson.”

**2.b Vice Chair:** “A Vice Chairperson of the Board shall be elected annually by the Board at the first regular meeting in each calendar year. The Vice Chairperson shall have all the powers and act in the place of the Chairperson in the Chairperson’s absence.”

**2.c Secretary:** “A Secretary of the Board shall be elected annually by the Board at the first regular Board meeting in each calendar year. The Secretary will keep a public record of the Board’s resolutions, transactions, findings, and determinations and prepare minutes of every meeting. The Board may designate the Executive Director to serve as the Secretary and the Executive Director may delegate this responsibility with the consent of the Board.”

Recommendation: that the Board continue the delegation of this duty to Leslie Homuth, who is the Staff Services Specialist for the Agency. She would act under the supervision & direction of the Executive Director.

# **AGENDA ITEM**

**#3**

## CENTRAL SIERRA CHILD SUPPORT AGENCY

*A regional child support agency formed by a Joint Powers Agreement  
serving the counties of Alpine, Amador, Calaveras and Tuolumne*

Julie R. Prado, Executive Director

<b>TUOLUMNE COUNTY OFFICE</b> 975 Morning Star Drive Sonora, California 95370 (209) 533-6490 (8am – 5 pm) (209) 533-6455 (FAX)	<b>JPA BUSINESS OFFICE AMADOR COUNTY MAIN OFFICE</b> 639 New York Ranch Road Jackson, California 95642 (209) 533-6490 (8am – 5 pm) (209) 223-6295 (FAX)	<b>SATELLITE OFFICES:</b> ALPINE, AMADOR & CALAVERAS COUNTIES
--	---	---

### M E M O R A N D U M

DATE: January 17, 2020

TO: Board of Directors

FROM: Julie Prado, Executive Director

SUBJECT: PROPOSED MEETING SCHEDULE FOR 2020

**Agenda Item #3**

The following meeting schedule is proposed for consideration for 2020. It incorporates the concept of a quarterly meeting schedule which was adopted by the Board in September 2014. The tentative meetings between the quarterly meetings are identified in italics and are included because the current JPA agreement requires a schedule of monthly meeting, so that they can be put on the members' calendars in the event there is a necessity to meet. The items identified by an asterisk reflect responsibilities required in the JPA Agreement or otherwise by contract. This schedule follows the practice of meeting on the fourth Monday of each month except as noted below and provides for a rotation of the meeting places.

**January 27, 2020: 4<sup>th</sup> Monday**

**JACKSON**

Agenda items: *Election of officers,  
designation of a Board secretary, and  
adoption of the annual meeting schedule\**

*February 24, 2020: 4<sup>th</sup> Monday*

*JACKSON or via Teleconference*

*March 23, 2020: 4<sup>th</sup> Monday*

*JACKSON or via Teleconference*

**April 27, 2020: 4<sup>th</sup> Monday**

**SAN ANDREAS**

Agenda items: a. *Adoption of a Preliminary  
Budget*

*May 18, 2020: 3rd Monday*  
*June 22, 2020: 4<sup>th</sup> Monday*

*JACKSON or via Teleconference*  
*JACKSON or Via Teleconference*

**July 27, 2020: 4<sup>th</sup> Monday**

**BEAR VALLEY**

Agenda items: a. *Adoption of a Final Budget.\** NOTE: this assumes the State has adopted a budget by this time. If not, this item will be carried to August. b. *Issues related to negotiations with the General Unit and MCP Unit, when relevant.*

*August 24, 2020: 4<sup>th</sup> Monday*  
*September 28, 2020: 4<sup>th</sup> Monday*

*JACKSON or via Teleconference*  
*JACKSON or via Teleconference*

**October 26, 2020: 4<sup>th</sup> Monday**

**SONORA**

Agenda items: a. *Issues related to negotiations with the General Unit and MCP Unit, when relevant.*

*November 16, 2020: 3rd Monday*  
*December 14, 2020: 2nd Monday*

*JACKSON via Teleconference*  
*JACKSON via Teleconference*  
NOTE: This precedes Christmas week; the 3<sup>rd</sup> Monday is Christmas week.

## CENTRAL SIERRA CHILD SUPPORT AGENCY

*A regional child support agency formed by a Joint Powers Agreement  
serving the counties of Alpine, Amador, Calaveras and Tuolumne*

**Julie R. Prado**, Executive Director

<b>TUOLUMNE COUNTY OFFICE</b> 975 Morning Star Drive Sonora, California 95370 (209) 223-6628 (8am – 5 pm) (209) 533-6455 (FAX)	<b>JPA BUSINESS OFFICE AMADOR COUNTY MAIN OFFICE</b> 639 New York Ranch Road Jackson, California 95642 (209) 223-6628 (8am – 5 pm) (209) 257-5037 (FAX)	<b>SATELLITE OFFICES:</b> ALPINE, AMADOR & CALAVERAS COUNTIES
--	---	---

### **2020 JPA BOARD MEETING SCHEDULE**

**Note:** All meetings are at 1:30 p.m. (unless noted)

**January 27, 2020: 4<sup>th</sup> Monday**

**JACKSON: 639 NY Ranch Road, Jackson**

*February 24, 2020: 4<sup>th</sup> Monday*

*JACKSON: If needed*

*March 23, 2020: 4<sup>th</sup> Monday*

*JACKSON: If needed*

**April 27, 2020: 4<sup>th</sup> Monday**

**SAN ANDREAS: 891 Mountain Ranch  
Rd, San Andreas**

*May 18, 2020: 3<sup>rd</sup> Monday*

*JACKSON: If needed*

*June 22, 2020: 4<sup>th</sup> Monday*

*JACKSON: If needed*

**July 27, 2020: 4<sup>th</sup> Monday**

**BEAR VALLEY: Library**

*August 24, 2020: 4<sup>th</sup> Monday*

*JACKSON: If needed*

*September 28, 2020: 4<sup>th</sup> Monday*

*JACKSON: If needed*

**October 26, 2020: 4<sup>th</sup> Monday**

**SONORA: 2 So. Green Street, Sonora**

*November 16, 2020: 3<sup>rd</sup> Monday*

*JACKSON: If needed*

*December 14, 2020: 2nd Monday*

*JACKSON: If needed*

# **AGENDA ITEM**

**#4**

**CENTRAL SIERRA CHILD SUPPORT AGENCY**  
**639 New York Ranch Road**  
**Jackson, California 95642**

**MEMORANDUM**

DATE: January 21, 2020

TO: Board of Directors

FROM: Julie Prado, Executive Director

SUBJECT: Executive Report

---

**I. BUDGET**

**Financial Summary through December 31, 2019 50 % of the year**

<b>Expenditure line description</b>	<b>Approved Budget</b>	<b>Year-to-Date Expenditures</b>	<b>Percent of budget expended</b>
Salaries	<b>\$ 2,438,889.83</b>	\$1,134,178.01	46.53%
Benefits	<b>\$ 1,573,696.21</b>	\$785,179.44	49.89%
Services & Supplies	<b>\$ 898,192.96</b>	\$278,393.56	30.99%
Fixed Assets	<b>\$ 30,000.00</b>	\$7,418.59	24.73%
Automation	<b>\$ 6,830.00</b>	\$ 367.31	5.38%
<b>Overall Totals</b>	<b>\$ 4,947,609.00</b>	<b>\$ 2,206,070.02</b>	<b>44.59%</b>

**A. Report on checks written between \$5,000 and \$10,000 in December, other than lease payments:** A check in the amount of \$5,492.00 was written to Great West for the deferred compensation deductions on behalf of Agency participants.

## II. PROGRAM REPORT

### A. Staff Recognition:

We celebrated Cancer Awareness Month in October by sporting the color pink and allowing jeans every Wednesday of the month. **Veronica Roberts** led our team in a donation drive supporting the Diana J. White Cancer Center in Sonora and the Amador Stars Cancer Support in Sutter Creek. We were proud to provide many warm hats for cancer patients along with a cash donation on behalf of our employees. This deserves a huge shout out to each of our team members for their kindness and, especially, Veronica for selecting the donation sites and leading our efforts. Awesome job all!

Just before Christmas we celebrated a successful collaboration on one of our cases on which the obligor had not been paying. Due to the quick actions and creative thinking of **Jessica Fuller, Carolyn Pacheco, and Sandy Bohr**, a Contempt action was filed and served and the case finally went before the Court. From there, the obligor became much more cooperative and worked with our team to get a healthy payment home to the family just in time for the holidays. This is a great example of teamwork and demonstrates a focus on our core work, getting money home to families. Thank you for your extra effort Jessica, Carolyn, and Sandy.

A payment of \$2,885.20 was delivered to a customer out of the blue due to the creative work and quick response from **Joette Pitcher** and **Joy Hopkins**. The payment came in just in time for Thanksgiving and the family was certainly thankful. **Thom Lacher** and **Marlene Brawner** worked together on a \$47,024.15 payment from a property sale. Thom also negotiated a workers compensation lien payment of \$10,000, and **Shellie Connell** stuck to it to collect a life insurance lien in the amount of \$15,302.03. Great work team, you are most certainly making a difference for families!!

For the past 9 months, we have been deeply involved with construction in both of our offices. From new carpet, to paint, to modifying walls and more, we have been in the throws of it. The coordination of such an intensive and long-term project is not an easy one. In addition to her daily duties in child support and her role as Human Resources, Executive Assistant, backup payroll, and daily facility duties, **Leslie Homuth** has been at the hub of this huge project. She has worked tirelessly to make sure things are done correctly, on time, on budget, and without much interruption. She has worked long days, weekends, and holidays to make sure we have an improved and efficient work area. Leslie, your work and dedication is never taken for granted; we all appreciate what you have done for us! Thank you, also, to the rest of the Leadership Team for contributing your time, weekends, and extra effort during the project. We are almost there!



The Board heard from CSCSA team members in October describing our newly established values and vision for the Agency. We also provided you with our *Vision 2025* story, depicting where we expect to be in 5 years. To help ensure we make consistent progress toward our new vision, a group of team members have united a committee, named **Blue Vision**, who's purpose is to be the driving force in moving the Agency forward to the new vision. This committee will guide the team members of CSCSA through the journey to actively continue to grow by promoting positive thinking, personal and professional growth and teamwork through a variety of activities, messaging, and trainings. This committee has already begun to create a path forward and we are very excited to see where they take us. The volunteer committee members are **Liane Peck, Joette Pitcher, Melody Martin, Nancy Joseph, Barbara Cain, Michelle Milan, Linda McCrory and Melissa Broyles**. Each of you, thank you; the best is yet to come!

## B. Staffing

STAFFING LEVELS [Filled] - 2019-2020 FISCAL YEAR												
Months	7/19	8/19	9/19	10/19	11/19	12/19	1/20	2/20	3/20	4/20	5/20	6/20
<b>GENERAL UNIT</b>												
Accounting	3	3	3	3	3	3						
Caseworkers	17	17	17	16	15	15						
Child Support Assistant	2	2	2	2	2	2						
Legal Clerks	2	2	2	2	2	2						
<b>Subtotal</b>	<b>24</b>	<b>24</b>	<b>24</b>	<b>23</b>	<b>22</b>	<b>22</b>						
<b>M/C/P Unit</b>												
Business Office	2	2	2	2	2	2						
CS Attorneys	2	2	2	2	2	2						
Supervisors/Managers	4	4	4	4	4	4						
<b>Subtotal</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>						
<b>EXECUTIVE</b>												
Executive Director	1	1	1	1	1	1						
Deputy Director	1	1	1	1	1	1						
<b>Subtotal</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>						
<b>TOTAL</b>	<b>34</b>	<b>34</b>	<b>34</b>	<b>33</b>	<b>32</b>	<b>32</b>						

### C. Program performance: Collections and federal performance measures (FPMs)

#### COLLECTIONS

	<b>MONTHLY SUPPORT DISTRIBUTED – 2019/ 2020 FEDERAL FISCAL YEAR;</b> In parens: YTD 2020 Federal Fiscal Year: <b>Agency collection GOAL \$11,893,458</b>		
10/18	\$1,000,674 ( <b>\$1,000,674</b> )	4/19	
11/18	\$882,581 ( <b>\$1,883,255</b> )	5/19	
12/18	\$999,172 ( <b>\$2,882,427</b> )	6/19	
1/19		7/19	
2/19		8/19	
3/19		9/19	

#### FEDERAL PERFORMANCE MEASURES (FPM)

<b>MONTHLY STATISTICS - 2018-2019 FEDERAL FISCAL YEAR</b>												
<b>LEGEND: FPM = Federal Performance Measure;</b>												
* = measures where number naturally increases each month												
[in brackets] = Goal for Federal fiscal year (October through September)												
Activity	10/19	11/19	12/19	1/20	2/20	3/20	4/20	5/20	6/20	7/20	8/20	9/20
Cases Opened/MO	46	40	47									
Cases Closed/MO	73	57	51									
<b>TOTAL cases open</b>	5039	5021	5021									
<b>FPM 1: IVD Paternity % [105%]*</b>	91.94%	95.41%	96.48%									
<b>FPM 2: Orders % [97%]</b>	96.51%	96.53%	96.38%									
<b>FPM 3: Current % [80.5%]</b>	77.12%	74.02%	75.19%									
<b>FPM 3: Arrears % [74.12%]*</b>	44.36%	49.94%	55.68%									

# CENTRAL SIERRA CHILD SUPPORT AGENCY FFY 2018/2019

## Federal Performance Measure Goals

**December 2019**

	FFY GOAL	ACTUAL RESULT
<b>FPM 1 IV-D Paternity Establishment</b>	<b>105.00%</b>	<b>96.48%</b>
<i>Measures the total number of children in the IV-D caseload in the fiscal year who have been born out-of-wedlock and for whom paternity has been established, compared to the total number of children in the IV-D caseload as of the end of the prior fiscal year who were born out-of-wedlock.</i>		
<b>FPM 2 Cases with a Support Order Established</b>	<b>97.00%</b>	<b>96.38%</b>
<i>Measures cases with support orders established compared to total number of cases open at the end of a month.</i>		
<b>FPM 3 Collections on Current Child Support</b>	<b>80.50%</b>	<b>75.19%</b>
<i>Measures the amount of current support, collected and distributed, compared to the total amount of current support owed.</i>		
<b>FPM 4 Cases with Collection on Arrears</b>	<b>74.12%</b>	<b>55.68%</b>
<i>Measures the number of cases with at least one payment made towards arrears compared with the number of cases owing arrears during the FFY.</i>		
<b>FPM 5 Distributed Collections</b>	<b>\$11,893,458</b>	<b>\$2,695,247</b>
<i>Measures the total dollar amount of child support collected and distributed based on the CS34/35</i>		



# CENTRAL SIERRA CHILD SUPPORT AGENCY FFY 2019/2020

## Federal Performance Measure Report

Data Source: FPM Report

FPM 1 IVD Paternity Establishment 105%	1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			Point in Time	Data Source
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep		
Monthly Goal	baseline	95.07%	96.06%	97.05%	98.04%	99.03%	100.02%	101.01%	102.00%	102.00%	103.08%	105.00%		
Children with Paternity Established	2703	2741	2772										2772	1257 line 6
Children born out of wedlock per year	2873	2873	2873										2873	1257 line 5 PY
FFY 2020 Actual	94.08%	95.41%	96.48%										96.48%	
Over/Under (%points)		0.34%	0.42%	-97.05%	-98.04%	-99.03%	-100.02%	-101.01%	-102.00%	-102.00%	-103.08%	-105.00%	0.42%	
FFY 2019 Actual	93.88%	94.93%	95.58%	96.90%	97.96%	98.98%	100.37%	101.26%	102.04%	103.37%	105.07%	105.82%		

FPM 2 Cases with Support Orders Established 97.00%	1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			Point in Time	Data Source
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep		
Monthly Goal	96.04%	96.12%	96.20%	96.28%	96.36%	96.44%	96.52%	96.60%	96.68%	96.76%	96.84%	97.00%		
Cases with a Support Order	4863	4847	4839										4839	1257 Line 2
Total Cases	5039	5021	5021										5021	1257 Line 1
FFY 2020 Actual	96.51%	96.53%	96.38%										96.38%	
Over/Under (%points)	0.47%	0.41%	0.18%										0.18%	
FFY 2019 Actual	96.00%	95.83%	96.13%	96.32%	96.34%	96.49%	96.35%	96.28%	96.08%	96.15%	96.04%	96.37%		

FPM 3 Collections on Current Support 80.5%	1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			Point in Time	Data Source
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep		
Monthly Goal	76.94%	77.26%	77.58%	77.90%	78.22%	78.54%	78.86%	79.18%	79.50%	79.82%	80.14%	80.50%		
Current Support Collected	\$688,326	\$1,324,987	\$2,026,589										\$2,026,589	1257 Line 25
Current Support Due	\$892,575	\$1,789,935	\$2,695,247										\$2,695,247	1257 Line 24
FFY 2020 Actual	77.12%	74.02%	75.19%										75.19%	
Over/Under (%points)	0.18%	-3.24%	-2.39%										-2.39%	
FFY 2019 Actual	79.41%	78.41%	77.38%	77.17%	76.42%	76.34%	76.63%	76.81%	76.59%	76.70%	76.74%	76.62%		

FPM 4 Collections on Arrears 74.12%	1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			Point in Time	Data Source
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep		
Monthly Goal	baseline	47.06%	49.76%	52.46%	55.16%	57.86%	60.56%	63.26%	65.96%	68.66%	71.36%	74.12%		
Case Paying Arrears	1,436	1,656	1,891										1,891	1257 Line 29
Cases w/Arrears Due	3,237	3,316	3,396										3,396	1257 Line 28
	44.36%	49.94%	55.68%										55.68%	
Over/Under (%points)		2.88%	5.92%										5.92%	
FFY 2019 Actual	46.41%	52.85%	56.51%	59.64%	62.35%	64.32%	66.19%	67.71%	68.82%	70.18%	71.04%	72.35%		

Total Distributed Collections	1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			Point in Time	Data Source
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep		
Monthly Goal	\$991,122	\$1,982,243	\$2,973,365	\$3,964,486	\$4,955,607	\$5,946,728	\$6,937,849	\$7,928,970	\$8,920,091	\$9,911,212	\$10,902,333	\$11,893,458		
FFY 2020 Actual	\$1,000,674	\$1,883,255	\$2,882,427										\$1,000,674	CS 34 line
Over/Under	\$9,552	\$98,988	\$90,938	\$3,964,486	\$4,955,607	\$5,946,728	\$6,937,849	\$7,928,970	\$8,920,091	\$9,911,212	\$10,902,333	\$11,893,458	\$90,938	4b,4c, 8 & 11
FFY 2019 Actual	\$941,843	\$1,852,228	\$2,731,151	\$3,654,461	\$4,605,927	\$5,600,785	\$6,695,563	\$7,749,795	\$8,655,317	\$9,609,365	\$10,548,321	\$11,482,170		

# **AGENDA ITEM**

**#5**

## CENTRAL SIERRA CHILD SUPPORT AGENCY

*A regional child support agency formed by a Joint Powers Agreement  
serving the counties of Alpine, Amador, Calaveras and Tuolumne*

**Julie R. Prado**, Executive Director

<b>TUOLUMNE COUNTY OFFICE</b> 975 Morning Star Drive Sonora, California 95370 (209) 533-6490 (8am – 5 pm) (209) 533-6455 (FAX)	<b>JPA BUSINESS OFFICE AMADOR COUNTY MAIN OFFICE</b> 639 New York Ranch Road Jackson, California 95642 (209) 533-6490 (8am – 5 pm) (209) 223-6295 (FAX)	<b>SATELLITE OFFICES:</b> ALPINE, AMADOR & CALAVERAS COUNTIES
--	---	---

### **MEMORANDUM**

DATE: January 17, 2020

TO: Board of Directors

FROM: Julie R. Prado, Executive Director

SUBJECT: Agency Branding

#### **Agenda item #5**

The CSCSA Leadership Team has been working closely with staff since early 2019 to identify growth opportunities for the Agency. We have conducted several town hall meetings with staff which involved brainstorming sessions, prioritization of initiatives, and task assignments. Staff have identified a strong desire to rebrand the Agency by creating a new logo and developing a marketing plan that would enhance program awareness throughout our communities.

Before we addressed a new logo, we felt it was important to gain consensus on the mission, vision, and the purpose of the work we do, so we collaborated for several months to identify a formal mission statement, vision statement, a core purpose and Agency values. We went further to define the values and attach behaviors to them, helping to hold each other accountable to the behaviors that we felt would drive our relationships and performance in a positive direction.

Our next step was to hold a storyboard session with the leaders of the Agency to identify what message we were trying to convey to families in our communities. Through that effort, and collaboration with a graphic design team, we identified key elements of our desired branding including colors, symbols, and other items. We went through several iterations and ideas with the design team and sought input from all staff in order to come up with a final product. We are very excited and proud of the work we have done and the final selection of our new logo. We have been waiting for this opportunity to share the logo with you and discuss our next steps.

We are in the final phase of creating our business system with the new logo which includes items such as new letterhead, memorandum templates, power point templates, business cards, envelopes and more. We are also creating displays with our new branding to replace the existing external signs on our buildings, in our lobbies, and the internal work area. We will also add the new branding to our website, Facebook page, and Instagram account.

We are also very excited about the work we are doing to create a Publication which will be an 8-page newspaper-type publication, both hardcopy and online, to help us get our message out. This professionally developed Publication will be used to market our services, brand our program by highlighting our family-centered services, and will be used for outreach events to broaden community partnerships. We are proud to be partnering with Motherlode Job Training on one of the articles in the publication, along with staff members and customers. We hope the Publication will be ready for mass mailing by March. I will keep you updated as to the progress.

Through these efforts so far, we have received overwhelmingly positive feedback from staff indicating that they fully support the work we are doing and, in fact, want to be a part of it. Our staff engagement has grown to nearly 100% and staff are enthusiastically helping with all of our projects; in fact, they are *leading* many of them. We are excited for our work in 2020 toward our vision.



**CSCSA**  
*Enriching the Lives of Children*

# **MARKETING UPDATE:**

## **Brand Development**



# FULL LOGO



**Descriptor Words:** Caring. Empowered. Bright. Happy. Friendly.

**Logo Description:** The hands and a sun were incorporated because the hands represent strength and support which is what CSCSA provides to families/clients. CSCSA walks alongside their clients and are essentially “Holding Their Hands” through these difficult times. All of that is done with a positive attitude which is where the sun and sunshine comes from. The team brings happiness to clients with a positive attitude.

**Color Selection:** The colors for the new logo were picked because colors these specific ones resonated most with the staff at CSCSA. The blue represents loyalty, trust, confidence, stability and sincerity all in which the company stands for. The electric blue was chosen because it's more engaging and vibrant, making it feel inviting.

# LOGO MARK



# TAGLINE

*Enriching the Lives of Children*

# BRAND GUIDE

FOR EXTERNAL MARKETING MATERIALS

## LOGO



## COMBINATIONS



## MARK



## COMBINATIONS



## MAIN COLOR PALETTE



PANTONE 7701  
CMYK: 100, 62, 35, 16  
RGB: 150, 193, 33  
#005576



PANTONE 333  
CMYK: 62, 0, 33, 0  
RGB: 46, 217, 195  
#2ed9c3



PANTONE Cool Gray 7  
CMYK: 0, 0, 0, 46  
RGB: 155, 157, 160  
#9b9d9f



PANTONE 7451  
CMYK: 47, 28, 0, 0  
RGB: 135, 166, 217  
#87a6d9



PANTONE 333  
CMYK: 0, 7, 14, 0  
RGB: 255, 236, 216  
#ffecd8

## COMPLEMENTARY

## TYPOGRAPHY

### Headings

**Optima  
Bold**

**Internal Substitute:  
Cambria Bold**

### SUB-HEADINGS

**GOTHAM ROUNDED  
MEDIUM ALL CAPS  
TRACKING: 30PTS**

**INTERNAL SUBSTITUTE:  
CALIBRI BOLD**

### Body Copy

**Gotham Rounded  
Book**

**Internal Substitute:  
Calibri Regular**

### Heading Example


SUB-HEADING EXAMPLE

Body copy goes here. Os as untur as aut digniae la volo quis audandi tiorrovite magnihi libusdae sumenihic tem ut que voluptata custrum fuga.


# BUSINESS SYSTEM

## Business Card #1

FRONT

<b>Julie R. Prado</b> Executive Director	 <b>CSCSA</b> Enriching the Lives of Children
(916) 416-5309 Cell (209) 223-6449 Jackson	639 New York Ranch Road Jackson, CA 95642
CentralSierra@CentralSierra.cse.ca.gov <i>CentralSierraChildSupportAgency.com</i>	


BACK

	<b>CSCSA</b> Enriching the Lives of Children
<i>Serving Alpine, Amador, Calaveras, and Tuolumne</i>	


# BUSINESS SYSTEM

## Business Card #2

FRONT

<b>Julie R. Prado</b> Executive Director	 <b>CSCSA</b> Enriching the Lives of Children
(916) 416-5309 Cell (209) 223-6449 Jackson	639 New York Ranch Road Jackson, CA 95642
CentralSierra@CentralSierra.cse.ca.gov <b>CentralSierraChildSupportAgency.com</b>	

BACK

	<b>CSCSA</b> Enriching the Lives of Children
<i>Serving Alpine, Amador, Calaveras, and Tuolumne</i>	

# BUSINESS SYSTEM

## Envelope



639 New York Ranch Road  
Jackson, CA 95642

*Serving Alpine, Amador, Calaveras, and Tuolumne*

# BUSINESS SYSTEM

## Letterhead



639 New York Ranch Road  
Jackson, CA 95642  
(209) 223-6318  
[CentralSierraChildSupportAgency.com](http://CentralSierraChildSupportAgency.com)



**Thank you!**

# **AGENDA ITEM**

**#6**

## CENTRAL SIERRA CHILD SUPPORT AGENCY

*A regional child support agency formed by a Joint Powers Agreement  
serving the counties of Alpine, Amador, Calaveras and Tuolumne*

**Julie R. Prado**, Executive Director

<b>TUOLUMNE COUNTY OFFICE</b> 975 Morning Star Drive Sonora, California 95370 (209) 533-6490 (8am – 5 pm) (209) 533-6455 (FAX)	<b>JPA BUSINESS OFFICE AMADOR COUNTY MAIN OFFICE</b> 639 New York Ranch Road Jackson, California 95642 (209) 533-6490 (8am – 5 pm) (209) 223-6295 (FAX)	<b>SATELLITE OFFICES:</b> ALPINE, AMADOR & CALAVERAS COUNTIES
--	---	---

### **MEMORANDUM**

DATE: January 17, 2020

TO: Board of Directors

FROM: Julie R. Prado, Executive Director

SUBJECT: Strategic Plan

#### **Agenda item #6**

CSCSA has created our first Strategic Plan. The plan is a five-year plan that we anticipate will improve Agency performance, increase staff knowledge and engagement, enhance program awareness, create community partnerships, and ultimately increase our caseload with an end goal of enhancing the lives of more children. The tactics will likely change on a year to year basis in order to culminate in the realization of the full plan within five years.

Leadership Team members have each taken one or more initiatives which we will sponsor to ensure the tactics are accomplished. Staff will also be involved in the actions we will take to accomplish the plan. This Strategic Plan ties our Performance Management Plan and Performance Measures together to ensure there is full alignment and that the work is tracked appropriately. Focusing on our work in this manner helps to ensure we are able to pivot when needed in order to accomplish overall initiatives.

Attached you will find the Plan. I will provide the Board with a status of the plan at the end of each year.



***CENTRAL SIERRA  
CHILD SUPPORT AGENCY***

**STRATEGIC PLAN 2025**

# State of the Organization

## *Strengths*

Among the many strengths of the organization, commitment and heart for the program is prevalent among all. Staff across the organization are compassionate, dedicated, excited, and engaged in customer service. Collections and overall performance are important to staff; we want to see results and are willing to work hard to achieve them. Staff within the Agency have longevity and carry the knowledge to perform their job well.

We have a strong commitment and desire to change our culture and grow, both individually and as a team. Internally, we have deep care and concern for one another and are willing to move forward together to further relationships both internally and with our stakeholders.

## *Weaknesses*

While we are small in caseload, we have a large geographical area to cover. Having multiple locations makes it challenging to share information and move the Agency in the same direction. Being a JPA has its challenges with marketing, reduced County partnerships, and technology limits.

Internally, some are having trouble letting go of the past and starting anew. Historically, there has not been shared vision as to the program and direction for the Agency. There is fear within the team of making a mistake, of change, of conflict, and of direct communication. We do not have partner and community buy-in and need to overcome issues in that area. For some, there is a 'good enough' mentality and/or 'if it's not broke, don't fix it' thinking which makes it difficult to drive creativity.

## *Opportunities*

With the creation of our vision and values, we have incredible opportunity to grow staff engagement in order to take full advantage of staff creativity and energy. We have room to grow our self-confidence as an organization and as individuals, increase our capacity, push each other, be more innovative, and build the positive culture we have identified that we want so badly. We can be much more innovative, using technology to our advantage. We want to redesign our processes, taking the best of the best in order to gain optimum results. Partnerships is a big one, we need to create awareness in the community by leveraging partnerships to reach more families in need of our services. Branding our program in new and innovative ways will strengthen our relationships with outside stakeholders and our customers.

## *Threats*

A reduction in birth rates, reduced caseloads, and an increase in families leaving the State may cause issues in our quest to build our caseload. We have a technology deficit both within the organization and in the community, making it more difficult to take advantage of new mediums of customer interaction. Seasonal job markets and possible reduction in overall jobs in the area can impact collections, as may environmental issues such as fires, floods, and storms. The lack of public transportation in our areas may hinder customer engagement. Internally, being stuck in the past, negativity, gossip and a lack of trust are also threats. Being slow on follow-through, fear, reduction in staffing, and slow or no communication are also areas of threat for the Agency.

# **Central Sierra Child Support Agency Strategic Alignment**

## **Core Purpose**

To empower and enrich children, families and communities

## **Core Values**

Trust → Ingenuity → Accountability → Unity → Courage

## **Vision 2025**

Invest...Inspire...Innovate ...

The trusted community leader in family-centered services!

## **Mission**

We support family self-sufficiency

# **Strategic Plan 2025**

## ***Our Strategic Direction***

Defining and creating a culture of excellence

## ***Our Strategic Goals***

1. Enriching the employee experience
2. Maximizing resource development
3. Engaging community presence
4. Mastering service and performance excellence

Objectives	Tactic	Accountability	Begin	Target Completion	Progress Remarks
<b>1. Enriching the Employee Experience</b>					
<b>1.1 Create an environment consistent with our agency values</b>					
	1.1.1 Display values and behaviors in all offices				
	1.1.2 Coach each other to our values in all conversations				
<b>1.2 Develop and implement an employee recognition program</b>					
	1.2.1 Develop and plan an Agency- wide employee recognition program				
<b>1.3 Strengthen self-confidence and autonomy</b>					
	1.3.1 Identify and provide ongoing training and resources for 2 new staff processes to increase autonomy				
<b>1.4 Fully engage in consistent, honest and transparent communication</b>					
	1.4.1 Reinforce and redirect to peer to peer communication				
	1.4.2 Explore options to present Crucial Conversation training to staff				
	1.4.3 Continue director's message				



Objectives	Tactic	Accountability	Begin	Target Completion	Progress Remarks
<b>2. Maximizing Resource Development</b>					
<b>2.1 Utilize technology in innovative ways</b>					
	2.1.1 Create and brainstorm a list of ideas and technology to explore priorities				
	2.1.2 Implement ideas that require no other investment				
	2.1.3 Visit outside partners to learn their technology system and ideas				
	2.1.3.a Analyze what might work for us and or how it could be tweaked to fit our needs				
<b>2.2 Create, implement and maintain an easily searchable data base for existing and future resources</b>					
	2.2.1 Implement a sprint with Leadership to clean up all shared drives				
	2.2.2 Create a share point				
	2.2.2.a Transfer the resources approved for current and future use to share point				

Objectives	Tactic	Accountability	Begin	Target Completion	Progress Remarks
<b>2.3 Leverage employees</b>					
	2.3.1 identify the skills talents and passions of existing employees				
<b>2.4 Look for and implement cost saving measures</b>					
	2.4.1 Identify and implement at least two cost saving measures				
	2.4.2 Identify shared services opportunities Analyze existing business practices from the cost efficiency perspective				
<b>3.0 Engaging community presence</b>					
<b>3.1 Build a robust outreach program</b>					
	3.1.1 Review known outreach opportunities for continued participation in alignment with our vision				
	3.1.2 Create a committee to start building an outreach vision and plan				
<b>3.2 Collaborate with Partners that Support family services</b>					
	3.2.1 identify potential partners and establish contact list				

Objectives	Tactic	Accountability	Begin	Target Completion	Progress Remarks
<b>3.3 Create, implement and maintain a vibrant marketing platform</b>					
	3.3.1 Develop and roll out a recognizable brand for marketing purposes				
	3.3.2. Implement an effective social media presence				
<b>4. Mastering service and performance excellence</b>					
<b>4.1 Maximize collections</b>					
	4.1.1 Explore and select 2 tailored case management options and pilot				
<b>4.2 Engage in continuous process improvement</b>					
	4.2.1 Create list of mapping needs				
	4.2.2 Map, analyze and resolve three processes				
<b>4.3 Align and continually improve performance measures</b>					
	4.3.1 Create and implement a process to align all roles to performance measures				
<b>4.4 Develop strong and lasting relationships with customers</b>					
	4.4.1 Implement one early intervention program				

Objectives	Tactic	Accountability	Begin	Target Completion	Progress Remarks
	4.4.2 Pilot 1 “warm handoff” program				

# **AGENDA ITEM**

**#7**

**CENTRAL SIERRA CHILD SUPPORT AGENCY**  
*A regional child support agency formed by a Joint Powers Agreement  
serving the counties of Alpine, Amador, Calaveras and Tuolumne*

**Julie R. Prado**, Executive Director

<b>TUOLUMNE COUNTY OFFICE</b> 975 Morning Star Drive Sonora, California 95370 (209) 533-6490 (8am – 5 pm) (209) 533-6455 (FAX)	<b>JPA BUSINESS OFFICE AMADOR COUNTY MAIN OFFICE</b> 639 New York Ranch Road Jackson, California 95642 (209) 533-6490 (8am – 5 pm) (209) 223-6295 (FAX)	<b>SATELLITE OFFICES:</b> <i>ALPINE &amp; CALAVERAS COUNTIES</i>
---	---	---

January 27, 2020

**MEMORANDUM**

TO: Board of Directors  
FROM: Julie R. Prado, Executive Director  
SUBJECT: Personnel Rules & Regulations Annual Review & Changes

**(Agenda Item #7)**

**Background**

CSCSA Personnel Rules and Regulations (PRR) are reviewed on an annual basis to ensure Rules are consistent and appropriate. The change from Merit to CalHR and the CSCSA payroll conversion, among other items, have resulted in a need for suggested changes to the PRR.

This below matrix is offered to assist in finding and explaining the suggested changes. The PRR is also included with track changes for the Board's review.

**CSCSA Personnel Rules and Regs**  
**Proposed Changes Matrix**  
**January 2020**

Section      201 (a)-Update Merit System to CalHR

201(e)-Suggested change of wording – Annual reports have not historically been provided to the Board. This section is unclear as to what “actions” the policy is referring to. Suggestion to change the language to reflect what is currently being done.

203- Suggested change of wording - The Board has not historically been made aware of these activities. Suggestion to update wording to reflect what is currently being done.

301 – Update Merit System to CalHR

305- Update Merit System CalHR

305.1-Update Merit System to CalHR

401(c) Update Merit System to CalHR

402- Update Merit System to CalHR

404.1- Update Merit System to CalHR

503- Update Merit System to CalHR

504- Update Merit System to CalHR

506- Update Merit System to CalHR

508.1- Update Merit System to CalHR

508.3- Update Merit System to CalHR

509.1-Update Merit System to Agency HR

602-Update Merit System to CalHR

602.1 – Update to appropriate sentence structure, no content change

702- Update Merit System to CalHR

703- Update Merit System to CalHR

802- Update Merit System to CalHR

805.3- Update Merit System to CalHR

904.1- Suggestion to modify by adding a sentence to clarify that extensions of probationary periods as a result of leaves required by law do *not* require an agreement from the employee.

911- Suggestion to modify to clarify the process of step advancements to be consistent with the wording of the MOU. The current PRR language does not reflect what is actually being done and is inconsistent with the MOU. This is necessary clean up.

1001-Update Merit System to CalHR

1108-Added section – this is a newly added section to ensure all employees understand their entitlement to medical insurance for an additional month after employment ends. This process is not currently documented anywhere in Agency policy and staff are likely unaware of this benefit. This added section serves to inform and document how the process works.

1304.2- Suggestion to modify to clarify that steps are given at the first of the next pay period as the “first of the month” is no longer our payroll cycle. As a result, employees will, in most cases, receive their step increase sooner than they have in the past..

1304.3 & 1304.4- Deleted and rolled into 1304.2 just to reduce redundancy.



1310-Updated pay periods to be bi-weekly as opposed to 1<sup>st</sup> and 15<sup>th</sup> as our payroll cycle has changed.

1402.6-Suggestion to replace “4/10” with “alternative work schedule” so that we have more flexibility to offer additional schedules to staff and not be limited to 4/10 schedules. This language allows for additional flexible schedules if/when the Agency can accommodate more flexibility.

1402.7(b)- Suggestion to replace “4/10” with “alternative work schedule”, same reason as above. Replaced “are” with “may” and removed the language of “2 hours”. This allows the Agency to offer staff more flexibility in schedules.

1402.8- Suggestion to update to include the Deputy Director as having authority to modify schedules.

1404.1- Suggestion to delete second sentence for clarity, the language included in the first sentence is sufficient.

1408- Suggestion to update to clarify that employees working less than full time shall accrue vacation on a pro-rated basis, which is consistent with what is currently being done.

1408.1-Suggestion to update to clarify the current vacation accrual system.

1409.4-Suggestion to update to clarify that sick leave is charged during the same pay period it is taken, which is our current practice and consistent with law. This is necessary cleanup.

1409.7-Suggestion to add this section to clarify that sick leave shall not accrue during an unpaid leave of absence. This is current practice and spelled out

clearly in the vacation section but was excluded from the sick leave section.

1410.1(c)-Suggestion to delete option to retain 24 hours of sick leave from the PRR as this is not an Agency policy, but rather a bargained option. Please note: this is an option for employees covered by the MOU and will continue to be an option of those employees as those issues outlined in the MOU take precedence over Rules outlined in the PRR.

1411.5(c)- Same as above

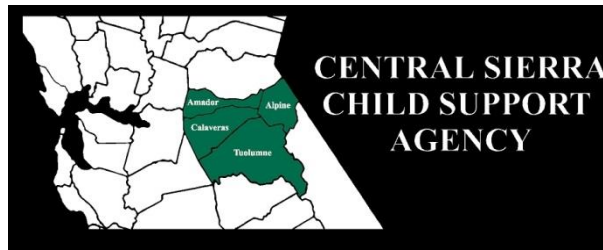
1418- Suggestion to delete language from PRR as this law no longer pertains to CSCSA due to the size of the Agency.

1423(d)- Suggestion to update language to clarify that employee must exhaust leaves before applying for donated leave.

1423(g)-Suggestion to update language to clarify that donated time will remain with the employee to whom it is donated, even if not used, and will not return to the donor.

**RECOMMENDATION:**

It is recommended that the Board approve the suggested changes to the PRR as presented in the draft PRR.



## **CENTRAL SIERRA CHILD SUPPORT AGENCY**

### **PERSONNEL RULES AND REGULATIONS**

Adopted on November 20, 2017

Resolution 17-025

Amended ~~November 16, 2018~~ January 27, 2020

Resolution ~~18-019~~ add new number

#### **TABLE OF CONTENTS**

#### **PART 1 PURPOSE, CODE OF ETHICS, COMMITMENT TO AGENCY PUBLIC SERVICE, AND RESPECTFUL WORKPLACE**

- 101. Purpose
- 102. Code of Ethics
- 103. Responsibilities of Public Service
- 104. Dedicated Service
- 105. Outside or Secondary Employment
- 106. Conflict of Interest
- 107. Nondiscrimination in Delivery of Services
- 108. Confidential Information
- 109. Use of Public Property
- 110. Political Activity
- 111. Respectful Workplace

#### **PART 2 AGENCY AND ADMINISTRATION**

- 201. Agency Executive Director
- 202. Record of Employees and Positions
- 203. Reports by Executive Director
- 204. Personnel Rules; MOU
- 205. Interpretation of Personnel Rules
- 206. Amendment of Personnel Rules

## 207. Management Rights

### PART 3 POSITION CLASSIFICATION

- 301. General
- 302. Classification Plan
- 303. Interpretation of Class Specifications
- 304. Assignment of Positions to Classes
- 305. Reclassification of Positions

### PART 4 RECRUITMENT

- 401. General
- 402. Recruitment Announcements
- 403. Types of Recruitments
- 404. Applications
- 405. Disqualification of Applicants

### PART 5 SELECTION PROCEDURES

- 501. General
- 502. Promotion Within Flexibly Staffed Positions
- 503. Competitive Selection Procedures
- 504. Assignment of Weights
- 505. Prohibited Questions
- 506. Waiver of Selection Procedures in Open Recruitments
- 507. Conduct of Selection Process
- 508. Scoring
- 509. Review and Appeal Procedures
- 510. Examination Records
- 511. Confidentiality

### PART 6 EMPLOYMENT LISTS

- 601. General
- 602. Establishment and Maintenance of Lists

### PART 7 CERTIFICATION

- 701. General
- 702. Request for Personnel
- 703. Content of Personnel Requisition
- 704. Number to be Certified
- 705. Certification Waivers

706. Dispositions

## PART 8 APPOINTMENTS

801. General

802. Appointment After Certification

803. Extra Help Appointments

804. Under Fill or Over Fill of Regular Full/Part Time Positions

805. Conditions of Appointment

## PART 9 PROBATIONARY PERIOD

901. General

902. Duration

903. Requirements

904. Time Included

905. Promotions

906. Orientation

907. Performance Evaluations

908. Discipline During Probation

909. Dismissal of Probationary Employee

910. Probationary Promotions and Demotions

911. Conclusion of Probationary Period

## PART 10 PROMOTION, REASSIGNMENT, AND VOLUNTARY DEMOTION

1000. General

1001. Promotion

1002. Assignment and Reassignment

1003. Demotion

## PART 11 RESIGNATION, NON-DISCIPLINARY SEPARATION, AND LAYOFF

1101. General

1102. Resignation

1103. Non-Disciplinary Separation

1104. Layoff

1105. Seniority for Layoffs

1106. Notice

1107. Demotion in Lieu

1108. Medical Insurance upon Separation

## PART 12 DISCIPLINARY ACTIONS

1201. General

1202. Conduct

1203. Discipline

1204. Progressive Discipline

1205. Disciplinary Actions

1206. Dismissal of Probationary Employee

- 1207. Pre-Discipline Requirements
- 1208. Service of Order
- 1209. Employee Appeals From Notice of Decision

#### PART 13 CLASSIFICATION AND WAGES

- 1301. Authorized Personnel
- 1302. Standard Salary Ranges
- 1303. Compensation Plan
- 1304. Salary Step Plan
- 1305. Salary on Promotion
- 1306. Salary on Demotion
- 1307. Change in Salary Range
- 1308. Additional Compensation
- 1309. Payroll Records
- 1310. Pay Date
- 1311. Retention Incentive Pay (Longevity)
- 1312. Suspension
- 1313. Pre-Tax Deductions

#### PART 14 TERMS OF EMPLOYMENT

- 1401. Home Office Assignments
- 1402. Hours of Work
- 1403. Attendance
- 1404. Unauthorized Absences
- 1405. Travel
- 1406. Travel for Work-Related Events
- 1407. Holidays
- 1408. Vacation Leave
- 1409. Sick Leave
- 1410. Leave for On-the-Job Injury
- 1411. Family Medical Leave Act
- 1412. Pregnancy Disability Leave
- 1413. Parental Leave
- 1414. Bereavement Leave
- 1415. Jury Duty Leave
- 1416. Leave for Promotional Examinations
- 1417. Leave for Military Service
- 1418. Leave Under the Family-School Partnership Act
- 1419. Other Types of Leave
- 1420. Administrative Leave
- 1421. Provisions Affecting Leaves
- 1422. Leave Balance Conversion Option
- 1423. Donated Sick Leave Bank
- 1424. Performance Evaluations
- 1425. Training and Staff Development
- 1426. Safety Conditions
- 1427. Personal Property
- 1428. Employee Assistance Program
- 1429. Service Awards

## PART 15 EMPLOYEE RECORDS AND RIGHT TO PRIVACY

- 1501. General
- 1502. Personnel Records
- 1503. Disclosure of Employee Record Information
- 1504. Notification of Change in Personal Information
- 1505. Personnel Files
- 1506. Medical Information
- 1507. References

## PART 1

### PURPOSE, CODE OF ETHICS, COMMITMENT TO AGENCY PUBLIC SERVICE, AND RESPECTFUL WORKPLACE

101. PURPOSE. In accordance with Title 2 of the California Code of Regulations these Rules are adopted by the Joint Powers Authority (hereinafter "JPA") Board in order to implement the following principles:
- (a) The Central Sierra Child Support Agency (hereinafter "Agency") shall recruit, select, and retain the best qualified employees available.
  - (b) The Agency shall provide equal opportunity for all persons at all levels of Agency employment in accordance with provisions of the JPA Board policies and pursuant to state and federal law.
  - (c) The Agency shall appoint, evaluate, transfer, promote, compensate, discipline, and dismiss employees on the basis of job-related qualifications, performance, and equal employment opportunity.
  - (d) No person shall be favored or discriminated against with respect to either employment with or appointment to the Agency on the basis of any non-job related factor protected by state or federal law including but not limited to age; genetic information; marital status; medical condition; mental or physical disability; national origin and ancestry including holding a driver license granted under Vehicle Code section 12081.9; pregnancy and perceived pregnancy; race and color; gender related issues including pregnancy, childbirth, breastfeeding and related medical conditions; gender identity or gender expression including transgender status; sexual orientation; religion or religious creed; and military and veteran status. This ban on discrimination includes discrimination based on actual membership in the above categories, and also perceived memberships or associations with members of the above categories.
  - (e) These standards are intended to strengthen public service and to maintain and promote faith and confidence of the people in their government.
102. CODE OF ETHICS. It is the duty and responsibility of those in public service to conduct their affairs in an ethical manner. As such, those employed by the Agency shall:
- (a) In the performance of their duties, be sensitive to circumstances that could be misconstrued as a special favor, something to be gained personally, acceptance of a favor or as an influence in the outcome of them performing their duties.
  - (b) Be cognizant that private promises of any kind may conflict with one's public duty and responsibilities.
  - (c) Always act responsibly with confidential information received in the performance of their duties.
  - (d) Treat all individuals encountered in the performance of their duties in a respectful, courteous and professional manner.



- (e) Promote only decisions that benefit the public interest.
- (f) Conduct and perform job duties diligently and promptly.
- (g) Faithfully comply with all laws and regulations applicable to the Agency and impartially apply them to everyone.
- (h) Promote the public interest through a responsive application of public duties.
- (i) Demonstrate the highest standards of personal integrity, truthfulness and honesty in all public activities.
- (j) Uphold these principles being ever conscious that public service is a public trust.

103. RESPONSIBILITIES OF PUBLIC SERVICE. Agency employees serve for the benefit of the public. They shall uphold and adhere to the Constitution of the United States, the Constitution of the State of California, and the JPA Board Policies and Procedures as well as Agency rules, regulations and policies, and shall carry out impartially all laws. In their official acts, they shall discharge faithfully their duties, recognizing that the public interest is paramount. All Agency employees must demonstrate the highest standards of morality and ethics consistent with the requirements of their positions and consistent with the law.

104. DEDICATED SERVICE. Agency employees shall adhere to work rules and performance standards established for their positions. The Agency requires all employees to be courteous and considerate, to be accurate and truthful in statements, and to exercise sound judgment in the performance of their work. During the hours covered by active Agency employment, no employee shall work for any other employer or agency, nor shall they conduct or pursue any unauthorized activity for remuneration. Employees shall neither exceed their authority nor breach the law, nor shall they ask others to do so. They shall work in full cooperation with other employees unless prohibited from so doing by law or by officially recognized confidentiality of the work.

105. OUTSIDE OR SECONDARY EMPLOYMENT. The rule set forth above shall not serve to prohibit independent acts or other forms of paid or non-paid enterprise during those hours not covered by active Agency employment, provided such acts do not constitute a conflict of interest or impair the employee in the performance of official duties and functions. Agency employees must inform the Executive Director or his/her designee of any outside employment, business activity or enterprise in which the employee is engaged. If the Executive Director determines that such employment, business activity or enterprise is inconsistent, incompatible, in conflict with or inimical to the proper discharge of the employee's official duties, the employee shall be ordered to refrain from that employment, activity or enterprise. The decision of the Executive Director shall be final.

105.1 Once outside or secondary employment is approved by the Executive Director, an employee placed on leave from the Agency (including but not limited to FMLA, ADA, and CFRA) must reapply for outside or secondary employment for the period of the leave.

106. CONFLICT OF INTEREST. Agency employees shall adhere to the Conflict of Interest Code for the Agency as outlined in the JPA Board Policies and Procedures. (Resolution 15-014)

Agency employees are also subject to applicable provisions of the California Government Code, including but not limited to Sections 1090 (prohibiting the making of contracts in which an officer or employee has a financial interest), 1126 (prohibiting outside employment that is incompatible with the official duties of an officer or employee), 87100

(prohibiting an employee from using his or her official position to influence a governmental decision in which the employee has a financial interest), or any other conflict of interest code, policy or rule applicable to Agency employment.

107. NONDISCRIMINATION IN DELIVERY OF SERVICES. In the course of his/her employment, no employee shall grant any special consideration, treatment, or advantage to any person beyond what is available to every other person in similar circumstances.
108. CONFIDENTIAL INFORMATION. Each Agency employee shall be advised of confidentiality rules and policies in writing. No employee shall disclose confidential information except as authorized or required by law or otherwise use such information for personal gain or benefit. All personnel records shall be confidential except when disclosure is required by law. See Rule 1505 regarding an employee's right to inspect his/her personnel file. See JPA Board Resolution 07-021, Resolution 07-023, and Resolution 10-003 for confidentiality policies.
109. USE OF PUBLIC PROPERTY. Agency employees are prohibited from using Agency or State-owned equipment, materials, or property for profit or for political purposes.
110. POLITICAL ACTIVITY. In the performance of their official duties, all employees shall support Agency and governmental policies and objectives established by the JPA Board of Directors or by the Executive Director, as well as Agency programs developed to attain these policies and objectives. Outside of their official duties, employees may express otherwise lawful opinions on all political subjects while off duty, without recourse against them unless the employee is in a sensitive or policy-making position in the Agency where speech and political activities may have an adverse effect on working relationships or the efficient operation of the Agency. Under these unique circumstances the law authorizes limiting First Amendment rights as a requirement for the job, and employees may be subject to adverse consequences for engaging in such activities.
  - 110.1 The provisions of California Government Code sections 3201-3209 and 3302 and any future amendments thereto are hereby incorporated into this Part I. Under the provisions of these codes, the Agency specifically prohibits employees from engaging in political activity during working hours or such hours as they are on duty for the Agency. Such prohibited activity shall include, but is not limited to, soliciting money, influence, service, or any other valuable thing to aid, promote, or defeat any political committee or the nomination or election of any person to public office, or to aid, promote, or defeat any ballot measure, while on the job during working hours. No person shall attempt to coerce, command, or require a person holding, or applying for, any position, office, or employment with the Agency to influence or give money, service, or other valuable thing to aid, promote, or defeat any political committee, or to aid, promote, or defeat the nomination or election of any person to public office, or to aid, promote, or defeat any ballot measure.
111. RESPECTFUL WORKPLACE. The Agency promotes and values a respectful work environment and expects that the business of the Agency will be carried out in the most efficient and courteous manner. Repeated and/or egregious disrespectful treatment of fellow employees which is both subjectively and objectively unwelcome and sufficiently

severe or pervasive to alter the conditions of any employee's working environment so as to create or perpetuate an abusive working environment shall be reported to the Executive Director for investigation and resolution, and may be grounds for disciplinary action.

## PART 2

### AGENCY AND ADMINISTRATION

201. AGENCY EXECUTIVE DIRECTOR. The Executive Director or his/her designee shall:

- (a) In partnership with ~~Merit Systems~~ CalHR, the Agency shall carry out all procedures in the administration of the Agency personnel system, including without limitation conducting recruitment and examinations, preparing employment lists, and certifying the names of candidates for employment.
- (b) Act as the appointing authority for human resources activities.
- (c) Administer, maintain and adjust the classification plan and recommend rates of pay for each classification of position.
- (d) Maintain a central roster of employees and positions.
- (e) Maintain an official record of all actions taken by the Agency, and ~~submit an annual report to notify~~ the JPA Board when appropriate.
- (f) Maintain the official personnel file for each employee in the Agency.

202. RECORD OF EMPLOYEES AND POSITIONS. The Agency shall maintain a central record of employees and positions. The record shall include the history of employment of each employee including dates of service, positions held, salaries received, and such other information as the Executive Director shall deem appropriate.

203. REPORTS BY EXECUTIVE DIRECTOR. The Executive Director shall ~~promptly~~ report the following matters to the JPA Board:

- ~~(a) — Appointments of all employees.~~
- ~~(b) — Separations of all employees.~~
- ~~(c)(a) Promotion, demotion and transfer of employees.~~
- ~~(d)(b) Leaves of absence, whether with or without pay.~~
- ~~(c) Proposed disciplinary actions, together with reasons for the action.~~
- ~~(e)(d) Staffing levels~~
- ~~(f)(e)~~ Other matters deemed necessary by the Executive Director for the effective administration of the Agency's personnel system.
- ~~(g)(f)~~ Nothing in this Rule shall affect the ability of Executive Director to operate the

Agency in accordance with the duties and responsibilities delineated in the Executive Director contract and with California law.

204. PERSONNEL RULES; MOU.

- (a) These Rules are enacted by the JPA Board pursuant to Title 2 of the California Code of Regulations, which reads in part as follows:

§ 17010. Every Local Agency administering a state or federally funded aid program must operate a documented merit-based Personnel System. Personnel System means the laws, rules, practices and policies a Local Agency follows, and the operation of its merit-based employee management system for applicants, Program employees and other Local Agency employees.

- (b) If a provision of these Rules conflicts with any provision of a labor union memorandum of understanding (hereinafter "MOU"), to the extent of such conflict the provision of the MOU shall be deemed controlling with regard to the employees covered by that MOU.

205. INTERPRETATION OF PERSONNEL RULES. The JPA Board on its own initiative, or at the request of the Executive Director, may interpret any provision of these Rules and resolve conflicts concerning the interpretation or implementation of these Rules. Nothing in this Rule 205 shall give any individual employee or employee organization the right to appeal a matter to the JPA Board under this Rule 205.

206. AMENDMENT OF PERSONNEL RULES. It is the intent of the JPA Board that these Rules shall be a "living" document that will effectively guide interactions between the Agency and its employees. To achieve this goal, the JPA Board intends that these Rules shall be revised or amended by the JPA Board as necessary.

207. MANAGEMENT RIGHTS. The Agency retains to itself solely, exclusively, and without limitation, all rights, privileges, powers, and authority conferred upon the Agency by law. Such rights, privileges, powers, and authority shall include, but shall in no way be limited to, the following.

- A. The right to manage the Agency generally and to determine all issues of policy.
- B. The right to determine the extent, necessity, and organization of all Agency service, operation, and function.
- C. The right to expand, reduce, or discontinue any Agency service, operation, or function.
- D. The right to determine and/or change the nature, manner, and means of all Agency services, operations, and functions, including, but in no way limited to, the financing, facilities, locations, equipment, and technology of such services, operations, and functions.
- E. The right to determine and/or change the financing, facilities, locations, equipment, methods, means, technology, organizational structures, and numbers and composition of the Agency's workforce.

- F. The right to determine, change, allocate, assign, issue, schedule, and withdraw all equipment by which Agency services, operations, and functions are to be conducted.
- G. The right to allocate, assign, establish, and schedule all work by which Agency services, operations, and functions are to be conducted.
- H. The right to utilize volunteers.
- I. The right of participation in mutual aid agreements and/or pacts.
- J. The right to contract or subcontract any services, operations, or functions.
- K. The right to lay off employees for non-disciplinary reasons.
- L. The right to discipline employees for just and sufficient cause.
- M. The right to recruit, examine, hire, classify, reclassify, promote, train, transfer, assign appraise, and retain employees.
- N. The right to determine and/or change class specifications and to classify or reclassify employees in accordance with class specifications. This includes the right to hire any new employee at any step in any applicable classification.
- O. The right to determine, and/or change, productivity, performance, programs, and standards, including but in no way limited to, the quality and quantity of work to be performed by employees.
- P. The right to maintain order and efficiency at all Agency facilities and operations.
- Q. The right to determine, change, promulgate, and enforce rules and regulations to promote the safety and health of employees and/or the public.
- R. The right to determine, and/or change, policies, practices, procedures, and standards for the hiring, promotion, and/or training of employees.
- S. The right to restrict the activities of employee organizations on Agency property and/or Agency time.
- T. The right to take all lawful steps to carry out or protect any Agency service, operation, function, equipment, facility, or employee or member of the public during any work stoppage, strike, work slowdown, or other job action against the Agency by its employees, or during any bona fide emergency.
- U. The right to adopt, eliminate, or revise all Agency policies, practices, procedures, resolutions, or ordinances.
- V. The term "Executive Director" includes any Agency employee designated by the JPA Board to act in the place of the Executive Director.

## PART 3

### POSITION CLASSIFICATION

301. GENERAL. A classification plan is a systematic process for grouping jobs into common classifications, or classes, based upon similarities in duties, responsibilities, and requirements. All positions having substantially the same duties and responsibilities, requiring substantially the same qualifications, to which the same descriptive title can fairly be applied, and which can properly be subject to the same salary schedule are included in a single class. The Agency, in partnership with ~~Merit Systems~~ CalHR when applicable, is responsible for classifying each position in Agency service and developing class specifications for each class. Upon the recommendation of the Executive Director, the JPA Board approves all new classes and class specifications, abolishes classes, and determines the representation unit or units to which each class is assigned. The JPA Board hereby delegates to the Executive Director the authority to make revisions to existing class specifications that do not materially change the totality of the essential functions or nature of the class.
302. CLASSIFICATION PLAN. The Agency shall prepare and maintain a classification plan based on the needs of the Agency. The plan will assign all positions in the classified service to a class and develop specifications for each class, which shall include:
- (a) The class title.
  - (b) A brief definition or description of the scope and nature of the class.
  - (c) A detailed statement of essential functions or tasks assigned to positions that are allocated to the class, which functions or tasks are for illustrative purposes only and are not to be regarded as inclusive or exclusive lists of functions or tasks to be performed by positions allocated to the class.
  - (d) A statement of the education, experience, knowledge, skills, abilities and physical characteristics that are required and/or deemed desirable in the class.
  - (e) A statement, where necessary, of the particular factors or features which distinguish one class from other related classes.
303. INTERPRETATION OF CLASS SPECIFICATIONS. The following principles shall be applied in interpreting specifications for the various classes of positions:
- (a) In determining the class to which any position should be allocated, the specification for each class shall be considered as a whole. Consideration shall be given to the general duties, the specific tasks, the responsibilities, the minimum qualifications and the relationships to other classes as affording together a picture of the kinds of positions that the class is intended to include.
  - (b) The description of essential functions or tasks shall be construed as a general description of a kind of work usually performed by the incumbent of a position

which is properly allocated to the class, and not as prescribing what the duties of any position shall be, nor as limiting the expressed or implied power of the Agency to prescribe or alter the duties of any position.

304. ASSIGNMENT OF POSITIONS TO CLASSES. Each position shall be assigned to the class into which the duties and responsibilities of the position most nearly fit, as determined by the Executive Director.

305. RECLASSIFICATION OF POSITIONS. The Agency, independently or with the assistance of ~~Merit Systems~~CalHR, may perform a classification review for any of the following reasons:

- (a) In order to determine if the duties of a particular position have changed substantially
- (b) If the Agency reorganization has affected staffing levels, duties, or positions held by employees; or
- (c) If the duties of a specific position may apply to a different classification.

305.1 ~~Merit Systems~~CalHR may also initiate a classification review of one class or classes as part of a larger review of all positions in multiple agencies under a specific ~~Merit System~~ classification study of all incumbents in a classification.

305.2 An employee or employee group may request a reclassification, in writing, to the Executive Director. The Agency must respond to the request within 30 days of the written request.

305.3 STATUS OF EMPLOYEES IN RECLASSIFIED POSITIONS. An employee occupying a position that is reclassified to a class with the same range as the previous position shall be placed at the same step and salary. An employee reclassified to a class with a higher range shall be placed at the step that is the same as or as close to but not lower than their previous salary. An employee reclassified to a class with a lower range shall be placed at the step which is the same as or closest to but no lower than their previous salary or, if the highest step in the new range is lower than the previous salary the employee shall be "Y-rated". The Y-rate will freeze the salary of the employee at the present level until the salary for the lower class is greater than the Y-rate.

305.4 RIGHT TO APPEAL: An employee who is reclassified has the right to appeal said reclassification, in writing, to be submitted to the Executive Director within 30 days of the date of hand-delivery, electronic delivery, or mailing of a notice of reclassification. The decision of the Executive Director shall be final.



## PART 4

### RECRUITMENT

#### 401. GENERAL.

- (a) The purpose of this Part is to ensure that vacancies in Agency employment are filled with the most qualified persons available.
- (b) All positions in the classified service shall be filled by persons who have participated in the recruitment process, except as otherwise provided by these Rules or waived by the Executive Director. Positions in the unclassified service may be filled using the recruitment process used for classified positions; these positions are Executive Director, Deputy Director, and Child Support Attorney.
- (c) The Agency shall coordinate with ~~Merit Systems-CalHR~~ to conduct recruitments to fill vacancies or to provide eligible lists for classes of positions where vacancies are likely to occur. Recruitments may be conducted as either a closed Agency promotional recruitment or an open recruitment.

402. RECRUITMENT ANNOUNCEMENTS. The Agency and/or ~~Merit Systems-CalHR~~ shall make public announcements of all recruitments and will administer a recruitment process that will attract qualified persons to Agency employment. The recruitment process selected will be commensurate with factors such as the availability of qualified candidates, number of projected positions to be filled, type of examination to be administered, and similar considerations. All recruitment announcements will be posted ~~on Merit Systems website and other~~ in appropriate locations for a minimum of five (5) calendar days. For non-~~Merit Systems~~civil service recruitments, the Executive Director will determine the appropriate advertisement methods. The Executive Director, will determine the length of time that the Agency and/or ~~Merit Systems-CalHR~~ will accept applications. Announcements shall include:

- (a) The class title, or class title and working title;
- (b) A description of the distinguishing characteristics of the class;
- (c) Minimum standards of education and experience required, and any additional desirable qualifications;
- (d) Compensation;
- (e) The method of filing applications and final filing date; and
- (f) A general description of the conditions of competition

403. TYPES OF RECRUITMENTS. The Agency may use promotional or open recruitments to establish eligible lists for classes in the Agency service. The Executive Director has the authority to decide which type of recruitment is most appropriate based upon the policies set forth in these Rules and the existing situation at any given time. Considerations for selection of a particular type of recruitment include without limitation the following: (i) upward mobility and career advancement of Agency employees; (ii) availability of an adequate number of qualified applicants within the Agency work force; and (iii) layoff considerations.

403.1 Promotional-Only Recruitments. Except as set forth in an MOU governing the position, candidates for promotional-only recruitments must be regular employees in the classified service or employees who have achieved permanent status. Candidates must also possess the minimum qualification requirements stated on the recruitment announcement.

403.2 Open Recruitments. Open recruitments shall be open to any candidate who meets the minimum qualification requirements.

404. APPLICATIONS. Every person seeking employment in the Agency shall submit an application in accordance with the following:

404.1 Filing Applications. All applications shall be made upon forms furnished by ~~Merit Systems-CalHR~~ and/or the Agency filled out as directed and filed on or before the closing date or as specified in the recruitment announcement. Resumes will not be considered as substitutes for the application. It is the responsibility of the applicants to show that they meet the minimum requirements for the position. All applicants shall certify the truth and correctness of all information contained in the application. After filing, information on the application may be amended only with the permission of the Executive Director. All applications, whether accepted or rejected, are confidential records of the Agency and will not be returned to the applicant, with the exception that to the extent a personnel file is created, the subject individual will have a right to inspect his/her personnel file under Rule 1505.

404.2 General Qualifications. Applicants must:

- (a) Provide proof of legal authorization to work in the United States pursuant to the Immigration Reform and Control Act of 1986;
- (b) Possess all the minimum qualifications established for the class; and
- (c) Be capable of performing the essential functions and meet the physical demands of the position, with or without reasonable accommodation.

404.3 Modification, Suspension or Cancellation of Recruitment. The Executive Director may modify the recruitment process as listed on the recruitment announcement

by notifying known applicants of the modification. If there are ten (10) or fewer competitors at any stage of the recruitment process, subsequent stages may be modified or may be suspended at any time and certification of the remaining competitors made, provided that the Agency must interview all those certified. The Executive Director may cancel a recruitment at any time for business reasons.

405. DISQUALIFICATION OF APPLICANTS. The Agency may disqualify an applicant, or remove an applicant's name from an eligible list, or refuse to certify an eligible applicant for failure to meet the conditions set forth herein. The Agency may also disqualify an applicant, remove an applicant's name from an eligible list, or refuse to certify an eligible applicant for any reason expressed in Part 12, Disciplinary Actions, Rule 1203 Discipline, or if the person:

- (a) Is lacking the requirements established for the class;
- (b) Is not capable of performing the essential functions or meeting the physical demands of the class, even when given a reasonable accommodation.
- (c) Has been convicted of any crimes or offense, including any felony that has been determined by the Executive Director to indicate unfitness for performing the duties and responsibilities of the class or position;
- (d) Has made a false statement of material fact in the application, or has practiced or attempted to practice any deception, fraud or misconduct in the application, examination, or selection process;
- (e) Has used or attempted to use political pressure or bribery to secure an advantage in the recruitment or appointment process;
- (f) Has directly or indirectly obtained information regarding the recruitment process to which the applicant was not entitled, or has otherwise defrauded, or attempted to defraud, the recruitment process;
- (g) Has failed to comply with the time limits for any portion of the recruitment process;
- (h) Has taken part in the compilation, administration or scoring of any portion of the recruitment process;
- (i) Has a history of dismissal from public or private employment, or resignation in lieu of termination, which the Executive Director determines is of such a nature as to have a clearly adverse effect on the candidate's ability to perform the essential functions of the class;

- (j) Is determined, through legal, and/or, appropriate means, to be an illegal user of a controlled substance or prescription medication;
- (k) Has otherwise violated provisions of these Rules; or
- (l) For any material cause that, in the opinion of the Executive Director, would render the applicant unsuitable for the position, including a prior resignation from the Agency, termination from the Agency, or a significant disciplinary action, or failure to pass a reference check, criminal background check, background investigation, or other job-related examination within the last twelve-month period.

405.1 Verification of Application. The Agency may conduct or cause to be conducted such investigation of the applicant's training and experience as may be necessary to verify and clarify statements contained in the application.

405.2 Notification of Disqualification or Rejection of Application. The Agency shall notify the applicant whenever an application is rejected by email, if available, and US Mail. The Agency shall use this delivery system in the event that under Rule 405, an applicant is disqualified, removed from an eligible list, or the Agency refuses to certify an eligible applicant.

405.3 Appeal of Disqualification. In the event that under Rule 405, an applicant is disqualified, removed from an eligible list, or the Agency refuses to certify an eligible applicant, such applicant may appeal the disqualification by filing a written appeal to the Executive Director within five (5) business days from the date of electronic notification of disqualification. The appeal must contain specific allegations of fact, citing the exact basis for the appeal and the relief requested. The burden of proof shall be on the disqualified applicant. The decision of the Executive Director on the appeal shall be final, except as otherwise required by law.

## PART 5

### SELECTION PROCEDURES

501. GENERAL. It is the policy of the Agency to seek the best-qualified persons available for each job in Agency service, and to encourage all persons to compete for the best jobs for which they are qualified.

The Agency desires to encourage career service among its employees and to provide incentives that will enhance promotional opportunities for employees without unduly restricting competition.

502. PROMOTION WITHIN FLEXIBLY STAFFED POSITIONS. Except as may be set forth in an MOU governing a position, upon approval by the Executive Director, an employee who has successfully completed the applicable probationary period for a flexibly-staffed position may be appointed to the next higher class into which his/her position is classified without examination. Before approving such requests, the Agency shall acquire evidence that the employee possesses the minimum qualifications for the higher class. An employment list is not necessary in order to make such an appointment.

502.1 A flexibly-staffed position is one that is within a classification series such as Child Support Specialist Level I/II or Account Clerk Level I/II.

503. COMPETITIVE SELECTION PROCEDURES. The Agency and/or ~~Merit Systems-CalHR~~ shall designate selection procedures for each position to be filled. The selection procedures may include one or any combination of the following: application evaluation boards, written tests, oral tests, performance tests, assessment centers, training and experience evaluations, or any other selection procedures. Selection procedures shall be job related and constructed to sample the knowledge, skills, abilities and/or attributes deemed essential for successful job performance.

504. ASSIGNMENT OF WEIGHTS. The Agency and/or ~~Merit Systems-CalHR~~ may assign weights to each part of the examination. If weights are assigned, applicants will be notified of those weights prior to commencement of the selection process.

505. PROHIBITED QUESTIONS. There will be no non-job-related inquiries of any applicant, either orally or through use of an application form, that attempt to identify (directly or indirectly) protected characteristics such as race, religious creed, color, national origin, ancestry, holding a driver license granted under Vehicle Code section 12081.9, physical disability, mental disability, medical condition, genetic information, marital status, gender, gender identity, gender expression, transgender status, age, sexual orientation, military and veteran status, or any other questions that are unlawfully discriminatory. In addition, there will be no inquiries regarding political views, labor affiliations, religious beliefs, arrest records that did not result in conviction or information concerning a referral to or participation in a pretrial or post-trial diversion program, pregnancy and child-bearing, birth control, or familial responsibilities. Nothing in this Rule shall prohibit the use of optional questionnaires to track and fulfill the Equal Employment Opportunity guidelines and/or

requirements.

506. WAIVER OF SELECTION PROCEDURES IN OPEN RECRUITMENTS. When, after posting an open recruitment, the number of accepted candidates is less than ten (10), the Executive Director and/or ~~Merit Systems-CalHR~~ may waive competitive testing and certify the applicants without score or rank. The certification shall indicate that the candidates are not in rank order. The Executive Director may follow the same procedure for waiver of examination under these conditions at any step in the examination process.

507. CONDUCT OF SELECTION PROCESS. The Agency has the right to approve the locations and the conditions under which selection procedures are to be conducted. All methods and procedures for administering selection procedures shall comply with reasonable standards of fairness, confidentiality, standardization and reliability.

508. SCORING. Final scores resulting from the selection process will be determined as follows:

508.1 Test Scores. The Agency and/or ~~Merit Systems-CalHR~~ shall establish a passing score giving consideration to test difficulty, quality of competition, needs of the service, identification of a score predictive of minimum acceptable job performance, number of candidates, and other relevant factors.

508.2 Oral Interview Panels. Where an oral interview is part of the selection process, a candidate who receives a passing score from a majority of the oral panel members shall be deemed to have passed this part of the selection process, regardless of the numerical average of the scores. The candidate's score, if the candidate passes, shall be equal to the numerical average of all raters' final scores or if the combined score is less than a passing score, the score shall equal the passing score. If the candidate receives a failing score from a majority of the oral panel members, the candidate shall be considered to have failed this portion of the selection process. All figures used will be rounded to the nearest whole number.

508.3 Passing Scores. The Agency and/or ~~Merit Systems-CalHR~~ may establish a passing score for the entire recruitment process as well as for any portion of the process. The selection procedures to be used shall be set forth in the announcement. Failure by a candidate to attain a passing score or to be selected in any portion of the selection process shall eliminate the candidate from further competition.

509. REVIEW AND APPEAL PROCEDURES. Candidates may review or appeal their scores as provided in these Rules.

509.1. Review of Written Test Paper; Appeal of Written Test Results. All appeals regarding written exams shall be submitted to ~~Merit Systems~~the Agency Human Resources or filed directly with California Department of Human Resources. Appeals are limited to comparison of the answer sheets with a scoring key and must be filed within 14 calendar days after test results were sent to applicant.

509.2 Review of Other Selection Procedures. Records of application evaluation panels, oral interview panels, or assessment centers, particularly statements of the individual raters regarding the qualifications of the candidates upon which the ratings are based, are confidential and may not be reviewed by candidates.

510. EXAMINATION RECORDS. Examination papers, eligible lists, applications and other records pertaining to examinations shall be open for inspection only under the conditions set forth in these Rules.
511. CONFIDENTIALITY. Names of persons applying for Agency positions, the ranking or placement on eligible lists, or the evaluation of their participation in any selection process, shall not be made public except as required by applicable law.

## PART 6

### EMPLOYMENT LISTS

601. GENERAL. An eligible list is an arrangement of applicants for Agency employment or promotion who are qualified as a result of the recruitment process or are eligible to be restored to Agency employment in accordance with these Rules.
602. ESTABLISHMENT AND MAINTENANCE OF EMPLOYMENT LISTS. The Agency shall establish and maintain employment lists of eligible applicants. Employment lists are established using the examination score as provided by ~~Merit Systems~~ CalHR. Eligible candidates are placed on the employment list in the order in which they scored. In recruitments where examinations are not administered by ~~Merit Systems~~ CalHR all applicants will be placed on the employment list with equal status. Eligible lists are good for a period of three months to one year. The Executive Director shall have the authority to abolish lists and initiate a new recruitment after the initial three-month period.
- 602.1 Restoration Lists: Lists composed of employees with post-probationary status who, within the preceding twelve-month period, have been laid off, displaced, demoted by displacement or have voluntarily demoted in lieu of layoff or displacement. ~~Employees~~ will be listed in order of seniority as defined herein. Such employees shall have the right to be restored to the classification in the Agency they previously occupied for a period of one (1) year following the date of the layoff, displacement, demotion by displacement, or voluntary demotion in lieu of layoff, unless otherwise specified in the MOU covering the position.



## PART 7

### CERTIFICATION

701. GENERAL. Certification is the process whereby available applicants are selected for contact by the Agency.
702. REQUEST FOR PERSONNEL. Whenever a vacancy is to be filled, the Agency shall use the existing Employment List on file for the classification of the vacancy. If no list exists for the classification, the Agency shall submit a personnel requisition to ~~Merit Systems-CalHR~~ to initiate the recruitment process. The names of persons eligible for appointment to positions in a class to which a vacant position is allocated shall be referred by ~~Merit Systems-CalHR~~ and placed on an Employment List by the Agency in accordance with Part 6 herein.
703. CONTENT OF PERSONNEL REQUISITION. The Agency shall make personnel requests for classified positions on forms prescribed by ~~Merit Systems-CalHR~~ and provide such information as may be required. Any request for special skills or qualifications should be noted on this form.
704. NUMBER TO BE CERTIFIED. The Agency may certify no more than the top ten (10) candidates per vacant position for the Agency interview process. The Agency may interview any or all of the certified candidates. Restoration lists must be considered before interviews are conducted.
705. CERTIFICATION WAIVERS. Certification or appointment may be waived by an eligible candidate as follows:
- 705.1 Temporary Withdrawal from List. Upon written request, an eligible candidate may withdraw from a Restoration or Regular Employment List for a specified period of time, provided, however, that upon again becoming an active eligible candidate the person may not claim eligibility for any appointment to which certification has been made during the period the candidate was inactive.
- 705.2 Waiver in Particular Certifications. An eligible candidate may waive rights to certification to any particular positions, or after certification may waive possible or offered appointment, by written statement to the Agency giving the reason for the waiver. After three such waivers of certification or appointment to regular positions in any class, the candidate may be removed from the list.
- 705.3 Failure to Respond to Certification. Failure of an eligible candidate to respond to a written notice by the Agency within five (5) calendar days is an automatic waiver of certification. The Agency may then certify an additional name to the certification list from the Employment List. A candidate who fails to keep the Agency informed of their contact information may be removed from the Employment List and may be restored to the list upon providing a satisfactory reason for their failure to respond.

706. DISPOSITION. The Agency shall record and maintain dispositions for each recruitment process including records related to which eligible candidates were contacted, which waived certification, which were interviewed, and which were appointed.

706.1 The Agency must contact each candidate that was interviewed and not selected to inform them they were not selected.

## PART 8

### APPOINTMENTS

801. GENERAL. An appointment is the offer and acceptance of a job made in accordance with these Rules and the laws governing these Rules. The offer must be made by the Executive Director or authorized representative of the Agency and only to a person eligible under these Rules for the type of appointment offered.

802. APPOINTMENT AFTER CERTIFICATION. Upon receipt of the certification of eligibility, the Agency shall contact the persons certified and offer to interview them as provided in these Rules. The Agency may examine applications, examination records and any other pre-employment tests, investigations or examination results of the eligible certified candidate, and conduct additional job-related investigations or tests of fitness. After confirmation by Merit Systems that all pre-employment tests and inquiries have been conducted, the Agency signs each appointment using forms designated by ~~Merit Systems~~CalHR.

802.1 The day employment and salary commence under such appointment shall be the date specified on forms prescribed by the Agency.

802.2 The Agency shall not approve the appointment of any regular employee who does not possess the minimum qualifications established for the position.

803. EXTRA HELP APPOINTMENTS. An extra help appointment consists of one of the following at-will appointments, as defined below: emergency appointment, temporary appointment, recurrent appointment, or limited term appointment.

803.1 Emergency appointment. An emergency appointment is an appointment made to meet immediate requirements caused by an emergency condition where there is a threatened interruption of essential Agency services and immediate action is necessary. Emergency appointments are made by the Executive Director for the duration of the emergency, but may not exceed thirty days without approval by the JPA Board.

803.2 Temporary appointment. A temporary appointment is an appointment made to accomplish a specific project that is limited in duration, is not of a recurring nature, and will not exceed one day less than six months. Temporary appointments are made by the Executive Director.

803.3 Limited term appointment. A limited term appointment is an appointment made to accomplish a specific project that is limited in duration, is not of a recurring nature, and will continue for a period of six months or more. Limited term appointments are made by the Executive Director. Limited term appointments, unless terminated earlier, terminate automatically at the end of the specific project for which appointment is made. Limited term appointments are made from eligible lists, unless waived by the Executive Director. Employees serving under a limited term appointment receive benefits (health, retirement and paid leave benefits) but not

permanency or civil service rights, including seniority or layoff rights.

804. UNDER FILL OR OVER FILL OF REGULAR FULL/PART TIME POSITIONS.

- (a) Under fill: The Executive Director is authorized to fill vacant positions using the specific classifications allocated in the Agency. An Executive Director may under fill an authorized position with a related classification that has a lower salary range and that contains a substantial portion of the duties listed in the class specifications for the authorized position. The classification used for the under fill appointment must be approved by the Executive Director. A position may be under filled for any of the following reasons; the Agency's internal promotional program would be enhanced, there are no qualified candidates to fill the vacant position at the higher level, or a critical departmental reason exists. An appointment to under fill a position may last until the next budget cycle, but in no event longer than one (1) year.
- (b) Overfill: In order to maximize flexibility of the Agency to meet unusual and/or unique staffing needs requiring longer term temporary "overfills", the Executive Director may authorize a position to be temporarily overfilled with an authorized position in a related classification that has a higher salary range. The Executive Director must submit the request to the JPA Board for approval. The request must describe the unique need, the amount of additional salary benefit cost above the amount allocated, and that the amount is available in the Agency's budget. When an overfill is approved, it must be filled with a regular or temporary employee that has been selected through a competitive recruitment process. An appointment to an overfilled position may last until the next budget cycle, but in no event longer than one (1) year.

805. CONDITIONS OF APPOINTMENT. Candidates who have been offered regular or extra help appointments must meet the conditions of appointment specified by the Agency for a particular position. Failure to successfully complete pre-employment processes or examinations may be cause for the Executive Director to cancel the eligible's name from a certification or remove the name from an eligible list. Conditions of employment may include:

- 805.1 Criminal Background Check. Prior to initial appointment or reinstatement, a candidate may undergo a criminal background check as determined by the Executive Director.
- 805.2 Pre-employment Physical Examination. Prior to initial appointment, reinstatement, or appointment to a classification with different physical demands, a candidate shall undergo medical screening and/or a physical examination as determined by the Executive Director.
- 805.3 Other Job-Related Examinations. For job-related reasons determined by the Executive Director, candidates may be required to submit to other examinations or tests prescribed by ~~Merit Systems~~ CalHR -or the Agency and shall be in accordance with applicable law.
- 805.4 Other Background Investigation. The Agency shall conduct such work-related reference checks and verification of education, certifications, or prior work

experience as may be prescribed by the Executive Director and will be in accordance with applicable law.

## PART 9

### PROBATIONARY PERIOD

901. GENERAL. The probationary period is the final phase of the examination process. It is utilized by the Agency to determine the employee's fitness for post-probationary status, for the effective adjustment of employees to new jobs, and for the separation of any probationary employee whose performance does not meet the required standards of performance.
902. DURATION. Each new employee shall be required to serve a probationary period of twelve (12) months from the date of his/her appointment. Upon successful completion of his/her probationary period, such employee shall be granted permanent status using the procedures set forth herein.
903. REQUIREMENTS.
- 903.1 Probationary periods are required in the following instances:
- (a) Upon initial appointment to a position in a class in the classified service.
  - (b) Upon promotion to a position in a class in the classified service, except for promotion of an employee who has completed probation in the lower class to the next higher class in a flexibly staffed position.
  - (c) Upon voluntary demotion or transfer to a position in a different class series in which the employee has not previously achieved post- probationary status, unless the Executive Director and employee agree, in writing and signed by both parties, to waive or reduce the probationary period.
  - (d) Upon displacement to a classification in a different class series where the employee has not completed probation at the lower level.
  - (e) Upon displacement resulting from layoff or release from probation after promotion where total time in the higher and lower level classes is less than the required probationary period at the lower level.
  - (f) Upon reclassification to a class at the same or higher salary range, unless waived by the Executive Director in writing and signed by both parties.
  - (g) In any other circumstance not specifically excluded herein.
- 903.2 Probationary periods are not required in the following instances:
- (a) Upon involuntary demotion.
  - (b) Upon promotion of an employee who has completed probation in the

lower class to the next higher class in a flexibly staffed position.

- (c) Upon displacement resulting from layoff or release from probation after promotion where time in higher and lower level classes satisfies the required probationary period at the lower level.
- (d) Upon voluntary demotion to a position in a class in the same class series when the employee has completed the required probationary period in a higher level class.
- (e) Upon reassignment to a position in the same class.
- (f) Upon restoration resulting from a layoff to the employee's former position or a lower position in the class series where the employee had completed a probationary period.
- (g) Upon reclassification to a classification in which the incumbent is Y-rated as defined by Rule 305.3.

904. TIME INCLUDED. The probationary period shall commence on the date of appointment. Unless otherwise specified in the applicable MOU, it shall not include time served in extra help appointments or time spent in acting status. Acting status is defined as a temporary assignment to a classification other than the classification permanently held by the employee.

904.1 Extensions: In some cases, it may be necessary to extend the probationary period. When a probationary period is extended, for reasons other than ~~discipline~~ protected leaves as set forth herein, it must be mutually agreed upon, put in writing, and signed by the Executive Director, or their designee, and the employee. For protected leaves which the Agency is required to approve, such as FMLA and pregnancy leave, probation shall be extended automatically, with or without agreement by the employee, by the number of days of the leave unless prohibited by law. When a probationary period is extended, the respective employee's anniversary date shall also change in accordance with the extension.

905. PROMOTIONS. Promoted employees shall serve the same twelve (12) month probationary period.

906. ORIENTATION. The Agency shall provide orientation to new employees as soon as practical after they begin employment.

907. PERFORMANCE EVALUATIONS. During the probationary period, each employee shall receive a minimum of two (2) formal performance evaluations, the first to be completed at least three months into the probationary period and the second not later than three months before the probationary period ends, as a means of evaluating such job characteristics as adjustment to employment conditions, integration in the workforce, job learning progress, attendance, and any other feature of the individual's job that is significant to the employee's retention, decision-making, and the prospects of job success. During this probationary period of employment, each employee should receive close supervision, instruction, and review of work, training, and any other guidance that is supportive of the employee's opportunity for success on the job. The Agency shall be responsible for

ensuring that an evaluation and report of appointment, or report of termination, or other appropriate document, is completed. Notwithstanding the foregoing, failure to comply with this section shall not preclude the Agency from dismissing an employee during the probationary period.

908. DISCIPLINE DURING PROBATION. A period of disciplinary suspension during the probationary period shall extend the probationary period by the number of days of the suspension.
909. DISMISSAL OF PROBATIONARY EMPLOYEE. Except as may otherwise be provided by law or rule, a probationary employee may be dismissed at any time during the probationary period without right of appeal or hearing. A probationary employee who is dismissed or demoted shall be given written notice of said action.
910. PROBATIONARY PROMOTIONS AND DEMOTIONS. A promoted or demoted probationary employee may be returned to his/her previous position for any lawful reason at any time during the probationary period, at which time the probationary period shall restart. A "lawful reason" includes the employee's failure to perform satisfactorily his or her duties during the probationary period. A promoted or demoted probationary employee may not be terminated from employment with the Agency for failing to satisfactorily complete his/her probationary period in the promoted position, but may be terminated for just and sufficient cause as set forth herein. A promoted or demoted probationary employee who is returned to his/her previous position shall be given written notice of said action.
- 910.1 A promoted or demoted probationary employee who is returned to his/her previous position shall have no right to appeal or to grieve the return with the following exceptions:
- (a) A promoted or demoted probationary employee who has cause to believe that his/her return was based on unlawful discrimination shall have the same appeal rights accorded to permanent employees.
  - (b) The only exception to the provisions outlined in this section is if a position previously occupied by the promoted or demoted employee has been eliminated from the budget, in which case the promoted or demoted employee will either be subject to a probationary release from employment, at which time the subject employee may exercise his/her bumping rights, or subject to layoff provisions.
911. CONCLUSION OF PROBATIONARY PERIOD. A probationary employee whose status is changed from probationary to permanent after the conclusion of the probationary period shall be entitled to the appropriate step advancement ~~retroactive to the conclusion of the probationary period~~ on the first day of the pay period following the completion of probation.



## PART 10

### PROMOTION, REASSIGNMENT, AND VOLUNTARY DEMOTION

1000. GENERAL. This section provides definitions of different types of employment transactions; however, it does not address salary implications which are found in Part 13 of these Rules.
1001. PROMOTION. Promotion is the move of a regular employee to another position in a class allocated to a salary range for which the top step is at least five percent (5%) higher than the top step of the class the employee formerly occupied. All promotions for classified positions will be implemented by ~~Merit Systems-CalHR~~ or Agency rules and regulations, as appropriate. If an employee qualifies, and has received longevity pay, and is promoted to a higher range, the five percent (5%) increase will be calculated on Step E of the range that the qualifying employee left. If the qualifying employee is placed at either Step A, B, C, D, or E of the higher range, the qualifying employee will also receive the appropriate longevity pay in addition to the wage received at the new range and step. Promotion shall be by competitive process as determined by the Executive Director. The Executive Director shall determine whether an examination is to be conducted on a promotional-only or open basis. To qualify for a promotional examination, a person must be a regular employee in the classified service holding probationary or post-probationary status, and must possess the minimum qualifications for the class on or before the final filing date for the examination. Names of persons who separate, except by layoff, shall be removed from promotional employment lists.
1002. ASSIGNMENT AND REASSIGNMENT. The Executive Director may assign an employee from one position to another position in the same class within the Agency.
1003. DEMOTION. Demotion is the move of a regular employee to another position in a class having a lower salary range than the class previously occupied by the employee. An employee may voluntarily demote with the approval of the Executive Director to a position in another class for which the employee possesses the minimum qualifications. An employee who is demoted shall be placed at the highest step within the range for the new class that provides at least a five percent (5%) reduction unless the employee is subject to the Y-rate provisions as defined by Rule 305.3. The employee shall receive a new step anniversary date based on the effective date of the demotion. An employee who has not passed an initial probationary period shall be placed at the entry step of the new class and receive a new step anniversary date.

## PART 11

### RESIGNATION, NON-DISCIPLINARY SEPARATION AND LAYOFF

1101. GENERAL. The separation of any permanent employee with post-probationary status shall comply with these Rules.
1102. RESIGNATION. An employee's voluntary termination of employment is a resignation. An employee who wishes to leave the Agency in good standing shall file a written notice of resignation with the Executive Director, giving at least two weeks' notice of intention to leave the service, unless the Executive Director consents, in writing, to shorter notice. The Executive Director shall promptly accept all written resignations in writing. Oral resignations shall be immediately confirmed by the Executive Director in writing to the employee indicating the effective date.
- 1102.1 Notice. Employees shall give notice of intent to resign at least two (2) weeks in advance of the last day of work (unless the Executive Director requests a longer period of notice, or consents to the employee's terminating on shorter notice as set forth above).
- 1102.2 Effective and Operative Dates of Resignations. An expressed resignation is effective when delivered or spoken to the employee's supervisor, manager or Executive Director, operative either on that date or another date specified by the employee.
- 1102.3 Job Abandonment. A constructive resignation occurs and is effective when an employee has been absent from duty for five (5) or more consecutive working days without authorized leave. The Agency may consider that a constructive resignation has occurred due to the absence from work, or that the absence provides a reasonable basis for believing that the employee has abandoned the job. See Rule 1404.1 regarding reinstatement.
- 1102.4 Revocation. A resignation can only be rescinded if approved in writing by the Executive Director.
- 1102.5 Resignation in Lieu of Disciplinary Action. An employee who resigns while charges or disciplinary action is pending, or who resigns while on suspension or to avoid dismissal, is not considered to have resigned in good standing.
1103. NON-DISCIPLINARY SEPARATION. The provisions of this Rule apply to employees with permanent or probationary appointments.
- (a) The Executive Director may require an employee to submit to a medical examination by a physician or physicians designated by the Agency to evaluate the capacity of the employee to perform the work of the position. Fees for the examination shall be paid by the Agency. When the Executive Director, after considering the conclusions of the medical examination provided for by this

section, or medical reports from the employee's physician, and other pertinent information, concludes that the employee is unable to perform the work of the present position, but is able to perform the work of another vacant position, the Executive Director may demote or transfer the employee to such a position. Prior to taking such action, the Executive Director and employee must determine whether the employee has a medical condition amounting to a disability as defined by law. If such disability exists, the Executive Director and employee must engage in a good faith interactive process to determine whether a reasonable accommodation exists that would allow the employee to perform the essential functions of his/her job. An accommodation is not reasonable if it imposes an undue hardship on the Agency.

- (b) When the Executive Director concludes that the employee is unable to perform the work of the present position, or any other available position in the agency, the Executive Director may terminate the employee. The Executive Director shall make reasonable job restructuring and other accommodations before demoting or terminating an employee under this section. If the employee is determined to have a medical condition amounting to a disability as defined by law, the Executive Director and employee must first engage in the good faith interactive process to determine whether a reasonable accommodation exists that would allow the employee to perform the essential functions of his/her job. An accommodation is not reasonable if it imposes an undue hardship on the Agency. If no such reasonable accommodation exists, the employee may be terminated under this section.
- (c) The Executive Director may demote, transfer, or terminate an employee, without requiring the employee to submit to a medical examination, when the Executive Director relies upon a written statement submitted by the employee as to the employee's condition, or upon medical reports submitted to the Executive Director by the employee. If the employee is determined to have a medical condition amounting to a disability as defined by law, the Executive Director and employee must first engage in the good faith interactive process to determine whether a reasonable accommodation exists that would allow the employee to perform the essential functions of his/her job. An accommodation is not reasonable if it imposes an undue hardship on the Agency. If no such reasonable accommodation exists, the employee may be terminated under this section.
- (d) A written notice of intent to separate shall be provided to the employee no less than 15 days prior to the action and must include the following:
  - (i) The proposed effective date of separation;
  - (ii) The particular facts and specific grounds for the proposed separation in sufficient detail to permit the employee to understand and to respond to them;
  - (iii) Copies of any materials upon which the proposed separation is based; and

- (iv) The right to file an employment rights appeal no later than 30 calendar days following the notification of action
- (v) If it is determined by the Executive Director or the California Department of Human Resources upon request of the employee, that the employee who was terminated, demoted, or transferred in accordance with this section is no longer incapacitated for duty, the employee shall be reinstated to a vacant position in the class from which he or she was originally removed, in a comparable class, or in a lower related class. If there is no vacant position in the class from which the employee was originally removed, the name of the employee shall be placed upon the reemployment list for that class and upon such other reemployment list that are determined to be appropriate by the California Department of Human Resources.

1104. LAYOFF. An employee shall be subject to layoff whenever:

- A. The employee's position is abolished.
- B. Necessary because of curtailment or lack of work or funds.
- C. Advisable in the interest of economy to reduce staff.
- D. Necessary due to a modification of service requirements.
- E. Another employee with greater seniority returns from a leave of absence.
- F. Another employee with greater seniority displaces the employee under the provisions of these Rules.

1105. SENIORITY FOR LAYOFFS. Seniority shall be determined as follows:

- 1105.1 Persons with permanent or probationary status shall receive credit for employment that has not been broken by a permanent separation of 6 months. When there has been a separation of 6 months or more, credit shall be given only for employment following such break in service. Persons hired from a reemployment list regain all previously earned seniority on the date of reemployment.
- 1105.2 Employees with an approved leave of absence including but not necessarily limited to military leave, maternity leave, and disability leave shall retain seniority accumulated before the leave of absence. The time of the approved leave of absence is not included in the seniority score computation.
- 1105.3 When two or more employees have the same total seniority score, the tie shall be broken in the following sequence:
  - (a) Employee with the greatest seniority in the class in which the layoff is being

- made and in higher level classes.
- (b) Employee with the greatest seniority in the Agency.
- (c) Employee with the greatest seniority in the Agency member counties.
- (d) Employees in the same class shall be separated during a reduction in force in the following appointment sequence:
  - i. Emergency
  - ii. Temporary
  - iii. Limited Term
  - iv. Permanent

1105.4 Employees who have been selectively certified by examination for special qualifications, or who have been employed from an examination given only for the position requiring special qualifications, shall be considered to be in separate classifications for the purpose of reduction in force.

1106. NOTICE. The Agency shall send written notices to each employee affected by a reduction in force at least 21 calendar days prior to the effective date of the action. The notice shall include:

- A. Reason for layoff
- B. Classes to which the employee has rights to in lieu of layoff
- C. Effective date of the action
- D. Seniority score for the employee
- E. Location of the seniority list where the employee may examine such list
- F. Formula by which the seniority was calculated
- G. Appeal rights of the employee
- H. Conditions for retention on reemployment lists
- I. Rules regarding waiver of reinstatement and voluntary withdrawal from the reemployment list
- J. Any other information determined by the Executive Director to be relevant.

1107. DEMOTION IN LIEU. In lieu of being laid off, employees may elect demotion to:

- A. Any class with substantially the same or lower maximum salary in which they have had permanent or probationary status; or
- B. A class in the same line of work as the class of layoff but of lesser responsibility if such classes are designated by the Executive Director
- C. To be considered for demotion in lieu of layoff, employees must notify the Executive Director in writing of their election no later than seven (7) calendar days after receiving the notice of layoff.

1108. MEDICAL INSURANCE UPON SEPARATION. Upon separation from Agency service, for retirement or other separation, CalPERS medical insurance shall continue through the end of the month that the employee terminates. Employees are eligible for CalPERS medical insurance for one additional month, through the end of the month following the month that the employee terminates. Should the employee opt to continue coverage for that month, the month following the month that the ~~month~~employee terminates employment, the Agency shall contribute the minimum required employer contribution of the medical premium as defined by CalPERS and the employee shall contribute the remaining premium balance which shall be deducted from the employee's final pay. The minimum employer contribution changes on a year to year basis, as determined by

| CalPERS; for the year 2020 the contribution amount is \$139.00.

## PART 12

### DISCIPLINARY ACTIONS

1201. GENERAL. Disciplinary action means dismissal, demotion, reduction in compensation, suspension, or any other disciplinary action that affects the employee's present status for a reasonable cause as defined under Rule 1203. The Executive Director, or his/her designee, may take disciplinary action against an employee. Dismissal during probation is not a disciplinary action.
1202. CONDUCT. All Agency employees are expected to render the best possible service that will reflect credit upon the Agency. The highest standard of conduct is essential to the proper operation of service. The Agency has the right and authority to establish work standards for all employees. Any employee may be dismissed, suspended or reduced in rank or compensation for cause.
1203. DISCIPLINE. The Executive Director may suspend without pay, reduce in pay, demote or dismiss any employee who has attained post-probationary status for reasonable cause, including but not limited to:
- A. Absence without authorized leave;
  - B. Conviction of any felony or criminal act involving moral turpitude, or accepting a plea of nolo contendere to any felony or criminal act involving moral turpitude;
  - C. On-duty or off-duty conduct, including without limitation, behavior or crimes that do not fall within subsection (b) above, that tends to bring the Agency service into disrepute, or is a direct hindrance to the effective performance of Agency functions;
  - D. Disorderly conduct;
  - E. Incompetence or inefficiency;
  - F. Insubordination or willful disobedience;
  - G. Being at work under the influence of intoxicating beverages, non-prescribed narcotics or drugs; carrying onto Agency premises any such substance, except as otherwise permitted under Agency policy; or consuming or using any such substance or misusing any prescribed drugs during work hours and/or on Agency premises;
  - H. Being under the influence of intoxicating beverages, non-prescribed narcotics or drugs in any public place while wearing or displaying clothing, badges, or insignia identifying the employee as an Agency employee;
  - I. Neglect of duty;
  - J. Violation of any lawful or reasonable regulation or order given by a member of the

Agency management team;

- K. Violation of any of the provisions of laws applicable to child support agencies, or these Rules or Agency policies;
- L. Material and intentional misrepresentation or concealment of any fact in connection with obtaining employment;
- M. Failure to obtain or maintain a current license or certification required as a condition of employment;
- N. Misappropriation of Agency funds;
- O. Unreasonable failure or refusal to undergo any physical, medical and/or psychiatric exam and/or treatment authorized by these Rules;
- P. Dishonesty or theft;
- Q. Improper political activity as set forth in Rule 110.1;
- R. Acceptance of any bribe, gratuity, kickback, or other item of value when the item is given in the hope or expectation of receiving preferential treatment;
- S. Excessive or unexcused absenteeism and/or tardiness;
- T. Repeated and/or egregious discourteous or disrespectful treatment of fellow employees;
- U. Discourteous treatment of the public;
- V. Disregard of an Agency policy or statutes regarding the confidentiality of records;
- W. Negligence or willful damage to public property, or waste, theft or unauthorized use of public supplies or equipment;
- X. Misuse of sick leave;
- Y. Unlawful harassment or unlawful discrimination or retaliation against another employee, an applicant for employment, or anyone using Agency services; and
- Z. Sexual harassment in, or affecting, the work environment;
- AA. Inability or incapacity to perform assigned job duties to the extent allowed by law;
- BB. Any other conduct of equal gravity with the above.

1204. PROGRESSIVE DISCIPLINE. The Agency shall use progressive discipline including minor discipline when the Agency believes that progressive discipline shall serve the dual purposes of providing both corrective warning and penalty to an employee whom the Agency



intends to retain as an employee after the discipline. The Agency may initiate discipline at any level, depending on the employee's conduct. Progressive discipline shall not be required when the Agency believes dismissal to be the appropriate discipline because of the employee's conduct.

1205. DISCIPLINARY ACTIONS. Pre-disciplinary actions include an oral warning and a Memorandum of Correction which remain in the Supervisor's evaluation file and shall automatically be expunged after one year. Disciplinary action, beginning with a Letter of Reprimand, will be placed in the employee's personnel file. Letters of Reprimand are not subject to the appeal process. However, within 30 days of receipt of a reprimand, an employee may write a written rebuttal to the reprimand which shall be affixed to the reprimand and placed in the personnel file. An employee may request to the Executive Director that a Letter of Reprimand be expunged from his/her personnel file after two (2) years. The Executive Director will take due consideration of the request however after three (3) years upon request by the employee the Letter of Reprimand shall be expunged from their file.
1206. DISMISSAL OF PROBATIONARY EMPLOYEE. A probationary employee may be dismissed at any time during the probationary period without right of appeal or hearing, except as may otherwise be provided by law or rule.
1207. PRE-DISCIPLINE (SKELLY) REQUIREMENTS. Except as otherwise expressly provided in these Rules, before taking action to suspend without pay, reduce in pay, demote or dismiss an employee, the Executive Director or their designee shall serve on the employee a Notice of Intent to Discipline (NOI). Service of the notice on the affected employee shall be made either in person or by certified mail addressed to the employee's last known mailing address. Service by certified mail shall be deemed complete three (3) calendar days after deposit with the U.S. Postal Service. If the affected employee cannot be served in person or by certified mail addressed to the employee's last known mailing address, or if for any reason the affected employee refuses or fails to take receipt of the notice, service shall be deemed complete three (3) calendar days after the attempted service. The NOI shall contain the following:
- A. The name and title of the initiator;
  - B. A statement of the action proposed to be taken;
  - C. A statement of the reason for the proposed action, including the acts or omissions alleged and grounds upon which the action is based and any rule or regulation claimed to be violated;
  - D. A copy of any written materials upon which the proposed action is based;
  - E. The date upon which the proposed action is to become effective;
  - F. A statement of the employee's right, prior to the effective date of the proposed action, to submit a response as set forth in Rule 1207.1 and, upon request, meet with the Skelly Officer;
  - G. A statement of the employee's right to be accompanied by a representative of the employee's choice during the meeting;

- H. A statement of the employee's rights to a hearing and appeal process; and
  - I. A statement that the employee has five (5) working days to respond to the Skelly Officer, either orally or in writing. The Skelly Officer shall be appointed by the Executive Director, and will be the Executive Director in appropriate cases.
- 
- 1207.1 Employee Response. The employee upon whom a NOI has been served shall have at least five (5) working days to respond to the Skelly officer before the proposed action may be taken. If the employee wants to meet with the Skelly Officer, the employee must request a meeting with the Skelly Officer as a part of his/her written response. Upon application and for good cause, the Skelly Officer may extend in writing the period to respond. The Skelly Officer shall consider the response, if any, of the employee in determining the propriety and nature of disciplinary action.
  - 1207.2 Failure to Respond. If the employee's response is not communicated to the Skelly officer within five (5) working days, the right to respond will be deemed waived.
  - 1207.3 Meeting with Skelly Officer. If, in the Employee's Response, the employee has requested a meeting with the Skelly Officer, the Skelly Officer shall set a meeting date prior to the effective date of the proposed action, at which time the employee will be afforded a reasonable opportunity to respond orally or in writing to the proposed action. The Skelly Officer shall consider the information gathered at the meeting, if any meeting occurs, in determining the propriety and nature of disciplinary action.
- 
- 1208. SERVICE OF ORDER. Following any meeting held in accordance with these rules or presentation of the employee's written response to the Skelly officer, or any waiver of such response by the employee, the Executive Director may uphold, modify or revoke the proposed action. The Executive Director shall give written notice of the decision (NOD) to the employee. For post-probationary employees, the NOD shall contain a statement of the employee's hearing and appeal rights under Rule 1209. The NOD shall be effective either upon personal service or deposit with the U.S. Postal Service.
- 
- 1209. EMPLOYEE APPEALS FROM NOTICE OF DECISION. A post-probationary employee may, within ten (10) working days after service or mailing of the NOD, appeal in writing to the Executive Director or directly to the California Department of Human Resources. Implementation of the action described in the NOD will not be stayed pending the outcome of this appeal. Employees who do not wish to appeal but who wish to make a statement regarding the NOD may have a written response or statement entered into their personnel file if submitted within ten (10) working days after service or mailing of the NOD.

## Part 13

### CLASSIFICATION AND WAGES

1301. AUTHORIZED PERSONNEL. The JPA Board, through the annual budget process, shall specify the number and classification of all regular employees authorized for the Agency. Such resolution shall be known and may be referred to for all purposes as the Authorized Personnel Allocation. All additions, deletions or modifications to an Authorized Personnel Allocation shall be approved by the JPA Board. No person shall receive any compensation from Agency funds for his/her services unless his or her employment is authorized by the Authorized Personnel Allocation or an extra help appointment, described in Rule 803, made in accordance with Agency rules.
1302. STANDARD SALARY RANGES. A standard salary range schedule consisting of ranges of hourly and monthly salary rates in dollars for employment in paid positions shall be established by the JPA Board. The schedule of monthly salary rates established by the JPA Board is for the purpose of convenience in quotation of monthly salaries. Computations for purposes of paying employees shall be on the basis of hourly rates.
1303. COMPENSATION PLAN. Except as otherwise provided by law or rules, employees shall receive the hourly rate compensation provided in the basic salary schedule that has been adopted by the JPA Board by resolution and MOU for their respective classifications of positions.
- 1303.1 Initial Step Placement. The entrance salary for a new employee entering Agency service shall be the first step of the salary range for the class to which the employee is appointed. In exceptional cases after reasonable effort has been made to obtain employees for a particular class, employment of individuals who possess special qualifications higher than the minimum qualification prescribed for the particular class may be authorized at a higher step upon approval by the Executive Director.
- 1303.2 Advanced Step Hiring. New employees may be hired at up to the final step of the salary range of the employee's classification, if the candidate possesses exceptional skills or qualifications that would be highly beneficial to the Agency, or due to the difficult nature of the recruitment, few qualified candidates were available and it is necessary to hire at an advanced step in order to obtain a person to fill the vacancy.
- 1303.3 Salary Compensation-Extra Help. The Executive Director may authorize the temporary employment of a person as extra help, described in Rule 803, upon a determination that sufficient funds are budgeted within the Agency. Extra help employees shall receive the first step hourly rate listed in the Salary Schedule and Compensation Plan for the classification to which they are assigned unless the individual meets the requirements for advanced step hiring set forth herein.
1304. SALARY STEP PLAN. Eligibility for salary step movement for regular employees and

limited term extra help employees, defined in Rule 803.3, shall be based upon demonstrated satisfactory service as determined by the Executive Director, and time in classification. Extra help employees other than limited term are not eligible for salary step movement.

- 1304.1 Step advancements for a regular employee shall be procedurally automatic, unless such step advancement is withheld from such employee in accordance with the other provisions outlined in these Rules and/or the MOU.
- 1304.2 A regular employee who is hired or promoted ~~at Step A~~ shall be eligible for step advancement on the first ~~calendar day of the month~~ day of the pay period following the ~~month in which such date the~~ employee completes his/her first twelve (12) months of employment as a regular employee in his/her regularly assigned class. Annually thereafter, step increases shall occur on the first day of the pay period following the anniversary date until the employee reaches the final step. ~~. If such employee completes his/her first twelve (12) months of employment as a regular employee in his/her regularly assigned class on the first calendar day of the month, he/she shall be eligible for step advancement on that day.~~
- ~~1304.3 Thereafter, a regular employee hired or promoted at Step A shall be eligible for step advancement on the first day of the month following the anniversary date of his/her first step advancement until such employee advances to Step E.~~
- ~~1304.4 A regular employee hired or promoted at any step higher than Step A shall be eligible for step advancement on the first calendar day of the month following the month in which such employee completes his/her first year of employment as a regular employee in their regularly assigned class. If such employee completes their first year of employment as a regular employee in their regularly assigned class on the first calendar day of the month, he/she shall be eligible for step advancement on that day.~~
- ~~1304.5 Thereafter, a regular employee hired or promoted at any step higher than Step A shall be eligible for step advancement on the anniversary dates of his/her first step advancement until such employee advances to Step E.~~
1305. SALARY ON PROMOTION. An employee who is promoted shall receive the nearest step within the new salary range that is not less than five percent more than his/her former step; provided, however, that in no case shall the increased salary be more than the top step in the new range. The effective date of a promotion shall be the first day of the first full pay period following the appointment. Increases in salary shall be made effective on the effective date of the promotion. For purposes of further annual increases within the salary range, the employee's anniversary date shall be changed to the effective date of the promotion.
1306. SALARY ON DEMOTION. The salary of an employee who has been demoted shall be determined as follows:
- 1306.1 Demotion to Another Position or Class-Voluntary. Except as otherwise provided in these rules, an employee who voluntarily demotes to a position of a class having a lower salary range than the class previously occupied by

the employee shall have his/her salary reduced to the step in the range next lower than the salary he/she received before the demotion. A new probationary period shall commence on the effective date of this action if the employee has not previously served in the lower class and if that lower class is not part of his/her current class series.

- 1306.2 Demotion as a Disciplinary Action. An employee may be involuntarily demoted to a lower class or to a lower compensation level within a salary range as a disciplinary action only, in accordance with Part 12, Disciplinary Actions, at the step closest to, but not less than, 5% reduction.
1307. CHANGE IN SALARY RANGE. Whenever the salary range for a class is revised, each incumbent in a position to which the revised schedule applies shall remain at the step held in the previous range, unless otherwise specifically provided by the JPA Board.
1308. ADDITIONAL COMPENSATION. Notwithstanding anything in these Rules to the contrary, when in the judgment of the JPA Board it becomes necessary or desirable to utilize the service of Agency employees in capacities other than those for which they are regularly employed, the JPA Board may so authorize and fix an additional rate of compensation for such employees, who shall be paid such additional compensation as may be specified by the JPA Board.
1309. PAYROLL RECORDS. The Agency shall be the office of record with respect to maintenance of payroll records to implement the payroll provisions of all Rules and resolutions. Each employee is responsible for reviewing each pay stub for accuracy, and promptly notifying their supervisor or the Executive Director of any errors. The Agency shall pay the employee the amount of any underpayment; the employee shall reimburse the Agency for any overpayment.
1310. PAY DATE. The date of payment shall be ~~the 15<sup>th</sup> and the last day of each month~~ bi-weekly as designated by the Executive Director, or his/her designee. In the event these dates fall on a holiday or weekend, the pay date will be moved to the last working day prior to the scheduled pay date.
1311. RETENTION INCENTIVE PAY (LONGEVITY). Regular employees shall be eligible for longevity pay as set forth in the applicable MOU.
1312. SUSPENSION: A period of suspension shall not be deemed to cause a discontinuance in years of employment for the purposes of step advancements, but the calculation of continuous employment for the purpose of calculating step advancements shall be extended by the number of days of the suspension.
1313. PRE-TAX DEDUCTIONS: The Agency has implemented Section 125 of the Internal Revenue Code allowing for a pre-tax salary deduction in an amount equal to employee-designated costs of dependent care, medical deductibles, co-payments, etc., as desired by each employee. Employees are hereby notified that they forfeit pay which they authorize to be deducted which does not equal their expenditures for a particular benefit category. No cash will go to any employee as an alternative to contributions to the Health Fund.
1314. OUT OF CLASS PAY: An employee assigned temporarily to perform work of a job

classification with a higher designated pay range ("temporary range") than the pay range designated for such employee's regularly assigned class ("regular range") shall be paid in accordance with the pay range of the elevated job classification during the temporary assignment. The employee shall be placed in the pay step closest to, but not less than, 5% higher than their current pay scale. The temporary assignment shall not begin until the Executive Director approves such an assignment and provides the employee with the terms of the temporary job assignment, including the begin and end date, in writing.

- 1314.1 An employee who believes that a supervisor has required that employee to work temporarily in a class with a temporary range higher than the employee's regular range, and who is not receiving the temporary range, may request through the Executive Director, that the employee be paid in accordance with the temporary range. The request shall be made within thirty (30) days of the assignment. The Executive Director shall, within five (5) working days, approve or deny the employee's request and in either case shall inform the employee of the decision.

## PART 14

### TERMS OF EMPLOYMENT

1401. HOME OFFICE ASSIGNMENTS: Most employees will be assigned to a home office (Amador, Alpine, Calaveras, or Tuolumne). In the event that the Executive Director requires any employee be reassigned to a different home office on a short-term or long-term basis, the Executive Director shall first attempt to make the assignment with a qualified volunteer. If in the opinion of the Executive Director, there is no qualified volunteer for reassignment to the different home office, the Executive Director shall have the right to choose a qualified employee to be reassigned to the different home office. In reassigning any employee, the Executive Director shall take into consideration the Agency's needs at the employee's assigned home office, its needs at the new home office, the employee's special qualifications for the new assignment, and the employee's seniority and any hardship to the employee in being assigned to the new home office. The determination of qualifications, the offices' needs, seniority, and hardship shall be made solely by the Executive Director.

1401.1        Some employees may not be assigned to a home office because their duties require them to routinely serve more than one office or work in more than one county. Such floating employees may be assigned a home office by the Executive Director when the employee's duties change and become localized within one county.

1402. HOURS OF WORK, SCHEDULES AND BREAK AND REST PERIODS: The provisions of this section apply to all employees, including exempt employees, except where it is specified that they apply to non-exempt employees.

1402.1        Schedule. Employees in the offices of the Agency shall work a five (5) day/eight (8) hour schedule unless the Executive Director specifically approves a different schedule. The determination of any schedule is not subject to the meet and confer process; it is a management right to be determined solely by the Executive Director.

1402.2        Business Hours. The Agency's offices will be open for business 8:00 a.m. to 5:00 p.m., Monday through Friday.

1402.3        Workday. The workday for part-time and extra-help employees shall be the same as that for full-time employees for purposes of overtime compensation.

1402.4        Meal Breaks.  
(a) Non-exempt employees are required to take unpaid, off-duty meal breaks of no less than thirty (30) minutes as set forth herein. Consult with their supervisor for the length of meal break you are entitled to receive. It is the non-exempt employee's responsibility to clock out for this lunch break and clock back in when returning to work. Non-exempt employees are required to take a meal break if they are working a shift longer than five (5) consecutive hours. If a non-exempt employee is working a shift that is five (5) to ten (10) consecutive hours in length, such an employee is required to take a meal break no later than the four hours and 59 minutes into their shift. If a non-exempt employee

works a shift twelve (12) to eighteen (18) consecutive hours in length, then they are required to take a second meal break no later than the end of the employee's nine hours and 59 minutes into their shift. These meal breaks must be off-duty, meaning the employee must be relieved of all his/her duties, must not be interrupted by work including by answering the work phone or work calls, and is free to leave work to take the meal break. Meal breaks cannot be combined with each other or with rest breaks.

(b) Exempt employees are not required to clock out during meal breaks.

1402.5 Rest Breaks. Non-exempt employees shall be entitled to take, and shall take, duty-free breaks totaling 30 minutes per day. Breaks may be taken in two 15 minute increments or in three 10 minute increments and shall be coordinated with the supervisor to account for work coverage. No employee shall perform any duties (including answering the telephones) during a break. Rest periods may not be combined or be used to shorten a workday. Rest breaks are paid breaks.

1402.6 Workweek. The workweek for full-time employees shall be five (5) workdays within a calendar week, for a total of forty (40) hours; provided, however, that the Executive Director shall have the right to establish in lieu of the five (5) workdays within a calendar week or ten (10) workdays within a pay period, a modified schedule consisting of 80 hours for the pay period. ~~-, a four/ten (4/10) schedule consisting of four (4) ten (10) hour workdays, for a total of forty (40) hours, for full-time employees.~~

1402.7 Alternative Workweek. Alternative work schedules may be approved by the Executive Director, provided they conform with state and federal law. Establishment of an alternative work schedule in any office is not subject to the meet and confer process; it is a management right to be determined solely by the Executive Director.

(a) All holidays falling within an alternative work schedule are paid at eight (8) hours.

(b) In the case of a 4/10-an alternate work schedule, reversion to an eight (8) hour work day, five days per week are-may be required as follows:

- Holiday weeks. ~~During weeks in which a holiday falls on a Monday or a Friday, an employee has the option to convert to eight (8) hour work days for that week. If the employee chooses to remain on schedule, the employee will be required to use vacation or CTE for the day of the holiday. For weeks in which a holiday falls on a Tuesday, Wednesday, or Thursday a 4/10 employee must revert to eight (8) hour work days, five days per week, during the week of the holiday(s).~~ During weeks in which there is a holiday(s), the Agency has the option of reverting an employee to an 8-hour per day schedule depending upon office needs. If the employee is required to, or chooses to,



remain on the employee's alternative work schedule, the employee will be charged vacation or CTE for the difference of hours between the employee's normal work- day and the number of holiday hours.

- Training conferences. During weeks in which a significant number of staff are away from the office attending training conferences, staff with ~~4/40~~an alternative schedules shall may be required to revert to eight (8) hour work days ~~for that week~~ in order to accommodate work coverage.
- Other business needs. When business needs require, staff may be directed to revert to a 5/8 schedule and/or to maintain an 8-5 work schedule. This includes but is not limited to mandatory meetings of employees.

- 1402.8 Modifying Schedules. Once a schedule has been assigned, there will be no trading or changing of schedules with other employees without written consent of the Executive Director or the Deputy Director.
- 1402.9 Outreach Events. The Executive Director reserves the right to alter an employee's schedule for outreach events upon reasonable notice when these events require that personnel be in attendance even if that schedule includes work hours on a Saturday, Sunday, or week days after 5:00 p.m. Examples of those events include but are not limited to County Fairs and Health Fairs. The Executive Director shall use best efforts to staff such events with staff who offer to adjust their work schedule.
- 1402.10 Overtime. A non-exempt employee assigned by the Agency to perform overtime work beyond the workday, beyond the workweek, beyond the work period established in lieu of the forty (40) hour workweeks, or beyond the fifth (5<sup>th</sup>) consecutive workday of a work period established in lieu of the forty (40) hour workweek, shall be granted compensation at a rate equal to one and one-half (1 ½) times the employee's regular hourly rate of pay for all such overtime work performed, commencing upon arrival at the employee's assigned worksite and ending upon departure from such worksite. When calculating overtime pay, the Agency shall not consider holidays or any leaves of absence, including vacation and sick leave, in such calculations.
- 1402.11 Compensatory Time Earned Non-exempt employees may be allowed to accrue up to a maximum of 80 hours compensatory time earned (CTE), meaning that in lieu of receiving overtime pay or extra compensation, the non-exempt employee receives additional time off. For purposes of overtime compensation, the work period, workday, and workweek for part-time and extra-help employees are the same as full-time employees. When work that will qualify as overtime must be performed, the Executive Director may determine, based on Agency need and budgetary considerations, whether compensation will occur with pay or CTE.
- 1402.12 Call back time. Employees called back to work after completion of his/her regular shift shall receive a minimum of two (2) hours compensation for the

time worked. If an employee receives a call requesting that he/she return to work, the employee is not required to do so and will not be retaliated against for deciding not to report for extra work for any reason. The Agency has no on-call employees.

- 1402.13      Approval for overtime. No employee may work beyond his/her workday or work period so as to qualify for overtime pay or CTE unless expressly directed to do so or approved by his/her supervisor.
- 1402.14      Exempt employees. Exempt employees are those management and professional employees who are not subject to the Fair Labor Standards Act (FLSA) overtime provisions, and such employees shall be required to work during such hours as necessary to carry out the duties of their position, as designated by the Executive Director or the Director's designee, and such hours may be varied so long as the work requirements and efficient operations of the Agency are assured. As exempt employees, employees shall not be docked pay nor have their accumulated leave balances reduced for absences of less than one (1) day. Absences of less than one (1) day require approval of the Executive Director or the Director's designee. Absences of less than one (1) day shall not be reflected on an exempt employee's time card.
1403.      ATTENDANCE. Attendance is an essential function of each position. Employees of the Agency are expected to report to their work site and perform their assigned duties on a sustained, regular and punctual basis. Late arrivals, early departures, or other absences which are not planned and preapproved in writing or otherwise authorized by the Rules are unacceptable except under extraordinary circumstances as they contribute to reduced performance and customer service, and to lower morale because of the added burdens on other employees for covering for unplanned absences of employees. Employees shall follow policies, procedures and guidelines regarding attendance and reporting as set forth in the Agency Employee Handbook.
1404.      UNAUTHORIZED ABSENCES: Any employee's unauthorized absence, i.e., absence from his/her duty without leave for five (5) or more consecutive working days, shall constitute an automatic voluntary resignation by such employee from his/her employment with the Agency, effective as of the last date on which the employee worked. Any employee's failure to return to Agency service within five (5) working days of the expiration of his/her leave of absence, or to secure from the Agency extension of such leave of absence, shall constitute an automatic voluntary resignation by such employee from his/her employment with the Agency, effective as of the date of expiration of his/her leave of absence.
- 1404.1      Reinstatement: Reinstatement of an employee to his/her employment with the Agency following his/her automatic voluntary resignation may be granted ~~in writing~~ by the ~~JPA Board through the~~ Executive Director, upon petition by the employee to him/her for such reinstatement. ~~If the position vacated by the employee has been filled by a regular employee for a period greater than three (3) months, or if the petitioning employee fails to provide an explanation satisfactory to the JPA Board as to the sufficiency of the causes for his/her unauthorized absence, or for his/her failure to return to Agency service upon~~

~~expiration of his/her leave of absence, or to secure from the Agency extension of his/her leave of absence, reinstatement shall be denied.~~

1405. TRAVEL: Any employee required by the Agency to operate his/her vehicle in the performance of Agency business shall receive an allowance at the then-current IRS mileage reimbursement rate. Employees who are required to use their private vehicles on Agency business shall be entitled to mileage reimbursement except that an employee who is called to work at his/her home office assignment shall not be eligible for mileage reimbursement.
- 1405.1 The Agency has elected to utilize per diem rates to reimburse travelers. Per diem rates may be used exclusively for meals and incidentals. When per diem rates are utilized, there is no requirement to obtain receipts for travels to substantiate these components of business travel. Said rates will be those as outlined by the employee bargaining agreement(s).
- 1405.2 Except as set forth below in 1405.7, if any employee is required by the Agency to travel outside the county in which his/her home office assignment is located during regular meal hours, the Agency shall reimburse the employee for the cost of such meals. A meal reimbursement shall not occur when an event for which the employee has travelled provides an included meal.
- 1405.3 Breakfast may be claimed only when the approved travel commences at or before 6:00am. Breakfast may be claimed on the last fractional day of a trip of more than 24 hours if travel terminates on or after 9:00 am.
- 1405.4 Lunch may be claimed on the first day if the trip begins at or before 9:00 a.m. and lunch may be claimed on the last fractional day of a trip of more than 24 hours if the travel terminates at or after 2:00 p.m.
- 1405.5 Dinner may be claimed if the trip ends at or after 7:00 p.m.
- 1405.6 Incidental costs for items such as luggage handling, gratuity, and other services or costs may be claimed for the actual and necessary costs up to the daily maximum rate. Incidental expenses may be claimed for each day in which travel extends beyond 8 hours.
- 1405.7 The exception to the foregoing paragraph is when an employee with a Tuolumne, Calaveras or an Amador home office assignment is directed to travel for the day to one of the other member counties. The employee will be entitled to mileage but no reimbursement for meals.
- 1405.8 If the Executive Director assigns on a temporary basis to Alpine County an employee with a home office assignment in either the Tuolumne, Amador or Calaveras offices, only lunch may be claimed unless the temporary assignment is for more than one workday. If the assignment is for more than one workday, a reimbursement plan shall be established by the Executive Director prior to the assignment.

1405.9 In general, advances of per diem will be made unless otherwise arranged by the employee with payroll.

1406. TRAVEL FOR WORK-RELATED ACTIVITIES: Employees are encouraged to use Agency vehicles for travel to and from work events. In the event staff must use their private vehicles for travel to such events, or use of their private vehicle is otherwise approved by the Executive Director, they will be reimbursed for mileage which will be calculated using the distance from their home work site OR their home to the event, whichever is less. Travel time will be paid to employees, both to and from the event.

1407. HOLIDAYS. The Agency designates the following days as Agency holidays:

New Year's Day	January 1
Martin Luther King's Birthday	Third Monday-January
President's Day	Third Monday-February
Cesar Chavez Day	March 31
Memorial Day	Last Monday-May
Independence Day	July 4
Labor Day	First Monday-September
Columbus Day	Second Monday-October
Veterans' Day	November 11
Thanksgiving	Fourth Thursday-November
Day after Thanksgiving	Friday Following Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25
New Year's Eve	December 31

1407.1 Any days declared by the President, and/or by the Governor of California, and which also may have been approved by resolution of the JPA Board, as a public day of fast, public day of mourning, public day of thanksgiving, or public holiday for Agency employees, shall entitle a regular employee to paid holiday leave for such days.

1407.2 When a holiday falls on a Saturday, the preceding workday which is not a holiday shall be deemed the holiday. When a holiday falls on a Sunday, the succeeding workday which is not a holiday shall be deemed the holiday. Employees who are required by the Executive Director to work on a holiday which falls on a Saturday or Sunday shall have that workday treated as a holiday and not the preceding workday if the holiday is on a Saturday or the succeeding workday if the holiday falls on a Sunday. If an employee works on a Sunday which is a holiday and also works on the following Monday, only the actual holiday would be treated as a working paid holiday under Rule 1407.5.

1407.3 Regular full-time employees shall earn paid holiday leave at a rate of eight (8) hours leave per day. This shall be pro-rated for part-time employees. Holiday leave shall be paid to that employee during the payroll period of the holiday(s). If an employee regularly works overtime, such an employee will only receive paid holiday leave at the rate of eight (8) hours and shall not receive overtime for holiday leave. Extra-help employees, as defined in Rule 803, will receive unpaid holidays.

1407.4 An eligible employee shall be in paid status on his/her regular working day immediately preceding or succeeding a holiday in order to be paid for the holiday.

1407.5 Working Holiday Pay. A regular employee who is required, or permitted, to work on a holiday shall be compensated at a rate equal to the holiday plus time and one-half the employee's straight time rate of pay for all such hours worked; provided, however, that a regular employee who is required, or permitted, to work on a holiday may elect, in lieu of such compensation, to be granted compensatory paid holiday leave as CTE at a rate equal to one and one-half (1-1/2) times the employee's straight time rate of pay for all such hours worked and to receive for the holiday on which he/she is required, or permitted, to work the straight time rate of pay for his/her most regularly assigned class. Regular part-time employees required to work on a holiday shall receive time and one-half the employee's straight time rate of pay, plus, if requested by the employee, available holiday time to a maximum of eight (8) hours.

1407.6 Any employee receiving State Disability Insurance (SDI) benefits, or on an unpaid leave of absence, shall not be entitled to be paid holiday leave, unless said leave is being supplemented by vacation and/or sick leave. Once these leaves are exhausted, holiday leave will not be accrued.

1408. VACATION LEAVE. Regular full-time ~~and part-time~~ employees shall earn and accrue paid vacation leave in accordance with the following provision. All probationary and regular full-time and part-time employees scheduled to work less than a full month and/or full-time shall accrue vacation on a prorated basis:

1408.1 Accrual Rates

<u>Annual Vacation Accrual</u>	<u>Years of Service</u>
88 Hours	<del>0-2 years</del> <u>0- &lt; 3 yrs</u>
128 Hours	<del>3-9 years</del> <u>3 yrs - &lt; 10 yrs</u>
168 Hours	<del>10 and Above</del> <u>10+ yrs</u>

1408.2 Maximum Vacation Leave Accrual. An employee may accrue up to 336 hours of annual vacation leave. An employee cannot accrue more than 336 hours of annual vacation accrual unless the Agency is unable to allow the employee time off to use vacation time. The Executive Director, or his/her designee, shall make every effort to allow employees to take vacation leave during the year in

which it is accrued.

1408.3 Provisions for Probationary Employees. Vacation accrual commences on the first day of employment and can be taken after six (6) months of service, but only for the amount of time that has been accrued. Probationary employees who suffer a work-related injury shall be allowed to use accrued vacation leave to compensate said employee for any loss of earnings when the cause is work-related and a worker's compensation claim has been filed and accepted by the Agency. Other exceptions to this Rule may be made by the Executive Director in appropriate circumstances.

1408.4 Vacation Scheduling. Employees must request vacation time in advance by completing the appropriate agency form and submitting to their supervisor for approval. Only in extraordinary circumstances will vacation requests be accommodated which are not approved in advance in writing by a supervisor. The Agency recommends that employees take their vacation each year. Supervisors will make every effort to approve vacation requests; however, the needs of the Agency must be taken into consideration prior to approving such requests. Agency needs include, but are not limited to, staff coverage and workload issues. Additionally, the Agency may, at its discretion, deny to any employee vacation leave during any work stoppage, strike, work slowdown, or other job action against the Agency by its employees, or during any bona fide emergency for which the Agency deems it necessary to have its employees work. When supervisors are unable to accommodate requests due to multiple requests for the same day, supervisors will discuss the situation with the impacted employees to attempt to negotiate a resolution that is acceptable to each employee. In the event that is not possible, time off will be granted on a rotation basis in order to allow all staff the opportunity to have time off during holidays. Seniority will be used as a means for deciding between multiple requests only after historical time off has been considered.

1408.5 Vacation Pay Rate. An employee's pay for any day of vacation leave shall equal the pay which the employee would have received had he/she worked his/her regular hours in his/her most regularly assigned class, but not in any temporarily assigned higher class, during the day of the vacation leave.

1408.6 Unpaid Leave of Absence. An employee on an unpaid leave of absence shall not be entitled to accrue vacation.

| 1409. SICK LEAVE All probationary and permanent full-time employees shall accrue sick leave at a rate of eight (8) hours per month. All probationary and regular full-time and part-time employees scheduled to work less than a full month shall accrue sick leave on a prorated basis.

1409.1 Use of Sick Leave. Employees are entitled to use sick leave pay for those days/hours which the employee would normally have worked to a maximum of the hours accrued unless otherwise specified herein, for the purposes set forth

below. Sick leave shall be taken in increments of .25 hours:

- (a) For preventative medical, dental, optical care, illness or injury to the employee or the persons set forth below; for BEREAVEMENT LEAVE as set forth hereinafter; or for catastrophic destruction of property of the employee.
- (b) "Illness or injury" is defined as
  - Medically defined illness or injury
  - Pregnancy, childbirth, and complications ensuing there from (collectively "pregnancy")
  - Time in a hospital, clinic, or physician's office caused by the illness or injury to the employee, or the persons listed below, or the employee's pregnancy
  - Any qualifying injury or illness as governed by the Family Medical Leave Act (FMLA) as discussed herein
- (c) Persons for whose care the employee may use sick leave include the relationships set forth below
  - Adult or minor child, defined as biological or adopted child, foster child, step child, legal ward, grandchild
  - Parent/other relative, defined as biological or adoptive parent or grandparent, foster parent, stepparent, sibling, adult legal ward, uncle, aunt, nephew, niece or relative-in-law (mother-, father-, brother-, sister-, son-, or daughter-in law)
  - Spouse/partner, defined as spouse or registered domestic partner
- (d) Catastrophic destruction of property of employee. The verification and approval of leave for the catastrophic destruction of property of the employee must be obtained prior to the employee's taking leave for this purpose, except in cases of bona fide emergency, upon which the Agency shall require verification and justification of the use of leave following an employee's use thereof.

1409.2 Insufficient accrued sick leave and leave without pay. If an employee does not have sufficient accrued sick leave during any illness or injury, said employee is hereby required to utilize his/her available compensatory time earned (CTE) in fractional amounts until his/her available CTE is exhausted, whereupon the employee shall utilize his/her available vacation leave in fractional amounts until his/her available vacation time is exhausted. In any case, leave without pay (LWOP) cannot be utilized unless all other leave accruals have been exhausted, or unless otherwise allowed herein. LWOP must be approved in advance in writing by the Executive Director or his/her designee.

1409.3 Reporting procedures for sick leave.



- a. When the employee, in advance, knows about the need for sick leave, the employee shall request authorization for such sick leave from the appropriate supervisor prior to such absence. This would include, but not be limited to, scheduled medical, dental or vision appointments.
- b. If an employee is not able to report due to illness or injury, the employee shall report as soon as possible to the appropriate supervisor, but in no case later than the start of their work shift, except for extenuating circumstances prohibiting giving notice.

1409.4 Verification procedures. Before being paid for the use of accrued sick leave, the employee shall submit a signed request for leave form to the appropriate supervisor. This form will include the dates and hours of absence along with the category of the request, as outlined in subsection 1409.1 herein. If an employee does not return to work prior to the preparation of the payroll, the form will be completed by the supervisor and signed by the employee upon return. ~~and the sick leave would be paid in the next pay period.~~ These hours will not be used to calculate overtime.

1409.5 Doctor Certificate or other proof.

- a. If an employee's illness or injury results in an absence from work for more than three (3) consecutive work days or demonstrates a pattern of usage which may require accommodation or progressive discipline, a certificate from the medical provider or other reasonable proof of illness or injury may be required. The Executive Director may make such sick leave usage reviews and may require such additional documentation, including a statement from the medical provider, as he or she deems necessary before approving the sick leave benefit. Failure to comply with such a request may result in disciplinary action.
- b. An employee who is injured or who becomes ill while on vacation may be paid sick leave in lieu of vacation, provided that the employee provides documentation showing that the employee was hospitalized during the period for which sick leave is claimed.
- c. At the request of the Executive Director or their designee, an employee may be required to provide documentation from a medical provider which releases the employee to return to work.

1409.6 Unused Sick Leave. Unused sick leave shall accrue from year to year.

1409.7 Unpaid Leave of Absence. ~~An employee on an unpaid leave of absence shall not be entitled to accrue sick leave.~~

1410. LEAVE FOR ON-THE-JOB INJURY. If an employee is injured on the job, (s)he should report the injury immediately to his/her supervisor. Injured employees have the right to see a physician of their choice for diagnosis and treatment.

1410.1 Coordination of leave benefits with State Disability Insurance (SDI), Workers'



Compensation temporary disability indemnity or Family Medical Leave Act (FMLA)/California Family Rights Act (CFRA).

- a. During a waiting period during which no benefits are payable from SDI or workers' compensation temporary disability indemnity, the employee is required to use accrued sick leave, CTE, or vacation leave rather than taking leave without pay.
- b. Upon completion of any waiting period discussed in Rule 1410.1(a), an employee is required to use for the period of absence, due to injury or illness, that fraction of his/her accrued sick leave, accrued compensatory time earned (CTE), and accrued vacation leave necessary to make up any difference in wages between the State Disability Insurance (SDI) or FMLA/CFRA leave benefits, or from workers' compensation temporary disability indemnity or temporary disability indemnity, and the pay the employee would have received had (s)he worked his/her regular hours and regular days in his/her most regularly assigned class, but not in any temporarily assigned higher class, during the period of illness or injury following any such required waiting period. Such an employee may utilize his/her available sick leave in fractional amounts until his/her available sick leave is exhausted, whereupon the employee may utilize his/her available compensatory CTE in fractional amounts until his/her available CTE is exhausted, whereupon the employee may utilize his/her available vacation leave in fractional amounts until his/her available vacation time is exhausted. Only once the accrued sick leave, CTE, and vacation leave are exhausted can the employee take leave without pay (LWOP).
- ~~c. Option to retain sick and vacation leave. An employee shall have the option of retaining up to 24 hours of unused sick leave accrual and up to 24 hours of unused vacation accrual.~~
- ~~dc.~~ Accrual of leave while on Worker's Compensation. Employees on an approved Worker's Compensation leave are entitled to accrue sick, vacation, and holiday leave.

1410.2 Return to Duty. An employee absent due to an alleged occupational injury or illness shall provide to the Agency a written release from a licensed health care practitioner for the employee's return to duty before being permitted to resume his/her employment duties following any absence due to occupational injury or illness.

1411. FAMILY MEDICAL LEAVE: FAMILY MEDICAL LEAVE ACT (FMLA) and CALIFORNIA FAMILY RIGHTS ACT (CFRA).

The Agency shall comply with federal and state laws regarding family medical leave (FMLA and CFRA). FMLA/CFRA shall run concurrently with any other authorized leave (i.e. disability, worker's compensation, etc.), except that an employee's entitlement to pregnancy disability leave under California law, discussed in Rule 1412, does not run concurrently with leave under the CFRA. FMLA/CFRA allows for a 12-week leave within a 12-month period.

- 1411.1 The twelve (12) month period shall begin on the date the qualifying leave is taken and may be used for any of the following purposes:
- a. For a serious health condition when the employee is unable to work;
  - b. For the birth and care of the newborn child of the employee, an adopted child, or a child placed in foster care with the employee;
  - c. For placement with the employee of a son or daughter for adoption or foster care;
  - d. To care for an immediate family member (spouse, registered domestic partner, child, or parent) with a serious health condition;
  - e. A qualifying exigency relating to a close family member's military service;
  - f. 26 weeks leave for an employee who is the spouse, son, daughter, parent, or next of kin for a covered military service member who requires care.
- 1411.2 In calculating whether or not an employee qualifies to use FMLA/CFRA, the Agency will use what is commonly known as the "rolling back" method of calculation. This means that when an employee requests FMLA/CFRA, the Agency will look back at the previous twelve (12) month period in order to determine if the employee qualifies for the requested leave. The employee must have worked for the Agency for a minimum of 12 months preceding the leave AND the employee must have worked a minimum of 1250 hours during those preceding 12 months.
- 1411.3 If the FMLA/CFRA leave is for the reason specified in Rule 1411.1(a) or (d), the employee is required to use accrued sick leave in fractional amounts until his/her available sick leave is exhausted, whereupon the employee shall utilize his/her available CTE in fractional amounts until his/her available CTE is exhausted, followed by accrued vacation leave in fractional amounts until his/her available vacation time is exhausted. Once all three types of leave are exhausted, the employee will be on leave without pay (LWOP).
- 1411.4 If the FMLA/CFRA leave is for the reasons specified in Rule 1411.1(b), 1411.1 (c), 1411.1 (e), or 1411.1(f), the employee is required to use accrued CTE in fractional amounts until his/her available CTE is exhausted, followed by accrued vacation leave in fractional amounts until his/her available vacation time is exhausted. Once both types of leave are exhausted, the employee will be on leave without pay (LWOP).

1411.5 Benefits While on FMLA Leave Without Pay

- a. The Agency will pay the employers portion of the employee's health insurance program premium, as provided in the relevant bargaining unit MOU, for up to four (4) months within a twelve (12) month period, commencing with the start of the FMLA leave and continuing for up to 4 months thereafter during the medical leave. While on such leave of absence, the employee shall accrue no employee benefits, no seniority, and no time toward salary step advancement including longevity.
- b. The four (4) month period is a "rolling forward" period beginning on the employee's first day of absence, through twelve (12) months from that date. The Agency may recover health insurance premiums for the period the employee was on unpaid status if the employees fails to return to work after FMLA leave, with the exception of those employees or employee's family members who have a continuation, recurrence, or onset of a serious health condition, or for other circumstances beyond the employee's control as defined in the FMLA.

cG. ~~An employee shall have the option of retaining up to 24 hours of unused sick leave accrual and up to 24 hours of unused vacation leave accrual.~~

1412. PREGNANCY DISABILITY LEAVE (PDL). A female employee is eligible to receive up to four (4) months pregnancy disability leave (PDL). This leave may be concurrent with any other available and authorized leave (i.e. FMLA). PDL is available only when the employee is actually disabled as a result of the pregnancy. This includes but is not limited to time off needed for severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth. The employee's health-care provider must provide documentation for this leave. During PDL, the Agency will pay his/her share of the employee's health insurance program premium so long as the employee pays his/her share, if any, of such monthly premium.

- A. When PDL may be taken: PDL may be taken before or after the birth at any period of time the employee is physically unable to work as a result of the pregnancy or pregnancy-related condition.
- B. Retention of leave and taking leave without pay: An employee on PDL is generally required to use accrued sick leave during PDL prior to taking leave without pay (LWOP). An employee has the option, however, of retaining up to 24 hours of unused sick leave accrual. An employee on PDL can but is not required to use accrued vacation or CTE while on PD.
- C. Return to duty: Upon returning from PDL, the employee will be employed in the same or comparable classification.

1413. PARENTAL LEAVE When leave is granted for the birth or adoption of a child, in cases where both parents of the child are employed by the Agency, both parents will not be

granted leave concurrently, nor in amounts totaling more than four (4) months combined leave in a twenty-four (24) month period for both parents.

1414. BEREAVEMENT LEAVE. A regular employee shall be granted leave not to exceed fifteen (15) days/ one hundred twenty (120) hours on account of the death of the persons set forth above in section 1409.1. The Agency may require, upon an employee's return from bereavement leave, appropriate verification of the employee's absence from work on account of the death of said person. Available sick leave may be used for these purposes.

A. Use of compensatory time earned (CTE) and vacation time: An employee who exhausts his/her available sick leave shall utilize his/her available CTE until all available CTE is exhausted, whereupon the employee shall utilize his/her available vacation leave until his/her available vacation leave is exhausted at which time the employee would be on leave without pay (LWOP).

B. Bereavement leave not charged to paid leave types.

(1) Where the deceased person is one of the following relationships, a maximum of three (3) days/twenty-four (24) hours shall not be charged against the employee's available sick leave, but instead shall be paid leave. These 3 days shall be counted as part of the total 15 days of bereavement leave provided under this section:

- a. Adult or minor child, whether biological, adoptive, foster or step-child;
- b. Parent, whether biological, adoptive, foster, step-parent or parent-in-law;
- c. Sibling; or
- d. Spouse or registered domestic partner.

1415. JURY DUTY/COURT APPEARANCE LEAVE. Any regular employee absent from work for service as a juror, or absent from work for appearance as a witness in response to a subpoena or court order to testify for the Central Sierra Child Support Agency, shall be granted paid leave of absence for the time necessary in going to, returning from, and serving or appearing in such capacity. Any fees received by the employee for such service or appearance shall be remitted to the Agency. The Agency shall require, prior to, and/or following, an employee's use of such leave, appropriate verification of the employee's need to be absent from work for service as a juror, or for appearance as a witness, in response to a subpoena to testify for the Agency. Any regular employee absent from work in response to a subpoena to testify in a matter not related to the Central Sierra Child Support Agency shall be granted CTE, vacation or leave without pay (LWOP) if the employee has no accrued CTE or vacation available.

1415.1 Grand Jury: For the purposes of this section, jury duty does not include service on any civil Grand Jury.

1416. LEAVE FOR PROMOTIONAL EXAMINATIONS Regular employees shall be granted paid leave of absence for purposes of taking qualifying or promotional examinations for Agency service, or for interviewing for other employment with the Agency. The Agency shall require, prior to, and/or following, an employee's use of such leave, appropriate verification

that such examination or interview is scheduled at a time when the employee is required to be working for the Agency.

1417. LEAVE FOR MILITARY SERVICE Employees shall be granted paid and unpaid leaves of absence, and reinstatement rights following such leaves, in accordance with the provisions of the Uniformed Services Employment and Re-Employment Rights Act (USERRA), 38 USC 4301 et seq.

1417.1. Use of sick leave for health examinations required for military service. An employee absent for purposes of a health examination required for military service in the United States shall utilize his/her unused sick leave for such absence. In the event sick leave is exhausted the employee shall use CTE until exhausted, then would use vacation until exhausted, then would be placed on leave without pay (LWOP). Agency shall require, prior to, and/or following, an employee's use of such leave, appropriate verification that such health examination is scheduled at a time when the employee is required to be working for the Agency.

1417.2 Military Spouse Leave: An employee who is the spouse of a qualified service member, who works an average of 20 or more hours per week, who provides notice to the Agency of his/her intention to take the leave within two (2) business days of receiving official notice that the service member will be on leave from deployment, and who submits written documentation certifying that the service member will be on leave from deployment during the time the leave is requested shall be granted military spouse leave for up to ten (10) days. The Agency will provide additional information on this Rule to an employee upon request.

~~1418. LEAVE UNDER THE FAMILY-SCHOOL PARTNERSHIP ACT The Family-School Partnership Act is a California law that allows parents, grandparents, stepparents, foster parents, persons standing in loco parentis to a child, and guardians to take unpaid time off work to participate in their children's school or child care activities. An employee may take off up to 40 hours each year (up to eight hours in any calendar month). Such leave will be paid if there is available vacation or compensatory time earned (CTE); if vacation or CTE credits have not accrued, then the leave shall be without pay. This leave is to be used to participate in activities at the child's school or day care facility. The Agency will provide additional information on this Rule to an employee upon request.~~

1419. OTHER TYPES OF LEAVE

1419.1 Discretionary leaves of absence: In addition to those leaves of absence noted herein, a leave of absence, with or without pay, may be granted for any period of time and upon any terms acceptable to the Agency and the employee, as authorized by the Executive Director. For leaves approved for more than ten (10) days, the Board will be notified at the next Board Meeting in closed session. An employee's pay for any period of absence under any leave provision shall equal the pay which the employee would have received had he/she worked his/her regular hours and regular days in his/her most regularly assigned class, but not in any temporarily assigned higher class, during the period of absence.

- 1419.2 The Agency will honor other requests for leave which are legally required.
1420. ADMINISTRATIVE LEAVE. In the event that the Executive Director deems necessary he/she may, by written notice, place an employee on administrative leave.
- 1420.1 The written notice shall specify the period of leave, if known, and any terms of the administrative leave not specified herein.
- 1420.2 During the period of administrative leave, the employee shall be entitled to all pay and benefits normally accruing to said employee but said employee shall remain away from his/her workplace and shall not carry out any duties related to his/her job. The employee must remain available by phone and for employment at all times during their regular work hours and must be available to report to work within two (2) hours of being advised to do so.
- 1420.3 The employee may discuss his/her placement on administrative leave with the Executive Director, but there shall be no right of appeal from placement on administrative leave; provided, however that the employee shall not be prevented from appealing any disciplinary action taken which is the cause for the employee being placed on administrative leave.
- 1420.4 If no disciplinary action, or other charge, follows the placement on administrative leave, all notices and other references to the employee's placement on administrative leave shall be expunged from the employee's personnel file.
1421. PROVISIONS AFFECTING LEAVES No absence under any paid leave provision shall be considered a break in service for any employee, and all benefits accruing to an employee shall continue to accrue during such absence. Absence under any unpaid leave provision shall not be considered a break in service, except as otherwise provided in these Rules, but all other benefits accruing to an employee under this Agreement shall cease to accrue for the duration of any such unpaid leave of absence unless continuation of such benefit accrual is required in accordance with the provisions of those noted herein, or with applicable laws.
- 1421.1 Stay of accrual of sick and vacation leave. Any employee receiving State Disability Insurance (SDI) benefits, or Paid Family Leave benefits, or on an unpaid leave of absence (with the exception of an approved worker's compensation leave), shall not be entitled to accrue sick and vacation leave unless such benefit accrual is required by law.
- 1421.2 Conditions under which leave may be denied. The Agency may, at its discretion, deny to any employee either paid or unpaid leave of absence, except those that are legally required, under any provisions of this Agreement during any work stoppage, strike, work slowdown, or other job action against the Agency by its employees, or during any bona fide emergency for which the Agency deems it necessary to have its employees work. The Agency may also deny paid or unpaid leave based upon Agency need, including but not limited to, coverage and workload issues. Full-time and part-time employees may use vacation leave, holiday leave, sick leave, personal leave, and other

types of paid leave only on days and during the hours on which they have been scheduled to work.

1422. LEAVE BALANCE CONVERSION OPTION: Employees who retire from the Agency shall be entitled to apply all accumulated sick leave towards PERS service credit for retirement purposes to the extent allowed by PERS regulations at the time of retirement.

1423. DONATED LEAVE BANK: A donated leave bank may be established under the following terms and conditions for an employee who qualifies to use it and who requests it.

- A. Leave to be donated to the bank is limited to vacation leave.
- B. The donated leave bank is not continually in existence. When an employee needs and requests donations, vacation leave may be donated into the bank.
- C. The Executive Director shall determine whether an employee qualifies for donated leave and shall act as the "banker", supervising the donations and the acceptance of the donated vacation leave.
- D. For an employee to qualify for the establishment of a leave bank, the employee must have exhausted ~~or be within 40 hours of exhausting~~ all of the vacation, sick, compensatory time earned (CTE), and holiday leave accrued to him/her. The benefit of the leave bank shall not be applied until all of the employee's own leave is exhausted.
- E. Thirty (30) days (240 hours) is the maximum number of donated days an employee may take for one (1) occurrence. In extraordinary circumstances, the JPA Board may allow an increase of the thirty (30) day limit.
- F. An employee may donate to as many leave banks as the employee chooses up to a maximum of 40 hours of vacation overall in any calendar year.
- ~~F.G.~~ Donated hours will not be returned to the donor, unused donated hours shall remain with the employee to whom they were donated.

1424. PERFORMANCE EVALUATIONS. Permanent employees shall be evaluated at least once per year within a month of the anniversary of their date of hire or promotion, and more often if the Agency perceives the need for such additional evaluation. The Agency shall be responsible for ensuring that an evaluation and report of appointment, or report of termination, or other appropriate document is completed.

- 1424.1 The preparation and use of performance evaluations are intended for the mutual benefit of the Agency and its employees. Performance evaluations should be used:
- a. To identify the evaluator's expectations for the employee's job performance;
  - b. To acknowledge above standard performance;
  - c. To prescribe the means and method of converting deficiencies to a required level of performance; and
  - d. To encourage two-way communication between employees and their evaluators as to how to improve the work environment to increase morale and efficiency.

- 1424.2 Employees shall be evaluated by a supervisor, manager, the Deputy Director, or the Executive Director or their designee, who shall have personal knowledge of the job performance of the employee. Each employee shall be assigned an evaluator for the purposes of education, supervision, and evaluation.
- 1424.3 Evaluations are intended to be participatory in nature involving the employee's input as much as possible. Both the employee and the evaluator shall meet to discuss and share their opinions. The evaluator shall then complete the Agency evaluation form to be placed in the employee's personnel file. All evaluations shall use the official form provided by the Agency.
- 1424.4 Any evaluation, when completed, shall be reviewed with the employee by the evaluator during the employee's working hours, without loss of pay or benefits to the employee. No evaluation shall be placed in any employee's personnel file, or other Agency record, until the evaluation has been reviewed with the evaluated employee. Both the evaluator and the evaluated employee shall affix to the evaluation their signatures and the date of review. The employee's signature shall not indicate that he/she agrees with the contents, conclusions, or recommendations of the evaluation, but only that the employee has read the evaluation and has had an opportunity to discuss it with the evaluator. The evaluator shall not add material to the evaluation after the employee and the evaluator have signed the evaluation form, unless mutually agreed.
- 1424.5 Any employee who wishes to respond to his/her evaluation may, during the employee's working hours, make such a written response within thirty (30) calendar days after receiving said evaluation. The response shall be appended to the evaluation and included in the employee's personnel file. Evaluations shall not be subject to any appeal or grievance procedures.
1425. TRAINING AND STAFF DEVELOPMENT. Employees will be trained as needed to assure high quality performance. In addition to providing training to improve performance, training should also be provided as needed to prepare employees for more responsible assignments and to implement affirmative action plans for equal employment opportunity. Training is available to staff in a variety of formats including but not limited to one-on-one, web-based, classroom style, and self-directed learning.
1426. SAFETY CONDITIONS. The Agency has adopted a safety program for employees. The Agency carries out job safety programs, practices, and procedures as may be promulgated by the Agency, or required by state law, rule, regulation, or order. With the exception of items of personal clothing, the Agency agrees to provide such health and safety equipment as may be required by the Agency, or by federal, and/or state law, rule, regulation, or order. Employee shall use the safety and health equipment provided by the Agency. Alternate safety and health equipment furnished by employees must meet State Division of Occupational Safety and Health (OSHA), or American National Standards Institute (ANSI) safety requirements, and approved in advance of its use by the Executive Director for an employee requesting the use of alternate equipment. The employee shall be responsible for returning Agency safety and health equipment upon permanent separation from employment, or upon the request of any of the employee's supervisors.



- 1426.1 On-the-job-injury: If an employee is injured on the job, he/she should report the injury immediately to his/her supervisor. Injured employees have the right to see a physician of their choice for diagnosis and treatment. As soon as practicable, an employee shall notify his/her immediate supervisor, and/or the Safety Officer, about any unsafe equipment or unsafe working condition. The immediate supervisor shall investigate, or cause to be investigated, reports of unsafe equipment, or unsafe working condition, and shall advise the affected employees of any corrective actions to be taken. If the employee still believes that the situation is unsafe, the matter shall be referred to the Executive Director as soon as possible by the supervisor and/or Safety Officer. The employee will not be required to work with the alleged unsafe equipment or unsafe working condition until a decision on the safety of the equipment or working condition has been rendered by the immediate supervisor and Executive Director. The decision of the Executive Director is final unless overruled by the State Division of Occupational Safety and Health Administration (OSHA).
- 1426.2 Unsafe equipment: No employee shall be disciplined for having refused to work with equipment, or under conditions that they believe are unsafe, provided they do not continue to refuse to perform the work once an authorized representative of the State Division of Occupational Safety and Health Administration (OSHA) or the Executive Director has determined the situation to be safe. An employee who unreasonably refuses to perform work is subject to discipline.
- 1426.3 Adherence to job safety requirements: As a condition of continued employment, employees shall be responsible for adhering to Agency and state job safety requirements. Accordingly, knowing failure by an employee to perform work in accordance with Agency or state job safety requirements shall constitute just cause for disciplinary action against the employee by the Agency.
- 1426.4 Possession or use of weapons: To ensure the Agency maintains a workplace safe and free of violence for all employees, the Agency prohibits the possession or use of dangerous weapons on agency property. All Agency staff are subject to this policy, including contract workers and temporary employees as well as visitors and customers. A license to carry a weapon, including a CCW license, does not supersede this Agency policy. Any employee who violates this policy will be subject to disciplinary action, up to and including termination.
- (a) "Agency property" is defined as all agency-occupied or leased buildings and surrounding areas such as sidewalks, walkways, driveways and parking lots under the Agency's ownership or control in addition to any off-site location an employee may travel to for Agency business. This policy applies to all Agency-owned or leased vehicles and all vehicles that come onto Agency Property.
- (b) "Dangerous weapons" include firearms, explosives, knives and other weapons that are deemed dangerous as determined by the Executive Director, i.e. any device or instrument that a reasonable person would find

dangerous and is capable of inflicting harm, and that has no proper work-related reason to be in the workplace or on agency property.

- (c) An employee is responsible for making sure that any item possessed by the employee is not prohibited by this policy. An employee shall seek guidance from the Executive Director if an employee has any concern or uncertainty about whether a particular instrument or device is prohibited by this policy. Further, an employee may seek approval from the Executive Director for a waiver of this prohibition based on unique and appropriate circumstances. Such requests for clarification and/or waiver shall be made in writing and shall state the factual basis for the request for clarification or waiver.
- (d) All employees have a mandatory duty to immediately report to the Executive Director any dangerous weapon that is brought into or on agency property by another employee.
- (e) To ensure the safety of all employees and Agency visitors, the Agency reserves the right at any time and at its discretion to search all agency-owned or leased vehicles, plus packages, containers, employee offices or work stations, lockers, desks, files, equipment, or any other area or article on agency premises.
- (f) An employee's purse, handbag, backpack, briefcase, or wallet, or the employee's personal vehicle, may also be searched, but only on the basis of information that creates a reasonable suspicion that the employee is in possession of a dangerous weapon, device or instrument. Notwithstanding the foregoing, an employee's personal vehicle may contain a stun gun, taser, pepper spray, or other non-lethal personal protection device.
- (g) Employees who fail or refuse to promptly permit a search as allowed in accordance with this policy will be subject to discipline up to and including termination.

- 1427. PERSONAL PROPERTY. Personal belongings that an employee is required to bring into the workplace for the performance of the duties of the job are covered by Agency insurance. A written authorization form must be signed and dated by all parties and include a complete inventory of said personal belongings. Other personal property brought by employees not required by the Agency is done so at the risk of the employee and is not covered by Agency insurance.
- 1428. EMPLOYEE ASSISTANCE PROGRAM. Employees who experience financial or family difficulties, or have problems with drug or alcohol abuse, are encouraged to seek assistance through the Employee Assistance Program (EAP) offered by the Agency.
- 1429. SERVICE AWARDS. The Agency shall adopt a service award program such that the employees are recognized for their continued commitment and service at intervals of five (5) years beginning with year five (5) of continuous employment. The Executive Director must ensure that the cost of such program is reasonable.

## Part 15

### EMPLOYEE RECORDS AND RIGHT TO PRIVACY

1501. GENERAL. It is the policy of the Agency to prohibit access to or disclosure of any information collected by the Agency relative to any employee for personnel administration purposes except as provided by law and these Rules.
1502. PERSONNEL RECORDS. Personnel records shall mean all information, data and documents collected by the Agency relative to an employee for personnel administration purposes. Such records shall include the official personnel file maintained on each employee, personnel forms, medical reports relative to an employee, individual payroll record information, employee evaluation reports, personnel data stored and produced by data processing, and any other material relating to and used in making employment decisions about an employee. An official personnel file shall be established and maintained by the Agency for each employee.
1503. DISCLOSURE OF EMPLOYEE RECORD INFORMATION. No employee record information shall be disclosed by any person to a third party except as provided by law and the following procedures.
- A. The names, classifications and gross salary may be disclosed to the public upon request. Additionally, the contents of a written employment contract may be provided upon request.
  - B. Information from an employee's personnel record may be disclosed to a third party upon the written request of the employee.
  - C. Disclosure of employee record information shall be made pursuant to legal process and to authorized law enforcement authorities for the purposes of law enforcement, including investigations.
  - D. As determined by the Executive Director, employee record information may be disclosed as necessary for the proper operation and management of the Agency.
  - E. In case of emergency when disclosure of employee information is reasonably necessary to protect an employee's health or welfare and permission of the employee cannot be timely obtained, necessary employee information may be disclosed by the Agency.
1504. NOTIFICATION OF CHANGE IN PERSONAL INFORMATION. Each employee is responsible for promptly notifying the Human Resources Manager of any changes in relevant personal information, including residence and mailing addresses, telephone number, person to contact in an emergency, and number and names of dependents.
1505. PERSONNEL FILES. Any employee shall have the right, upon request, to inspect and copy all material in his/her personnel file, with the exception of material which the Agency is permitted, or required by law, to withhold from the employee. Such request, inspection, and copying shall be made at a time when the employee is not required to be on duty. Any employee shall have the right to attach to any material in his/her personnel file, his/her comments thereon. Such attachment shall be made at a time when the employee is not

required to be on duty. At the time of such attachment to his/her personnel file, the employee and the person causing the entry into the employee's personnel file, of the material to which such attachment is made, shall affix to such attachment their signatures and the date of attachment. If the person causing the entry of the material to which such attachment is made is not available at the time such attachment is made, the Executive Director shall sign and date such attachment in his/her/their stead.

1505.1 Notes, correspondence, logs or other material documenting or relating to events regarding an employee kept by a supervisor which is not part of an employee evaluation or disciplinary action will be discarded after two (2) years from the event noted in the notes, correspondence, or logs.

1506. MEDICAL INFORMATION. All medical information concerning an employee or applicant is kept separately and is treated as confidential, in accordance with the Americans with Disabilities Act (ADA) and the California Confidentiality of Medical Information Act (CCMIA) and any amendments thereto, as well as any successor statutes and any other applicable state or federal law.

1506.1 The Agency will not obtain medical information about an employee or applicant except in compliance with CCMIA. To enable the Agency to obtain certain medical information, the employee or applicant may need to sign an authorization for release of medical information.

1506.2 Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for Agency purposes, or if access is required by law, pursuant to subpoena or court order. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

1506.3 The Agency will not provide employee or applicant medical information to a third party (except as permitted under the CCMIA) unless the employee signs an authorization for release of medical information in the form prescribed by the Agency. The Agency will release only the medical information that is identified in the employee's authorization. If the employee's authorization indicates any limitations regarding the use of the medical information, the Agency will communicate those limitations to the person or entity to which it discloses the medical information.

1507. REFERENCES. All requests from outside the Agency for reference checks or verification of employment concerning any current or former employee must be referred to the Human Resources Manager. Information will be released only if the employee signs an authorization for release of employment information in the form prescribed by the Agency, except that without such authorization the following limited information will be provided: dates of employment and salary upon departure. Managers and supervisors should not provide information in response to requests for reference checks or verification of employment unless required by law or specifically approved by the Executive Director on a case by case basis.

# **AGENDA ITEM**

**#8**

**CENTRAL SIERRA CHILD SUPPORT AGENCY**  
*A regional child support agency formed by a Joint Powers Agreement  
serving the counties of Alpine, Amador, Calaveras and Tuolumne*

**Julie R. Prado**, Executive Director

<b>TUOLUMNE COUNTY OFFICE</b> 975 Morning Star Drive Sonora, California 95370 (209) 533-6490 (8am – 5 pm) (209) 533-6455 (FAX)	<b>JPA BUSINESS OFFICE AMADOR COUNTY MAIN OFFICE</b> 639 New York Ranch Road Jackson, California 95642 (209) 533-6490 (8am – 5 pm) (209) 223-6295 (FAX)	<b>SATELLITE OFFICES:</b> <i>ALPINE &amp; CALAVERAS COUNTIES</i>
---	---	---

January 27, 2020

**MEMORANDUM**

TO: Board of Directors  
FROM: Julie R. Prado, Executive Director  
SUBJECT: Board Policy Review & Changes

**(Agenda Item #8)**

**Background**

CSCSA Board Policies, for the most part, have not been reviewed and updated since their inception; most policies were implemented in 2003 and 2004. There are currently 4 sections of Board Policies (Sections 100, 200, 300, and 400). I have reviewed and am prepared to offer suggestions for updates to Sections 100 and 200. I will be prepared to offer suggestions for updates to Section 300 in the April Board Meeting. Section 400 was reviewed by the Board and updated in 2018. It is my suggestion that these policies be reviewed and updated at least every 5 years, and sooner when the need arises, to ensure the policies are relevant and consistent with actual practices and State Policy.

The suggestions in Sections 100 and 200 are relatively minor; they either correct terminology or inappropriate references, or need updating to reflect a change in practice since the policy was created. The following matrix is offered to synopsize the suggested updates:

## **Section 100**

### Policy 1-100

1. Add date of 2020 review only. No content changes needed at this time.

### Policy 1-200

1. Add date of 2020 review.
2. Claims – Strike the requirement to include number of attendees at a training as it is not required.
3. Claims – Strike the requirement to provide meal receipts as that element is no longer required.
4. Outstanding advances – Replace “will” with “may”.
5. Where appropriate, replace “MOU” with “PRR”.
6. Add section to allow monies owed to the Agency from overpaid advances to be deducted from employee paycheck.
7. Amend to allow staff to stay in upgraded rooms if approved by the ED. This is because certain accommodations only offer “suites” or upgraded rooms; the policy should have some flexibility.
8. Replace “long distance calling cards” with “cellular phones”

### Policy 1-300

1. Add date of 2020 review.
2. Replace “Department” with “Agency”.

### Policy 1-400

1. Add date of 2020 review.
2. Strike requirement that alcohol may only be brought in the office for charity donations.
3. Strike paragraph on the “one- time waiver”. Discuss this further.
4. Strike paragraph on required supervisor training. Discuss this further.

## **Section 200**

### Policy 2-100

1. Add date of 2020 review only. No content changes needed at this time.

### Policy 2-200

1. Add date of 2020 review.
2. Correct reference numbers.

### Policy 2-300

1. Add date of 2020 review.
2. Strike reference to “other departments” as this is not applicable.
3. Remove reference to floppy discs and microfiche as no longer applicable.
4. Remove reference to “during working hours” to make this consistent with State IT policy
6. Remove reference to punishment of removal of internet. No longer appropriate as all staff need access to the internet in order to do their job.

Policy 2-400

1. Add date of 2020 review.
2. Replace “manager” with “supervisor”.
3. Strike reference to cross cutter as that process is no longer permissible by State IT

**RECOMMENDATION:**

It is recommended that the Board approve the suggested changes to the Board Policies as presented in the new draft policies.



<b>CENTRAL SIERRA CHILD SUPPORT AGENCY</b>		Number
<b>POLICIES &amp; PROCEDURES MANUAL</b>		1-100
SECTION: HUMAN RESOURCES	EMPLOYMENT HARASSMENT, DISCRIMINATION, AND RETALIATION POLICY	
ISSUE DATE: October 21, 2005		
REVIEWED & UPDATED: January 27, 2020		
PAGE NO: 1 of 8		

## **PURPOSE**

The purpose of this policy is to establish the Central Sierra Child Support Agency's commitment to provide equal employment opportunities and a discrimination-free workplace, and to establish the procedures for reporting, investigating, and resolving complaints of discrimination, harassment, and/or retaliation.

## **APPLICABILITY**

This policy is applicable to all employees, without exception. This policy applies to all phases of the employment relationship, including recruitment, application, testing, hiring, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay, benefits, selection for training, and working together.

## **EMPLOYEE RESPONSIBILITIES**

It is the responsibility of each and every employee, including, but not limited to, staff, supervisors, managers, and elected officials, to refrain from conduct constituting unlawful discrimination, harassment, and/or retaliation, to prevent such conduct from occurring in the workplace, to report known violations of this policy, and to cooperate fully and truthfully with the investigation of complaints of discrimination, harassment, and/or retaliation. All employees are expected to remain sensitive to the effects that their behavior may have on others in the workplace, and to behave appropriately within the course and scope of their employment.

## **AGENCY RESPONSIBILITIES**

It is the specific responsibility of the Agency to distribute this policy to employees, to ensure that all employees attend Agency-sponsored training, to monitor compliance with this policy, and to implement and enforce the provisions of this policy. All managers, supervisors, and elected officials are expected to set a professional and proper example for their employees to follow regarding this policy.

The Executive Director, or his/her designee, is the Agency's Equal Employment Opportunity Officer ("EEO Officer"), and shall be the Agency's designated representative in harassment, discrimination, and retaliation matters. It is the specific responsibility of the Executive Director, or his or her designee, to ensure that each new employee receives and reviews a copy of this policy at his/her orientation, at which time the employee shall sign an acknowledgment that the

<b>CENTRAL SIERRA CHILD SUPPORT AGENCY</b>		Number
<b>POLICIES &amp; PROCEDURES MANUAL</b>		1-100
SECTION: HUMAN RESOURCES	EMPLOYMENT HARASSMENT, DISCRIMINATION, AND RETALIATION POLICY	
ISSUE DATE: October 21, 2005		
REVIEWED & UPDATED: January 27, 2020		
PAGE NO: 1 of 8		

employee has received, understands, and will adhere to the policy. The Executive Director, or his or her designee, shall work with supervisors, elected officials, and legal counsel as necessary to investigate and resolve complaints of harassment, discrimination, or retaliation.

## **DEFINITIONS**

As used in this policy, the following definitions apply:

**Discrimination**: Any adverse actions, decisions, or treatment of an employee made or taken on the basis of race, religion, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, sexual orientation, or age, and affecting his or her employment or work environment, including, but not limited to, those affecting hiring, placement, compensation, assignments, leave, promotion, demotion, training, disciplinary action, layoff, recall, transfer, leaves of absence, termination, and reinstatement.

**Harassment**: Any unwelcome or offensive behavior, whether physical, visual, or verbal, regarding a person's race, religion, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, sexual orientation, or age, which has the effect of unreasonably interfering with an individual's work performance, or which creates an intimidating, hostile, or offensive work environment, constitutes harassment. Behavior may constitute harassment regardless of whether it was intended to harass or offend. In the case where the behavior creates a hostile work environment, there need not be any tangible adverse impact on the employee's job benefits.

- A. **Examples of Physical Harassment**: Assault, impeding or blocking movement, staring, leering, or any physical interference with work, privacy or movement of any employee, such as unwelcome or offensive touching, pinching, patting, grabbing, explicit or implied threats or promises in return for submission to physical requests or demands, etc.
- B. **Examples of Visual Forms of Harassment**: Posters, notices, bulletins, cartoons, drawings, or other forms of visual display, electronic or otherwise, which are intimidating, insulting, or derogatory, including, but not limited to, posted material, material maintained in or on Agency premises or equipment, and personal property in the workplace.
- C. **Examples of Verbal Harassment**: Statements which are intimidating, insulting, or derogatory to a reasonable person, such as comments about appearance, dress,

<b>CENTRAL SIERRA CHILD SUPPORT AGENCY</b>		Number
<b>POLICIES &amp; PROCEDURES MANUAL</b>		1-100
SECTION: HUMAN RESOURCES	EMPLOYMENT HARASSMENT, DISCRIMINATION, AND RETALIATION POLICY	
ISSUE DATE: October 21, 2005		
REVIEWED & UPDATED: January 27, 2020		
PAGE NO: 1 of 8		

body type or physical features, comments about personal life which may be perceived as offensive or sexual in nature, sexual rumors or comments, jokes or anecdotes related to race, disability, age, or religion, etc.

**Sexual Harassment:** A category of harassment based on any offensive, unsolicited, and unwanted sexual conduct by any employee, be it written, verbal, physical, visual, or other conduct, whenever the conduct is severe or continues after knowledge that it is unwelcome, **and**:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- B. Submission to, or rejection of, such conduct by an employee is used as a basis for employment decisions affecting the employee; or
- C. Such conduct has the potential to affect an employee's work performance negatively, or create an intimidating, hostile, or otherwise offensive work environment.

**Examples of Sexual Harassment:** Some examples of offensive sexual conduct are: written or verbal communications, or physical contact, with sexual overtones; derogatory comments, epithets, slurs or jokes of a sexual nature; graphic commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, notes, or invitations; leering; sexual gestures; displaying of sexually suggestive objects or pictures, cartoons, or posters; touching, impeding or blocking movements; explicit or implicit coercive sexual behavior which controls, influences, or affects the career, salary, work environment, or any other term or condition of employment; offering favors or employment benefits, such as promotions, favorable employee evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassification, etc., in exchange for sexual favors; and reprisals, threats of reprisals, or implied threats of reprisals following a negative response to a sexual advance.

**Retaliation:** Any adverse actions, decisions, or treatment of an employee, including, but not limited to, threats or coercion, made or taken on the basis of the employee's participation as a complainant or witness in a report or complaint of discrimination, harassment, or retaliation, or the employee's participation in the investigation of such a complaint, and affecting his or her employment or work environment, including, but not limited to, those affecting hiring, placement, compensation, assignments, leave, promotions, training, disciplinary actions, lay off,

<b>CENTRAL SIERRA CHILD SUPPORT AGENCY</b>		Number
<b>POLICIES &amp; PROCEDURES MANUAL</b>		1-100
SECTION: HUMAN RESOURCES	EMPLOYMENT HARASSMENT, DISCRIMINATION, AND RETALIATION POLICY	
ISSUE DATE: October 21, 2005		
REVIEWED & UPDATED: January 27, 2020		
PAGE NO: 1 of 8		

recall, transfer, leaves of absence, terminations, and reinstatements.

## **POLICY**

1. Harassment, discrimination, and retaliation are forbidden by law. An employee who engages in harassment, discrimination, or retaliation against a job applicant, an employee, a volunteer, or a member of the public, will be subject to corrective action.
2. Employees are encouraged to report incidents of harassment, discrimination, or retaliation by employees, as well as by non-employees. With respect to non-employees, although the Agency will investigate such reports and take further action as necessary, the Agency may not always possess the authority to take further action. All reports should be made promptly to facilitate the employer's ability to investigate and take appropriate action to prevent further incidents.
3. Employees shall be provided a copy of this policy upon hiring and be assured of their right to file complaints without fear of reprisal. This does not apply to an employee who willfully and intentionally makes false charges.
4. Managers and supervisors shall report instances of harassment, discrimination, or retaliation to the Executive Director, or his or her designee. The Board of Directors expects managers, supervisors, and elected officials to act promptly and forcefully to prevent harassment, discrimination, or retaliation.
5. Harassment, discrimination, or retaliation against another employee or member of the public may be grounds for disciplinary action, up to, and including, termination of employment.

## **DISTRIBUTION AND TRAINING**

1. This policy, and any revisions thereof, shall be promptly distributed to employees of the Agency.
2. The Agency shall provide all supervisors with two (2) hours of sexual harassment training every two (2) years - training will be interactive and shall inform supervisors of

<b>CENTRAL SIERRA CHILD SUPPORT AGENCY</b>		Number
<b>POLICIES &amp; PROCEDURES MANUAL</b>		1-100
SECTION: HUMAN RESOURCES	EMPLOYMENT HARASSMENT, DISCRIMINATION, AND RETALIATION POLICY	
ISSUE DATE: October 21, 2005		
REVIEWED & UPDATED: January 27, 2020		
PAGE NO: 1 of 8		

responsibilities and obligations relative to identifying, dealing with, and remedying any instances of harassment, discrimination, or retaliation which arise in the workplace. For an employee hired or promoted to a supervisory position, the Agency shall give sexual harassment training within six (6) months after hiring or promotion.

3. The Agency shall provide to all employees specialized training to inform them of, and sensitize them to, conduct/behavior that constitutes harassment, discrimination, and retaliation, and the consequences of such actions; to inform them of employee rights and responsibilities when harassment, discrimination, or retaliation occurs; and to communicate procedures for investigating and remedying complaints.

### **CONFIDENTIALITY**

It is the Agency's policy to encourage employees with knowledge of facts evidencing a violation of this policy to report or cooperate in the investigation of violations of this policy. In many instances a complainant or witness may be reluctant to report such violations for fear that their privacy will be lost during the processing of the complaint. The procedures established in this policy for processing a complaint of, and subsequent investigation into, possible violations of this policy are designed to protect the privacy and confidentiality of all parties involved to the extent permitted by law and to the fullest extent possible while enabling the employer to investigate reported incidents and to prevent future workplace harassment, discrimination, or retaliation. Documents expressing final adverse action taken against someone who violates this policy shall be maintained in personnel files like other confidential personnel records. Complaints shall not be maintained in the complainant's personnel file unless the complainant requests them to be so maintained; if such a request is made, those documents shall be maintained in the complainant's files like other confidential personnel records.

### **PERSONAL LIABILITY FOR HARASSMENT, DISCRIMINATION, AND RETALIATION**

In addition to the potential employment discipline consequences for violations of this policy, an individual may be held personally liable in a court of law for the adverse effects upon another of his or her unlawful harassment of, or discrimination, or retaliation against, the other individual.

### **COMPLAINT PROCEDURE**

<b>CENTRAL SIERRA CHILD SUPPORT AGENCY</b>		Number
<b>POLICIES &amp; PROCEDURES MANUAL</b>		1-100
SECTION: HUMAN RESOURCES	EMPLOYMENT HARASSMENT, DISCRIMINATION, AND	
ISSUE DATE: October 21, 2005 REVIEWED & UPDATED: January 27, 2020		
PAGE NO: 1 of 8	RETALIATION POLICY	

1. People may not be aware that their behavior is unwelcome, offensive, or insulting or inappropriate, and that it may constitute harassment or discrimination. Often simply advising an individual that his or her behavior or comments are unwelcome, insulting, or offensive will resolve the problem. All employees that are subjected to such behavior at work are encouraged to inform the individual that his or her behavior is unwelcome, offensive, in poor taste, or inappropriate, and to request that individual to discontinue the behavior. If this does not resolve the concern, or if the offended employee is not comfortable broaching the subject with the offending individual, the offended employee, or any witnessing employee, shall report the incident(s) of harassment, discrimination, or retaliation as described in this policy to their supervisor, manager, elected official, employee organization, and/or General Counsel.
2. If the supervisor is so notified, he or she shall attempt to resolve the matter and if he or she is not successful in so doing, or another incident arises between the same employees, the supervisor shall immediately notify the Executive Director, or his or her designee, for further action.
3. Any supervisor who has knowledge of any harassment, discrimination, or retaliation, shall report all known incidents to the Executive Director, or his or her designee, if the actions taken within the department the first time do not cure the problem.
4. The Executive Director, or his or her designee, shall conduct an investigation into the complaint and/or recommend disciplinary action or other action to be implemented by the supervisor. An investigation may include collection of relevant documents and interviews with the complainant, witnesses, including the accused employee(s), and all persons whom the investigator reasonably believes would have relevant knowledge concerning the complaint. Employees are entitled to have a Union or legal representative present during their interviews where the investigation could result in the imposition of disciplinary action against them.
5. Following the completion of the investigation, the complainant and accused employee(s) will be notified of the completion of the investigation and of the ultimate outcome (*i.e.*, whether the evidence establishes a violation of Agency policy). If the determination is made that harassment, discrimination, and/or retaliation occurred which violates Agency policy, the Executive Director, or his or her designee, shall take and/or recommend prompt and effective remedial action commensurate with the severity of the offense(s).

<b>CENTRAL SIERRA CHILD SUPPORT AGENCY</b>		Number
<b>POLICIES &amp; PROCEDURES MANUAL</b>		1-100
SECTION: HUMAN RESOURCES	EMPLOYMENT HARASSMENT, DISCRIMINATION, AND RETALIATION POLICY	
ISSUE DATE: October 21, 2005		
REVIEWED & UPDATED: January 27, 2020		
PAGE NO: 1 of 8		

The Executive Director, or his or her designee, may provide investigation and evidence to the relevant supervisor or other employee(s) as strictly necessary to carry out any disciplinary or corrective action. However, preservation of the confidentiality of the records pursuant to applicable statutes shall apply.

6. No employee shall use influence or attempt to suppress a complaint or any part thereof and no employee shall be subject to any retaliation or reprisal for filing the complaint and participating in any investigation or disciplinary action caused in whole or in part by harassment, discrimination, or retaliation. Relevant supervisors and managers must continue to monitor the workplace during and after the complaint and investigation process to ensure that there is no recurrence of behavior constituting harassment, discrimination, or retaliation, and to maintain an environment of full compliance with the provisions of this policy.

### **APPEAL**

If, after exhausting complaint procedures, an employee who has experienced harassment, discrimination, or retaliation in his/her workplace is not satisfied with the outcome of such procedures, he/she may file a grievance in accordance with the applicable employee bargaining agreement or employment resolution. To the extent allowed by law, the filing of such a grievance and the prior communication of the harassment, discrimination, or retaliation being complained of to the complainant's supervisor shall constitute administrative/contractual remedies which a complainant shall complete prior to filing a complaint with the State Department of Fair Employment and Housing, the Federal Equal Employment Opportunity Commission, or a court with jurisdiction.

### **FALSE COMPLAINTS**

This section is NOT intended to discourage employees from making complaints regarding harassment, discrimination, or retaliation. However, intentional false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated. Any complaint made by an employee of the Agency regarding harassment, discrimination, or retaliation which is proven to be intentionally false may result in disciplinary action, up to, and including, termination.

### **REFERENCES**

<b>CENTRAL SIERRA CHILD SUPPORT AGENCY</b>		Number
<b>POLICIES &amp; PROCEDURES MANUAL</b>		1-100
SECTION: HUMAN RESOURCES	EMPLOYMENT HARASSMENT, DISCRIMINATION, AND	
ISSUE DATE: October 21, 2005 REVIEWED & UPDATED: January 27, 2020		
PAGE NO: 1 of 8	RETALIATION POLICY	

BOD Policy Resolution No. 05-030  
 Employee Bargaining Agreement  
 Title VII of the Civil Rights Act of 1964  
 California Government Code §12950  
 State Department of Fair Employment and Housing  
 Federal Equal Employment Opportunity Commission



CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		1-200
SECTION: HUMAN RESOURCES	TRAVEL	
ISSUE DATE: August 26, 2004 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		
PAGE NO: 1 of 5		

## **PURPOSE**

To establish guidelines for business travel.

## **SCOPE**

Travel policies apply to all Agency officials, employees, and Board members. Each supervisor is responsible for ensuring that employees, prior to departure on their next business trip, review this policy -in order to understand its intent and requirements.

## **POLICY**

It is the policy of the Board of Directors of the Agency that any officer or employee who is required to travel in the performance of his or her duties and in the service of the Agency (excluding the attendance of a Director at any Agency Board meeting) will be reimbursed for his or her own actual and necessary expenses within the fiscal year in which they occur, within the maximum rate limits, for subsistence, transportation, and business expenses. It is further the policy of the Board of Directors to establish maximum rates or reimbursement for such expenses, which will be appropriately adjusted by resolution of said Board when deemed necessary.

## **PROCEDURES**

### **Intra-Agency Business Expenses**

1. All travel requests must be submitted on the official Agency travel request form and/or travel log, and all travel must be recommended for approval by the employee's respective supervisor.
2. All requests for travel must be approved by the employee's supervisor, and the Executive Director, or his/her designee.
3. When requested by and/or approved by a supervisor, persons will be reimbursed for expenses incurred within the Agency limits only when one of the following conditions

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		1-200
SECTION: HUMAN RESOURCES	TRAVEL	
ISSUE DATE: August 26, 2004 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		
PAGE NO: 1 of 5		

exist:

- a. An officer or employee attends a meeting or conference for the Agency's benefit at which time a meal is a regularly scheduled event.
  - b. An employee may be reimbursed for food expenses associated with on-site training sessions, workshops, and meetings or department-sponsored workshops and meetings. All expenses shall be approved in advance by the Executive Director, or his/her designee.
  - c. An employee is required to incur expenses as host for a person deemed by the Chair of the Board, the Executive Director, or a supervisor to be an official guest of the Agency (*i.e.*, a member of an interview panel, a presenter of a training course, workshop, *etc.*).
4. For members of the Board of Directors, intra-county meal reimbursement may only be authorized when a Board member is attending a meeting on official Agency business, having been appointed by formal Board action to represent the Central Sierra Child Support Agency Board of Directors at said meeting.
  5. To qualify for meals or refreshments, the claim must include the supervisor's certification that Agency business was conducted for the primary benefit of the Agency, and that meals and/or refreshments provided were appropriate for the activity. The claim must also include information about the purpose of the ~~activity and the number of attendees, along with the original receipts.~~
  6. Reimbursement for expenses incurred will not be authorized unless sufficient unencumbered funds are available in the budget.

### **Out-of-Agency Business Expenses**

1. Travel advances are limited to the best estimate of the travel costs, unless there is an extraordinary need for additional funds. Travel advances are to be used only for the purpose intended. Travel expenses are to be made in accordance with this policy. It is the preference of the Agency that employees use Agency vehicles. Use of personal vehicles when Agency vehicles are available will not be reimbursed unless there are extraordinary circumstances and the employee receives prior approval from the Executive

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		1-200
SECTION: HUMAN RESOURCES	TRAVEL	
ISSUE DATE: August 26, 2004 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		
PAGE NO: 1 of 5		

Director, or his/her designee.

2. Employees are encouraged to use the Agency credit card for lodging, car rentals, or airfare. Use of Agency credit cards requires submission of a completed payment request packet for pre-approval. Substantiating documentation is required at the conclusion of travel as noted herein.
3. Employees receiving travel advances must submit an official travel request form with proper approval and by attaching the appropriate meeting notice. Final expenses should be reported within ten (10) business days of returning from travel. Any outstanding advances more than thirty (30) days old ~~will~~may be deducted from an employee's pay check.
4. At the conclusion of an Agency business trip, an employee or member of the Board of Directors that has incurred business-related expenses should complete the final accounting in accordance with the following:
  - a. With the exception of reimbursed mileage and meals, all business expenses must be supported with invoices/receipts.
  - b. For all lodging (whether submitted for reimbursement or charged to an Agency credit card), vendor receipts/invoices must be submitted. Credit card charge slips do not represent adequate supporting documentation - **a hotel receipt must be obtained to substantiate all lodging expenditures.**
  - c. For airfare (whether submitted for reimbursement or charged to an Agency credit card), airline-issued receipts should be obtained. If a traveler fails to obtain a receipt, other evidence must be submitted indicating that the trip was taken and the amount that was paid; for example, a combination of an itinerary, a credit card receipt, and boarding passes.
  - d. Mileage shall be reimbursed at the Internal Revenue Service (IRS) rates currently in effect.
  - e. Only one expense report form should be prepared for each trip.

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		1-200
SECTION: HUMAN RESOURCES	TRAVEL	
ISSUE DATE: August 26, 2004 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		
PAGE NO: 1 of 5		

- f. The Agency has elected to utilize per diem rates to reimburse travelers. Per diem rates may be used exclusively for meals and incidentals. When per diem rates are utilized, there is no requirement to obtain receipts from travels to substantiate these components of business travel. Said rates will be those as outlined by the employee bargaining agreement(s) Agency's Personnel Rules and Regulations.
- g. An employee will not be reimbursed for expense reports not meeting the preceding criteria. If an expense report results in a balance due to the Agency (as a result of receiving a travel advance greater than actual business expenditures), the employee must attach a check or sign a statement indicating authorization to settle the balance due through a payroll deduction. Should the employee fail to sign such statement within 30 days of the end of travel, the funds may be deducted from the employee's pay.
- h. No further travel advances will be issued to any employee who has an outstanding balance due to the Agency from previous business trips that are 30 days old.
- i. The Agency shall reimburse travelers only for those business-related costs that are reasonably incurred. Accordingly, the following guidelines shall apply:
  - i. Suites and other upgraded rooms at hotels shall not be allowed. Travelers should stay in standard rooms unless such a room is unavailable and the room rate is approved by the Executive Director.-
  - ii. When utilizing rental cars, travelers should rent mid-size or smaller vehicles; share rental cars whenever possible.
  - iii. Business-related long-distance telephone calls while away on business travel are permitted, but should be kept to a minimum; expense reports should explain long-distance charges.
  - iv. Personal long-distance calls while away on business are reimbursable to a maximum of two (2) calls home to family per day, not to exceed ten minutes per call. Personal calls in excess of this shall not be reimbursed

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		1-200
SECTION: HUMAN RESOURCES	TRAVEL	
ISSUE DATE: August 26, 2004 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		
PAGE NO: 1 of 5		

unless it is a documented emergency.

- v. Whenever possible, travelers should utilize ~~long-distance calling cards~~ cellular phones when placing calls while away on travel and try to avoid using the hotel's long-distance service, if possible.
- j. The following additional rules apply to air travel:
  - i. Air travel should be at coach class; first class air travel shall not be reimbursed unless there is a documented medical reasons.
  - ii. Memberships in airline flight clubs are not reimbursable.
  - iii. Cost of flight insurance is not reimbursable.
  - iv. When returning on a Sunday or departing on a Saturday in order to obtain a cost savings in airfare due to the Saturday-night stay-over, travelers should provide a total cost comparison (showing that the lower airfare plus an extra night of lodging, meals, and incidentals is less costly than airfare without the Saturday night stay-over).
  - v. Cost of upgrade certificates is not reimbursable.
  - vi. Cost of canceling and re-booking flights is not reimbursable, unless it can be shown that it was necessary or required for legitimate business reasons (such as changed meeting dates, *etc.*).
  - vii. Travelers must identify and pay for all personal flights, even if such flights are incorporated into a flight schedule that serves business purposes (*i.e.*, the Agency will not reimburse for the personal legs of a trip).
- 5. It is the policy of the Agency not to reimburse any employee or Board member for separate travel costs (air fare, *etc.*) associated with his/her spouse or partner.

## REFERENCES

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		1-200
SECTION: HUMAN RESOURCES	TRAVEL	
ISSUE DATE: August 26, 2004 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		
PAGE NO: 1 of 5		

Policy Resolution No. 04-028

<b>CENTRAL SIERRA CHILD SUPPORT AGENCY</b>		Number
<b>POLICIES &amp; PROCEDURES MANUAL</b>		1-300
SECTION: HUMAN RESOURCES	GIFT POLICY	
ISSUE DATE: October 21, 2005 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		
PAGE NO: 1 of 3		

## **PURPOSE**

This policy is intended to prevent the appearance of or occurrence of conflict of interest that may result if the Agency or employee of the agency accepts gifts from any person, business, or other organization that has a financial interest in any present or potential Agency action. It is also intended to ensure that gifts received are in the Agency's best interest. This policy supplements State and Federal laws.

No Agency official or employee shall accept any compensation, gift, or payment of expenses which results in private gain in return for preferential treatment.

## **DEFINITIONS**

“Gift” includes not only tangible items, but also the provision of any food item, meals, services, entertainment, favors, or other non-tangible items.

“Gift” does NOT include: (a) any award presented publicly to an officer or employee of the Agency in recognition of professional success or service to the public; or (b) any item given to an officer or employee of the Agency based on participation in a training, conference, or other form of educational or professional forum.

In determining the value of a gift, the fair market value that would be charged in the open market should be considered, and not the actual amount to the donor.

A “Restricted Gift” is one upon which the donor has placed restrictions or significant conditions limiting the use of the gift by the agency.

## **POLICY**

### **Gifts to Individual Employees:**

1. No officer or employee shall accept from any person or entity with whom the recipient is dealing as an Agency employee, any gift the cash value of which exceed \$25.00, or gifts the aggregate value of which exceeds \$50.00 in any twelve (12) month period.

<b>CENTRAL SIERRA CHILD SUPPORT AGENCY</b>		Number
<b>POLICIES &amp; PROCEDURES MANUAL</b>		1-300
SECTION: HUMAN RESOURCES	GIFT POLICY	
ISSUE DATE: October 21, 2005 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		
PAGE NO: 1 of 3		

2. An exception to the above restrictions shall exist where the donor and the recipient of the gift are Agency co-workers, where the donor and the recipient have an ongoing personal relationship and the gift is given and received as an aspect of that relationship, or where the gift is donated by an Agency manager, supervisor, or elected official as part of a recognized employee recognition activity.
3. All individual gifts to employees that exceed the limits set forth above, and cannot reasonably be returned to donor(s), must be reported to the Agency supervisor or manager and delivered to the Executive Director, or his or her designee, for donation to an appropriate non-profit organization.
4. Under no circumstances shall any officer or employee solicit gifts.

#### **Gifts to ~~Departments or the Agencyies~~**

1. Any gift or bequest having a value of \$500.00 or less may be accepted by the Executive Director, or his or her designee, if it does not contain significant conditions or stipulations regarding the gift or donation. Such gift of bequest shall be acknowledged in writing by the Executive Director, or his or her designee.
2. Receipt of any gift or bequest having a value of more than \$500.00, but less than \$10,000.00, or with significant conditions or stipulations shall be acknowledged in writing by the Executive Director, or his or her designee, for acceptance or rejection.
3. Receipt of any gift or bequest having a value of \$10,000.00 or greater shall be acknowledged in writing by the Executive Director, or his or her designee, and referred to the Board of Directors for acceptance or rejection.
4. Any offers of personal property, the possession or use of which might subject the Agency to liability (e.g., vehicles, power tools, etc.) shall be reviewed by the Board of Directors before they are accepted.
5. Acceptance of personal property immediately transfers title to the Agency. Therefore, if any doubt exists as to whether the Agency should or would want to accept a gift or bequest, the Executive Director, or his or her designee, must make it clear in the acknowledgment that the gift is not being accepted at this time, but that the offer is being



<b>CENTRAL SIERRA CHILD SUPPORT AGENCY</b>		Number
<b>POLICIES &amp; PROCEDURES MANUAL</b>		1-300
SECTION: HUMAN RESOURCES	GIFT POLICY	
ISSUE DATE: October 21, 2005 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		
PAGE NO: 1 of 3		

reviewed.

6. All offers of real property should be transmitted to the Executive Director, or his or her designee, for handling.

### **Gifts to the Agency**

1. The Executive Director, or his or her designee, may accept an unrestricted gift, excluding real property, with a fair market value up to and equaling \$10,000.00, upon determination that said gift is in the best interests of the Agency.
2. The Board of Directors may accept a restricted or unrestricted gift with a fair market value in excess of \$10,000.00, upon determination that said gift is in the best interests of the Agency.

### **PROCEDURES**

1. The Executive Director, or his or her designee, shall develop specific procedures and required forms for the acceptance of donations made to the Agency, and shall maintain a record of such donations.
2. If, based on this policy, a gift must be returned to the giver, the accompanying note of thanks should be brief, but polite, and should include an explanation of the Agency gift policy.

### **REFERENCES**

BOD Policy Resolution No. 05-031

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		1-400
SECTION: HUMAN RESOURCES	ALCOHOL-FREE AND	
ISSUE DATE: April 17, 2015	DRUG-FREE WORKPLACE;	
<u>REVIEWED &amp; AMENDED: January 27, 2020</u>		
PAGE NO: 1 of 7	DRUG & ALCOHOL TESTING (revised)	

## 1. **POLICY**

- A. **Purpose:** The Central Sierra Child Support Agency (hereinafter “Agency”) is committed to providing a safe work environment for employees, the fostering of the well-being and health of its employees, a work environment which reduces to the extent possible risk to Agency employees and the general public (with concomitant risk of liability to the Agency), and the appearance to the public of an alcohol- and drug-free work force. The Agency is also required, when it receives State and/or Federal grant funds, to enforce the *State and/or Federal Drug-Free Workplace Acts (California Government Code §8350 et seq, and 41 U.S.C. Chapter 10, respectively)*. Those commitments and responsibilities are jeopardized when an employee (1) uses alcohol during working hours; (2) comes to work under the influence of alcohol or a controlled substance; or (3) engages in the use, possession, manufacture, dispensing, distribution, or sale of alcohol or a controlled substance in the workplace. Therefore, the Central Sierra Child Support Agency Board of Directors has established the policy set forth herein.

It is the goal of this policy to balance respect for individuals with the need to maintain a safe, productive, and drug-free workplace, and to comply with State and Federal Drug-Free Workplace legislation, as well as legislation governing testing to detect and deter the use of alcohol and controlled substances. The Agency intends to offer a helping hand to those who need it, while sending a clear message that the use or possession, or impairment of job performance by the use of, controlled substances and/or alcohol in the workplace is incompatible with any employment for the Agency.

- B. **Scope:** This policy refers to alcohol and all substances, legal or illegal, that have the capacity to impair an individual’s ability to effectively and safely perform the functions of his/her job. This policy applies to all employees of the Agency.

### C. **Definitions**

- i. **Collection Site:** The term “collection site” means a place where individuals present themselves for the purpose of providing body fluid, breath, or tissue samples to be analyzed for specified controlled substances and/or alcohol.
- ii. **Controlled Substance:** The term “controlled substance” shall mean a controlled substance in *Schedules I through V of Section 202 of the*

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		1-400
SECTION: HUMAN RESOURCES	ALCOHOL-FREE AND	
ISSUE DATE: April 17, 2015	DRUG-FREE WORKPLACE;	
<u>REVIEWED &amp; AMENDED: January 27, 2020</u>		
PAGE NO: 2 of 7	DRUG & ALCOHOL TESTING (revised)	

*Federal Controlled Substances Act (21 U.S.C. 812), and as further defined in Sections 1308.11-1308.15 of Title 21 of the Code of Federal Regulations ("C.F.R. ").*

- iii. **Conviction**: The term "conviction" shall mean a finding of guilt (including a plea of *nolo contendere*) or imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the State or Federal criminal drug statutes.
- iv. **Criminal Drug Statutes**: The phrase "Criminal drug statutes" shall mean a State or Federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.
- v. **Employee(s)**: The term "employee(s)" shall include all individuals employed by the Agency.
- vi. **Illegal Drugs**: The term "illegal drugs" shall include the unlawful use of controlled substances and the unlawful use of prescription medication.
- vii. **Medical Review Officer**: The term "Medical Review Officer" shall mean a licensed doctor of medicine or osteopathy with knowledge of drug and alcohol abuse disorders that is employed or used by the Agency to conduct drug and alcohol testing in accordance with this policy.
- viii. **Reasonable Cause**: The term "reasonable cause" means that the Agency believes the on-the-job behavior and/or actions of an employee are indicative of the use of a controlled substance or alcohol. Such behavior may include, but is not limited to the following:
  - (1) Direct observation of on-the-job alcohol or drug use, including indications of the chronic and withdrawal effects of controlled substances.
  - (2) Visible signs of on-the-job intoxication or influence of drugs or alcohol.
  - (3) A pattern of on-the-job abnormal conduct or erratic behavior consistent with the use of drugs and/or alcohol.
  - (4) Possession of alcohol, except as provided hereinafter in section 2.A.i., suspected illicit or unauthorized drugs, or drug

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		1-400
SECTION: HUMAN RESOURCES	ALCOHOL-FREE AND	
ISSUE DATE: April 17, 2015	DRUG-FREE WORKPLACE;	
<u>REVIEWED &amp; AMENDED: January 27, 2020</u>		
PAGE NO: 3 of 7	DRUG & ALCOHOL TESTING (revised)	

paraphernalia when any one or more of these items are found on the employee or in an area or vehicle controlled, occupied, or used by the employee.

- (5) Arrest or conviction for a drug-related offense or driving under the influence.
- (6) Newly discovered evidence that an employee has tampered with a previous drug or alcohol test.
- (7) Information provided either by reliable and credible sources or independently corroborated of on-duty use of alcohol or on or off duty use of illegal drugs.
- ix. **Supervisor**: The term “supervisor” means any Agency officer or employee having management or supervisory responsibility over any other officer or employee.
- x. **Under the Influence of Alcohol**: The phrase “under the influence of alcohol” shall mean a blood alcohol level of 0.08 or higher, or exhibiting signs of intoxication.
- xi. **Under the Influence of a Controlled Substance**: The phrase “under the influence of a controlled substance” shall mean testing positively for any controlled substance using a breath or urine test.
- xii. **Working Hours**: The phrase “working hours” shall mean those hours of the day that an employee is expected to be on duty to perform services for the Agency and shall include meal periods, rest breaks, and being in any Agency vehicle.
- xiii. **Workplace**: The term “workplace” shall include all offices, buildings, and locations owned, rented, leased, or controlled by the Agency and occupied during working hours by employees of the Agency (including field work). “Workplace” includes any Agency vehicle.

## 2. **PROHIBITED CONDUCT; DISCIPLINE; EMPLOYEE ASSISTANCE**

- A. **Prohibited Conduct**: In order to maintain an alcohol and drug-free workplace, the following behavior is prohibited:

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		1-400
SECTION: HUMAN RESOURCES	ALCOHOL-FREE AND	
ISSUE DATE: April 17, 2015	DRUG-FREE WORKPLACE;	
<u>REVIEWED &amp; AMENDED: January 27, 2020</u>		
PAGE NO: 4 of 7	DRUG & ALCOHOL TESTING (revised)	

- i. **Controlled Substances:** Employees are prohibited from the manufacture, distribution, dispensing, possession, sale, trade, or use of alcohol or a controlled substance in any and all workplaces of the Agency. "Alcohol" includes alcohol in closed or sealed cans, bottles, or other containers.

Excepted from the prohibition on distribution and possession of alcohol on the premises and in the vehicles of the Agency is alcohol in closed and sealed containers in an employee's vehicle in the trunk or cargo space which is intended solely for the use of the employee off-premises and after hours; AND alcohol which is temporarily located on the premises of the workplace or transported in a closed and sealed ~~condition for donation to charity fund-raising activities.~~

- ii. **Reporting to work under the influence of alcohol or a controlled substance:** Employees are prohibited from possessing an open or unsealed container of alcohol or using alcohol during working hours and from reporting to an Agency workplace during working hours under the influence of alcohol or a controlled substance.
- iii. **Unlawful use of prescription medication:** Employees are prohibited from the unlawful use of prescription medication.
- iv. **Inability to perform duties:** The lawful use of prescription medication is permitted, unless such medication impairs the functioning of an employee to the extent he/she cannot safely and effectively perform his/her duties. In that case, the Agency reserves the right, to be exercised at the discretion of the employee's supervisor or the Executive Director, to require that the employee obtain medical clearance prior to performing further work duties.
- v. **Reporting:** A supervisor who has reasonable cause to suspect that any employee is violating or has violated any provision of this policy shall report that suspected violation immediately to the Executive Director. A supervisor's failure to report immediately the suspected violation may lead to disciplinary action against the supervisor. The purpose of this section is to allow the Agency to conduct testing and inspection immediately.

- B. **Disciplinary Actions for Violation of this Policy:** Violation of this policy by an employee shall constitute just and sufficient cause for major discipline of an

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		1-400
SECTION: HUMAN RESOURCES	ALCOHOL-FREE AND	
ISSUE DATE: April 17, 2015	DRUG-FREE WORKPLACE;	
<u>REVIEWED &amp; AMENDED: January 27, 2020</u>		
PAGE NO: 5 of 7	DRUG & ALCOHOL TESTING (revised)	

employee, up to and including termination. Discipline of an employee will be imposed in accordance with the provisions outlined in the current employee bargaining agreement.

~~C. **One-Time Disciplinary Waiver:** An employee with a substance abuse problem (including the abuse of illegal drugs and/or alcohol) who is facing disciplinary action for behavior relating to such substance abuse may, subject to Agency approval/discretion, on a one-time basis receive a waiver of such discipline under the following conditions:~~

- ~~i. The employee seeks qualified assistance through the *Employee Assistance Program (EAP)*, or a qualified provider of the individual's choice.~~
- ~~ii. The employee will be subject to unannounced follow-up testing for a period not to exceed five (5) years. A positive test during this period will constitute the equivalent of a voluntary resignation.~~

#### **D.C. Conviction Under a Drunk Driving or Criminal Drug Statute**

- i. **Employee's Obligation:** An employee shall notify the Executive Director in writing of that employee's conviction under a criminal drug statute for a violation occurring in the workplace no later than five (5) working days after such conviction. In addition, any employee required to operate a vehicle on Agency business (including Agency vehicles or any other vehicle) shall notify the Executive Director in writing if his/her license has been suspended no later than five (5) working days after such suspension. Failure to make such a notification shall constitute a violation of this policy.
- ii. **Agency's Obligation:** Within thirty (30) days after receiving notice from an employee of a conviction under a criminal drug statute for a violation occurring in the workplace, the Agency shall take appropriate personnel action against the employee, up to and including termination ( in accordance with the provisions outlined in the current employee bargaining agreement), or require that the employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a State, Federal, or local health law enforcement, or other appropriate Agency.

**E.D. Employee Assistance:** Everyone shares in the responsibility of maintaining a safe working environment, and drug and alcohol abuse are recognized as

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		1-400
SECTION: HUMAN RESOURCES	ALCOHOL-FREE AND	
ISSUE DATE: April 17, 2015	DRUG-FREE WORKPLACE;	
<u>REVIEWED &amp; AMENDED: January 27, 2020</u>		
PAGE NO: 6 of 7	DRUG & ALCOHOL TESTING (revised)	

treatable conditions.

- i. **Agency Responsibility:** It is the responsibility of supervisors to inform, advise, and refer employees to the *Employee Assistance Program (EAP)* whenever they see changes in performance or behavior that suggests an employee has a drug and/or alcohol problem. Although it is not the supervisor's job to diagnose personal problems, the employee should be encouraged to seek help, and the supervisor should provide information concerning available resources.
- ii. **Employee Assistance Program (EAP):** The EAP is available to assist employees who may have a drug and/or alcohol usage problem. Employees are urged to seek confidential assistance from the EAP; however, while the Agency will be supportive of those who voluntarily seek help, the Agency will be equally firm to identify and discipline those who abuse drugs and/or alcohol and fail to seek assistance or those who continue such abuse after assistance has been provided.
- iii. **Treatment/Rehabilitation:** If an employee acknowledges that he/she has a substance abuse problem (including abuse of illegal drugs and/or alcohol), and has not been subject to any form of disciplinary action for this reason, a one-time medical leave of absence may be granted upon prior approval of the Agency. This leave will be for the sole purpose of participation in an Agency-approved treatment/rehabilitation program, will be without pay, and will be for a maximum of ninety (90) days. An agreement will be executed by the employee and the Agency known as a "Back to Work Agreement" which will spell out the conditions and terms for said leave. Reasonable accommodation under the *Americans with Disabilities Act (ADA)* is available for those suffering from alcoholism, but does not apply to alcohol-related misconduct or to illegal drug use. An employee suffering from alcoholism who believes that he/she is in need of reasonable accommodation should discuss his/her needs with the Executive Director.
- iv. **Post Rehabilitation:** The Agency reserves the right to conduct unannounced follow-up testing as a condition of employment for an employee returning from a voluntary rehabilitation program for a period of up to five (5) years following completion of the program and return to work. Failure to adhere to the terms and conditions of the "Back to Work Agreement" or violation in any other manner of the conditions outlined in this policy will result in immediate termination.

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		1-400
SECTION: HUMAN RESOURCES	ALCOHOL-FREE AND	
ISSUE DATE: April 17, 2015	DRUG-FREE WORKPLACE;	
<u>REVIEWED &amp; AMENDED: January 27, 2020</u>		
PAGE NO: 7 of 7	DRUG & ALCOHOL TESTING (revised)	

~~v. **Supervisory Training:** All supervisors shall receive at least sixty (60) minutes of training on alcohol misuse and an additional sixty (60) minutes training on controlled substance use. The training will be used by supervisors to determine whether reasonable suspicion exists to require an employee to undergo testing. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.~~

### 3. **ALCOHOL AND DRUG-FREE AWARENESS**

The Agency shall distribute and explain this policy to all current and new employees. Each employee will be required to sign a receipt acknowledging that they have read and understand its contents and will abide by the policy as a condition of employment.

#### **REFERENCES**

Resolution No. 15-004  
California Government Code §8350  
41 U.S.C., Chapter 10  
21 U.S.C., Chapter 812

C.F.R., Title 21  
Employee Assistance Program (EAP)  
Americans With Disabilities Act (ADA)



<b>CENTRAL SIERRA CHILD SUPPORT AGENCY</b>		Number
<b>POLICIES &amp; PROCEDURES MANUAL</b>		1-400
SECTION: HUMAN RESOURCES	ALCOHOL-FREE AND	
ISSUE DATE: April 17, 2015	DRUG-FREE WORKPLACE;	
<u>REVIEWED &amp; AMENDED: January 27, 2020</u>		
PAGE NO: 8 of 7	DRUG & ALCOHOL TESTING (revised)	

### **ATTACHMENT 'A'**

#### **ALCOHOL-FREE AND DRUG-FREE WORKPLACE AND DRUG & ALCOHOL TESTING POLICY ACKNOWLEDGMENT FORM**

I hereby certify that I have received a copy of the Central Sierra Child Support Agency's Alcohol-Free and Drug-Free Workplace; Drug & Alcohol Testing policy concerning maintenance of an alcohol-free and drug-free workplace as required by 41 U.S.C. Chapter 10 and California Government Code §8350 *et seq.* I have read and understand the provisions outlined in the policy, and I agree that I will abide by that policy as a condition of my employment with the Central Sierra Child Support Agency. I acknowledge that if I violate this policy, I will be subject to disciplinary action, up to and including termination of employment. I agree that I will notify my immediate supervisor or the Executive Director of any criminal drug statute conviction for a violation occurring at my workplace no later than five (5) working days after such conviction, and if I am required to operate an Agency vehicle or drive on Agency business, I will report any suspension of my driver's license.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Supervisor: \_\_\_\_\_

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-100
SECTION: ADMINISTRATION	POLITICAL ACTIVITIES	
ISSUE DATE: August 26, 2004 REVIEWED & UPDATED: January 27, 2020		
PAGE NO: 1 of 2		

## **PURPOSE**

1. To establish policies and procedures for the protection of employee political rights and the control of improper political activities.
2. To ensure that the administration of public service to any department is not impaired or disrupted by political activities.

## **SCOPE**

This policy is applicable to all employees, without exception.

## **POLICY**

1. All Agency employee are covered by the prohibitions of State law contained in Government Code 3201 through 3209. This policy is adopted as regulations allowed by Government Code 3207.
2. Because each individual case must be determined on its own particular facts, the following discussion is intended to be a guideline only.

## **PROCEDURES**

**Prohibited Expenditures:** Consistent with its tax-exempt status under the Internal Revenue Code, it is the policy of the Agency that the Agency shall not incur any expenditure for political intervention. For purposes of this policy, political intervention shall be defined as any activity associated with the direct or indirect support or opposition of a candidate for elective public office at the federal, state, or local level. Political intervention does not include lobbying activities, defined as direct or indirect support or opposition for legislation, which is not prohibited under the Internal Revenue Code. Examples of prohibited expenditures include, but are not limited to, the following:

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-100
SECTION:	ADMINISTRATION	
ISSUE DATE: August 26, 2004 REVIEWED & UPDATED: January 27, 2020	POLITICAL ACTIVITIES	
PAGE NO:	1 of 2	

- ⌞ Contributions to political action committees.
- ⌞ Contributions to the campaigns of individual candidates for public office.
- ⌞ Contributions to political parties.
- ⌞ Expenditures to produce printed materials (including materials included in periodicals) that support or oppose candidates for public office.
- ⌞ Expenditures for the placement of political advertisements in periodicals.

**Endorsements of Candidates:** It is the policy of the Agency not to endorse candidates for public office in any manner, either verbally or in writing. This policy extends to the actions of management and other representatives of the Agency when these individuals are acting on behalf of, or are otherwise representing the Agency.

**Prohibited Use of Agency Assets and Resources:** It is the policy of the Agency that no assets or human resources of the Agency shall be utilized for political activities, as defined above. This prohibition extends to the use of Agency assets or human resources in support of political activities that are engaged in personally by Board members, members of management, employees, or any other representatives of the Agency. While there is no prohibition against these individuals engaging in political activities personally (on their own time, and without representing that they are acting on behalf of the Agency), these individuals must at all times be aware that the Agency resources cannot at any time be utilized in support of political activities.

## **REFERENCES**

Policy Resolution No.04-030

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-200
SECTION:	ADMINISTRATION	
ISSUE DATE: October 10, 2007 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		CONFLICT RECUSAL STANDARD
PAGE NO:	1 of 3	Last Reviewed/Updated:

## **INTRODUCTION**

Central Sierra Child Support Agency (hereafter “Agency”) Employees (hereafter “Employees”) must conduct their daily child support business with the utmost integrity. Employees must avoid impropriety in conducting their business. Accordingly, Employees must recuse themselves from cases in which one participant is:

1. The Child Support employee;
2. A relative of the Child Support employee;
3. A person with whom the Child Support employee cohabits;
4. A person with whom the Child Support employee has a personal or business relationship.

## **DEFINITIONS**

Conflict Recusal	A commitment from a Child Support employee that because he or she has a personal relationship with an individual in a Child Support case he or she relinquishes access to any Child Support information about that case.
Relative	Individuals that are related by blood, marriage, or adoption, including the following relationships: spouse, child, stepchild, parent, stepparent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, daughter-in-law, brother-in-law, sister-in-law, and first cousin.
Cohabit	The act of sharing a residence with another individual regardless of whether or not the persons sharing the residence have a romantic relationship.
Personal or Business Relationship	An individual with whom the Child Support employee’s relationship can be described as more than a casual acquaintance. The term may include, but not limited to: persons the Child Support employee is having a romantic relationship with or dating, persons with whom the Child Support employee regularly spends time, and persons that regularly provide day care to the Child Support employee’s child(ren).

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-200
SECTION:	ADMINISTRATION	
ISSUE DATE: October 10, 2007 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		CONFLICT RECUSAL STANDARD
PAGE NO:	2 of 3	Last Reviewed/Updated:

## **EMPLOYMENT AND PROCUREMENT NOTICES**

The Agency's management will include in procurement documents and employment opportunity announcements, a statement informing potential vendors and job candidates that upon selection or hire individuals that are provided access to Child Support information must recuse themselves from cases in which one participate is:

1. The Child Support employee.
2. A relative of the Child Support employee.
3. A person with whom the Child Support employee cohabits.
4. A person with whom the Child Support employee has personal or business relationship.

## **EMPLOYEE CONFLICT RECUSAL REQUIREMENTS**

1. The Agency's Management will implement procedures necessary to ensure that Child Support employee recuse themselves pursuant to this standard. Such procedures will include:
  - a. Instructions for Child Support employees for requesting case recusal.
  - b. The steps for system administrators to restrict access to cases in systems containing Child Support information in which the Child Support employee has recused himself or herself.
  - c. Procedures to search system data bases for every Child Support employee to determine if he or she has failed to declare his or her own child support case.
2. Employees will not access Child Support information in any form regarding any case in which he or she has a relationship as specified in this standard with any of the case's participants.
3. Employees will recuse themselves for appropriate cases pursuant to this standard at the time of hire and at any time that the employee learns that he or she has a relationship, specified in this standard, with a child support participant in any case.

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-200
SECTION:	ADMINISTRATION	
ISSUE DATE: October 10, 2007 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		CONFLICT RECUSAL STANDARD
PAGE NO:	3 of 3	Last Reviewed/Updated:

4. The Agency's management will develop procedures to make the employees and personnel with access to Child Support information aware of this standard, the recusal responsibility, and the procedures to submit recusal.

### **ENFORCEMENT, AUDITING, REPORTING**

1. Violation of this policy may result in disciplinary action that may include termination for employees and temporaries; termination of employment relations in the case of contractors or consultants; or dismissal for student assistants. Additionally, individuals may be subject to loss of Child Support information access privileges, and if warranted, civil, or criminal prosecution under California or Federal law.
2. The California Department of Child Support Services (hereafter DCSS) is responsible for the periodic auditing and reporting of compliance with this policy. DCSS will define the format and frequency of the reporting requirements and communicate those requirements, in writing, to the Agency. In addition, DCSS Management can conduct an ad hoc audit at any time.
3. Exceptions to this policy will be considered only when the requested exception is documented using the DCSS Information Security Manual (ISM) 1200 Exception Handling Procedure and submitted to the DCSS Information Security Office (CISO).
4. Any person may, at any time, anonymously report policy violations by telephone at (916) 464-5045 or by email to [Info.Security@dcss.ca.gov](mailto:Info.Security@dcss.ca.gov).

### **REFERENCES**

State Administrative Manual Section ~~4841.5~~ **8000**  
**6000** ~~2000~~ - Asset Protection Policy  
**6001** ~~2100~~ - Access Control Standard

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-300
SECTION:	ADMINISTRATION	INFORMATION AND TECHNOLOGY USE AND SECURITY POLICY
ISSUE DATE: November 7, 2007 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		
PAGE NO: <del>1</del> of 9		Last Reviewed/Updated:

## **STATEMENT OF POLICY**

The Central Sierra Child Support Agency (hereafter “Agency”) has a significant investment in networked and on-line personal computer technology in order to assist employees in performing their jobs as efficiently as possible. Technological advances being made and the increased use of electronic communications and electronic information processed by Agency employees gives rise to a number of issues, including the risk of unauthorized access to, or dissemination of, confidential governmental information, a potential for misuse of electronic communications for purposes of personal gain, or for harassment of others, and questions concerning the ownership of, and right to use, the Agency’s information assets.

## **PURPOSE OF POLICY**

The purpose of this policy is two-fold: First, to establish guidelines for the appropriate use and security of technological information; and Second, to provide notice to all Agency employees, agents, volunteers, and independent contractors, regarding their individual expectation of privacy when using or accessing Agency computing and telecommunications networks, systems, and equipment.

1. Establish Use and Security Guidelines: This policy has been created to advise all users regarding the appropriate use of, access to, and the disclosure of information created, transmitted, received, and stored *via* use of Agency computing and telecommunications networks, systems, and equipment (collectively referred to as Agency Information Systems), and is intended to guide Agency employees and other users in the performance of their duties as related to the use of the Agency Information Systems. All employees and other users are required to adhere to this policy. A violation of this policy may result in disciplinary action.
2. Provide Notice of the Expectation of Privacy for Technological Information: This policy is intended to notice all Agency employees, agents, volunteers, and independent contractors, that all Agency Information Systems and their contents are not confidential or private. That is, all data, including any that is stored electronically or printed as a document, is subject to audit, review, disclosure, and discovery. ***Such data may be subject to disclosure pursuant to the Public Records Act (California Government Code §6250 et seq.).*** Therefore, there is no expectation of privacy in the use of the Agency’s

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-300
SECTION:	ADMINISTRATION	INFORMATION AND TECHNOLOGY USE AND SECURITY POLICY
ISSUE DATE: November 7, 2007 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		
PAGE NO: <del>1</del> of 9		Last Reviewed/Updated:

Information Systems.

Accordingly, the Agency reserves the right to access and monitor employee use of the Agency's Information Systems, as well as any information created or received by Agency employees and other users and stored within the Agency's Information Systems.

### **SCOPE OF POLICY**

This policy is intended to apply to all Agency Information Systems equipment and devices, such as personal computers, laptop computers, telephones, cellular phones, facsimile machines, hand-held devices, and personal data assistants (PDA's). As such, this policy is applicable to all Agency employees, agents, volunteers, and independent contractors, without exception.

~~Certain departments may have unique requirements and are encouraged to develop separate policies and guidelines to address those issues, consistent with the objectives of this policy.~~

Specific use and security policies for the Agency regarding e-mail, passwords for access into the Agency's electronic and technological systems, and access to electronically created, received, stored, and/or transmitted health information which is protected by federal or state law, and separately established.

### **DEFINITIONS**

1. **Electronic Systems** include data processing networks, software, printers, personal computers, voice mail, telephone systems, pagers, facsimile machines, *Internet* facilities, or other modem accesses, and cellular telephones.
2. **Information Assets** include all data and software, whether internally developed or acquired from outside the Agency. Information may be represented in a variety of formats, including hard copy, ~~floppy diskette~~electronic, terminal display, ~~microfiche~~, ~~microfilm~~, or other methods of storage or electronic transmission.

### **USE OF AGENCY INFORMATION SYSTEMS**

**General Use Statement:** As improvements in Agency technology provide increased



CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-300
SECTION:	ADMINISTRATION	INFORMATION AND TECHNOLOGY USE AND SECURITY POLICY
ISSUE DATE: November 7, 2007 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		
PAGE NO: <del>1 of 9</del>		Last Reviewed/Updated:

connectivity, the actions of one employee can impact the integrity and security of a telecommunications network used by many. An Agency employee, or any other user granted use of the Agency's Information Systems, is expected to use those systems in a responsible manner by complying with all policies, relevant laws, and contractual agreements.

All Agency Information Systems furnished to employees, as well as to any other users, are the property of the Agency, and intended for Agency business use. Use of Agency Information Systems for personal or commercial gain is prohibited. As a condition of employment, all employees will be required to sign a Standard of Conduct Agreement (see Appendix "A") to acknowledge that they have read and understand this Policy, and, by so signing, consent to the Agency's accessing, reviewing, and disclosing data or messages stored in the Agency Information Systems. Supervisors are responsible for taking appropriate action for any violations of this policy.

These same policy provisions, as well as other applicable Agency policies, apply to employees and any other users who access the Agency Information Systems from remote sites.

1. **Electronic Systems:** Agency equipment, software, and data are the sole property of the Agency. Unauthorized use of these systems is strictly forbidden and subject to discipline under Agency personnel policies. Unauthorized use includes, but is not limited to:
  - a. Operation or use of any system for financial or political gain;
  - b. Operation of any system in an unsafe or reckless manner;
  - c. Unapproved movement or disconnection of equipment;
  - d. Illegal copying of software;
  - e. Loading any software which is not authorized by the Agency, including, but not limited to, security packages, encryption tools, games, or privately-owned software;
  - f. Removing equipment, software, or data from Agency premises without prior authorization;

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-300
SECTION:	ADMINISTRATION	INFORMATION AND TECHNOLOGY USE AND SECURITY POLICY
ISSUE DATE: November 7, 2007 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		
PAGE NO: <del>1</del> of 9		Last Reviewed/Updated:

- g. Allowing an unauthorized person to install hardware or software on Agency-owned equipment;
  - h. Encrypting data files without the Agency's prior knowledge and approval;
  - i. Sending e-mail messages, leaving a voice mail message, making a telephone call, or otherwise transmitting information which may reasonably be considered offensive or disruptive to another employee, including sexual comments or images, racial slurs, or any comment that would offend the recipient because of his or her age, religious or political beliefs, national origin, disability, or gender;
  - j. Personal use of the Agency Information Systems, or any part thereof, including, but not limited to: use of the Agency Information Systems for personal financial gain, working on personal documents ~~during working hours~~, excessive personal telephone calls, playing unauthorized computer games ~~during designated working hours~~, etc. Each Agency supervisor has the discretion to further limit his/her employees', agents', volunteers', and independent contractors' use of the Agency's electronic systems, and shall give notice of such further limitations to all such individuals within the Agency.
  - k. **Personal Use Exceptions:** Agency policy does not hold that an occasional telephone call by an employee to his or her home, child's school, child care provider, doctor's office, etc., constitutes a violation, in and of itself, of this policy. Rather, employees and supervisors are to apply common sense and reasonable judgment in a consistent, non-discriminatory manner. Supervisors have the authority and responsibility to limit inappropriate or excessive personal use of Agency telephones and ~~communications equipment~~ the faxing process, and should follow standard disciplinary procedures when necessary.
2. **Software:** Software is protected by the Copyright Act, US Code, Title 17. This Act gives the owner of the copyright the exclusive rights to reproduce, sell, and distribute the copyrighted work. The Agency will comply with all provisions of this law.
- a. The Agency shall limit software use in accordance with the terms of the software

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-300
SECTION:	ADMINISTRATION	INFORMATION AND TECHNOLOGY USE AND SECURITY POLICY
ISSUE DATE: November 7, 2007 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		
PAGE NO: <del>1</del> of 9		Last Reviewed/Updated:

license.

- b. Agency employees may use or install on Agency systems only Agency-owned and authorized software. The use of unlicensed software copies (software used in violation of the software license), personally-owned software, and unauthorized bulletin board, or shareware software is strictly forbidden.
- c. The Agency will enforce internal controls to prevent the making or using of unauthorized software copies including, but not limited to, removing illegal copies of software from Agency computers.

### 3. **Safeguarding of Information Assets:**

- a. General Provision: All information maintained by the Agency is considered an Agency asset and shall be protected from damage, loss, misuse, or inappropriate disclosure. Supervisors are responsible for administering adequate controls to insure the security, confidentiality, and integrity of information. Furthermore, all Agency employees are required to maintain proper levels of protection for information assets.
- b. Designated Owners and Custodians: The supervisor is designated as the owner of those Agency information assets which are held within the Agency. Individual supervisors or employees may be assigned custodial responsibility at the Agency or application system level to insure accuracy, integrity, security, adequate controls, and confidentiality of the Agency's information assets. Where proprietary software or property has been provided to the Agency under confidentiality agreements, it is the supervisor's responsibility to assure knowledge of, and compliance with, the terms of such agreements.
- c. Public Records: Pursuant to the California Public Records Act, "public records", not otherwise exempt from disclosure, must be open to inspection at all times during the office hours of the Agency, and every person has a right to inspect any public record in accordance with the procedures or, and as limited by the Act. Government Code §6252 and §6254 define the term "public record" for purposes of the Act's disclosure requirements.

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-300
SECTION:	ADMINISTRATION	INFORMATION AND TECHNOLOGY USE AND SECURITY POLICY
ISSUE DATE: November 7, 2007 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		
PAGE NO: <del>1</del> of 9		Last Reviewed/Updated:

- d. Since much of the data processed by Agency employees is of a sensitive and/or confidential nature, distinctions between what information falls within the category of “public record” and what information is confidential, each Agency employee must become familiar with the distinctions between the information assets of the Agency, specifically those which are considered confidential and those which are considered public record. Any employee having a question concerning the possible confidentiality of information assets should question his or her supervisor before releasing any information. Additionally, any citizen inquiries concerning the Agency’s procedures for processing data should be referred to the supervisor, who should, when necessary, consult with Agency General Counsel.
- e. Improper Release of Confidential Information: Providing access to production data for information without a work-related, need-to-know basis, or releasing data or information without authorization is in direct violation of this policy and may result in disciplinary action. Furthermore, employees who disclose, alter, or willfully destroy information and thereby adversely impact the Agency’s services or who violate copyright laws, are and will be subject to applicable federal, state, and local criminal laws, as well as to disciplinary action pursuant to Agency policies and procedures.
- f. Data Processing and Communications Staff: The designated Data Processing and Communications staff will take all responsible steps to protect and maintain the confidentiality of the work of network users. Any information gained about, or from, the files of network users will be kept confidential in accordance with this policy.

The Data Processing and Communications staff will not copy or read any data file, e-mail message, or voice mail message without the express permission of the owner or custodian of that information except when required by operation of the law and will hold that information in strictest confidence. Violation of this section may be considered a cause for major disciplinary action and may constitute a crime.

4. Access to Voice Mail: The Agency’s voice mail systems are provided for the purpose of

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-300
SECTION:	ADMINISTRATION	INFORMATION AND TECHNOLOGY USE AND SECURITY POLICY
ISSUE DATE: November 7, 2007 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		
PAGE NO: <del>1</del> of 9		Last Reviewed/Updated:

conducting the Agency's business. Voice mail messages should be limited to Agency business matters. Voice mail may not be used for the conduct of outside business pursuits, although it may be used for receiving necessary messages from family members, child care providers, or the like.

An employee learning of any misuse of the voice mail systems or other violations of this policy should notify their supervisor as soon as possible.

## 5. Internet Access and Use

- a. Access to the Internet: Access to the *Internet* is provided to Agency staff on an as-needed basis. It is the Agency's policy to limit *Internet* access to official business.
- b. Prohibited Uses of the Internet: Employees may not use the Agency's *Internet* resources for commercial or personal advertisements, solicitations, promotions, destructive programs (*i.e.*, viruses and/or self-replicating code), political material, personal entertainment, or any other unauthorized or personal use.
- c. Prohibited Activities While Using or Accessing the Internet: Sending, receiving, displaying, printing, or otherwise disseminating material that is fraudulent, harassing, illegal, discriminatory, sexually explicit, obscene, intimidating, or defamatory is prohibited.
- d. E-Mail and the Internet: Employees should exercise the same care in drafting e-mail as they would for any other written communications. Anything created on the computer or *Internet* may, and likely will, be reviewed by others.
- e. Virus Detection: All material downloaded from the *Internet* or from computers or networks that do not belong to the Agency must be scanned for viruses and other destructive programs before being placed onto the Agency computer systems.
- f. Waiver of Privacy: The Agency has the right to monitor any and all aspects of their computer systems, including, but not limited to, monitoring employee's use of the *Internet*, monitoring chat groups and news groups, reviewing material downloaded or uploaded by employees, and reviewing e-mail sent and received by employees.

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-300
SECTION:	ADMINISTRATION	INFORMATION AND TECHNOLOGY USE AND SECURITY POLICY
ISSUE DATE: November 7, 2007 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		
PAGE NO: <del>1</del> of 9		Last Reviewed/Updated:

- g. Compliance with Applicable Laws and Licenses: Employees must comply with all software licenses, copyrights, and all other state and federal laws governing intellectual property, and online activity.
- h. Use of Modems: Use of individual modems in Agency computers connected to any network is a violation of network security and is prohibited. Any exception to this policy must be fully documented and be for application support from third party vendors only.
- ~~i. Violations of Internet Access and Use: Violations of this policy must be reported to the supervisor. The supervisor will take appropriate action under the guidelines set forth in the employee bargaining agreement, or in any written contract for employment with the Agency. Violators of policy regarding Internet use will be notified in writing. Repeat violations will result in disconnecting access to the Internet for a period of 30 days with advance notice to the employee. Reconnection to the Internet can be made after the 30 day period at the request of the supervisor.~~

## **AGENCY INFORMATION SYSTEMS DATA ACCESS**

### **1. Right of Access**

- a. The Agency has unrestricted right of access to, inspection of, and disclosure of all voice and electronic data and software on any Agency equipment or media, at the request of appropriate authority. Such access and disclosure shall be in accordance with, and subject to, any controls or restrictions imposed by applicable statutes or licenses, and in a manner consistent with preservation of evidentiary privileges.
- b. Access to, and review of, voice and electronic data and Internet files on Agency Information Systems or media will follow supervisory lines. The supervisor and higher authorities under whom each staff member, and other user, or official, works has the authority to access, inspect, and disclose information, in accordance with the policies contained herein, and consistent with applicable statutes or licenses. Peers and subordinates have no authority to disclose except as

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-300
SECTION:	ADMINISTRATION	INFORMATION AND TECHNOLOGY USE AND SECURITY POLICY
ISSUE DATE: November 7, 2007 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		
PAGE NO: <del>1 of 9</del>		Last Reviewed/Updated:

specifically granted by the Agency.

2. **Obligation to Provide Access:** Individual Agency employees, officials, or other users of Agency Information Systems or media are required to immediately provide access, decrypt, and disclose any passwords, files, or data to appropriate Agency management upon request. All Agency employees, officials, and other users shall be informed of this requirement and required to sign and acknowledge the Information Technology Use Standard of Conduct Agreement.

### **STATUS OF POLICY**

The Agency reserves the right to amend or append this policy to include necessary guidelines for new developments in computer information use, such as storage of e-mail and stored data and integrated telecommunications systems with computer and electronic data systems, or whatever is appropriate to conform to state and federal laws, rules and regulations.

### **REFERENCES**

Copyright Act, U.S. Code, Title 17  
California Public Records Act  
Government Code §6250 and §6254

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-300
SECTION:	ADMINISTRATION	INFORMATION AND TECHNOLOGY USE AND SECURITY POLICY
ISSUE DATE: November 7, 2007 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>		
PAGE NO: <del>1</del> of 9		Last Reviewed/Updated:

#### ATTACHMENT "A"

#### INFORMATION AND TECHNOLOGY USE AND SECURITY STANDARD CONDUCT AGREEMENT

1. This is to certify that I have read and understand and agree to abide by the Central Sierra Child Support Agency's ***Information and Technology Use and Security Policy***.
2. I understand that as an Agency employee or person who provides services to the Agency, I have access rights only to the information with which I have been assigned to work and that accessing confidential information in files or other stored communications data other than those to which I am assigned to work is expressly prohibited. I also understand that using Agency equipment or on-line services to access and/or distribute to other Agency employees, contractors, or members of the public, any inappropriate information, obtained from any source, is expressly prohibited.
3. I understand that the Agency maintains the right to monitor, access, examine, and disclose all data and information stored and transmitted by an Agency computer and/or telecommunications system in accordance with applicable laws and policies in order to ensure the proper use and maintenance of these systems.
4. I further understand that failure to comply with any of the guidelines and requirements of this policy, as well as other related Agency policies, and State and/or Federal law could result in disciplinary action, up to and including termination of my employment.
5. I understand that changes or modifications may be made to this policy and I understand that the law and this policy regarding the use of the Agency's information systems are continually evolving. Therefore, I understand that my regular review of this policy is required. I understand that updates to this policy will be made available to me when changes or modifications occur.
6. This acknowledgment form will be filed in my formal personnel file.

#### EMPLOYEE ACKNOWLEDGMENT

Employee Name (print):

Employee Signature:

Date:



INFORMATION AND TECHNOLOGY USE AND SECURITY  
STANDARD CONDUCT AGREEMENT

BY SIGNING THIS FORM, I UNDERSTAND AND AGREE TO THE FOLLOWING:

1. This is to certify that I have read and understand and agree to abide by the Central Sierra Child Support Agency's ***Information and Technology Use and Security Policy*** (#2-300).
2. I understand that as an Agency employee or person who provides services to the Agency, I have access rights only to the information with which I have been assigned to work and that accessing confidential information in files or other stored communications data other than those to which I am assigned to work is expressly prohibited. I also understand that using Agency equipment or on-line services to access and/or distribute to other Agency employees, contractors, or members of the public, any inappropriate information, obtained from any source, is expressly prohibited.
3. I understand that the Agency maintains the right to monitor, access, examine, and disclose all data and information stored and transmitted by an Agency computer and/or telecommunications system in accordance with applicable laws and policies in order to ensure the proper use and maintenance of these systems.
4. I further understand that failure to comply with any of the guidelines and requirements of the Agency's ***Information and Technology Use and Security Policy*** (#2-300), as well as other related Agency policies, and State and/or Federal law could result in disciplinary action, up to and including termination of my employment.
5. I understand that changes or modifications may be made to this Policy (#2-300) and I understand that the law and this Policy regarding the use of the Agency's information systems are continually evolving. Therefore, I understand that my regular review of this Policy is required. I understand that updates to this Policy will be made available to me when changes or modifications to these occur.
6. This acknowledgment form will be filed in my formal personnel file.

EMPLOYEE ACKNOWLEDGMENT

Employee Name (print):	
Employee Signature:	
Date:	

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-400
SECTION: ADMINISTRATION	INTERNAL SAFEGUARD AND SECURITY POLICY	
ISSUE DATE: January 21, 2010 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>	(FEDERAL TAX INFORMATION)	
PAGE NO: 1 of 8	Last Reviewed/Updated: 1-29-2018	

### **STATEMENT OF POLICY**

The Central Sierra Child Support Agency (hereafter “Agency”) is acutely aware that in fostering the federal system of taxation the public must maintain a high degree of confidence that the personal and financial information furnished to the Agency is protected against unauthorized use, inspection, or disclosure. The Agency recognizes it has a significant responsibility to ensure the protection of Federal Tax Information (FTI) by building in effective security controls and to ensure that this information is protected at all points where FTI is stored and/or maintained, while still assisting employees in performing their jobs as efficiently as possible. Any policies and/or procedures that are not specifically mentioned within this Policy are subject to the requirements as outlined in Internal Revenue Service (hereinafter IRS) Publication 1075 entitled, ***“Tax Information Security Guidelines for Federal, State, and Local Agencies and Entities - Safeguards for Protecting Federal Tax Returns and Return Information”***. Said compliance is subject to all requirements of the ***Internal Revenue Code (IRC) Section 6103(p)***.

### **PURPOSE OF POLICY**

As a condition of receiving FTI, the Agency must show, to the satisfaction of the IRS, the ability to protect the confidentiality of that information. Safeguards must be designed to prevent unauthorized access and use.

Technological advances being made and the increased use of electronic communications and electronic information processed by Agency employees gives rise to a number of issues, including the risk of unauthorized access to, or dissemination of, confidential governmental information, a potential for misuse of electronic communications for purposes of personal gain, or for harassment of others, and questions concerning the ownership of, and right to use, the Agency’s information assets. The guidelines outlined herein apply to all FTI, no matter the amount or the media in which it is recorded. FTI in electronic form must be afforded the same levels of protection given to paper documents, or any other media containing FTI.

### **SCOPE OF POLICY**

This policy is intended to apply to all Agency Information Systems, documents, equipment and

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-400
SECTION:	ADMINISTRATION	INTERNAL SAFEGUARD
ISSUE DATE:	January 21, 2010	SECURITY POLICY
PAGE NO:	2 of 8	(FEDERAL TAX INFORMATION)

devices, such as personal computers, laptop computers, telephones, cellular phones, facsimile machines, hand-held devices, and personal data assistants (PDA's). As such, this policy is applicable to all Agency employees, agents, volunteers, and independent contractors, without exception.

### **ACCESS TO FEDERAL TAX INFORMATION-BACKGROUND INVESTIGATION**

Internal Revenue Service (IRS) Publication 1075, Tax Information Security Guidelines for Federal State and Local Agencies, requires that individuals having access to Federal Tax Information (FTI) undergo a background investigation prior to being permitted access to FTI. The background investigation requires a criminal arrest and conviction history screening as well as citizenship/residency validation. As such, prospective employees for all positions within the Agency are subject to this background investigation in order to be eligible to access Federal Tax Information and shall be offered employment with a contingency of the successful passing of the background investigation. Only upon the successful passing of the background investigation shall new employees be offered employment with the Agency.

Employees of the Agency must remain eligible to access Federal Tax Information during their entire employment with the Agency. All employees with access to FTI must undergo reinvestigation at least every 10 years. The Agency is required to participate in the State and Federal Record of Arrest and Prosecution Background (Rap Back) programs which means that employee arrests and citations will be reported to the Executive Director as they occur. Employees are required to notify the Executive Director of any arrest or citation notwithstanding the Agency's participation in this program. Employees who become ineligible to access Federal Tax Information during their employment will be subject to termination of employment. For additional information regarding background investigations and specific criteria, refer to the Agency policy and procedure.

### **USE OF FEDERAL TAX INFORMATION**

**General Use Statement:** FTI may be obtained only to the extent the information is needed for, and is reasonably expected to be used for, child support services. When the Agency receives FTI

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-400
SECTION: ADMINISTRATION	INTERNAL SAFEGUARD AND SECURITY POLICY	
ISSUE DATE: January 21, 2010 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>	(FEDERAL TAX INFORMATION)	
PAGE NO: 3 of 8	Last Reviewed/Updated: 1-29-2018	

for an authorized use, it may not use that information in any manner or for any purpose not consistent with that authorized use. An unauthorized secondary use is specifically prohibited and may result in termination. Supervisors are responsible for taking appropriate action for any violations of this policy.

#### **Safeguarding of Information Assets:**

**Employee Awareness:** Granting Agency employees access to FTI shall be preceded by certifying that each employee understands the Agency's security policy and procedures for safeguarding IRS information. As a follow-up, employees shall be required to maintain their authorization to access FTI through annual re-certification. The initial certification and re-certification shall be documented and placed in the Agency's files for review. As part of the certification, and at least annually afterwards, employees shall be advised of the provisions of this policy and IRC Sections 7341, 7213(a), and 7213A.

**Transmittal Procedures:** Good safeguard practice dictates that access to FTI must be strictly on a need-to-know basis. FTI must never be indiscriminately requested, reviewed, or disseminated, even within the Agency. Agency employees must evaluate the need for FTI before the data is requested or disseminated. This evaluation process includes the Agency as a whole, down to individual employees, and computer systems/data bases. Agency employees are required to restrict access to FTI only to persons whose duties or responsibilities require access. To assist with this requirement, FTI should be handled in such a manner that it does not become misplaced or available to unauthorized personnel.

Management, or his/her designee, shall maintain an authorized list of all personnel who have access to information system areas, where these systems contain FTI. This shall not apply to those areas within the facility officially designated as publicly accessible. In addition, appropriate authorization credentials/badges shall be issued.

Pursuant to IRC Section 6103(p)(4)(A), a permanent system of standardized records of requests made for disclosure of FTI shall be established. This record keeping shall include internal requests among Agency employees, as well as requests made outside of the Agency. These records will be maintained for a minimum of five (5) years.

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-400
SECTION:	ADMINISTRATION	INTERNAL SAFEGUARD
ISSUE DATE:	January 21, 2010	SECURITY POLICY
PAGE NO:	4 of 8	(FEDERAL TAX INFORMATION)

**Clean-Desk Policy:** Protected information must be contained within the Agency employee's work area and must be secured when the authorized information is not being used. Handling FTI must be such that the documents do not become misplaced or available to unauthorized personnel. An employee may be subject to discipline, up to and including termination, if it is found that FTI is not being accurately secured. All FTI is to be kept separate from other information to the maximum extent possible to avoid maintaining FTI as part of a case file.

**Control and Safeguarding Keys & Combinations:** Security may be provided for an FTI document in a number of ways. These include, but are not limited to, locked containers of various types, safes/vaults, locked rooms, locked rooms that have reinforced perimeters, locked buildings, electronic security systems, fences, identification systems, and other control measures. Access to a locked area, room, or container will be controlled by the Executive Director. Compromising a combination or losing a key negates the security provided by that lock. Combinations to locks will be changed when an employee who knows the combination retires, terminates employment, transfer to another position, or at least once a year.

**Retention Policy:** Once the Agency employee is no longer in need of FTI, the employee is to immediately give said FTI to ~~the Child Support Program Manager~~ their supervisor who is required to shred said FTI in the manner authorized by the Agency ~~cross-cut shredder~~.

**Remote Access:** The policies and procedures as outlined herein are applicable to all Agency employees, including those at outstation locations (*i.e.*, Alpine, Amador, and Calaveras intake locations). Despite location, FTI remains subject to the same safeguard requirements and the highest level of attainable security.

**Disclosure of FTI:** Agency employees are required to restrict access to FTI only to persons whose duties or responsibilities require access. FTI should be handled in such a manner that it does not become misplaced or available to unauthorized personnel. Additionally, warning banners advising of safeguarding requirements should be used for computer screens. Restricting access to designated personnel minimizes improper access or disclosure. No person/employee should be given more FTI than is needed for the performance of his/her duties.

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-400
SECTION:	ADMINISTRATION	INTERNAL SAFEGUARD AND SECURITY POLICY
ISSUE DATE:	January 21, 2010 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>	(FEDERAL TAX INFORMATION)
PAGE NO:	5 of 8	Last Reviewed/Updated: 1-29-2018

**Incident Reporting:** Inappropriate release of FTI is to be immediately reported to the Child Support Supervisor or other Agency leadership member. Providing access to FTI without a work-related, need-to-know basis, or releasing data or information without authorization is in direct violation of this policy and may result in disciplinary action, up to and including termination. Employees who disclose, alter, or willfully destroy information and thereby adversely impacting services may be subject to disciplinary action.

**Incident Response:** Unauthorized inspection or disclosure of FTI, including breaches and security incidents, must be reported to the appropriate Agent-in-Charge, Treasury Inspector General for Tax Administration (TIGTA):

**Mailing Address:**

Treasury Inspector General for Tax Administration  
Ben Franklin Station  
P.O. Box 589  
Washington, D.C. 20044-0589

**Hotline Number:**

1-800-366-4484

**Disposal Procedures:** Upon completion of use, Agency employees are required to give authorized FTI to ~~the Child Support Program Manager~~ their supervisor for proper destruction ~~by use of the as~~ authorized by the Agency ~~cross-cut shredder~~.

**Computer System Security:** All Agency information systems used for processing, storing, and transmitting FTI must enforce the security provisions described in Section 5.6 of IRS Publication 1075. Agency information systems include the equipment, facilities, and people that collect, process, store, display, and disseminate information. This includes computers, hardware, software, and communications, as well as policies and procedures for their use.

**Data File Backup Procedures:** All FTI information will be backed up by the appropriate Information Technology (IT) department/staff. The IT department/staff shall have in place an up-to-date contingency plan and security controls for ensuring the protection of all FTI. In

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-400
SECTION:	ADMINISTRATION	INTERNAL SAFEGUARD
ISSUE DATE:	January 21, 2010	SECURITY POLICY
PAGE NO:	6 of 8	(FEDERAL TAX INFORMATION)

addition, this plan must be periodically tested to ensure procedures and staff personnel are able to provide recovery capabilities within established time frames. Such contingency planning and security controls will include alternate storage sites, alternate processing sites, telecommunications services, and information system and information backups. An appropriate agreement shall be executed to permit the secure storage of information system and FTI backups. In order to facilitate secure resumption of information systems used to process, store, and transmit FTI, the agreement will identify any and all alternate processing sites and/or telecommunications capabilities. Further, IT department/staff shall conduct backups of user-level information, system-level information, and FTI and store such backups at a secure location.

**STATUS OF POLICY:** The Agency reserves the right to amend or append this policy to include new and/or revised guidelines as required by IRS, Publication 1075 - *Tax Information Security, Guidelines for Federal, State, and Local Agencies and Entities, Safeguards for Protecting Federal Tax Returns and Return Information.*

## **REFERENCES**

BOD Policy Resolution No. 10-003  
Internal Revenue Service Publication 1075  
Internal Revenue Code (IRC) Sections 6103(p), 7341, 7213(a), and 7213A

CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-400
SECTION: ADMINISTRATION	INTERNAL SAFEGUARD AND SECURITY POLICY	
ISSUE DATE: January 21, 2010 <u>REVIEWED &amp; UPDATED: January 27, 2020</u>	(FEDERAL TAX INFORMATION)	
PAGE NO: 7 of 8	Last Reviewed/Updated: 1-29-2018	

## ATTACHMENT “A”

### INTERNAL SAFEGUARD SECURITY POLICY (FEDERAL TAX INFORMATION)

1. This is to certify that I have read and understand and agree to abide by the Central Sierra Child Support Agency’s ***“Internal Safeguard Security Policy (Federal Tax Information)”***.
2. I understand that as an Agency employee or person who provides services to the Agency, I have access rights only to the information with which I have been assigned to work and that accessing confidential information in files or other stored communications data other than those to which I am assigned to work is expressly prohibited.
3. I understand that the Agency maintains the right to monitor, access, examine, and disclose any and all Federal Tax Information stored and transmitted by an Agency computer and/or telecommunications system in accordance with applicable laws and policies in order to ensure the proper use and maintenance of these systems.
4. I further understand that failure to comply with any of the guidelines and requirements of this policy, as well as other related Agency policies, and State and/or Federal law could result in disciplinary action, up to and including termination of my employment.
5. I understand that changes or modifications may be made to this policy and I understand that the law and this policy regarding the use of the Agency’s information systems are continually evolving. Therefore, I understand that my regular review of this policy is required. I understand that updates to this policy will be made available to me when changes or modifications occur.
6. This acknowledgment form will be filed in my formal personnel file.

EMPLOYEE ACKNOWLEDGMENT	
Employee Name (print):	



CENTRAL SIERRA CHILD SUPPORT AGENCY		Number
POLICIES & PROCEDURES MANUAL		2-400
SECTION:	ADMINISTRATION	INTERNAL SAFEGUARD
ISSUE DATE:	January 21, 2010	SECURITY POLICY
PAGE NO:	8 of 8	(FEDERAL TAX INFORMATION)

EMPLOYEE ACKNOWLEDGMENT	
Employee Signature:	
Date:	

**AGENDA ITEM**

**#9**

**CLOSED SESSION**