

ATTACHMENT A

PERSONNEL RULES AND REGULATIONS

Sacramento Transportation Authority

As Amended
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PERSONNEL RULES AND REGULATIONS
Sacramento Transportation Authority

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ARTICLE I. PURPOSE

Section 1.1. Purpose. The intent of these Rules and Regulations is to establish and maintain an equitable and uniform system for dealing with personnel matters, and to comply with applicable laws relating to the fair administration of a comprehensive personnel program. These rules set forth those policies and procedures that ensure similar treatment for those who compete for original and promotional employment, and define certain obligations, rights, privileges, benefits, and prohibitions that are placed upon employees in the service of the Authority.

ARTICLE II. DEFINITIONS

Section 2.1. Administrative Leave. Leave for an employee with full pay and benefits, ordered by the Executive Director, when the interests of the Authority require the employee not be physically present on the job.

Section 2.2. Anniversary Date. The employee's first date of work, upon which longevity and benefits are based. In cases of reemployment, the new reemployment date in each case shall be considered as the new anniversary date. For an employee who moved from County service to Authority service at the inception of the Authority's personnel system and has not had a break in service, the anniversary date shall be the employee's first date of work at the County of Sacramento.

Section 2.3. Appeal. The written request of an employee to be relieved from discipline imposed on the employee.

Section 2.4. Appointment. The selection of, and acceptance by, a candidate to a position in Authority's service in accordance with these rules. The Executive Director is the appointing authority for all positions other than Executive Director.

Section 2.5. Certification List. The submission of names of eligible applicants from an appropriate employment list for hiring consideration.

Section 2.6. Authority. Sacramento Transportation Authority.

Section 2.6.1. Authority Service. The entire employment system of the Authority.

Section 2.7. Class. All positions sufficiently similar in duties, authority and responsibility to permit grouping under a common title and the use of common standards of selection.

Section 2.8. Class Specification. A written description of a class that includes a job title, general statement of job functions and responsibilities and setting forth necessary qualifications.

Section 2.9. Classification Plan. That series of duly adopted class specifications that describe the authorized positions within the Authority.

Section 2.10. Compensation, Total. The salary or wage, plus benefits, paid for work performed, whether expressed in an hourly, weekly, monthly or annual rate.

Section 2.11. Continuous Recruitment. An open-competitive recruitment for a particular class that is administered continuously and for which applications are accepted continuously and for which there is no final filing date.

Section 2.12. Continuous Service. Employment with the Authority without break or interruption, except for authorized vacation, military leave or other paid leaves.

Section 2.13. Demotion. The movement of an employee from one class to another class having a lower maximum base rate of pay.

Section 2.14. Disciplinary Action. An action taken by the Authority against an employee that communicates a deviation from Authority rules governing conduct or performance and that outlines a corresponding admonition or penalty.

Section 2.15. Dismissal. Involuntary separation of an employee from Authority service, including dismissal for cause for regular employees and dismissal with or without cause for other employees.

Section 2.16. Eligible. A person whose name appears on a current employment list as duly certified by the Human Resources Administrator.

Section 2.17. Employee. Any person appointed to fill an authorized employment position with the Authority. Elected officials and those appointed to advisory boards or commissions are not employees. The following are the types of employees:

- A. Regular. A regular employee is one who has passed probation and holds a regularly authorized position. There are two types of regular employees.
 - 1. Regular full-time. A person who works in a position budgeted for 2088 hours per year.
 - 2. Regular part-time. A person who works in a position budgeted for not less than 1044 but not more than 2087 hours per year.

Regular employees may only be terminated or disciplined for cause.

- B. Exempt. An employee who holds a full-time or part-time position which may be filled by direct appointment, without reference to the provisions of these rules otherwise applicable to the hiring process.
- C. Probationary. An employee in a full-time or part-time position (other than an exempt employee) who is serving a trial period in a position to which the employee has been appointed, promoted or reclassified upward. A demoted employee or an employee reclassified downward who passed probation prior to demotion or reclassification is not on probation as a result of the demotion or reclassification.
- D. Special Employee. An employee who is hired for a special purpose to meet the needs of the Authority. Special employees include:

1. Provisional employee. An employee who meets the minimum qualification requirements for a regular position and who is appointed on an interim basis to fill a vacancy until the position is filled.
2. Temporary part-time. An employee in a position budgeted for less than 1040 hours per year.
3. Emergency employee. An employee who is hired to meet the requirements of a declared emergency that threatens life, property or the general welfare of the Authority and whose position ceases when the emergency ceases.

Exempt, probationary and special employees may be terminated or disciplined with or without cause.

Section 2.18. Employment List. A list of persons who have successfully passed all preliminary phases of the recruitment process, for submission to the appointing authority for further consideration.

- A. Open Employment List. A list of persons who have successfully completed an open-competitive examination for a class in the Authority's service.
- B. Promotional Employment List. A list of employees who have taken a promotional examination for and have qualified for appointment to a specific class in the Authority's service.
- C. Reinstatement List. A list of regular employees laid off from a job class.

Section 2.19. Equal Employment Opportunity. A condition of equality in all employment-related and personnel actions (i.e. recruitment, hiring, promotion, training, terminations, etc.) brought about by unbiased personnel practices, procedures and methods.

Section 2.20. Recruitment Testing. The process of measuring and evaluating the relative ability and fitness of applicants by job-related testing and evaluation procedures, which may include any or all of the following (except where otherwise prohibited by law):

1. application review;
2. written test;
3. performance test;
4. physical agility test;
5. personal interview;
6. medical evaluation, including drug testing;

7. reference check;
8. psychological evaluation;
9. polygraph examination; and
10. completion of necessary training.

Section 2.21. Grievance. A complaint by an employee relating to wages, hours and conditions of employment. A grievance is not a complaint about disciplinary action.

Section 2.22. Grievance Procedure. The process used to resolve a grievance.

Section 2.23. Human Resources Administrator. The individual appointed by and responsible to the Executive Director for the day-to-day efficient administration of all provisions of these rules.

Section 2.24. Layoff. Involuntary separation of a regular employee from Authority service for non-disciplinary, non-medical reasons.

Section 2.25. Job Sharing. Work performed by two employees in one authorized regular position who, in accordance with an arranged schedule, complete the tasks required of that position.

Section 2.26. Journey Level. A job class that encompasses duties requiring skills and/or knowledge beyond that required of an entry level position.

Section 2.27. Leave. An approved absence from work as provided by these rules.

Section 2.28. Merit Decrease. A pay step reduction where performance falls short of the established standards or where performance is clearly inadequate in one or more of the critical job duties for the position.

Section 2.29. Merit Increase. Increase of an employee's base wage compensation, from one salary step to a higher level salary step within the same salary range, based on satisfactory demonstration of individual efficiency and performance.

Section 2.30. Merit System. A system of selecting and promoting employees on the basis of job fitness.

Section 2.31. Open-Competitive Recruitment. A recruitment for a particular class that is open to all persons meeting the qualifications for the class.

Section 2.32. Overtime. Work authorized by a supervisor in excess of 8 hours per day or 40 hours per week.

Section 2.33. Pay Differential. A salary increase, subject to the approval of the Executive Director, in an amount not less than 5% of the employee's pay range for temporary or continued special assignments that involve increased complexity, hazard,

and/or responsibility and that are beyond the routine coverage for short-term sick leave or vacation.

Section 2.34. Pay Range. One or more specific pay steps having a percentage relationship to one another and assigned to a class as the compensation for that class.

Section 2.35. Personnel Ordinance. The Ordinance adopting these Personnel Rules and Regulations.

Section 2.26. Position. A group of job duties or functions designed to be performed by one employee.

Section 2.27. Probation. A period of tentative appointment to permit an employee to demonstrate ability to satisfactorily perform the functions of a position.

Section 2.38. Probationary Period. A designated period of time in which an employee, upon original or promotional appointment or reclassification, is trained and evaluated for suitability to a position.

Section 2.39. Promotion. The movement of an employee from one class to another class having a higher maximum rate of pay that results in a salary increase of at least 5%.

Section 2.40. Promotional Recruitment. A recruitment for a particular class that is open only to current employees who meet the minimum qualifications for the class.

Section 2.41. Reclassification. Redefinition of a position to more accurately reflect the duties it entails and/or assigning the position to a new or different class.

Section 2.42. Reemployment. The appointment of a former employee who voluntarily left Authority service in good standing to the same or similar position within two years.

Section 2.43. Reinstatement. The act of placing a person back into a position or class, without examination, from which he or she has been laid off or demoted in lieu of layoff.

Section 2.44. Review Date. Date when an employee is given an annual performance evaluation or considered for a merit increase.

Section 2.45. Salary. The wage paid for work performed whether expressed in an hourly, weekly, monthly, or annual rate.

Section 2.46. Transfer. To move an employee from one work unit to another within the same class or from one class to another class requiring comparable qualifications and having the same pay range.

Section 2.47. Y-Rate. The act of freezing an employee's salary at a definite range or dollar amount to avoid a salary reduction when salary compensation data support a reduction in pay.

ARTICLE III. APPLICATION AND ADMINISTRATION

Section 3.1. Adoption and Amendment. Personnel rules may be adopted and/or amended by resolution of the Authority upon review and recommendation of the Executive Director. Upon amendment, revised personnel rules shall be distributed to affected employees and posted on a bulletin board in the normal work areas for a period of at least ten (10) calendar days.

Section 3.2. Personnel Administration. The Executive Director shall have ultimate responsibility for the administration of the Authority personnel system and may delegate any of the duties and authority to the Human Resources Administrator or another designee. As the personnel administrator, the Executive Director shall:

- A. Interpret and administer all provisions of these articles and all related ordinances, resolutions, policies and procedures concerning personnel matters of the Authority;
- B. Prepare and recommend to the Authority Board personnel rules, including revisions and amendments to such rules;
- C. Prepare, update and maintain the position classification plan, including class specifications, a compensation plan and recommended revisions of those plans;
- D. Provide for the publishing or posting of notices of tests for positions in the Authority service, the receiving and evaluation of applications, the conducting and grading of tests, the certification of a list of persons eligible for appointment to the appropriate position in the Authority service, and the performance of any other duty that may be required to administer the personnel system;
- E. Appoint all employees in the Authority service, except the Executive Director, who is appointed by the Authority Board; and
- F. Maintain employee records.

Section 3.3. Exempt Positions. Those positions listed in Appendix A are exempt from these Personnel Rules and Regulations. Additional positions may be designated as exempt by action of the Authority Board as the needs of the Authority require, provided that no incumbent in a position not previously exempt, who is a regular employee at the time the position is made exempt, shall be disciplined except for cause.

Section 3.4. Non-discrimination. Unless based on a bona fide occupational qualification as defined by law, no personnel action (including appointment to, or removal from, a

position in Authority employment), shall be based upon race, creed, color, age, religion, ancestry, national origin, political affiliation, physical disability, marital status, non-disqualifying medical condition (e.g. cured or rehabilitated cancer), gender, or sexual orientation. Any technique or procedure used in recruitment and selection of employees shall be designed to measure only the job-related qualifications of applicants. No recruitment or selection technique or any other personnel action shall be used that, in the opinion of the Executive Director, is not justifiably linked to successful job performance.

Section 3.5. Contents of Classification Plan. The classification plan shall group positions, listed by title, into classes that are defined by written class specifications. The classification plan shall be developed and maintained in a way that each class shall include those positions sufficiently similar with respect to their duties, responsibilities, authority, and character of work so that the same schedules of compensation may be fairly applied under similar working conditions, and that similar requirements as to training, experience, knowledge, skills and abilities may be fairly applied to all positions in the same class. Each class specification shall outline the main characteristics and qualification requirements of positions allocated to the class and give examples of duties which employees holding such positions may properly be required to perform.

Section 3.6. Purpose and Application of Classification. The class specification is descriptive and explanatory, but not restrictive. The listing of particular examples of duties does not preclude the assignment of other tasks and duties. The statement of desirable qualifications in a class specification is intended to be used as a guide in selecting candidates for employment, as an aid in the preparation of competitive examinations, and in determining the relative value of positions in one class with positions in other classes.

Section 3.7. Adoption, Amendment and Revision of Classification Plan. The classification plan shall be recommended by the Executive Director for consideration by the Authority Board and may be amended from time to time. Amendments and revisions of the plan may be suggested by any interested party and shall be submitted to the Executive Director.

Section 3.8. Allocation of Positions. Following the adoption of the classification plan, the Executive Director, or designee, shall allocate every position in the Authority service to one of the classes established by the plan. The classification plan may contain classes to which there is no current allocation of positions in order to provide for future organizational growth or changes in organizational structure. Likewise, obsolete classifications may be deleted from the plan.

Section 3.9. New Positions. Except for a provisional appointment, a new position shall not be filled until the classification plan has been amended to provide therefore and an appropriate employment list established for such position. No new position may be filled without the authorization of the Executive Director who, in so doing, shall ensure that sufficient funds are available.

Section 3.10. Reclassification. Positions whose duties and responsibilities have changed so as to depart significantly from the assigned class description, or positions which have been structurally affected by organizational changes, may be authorized by the Executive Director for reclassification study. Upon completion of the study, a report of the findings shall be submitted and recommendations made to the Executive Director, who shall determine whether to reclassify the position.

Reclassification from one class to a higher-paying class on the basis of job duty changes, when approved by the Authority Board, shall provide for movement of the employee to the step on the new range that is approximately 5% higher than the old range and step. If this results in placing the employee on the first step of the new salary range, the employee shall be reviewed after six months and be considered for a salary advancement. Such reclassified employee's review date shall reflect the date of reclassification.

Reclassification from one class to a lower-paying class on the basis of job duty changes, when approved by the Authority Board, may provide for movement of the employee to the pay step on the new range which is approximately 5% lower than the old range and step or may be Y-rated. If this results in placing the employee on the first step of the new salary range, the employee shall be reviewed after six months and be considered for a salary advancement. Such reclassified employee's review date shall reflect the date of reclassification.

All assigned rates shall be gross salary for services rendered and shall cover full payment for the number of hours being regularly worked in each class. Employees engaged for less than full time shall be paid a proportionate part of these salaries if they are regular or an hourly rate that falls within the appropriate range if they are temporary.

Section 3.11. Probation Following Reclassification. An individual employed in a position that is reclassified upward shall serve a probationary period following such reclassification. No probationary period shall be required of employees who are Y-rated or reclassified to a lower pay range.

Section 3.12. Improper Use of Reclassification. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions, promotions, and layoffs nor to effect a change in salary in the absence of a significant change in assigned duties and responsibilities.

Section 3.13. Reports and Records. The Executive Director or his or her designee shall maintain a personnel file for each employee in the Authority service showing the name, title of position held, the department to which assigned, salary, changes in employment status, and such other information as may be considered pertinent by the Executive Director. The Executive Director shall file all documents relating to performance evaluations, educational records, letter of commendation and discipline, and all other official data relating to the employee's employment with the Authority. An employee shall, however, receive copies of any disciplinary item prior to its inclusion in the

personnel record, thus affording the employee an opportunity to respond in writing. Such response, if any, shall also be filed in the personnel file.

Section 3.14. Performance Evaluations. The Executive Director or his or her designee shall establish a system of evaluating the performance of each employee in terms of such factors as efficiency, competency, conduct and other relevant factors. The evaluation system shall include the forms and procedures to be used in such reports and provide for necessary instruction manuals and training for supervisory personnel to insure that the program of performance evaluation is conducted in a sound, effective and objective manner.

Section 3.15. Destruction of Records. An employee may request the destruction of records or documents relating to a disciplinary matter which occurred more the two (2) years before the date of request. Such records may be destroyed upon the written consent of the Executive Director based upon his or her determination that retention of such records or documents is no longer necessary or desirable. The determination regarding retention or destruction shall not be appealable. If a destruction request is denied, no further request for destruction of records shall be considered for a period of at least one (1) year from the date of denial.

Section 3.16. Compliance with These Rules. Each applicant and each employee is responsible for knowledge of and compliance with these rules. Violation of these rules may be grounds for rejection of an application, removal from a recruitment or employment list, dismissal or other disciplinary action deemed appropriate to the nature of the violation under these rules.

ARTICLE IV. APPLICATION PROCESS

Section 4.1. Announcement. All openings for employment in the Authority's service shall be publicized by posting announcements for at least ten (10) working days on a readily accessible bulletin board, and by such other means as the Executive Director deems appropriate. The announcement shall specify the title and salary range of the class in which there is an opening, the general nature of work to be performed, qualifications desirable for the performance of the work for the class, the manner of making application and other pertinent information. Special recruitment methods and community outreach shall be utilized as necessary to ensure that all segments of the labor market reasonably available to the Authority are apprised of each job opportunity.

Section 4.2. Application. Applications shall be submitted as prescribed on the job announcement. Application forms shall require information covering training, relevant work and volunteer experience, references, and other pertinent information. All applications must be signed and dated by the person applying.

Section 4.3. Disqualification of Applications. The Executive Director or his or her designee may reject an employment application when it indicates the applicant does not possess the minimum qualifications, the applicant is physically or psychologically unable to perform the job applied for and no reasonable accommodation can be made for such disability, where the applicant has been convicted of a crime as provided under Section 4.4 of these Rules, where material contained in the application has been falsified or the application has not been received by the prescribed deadline.

Whenever an application is rejected, notice of such rejection shall be mailed to the applicant by the Human Resources Administrator. Incomplete applications may be returned to the applicant with notice to amend, providing the time limit for receiving applications has not expired.

Section 4.4. Criminal Conduct – Ineligibility for Employment. Conviction of a felony, or a plea of guilty or nolo contendere to a felony, or conviction of a misdemeanor involving moral turpitude or a plea of guilty or nolo contendere to a misdemeanor involving moral turpitude, shall disqualify an applicant from employment by the Authority unless the Executive Director specifically determines that mitigating circumstances exist. In making such determination, the following factors shall be considered:

- A. Whether the position applied for has duties which may be implicated by the criminal conduct (e.g., where the position involves handling money and the prior criminal conduct has involved theft);
- B. The nature and seriousness of the offense;

- C. The circumstances surrounding the conviction or plea;
- D. The length of time elapsed since the conviction or plea;
- E. The age of the person at the time of the conviction or plea;
- F. The presence or absence of rehabilitation or efforts at rehabilitation; and
- G. Contributing social or environmental conditions.

Section 4.5. Recruitment – Relevance of Testing Procedures. The selection techniques used in the recruitment process shall be impartial, of a practical nature, and shall relate to those subjects that, in the opinion of the Executive Director, fairly measure the capability of applicants to perform duties assigned to the class for which they seek appointment. Recruitment shall consist of selection techniques, not otherwise prohibited by law, which shall test fairly the qualifications of candidates, such as, but not necessarily limited to, achievement and aptitude tests, other written tests, personal interview, performance tests, physical agility tests, work samples, medical tests, psychological tests, polygraph tests, successful completion of prescribed training, or any combination of these or other tests.

Section 4.6. Recruitment Method. The Executive Director shall determine whether recruitments will be open, continuous, or promotional, and shall determine the methods of recruiting.

- A. Open Recruitment. These recruitments are open to anyone who meets specified standards of qualifications and may be a promotional opportunity for an employee.
- B. Continuous Recruitment. Open-competitive recruitments may be administered continuously for any class as the needs of the Authority require. These are recruitments for which there is no final filing date. Notice of continuous recruitments shall be published and posted. After a sufficient number of qualified applications have been received, testing will take place to establish an eligibility list to be used by the hiring department. Such eligibility list shall remain in effect for the period prescribed in Section 4.11.
- C. Promotional Recruitment. Where it is deemed practical, appropriate, and in the best interest of Authority operations, promotional recruitments may be conducted. These recruitments are restricted to regular, specially-funded, provisional and probationary employees who meet the requirements set forth in the promotional job bulletin, as a means of advancing the career service of employees who continue to demonstrate achievement and the ability to assume higher levels of responsibility.

Section 4.7. Conduct of Recruitment. The Authority may contract with any competent firm or individual to perform a recruitment. In the absence of such a contract, the Executive Director shall see that such duties are performed.

Section 4.8. Notification of Written Test Results and Opportunity to Review. A candidate shall, upon request, be given the results of any written test. A candidate may request that a written test be re-scored to insure the accuracy of the result, provided such request is made within five (5) days after the results are mailed to the candidate.

Written test records for each eligible person shall be retained for the life of the applicable employment list.

Section 4.9. Creation of Employment List. As soon as possible after the completion of the recruitment process, an employment list shall be prepared and maintained consisting of the names of candidates who qualified in the recruitment process, ranked according to their final score. Whenever identical final scores are earned by more than one candidate, they shall occupy the same position on the employment list. Candidates whose names appear on an employment list shall be deemed qualified for appointment, pending further review of such qualifying processes as reference checks, medical examinations or background investigations.

Section 4.10. Duration of Employment Lists.

- A. Open-Competitive Lists. Open-competitive lists created as a result of continuous recruitment shall remain in effect for six (6) months after the establishment of the list, unless sooner exhausted or abolished by the Executive Director. Such list may be extended by the Executive Director prior to its expiration for an additional period not to exceed a maximum duration of two (2) years. Names placed on such lists may be merged with any others already on the list appropriately ranked according to final scores. Names of candidates so merged shall be followed by the interview date and shall remain on the list as described above.
- B. Reinstatement Lists. Reinstatement lists shall consist of the names of probationary and regular employees who have been laid off or demoted in lieu of layoff. Such names shall remain on the list for a period of two (2) years, unless such persons are sooner reinstated. The list may be extended by the Executive Director for an additional period not to exceed one (1) year.
- C. Other Lists. All other employment lists shall remain in effect for six (6) months, unless sooner exhausted or abolished for good cause by the Executive Director. Any such list may be extended by the Executive Director prior to its expiration for an additional period not to exceed two (2) years.

Section 4.11. Removal of Names from Employment Lists. The name of any person who appears on any employment list shall be removed if:

- A. The candidate's time on the employment list has expired;
- B. The eligible candidate so requests in writing;
- C. The eligible candidate fails to respond to a notice of certification mailed to the last known address;
- D. The eligible candidate becomes disqualified for employment with the Authority as provided in Section 4.3; or
- E. The candidate if on a promotional list and he or she resigns from Authority service.

Section 4.12. Types of Appointments. All vacancies in the Authority service shall be filled by transfer, demotion, re-employment, reinstatement, promotion, flexible staffing or from eligible candidates from an appropriate employment list, if available. The type or types of appointments utilized shall be in the best interest of the Authority as determined by the Executive Director. In the absence of person eligible for appointment in these ways, provisional, temporary, emergency or other types of appointments may be authorized by the Executive Director in accordance with these rules.

Section 4.13. Notice of Vacancy. Whenever a vacancy in the Authority service is to be filled, the Executive Director will consult the reinstatement list. If there is no reinstatement list available for the class, the Executive Director may cause the vacancy to be filled by employment from a promotional list or appointment from an open employment list.

Section 4.14. Promotion. Insofar as consistent with the best interests of the service, vacancies in the Authority service shall be filled by promotion from within the Authority service after a promotional recruitment has been given and a promotional list is established.

If, in the opinion of the Executive Director, a vacancy in the Authority service could better be filled by an open competitive recruitment instead of a promotional recruitment, then the open competitive selection process shall be used.

Section 4.15. Certification of Eligibles. When a vacancy occurs, it will be filled from a promotional or open employment list which is generated by the Executive Director or designee. He/she shall certify from this list the names of all eligible candidates.

Section 4.16. Creation of New Employment Lists. Whenever there are three (3) or fewer names of individuals willing to accept appointment or promotion on an appropriate list,

the Executive Director may call for a new examination in order to secure a sufficient number of person eligible for certification.

Section 4.17. Vacancies Filled by Promotion. Vacancies which occur as the result of a promotion may be filled:

- A. by competitive promotional examination; or
- B. by promotional certification by the Executive Director where only one employee is qualified for the vacant position.

For advancement to occur by promotional certification, the Executive Director must state in writing that the employee:

- 1. meets all prescribed standards of the higher level class; and
- 2. has demonstrated an ability to satisfactorily perform the responsibilities of the higher level class; and
- 3. is in all other respects eligible for promotion.

Section 4.18. Appointment Process. The Executive Director, or his or her designee(s), shall interview eligible persons for a vacant position.

Upon selection of a person, that person shall be verbally notified of his or her selection, subject to successful completion of pre-employment processing.

Pre-employment processing may include medical examination, finger printing and other similar matters. Upon successful completion of such processing, the Executive Director shall certify the person for employment and direct the person to report for duty.

No appointment is effective until all necessary approvals and processing have been satisfactorily obtained and completed.

Section 4.19. Acceptance of Appointment. If the applicant accepts the appointment and reports for duty within such period of time as prescribed by the Executive Director, the applicant shall be deemed to be appointed on a probationary basis. The applicant is deemed to have declined appointment upon failure to report for duty as specified.

Section 4.20. Provisional Appointments. If appropriate employment lists do not exist, a person meeting the minimum training and experience qualifications for the position may be given a provisional appointment pending the establishment of an employment list. With the approval of the Executive Director, such an appointment may be made for up to six (6) months. Such an appointment may be made during the period of suspension, or demotion or after discharge of another person holding the position. A provisional employee may be removed at any time with or without cause, without the right of appeal

or hearing. If a provisional appointee is selected for a regular position with the Authority, time served as a provisional appointee shall not be counted as part of the required probationary period. No special consideration shall be given a provisional appointee in meeting the requirements for obtaining a regular appointment.

Section 4.21. Pay Differential. For temporary special assignments with a minimum of thirty (30) days duration, which involve increased complexity, hazard, and/or responsibility and which are beyond the routine coverage for short-term sick leave or vacation of another, as determined by the Executive Director, a salary differential of at least 5% of the employee's pay range may be granted upon approval of the Executive Director.

Section 4.22. Emergency Appointments. To meet the requirements of a declared emergency condition that threatens life, property, or the general welfare of the Authority, the Executive Director may authorize the employment of such persons as may be needed for the period of the emergency, without regard to the examination or appointment provision of these rules.

Section 4.23. Probationary Period – Purpose. The probationary period shall be regarded as a part of the testing process and shall be used for closely observing the employee's work and for securing the most effective adjustment of a new employee to his or her position, and to reject any employee whose performance does not meet required work standards.

Section 4.24. Length of Probationary Period. The probationary period for an initial appointment of a promotional appointment is one (1) year.

The probationary period for a reclassification upward is six (6) months.

Section 4.25. Performance Evaluation During Probationary Period. The supervisor shall make every reasonable effort to evaluate the performance of a probationary employee, at three (3) month intervals until the probationary period is completed.

Section 4.26. Completion or Extension of Probationary Period. If the performance of the probationary employee is unsatisfactory, the Executive Director or his or her designee shall transmit to the employee, prior to the expiration of the probationary period, a statement in writing regarding performance and stating that retention of such employee is not desired or that the probationary period should be extended. If such a statement is not filed, the employee will be deemed to be satisfactory and shall automatically attain regular employee status.

If the employee's performance cannot be adequately evaluated in the prescribed probationary period, the Executive Director may extend an employee's probationary period for up to an additional six (6) months. The employee shall be notified in writing of such an extension.

Section 4.27. Release of Probationer. During an employee's initial or extended probationary period, an employee may be released by the Executive Director from Authority service with or without cause at the sole discretion of the Executive Director. Such release shall not be subject to any appeal. Notification of release shall be provided in writing to the employee and a copy filed with the Human Resources Administrator.

Section 4.28. Release of Probationer Following Promotion. Any employee released during the probationary period following a promotional appointment shall be reinstated to the classification from which the employee was promoted, unless released for cause.

Section 4.28.1. Release of Displaced Employee. If such reinstatement causes another employee to be displaced, layoff procedures shall be followed. Release of a displaced employee pursuant to this section shall not be subject to any appeal.

ARTICLE V. ATTENDANCE AND LEAVES

Section 5.1. Hours of Work. The hours of work shall be those prescribed by the Executive Director.

Section 5.2. Attendance. Every employee shall be in attendance at work in accordance with the rules regarding hours of work, holidays, and leaves. Any employee unable to come to work shall notify the Executive Director prior to or within two (2) hours of starting time.

An employee absent without leave who, within forty-eight (48) hours after being notified by the Executive Director, neither returns to duty nor gives good reason why work cannot be resumed at a specified time may be treated as having abandoned his employment.

If the employee has abandoned his or her position, the employee shall be given notice of the intent of the Authority to dismiss because of such abandonment. The notice shall provide the time, date and place at which the employee may explain his conduct to the Executive Director or his or her designee. The decision of the Executive Director or designee on whether to retain the employee thereafter is final and there is no further appeal.

Section 5.3. Military Leave. Military leave shall be granted in accordance with the provisions of State law. All employees entitled to military leave shall give the Executive Director an opportunity, within the limits of military regulations, to determine when such leave shall be taken.

Section 5.4. Annual Vacation Leave – Purpose. The purpose of vacation leave is to provide eligible employees the opportunity to take paid time off from their job responsibilities in order to maintain a high standard of mental, emotional and physical conditioning.

Section 5.5. Accrual of Vacation Leave. Annual vacation leave with pay shall be accrued by all regular, exempt, provisional, and probationary employees at the following rates:

<u>Years of Service</u>	<u>Hours per 2-week Pay Period</u>
0 through 3	4.0
4 through 15	5.5
Greater than 15	7.1

Section 5.6. Prorated Accrual. Regular part-time employees shall be credited vacation leave with pay on a prorated basis.

Section 5.7. Holiday within Vacation Leave. In the event one or more recognized Authority holidays fall within an annual vacation leave, such holidays shall not be charged as vacation leave.

Section 5.8. Scheduling and Carryover of Vacation Time. The times during the year when an employee may take vacation shall be determined by the Executive Director with due regard for the wishes of the employee and for the needs of the Authority. If the requirements of the Authority are such that an employee cannot take part or all of the accrued vacation leave in the year in which it was earned, such vacation shall either be taken during the following year, subject to the accrual limits, or paid in cash.

Section 5.9. Cessation of Accrual of Vacation Leave. Accrual of vacation leave with pay shall cease at such time as the amount of vacation leave carried over from any previous year(s) equals 400 hours. Three (3) months prior to the end of the calendar year, the Executive Director shall review the number of hours accrued by the employee. If the accrued vacation leave is approaching this upper limit, the employee shall be notified of the potential for cessation of vacation leave accrual. If the amount will exceed the specified limits at year end, the employee shall take the excess number of vacation hours prior to the end of the year or be paid in cash for the unused vacation. Accrual of vacation leave shall resume as soon as the employee's accrued leave is brought below the maximum accrual limit. The Executive Director may, in his or her sole discretion, at the request of an affected employee, waive the provisions of this section where circumstances warrant.

Section 5.10. Lump Sum Payment at Termination. Employees who terminate employment shall be paid a lump sum for all accrued vacation leave earned prior to the effective date of termination. Accrued vacation shall not be taken immediately prior to termination of employment, whether voluntary or involuntary, but shall be paid in a lump sum to avoid further accrual of vacation time.

Section 5.11. Sick Leave – Generally. Sick leave shall not be considered as a right to be used at the employee's discretion, rather it is a privilege of paid time away from work duties in the event of personal illness or disability, illness of an immediate family member that requires the employee's absence from work, imminent death of a family member, or medical or dental appointments of the employee or dependent family members that cannot be scheduled during off-duty hours. For purposes of sick leave, family members shall consist of the spouse, registered domestic partner, children, parents, brothers, sisters, grandparents or of individuals whose relationship to the employee is that of a dependent.

Section 5.11.1. Family Death Leave. The Executive Director or his or her designee may authorize up to five (5) days leave with pay upon the death of a parent, spouse, registered domestic partner, child, grandparent, grandchild, sibling, mother-in-law, father-in-law, or any child or close relative living with the employee at the time of death. Family death leave is not charged to sick leave. Family death leave will be prorated for part-time employees.

Section 5.12. Notice of Taking Sick Leave. In order to be compensated for sick leave absence, the employee must notify his or her immediate supervisor no more than two hours after the start of the employee's regular start time.

The employee may be required to file a physician's certificate or personal affidavit with the Human Resources Administrator stating the cause of absence.

Section 5.13. Documentation of Sick Leave. Approval of sick leave shall be made by the employee's supervisor. The Executive Director shall prescribe all forms related to sick leave use, and his or her designee shall maintain accurate records of sick leave use.

Section 5.14. Accumulation of Sick Leave. Each full time employee shall be credited with 4.6 hours of sick leave each two-week period. Sick leave will be credited only upon completion of a pay period. There is no limit to the accumulation of sick leave. Regular part-time employees shall be credited with sick leave in direct proportion to the ratio listed herein for full time employees.

Unused sick leave may be accumulated to be used in a subsequent year for the purposes specified in Section 5.11. Where a job related disability makes it necessary for an employee to retire, such employee shall be entitled to exhaust any accumulated sick leave prior to commencing retirement benefits.

Section 5.14.1. Sick Leave Compensation.

- A. If an employee dies while employed by the Authority, whether or not the death is job related, the beneficiary shall be paid the monetary value of all sick leave accrued at the time of death. If the employee was eligible for retirement at the time of death, the beneficiary shall have the right to waive cash payment and instead receive credit toward retirement. The retirement beneficiary, if any, shall be the beneficiary entitled to receive cash payment of accrued sick leave.
- B. An employee who retires shall be paid the monetary value of one-half of accrued sick leave at the time of retirement up to a maximum of five hundred hours pay. Payments shall be made as soon as practical after the retirement system has approved the amount of the employee's retirement allowance. After the cash payment, the remaining sick leave balance shall be counted as credit toward retirement. The employee shall retain the option of waiving the cash payment and instead applying all of the sick leave balance toward retirement credit. Sick leave payoff shall apply only to those persons who actually retire from Authority service. Persons who separate from Authority service without retiring shall lose all right to sick leave payoff, whether or not such person receives a deferred retirement.

Section 5.15. Excessive Usage. The sick leave program is designed to provide employees with two benefits: (1) available paid leave for a reasonable amount of short-term illnesses; and (2) provide a savings bank of time to ensure available paid leave for long-term illnesses. In order to ensure that the sick leave program is being utilized for both purposes, all employees will be monitored to ensure that this usage of sick leave benefits is not excessive.

If an employee's sick leave usage in a year is excessive as hereafter defined, the employee shall be given written notice by the Human Resources Administrator that his or her sick leave usage violates these rules and that the employee may be subject to discipline for such excessive use of sick leave. The employee may provide information demonstrating that a specific personal medical condition, or medical condition of a family member, required the use of sick leave in an amount in excess of the normal allowable limits.

If an employee, after notice, fails to provide a satisfactory explanation of sick leave usage or continues to use excessive sick leave, the employee may be subject to discipline.

Nothing in this section shall preclude discipline for excessive or improper use of sick leave at any time where there is evidence that an employee is using sick leave for purposes other than permitted by these rules.

Excessive sick leave is defined as:

- A. Use, on two or more separate occasions in any year, of sick leave prior to and/or after a holiday, or the first or last day of a work week.
- B. Use of sick leave on four (4) or more separate occasions for a total of forty (40) hours, where total sick leave usage exceeds the average of all employees.

An occasion is one or more days of sick leave usage followed by a return to work prior to the next usage of sick leave.

Section 5.15.1. Donations of Leave. Authority employees may assign the monetary value of their vacation or sick leave to another Authority employee who has used up accumulated vacation and/or sick leave and is experiencing a catastrophic illness.

Section 5.16. Industrial Injury Leave. When an employee is rendered incapable of performing the assigned work duties by injuries received or illness arising in the course of employment with the Authority, and when such injury or illness is determined to come within the provisions of the Workers' Compensation Law, the Executive Director may grant leave with an amount of pay equal to the difference between eighty percent (80%) of the employee's base pay and the workers' compensation pay, if any, received by the employee during such injury or illness, not to exceed one (1) year.

- A. Leave granted an employee under this provision shall not be considered sick leave or deducted from accumulated sick leave.
- B. During periods of leave granted under this provision, an employee will not accrue sick leave or vacation hours.

Section 5.17. Non-Industrial Injury Leave. Where an employee is unable to work for an extended period because of an injury or illness not arising in the course of employment with the Authority, the Executive Director may grant an unpaid leave of absence not exceeding one (1) year if it appears, based on competent medical evidence, that the employee is likely to be able to return to duty at the end of the leave.

An employee may be eligible for long-term disability benefits under a plan established by the Authority for that purpose.

An employee on leave for non-industrial injury or illness shall exhaust all accrued sick leave in excess of 40 hours and all vacation leave before being placed on such leave, but shall not accrue any sick leave or vacation while on such leave.

Section 5.18. Parental Leave – Purpose. The purpose of parental leave is to facilitate parental bonding and family adjustment, care for the child, and to provide time to locate suitable long-term child care arrangements for newborn and newly adopted children of regular Authority employees.

Section 5.19. Parental Leave. Regular Authority employees with at least one year of continuous employment may apply for up to 160 hours of paid parental leave upon the birth or during the process of adopting a minor child. Parental leave shall be approved by the Human Resources Administrator, except where the granting of the parental leave request would unduly interfere with or cause undue hardship upon Authority operations. Eligible employees must submit a request to the Human Resources Administrator, and the Authority and the employee shall work together to arrange a schedule that fulfills the purpose of parental leave while making the least impact on Authority operations.

Parental leave is not intended to supersede available leave balances during the period of disability due to pregnancy and childbirth. Employees on paid parental leave accrue all benefits and service credits otherwise received during those pay periods in which the employee receives pay. Parental leave must be taken within four months of the childbirth or adoption. Part-time employees are eligible for a pro-rated number of hours based on the number of hours worked. Parental leave is based on each birth event or adoption event regardless of the number of children involved in the event.

Section 5.20. Family and Medical Leave. The Authority provides unpaid leave (referred to as Family and Medical Leave) in connection with the birth, adoption or foster care placement of a child, the serious illness of a child, spouse, registered domestic partner, parent, or the serious illness of the employee that results in the employee's inability to

perform his or her job, as required by State or Federal law. For additional information regarding your Family and Medical Leave rights, an employee may contact the Human Resources Administrator. For purposes of this policy, in the event of a conflict between state and federal law, an employee shall be entitled to the benefit of the most liberal provision that applies to him or her. Nothing in this policy shall be construed to provide any Family and Medical Leave Rights that are not required by State or Federal law, or that are not specifically enumerated elsewhere in these Personnel Rules and Regulations.

Section 5.21. Court Duty.

- A. Jury duty. An employee who is summoned to jury duty shall be granted leave with full pay and benefits until excused by the court. Any pay for jury service, exclusive of mileage allowances, shall be paid by the employee to the Authority.
- B. Employee as a party in official capacity. An employee who is a party to a lawsuit in his or her official capacity as an Authority employee shall be paid as though on duty for all time spent in connection with the suit.
- C. Employee as a witness. An employee who is either directed by his or her supervisor, or is subpoenaed, to appear as a witness in court, in an administrative proceeding, or in an arbitration, in connection with events arising from the performance by the employee of his or her official Authority duties shall be paid as though on duty for all time spent in connection with such appearance. An employee shall, if subpoenaed by a third party, immediately notify his or her supervisor so that the Authority may, if authorized to do so by law, demand of the subpoenaing party fees and costs associated with the appearance of the employee.
- D. Non-Authority related court appearances. An employee who is a party or a witness in any court, administrative proceeding or arbitration in connection with matters not related to the performance of his or her official Authority duties, shall take vacation leave for the purpose of any time spent in connection therewith. An employee who has exhausted vacation leave may be granted leave without pay by the Executive Director, if circumstances warrant. Any employee using vacation leave shall remit to the Authority any witness fees or payments, exclusive of mileage allowances, received in connection with the matter.

Section 5.22. Continuation of Medical Coverage. The Authority may elect to provide continuation of certain benefits upon occurrence of certain “qualifying events” as defined by Internal Revenue Code section 4980B(f)(3). For additional information regarding continuation of medical coverage, please contact the Human Resources Administrator.

Section 5.23. Voting Rights. The Authority shall provide up to two hours of paid time off to employees of the Authority whose regular work hours would otherwise deprive them of the opportunity to vote in a state-wide election.

Section 5.24. Leave of Absence Without Pay. The Executive Director may grant a regular or probationary employee leave of absence without pay not to exceed a total of twelve (12) consecutive months. Upon expiration of an approved leave, or upon return to work if earlier, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave of absence to report for work promptly at the expiration of leave, or within a reasonable time after notice to return to duty, shall be considered an abandonment of employment as set forth in Section 5.2.

While on such leave an employee shall not receive any benefits. No such leave shall be granted except upon written request of the employee setting forth the reason for the request.

Section 5.25. Holidays. The following days are recognized holidays, and employees shall receive holiday leave with pay on these days:

New Year's Day
Martin Luther King, Jr. Day
Lincoln's birthday
Washington's birthday
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Friday immediately following Thanksgiving
Christmas

Section 5.25.1. Holiday Adjustments. In the event a recognized holiday falls on a Saturday or Sunday, the Executive Director may move the observance of the holiday to the Friday immediately preceding or the Monday immediately following the holiday.

Section 5.25.2. Christmas and New Year's Eve. In addition to the above listed holidays, employees shall receive four hours of holiday leave with pay on either December 24 or December 31. In the event the observance of the Christmas and New Year's Day holidays has been moved in accordance with Section 5.25.1, these additional four hours of holiday leave shall not be granted.

Section 5.26. Integration of Accrued Leave with State Disability Insurance Benefits of Eligible Employees. Employees who are absent from duty because of illness or injury and have been authorized to use Authority paid leave benefits shall be eligible to

integrate the payment of State Disability Insurance (SDI) benefits with such Authority paid leave benefits. Whenever eligible employees who have accrued leave benefits receive SDI benefits, the use of the accrued leave balances shall be integrated with SDI benefits so as to provide a combined bi-weekly adjusted net income equivalent to 100% of the regular net income (gross income less mandatory deductions) as long as such eligible disability qualifies and available leave balances are authorized by the Human Resources Administrator. The leave balances that will be available for integration with SDI benefits and the required order of their use are: sick leave and vacation.

ARTICLE VI. GRIEVANCE PROCEDURE

Section 6.1. Purpose. The purpose of a grievance procedure is to promote improved employer-employee relations by affording the employee individually, or through the representative of his or her choice, a systematic means for obtaining further consideration of problems when every reasonable effort to resolve them through discussion has failed. This procedure is designed to facilitate the settlement of grievances informally and as near as possible to the point of origin.

Section 6.2. Process. An employee may complain through the grievance procedure provided in this article regarding any matter relating to that employee's wages, hours or condition of employment. A grievance may be either formal or informal. An informal grievance is a prerequisite to filing a formal grievance. Failure of an employee affected by an Authority employment matter to utilize an administrative remedy provided by this article shall constitute a waiver of any claim to relief.

An employee may not grieve disciplinary actions. An employee may appeal disciplinary actions as otherwise provided.

Section 6.3. Grievance. An employee with a grievance shall make every reasonable effort to resolve the same by discussing it with his or her immediate supervisor and any other concerned person within ten (10) working days after the grievance arises.

If the grievance remains unresolved, the employee may file with the Human Resources Administrator a written statement setting forth the grievance and the proposed solution. All relevant information which the employee wants the Human Resources Administrator to consider shall accompany the grievance. No grievance may be filed more than fifteen (15) working days after the circumstances giving rise to grievance occur.

The Human Resources Administrator shall issue a written decision within ten (10) working days after receipt of the grievance.

Section 6.4. Executive Director Review. An employee dissatisfied with the decision of the Human Resources Administrator on a grievance may request review of the matter by the Executive Director. The request shall be in writing and submitted within ten (10) working days after decision of the Human Resources Administrator.

Section 6.5. Final Decision by Executive Director. The Executive Director shall render a decision in writing to the employee within twenty-one (21) calendar days after receiving the request for review. The Executive Director may designate a fact finding committee or an officer not in the normal line of supervision to further advise on the grievance. The Executive Director's decision on the grievance shall be final. The employee shall have no further appeal rights.

Section 6.6. Extending Time. The time limits set forth in sections 6.3 to 6.5 may be extended by mutual consent of the employee and the Executive Director, or by the Executive Director if no mutual consent is obtained and the Executive Director determines, on application by an affected person or committee, that additional time is warranted.

Section 6.7. Use of Work Time for Grievance. The employee shall be allowed to use a reasonable amount of work time as determined by the Executive Director in conferring about the grievance.

Section 6.8. Freedom from Reprisal. The employee shall not be subject to any reprisal for using the grievance procedures.

ARTICLE VII. NON-DISCIPLINARY PERSONNEL ACTIONS

Section 7.1. Transfer. An employee may be transferred from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same maximum salary, involves the performance of similar duties and requires substantially the same basic qualifications. No person shall be transferred to a class for which he or she does not possess the minimum qualifications. A transfer may be made by the Executive Director. Transfer shall not be used to effectuate a promotion, demotion, advancement or reduction, each of which may be accomplished only as provided in these rules.

Section 7.2. Voluntary Demotion. Upon written request of the employee, and with the consent of the Executive Director, voluntary demotion may be made to a vacant position providing the employee possesses the minimum qualifications for the vacant position.

Section 7.3. Abolition of Position. Whenever, in the judgment of the Executive Director, it becomes necessary to abolish any position, the employee holding such position may be laid off or demoted. Such action is not disciplinary and there is no right of appeal.

Section 7.4. Notice of Layoff. Employees to be laid off shall be given at least ten (10) working days prior notice.

Section 7.5. Layoff; Demotion in Lieu; Retreat Rights. When lack of funds require more than one employee to be laid off, layoffs shall be done in each classification in the order deemed appropriate by the Executive Director.

A laid off employee may be demoted to a vacant position in any classification for which the employee is qualified. The employee shall serve a six (6) month probationary period in the new position unless the employee has previously successfully completed probation in that position.

Section 7.6. Reinstatement. The name of the laid off employee(s) shall be placed on a reinstatement list for the class where it shall remain until: (1) reinstatement; (2) until he or she refuses an offer of reinstatement; (3) for two (2) years; or (4) if the reinstatement list is extended, for the period of such extension but not to exceed a maximum total of three (3) years. The reinstatement list shall be used when a vacancy arises in the same class a laid off employee previously held before certification is made from any other eligible list. Persons re-employed in a lower class or on a temporary basis shall be continued on the list for the higher position for the full time allowed.

Section 7.7. Resignation. An employee wishing to leave Authority service in good standing shall file with the Human Resources Administrator a written resignation stating the effective date and reasons for leaving at least ten (10) working days before leaving the service, unless such time period is waived by the Human Resources Administrator. Acceptance by the Human Resources Administrator of an employee's written notice of resignation shall be final. The Human Resources Administrator shall forward a statement

as to the resigned employee's service performance and other pertinent information to the Executive Director. Employees shall participate in an exit interview upon submitting their resignation.

Section 7.8. Re-employment. With the approval of the Executive Director, a regular or probationary employee who resigned in good standing may be re-employed within two (2) years of the effective date of resignation, to a vacant position in the same or comparable class. Such re-employment shall, for all purposes, be considered as though it were an original appointment.

ARTICLE VIII. RESERVED

ARTICLE IX. DISCIPLINE AND APPEALS PROCEDURE

Section 9.1. Purpose. The purpose of this article is to establish the types of actions for which an employee can be disciplined and the disciplinary measures that may be used.

Section 9.2. Exclusive Remedy. The procedure set forth in this article shall be exclusive, and the failure of an employee to utilize the provisions herein shall constitute a waiver of any claim to relief.

Section 9.3. Application. This article applies only to regular employees. An employee not covered by this article may be disciplined without reference to these provisions. Such an employee has no property interest in his or her employment, express or implied.

Section 9.4. Grounds for Discipline. Discipline may be taken against a regular employee only for "good cause." Good cause is defined as any facts that, based upon relevant circumstances, may be reasonably relied upon in the exercise of discretion as a basis for disciplinary action. The following are set forth as examples only and shall not be construed as an exclusive list:

- A. Fraud in securing employment.
- B. Incompetency.
- C. Inefficiency.
- D. Inexcusable neglect of duty.
- E. Insubordination.
- F. Dishonesty.
- G. Absence without leave.
- H. Working under the influence of alcohol or drugs.
- I. Conviction of a felony or a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his or her position. A plea of guilty, or a conviction following a plea of nolo contendere, is deemed to be a conviction within the meaning of this section.
- J. Improper political activity as governed by the Federal Hatch Act and the California Government Code.
- K. Refusal to take and subscribe to any oath or affirmation that is required by law in connection with his or her employment.

- L. Discourteous treatment of the public or other officer or employees of the Authority or of other agencies.
- M. Violation of any Authority rules, regulations, policies, procedures and general orders, or any knowing breach of confidentiality.
- N. Willful disobedience of an order or direction.
- O. Failure to observe Authority safety regulations.
- P. Abuse of sick leave.

Section 9.5. Types of Discipline – Minor.

- A. Oral Warning. An oral admonition to an employee whose conduct or performance must be improved that details the areas for improvement, the degree of improvement required, and notice that failure to improve will result in more serious disciplinary action.
- B. Written Reprimand. A formal written notice to an employee that summarizes previous related disciplinary action, if any, details a record of conduct or performance that is substantially below standards, and that advises that continued conduct or performance at such levels may result in suspension, merit decrease, demotion or dismissal. At the time a written reprimand is issued, the individual shall be counseled and given an opportunity to review the reprimand and sign it, or make comments thereon, before it is placed in his or her personnel file.
- C. Short Suspension. A temporary removal of an employee from the service of the Authority without pay for two (2) eight (8) hour shifts or less. A suspension of this type does not include suspension pending an investigation of alleged misconduct. Where the discipline is a short suspension, the charges upon which the discipline is based may be served at the time the discipline is imposed.

Section 9.6. Types of Discipline – Major.

- A. Long Suspension. A temporary removal of an employee from the service of the Authority without pay for more than two (2) eight (8) hour shifts, and up to sixty (60) eight (8) hour shifts, for cases involving chronic or serious misconduct for which there seems to be no other appropriate measure short of demotion or dismissal. A suspension of this type does not include suspension pending an investigation of alleged misconduct.
- B. Merit Decrease. A pay step reduction where performance falls short of the normal established standards or where performance is clearly inadequate in one or more of the critical job duties for the position.

- C. Demotion. The removal of an employee from a position to one of lower grade or classification when such employee is no longer able or willing to perform the duties of the position but who may still function effectively at a lower level.
- D. Dismissal. The removal of an employee from the service of the Authority when it has been determined that the employee has been given every reasonable opportunity to reach the standards of conduct or performance required by the Authority and has clearly failed to do so or has committed one or more offenses for which no other measure is appropriate.

Section 9.7. Disciplinary Procedures for Major Discipline.

- A. Charges for Long Suspension, Merit Decrease, Demotion or Dismissal. Where the proposed discipline is major, a preliminary written statement of charges supporting the discipline, signed by the supervisor, shall be served on the employee. Service of the statement of preliminary charges shall be made at least five (5) days before a meeting pursuant to Section 9.7.C is held to discuss the charges. The charges shall further state:
 1. The proposed discipline.
 2. The effective date of the discipline.
 3. The reasons for the discipline.
 4. The names of witnesses to the incident(s) precipitating the discipline.
 5. The identity of any written documents pertinent to the discipline.

An employee may, where circumstance warrant, be placed on administrative leave pending the meeting held pursuant to Section 9.7.C.

- B. Service of Charges. Service of a preliminary written statement of charges shall be made by:
 1. Personally giving the employee a copy; or
 2. If service under (1) is infeasible, by first class certified mail, return receipt requested, to the last known mailing address of the employee.

Service is deemed complete when any one of the preceding steps is taken.

- C. Informal Meeting Procedure (Skelly Meeting). Before major discipline is imposed, the employee shall be given an opportunity at an informal meeting to show why the proposed major discipline should not be imposed prior to its imposition.
 1. The meeting will be conducted by a responsible person designated by the Executive Director. It shall include the employee, the

employee's representative, if the employee so wishes, and others as directed by the person conducting the meeting. The meeting is not an evidentiary hearing. The meeting shall be recorded. The person conducting the meeting will keep a written record.

2. At the meeting the employee shall be given an opportunity either orally, in writing, or both, to bring forward facts or circumstances that may cause the charges to be revised or dropped.
3. As the result of the meeting, the person conducting it will recommend to the Human Resources Administrator whether it is appropriate to proceed with the preliminary charges, modify them, reduce the level of discipline to minor discipline, or drop the proposed discipline.
4. If the decision of the Human Resources Administrator is to drop the discipline, the employee will be notified. If the decision is to reduce the level of discipline to minor discipline, the reduced discipline will be imposed. If the decision is to proceed with the imposition of major discipline, whether as originally proposed or as modified, the employee will be served with a notice of discipline, that includes the final statement of charges. The statement of charges will contain a synopsis of the informal meeting and notice of the right of appeal as provided by Section 9.9.

Section 9.8. Appeal from Minor Discipline. Oral warnings are not subject to appeal. A written reprimand or short suspension may be appealed to the Executive Director. The appeal must be in writing. It must be filed with the Executive Director within five (5) working days after the reprimand or suspension is given to the employee. The Executive Director will conduct an investigation of the facts as warranted. The Executive Director shall issue a decision in writing and may uphold, revise or rescind the reprimand or suspension. The decision of the Executive Director is final and must include notice to the appellant that the time within judicial review must be sought is governed by Code of Civil Procedure section 1094.6 as described in Section 9.9 of these rules.

If the Executive Director issued the reprimand or short suspension, he or she is disqualified from hearing the appeal. He or she shall appoint a third party not familiar with the circumstances of the reprimand to hear the appeal.

Section 9.9. Appeal from Major Discipline. An employee who has been dismissed, given a long suspension or merit decrease, or demoted, may appeal to the Authority Board. The appeal must be in writing. It must be filed with the Executive Director within ten (10) working days after service of the notice of discipline. An evidentiary hearing shall be held on the appeal. The Executive Director shall arrange for an appeal hearing before the Authority Board to commence within sixty (60) days of receipt of such written request. If unusual circumstances arrant, the appellant and the Executive Director

may agree in writing that the date of hearing be extended for a specified period of time. The time in which to commence the hearing may be extended if the Board is unable to convene. The Executive Director shall provide at least seven (7) days written notice of the date, time and place of hearing to the appellant and to the disciplining authority. The hearing shall be closed to the public unless the appellant requests, in writing, an open hearing at the time the appeal is submitted.

The Authority Board may choose to hear the appeal itself, or at its sole option, may appoint a sub-committee of the Authority Board, a hearing officer, or a special committee to hear the appeal. A sub-committee, hearing officer, or special committee so appointed will serve at the pleasure of the Authority Board, and will remain in existence only for the duration of, and will address only, the appeal for which it was created.

The procedures of the hearing shall be determined by the Authority Board, or its appointee, which may establish its own reasonable rules for the conduct of appeal hearings. To the extent it is possible and appropriate, hearings shall be informal and shall include the introduction of any evidence that the Board, or its appointee, deems pertinent. Technical rules of evidence need not be followed. Witnesses shall be examined under oath. The proceedings shall be recorded.

The appellant shall personally attend the hearing, unless physically unable to do so. Unexcused failure of an appellant to appear at a hearing shall be deemed a withdrawal of the appeal.

The Board, or its appointee, shall prepare a written decision on the appeal and serve it on the appellant and the disciplining authority within thirty (30) days after completion of a hearing, unless waived by the parties. The decision shall include a brief statement of the case, the findings of facts, with a citation to the evidence relied upon, a statement of its conclusions, and the disposition of the matter. The decision shall be final. If the appellant is dissatisfied with the decision and wishes to seek judicial review, the limitations period provided in Code of Civil Procedure section 1094.6, as the same now reads as hereafter amended, shall apply. The written decision shall include notice to the appellant that the time within which judicial review must be initiated is governed by Code of Civil Procedure section 1094.6.

ARTICLE X. MISCELLANEOUS RULES AND POLICIES

Section 10.1. Harassment Policy. The Authority is committed to providing equal employment opportunities to all employees and applicants for employment without regard to their status in a protected class and with respect to all terms and conditions of employment.

The Authority strictly prohibits harassment of any employee by another employee or supervisor on the basis of race, religion, color, national origin, ancestry, disability, marital status, sexual orientation, pregnancy, medical condition, gender or age. Allegations of such discrimination or harassment shall be investigated promptly by Authority and, if found to be true, may result in disciplinary action up to and including termination.

- A. Prohibitions. Prohibited actions under this policy include, but are not limited to, the following:
 - 1. Verbal Harassment -- Examples include epithets, derogatory comments or slurs on the basis of race, religion, color, national origin, ancestry, disability, marital status, sexual orientation, pregnancy, medical condition, gender or age.
 - 2. Physical Harassment – Examples include assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on the basis of race, religion, color, national origin, ancestry, disability, marital status, sexual orientation, pregnancy, medical condition, gender or age.
 - 3. Visual Forms of Harassment – Examples include derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religion, color, national origin, ancestry, disability, marital status, sexual orientation, pregnancy, medical condition, gender or age.
- B. Complaint Procedure.
 - 1. Any employee who believes that he or she is the victim of harassment shall promptly report the matter to his or her supervisor or the Human Resources Administrator. The supervisor shall promptly inform the Human Resources Administrator.
 - 2. Upon receipt of any such report, the Human Resources Administrator will undertake an investigation. In any investigation, confidentiality of the complainant and other persons involved shall be maintained to the maximum extent possible.

3. Should the investigation determine that harassment has occurred, the Human Resources Administrator shall take necessary action to prevent the repetition of the harassment, including the imposition of appropriate discipline, up to and including termination, on the offending employee.

Section 10.2. Sexual Harassment Policy. The Authority is committed to providing equal employment opportunities to all employees and applicants for employment without regard to their status in a protected class and with respect to all terms and conditions of employment.

In support of this policy, the Authority expressly prohibits sexual harassment of employees or applicants. Improper interference with the ability of employees to perform their job duties will not be tolerated.

Specifically, the Authority prohibits (i) unwelcome sexual advances; (ii) requests for sexual favors; and (iii) all other verbal, physical or visual harassment of a sexual or otherwise offensive nature where: (a) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; (c) such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

Prohibitions against sexual harassment shall apply to both males and females.

The complaint procedure set forth in Section 10.1.B. for complaints of harassment also shall apply to complaints of sexual harassment.

Section 10.3. Drug-Free Workplace Policy.

- A. The Authority will provide a drug-free awareness program to inform its employees about:
 - The dangers of drug abuse in the workplace;
 - The Authority's policy of maintaining a drug-free workplace;
 - Drug counseling, rehabilitation, and other assistance programs that are available; and
 - The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- B. Any employee who has been convicted of violating any criminal drug statute in the workplace is required to notify the Human Resources Administrator within five days after such conviction. Within ten days after receiving such notice of conviction, the Executive Director shall notify any federal or state agency requiring such notification.

Within thirty days of receiving notice of such conviction, the Executive Director shall also take one of the following actions with respect to any employee so convicted:

1. Initiate disciplinary action; and/or
2. Require the convicted employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement or other appropriate agency.

Section 10.4. Dissemination of Policies.

- A. To achieve the goals of the Authority's Drug-Free Policy and to ensure that all employees are aware of the Authority's official policy regarding a drug-free workplace, the following steps will be taken:
 1. Every employee will be given a copy of this Drug-Free Policy;
 2. The Authority's Drug-Free Policy will be discussed periodically at management and other staff meetings.
 3. All new employees will receive a copy of the Authority's Drug-Free Policy as part of their initial orientation.
- B. All employees shall be sent copies of the Authority's Harassment Policy and Sexual Harassment Policy.

APPENDIX A

EXEMPT POSITIONS

1. Executive Director
2. Legal Counsel