



PERSONNEL COMMITTEE MEETING
Mendocino Coast Recreation and Park District
579 S. Franklin St. Fort Bragg, CA 95437
MCRPD Studios Front Room

Monday, January 27th, 11:00AM

AGENDA

1.0. CALL TO ORDER

2.0 PUBLIC PARTICIPATION NON-AGENDA ITEMS

A maximum of 3 minutes is reserved for members of the public to address the Board on items not listed on the agenda and the total time for public input on a specific issue is limited to 20 minutes. (Government Code 54954.3) The Board is prohibited from discussing or acting on matters not on the agenda but may briefly respond or ask a question for clarification (Government Code 54954.2)

3.0 INFORMATION/DISCUSSION

- 3.0 Review updates and modifications for employee handbook
- 3.1 Discuss recent staffing

4.0 ADJOURNMENT

NOTICE TO THE PUBLIC

All disabled persons requesting disability related modifications for accommodations including auxiliary aids or service may make such a request in order to ensure full participation in a MCRPD public meeting. Such a request should be made to Kylie Felicich, District Manager, 100 N Main St. Fort Bragg, CA 95437, 707-409-2760 and at kfelicich@mcrpd.us

*Recommended Replacement for EEO Policy for
MCRPD*

EQUAL EMPLOYMENT OPPORTUNITIES

EQUAL EMPLOYMENT OPPORTUNITIES

Mendocino Coast Recreation & Park District (MCRPD) is an equal opportunity employer. We enthusiastically accept our responsibility to make employment decisions without regard to race (including natural hairstyles, or other hair or race-related characteristics), religious creed, color, age, sex (including breastfeeding, lactation accommodation, or reproductive health decisions), sexual orientation, gender identity, gender expression, perceived sex or gender, self-identified gender non-binary status, national origin, ancestry, citizenship, immigration status (including holding or presenting a California driver's license that may not be used for federal purposes), religion (including religious dress, grooming practices, or time off for religious observances, or bona fide religious exemptions from any required federal or state vaccination requirements), marital status, domestic partner status, caregiver responsibilities, medical condition of close family member (including genetic characteristics, physical, mental, or special education disability), military service, current or prospective service in the uniformed services, military combat or veteran status, pregnancy, childbirth and related medical conditions (including breastfeeding and/or lactation activities), physical, mental, or special education disability, medical conditions (including cancer or a record or history of cancer), genetic information or characteristics (with respect to an applicant, employee, or a family member), adult recreational use of cannabis while off-duty and outside the workplace, political affiliation ideologies, or any other classification or characteristic protected by federal, state, and local laws and ordinances. Included in the definition of each protected category is the perception of membership in a protected category and an individual's association with an actual or perceived member of a protected category.

Intersectionality: MCRPD recognizes that individuals experience the world through multiple intersecting identities. The District understands and will address the overlapping nature of identities and how they can lead to unique forms of discrimination or harassment. This includes circumstances where one or more of the protected identities combine, including but not limited to the following: age and disability; gender and race; sexual orientation or gender identity and race; gender and religion, or disability and gender identity. Any form of harassment or discrimination based on intersecting identities will not be tolerated and will be addressed promptly. MCRPD commits to actively considering these intersections when developing policies, programs, and decision-making to ensure equitable treatment for all. The procedure for reporting discrimination or harassment based on intersecting identities, including confidential reporting options.

MCRPD management is dedicated to ensuring the fulfillment of this policy with respect to recruiting, hiring, placement, promotion, transfer or reassignment, demotion, layoff, termination, pay, and other forms of compensation, training, and general treatment during employment. This policy applies to all employees, as well as interns or unpaid volunteers who provide services for MCRPD.

MCRPD does not discriminate against a person who: (1) is a member of, (2) applies to be a member of, (3) performs, (4) has performed, (5) applies to perform, or (6) has an obligation to perform service in a uniformed service. Further, the District does not discriminate against a person because he or she takes any action to enforce the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), testifies or assists another person under USERRA, or otherwise participates in an investigation under USERRA. Individuals returning from qualified

uniformed service duty will be entitled to reinstatement in accordance to applicable state and federal law.

MCRPD also does not discriminate against an applicant or employee who either does not qualify for, or declines to obtain a California driver's license to operate a motor vehicle, where the job the individual seeks or obtains with MCRPD does not include driving as an essential function MCRPD will only require a valid driver's license as a condition of employment for positions where the MCRPD reasonably anticipates that driving between multiple worksites is required and job duties cannot be comparably performed by alternative means of transportation.

Our management is dedicated to ensuring the fulfillment of this policy with respect to hiring, placement, promotion, transfer, demotion, layoff, termination, recruitment advertising, pay, and other forms of compensation, training, and general treatment during employment. If an employee believes someone has violated this policy, the employee should bring the matter to the attention of anyone in management with whom the employee is comfortable. MCRPD will promptly investigate the facts and circumstances of any claim that this policy has been violated and take appropriate corrective measures.

POLICY AGAINST HARASSMENT

In keeping with a commitment to provide a work environment that is free of discrimination, MCRPD maintains a strict policy prohibiting unlawful harassment, including verbal, physical or visual behaviors directed toward individuals or involving content that is sexual, sexual orientation, racial, religious, age-based, disability-based, or other harassment. It is the responsibility of each employee to create an atmosphere free of discrimination and harassment, sexual or otherwise. In addition, it is the responsibility of *every* employee to respect the rights of supervisors, co-workers, clients, and vendors.

Accordingly, this policy forbids any unwelcome conduct in the workplace that is based on an individual's age, ancestry, citizenship or immigration status (except as required by federal law for employment eligibility), color, genetic information or characteristics (with respect to an employee or a family member), marital, domestic partner or parental status, national origin, ethnicity, political affiliation, pregnancy, race, religion, sex or gender, perceived sex or gender, sexual orientation, military or veterans' status, physical or mental disability, medical condition unrelated to the person's ability to perform the job, or the perception that a person is associated with a person who has or is perceived to have any of these characteristics.

Any employee who believes he or she has been harassed by a co-worker, supervisor, or agent of the District or any third-party vendor, visitor, or client in any MCRPD worksite, should promptly report the facts of the incident or incidents and the names of the individuals involved to his/her supervisor. Supervisors should immediately report any incidents of sexual harassment to Human Resources, who will investigate all such claims and take appropriate corrective action.

A. General Policy

General Harassment in employment, based on sex, sexual orientation, gender identity or expression, race or color, ethnicity, citizenship status, immigration status (except as required by federal law for employment eligibility purposes), religion (including religious dress and grooming practices), age, physical, mental, or special education disability or medical condition, pregnancy or childbirth, reproductive health decisions, genetic characteristics, military service or veteran status, or other protected characteristic under California law, is forbidden by law and is strictly prohibited in any MCRPD workplace or client worksite. Such harassment includes, but is not limited to:

- Physical conduct that intimidates, threatens, mocks, or offends another person because of an actual or perceived protected characteristic including but not limited to age, race, sexual orientation, gender identity or expression, physical or mental disability, or nationality-related stereotypes.
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- Visual conduct, including displaying of derogatory objects or pictures, cartoons or posters, or any other visual material that mocks, mimics, can be considered offensive to another's actual or perceived protected characteristic, including accents, religious garb, physical/mental or special education disabilities, or against individuals who wear or advocate wearing face coverings over the nose and mouth to prevent the spread of infectious diseases.
- Verbal conduct, including making or using derogatory comments, epithets, slurs and jokes, threats or abusive commentary based on immigration status, citizenship, known or perceived national origin, or about any protected characteristic, or perceived protected characteristic under federal or state law, including without limitation mocking or insensitive words related to gender identity or expression (such as "he/she" or refusal to use an individual's stated preferred personal pronouns, or reproductive health decisions.

Sexual Harassment is defined by the regulations of the Fair Employment and Housing Act as unwanted sexual advances or visual, verbal, or physical conduct of a sexual nature. Sexual harassment includes gender harassment, harassment due to pregnancy, childbirth or related medical conditions, and sexual harassment of an employee of the same gender as the harasser and is strictly prohibited in any MCRPD workplace or client worksite. This includes, but is not limited to, the following types of offensive behavior:

- Unwanted sexual advances that threaten a job or career opportunities.
- Offering employment benefits in exchange for sexual favors.
- Withholding employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct, including leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, or posters.
- Sexual or physical assault or other acts of violence regardless of whether a job opportunity is threatened or a weapon is displayed.
- Threats of sexual assault or stalking,

- Verbal conduct, including using derogatory comments, innuendo, epithets, slurs, and jokes.
- Verbal sexual advances or propositions, regardless of whether a job opportunity is threatened.
- Verbal abuse of a sexual nature, including graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, and suggestive or obscene letters, notes, or invitations.
- Physical conduct including touching, assault, and impeding or blocking movements.
- Physical, verbal, or graphically visual commentary directed toward an individual based on known or perceived sexual orientation, or gender identity/expression, or stated preference for a name or pronoun different from their assigned gender at birth, or reproductive health decisions.

Bullying or Abusive Conduct includes harassment directed toward an individual on account of sex (including reproductive health decision making or lactation), sexual orientation, gender identity or gender expression, transgender status, non-binary status, gender stereotyping, race, ethnicity, citizenship status, immigration status (except as required by federal law for employment eligibility purposes), religion (including religious dress and grooming practices), age, physical, mental, or special education disability medical condition, pregnancy or childbirth, genetic characteristics, military service or veteran status, high-risk medical conditions that place the individual at increased risk of serious complications for exposure to any infectious disease for which public health measures are in effect, or other protected characteristic under California law. Bullying or abusive conduct is strictly prohibited in any MCRPD workplace or client worksite, and employees will be provided periodic harassment training, as required by law.

All mandatory postings explaining employee rights under federal and state law are provided to every employee annually, and when MCRPD is notified of changes to the required postings. These postings are accessible on both MCRPD's internal network and remote computers.

B. Complaint Procedure

Any employee experiencing any job-related harassment from managers, supervisors, co-workers, or third parties such as clients, vendors, or visitors, or have a related complaint, or believe they have been treated in a discriminatory manner based on any protected identify, or a combination of more than one protected identity, should promptly report the matter to the Human Resources. Upon receipt of a complaint, the Human Resources Department or another designated representative will undertake an investigation to determine the facts and any appropriate corrective action.

Any supervisor who receives a complaint or report of harassment has a duty to follow this policy. If the complaining party is willing to engage in the informal process, the supervisor or manager should assist in that process and monitor the situation to ensure that the informal process is effective. Any supervisor who receives a complaint or report is required by this policy to notify the Human Resources.

The Human Resources will ensure that reports by the complainant, alleged offender and all witnesses are documented thoroughly, that the investigation is conducted in a thorough, objective, and neutral manner, and is considerate of the rights and emotions of all the parties involved. The investigation will be kept as private and confidential as possible. However, because of the necessity of interviewing any person(s) with knowledge of the matter, no employee is promised anonymity or absolute confidentiality.

Factual Inquiry/Investigation: Upon receipt of a complaint, the District will conduct a neutral, timely investigation, with a qualified investigator, to determine the facts and to identify any appropriate corrective action. Should the District determine that the circumstances require an independent investigator to ensure impartiality the District will take appropriate steps to engage an outside investigator.

All investigations will be conducted with appropriate attention to privacy for the complainant and witnesses. Information obtained through the investigation process will be confidential to the greatest extent possible. However, no individual can be promised anonymity or absolute confidentiality. All individuals who participate in the investigation, whether as the person reporting an incident, making a complaint, the person(s) whose behavior is being investigated, or individual witnesses will be treated with respect and will be afforded due process.

The District will ensure that statements of the complainant, alleged offender and all witnesses are documented thoroughly, and that the investigation is conducted in a thorough, objective, and neutral manner with consideration of the rights and emotions of all the parties involved. After all evidence and information is collected and evaluated, the District will reach prompt and reasonable conclusions.

Investigation Conclusion: After the investigation has been completed and conclusions regarding the allegations have been drawn, those conclusions will be communicated to both the complaining employee(s) and the accused employee(s). Each will have a final opportunity to provide any additional evidence if they disagree with the findings and conclusion of the investigation. Failure of the District to substantiate a specific allegation does not equate to a finding that the complainant was not truthful about the allegation, only that no evidence was found to substantiate the allegation.

Corrective Action and Closure: Once the factual inquiry is complete and a determination has been made as to the merits of the complaint, the individual who brought the complaint will be notified of the outcome and given an opportunity to address Executive management. MCRPD will periodically follow up with the individual who made the complaint to ensure that the harassment has been eliminated and the individual has not experienced any retaliation.

Discipline: If harassment is found to have occurred, the District will take timely appropriate disciplinary action pursuant to the District's disciplinary policy, commensurate with the severity of the offense. The outcome of the investigation will be communicated to the employee and the other parties involved. If an investigation has concluded that harassment occurred, the District will take immediate and appropriate remedial corrective action, up to and including termination.

Personal Liability for Harassment: Any employee who engages in prohibited harassment that is substantiated through an internal investigation, including any supervisor, may be subjected to a civil lawsuit, and may be held personally liable for monetary damages. Any supervisor or manager who knew about actual or potential harassment and took no action to stop it or failed to report the harassment to the HR Department may also be subject to discipline up to and including discharge. MCRPD reserves the right not to provide defense or pay damages assessed against employees for conduct in violation of this policy.

Enforcement Resources: In addition to the District's internal complaint procedures, employees should also be aware that the federal Equal Employment Opportunity Commission (EEOC) and the California Civil Rights Department (CRD), formerly the California Department of Fair Employment and Housing (DFEH) investigate and prosecute complaints of unlawful harassment in employment. Employees who believe that they have been unlawfully harassed may file a complaint with either of these agencies. These agencies will serve as neutral fact finders and will attempt to help parties voluntarily resolve disputes. The time limit to file a complaint with the EEOC is three hundred (300) days; the time limit to file a complaint with the CRD is three (3) years.

No action will be taken against any employee, in any manner, for reporting harassment, for opposing reported harassment, for filing a complaint, or for participating in an investigation, proceeding, or hearing conducted by the District, EEOC, or CRD with respect to harassment. For more information, employees can contact their nearest EEOC or CRD office.

C. Policy Against Retaliation in the Investigation Process or its Aftermath

The District expressly prohibits any form of retaliatory action or conduct against any employee for making a bona fide, good faith complaint under this policy or for assisting in a complaint investigation. In addition, the District expressly prohibits any form of retaliatory action or conduct against any employee against which a harassment claim is lodged, while the investigation is in process. Employees who report harassment and/or discrimination and employees involved in any way in an on-going harassment claim will not be retaliated against by MCRPD's management, any fellow employee, or any third party such as a vendor or client.

Making a report of harassment or discrimination will never, under any circumstances, be considered in any decision regarding hiring, firing, promotion, or any other term or condition of employment. Any employee who takes adverse action or otherwise retaliates against a subordinate or coworker because that person lodged a harassment or discrimination complaint, or because that person had a harassment claim lodged against them, will be subject to appropriate discipline.

Retaliation or threats of reprisals directed at any applicant or employee for exercising protected rights under federal or California law is strictly prohibited by MCRPD. This protection from retaliation includes opposing discriminatory practices, making a complaint for any form of discrimination or participating in a complaint process in good faith, acting in the capacity of a "whistleblower" by reporting in good faith unlawful conduct, requesting a reasonable accommodation (whether or not the requested accommodation is granted), or inquiring about

wages, hours or working conditions, Retaliation against any employee who is a family member of an individual who engages in protected activity is also prohibited.

MCRPD will promptly investigate all complaints of retaliation and will take immediate and appropriate corrective action, in accordance with the policy set forth above. However, if after investigating any complaint of harassment or unlawful discrimination, the District determines that the complaint is demonstrably made in bad faith or is objectively not bona fide or brought in good faith, or that an employee has provided false information regarding the complaint, disciplinary action will be taken against the individual who filed the complaint or who gave the false information, and any individual abetting the false claim.

D. Privileged Disclosure of Accurate, Relevant Information Concerning Investigation Results

Pursuant to California law, MCRPD shall avail itself of all applicable privileges from any claim of defamation based on its truthful disclosures, made without malice, to a prospective employer in a request for an employment reference. The disclosure shall be limited to the results of a neutral fact-finding internal investigation that includes substantiated factual findings that an employee or former employee engaged in acts of workplace harassment that violated District policy and resulted in disciplinary action.

E. Policy Against Abusive Conduct or Bullying

Because MCRPD believes a safe and civil environment is necessary for employees to achieve the high standards we expect, the District prohibits acts of abusive conduct or bullying, whether by words, gestures, or written communications. Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment and bullying are expected of *all* employees.

Under California law abusive conduct is defined as “conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests.” Bullying is repeated, health-harming mistreatment of another employee. Examples of prohibited abusive conduct or bullying include, but aren't limited to: screaming; swearing; name calling; stealing; providing dishonest, maligning or harmful misinformation about a fellow coworker whether professional or personal; giving dangerous work assignments; abusive commentary about an individual’s reproductive health decisions; using threatening, intimidating, or cruel behaviors; deliberately humiliating a person whether publicly or in private; denying advancement; and stealing work credit. Good faith personnel actions, delivered in a professional manner, do not fall within the definition of abusive conduct or bullying.

Because bystander support can encourage bullying, MCRPD also prohibits both active and passive support for acts of abusive conduct or bullying. Employees should either remove themselves from these acts when they see them or attempt to stop them. In either case, employees should report incidents to Executive management. Reprisal or retaliation against any person who reports an act of abusive conduct or bullying is strictly prohibited.

NON-DISCRIMINATION ON BASIS OF DISABILITY

In accordance with the provisions of the Americans with Disabilities Amendments Act, (ADAAA), California Fair Employment and Housing Act (FEHA), the Uniformed Services Employment & Reemployment Act (USERRA), the California Military & Veterans Affairs Code, Section 504 of the Federal Rehabilitation Act of 1973, and all regulations to protect the rights of disabled persons, it is the employer's policy that no program or activity administered by MCRPD shall exclude from participation, deny benefits to, or subject to discrimination any individual solely by reason of his or her disability. Equal employment opportunity will be extended to qualified disabled persons in all aspects of the employer-employee relationship, including upgrading, training, promotion, transfer, discipline, layoff, recall and termination. MCRPD will provide reasonable accommodation to the known physical or mental limitations of an otherwise qualified disabled employee.

In California, "disability" means a physical or mental impairment that limits one or more of the major life activities of an individual or makes achievement of a major life activity difficult. An individual who has such impairment is a "disabled individual." A "qualified person with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.

The District Administrator and HR Coordinator are joint coordinators of Mendocino Coast Recreation & Parks District's program and procedures for implementation of this policy. Please direct any questions or grievances concerning this policy to the Human Resources.

REASONABLE ACCOMMODATION FOR EMPLOYEES WITH A DISABILITY

A. Policy Statement

Reasonable accommodation is available to any disabled employee, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual. Further, employees who request a reasonable accommodation in employment will be protected from all forms of retaliation for making a request in good faith, or participating in the interactive process regardless whether a reasonable accommodation is offered or implemented.

Modified or Transitional Return to Work Program: MCRPD will also make every effort to return the employee to work, with the approval of their medical provider, at the earliest possible time. The District may also return the employee to work performing duties that are different or modified from what their normal job may be in order to help them through the transition period of recovery and until they regain their ability to return to their full job duties. This is what is meant by a Return to Work or a Modified/Transitional Work Program.

Based on the employee's doctor's restrictions and the District's ability to find available work within those restrictions, MCRPD will provide the employee with work duties to provide them with

ongoing compensation, whenever possible. Modified duty assignments will be periodically evaluated to determine whether the assignment is still effective. If circumstances change with the employee's ongoing work restrictions or the District's business needs, alternatives will be discussed in an interactive process between the employee and the District.

Compensation and Benefits During Periods of Reasonable Accommodation: Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, promotional and career development opportunities. Leave of all types will be available to all employees on an equal basis. In some situations, a reassignment to an alternative vacant position may be a reasonable accommodation for a disabled employee. If the pay scale and benefits for the new position are different, it may result in an adjustment to that employee's compensation package. Those decisions will be made as part of the MCRPD interactive process for evaluating reasonable accommodations.

Persons Associated with a Disabled Individual: MCRPD is also committed to not discriminating against any qualified employees because they are related to or associated with a person with a disability, or who undertake caregiver responsibilities for an individual with a disability. MCRPD will follow any state or local law that provides individuals with disabilities greater protection than the ADA and the California Fair Employment and Housing Act.

This policy is neither exhaustive nor exclusive. MCRPD is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, or local laws.

B. Verification of Functional Limitations and Work Restrictions

MCRPD may request appropriate information from an applicant, employee, or a medical provider in support of a request for reasonable accommodation when the disability or the need for reasonable accommodation is not obvious or otherwise already known (i.e., through information previously provided by the individual requesting accommodation). In these instances, the District may require reasonable documentation necessary to establish that the individual has a disability and a need for modifications, adjustments, or other reasonable accommodations. The District will not request diagnosis, prognosis, or other specific medical information (or medical records that contain that information) that are protected by medical privacy. The District's focus in the reasonable accommodation process is on the applicant or employee's functional capacity, functional limitations, work restrictions or other information about the condition that is appropriate to identifying potential effective accommodations to allow the individual to perform the essential job functions.

In no event will the District request genetic information, such as information about an applicant or employee genetic tests, the genetic tests of an applicant or employee family member, or an applicant or employee family medical history.

MCRPD will keep confidential all medical information obtained during the verification

process, including filing it in a separate personnel file.

C. Disabilities Involving Substance Abuse or Chemical Dependencies.

MCRPD will encourage and reasonably accommodate employees who confidentially report a alcohol or drug dependency in order to seek treatment and/or rehabilitation. Employees desiring such assistance should request a Treatment/Rehabilitation leave. The District is not obligated, however, to continue to employ any person whose performance of essential job duties is impaired because of drug or alcohol use, nor is the District obligated to re-employ any person who has participated in treatment and/or rehabilitation if that person's job performance remains impaired because of any dependency. Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency or problem, will not automatically be given a second opportunity to seek treatment and/or rehabilitation.

This policy on treatment and rehabilitation is not intended to affect the District's treatment of employees who violate the standards of conduct relating to drug use on the job. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

D. Disabilities from Military Service-Connected Injury or Illness

MCRPD does not discriminate against any individual with service-connected disabilities who is not qualified for re-employment in the position he or she previously held. MCRPD will consider re-employment promptly in any other position of similar seniority, status, and pay for which he or she qualified or would become qualified with reasonable efforts in a position that is the nearest approximation to the equivalent position, consistent with the circumstances of the employee's case in terms of seniority, status, and pay. As with other disabilities, MCRPD does not guarantee reemployment to a disabled veteran, when doing so would be of such difficulty or expense as to constitute an undue hardship to the District.

E. Non-Retaliation for Requesting Reasonable Accommodation

California law expressly protects the rights of applicants and employees to request reasonable accommodation, whether the accommodation is granted or cannot be implemented without undue burden on operations. MCRPD strictly prohibits any employee from retaliating against any other employee for seeking any workplace accommodation based on disability, or for participating in an interactive interview under this policy. Conduct which is deemed retaliatory will be subject to disciplinary action. This policy is designed to encourage individuals who may require reasonable accommodation to participate cooperatively in an interactive dialogue that will facilitate the District's evaluation of whether the accommodation is effective, reasonable, and can be implemented without undue hardship to MCRPD.

INTERACTIVE PROCESS TO EVALUATE REASONABLE ACCOMMODATIONS

A. Timely, Good Faith Dialogue

MCRPD will conduct a timely, good faith, individualized interactive process whenever an applicant or employee has a disability that requires evaluation of options for reasonably accommodating that individual. MCRPD will actively engage in an interactive process with employees who request accommodation, or who demonstrate an objective potential need for reasonable accommodation. The process is to determine what, if any, reasonable accommodations can be offered to facilitate the applicant's or the employee's performance of their essential job functions. The focus of an individualized interactive process is to determine whether an accommodation will be effective and can be implemented without undue burden on the MCRPD business operations or educational services. MCRPD aims to process requests for accommodations in a prompt and efficient manner.

Employees can request accommodations by contacting the HR Department or the District Administrator. Employees can contact human resources by phone, by email, or in person. Employees who request accommodations may be asked to complete a *Disability Accommodation Request Form* and have a healthcare provider submit information about the individual's functional limitations and/or work restrictions.

Once MCRPD receives accommodation documentation, MCRPD makes an initial determination about the employee's eligibility for accommodations. MCRPD can request additional medical information or have an employee's medical information reviewed by a medical expert to make this initial determination. In addition, MCRPD can ask employees to provide information about their educational qualifications and work experience if their reassignment to another position is considered as an accommodation.

If MCRPD finds that an employee is eligible for an accommodation, the HR Department works with the employee's supervisor to examine the essential functions of the employee's job and find what, if any, accommodation can be provided. Determinations regarding accommodations are made jointly by MCRPD and the employee's supervisors. Such determinations are made on a case-by-case basis. Employees who are denied accommodations are notified of the denial and the basis for the denial.

Accommodations are reviewed on a regular basis whenever circumstances change. Such changes may be alterations of the individual's restrictions, as part of the review, employees can be asked to provide updated medical information to demonstrate that the need for accommodations is ongoing.

Employees who have questions about the accommodation process should contact Human Resources or the District Administrator.

B. Confidentiality

All information obtained by MCRPD concerning medical conditions or history of employees, including genetic information, is maintained in separate medical files and treated as confidential records that are disclosed only as permitted by law. HR representatives and supervisors who have knowledge of employees' medical information are prohibited from sharing such information unless others need to be informed.

C. Retaliation for Requesting or being Granted a Reasonable Accommodation is Prohibited

Retaliation for requesting or being granted a disability accommodation is prohibited. If an employee believes that they are subject to retaliation based on a disability accommodation(s) or a disability accommodation request, they should inform the Human Resources Department.

RELIGIOUS ACCOMMODATION

The District makes serious efforts to accommodate the religious observances and practices of its employees unless the District is unable to reasonably accommodate an employee's religious observance or practice without undue hardship on the conduct of the District's business activities.

An employee whose religious beliefs or practices, dress or grooming practices conflicts with his/her job, work schedule, or with MCRPD's policy or practice on dress, appearance, or other aspects of employment, and who seeks a religious accommodation must submit a written request to his/her immediate supervisor. All accommodation decisions will be made in accordance with the District's interactive and reasonable accommodation processes. MCRPD will evaluate all requests for reasonable accommodation by considering whether a work conflict exists due to a sincerely held religious belief or practice and whether an accommodation is available which is reasonable, and which would not create an undue hardship on the District's business or a safety risk.

MCRPD will comply with any vaccination requirements for any infectious disease that may be mandated by federal or California law or regulation during the term this Handbook is in effect. MCRPD will comply with all requirements for assessing and providing reasonable accommodation for any employee with documented religious or medical exemption to receiving any mandated vaccination. Non-retaliation provisions also apply to individuals who request reasonable accommodation for medical contraindication or disability exemption.

REPRODUCTIVE HEALTH DECISIONS

MCRPD will not discriminate against any employee or applicant for employment (hiring or termination), career advancement, job/task assignment or any other employment-related decision based on their known or perceived reproductive health decisions. This policy applies to all employees, regardless of gender and irrespective of whether the reproductive health decision relates to beginning or ending a pregnancy, contraceptive practices or procedures, or elective procedures such as fertility treatments.

MCRPD will not inquire into an employee or applicant's choices and will not force employees or applicants to disclose information regarding the decisions they make in the context of reproductive health in connection with terms and conditions of employment or benefits of employment. The District will investigate any claims of harassment, discrimination, or retaliation based on reproductive health choices following the same policy as any other type of harassment.

ACCOMMODATION FOR CONDITIONS OF PREGNANCY & LACTATION

Reasonable accommodation is available to any employee who, in the opinion of her health care provider, has a condition of pregnancy for which modified or light duty is medically recommended. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the pregnancy-related condition. Further, employees who request a reasonable accommodation in employment will be protected from all forms of retaliation for making a request in good faith, or participating in the interactive process, whether a reasonable accommodation is offered or implemented, or not.

Based on the employee's restrictions and the District's ability to identify and implement light duty or work schedule modifications, MCRPD will provide employee with work duties to provide them with ongoing compensation, whenever possible. Modified or light duty assignments will be periodically evaluated to determine whether the assignment is still effective. If circumstances change with the employee's ongoing work restrictions or the District's business needs, alternatives will be discussed in an interactive process between the employee and the District.

A. Lactation Accommodations for Nursing Mothers

It is MCRPD policy to support the practice of breastfeeding by assuring that when the employee is working, at a location at which the employee is performing work-related duties, a reasonable amount of time (*lactation break*), in addition to scheduled/provided break time, will be given to accommodate employees who are nursing mothers, to express milk for their infant children, pursuant to State law. The District will reasonably accommodate an employee's request to privately express breast milk, including providing a private location (*lactation location*) that is not a toilet stall or restroom, and that is adequate for this purpose.

Lactation Break – The requested break time should, if possible, be taken concurrently with other scheduled break periods. Nonexempt employees must clock out for any lactation

breaks that do not run concurrently with normally scheduled rest periods. Any such breaks will be unpaid.

Lactation Location – MCRPD is required to provide, or to assure that there is, an adequate location that is in proximity to the employee’s work area, for the employee to express milk privately. The location may be the place where the employee normally works, such as an office, if there is adequate and consistent privacy. If the employee requesting accommodation does not have a lockable, private office, a designated lactation location will be provided by the District, client, or vendor. An adequate lactation location may include a vacant office, conference room, or other private area that is:

- Clean, private, and lockable, or free from intrusion and shielded from view.
- Equipped with an electrical outlet, comfortable seating and a table, desk, or other flat surface to hold a breast pump while in use.
- Located in proximity to the employee’s normal work area, with reasonable access to a sink with running water and a refrigerator suitable for storing milk (or another cooling device).
- Not a restroom.
- If a multipurpose or conference room is used, lactation activities shall have priority over all other meetings, or events.

An employee wishing to request a breastfeeding/lactation accommodation should contact her supervisor to make the request and work out a reasonable, mutually agreed schedule for lactation breaks. Supervisors who receive a lactation accommodation request shall then contact the President’s office to communicate the request, and work to locate and schedule an adequate lactation location. The District reserves the right to deny, in writing, an employee's request for a lactation break, if the additional break time will seriously disrupt operations.

Non-Retaliation: Employees who are nursing mothers, or who request and/or engage in lactation accommodations are protected from all forms of retaliation, whether direct or indirect. This includes all forms of adverse action, reprisal, demeaning or insulting verbal commentary, or threats of reprisal. Employees who believe that they have been subjected to any form of retaliation may submit a complaint to the Human Resources Department, and it will be promptly investigated. Any substantiated retaliatory actions or threats will be subject to disciplinary action, up to and including termination from employment.

Enforcement Resources: Employees have the right to file a complaint with the labor commissioner in the Department of Industrial Relations (DIR) for any violation of lactation accommodation rights as provided under Chapter 3.8 of the California Labor Code.

B. Reasonable Accommodations for Conditions of Pregnancy

Upon the advice of a healthcare provider, the employee may also be entitled to reasonable accommodation, for conditions related to pregnancy, childbirth, or related medical conditions (pre-natal or post-partum), MCRPD complies with the Federal Pregnant Workers’ Fairness Act and the

California Fair Employment & Housing Act (FEHA). The District will address requested accommodations through its established interactive process and will authorize any pre-delivery or post-partum accommodations that can be implemented without undue disruption on MCRPD's business operations. In lieu of a PDL a pregnant employee may request a temporary transfer to a less strenuous or hazardous position.

Recommended updates and additions for MCRPD

LEAVES OF ABSENCE

LEAVES OF ABSENCE

It is the District's policy to grant leaves of absence as required by law to all eligible employees on a non-discriminatory basis. Leaves of absence will be considered in cases of bona fide occupational medical disabilities and in cases of military duty, jury duty, witness duty or bereavement. Unless specifically provided otherwise, all leaves of absence are available only on an unpaid basis. All mandatory postings explaining employee rights under federal and state law are provided to every employee annually. These postings are accessible on MCRPD's internal network and individual computers.

Subject to any applicable legal restrictions, requests for leaves of absence will be considered and based on the employee's length of service, performance, level of responsibility, reason for the request, and the District's ability to obtain a satisfactory replacement during the time they would be away from work. An employee who accepts other employment or fails to return for work on the next regularly scheduled workday following the expiration of their leave, will be considered to have voluntarily terminated their employment.

An employee who requests a leave of absence, regardless of the length of time, must submit a written request to management, with at least four weeks' notice, indicating the date on which the leave will begin, the reason for requesting the leave, and the anticipated date of return to work. In emergency situations, management may waive the four-week notice requirement.

SPECIFIC TYPES OF LEAVES / TIME OFF

A. Medical Leaves for Non-Occupational Disabilities

An unpaid leave of absence may be granted to full-time employees who have worked continuously for three months, at the sole discretion of MCRPD, for any of the following reasons:

1. Personal health (other than pregnancy, childbirth, or a related medical condition, for which MCRPD maintains a separate pregnancy disability leave policy).
2. Illness or death in the immediate family (spouse, parent, child of employee).

B. Medical Leaves for Occupational Disabilities

A leave of absence shall be granted upon written request to any full-time or part-time employee who sustains a work-related disability. A leave of absence for a work-related disability shall be extended for the duration of that work-related disability. Employees returning from a leave will be given credit for any portion of an introductory period completed prior to the commencement of the leave of absence. Benefits for a leave of absence for a work-related disability will be coordinated with workers' compensation benefits. Notification requirements for a medical leave of absence for occupational disabilities are the same as those for medical leaves for non-occupational disabilities.

The District will protect the employment status of employees on an extended leave of absence for work-related disabilities until one of the following situations occurs:

1. The employee is released for full or partial duty and MCRPD is reasonably able to accommodate their work restrictions.
2. The District receives satisfactory medical evidence satisfactory that the employee will be permanently unable to return to work.
3. The employee directly or indirectly informs MCRPD (i.e., by accepting other employment, moving outside of California) that they do not intend to return to the District's employ.

When returning to work at the end of an approved leave of absence, the employee will be returned to their former position, if possible, or will be offered a reassignment to a vacant position, if available, for which they are qualified and can perform within any applicable work restrictions.

C. Pregnancy Disability Leave (PDL)

Under the California Fair Employment and Housing Act (FEHA), employees disabled by pregnancy, childbirth or any related medical condition may be eligible to take a pregnancy disability leave (PDL). The PDL is for any period(s) of actual disability caused by pregnancy, childbirth, or any related medical conditions up to four months (88 workdays or 17.13 weeks) per pregnancy. The PDL does not need to be taken in one continuous length of time but can be taken on an as-needed basis, including intermittently or on a reduced schedule basis. The amount of leave needed is determined by the employee's health care provider's recommendation and the District may require a certification or verification in order to authorize and apply the appropriate level of job and benefit protected leave.

Using Accrued Time Off for PDL: An employee who takes a pregnancy leave may, at her option, use any accrued PTO as part of the PDL period, before taking any PDL on an unpaid basis. However, the substitution of any paid leave will not extend the duration of the Pregnancy Disability Leave.

If required by business necessity, MCRPD reserves the right to hire someone to replace the employee. Any employee returning from an approved pregnancy disability leave of absence which does not exceed the time limit required by California law will be reinstated to their original position, or a comparable position, to the extent required by California law.

If, due to one of the above reasons, the employee's original position is no longer available, or the employee has been replaced during the leave of absence, MCRPD will assign the employee to a comparable position, unless no comparable position is available. Taking a pregnancy disability leave may impact certain benefits and seniority date.

D. California Family Rights Act Leave (CFRA)

As required by CFRA, MCRPD will grant a leave of absence to regular full-time employees, and regular part-time employees who meet the requirements described below, for the care of a child after birth or adoption or placement for foster care, the care of a covered family member (spouse, registered domestic partner, child or child of a registered domestic partner, or parent) with a serious health condition, or in the event of your own serious health condition. Leaves will be granted for a period of up to 12 weeks in any 12-month period. The District officially uses a rolling-12-month year as the applicable benefit year.

You must have completed at least one full year of service with the District and have worked a minimum of 1,250 hours in the 12-month period preceding the leave to be eligible for such leave. Leave may be taken in a continuous block of leave up to 12 weeks in the applicable benefit year as noted above, or intermittently when the need is certified by the employee or family member's health care provider. When used intermittently, CFRA is 12 weeks, or 60 workdays, or 480 hours for a full-time employee. Part time employees, when eligibility requirements are met for the required work hours, may use a pro-rata share of the 12 weeks based on their regularly scheduled part time assignment.

1) Child Bonding Leave

If you request a leave of absence to care for a child after birth, adoption, or placement in your home for foster care, or to care for a covered family member with a serious health condition you will be granted unpaid leave under the following conditions:

- a) If the leave is pre-planned, you must provide the District with at least thirty (30) days' notice prior to the anticipated leave date, using the District's established Leave Request procedure.
- b) If the leave is unexpected, you should notify your immediate supervisor using the District's established Leave Request procedure as far in advance of the anticipated leave date as is possible.
- c) If both parents are employed by MCRPD at the time of the bonding leave, both are eligible for twelve (12) weeks of parental child-bonding leave.

Under CFRA, if you are receiving partial wage replacement from a third-party source, such as state disability or paid family leave, you may agree with the District to apply your accrued and unused PTO time to your absence, up to 100% of your daily wage. Once such benefits are exhausted the leave will be without pay.

All group health benefits will continue during the leave provided you continue regular employee contributions to these plans for your portion of your own coverage and 100% of dependent or spouse coverage. It is your responsibility, at the outset of your leave, to ensure that you timely submit all required personal premium payments to maintain your coverage in effect. It is not the District's responsibility to do so.

2) Care of a Close Family Member with a Serious Health Condition

If you have a close family member with a serious health condition for whom you must provide caregiver services, you may be eligible for CFRA leave, provided you meet eligibility requirements of one year service with MCRPD and a minimum of 1,250 hours worked in the immediately preceding 12 months to the date you require leave. Caregiver services include participation in healthcare decisions for surgery, treatment and recovery, transportation, assistance with activities of daily living (including nutrition and hygiene), medical decisions for end-of-life care, and psychological comfort.

As defined by CFRA, “close family members” include spouse, registered domestic partner, minor child of employee or registered partner, adult child of employee or domestic partner whether or not incapable of self-care, parent, parent-in-law, grandparent, grandchild, sibling of employee, and/or “designated person” which is defined as “a blood relative of the employee or an individual whose relationship to the employee is the equivalent of a family relationship.” An employee who must care for a close family member under CFRA (including a close family member with a certified serious health condition that requires participation by the employee in the health care, preventative care, activities of daily living, transportation, psychological comfort, or assistance to this family member) if otherwise eligible by length of service and hours worked may take up to twelve (12) weeks of leave for such family care.

Employees requesting a leave to care for a covered family member with a serious health condition may be required to provide medical certification from the family member’s physician or other licensed healthcare provider who is treating the family member, attesting to the nature of the serious health condition, probable length of time treatment will be required, and confirming that you are required to care for this family member.

3) Leave for Employee’s Serious Health Condition:

If you request leave of absence for your own serious health condition, you will be granted leave under the following conditions:

- a) If the leave is pre-planned, you must provide the District with at least thirty (30) days’ notice prior to the anticipated leave date, using the District’s established Leave Request procedure.
- b) If the leave is unexpected, you should notify your immediate supervisor using the District’s established Leave Request procedure as far in advance of the anticipated leave date as is possible.

Any time that you expect to be, or are, absent for more than three consecutive workdays resulting from your own serious health condition (including pregnancy), you will be required to submit appropriate medical certification from your physician. Such certification must include at a minimum, the date the disability began, a diagnosis, and the probable date of your return to work.

Under CFRA, if you are receiving partial wage replacement from a third-party source, such as state disability or paid family leave, you may agree with the District to apply your accrued and unused PTO time to your absence, up to 100% of your daily wage. Once such benefits are exhausted the leave will be without pay.

All group health benefits will continue during the leave provided you continue regular employee contributions to these plans for your portion of your own coverage and 100% of dependent or spouse coverage. It is your responsibility, at the outset of your leave, to ensure that you timely submit all required personal premium payments to maintain your coverage in effect. It is not the District's responsibility to do so on your behalf.

4) **Certifications and Fitness for Duty Statements:**

MCRPD will require certifications from the employee's health care provider or the close family member's provider to confirm that the condition falls within the definition of serious health condition. In addition, for leave due to an employee's own serious health condition, a Fitness for Duty Statement will be uniformly required to be presented to the District, along with a note from your physician indicating that you are able to return to work and perform the essential functions of your position, with or without reasonable accommodation, before you will be permitted to return from medical leave. Where required, the District will consider making reasonable accommodation for any disability you may have in accordance with applicable laws.

5) **Reinstatement Rights:**

Eligible employees are entitled upon return from leave to be reinstated to their former position or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Exceptions to this provision may apply if business circumstances have changed (e.g., if your position is no longer available due to a job elimination). Exceptions may also apply for certain highly compensated employees under certain conditions. In addition, employees who are granted an extension of an unpaid leave after exhaustion of CFRA leave are not guaranteed reinstatement.

E. *California Paid Family Leave (PFL)*

Any employee who stops working or reduces their work hours to care for a family member that is seriously ill, or to bond with a new child, may be eligible to receive Paid Family Leave (PFL) benefits.

The Paid Family Leave program does not provide a right to leave, job protection, or return to work rights. This policy does not provide additional time off, but only advises that family leave insurance may provide compensation during an approved leave for which you are otherwise eligible under California pregnancy disability leave or other statutory leave or District

policy. In addition, MCRPD does not have the threshold number of employees for FMLA applicability, or for the New Parent Leave Act (PFL). Therefore, time off for caregiver or child bonding leave that is covered by PFL benefits is not necessarily job protected or benefit protected. For more detail on this program consult the Mandatory Employee Postings.

PFL benefits to care for a close family member may also be available through an application to the EDD. Close family member caregiver leave may be applied for up to eight (8) weeks of partial wage replacement, to care for a close family member with a serious health condition.

F. Unpaid Leave as Reasonable Accommodation Due to Disability

Under certain circumstances, and with verification of need from the employee's healthcare provider, a finite and reasonable period of unpaid leave may constitute reasonable accommodation. The purpose of such a finite leave would be to allow the employee to recover so that s/he could return to work and perform the essential functions of his/her position with or without reasonable accommodation. The propriety of reasonable accommodation leave will be determined on a case-by-case basis, utilizing the District's interactive process. A reasonable accommodation leave is distinct from other leaves offered by the District (e.g., PDL leave), but may run concurrently with those leaves, depending upon the individual employee's unique circumstances.

The District will also provide unpaid leave, up to 30 days, as a reasonable accommodation for employees who voluntarily enter a rehabilitation program for recovery from alcohol, drug, or chemical dependencies. Employees may use PTO if available, which must be requested in writing. MCRPD requires that the employee submit documentation of attendance and satisfactory completion of a licensed rehabilitation program, whether in-patient or out-patient.

G. Reproductive Loss Leave

All employees are entitled to up to five (5) days of unpaid leave following a "reproductive loss event" experienced by the employee, current spouse/domestic partner, or another person if the employee would have been a parent of the child born or adopted under the following provisions:

- Qualifying event is defined as an event, which is the day, or the final day for a multiple day event, of one of the following: failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction.
- Employees that experience a qualifying event are eligible for reproductive loss leave if employed for at least thirty (30) days prior to the leave's commencement.
- No documentation to certify the reproductive loss leave is required.
- The five days of leave may be nonconsecutive. If an employee experiences more than one reproductive loss event within a 12-month period, an employee can receive another five days of leave. Leave is capped at 20 days (5 separate qualifying events) within a 12-month period.

- Leave must be taken within three months of the reproductive loss event; however, if prior to or immediately following a reproductive loss event an employee is on or chooses to use leave under California's pregnancy-related disability law, the California Family Rights Act, or any other leave provided by state or federal law, then the employee may complete their reproductive loss leave within three months of the end of the other leave.
- This leave is unpaid, but employees may use existing accrued and unused available PTO time.

The District shall maintain the confidentiality of any employee requesting leave under this policy except to internal personnel or counsel and then *only* as necessary for the functioning of the business or as required by law.

H. Bereavement

Consistent law requires five days of unpaid bereavement leave with employee's being able to elect to use available leave accruals. MCRPD employees may take up to five (5) days of paid leave provided separately from leave accruals. If elected the District will allow employees to use PTO for the unpaid days. Employees are not required to take their bereavement leave on consecutive days however all bereavement leave must be utilized within three months of the death of the family member, absent extraordinary circumstances. Any additional time off requested shall be given at the discretion of MCRPD and, if granted, employees may use PTO time if available. If the employee fails to request PTO time it will be considered as unpaid personal time off.

Immediate family is defined as a spouse, California registered domestic partner, child or child of domestic partner, mother, father, parent-in-law, brother, sister, grandparent, or grandchild. Attendance for other non-immediate family bereavement leave shall be granted at the discretion of MCRPD and shall be considered as unpaid personal time off, or employees may use PTO time if available.

I. Time Off for Jury Duty

All employees may attend jury duty in accordance with their legal responsibilities to do so. Employees will be granted unpaid leaves of absence for this purpose, not to exceed two weeks. If desired, employees may use the District's Make-Up-Time policy or any available accrued PTO time to ensure they continue to receive full pay during their Leave for Jury Duty.

Employees are expected to give the District immediate notice that they have been summoned for jury duty and then immediate notice of their obligation to serve on a jury. Furthermore, it is the employee's responsibility to submit a copy of the Jury Summons and any prospective juror's questionnaire to their supervisor immediately upon receipt. MCRPD may request that the employee obtain an extension from the jury commissioner's office if, in MCRPD's judgment, their absence would create serious operational difficulties.

If an employee is assigned to a jury, evidence of jury duty attendance must be presented to the District no later than the day following service. Employees should continue to report for work on those days or parts of days when excused from jury duty or when jury duty does not conflict with their work schedule. MCRPD will provide all benefits that are required by California law for employees who serve on a jury. Those benefits will continue to accrue while on authorized jury duty leave. For more detail consult the Mandatory Employee Postings.

J. Time off for Judicial Duties

Employee as a party in official capacity. An employee who is a party to a lawsuit in their official capacity as an MCRPD employee shall be paid as though on duty for all time spent in connection with the suit.

Employee as a witness. An employee who is either directed by their 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 MCRPD 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 their supervisor so that the District may, if authorized to do so by law, demand of the subpoenaing party fees and costs associated with the appearance of the employee.

Non-MCRPD 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 MCRPD 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 MCRPD any witness fees or payments, exclusive of mileage allowances, received in connection with the matter.

K. Time Off to Vote

Employees who are voters may take necessary time off, unpaid, to vote at statewide or local elections. Consult the Mandatory Employee Postings for detail regarding legal parameters.

L. Time Off and Reasonable Accommodations for Victims of Domestic Violence

In accordance with the requirements of California law, MCRPD provides reasonable accommodation and/or time off to employees under circumstances where domestic violence or stalking requires security measures or time off to obtain resources or services.

An employee who is a victim of domestic violence or stalking is provided unpaid time off to attend to any of the following: (1) to seek medical attention for injuries caused by domestic violence; (2) to obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence; (3) to obtain psychological counseling related to an experience of domestic violence; and, (4) to participate in safety planning and take other

actions to increase safety from future domestic violence, including temporary or permanent relocation.

Reasonable in-advance notice should be given to management before taking any time off, unless in-advance notice is not feasible. When in-advance notice is not feasible and results in an unscheduled absence from work an employee, within a reasonable time after the absence the employee may be required to provide a certification to MCRPD in one of the following forms:

1. A police report indicating that the employee was a victim of domestic violence.
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court or prosecuting attorney that the employee appeared in court.
3. Documentation from a medical professional domestic violence advocate, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence.

If an employee believes that reasonable accommodation is required, they are to request such from Executive management as soon as that determination is made. MCRPD will use its interactive process to evaluate all appropriate and reasonable accommodations at the workplace or for work-related activities.

Employees taking time off to access domestic violence resources or programs may use accrued, unused PTO. Exempt employees will be paid their full salary for any workweek interrupted by the need for time off under this policy. All additional time off for these purposes, or as part of reasonable accommodation, will be granted on an unpaid basis. Granted leave is both job-protected and benefit-protected.

This policy applies to employees during work hours, or while at any MCRPD worksite outside of an employee's home.

M. . Time Off for Victims of Crime

An employee who has been a victim of serious or violent felonies, or felonies relating to theft or embezzlement, may take time off work to attend judicial proceedings related to the crime. Employees may also take time off if an immediate family member has been a victim of such crimes and needs to attend judicial proceedings related to the crime. Immediate family member is defined as a spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather.

Employees must give management a copy of the notice given to the victim of each scheduled proceeding before taking time off, unless in-advance notice to MCRPD is not feasible. When in-advance notice is not feasible, the employee must provide MCRPD with documentation evidencing the judicial proceeding within a reasonable time after the absence. The documentation may be from the court or government setting the hearing, the district

attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim.

Employees may elect to use accrued PTO for the absence. If the employee does not elect to use paid time off, the absence will be unpaid.

N. Time off for Victims of Qualifying Acts of Violence

Employees may take time off for any “qualifying act of violence,” which is defined as “any act, conduct, or pattern of conduct” that includes (1) bodily injury to another, (2) the brandishing or drawing of a weapon, or (3) the perceived or actual threat to use force against another to cause physical injury. This job and benefit protected leave is available regardless of whether anyone is arrested, prosecuted, or convicted of committing a “qualifying act of violence.” Leave may be taken when the employee is the victim or for employees to assist family members who are victims of qualifying acts of violence, including threats. Family members include children, parents, grandchildren, siblings, spouses, or “a designated person.” The protected forms of leave under this policy are equivalent to the California Family Rights Act (CFRA).

Employees may take time off for themselves and/or their family members to obtain counseling or mental health services, relocate or secure a new residence, provide care to family members who are victims of violence, and/or seeking legal services or participating in any civil or criminal legal proceeding, including seeking a temporary restraining order (TRO).

If the employee is the victim, may take a total leave allotment up to twelve (12) weeks. If the employee’s family member is the victim, the total leave available for an employee to assist in relocation is limited to 5 days, with a total of ten (10) days in a 12-month period.

As a condition of taking leave, the Agency requires documentation or certification as a verifying the employee’s (or family member’s) status as a victim. Employees must give management a copy of the notice given to the victim of each scheduled proceeding before taking time off, unless in-advance notice is not feasible. When in-advance notice is not feasible, the employee must provide MCRPD with documentation evidencing the judicial proceeding, within a reasonable time after the absence. The documentation may be from the court or government setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim.

Employees may elect to use accrued sick leave, vacation, or PTO for the absence. If the employee does not elect to use paid time off, the absence will be unpaid.

MCRPD will not discriminate or retaliate against employees who request or take time because of their status as (or association with) a victim of violence.

O. Unpaid Leave for School Meetings or Childcare Emergencies

Employees who are parent, stepparent, grandparent, or guardian of a child who has been suspended from school, who receives a notice from the child's school requesting that they attend a portion of a school day in the child's classroom, may take unpaid time to appear at the school. The employee must give reasonable notice to their supervisor. In emergencies, MCRPD asks that employees provide at least one day notice or call before the beginning of the scheduled shift. Employees may be asked by the District to provide documentation from the school verifying the date and time of the visit. This policy applies to K-12 schools, or childcare service providers.

Employees who are parent, stepparent, grandparent, or guardian to a child or children enrolled in pre-school, K-12, or with a licensed childcare provider may take time off from work, up to forty (40) hours per school year, per child, to visit the child's school. The Leave is subject to *all* of the following conditions:

- The time off for school activity participation cannot exceed eight hours in any calendar month, or a total of 40 hours each school year.
- The District may request reasonable documentation when an Employee receives a written request to appear at a child's school for disciplinary purposes, Time off for disciplinary purposes is without limitation.
- Time off may be used to find, enroll, or reenroll child in a school or with a licensed childcare provider if the Employee, prior to taking the time off, gives reasonable notice to the employer of the planned absence. Time off for enrollment shall not exceed 8 hours in any calendar month of the year.
- Time off may be used for "childcare emergency," including:
 - A request from the school that the child be picked up, or has an attendance policy, excluding *planned* holidays or closures that prohibit the child from attending or requires an early pick-up.
 - Behavioral or discipline problems.
 - Unexpected closure or availability of the school or provider.
 - A natural disaster, including, but not limited to fire, earthquake, mudslides, or flood.
 - Covid-19 or other recognized pandemic school shutdown, quarantine order, self-isolation order, or other childcare emergency necessitated by the coronavirus, up to a maximum of forty (40) hours in one year.

P. Military Leave

Employees called to active duty in the U.S. military, Reserves or California National Guard, are eligible for unpaid military leave in accordance with state and federal law. Employees must present a copy of their service papers to management as soon as they receive them.

OPTIONAL POLICIES FOR DISCUSSION MCRPD

Electronics and District property – including Internet and Social Media?

PERSONAL ELECTRONICS IN THE WORKPLACE

Employees are prohibited from using any personal electronic device to conduct any business for MCRPD, including email. Employees accessing personal cell phones, PDAs and other digital devices for personal use should do so only during breaks or on personal time. In addition, to maintain a professional atmosphere, discretion is required when using personal devices during the day in client, vendor, or public locations.

ELECTRONIC ACCESS AND EQUIPMENT

District computer and communication systems are District resources and are provided as business communication tools. The use of MCRPD automation and communication systems, including computers, fax systems, cellular and telecommunication devices, and all forms of internet/intranet access, is for District business and is to be used for authorized purposes only. Unless specifically granted in this policy, any non-MCRPD use of the District's network and computer systems is expressly forbidden. Furthermore, electronic communication is not to be used to distract coworkers or disrupt productivity.

Employees are required to maintain District protocol on MCRPD computers and devices, specifically to ensure the equipment assigned to them is set to password-lock the screen after thirty minutes of inactivity for computers, and immediately for mobile devices. In addition, employees are to keep Face ID enabled on their mobile devices both for accessing the device itself and for accessing District email and documents, to refrain from connecting to any Wi-Fi network that is not secure, and to have any personal apps vetted by management prior to downloading them onto their mobile device.

MCRPD computers and network are never to be used at any time to conduct personal business, including personal e-mail. MCRPD employees are prohibited from emailing to their personal email address any MCRPD or client files, records, documents or other confidential or proprietary material. All MCRPD work must be conducted on MCRPD equipment, and employees are required to abide by any additional system security protocols established by District management, whether incorporated within this Handbook or provided outside this document.

Additionally, to safeguard its confidential information and to reduce the opportunities for unlawful harassment or other inappropriate behaviors, the District prohibits the use of any type of cell phone camera, digital camera, video camera, handheld scanners, flash drives, or other form of image-recording device (and any other device capable of capturing or storing an image or voice) while working on behalf of MCRPD or in client or vendor facilities without the express permission of the District and of each person whose image or voice is recorded with such a device. Employees must obtain permission from executive management to transmit or post any images of any person that is an employee of MCRPD or one of MCRPD's clients or vendors. Privileged or confidential material such as trade secrets or confidential communications, are not to be photocopied, scanned, photographed, or otherwise copied except by authorized personnel in the furtherance of District business.

Using any District system to create, view, transmit, or receive racist, sexist, threatening, or

otherwise objectionable or illegal material is strictly prohibited. Material is defined as any visual, textual, or auditory entity. Such material violates the District anti-harassment policies.

The District's electronic mail system must not be used to violate the laws and regulations of the United States or any other nation or any state, city, province, or other local jurisdiction in any way. Electronic equipment owned by MCRPD, or used for MCRPD business, regardless of the location, may not be used to defame, embarrass, or disparage the District, other employees, clients, vendors, or competitors. Use of District resources for disparaging or illegal activity can lead to criminal prosecution as well as disciplinary action or termination.

Examples of inappropriate electronic conduct include, but are not limited to, sending chain letters, misrepresenting oneself or the District, engaging in unlawful or malicious activities, using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages, sending, receiving, or accessing pornographic materials, becoming involved in partisan politics, causing congestion, disruption, disablement, alteration, or impairment of District networks or systems, infringing in any way on the copyrights or trademark rights of others, using recreational games, and defeating or attempting to defeat security restrictions or monitoring systems on District equipment.

Employees are to report any violations of this policy as soon as possible. Questions regarding any of the guidelines in this policy should be directed to the Human Resources.

ELECTRONIC MAIL AND FILES

The District owns the rights to all data and files in any computer, network, or other information system used in the District, and reserves the right to monitor computer and email usage, both as it occurs and in the form of account histories and their content. MCRPD has the right to inspect any, and all files stored in any areas of the network, on any District equipment or personal equipment authorized for use for District business, or on any types of computer storage media to assure compliance with this policy and state and federal laws. The District will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives, files on individual computers, and e-mail activities. The District also reserves the right to monitor all electronic mail messages and their content. Employees must be aware that the electronic mail messages sent and received using District equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by District officials, at any time.

The District has licensed the use of certain commercial software application programs for business purposes. Third parties retain the ownership and distribution rights to such software. No employee may create, use, or distribute copies of such software that are not in compliance with the license agreements for the software.

Aside from specific policies included in this Handbook, no employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an authorized District official.

A. Confidentiality of Electronic Mail

As noted above, electronic mail is subject to monitoring, and the release of specific information is subject to applicable state and federal laws, and District rules, policies, and procedures on confidentiality. Existing rules, policies, and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software.

B. Message Tone for Electronic Mail

Users are expected to communicate with courtesy and restraint with both internal and external recipients. Electronic mail should reflect the professionalism of the District and should not include language that could be construed as offensive, profane, discriminatory, obscene, sexually harassing, threatening, retaliatory, or inappropriate for the relationship with the recipient.

B. Electronic Mail Tampering

Electronic mail messages received should not be maliciously contextually altered and forwarded to another person nor should unauthorized attachments be placed on another's electronic mail message without that person's consent. Furthermore, electronic mail should not be forwarded to inappropriate parties without the sender's permission, at any time.

INTERNET / INTRANET USE

This policy applies to all uses of the Internet but does not supersede any state or federal laws or District policies regarding confidentiality, information dissemination, or standards of conduct.

The Internet is to be used to further the District's mission, to provide effective service of the highest quality to the District's clients and staff, and to support other direct job-related purposes. The various modes of Internet/Intranet access are District resources and are provided as business tools to employees who may use them for research, professional development (such as attendance to approved online courses), and work-related communications. At no time shall employees inappropriately use the Internet/Intranet.

All District policies and procedures apply to employees' conduct on the Internet, especially, but not exclusively relating to intellectual property, confidentiality, District information dissemination, standards of conduct, misuse of District resources, anti-harassment, and information and data security. Employees are individually liable for any, and all damages incurred resulting from violation of District security policy, copyright, and licensing agreements.

A. Inappropriate Use of the Internet/Intranet

The District retains sole determination of the appropriateness of Internet/Intranet use and whether such use is excessive.

Use of District equipment to visit unapproved social networking sites is forbidden, and the

District may specifically identify other restricted sites from time to time. Use of District computer, network, or Internet resources to access, view, transmit, archive, or distribute racist, sexist, threatening, or otherwise objectionable or illegal material is strictly prohibited. "Material" is defined as any visual, textual, or auditory item, file, page, graphic, or other entity.

Employees are to use only District-provided internet connections, unless expressly approved otherwise by management. District email is not to be accessed off the server except for instances where a video meeting link is required and in such cases the employee may use Outlook Web App (OWA) on their MCRPD-provided equipment to open their email and access that link only, then is required to immediately close OWA. No document attachments should ever be opened through a local OWA login unless expressly authorized otherwise, and in that event, immediately upon completion of viewing the attachment the employee is required to find and purge all temporary or intentionally saved MCRPD documents from their local desktop.

No employee may use the District's Internet/Intranet facilities to deliberately propagate any virus, worm, Trojan horse, trap-door program code, or other code or file designed to disrupt, disable, impair, or otherwise harm either the District's networks or systems or those of any other individual or entity.

The District's Internet/Intranet facilities and computing resources must not be used to violate the laws and regulations of the United States or any other nation or any state, city, province, or other local jurisdiction in any way. Use of District resources for illegal activity can lead to criminal prosecution as well as disciplinary action.

B. Internet/Intranet Security

Employees are required to access District data via protocols established by the District. They are disallowed from saving credentials and are required to key both their username and password every time they connect to District cloud services. In addition, they are required to use District-provided active multi-factor authentication (MFA) as established by District policy and are disallowed from using passive MFA unless expressly authorized by District management.

Internet use is not confidential and no rights to privacy exist. The District reserves the right to monitor Internet usage, both as it occurs and in the form of archives and their content. The District has the right to inspect any, and all files stored in private areas of the network or on any types of computer storage media resident within the equipment or owned by the District to assure compliance with this policy and state and federal laws. The District will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives, or files on individual Internet/Intranet activities.

Existing rules, policies, and procedures governing the sharing of work-related or other confidential information also apply to the sharing of information via the Internet. The District has taken the necessary actions to ensure the safety and security of the District's network, systems, and equipment. Any employee who attempts to disable, defeat, or circumvent District security measures is subject to disciplinary action, up to and including dismissal.

EXTERNAL MEDIA AND SOCIAL NETWORKING CODE OF CONDUCT

MCRPD understands that employees may engage in external (personal) social media, including personal feeds, blogs, and social networking websites on their own time and on their own equipment. While MCRPD respects its employees' right to engage in these activities, employees are nonetheless expected to conduct themselves professionally in all communications and to maintain loyalty to MCRPD whether on or off the clock.

To ensure that MCRPD's employees understand the District's expectations regarding external social media use, the following conduct guidelines have been developed and adopted. Employees are expected to follow these guidelines using their very best personal and professional judgment.

1. Know and follow MCRPD's business conduct policies, whether at work or during personal time.
2. Employees are personally responsible for the content they publish on blogs, wikis, social media, or any other web sites and will be held accountable for any publicly viewable statements they make that may damage the District or its reputation, any District employee's reputation, or that may disrupt or damage the District's business relationships.
3. Publishing content to any media, that is related to employee's work for MCRPD or on subjects associated with MCRPD, should be prefaced with a disclaimer such as: "The postings on this site are my own and don't necessarily represent MCRPD's positions, strategies, or opinions."
4. Employees are expected to respect copyright, fair use, and financial disclosure laws.
5. Employees are expected to never publish or disclose MCRPD or client confidential or other proprietary information, nor to publish or report on conversations that are meant to be private or internal to MCRPD or client business operations.

The District strongly urges employees to report any violations or possible or perceived violations to the Human Resources Department. Violations include discussions of MCRPD and its employees and clients, any discussion of proprietary information and any unlawful activity related to blogging or social networking. The District will investigate and respond to all reports of violations of the social networking policy, and other related policies, and reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct.

During military leave absence, the employee's length of service accumulates, and their benefits will continue as required by applicable law. Providing the District as much in-advance notice as possible will help ensure that proper coverage is maintained while away.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with applicable law.

If the returning employee applies for reemployment after a period of service of more than thirty (30) days MCRPD may require them to provide documentation to establish that the reemployment application is timely, that they have not exceeded the five-year limit on duration of service, and the separation or dismissal from service was not dishonorable, based on bad conduct, or "other than honorable." For more information consult the Mandatory Employee Postings.

ILLNESS AT WORK

Any employee who shows up at an MCRPD public worksite while exhibiting symptoms of Covid-19 will be sent home and possibly placed on a self-isolation leave of absence in accordance with the California public health department or their local health department orders and protocols. In accordance with the Cal-OSHA Emergency Covid-19 regulation MCRPD will comply with all requirements for earnings continuation and will mandatorily apply accrued/unused PTO leave to employees who are placed on a self-isolation order for Covid-19 symptoms or a known exposure to an individual who tests positive for Covid-19.

If you sustain an injury at work, even if it is a minor cut, report it to your supervisor immediately so it can be given proper attention and proper paperwork can be filled out. If you are sent to a clinic and advised by such clinic physician that you will be off from work for the remainder of your shift or longer, report this to Human Resources immediately by providing them a copy of the statement from the physician stating such condition. Employees who are instructed by the physician to take the rest of the workday off will receive their regular salary or wages for the unworked portion of that day, at their regular rate. Subsequent days off will fall under Workers' Compensation guidelines

RETURNING FROM LEAVE OF ABSENCE

When an employee is on an authorized leave of absence, an effort will be made to hold their position open for the period of the approved leave. However, due to business needs, there will be times when positions cannot be held open, and it is not possible to guarantee reinstatement. Except as required by law, all employees are subject to this provision.

If a former position is unavailable when the employee is ready to return from an approved leave, every effort will be made to place them in a comparable position for which they are qualified. If such a position is not available, they may be offered the next suitable

position for which they are qualified that becomes available. In addition, the District will attempt to reasonably accommodate employees who are released for partial or modified duty.

Any employee who does not accept the position offered will be considered to have voluntarily terminated his/her employment, effective the day such refusal is made. Reinstatement will require a new employment application, and the same pre-employment process as is required of all similarly situated applicants. Reinstatement is subject to the discretion of management.

NON-RETALIATION FOR REQUESTING OR TAKING LEAVE

No employee will be subject to, and MCRPD prohibits, any form of discipline or retaliation for taking or requesting a leave of absence. Any employee who feels he/she has experienced or witnessed any conduct which he/she believes to be retaliatory in nature, should immediately notify management.

OPTIONAL POLICIES FOR DISCUSSION MCRPD

Electronics and District property – including Internet and Social Media?

PERSONAL ELECTRONICS IN THE WORKPLACE

Employees are prohibited from using any personal electronic device to conduct any business for MCRPD, including email. Employees accessing personal cell phones, PDAs and other digital devices for personal use should do so only during breaks or on personal time. In addition, to maintain a professional atmosphere, discretion is required when using personal devices during the day in client, vendor, or public locations.

ELECTRONIC ACCESS AND EQUIPMENT

District computer and communication systems are District resources and are provided as business communication tools. The use of MCRPD automation and communication systems, including computers, fax systems, cellular and telecommunication devices, and all forms of internet/intranet access, is for District business and is to be used for authorized purposes only. Unless specifically granted in this policy, any non-MCRPD use of the District's network and computer systems is expressly forbidden. Furthermore, electronic communication is not to be used to distract coworkers or disrupt productivity.

Employees are required to maintain District protocol on MCRPD computers and devices, specifically to ensure the equipment assigned to them is set to password-lock the screen after thirty minutes of inactivity for computers, and immediately for mobile devices. In addition, employees are to keep Face ID enabled on their mobile devices both for accessing the device itself and for accessing District email and documents, to refrain from connecting to any Wi-Fi network that is not secure, and to have any personal apps vetted by management prior to downloading them onto their mobile device.

MCRPD computers and network are never to be used at any time to conduct personal business, including personal e-mail. MCRPD employees are prohibited from emailing to their personal email address any MCRPD or client files, records, documents or other confidential or proprietary material. All MCRPD work must be conducted on MCRPD equipment, and employees are required to abide by any additional system security protocols established by District management, whether incorporated within this Handbook or provided outside this document.

Additionally, to safeguard its confidential information and to reduce the opportunities for unlawful harassment or other inappropriate behaviors, the District prohibits the use of any type of cell phone camera, digital camera, video camera, handheld scanners, flash drives, or other form of image-recording device (and any other device capable of capturing or storing an image or voice) while working on behalf of MCRPD or in client or vendor facilities without the express permission of the District and of each person whose image or voice is recorded with such a device. Employees must obtain permission from executive management to transmit or post any images of any person that is an employee of MCRPD or one of MCRPD's clients or vendors. Privileged or confidential material such as trade secrets or confidential communications, are not to be photocopied, scanned, photographed, or otherwise copied except by authorized personnel in the furtherance of District business.

Using any District system to create, view, transmit, or receive racist, sexist, threatening, or

otherwise objectionable or illegal material is strictly prohibited. Material is defined as any visual, textual, or auditory entity. Such material violates the District anti-harassment policies.

The District's electronic mail system must not be used to violate the laws and regulations of the United States or any other nation or any state, city, province, or other local jurisdiction in any way. Electronic equipment owned by MCRPD, or used for MCRPD business, regardless of the location, may not be used to defame, embarrass, or disparage the District, other employees, clients, vendors, or competitors. Use of District resources for disparaging or illegal activity can lead to criminal prosecution as well as disciplinary action or termination.

Examples of inappropriate electronic conduct include, but are not limited to, sending chain letters, misrepresenting oneself or the District, engaging in unlawful or malicious activities, using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages, sending, receiving, or accessing pornographic materials, becoming involved in partisan politics, causing congestion, disruption, disablement, alteration, or impairment of District networks or systems, infringing in any way on the copyrights or trademark rights of others, using recreational games, and defeating or attempting to defeat security restrictions or monitoring systems on District equipment.

Employees are to report any violations of this policy as soon as possible. Questions regarding any of the guidelines in this policy should be directed to the Human Resources.

ELECTRONIC MAIL AND FILES

The District owns the rights to all data and files in any computer, network, or other information system used in the District, and reserves the right to monitor computer and email usage, both as it occurs and in the form of account histories and their content. MCRPD has the right to inspect any, and all files stored in any areas of the network, on any District equipment or personal equipment authorized for use for District business, or on any types of computer storage media to assure compliance with this policy and state and federal laws. The District will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives, files on individual computers, and e-mail activities. The District also reserves the right to monitor all electronic mail messages and their content. Employees must be aware that the electronic mail messages sent and received using District equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by District officials, at any time.

The District has licensed the use of certain commercial software application programs for business purposes. Third parties retain the ownership and distribution rights to such software. No employee may create, use, or distribute copies of such software that are not in compliance with the license agreements for the software.

Aside from specific policies included in this Handbook, no employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an authorized District official.

A. Confidentiality of Electronic Mail

As noted above, electronic mail is subject to monitoring, and the release of specific information is subject to applicable state and federal laws, and District rules, policies, and procedures on confidentiality. Existing rules, policies, and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software.

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Existing rules, policies, and procedures governing the sharing of work-related or other confidential information also apply to the sharing of information via the Internet. The District has taken the necessary actions to ensure the safety and security of the District's network, systems, and equipment. Any employee who attempts to disable, defeat, or circumvent District security measures is subject to disciplinary action, up to and including dismissal.

EXTERNAL MEDIA AND SOCIAL NETWORKING CODE OF CONDUCT

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To ensure that MCRPD's employees understand the District's expectations regarding external social media use, the following conduct guidelines have been developed and adopted. Employees are expected to follow these guidelines using their very best personal and professional judgment.

1. Know and follow MCRPD's business conduct policies, whether at work or during personal time.
2. Employees are personally responsible for the content they publish on blogs, wikis, social media, or any other web sites and will be held accountable for any publicly viewable statements they make that may damage the District or its reputation, any District employee's reputation, or that may disrupt or damage the District's business relationships.
3. Publishing content to any media, that is related to employee's work for MCRPD or on subjects associated with MCRPD, should be prefaced with a disclaimer such as: "The postings on this site are my own and don't necessarily represent MCRPD's positions, strategies, or opinions."
4. Employees are expected to respect copyright, fair use, and financial disclosure laws.
5. Employees are expected to never publish or disclose MCRPD or client confidential or other proprietary information, nor to publish or report on conversations that are meant to be private or internal to MCRPD or client business operations.

The District strongly urges employees to report any violations or possible or perceived violations to the Human Resources Department. Violations include discussions of MCRPD and its employees and clients, any discussion of proprietary information and any unlawful activity related to blogging or social networking. The District will investigate and respond to all reports of violations of the social networking policy, and other related policies, and reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct.

*Recommendations for MCRPD
Expansion of standards of conduct
For discussion*

To supplement current policies not replace them

**STANDARDS OF PERFORMANCE
AND PERSONAL CONDUCT**

SECTION 3: PERFORMANCE AND PERSONAL CONDUCT

PERFORMANCE EVALUATIONS

The District General Manager is solely responsible for providing employee performance evaluations, which will be provided at his discretion regarding frequency and content. It is the District's intent that evaluations will specifically address the quality of performance in all aspects of the job for which an employee is being evaluated. The performance evaluation should cover areas of work that need improvement, as well as notable accomplishments of work performed to RJL's satisfaction. The purpose of the evaluation is to communicate with each employee the importance of maintaining a high level of expected standards of work performance. In the event a performance review is held, the President may provide the employee a copy of a summary of the evaluation and if such summary is written the original will be kept in the employee's personnel file.

PERSONAL CONDUCT

The orderly and efficient operation of District facilities and work sites requires that all employees maintain certain standards of job performance and good conduct. When performance or conduct do not meet District standards the District will endeavor to provide all employees a reasonable opportunity to correct the deficiency, as it deems appropriate.

It is not possible to provide employees a complete list of every possible type of action which may result in discipline or termination. Management reserves the right to establish standards of conduct as it deems necessary. The list below is intended simply to provide some examples of disciplinary offenses.

A. Poor Performance

1. Below-average work quality or quantity as set forth in job description or compensation plan.
2. Poor attitude (for example, discourtesy, rudeness, or lack of cooperation) or failure to follow the instructions of a supervisor or manager.
3. Abuse of break or meal privileges or protocol.
4. Failure to follow instructions or District procedures.
5. Failure to follow established safety regulations.
6. Reporting to work or attempting to work when physically or mentally unfit for reasons such as: illness, injury, lack of sleep, influence of liquor or drugs, emotional strain, or other unfit condition. "*Drugs*" includes any controlled substance that is unlawful under federal law, regardless of legality in California for recreational or medicinal use. NOTE: Although employees will not be discriminated against for recreational cannabis use off-duty and outside the workplace, employees may not be under the influence of cannabis or marijuana at work, or report to work impaired by any off-work use of recreational or medicinal marijuana,
7. Creating or contributing to unhealthful, unsanitary, or unsafe conditions.

8. Loafing, wasting time or sleeping during working hours.
9. Failure to meet a reasonable measure of efficiency.
10. Failure to be at work position at start of shift or end of meal period and/or failure to remain at work position up to start of meal period or end of shift.
11. Repeated refusal of overtime work assignments without satisfactory reasons.
12. Inattention, carelessness, or negligence (willful or otherwise) which causes or could cause injury to other employees or damage to District property.
13. Horseplay or mischief which endangers the safety of others or creates the possibility of damage to District property or equipment.
14. Irregular attendance: unauthorized, unreported, or excessive absence or tardiness, leaving work without approval, abuse of PTO leave, abuse of an approved leave of absence, or failure to request and obtain an approved leave of absence or an extension in a timely manner; misrepresentation of reasons in applying for any leave of absence, PTO leave, or other time away from work.

B. Misconduct

1. Theft, damage or tampering with property belonging to RJL, coworkers, clients, vendors, or business partners.
2. Falsification or forgery of or making a material omission on forms, records, or reports, including timesheets, applications for employment, claims for workplace injury, medical certifications supporting a request for job-protected leave, client records or checks, entertainment receipts, or District credit cards.
3. Lying to any supervisor, executive or client, including deliberately making an untruthful statement or omitting relevant facts in an internal investigation pursuant to RJL policies.
4. Actual or threatened physical violence towards another employee, a client, or a vendor. Possessing or bringing firearms, knives, weapons, or chemicals on or to a client's or vendors' property.
5. Insubordination, refusing to follow management directions, or other disrespectful conduct to a manager or supervisor.
6. Use of abusive, intolerant, bullying or other threatening language, verbal or visual, to any other employee or person on RJL, client, or vendor premises.
7. Destroying or damaging property, records or other materials owned or leased by RJL or any employee.
8. Violating safety or health rules or practices or engaging in conduct that creates a safety or health hazard.
9. Any conduct that violates the Workplace Security and Violence Prevention policy, or acts/threats of violence that violate the Workplace Violence Prevention Plan. .
10. Using, consuming, possessing or being under the influence of unlawful substances while on duty, while on RJL, client, or vendor property, or while operating or riding as a passenger in a vehicle while on District business. "Drugs" includes any, and all controlled substances that are unlawful under federal law, regardless of legality in California for recreational or medicinal use.
11. Misappropriation or theft of District funds, including unauthorized use of District funds for personal use or misuse of District credit cards.

12. Copying of any confidential information or records for known or unknown use by others outside the District.
13. Violation of the RJL Network Security Policy, Data Policies/Protocols, or any other data security or client confidentiality policy or procedure.
14. Failure to promptly report to a supervisor an on-the-job injury or accident involving an employee, client, vendor, visitor, equipment, or property.
15. Negligence resulting in injury to personnel, a vendor, or a client.
16. Violation of District policies including breaches of security, trade secret disclosure, the Social Media Code of Conduct or Internet and electronic communications policies.
17. Violation of RJL policies for driving on District business, including the failure to wear a seat belt and use of a cell phone without a hands-free device while the vehicle is in motion.
18. Retaliation toward any co-worker, manager, executive, client, or business party who reports alleged misconduct, or who participates in an internal investigation.
19. Threats or reprisals against any supervisor or employee who is known or suspected to have made a good faith report of concerns about workplace safety, or other perceived unlawful or unethical acts, thereby serving as a whistleblower.
20. Retaliation toward any co-worker or manager who seeks or takes a leave of absence authorized by law, or who seeks or is granted a reasonable accommodation for a disability or based upon a co-worker or manager's known or perceived reproductive health decisions.
20. Any behavior that brings discredit to the District.

C. Investigation of Employees for Misconduct

RJL may occasionally find it necessary to investigate employees, where behavior or other relevant circumstances raise questions concerning work performance, reliability, honesty, trustworthiness, or potential threat to the security of the District or the safety of coworkers or others. The District may also investigate any possible fraudulent or dishonest use or misuse of District resources or property by management or employees, or other misconduct.

The purpose of the investigation will be as a tool to discover the underlying reasons for the problem or gathering data so that management can make decisions about corrective action. Employee investigations may, where appropriate, include credit reports and investigations of criminal records, including appropriate inquiries about any arrest for a crime of dishonesty, theft, drugs or violence and for which the employee is out on bail or awaiting trial. Employees subject to an investigation are required to cooperate with the District's lawful efforts to obtain relevant information.

Investigation Documentation from External Sources: It may be necessary to obtain documents from external sources, such as criminal, tax, background, or other records in connection with the investigation of an employee's misconduct. RJL will comply with the notice provisions of the Fair Credit Reporting Act and California standards and will notify the subject of the investigation within the time prescribed by those standards.

Non-Retaliation for Reporting: The District will not retaliate against any employee who makes a report or complaint in good faith, believing the allegations to be true, whether the ultimate investigation substantiates the perceived misconduct or does not.

Duties of Employees Participating in Investigations: Any employee who participates in an official District investigation, whether as reporting/complaining party or as independent witness, is required to provide truthful, good faith information that is within their personal knowledge.

Baseless Allegations: Any employee that makes allegations with reckless disregard for their truth or falsity, as determined by a neutral investigation, may be subject to disciplinary action and legal claims by individuals accused of misconduct.

GROUND FOR IMMEDIATE TERMINATION

Violation of any of the following rules, because of their seriousness, may result in immediate termination of employment without a warning:

1. Obtaining employment based on false or misleading information or falsifying information or making material omissions in any documents or records.
2. Obtaining paid or unpaid benefits based on false, misleading, or omitted information, or falsifying information.
3. Bringing or possessing firearms, weapons or any other hazardous or dangerous devices on client or vendor property or during on-duty time; violation of workplace violence policy.
4. Possession, distribution, sale or use of alcohol or any unlawful drug while on duty or while on client or vendor premises, reporting to work or operating a vehicle on District business under the influence of, or impaired by alcohol or any unlawful drug.
5. Failure to pass a drug test administered pursuant to an established RJL drug testing policy. NOTE: the policy will be administered in accordance with California law which requires that any drug testing for cannabis measure the actual impairment and not non-psychoactive metabolites in urine, blood, or hair.
6. Violation of a Confidential Trade Secrets Agreement with RJL or any affiliated District.
7. Violation of the RJL Network Security policy, data security protocols or confidentiality of client records.

CHANGE IN EMPLOYMENT STATUS

When there is a change of employment status, whether termination, leave of absence, or switching from an employee to independent contractor relationship, District will provide employee with a written notice providing (a) District's name, (b) employee's name and social security, (c) the type of change in employment status, and (d) the effective date of the change. The District is not required to specify the reason for the employment status change.

If the change in status is because District has terminated, laid-off, or placed an employee on a leave of absence, then District shall provide to the employee a copy of the Employment Development Department pamphlet DE 2320, "For Your Benefit, California's Program for the Unemployed."

EXIT INTERVIEW

Upon separation from the District, every employee may be asked to participate in an exit interview. This gives both the employee and the District an opportunity to discuss the employment relationship and the reasons the employee is leaving. Management is always anxious to receive constructive comments on its business operations and the satisfaction of employees. The exit interview provides this opportunity.

Employees will also be required to report any workplace injuries or to certify they have no physical or emotional injuries upon leaving employment with RJL. As a condition of receiving his/her final check, every employee may be required to sign an exit statement confirming the substance of the exit interview.

REHIRED EMPLOYEES

Employees who are rehired following a break in service of ninety (90) days or more, other than an approved leave of absence, must serve a new three-month introductory period. Such employees are considered new employees from the effective date of their reemployment for all purposes, including for purposes of measuring benefits such as PTO.

SAMPLE UPDATED
Safety policies for MCRPD

SAFETY POLICIES AND PROCEDURES

SECTION 5: SAFETY POLICIES AND PROCEDURES

Mendocino Coast Recreation and Parks District SAFETY PHILOSOPHY

Employee, client, and vendor safety is our highest priority. To achieve an effective safety program, we need cooperation from all employees. Employees are expected to work safely, wear safety equipment, and observe all applicable safety rules and regulations as required by law. Any hazards, unsafe acts from other employees, or unsafe conditions in the working environment should be promptly reported to management. This includes client or remote work sites.

Mendocino Coast Recreation and Parks District has instituted an IIPP with a comprehensive addendum related to the Workplace Violence Prevention Plan – definitions of violent incidents and threats, four types of violent incidents, hazard identification and abatement, reporting and complaint procedures for violent incidents, investigations of complaints, training, and maintenance of violent incident log,

REPORTING AN ACCIDENT / INJURY

In the event an employee is involved in an accident and he/she or other persons sustained an injury, no matter how small the injury is, they must first obtain first aid, then immediately report the accident to their supervisor who will fill out an accident report as required by law. The employee will be required to fill out District forms explaining how the accident or injury occurred. If the injuries place the employee on Restrictive Duty or Lost Time status, they may also be asked to fill out other forms for Workers' Compensation Benefits (see Workers' Compensation in this handbook).

If an employee is, or sees another employee involved in a "near miss" (almost an accident) it must be reported to their supervisor immediately. Most near misses are usually caused by unsafe conditions or unsafe acts. Employees are to report these unsafe conditions to their supervisor to eliminate any potential recurrence.

The District's supervisors and management may periodically conduct safety inspections and safety programs. The inspections and safety programs shall be conducted during normal business hours and all employees are required to participate in the program.

DECLINING TO REPORT FOR DUTY IN A BONA FIDE EMERGENCY

In the event of an emergency condition, employees will not be prohibited for refusing to report to, or for leaving a workplace within the affected area when the employee has a reasonable belief that the workplace is unsafe. Employees will also not be prevented from accessing their mobile or other communications device for seeking emergency assistance, assessing the safety of the situation, or communicating with another person to confirm their safety. An emergency condition is defined by California law as:

- Conditions of disaster or extreme peril to the safety of persons or property, caused by natural forces or a criminal act.
- An order to evacuate a workplace, worksite, or worker's home, or the school of a worker's child due to a natural disaster or a criminal act.
- A health pandemic is not considered an emergency condition.
- Once the emergency conditions that pose an imminent and ongoing risk of harm to the workplace, the worksite, the worker, or the worker's home have ceased, these provisions cease to apply.

In the event of an emergency condition, and as immediately as possible, employees are to notify the District's Human Resources Department of the emergency condition which may prompt or has prompted the employee to leave or refuse to report to the workplace or worksite. A reasonable belief that the workplace or worksite is unsafe means that a reasonable person, under the circumstances known to the employee at the time, would conclude there is a real danger of death or serious injury if that person enters or remains on the premises.

The existence of any health and safety regulations specific to the emergency condition and an employer's compliance or noncompliance with those regulations, or if the employee received training on the health and safety regulations mandated by law specific to the emergency condition, shall be a relevant factor if this information is known to the employee at the time of the emergency condition.

WORKERS' COMPENSATION

As required by law, Mendocino Coast Recreation and Parks District carries workers' compensation insurance coverage to protect employees who are injured on the job. This insurance provides medical, surgical, and hospital treatment. Compensation payments begin from the first day of an injured employee's hospitalization or after the third day following the injury if the employee is not hospitalized. The cost of this coverage is paid completely by Mendocino Coast Recreation and Parks District. Employees should refer to the Mandatory Posting for additional detail on Workers Compensation coverage.

Mendocino Coast Recreation and Parks District and its insurance carrier comply with all requirements of California law with respect to industrial injury claims submitted based on Covid-19 illness contracted at work. Employees should refer to the District's IIPP for updated Covid-19 information. The District reserves the right to amend this policy and the IIPP as new guidelines and regulations are provided by California state and/or the federal government as regards a national pandemic.

A. Non-Work-Related Injuries

Mendocino Coast Recreation and Parks District and/or its insurance carrier may not be liable for any injury which arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity which is not a part of the employee's work-related duties.

B. Workers' Compensation Fraud

Under State law, any individual who makes a fraudulent, false, or bad faith claim for workers' compensation benefits, or who assists another person in doing so, may be guilty of a felony punishable by jail, fine, or both. The District will take all appropriate steps to enforce the terms of this law.

WORKPLACE SECURITY AND VIOLENCE PREVENTION

Mendocino Coast Recreation and Parks District is committed to providing its employees a workplace that is free from any form of workplace violence that creates fear and intimidation that interferes with the individual's work performance. Every employee is responsible for maintaining a violence-free workplace and is expected to report the occurrence of any violent incident to management promptly.

Mendocino Coast Recreation and Parks District complies with California law effective July 1, 2024, requiring a separate Workplace Violence Prevention Plan, which is part of the District's Injury & Illness Prevention Program. That Plan addresses the relevant definitions of workplace violence, the reporting of incidents of violence or threats, and the abatement (correction) of workplace violence hazards. The District also maintains a Violent Incident Log, which is available to employees for inspection upon request. All incidents of threats or acts of violence should be promptly reported to the General Manager.

A. Zero Tolerance for Workplace Violence

Mendocino Coast Recreation and Parks District strictly prohibits employees, clients, vendors, visitors, or anyone else on client or vendor worksites, or while engaging in a District-related activity, from behaving in a violent or threatening manner. Mendocino Coast Recreation and Parks District shall not tolerate threats or acts of violence that intimidate, threaten, or physically harm an employee, supervisor, vendor, or client. Threats include, but are not limited to, indications of any intent to harm a person or damage property. Such threats, whether expressed directly or indirectly, verbally, by gesture, or writing are strictly banned.

No employee may bring a firearm, or other weapon or defense device that is prohibited by law to be carried on their possession, to a client or vendor worksite. As part of this policy, the District seeks to prevent workplace violence before it begins and reserves the right to deal with objective behavior that reflects a propensity toward violence even prior to any violent behavior occurring.

B. Reporting

If any employee observes or becomes aware of any of the above-listed actions or behaviors by an employee, client, vendor, visitor, or any other person on client or vendor premises or in a District business setting, employee should immediately notify management. Further, employees should notify management if any restraining order is in effect, or if a potentially violent non-work-related situation could occur in any client or vendor worksite or where Mendocino Coast Recreation and Parks District business is being conducted.

Mendocino Coast Recreation and Parks District will comply with California law that authorizes an employer to seek a temporary restraining order (TRO) from a court of competent jurisdiction, in the event that threats or acts of physical violence, use or brandishing of a weapon, or violent forms of harassment occur or are reported in any Mendocino Coast Recreation and Parks District workplace. The relevant definitions and processes for an employer-sought restraining order are addressed in Mendocino Coast Recreation and Parks District's separate Workplace Violence Prevention Program.

Mendocino Coast Recreation and Parks District will also comply with California law allowing private citizens to file a petition for an ex parte one-year or renewed gun violence restraining order. The law authorizes Mendocino Coast Recreation and Parks District (as employer) or a co-worker to apply to a court for such an order only when the objective facts and circumstances merit such action. Coworkers requesting the order must have "substantial and regular interactions" with the gun owner, and must have the approval of an Mendocino Coast Recreation and Parks District manager, and will be required to file sworn statements specifying their reasons for doing so.

C. Investigation, Corrective Action, and Discipline

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. The District's misconduct investigation and disciplinary actions will apply to all situations involving reports, complaints, or concerns about violence or potential violence from or towards any Mendocino Coast Recreation and Parks District employee when at any Mendocino Coast Recreation and Parks District workplace, or any client or vendor worksite. Refer to the District's IIPP (Injury & Illness Prevention Plan) for Mendocino Coast Recreation and Parks District's formal protocols and practices for preventing violence in any Mendocino Coast Recreation and Parks District workplace.

REPORTING HEALTH AND SAFETY CONCERNS

Mendocino Coast Recreation and Parks District respects Employees' rights to refuse to work in hazardous or unsafe situations. The District takes safety on the job very seriously and encourages employees to report any unsafe conditions or concerns about safety in performing their own job, or in any employment practice that they perceive to endanger the health or safety of employees or third parties. Such reports will be maintained confidentially, and where appropriate will be thoroughly investigated.

Any reports or concerns about safety should be reported directly to the General Manager. The District will then conduct a neutral, fact-finding investigation and will take appropriate action based on the results of that investigation. This includes any reports or complaints about the lack of available or effective personal protective equipment, or consistent enforcement of public health and safety protocols at any Mendocino Coast Recreation and Parks District worksite.

Mendocino Coast Recreation and Parks District will not discipline or terminate any

employee who makes a good faith complaint or report about a safety or health hazard in any Mendocino Coast Recreation and Parks District workplace, including client facilities or other locations where an employee is assigned to work or must attend meetings or activities. The law and District policy also protect employees that participate in formal government proceedings in connection with safety and health hazards. However, the laws specifically exclude from protection the disclosure of hazards deliberately caused by an employee. Additionally, the statutes do not protect frivolous complaints, or complaints that are made in bad faith or are knowingly false.

Mendocino Coast Recreation and Parks District will not discipline or terminate any individual who raises concerns in good faith about the presence or absence of COVID-19 or any other federal or state declared infectious disease safety protocols that are implemented pursuant to federal or California law or regulation during the term this Handbook is in effect. Should a complaint be made to any federal or state safety regulatory agency (including without limitation the federal Occupational Health & Safety Agency or Cal/OSHA), Mendocino Coast Recreation and Parks District will investigate the complaint internally and will cooperate fully with any regulatory agency investigation.

DRIVING ON DISTRICT BUSINESS

A. License Requirements

Any employee who drives on District business must be in possession of a valid driver's license and will be required to show proof of valid status periodically. Should an employee's driver's license be revoked they must notify the District immediately. Employees must also retain proof of insurance and current registration within any vehicle that is used for business purposes. As noted in the Equal Employment Opportunities policies, Mendocino Coast Recreation and Parks District will not discriminate against any applicant or employee by making possession of a valid driver's license a condition of employment, unless driving from one work location to another is an essential function of the job and alternative methods of transportation are not effective or available.

B. Insurance Requirements

Every employee who operates a motor vehicle while on District business, including attending social and professional organization events, must maintain a policy of liability insurance with limits as specified by the District. Employees are required to submit proof of valid liability insurance as coverage periods terminate. Any changes in coverage must be reported to management within 24 hours. Use of uninsured or underinsured personal vehicles for District business, or misrepresenting the status of insurance to management, may result in immediate termination.

C. Safe Driving Practices and Compliance with California Motor Vehicles Code

All drivers are responsible for the safe operation of their vehicles and knowing the rules of the road applying to them. The following are expected to be followed by all employees at any time while driving on District business:

- Seat belts must be worn whenever the vehicle motor is running.
- Employees are required to use cell headphones, or their automobile's hands-free system, 100% of the time while driving. If headphones are not available or not functional, employees are required to pull safely off the road to use their cell phone.
- No use of any portable electronic device, including for reading or sending text or email messages, is permitted while the vehicle is in motion.
- Employees are responsible for any parking tickets, moving violations, and fines which they may incur.
- Any employee who drives intoxicated will be terminated. There will be no exceptions.
- Any employee involved in an accident while driving on District business must report it to their supervisor immediately, but in no event longer than two (2) hours after the accident. The report should include the date and time of the accident, location, what occurred, and any other involved party's information including name, address, and vehicle information.
- Employees are responsible for checking the safe operating conditions of the vehicle before starting to drive.
- The DMV record of all employees that drive on District business will be periodically reviewed.
- Employees who, while under the care of a physician, are using medication which affects their perception, reflexes, concentration, balance, alertness, or any other cognitive functions must notify their manager before driving on District business. This includes medication which is used as part of reasonable accommodation as permitted by law.
- Employees driving on Mendocino Coast Recreation and Parks District business are limited to two passengers per vehicle and all safety precautions must be followed for wearing of face coverings and open windows / ventilation to the extent compatible with weather conditions, while state and/or federal pandemic requirements are in place. Please refer to the District's IIPP for additional detail.

D. Mileage Reimbursement

Employees shall be reimbursed for mileage traveled in conducting Mendocino Coast Recreation and Parks District business at the current rate per mile allowed by the Internal Revenue Service.

NO SMOKING POLICY

Smoking is not permitted in any California worksite and therefore all Mendocino Coast Recreation and Parks District employees must abide by non-smoking policies at client and vendor locations.

ILLEGAL SUBSTANCES AND ALCOHOL

The District expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs, or other intoxicating substances. Possessing, dispensing, or using a controlled substance without medical prescription is strictly prohibited. Reporting to work or working under the influence of alcohol or a controlled substance without a medical prescription is strictly prohibited.

All employees are required to report to their jobs in appropriate mental and physical condition, ready to work for their entire work shift. If an employee may be impaired because of taking medication according to a doctor's prescription, he or she is expected to discuss it with his or her supervisor before commencing work that day.

Although possession and/or recreational use of Cannabis or THC (commonly referred to as marijuana, weed, pot, grass) may not be a criminal act under specified circumstances in California, possession and use remains a crime under federal law. Employees are prohibited from possession, transfer, or consumption of marijuana in any Mendocino Coast Recreation and Parks District workplace. Likewise, reporting to work under the influence of marijuana is strictly prohibited. Mendocino Coast Recreation and Parks District employees who work from their residence are prohibited from possessing, consuming or being under the influence of marijuana in their home office, which must be secured and maintained separately from residential living space.

Nothing in this policy is meant to prohibit the appropriate use of over-the-counter medication or other medication that can legally be prescribed under both federal and state law, to the extent that it does not impair an employee's job performance or safety or the safety of others. Employees who take over-the-counter medication or other medication that can legally be prescribed under both federal and state law to treat a disability should inform their supervisor or the Human Resources Department, before reporting to work while under the influence of that medication, if they believe the medication will impair their job performance, safety, or the safety of others, or if they believe they need a reasonable accommodation.

Mendocino Coast Recreation and Parks District reserves the right to require employees be tested, using appropriate and legal testing procedures under the standards set forth in the California Code of Regulations, for improper controlled substance or alcohol use, at any time. Compliance with this substance abuse policy is made a condition of employment and therefore any violator of this substance abuse policy will be subject to disciplinary action up to and including termination of employment.

Any employee that is convicted of any controlled substance violation occurring on client or vendor property, or while working on behalf of Mendocino Coast Recreation and Parks District, shall notify the District within five days of the date of conviction. A conviction is defined as including any finding of guilty, or plea of no contest, and/or imposition of a fine, jail sentence or other penalty.

EMPLOYMENT AT-WILL

All employees of our District are employed at-will for an indefinite period. This means that employees may submit a resignation any time for any reason, with or without notice and with or without cause. Likewise, the District may terminate any employee's employment at any time with or without notice and with or without cause and for any non-discriminatory or non-retaliatory reason.

At-will employment is a term applied to any employee who does not have a clearly defined employment contract for a specific length of time or promises of continued employment. At-will status does not mean that MCRPD can or will terminate employees arbitrarily, or for a bad faith reason, or for no reason at all. Employees will not be terminated for any discriminatory reason or in retaliation for their exercise of protected rights under the California Labor Code, the CA. Fair Employment & Housing Act (FEHA), the California Family Rights Act (CFRA), the California Occupational Safety & Health Act (Cal-OSHA) Military & Veterans' Code, or other CA statutes, safety regulation ordinances, or District policy, for good faith participation in any internal investigation, or for reporting safety violations. These exceptions to at-will status are fully explained wherever they apply in this Handbook.

At-will status means that an employee may be terminated for any lawful reason even if it doesn't rise to the level of "cause," which is misconduct or flagrant violation of workplace standards of behavior. For example, an at-will employee may be terminated for performance-based reasons after discussion and an opportunity to improve, even if the performance does not rise to the level of "cause."

There may be times when the business needs or interests of the District become inconsistent with an employee's experience, skills, talents, abilities, or desires. There may also be situations in which efforts to train, support, or encourage an employee to become more successful in the workplace are unsuccessful. In such circumstances, particularly when continued employment may have a negative impact on coworkers or clients, MCRPD retains the right to terminate employment, with or without "cause" and with or without notice, depending upon the facts and circumstances of a given situation. MCRPD may also terminate an employee for misconduct, or breach of standards of conduct or behavior, in accordance with the standards of conduct and progressive discipline set forth in this Handbook.

This policy may not be modified by conduct of any employee or agent of the District, or by any statements contained in this Handbook or any other materials generated by the District or its employees. Nothing contained in this or any other employee handbook or any other materials generated by the District or its employees, nor any statements made by any employee shall require the District to have "just cause" to terminate an employee, to change the terms and conditions of employee's employment or otherwise restrict the District's right to terminate employees at will or to change the terms and conditions of employment.

No employee or other District representative can modify this policy in any manner or enter into any agreement that is contrary to this policy unless it is in writing and signed by an executive of the corporation. This constitutes the entire agreement between the District and its employees,

regarding matters set forth in this policy.

PERSONNEL FILES

MCRPD maintains a personnel file and, when applicable, a separate confidential medical file for each of its current and former employees. Information kept in the files is maintained in compliance with state and federal laws and regulations. The files and the information they contain are District property and access to the information they contain is restricted to authorized individuals only.

Managers and supervisors with a business need to review any employee's personnel file must request authorization from the Human Resources Department. Files must be reviewed in their official location under the direction of the HR Department, with oversight by the District Administrator and may not be removed from the premises by anyone.

A. Access to Personnel Files by Employee

An employee may access all documents in his or her personnel and medical files provided it is done in an appropriate time, place, and manner as determined by the Human Resources Department. All information in the personnel file is treated as confidential information belonging to MCRPD, and all health-related information is treated as confidential in accordance with applicable law. An employee may copy any documents in his or her personnel or medical file; the cost for any paper copies will be at the employee's expense.

In addition to access by the employee, access may be granted when the employee gives written authorization, when a subpoena is served, or when the information is general knowledge such as name, business phone number, and position.

B. Access to Personnel Files by Other Employees and Supervisors

Access to personnel files is limited to supervisory employees as required in the performance of their work. Access to medical records will be provided to other employees and supervisors only on a need-to-know basis in accordance with applicable law.

C. Access to Personnel Files by Non-employees & Subpoenas

Generally, a subpoena will be required for a non-employee to gain access to any information regarding a current or past employee, or any contents of their personnel files. Exceptions, such as providing information to state unemployment agencies, both federal and state investigators, and the like may be made by a District executive, after confirmation of the identity of the agency and individual. Applicable law may require disclosure of employee information to government agencies without prior notice to the employee.

If an employee is a party to a civil proceeding unrelated to MCRPD business in which the employee's medical records are the subject of a subpoena, management will first confirm that the employee has received a lawful *Notice to Consumer* that medical records are requested. Medical records will not be released without a lawful subpoena or written authorization from the employee whose medical information is sought. With respect to medical records, even with a subpoena,

management may first consult with legal counsel prior to compliance with the subpoena. At the discretion of the District the employee may be advised of the existence of a subpoena for health-related records, to be given an opportunity to seek to quash that subpoena.

D. Financial Information Requests

Executive management will respond in a timely manner to all *subpoenas* for employee records of any type. Before responding, management will confirm with legal advisors that the subpoena is proper. Further, management will notify the individual employee of the existence of the subpoena to provide the employee with an opportunity to retain counsel and oppose it. However, the District will not provide any legal advice to any employee in this regard.

Responses to *requests for employee information from financial institutions* will be made only after employee gives written permission to respond to specific inquiries.

EMPLOYEE PRIVACY

The District maintains and administers a system of fair information practices that reflect the District's concern for the dignity and privacy of each employee.

1. The District will collect, use, or retain only that employee information which is required for legitimate business or legal reasons.
2. The District recognizes that employee information is confidential data and recognizes its responsibility to retain this confidentiality.
3. Employee information including pay, home address, telephone number, length of service, and medical conditions will only be released to a third party with the written consent of the employee except as noted in Item No. 5 below.
4. In the case of terminated employees, the District will provide a third party with the following information upon a proper request:
 - Inclusive Dates of Employment
 - Title(s) or Position(s)
 - Confirmation of Wage or Salary Level(s)
5. An employee's written consent is not required with authorized requests for information from governmental agencies conducting investigations or issuing subpoenas. Employees will be notified by the District of such requests if allowed by law.
6. Employee paychecks will not be released to any third party without the employee's current written authorization.

Employees are expected to promptly notify the District of any changes to their personal information, including but not limited to:

- Name
- Home and/or mailing address
- Telephone numbers
- Number, names, and status of dependents
- Change of emergency contact information
- Educational accomplishments
- Marital status
- Payroll deductions
- Benefit plan beneficiary