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Conflict of Interest Code

**CONFLICT OF INTEREST CODE FOR THE
CORNING HEALTHCARE DISTRICT**

ATTACHMENT A

The Political Reform Act of 1974 (Gov. Code, 81000 et sq.) requires state and local government agencies to adopt and promulgate Conflict of interest Codes. The Fair political practices Commission, has adopted a regulation (Cal. Code Regs., 2, 18730) which contains the terms of a standard Conflict of Interest Code. This regulation, including any future amendments made by the Fair political practices Commission, may be incorporated by reference into a local agency's Conflict of interest Code. Therefore, the terms of California Code of Regulations, title 2, section 18730 and any future amendments to it duly adopted by the Fair Political practices Commission are hereby incorporated by reference into this Code and along with the attachments hereto constitutes the Conflict of interest Code for the Corning Healthcare District.

ATTACHMENT B

CORNING HEALTHCARE DISTRICT CONFLICT OF INTEREST CODE
DESIGNATE EMPLOYEES

Under provisions of the Code, Designated Employees shall file statements of economic interests. Listed below are the designated positions for the Corning Healthcare District and the appropriate disclosure category for filing the statement of economic interest.

POSITION	DISCLOSURE CATEGORY
1. Members of the Board	I, II
2. District Manager	I, II
3. Consultants	I
4. Attorney	I

Reviewed & Revised: November 20, 2018

ATTACHMENT C

CORNING HEALTHCARE DISTRICT CONFLICT OF INTEREST CODE DISCLOSURE CATEGORIES FOR DESIGNATED POSITIONS

CATEGORY I

Designated employees in this category shall disclose: All sources of income (including gifts, loans and travel payments), interests in real property within the District and investments and business positions in business entities located in, doing business in, planning to do business in, or which have done business during the previous two years in, or which have an interest in real property in the District, including gifts, loans, and travel payments. A person in a Disclosure Category I designated position shall complete all schedules of the FPC form 700 if applicable. Disclosure Category I is intended to require the broadest possible disclosure, consistent with the provisions of the Political Reform Act of 1974 and its' implementing regulations

Consultants , as defined in California Code of Regulations, title 2 section 18701 subdivision (a) (2)¹, shall disclose pursuant to this disclosure category subject to the following limitations.

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

1. California Code of Regulations, title 2, section 18701, subdivision (a) (2) defines "Consultant" as follows:

"Consultant" means an individual who, pursuant to a contract with a state or local government agency;

(A) Makes a governmental decision whether to:

- (i) Approve a rate, rule, or regulation;
- (ii) Adopt or enforce a law;
- (iii) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
- (iv) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;
- (v) Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract;
- (vi) Grant agency approval to a plan, design, report, study, or similar item;
- (vii) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or

(B) Serves in a staff capacity with the agency and in that capacity participates in making a governmental decision as defined in regulation 18702.2 or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code under Government Code section 87302.

CATEGORY II

Designated employees in this category shall disclose: All **interest in real property** within the District, and all **sources of income** (including **gifts, loans and travel payments**), and **investments** and **business positions** in business entities, that provide services, goods, property, supplies, materials, machinery or equipment of any type utilized by the District, or otherwise transact business with or have any contractual relationship with the District during the disclosure period.

CATEGORY III

Designated employees in this category shall disclose: All **interest in real property** within the District, and all **sources of income** (including **gifts, loans and travel payments**), located in, doing business in, planning to do business in, or which have an interest in real property in the District, all **investments** in business entities located in, doing business in, or planning to do business in, or which have an interest in real property in the District, and all **business positions** in business entities located in, doing business in, planning to do business in, or which have an interest in real property in the District.

ATTACHMENT D

CORNING HEALTHCARE DISTRICT CONFLICT OF INTEREST CODE PLACE OF FILING

Where: County Clerk & Recorder
Po Box 250
444 Oak St., Rm. C
Red Bluff CA 96021

Pursuant to Government Code section 87500, subdivisions (k) and (o), the Tehama County Board of Supervisors, as the code reviewing body for the Corning Healthcare District, has determined that the original Form 700 - Statement of Economic Interest for each Designated Employee shall be filed with the Tehama County Clerk-Recorder as the filing officer for the code reviewing body. The District Manager shall provide Form 700 - Statement of Economic Interest to each Designated Employee annually and when that employee assumes or leaves any designated position. The employee shall complete and file the form with the District Manager who will make and retain a copy and forward the original to the Clerk-Recorder at the above address within the time at the above address within the time required by law.

POLICY TITLE: Adoption/Amendment of Policies
POLICY NUMBER: 1000

1000.1 Consideration by the Board of Directors to adopt a new policy or to amend an existing policy may be initiated by any Director or the District Manager. The proposed adoption or amendment shall be initiated by a Director or the District Manager by submitting a written draft of the proposed new or amended policy to the Board Chairperson and the District Manager, which may be submitted in person or by any communication method approved by the District, and requesting that the item be included for consideration on the agenda of the next appropriate regular meeting of the Board of Directors. Any member of the Board may place an item on a future agenda by making a formal request to the District Manager at a meeting of the Board. The District Manager will place Board items on a future Board agenda when reasonable, based on the staff time and research necessary to prepare the item for Board consideration.

1000.2 Adoption of a new policy or amendment of an existing policy shall be accomplished at a regular meeting of the Board of Directors in accordance with the District's state statutes regarding the constitution of a majority vote.

1000.3 Copies of the proposed new or amended policy shall be included in the agenda-information packet for any meeting in which they are scheduled for consideration (listed on the agenda). A copy of the proposed new or amended policy(ies) shall be made available to each Director for review at least 72 hours, per the Brown Act, prior to any meeting at which the policy(ies) are to be considered.

POLICY TITLE: Board Secretary
POLICY NUMBER: 1015

1015.1 The position of Secretary of the Board of Directors is required by state law. The duties of the Secretary are to be performed by the District Manager. The Secretary/District Manager performs duties including recording of minutes and actions of the Board of Directors and certifying all actions and resolutions of the Board.

1015.2 If for any reason the President and Vice-President resign or are absent or disabled, the Secretary shall perform the President's duties until the position of President is filled.

1015.3 If for any reason the President and Vice-President disqualify themselves from participating in an agenda item or become partisan in the debate on any such item, the Secretary shall perform the duties of the presiding officer.

1015.4 Duties of the Secretary/District Manager

The Secretary of the Governing Board shall have the following duties:

- a) Certify or attest to actions taken by the Board when required;
- b) Sign the minutes of the Board meeting following their approval;
- c) Sign the documents as directed by the Board on behalf of the Authority, and sign all other items which require the signature of the Secretary;
- d) Perform any other duties assigned by the Board and
- e) Perform any other duties required under law.

1015.5 Responsibilities of the Secretary/District Manager

The duties of the Secretary/District Manager are:

- a) Respond to routine correspondence;
- b) Prepare for Board meetings, including preparing the agenda providing public notice of Board meetings in accordance with state law;
- c) Attend all Board meetings and ensure minutes of the Board of Directors meetings are recorded. These recordings are for use by the Secretary only for the purpose of preparing minutes for adoption at the next regularly scheduled meeting of the Board. Upon adoption of these minutes the recording media will be reused;
- d) Ensure accurate Minutes of each Board meeting are prepared and maintained;
- e) Maintain Board records and other documents and reports as required by law; and
- f) Disseminate correspondence to Board officers addressed to them.

POLICY TITLE: Claims against the District
POLICY NUMBER: 1025

Purpose: The purpose of this policy is to provide direction to District staff for processing and resolving (if possible) account adjustment requests and property damage claims against the District. Inherent in this policy is the recognition that every adjustment request or claim will be unique, and that guidelines cannot be written to accommodate every case. Therefore, staff must use discretion and good sense in handling each claim.

1025.1 Property (Land and Improvements) Damage Claims

In the course of the District's operations damage to land and improvements thereon occasionally occurs due to the proximity of the District's facilities to private property. When District employees are aware that property has been damaged in the course of their work, restorative measures are to be taken to return the property as close to its original condition as possible.

When a property owner informs a District employee of damage to their property (by telephone or in person), the employee receiving the claim will document in writing the time and date and a description of the stated circumstances and allegations. Employees should respond to questions, be cordial and respectful, but refrain from commenting on liability questions.

As soon as possible after information about the damage has been received, it shall be given to the District Manager and/or Maintenance Manager. She or he, shall investigate the property owner's allegations.

If the owner of damaged property informs a member of the Board, the information will be given to the District Manager. Directors should not independently investigate claims or make any representations to the property owner, but may go with staff to observe.

Investigations shall be done in a timely fashion and documented with a written report, including photographs and/or interviews, when appropriate. A copy of the report shall be submitted to the District Manager.

If the investigating staff person is convinced that the damage was caused by District personnel, equipment, or infrastructure, he/she shall prepare a work order to have the damage repaired, subject to the following conditions:

- a) District Manager approves the work order;
- b) Property owner agrees that the proposed repairs are appropriate and adequate;
- c) Property owner agrees to allow District personnel access to their property to perform the repair work;
- d) District personnel have the necessary tools, equipment, and expertise to perform the necessary work;
- e) Repair work can be accomplished within a reasonable amount of time; and
- f) Cost of material for the repairs will not exceed five hundred dollars (\$500).

If the cost of material for repairs is stated by claimant or estimated by staff to exceed five hundred dollars (\$500), the owner will be asked to submit their claim in writing on a District claim form.

The District Manager shall review the damage claim and the proposed repair work within a reasonable amount of time. If he/she determines that the damage is the District's responsibility and that the proposed repair work is appropriate, he/she may authorize the work if the cost of material for the repairs will not exceed one thousand five hundred dollars (\$1,500). A report shall be submitted to the Claims Committee [standing board committee assigned to review claims of this nature] describing the damage claim, including a description of the manner in which it was resolved. The claimant shall be notified of any action by the Committee regarding their claim.

If the cost of material for repairs is stated by claimant or estimated to exceed one thousand five hundred dollars (\$1,500), the claim will be submitted to the Claims Committee. The Claims Committee shall review the claim and receive input from staff in closed session [qualifies as "anticipated litigation" under the Brown Act]. After reviewing the damage claim, the Committee may authorize the work if the cost of material for the repairs will not exceed three thousand dollars (\$3,000) or may make a recommendation to the Board of Directors. A report shall be submitted to the Board describing the damage claim, including a description of the manner in which it was resolved, or a recommendation for Board action. The claimant shall be notified of any action by the Committee regarding their claim.

If the cost of material for repairs is stated by claimant or estimated to exceed three thousand dollars (\$3,000), the claim will be submitted to the Board of Directors for its consideration. The Board will consider the claim during a closed session ["anticipated litigation"] of a regular or special meeting. Action to accept or reject the claim may be taken in open or closed session. The claimant shall be notified of the Board's action regarding their claim. Notification that a claim has been rejected shall be accompanied by proof of service.

The Board will not consider a claim of an amount in excess of the [insurance deductible] 00), including the cost of investigation, without prior written approval of the District's insurance company.

Claims in excess of the District's insurance deductible shall be forwarded to the insurance company, and the claimant shall be advised of this action.

Claims for personal injury/wrongful death shall not be investigated by District staff or directors but shall be immediately forwarded to the District's insurance company.

1025.2 Property (Vehicles and Unsecured Property) Damage Claims

All claims of damage to vehicles, or other unsecured property, shall be submitted to the District Manager. He/she shall review the damage claim and the requested restitution. If he/she determines that the damage is the District's responsibility, he/she may authorize repairs or reimbursement of expenses to an amount not to exceed one thousand five hundred dollars (\$1,500). A report shall be submitted to the Claims Committee describing the damage claim, including a description of the manner in which it was resolved.

The claim will be processed as described above if the cost of material for repairs is estimated to exceed the applicable thresholds.

1025.3 Property Damage Claims on District Form

Except for damage to land and improvements estimated to cost less than five hundred dollars (\$500), all damage claims must be submitted in writing on a District claim form. This will ensure that a claim is valid and protect important rights of the District.

If an individual does not wish to file a claim on the District form, he/she may present the claim by letter if it conforms to Section 910 and Section 910.2, of the California Government Code. Section 910 specifies that a claim needs to show all of the following:

- a) The name and post office address of the claimant;
- b) The post office address to which the person presenting the claim desires notices to be sent;
- c) The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted;
- d) A District description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known as the time of presentation of the claim;
- e) The name or names of the public employee or employees causing the injury, damage, or loss, if known; and
- f) The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.

Section 910.2 of the California Government Code specifies the following:

The claim shall be signed by the claimant or by some person on his behalf. Claims against local public entities for supplies, materials, equipment or services need not be signed by the claimant or on his behalf if presented on a billhead or invoice regularly used in the conduct of the business of the claimant.

If the filed letter/claim does not meet the requirements of the California Government Code Section 910 and Section 910.2, then a letter shall be sent to the claimant informing them of this fact.

District staff shall provide no assistance to the claimant in filling out the claim form. Claimant must fill out the claim form in its entirety and submit it via mail, fax or personal delivery to the District office. Upon receipt, office staff shall date-stamp the document.

POLICY TITLE: Legal Counsel and Auditor
POLICY NUMBER: 1045

1045.1 The Board of Directors shall appoint a Legal Counsel to assist the Board and District in all applicable issues and activities.

1045.2 Legal Counsel shall be the legal adviser of the District, including the Board as a whole, the District Manager and department heads. Legal Counsel shall perform such duties as may be prescribed by the Board of Directors. Such duties include, but are not limited to, providing legal assistance necessary for formulation and implementation legislative policies and projects; represent the District's interests, as determined by the District, in litigation, administrative hearings, negotiations and similar proceedings; and to keep the Board and District staff apprised of court rulings and legislation affecting the legal interest of the District. Legal Counsel is required to review and approve as to form District legal documents, i.e. contracts, agreements, etc. The Legal Counsel shall present and report on all legal issues and Closed Session items before the Board. The Legal Counsel shall serve at the pleasure of the Board and shall be compensated for services as determined by the Board.

- a) The Legal Counsel reports to the Board as a whole but is available to each Director for consultation regarding legal matters particular to that Board member's participation. No Board member may request a legal opinion of legal counsel without concurrence by the Board, except as such requests relate to questions regarding that member's participation. The Legal Counsel shall be available to the District District Manager for consultation on applicable issues and activities.

1045.3 The District Auditor shall be appointed by the Board by a majority vote in a public meeting. The Board shall determine the duties and compensation of the Auditor. The Auditor shall serve at the pleasure of the Board. Selection of the Auditor shall be done in a noticed public meeting and at least every five years.

- a) The Board may appoint a committee to oversee the work of an independent auditor, who will report to the Board, to conduct an annual audit of the District's books, records, and financial affairs in accordance with state law and the Finance Committee Charter for Audit Compliance. The Chief Financial Officer/District Manager will install and maintain an accounting system that will completely, and at all times, show the financial condition of the District.

POLICY TITLE: Accounts Receivable Policy
POLICY NUMBER: 2100

2100.1 It is the policy of the District that accounts receivable be reviewed monthly, as it is critical to the cash flow of the District and requires continued follow-up and attention.

2100.2 Procedures:

- a) The accounts receivable balances are reviewed monthly by District Manager, along with assigned staff.
- b) Notices are sent for all accounts 30 or more days past their due date.
- c) Finance charges of [x] percent per month are assessed on all accounts past due as provided by District [identify the ordinance or resolution imposing late payment charges].
- d) At month-end closing, an accounts receivable schedule is prepared, reviewed, and reconciled by the District Manager.

POLICY TITLE: Asset Protection and Fraud in the Workplace
POLICY NUMBER: 2105

2105.1 Purpose and Scope: To establish policy and procedures for clarifying acts that are considered to be fraudulent, describing the steps to be taken when fraud or other dishonest activities are suspected, and providing procedures to follow in accounting for missing funds, restitution and recoveries.

2105.2 The Corning Healthcare District {DISTRICT} is committed to protecting its assets against the risk of loss or misuse. Accordingly, it is the policy of the DISTRICT to identify and promptly investigate any possibility of fraudulent or related dishonest activities against the Corning Healthcare District and, when appropriate, to pursue available legal remedies.

2105.3 Definitions:

- a) Fraud – Fraud and other similar irregularities include, but are not limited to:
- 1) Claim for reimbursement of expenses that are not job-related or authorized by District policy;
 - 2) Forgery, falsification, or unauthorized alteration of documents or records (including but not limited to checks, promissory notes, time sheets, independent contractor agreements, purchase orders, budgets, etc.);
 - 3) Misappropriation of District assets (including but not limited to funds, securities, supplies, furniture, equipment, etc.);
 - 4) Inappropriate use of District resources (including but not limited to labor, time, and materials);
 - 5) Improprieties in the handling or reporting of money or financial transactions;
 - 6) Authorizing or receiving payment for goods not received or services not performed;
 - 7) Computer-related activity involving unauthorized alteration, destruction, forgery, or manipulation of data or misappropriation of District-owned software;
 - 8) Misrepresentation of information;
 - 9) Theft of equipment or goods;
 - 10) Any apparent violation of federal, state, or local laws related to dishonest activities or fraud;
 - 11) Seeking or accepting anything of material value from those doing business with the District including vendors, consultants, contractors, lessees, applicants, and grantees. Materiality is determined by the District's Conflict of Interest Code which incorporates the Fair Political Practices Commission's regulations;
 - 12) Any other conduct, actions or activities treated as fraud or misappropriation under any federal or state law, rule or regulation.

- b) Employee – In this context, employee refers to any individual or group of individuals who receive compensation, either full- or part-time, including members of the Board of Directors, from the Corning Healthcare District. The term also includes any volunteer who provides services to the DISTRICT through an authorized arrangement with the District or a District organization.
- c) Management – In this context, management refers to any manager, supervisor, or other designated individual who manages or supervises District's resources or assets.
- d) Internal Audit Committee – In this context, if the claim of fraud involves anyone other than the District's District Manager, the Internal Audit Committee shall consist of the District Manager, the District's Legal Counsel and any other persons appointed to the Internal Audit Committee by the District Manager. If the claim of fraud involves the District's District Manager, the Internal Audit Committee shall consist of the President of the Board of Directors of the District, the District's Legal Counsel and those persons appointed to the Internal Audit Committee by the President of the Board. Nothing contained in this policy shall be construed as requiring the District Manager or the President of the Board to appoint other persons to the Internal Audit Committee. Individuals appointed to the Internal Audit Committee by the District Manager or the President of the Board other than the District's Legal Counsel shall serve at the pleasure of the District Manager or the President of the Board.
- e) External Auditor – In this context, External Auditor refers to independent audit professionals who perform annual audits of the District's financial statements.

2105.4 It is the District's intent to fully investigate any suspected acts of fraud, misappropriation, or other similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, and length of service or relationship with the District of any party who might be or become involved in or becomes the subject of such investigation. An employee that is being investigated for fraud may request representation by a representative of any recognized bargaining unit that represents the employee.

2105.5 Each department of the District is responsible for instituting and maintaining a system of internal controls to provide reasonable assurance of the prevention and detection of fraud, misappropriations, and other irregularities. Management staff should be familiar with the types of improprieties that might occur within their areas of responsibility and be alert for any indications of such conduct.

2105.6 For claims of fraud not involving the District Manager, the District Manager or an Internal Audit Committee appointed by the District Manager shall have primary responsibility for investigation of activity covered by this policy. For claims of fraud involving the District Manager, the President of the Board or an Internal Audit Committee appointed by the President shall have primary responsibility for investigation of activity covered by this policy. The District's District Counsel shall advise the Committee, the District Manager or the Board President on all such investigations.

2105.7 Throughout the investigation, the Internal Audit Committee will inform the District Manager of pertinent investigative findings

2105.8 An employee will be granted whistle-blower protection when acting in accordance with this policy so long as he or she has not engaged in activity that violates this policy. When informed of a suspected impropriety, neither the District nor any person acting on its behalf shall:

- a) Dismiss or threaten to dismiss an employee providing the information,
- b) Discipline, suspend, or threaten to discipline or suspend such an employee,
- c) Impose any penalty upon such an employee, or
- d) Intimidate or coerce such an employee.

Violations of this whistle-blower protection policy will result in discipline up to and including termination.

2105.9 Upon conclusion of the investigation, the results will be reported to the District Manager or, if the investigation involves the District Manager, the Board President, who shall advise the Board of Directors.

2105.10 Following review of investigation results, the District Manager or the Board President, as the case may be, will take appropriate action regarding employee misconduct. Disciplinary action can include termination, referral of the case for criminal prosecution, or both.

2105.11 The District Manager or the District Counsel will pursue every reasonable effort, including court-ordered restitution, to obtain recovery of District losses from the offender, other responsible parties, insurers, or other appropriate sources.

2105.12 Procedures:

2105.12.1 Board of Directors Responsibilities

- a) If a Board Member has reason to suspect a fraud has occurred, he or she shall immediately contact the District Manager or the Board President, if the activity involves the District Manager, and the District's Legal Counsel.
- b) The Board Member shall not attempt to investigate the suspected fraud or discuss the matter with anyone other than the District Manager or Board President, as the case may be, and the District's Legal Counsel.
- c) The alleged fraud or audit investigation shall not be discussed with the media by any person other than the District Manager or the Board President after consultation with the District's Legal Counsel and any Internal Audit Committee appointed as to the matter.

2105.12.2 Management Responsibilities

- a) Management staff are responsible for being alert to, and reporting fraudulent or related dishonest activities in their areas of responsibility.
- b) Each manager should be familiar with the types of improprieties that might occur in his or her area of responsibility and be alert for any indication that improper activity, misappropriation, or dishonest activity did occur or is occurring.
- c) When an improper activity is detected or suspected, management should determine whether an error or mistake has occurred or if there may be dishonest or fraudulent activity.

- d) If a manager determines a suspected activity may involve fraud or related dishonest activity, he or she should contact his or her immediate supervisor or the District's District Manager. If the activity involves the District Manager, it shall be reported to the Board President or the District's Legal Counsel.
- e) Managers should not attempt to conduct individual investigations, interviews, or interrogations other than as directed by the District Manager or District Counsel. However, manage staff are responsible for taking appropriate corrective actions to implement adequate controls to prevent recurrence of improper actions.
- f) Management staff should support the District's responsibilities and cooperate fully with the Internal Audit Committee, other involved departments, and law enforcement agencies in the detection, reporting, and investigation of criminal acts, including the prosecution of offenders.
- g) Management staff must give full and unrestricted access to all necessary records and Personnel to those responsible for identifying, investigating and remedying fraud and related dishonest acts. All District assets, including furniture, desks, and computers, are open to inspection at any time. No District officer, agent or employee has a reasonable expectation of privacy in District property and other resources to preclude such inspection.
- h) In dealing with suspected dishonest or fraudulent activities, great care must be taken. Therefore, management staff should avoid the following:
 - 1) Incorrect accusations;
 - 2) Alerting suspected individuals that an investigation is underway;
 - 3) Treating employees unfairly; and
 - 4) Making statements that could lead to claims of false accusations or other offenses.
- i) In handling dishonest or fraudulent activities, managers have the responsibility to:
 - 1) Make no contact (unless requested) with the suspected individual to determine facts or demand restitution. Under no circumstances should there be any reference to "what you did", "the crime", "the fraud", "the misappropriation", etc;
 - 2) Avoid discussing the case, facts, suspicions, or allegations with anyone outside the District, unless specifically directed to do so by the District Manager; and
 - 3) Avoid discussing the case with anyone inside the District other than employees who have a need to know such as the District Manager, Internal Audit Committee, the District's Legal Counsel or law enforcement personnel.
 - 4) Direct all inquiries from the suspected individual, or his or her representative, to the District Manager, the Board President, or the District's Legal Counsel. All inquiries by an attorney of the suspected individual should be directed to the District Manager or the District's Legal Counsel. All inquiries from the media should be directed to the District Manager or the Board President, if the activity involves the District Manager.
 - 5) Take appropriate corrective and disciplinary action, up to and including dismissal, after consulting with the [position or department] and Legal Counsel, in conformance with District policy and applicable law.

- a) A suspected fraudulent incident or practice observed by, or made known to, an employee must be reported to the employee's supervisor for reporting to the proper management official.
- b) When an employee believes his or her supervisor may be involved in inappropriate activity, the employee shall make the report to the next higher level of management and/or the District Manager. If the activity involves the District Manager, it shall be reported to the Board President or the District's Legal Counsel.
- c) A reporting employee shall refrain from further investigation of the incident, confrontation with the alleged violator, or further discussion of the incident with anyone, unless requested by the District Manager, Internal Audit Committee, the District's Legal Counsel, or law enforcement personnel.

2105.12.4 Internal Audit Committee Responsibilities

- a) Upon assignment by the District Manager or the Board President, an Internal Audit Committee will promptly investigate the fraud.
- b) In all circumstances where there is reason to suspect a criminal fraud has occurred, the Internal Audit Committee, in consultation with the District Manager or the Board President and Legal Counsel will contact the appropriate law enforcement agency. If the District Manager is suspected of involvement in the fraud the Board President and Legal Counsel will contact the appropriate law enforcement agency.
- c) The Internal Audit Committee shall be available and receptive to relevant, confidential information to the extent allowed by law after consultation with the District's Legal Counsel.
- d) If evidence is uncovered showing possible dishonest or fraudulent activities, the Internal Audit Committee will:
 - 1) Discuss the findings with management and the District Manager;
 - 2) Advise management, if the case involves District staff members, to meet with the District manager (or his/her designated representative) to determine if disciplinary action should be taken;
 - 3) Report to the External Auditor such activities to assess the effect of the illegal activity on the District's financial statements;
 - 4) Coordinate with the District's risk manager regarding notification to insurers and filing of insurance claims;
 - 5) Take immediate action, after consultation with the Legal Counsel, to prevent the theft, alteration, or destruction of evidence. Such action shall include, but is not limited to:
 - a) Removing relevant records and placing them in a secure location, or limiting access to those records
 - b) Preventing the individual suspected of committing the fraud from having access to the records.
 - 6) In consultation with the District Legal Counsel and the local law enforcement agency, the Internal Audit Committee may disclose particulars of the investigation with potential witnesses if such disclosure would further the investigation.

- 7) If the Internal Audit Committee is contacted by the media regarding an alleged fraud or audit investigation, the Internal Audit Committee will refer the media to the District Manager or Board President, if the activity involves the District Manager.
- 8) At the conclusion of the investigation, the Internal Audit Committee will document the results in a confidential memorandum report to the District Manager or the Board President for action. **If the report concludes that the allegations are founded and the District's Legal Counsel has determined that a crime has occurred, the report will be forwarded to the appropriate law enforcement agency.**
- 9) The Internal Audit Committee shall make recommendations to the appropriate department as to the prevention of future similar occurrences.
- 10) Upon completion of the investigation, including all legal and personnel actions; all records, documents, and other evidentiary material, obtained from the department under investigation will be returned by the Internal Audit Committee to that department.

2105.13 Exceptions

There will be no exceptions to this policy unless provided and approved in writing by the District Manager or the Board President and the District Legal Counsel. The Board of Directors reserves the right to amend, delete, or revise this policy at any time by formal action of the Board of Directors.

POLICY TITLE: Budget Preparation
POLICY NUMBER: 2110

2110.1 An annual budget proposal shall be prepared by the District Manager.

2110.2 Before review by the Board of Directors, the Board's Finance Committee shall meet with the District Manager to review his/her annual budget proposal.

2110.3 The proposed annual budget as reviewed and amended by the Finance Committee shall be reviewed by the Board at its regular meeting in May.

2110.4 The proposed annual budget as amended by the Board during its review shall be adopted at its regular meeting in July.

POLICY TITLE: Credit Card Use

POLICY NUMBER: 2115

2115.1 Purpose: The purpose of this policy is to prescribe the internal controls for management of District credit cards.

2115.2 Scope: This policy applies to all individuals who are authorized to use District credit cards and/or who are responsible for managing credit card accounts and/or paying credit card bills.

2115.3 Implementation: A credit card shall be issued to the District Manager, Maintenance Manager and Senior Program Director. Credit cards shall not be issued or used by members of the Board of Directors. Directors will use their personal credit cards for lawful expenses of the District and seek reimbursement on a form provided by the District for that purpose.

- a) All credit card bills shall be paid timely to avoid late fees and finance charges.
- b) All credit card expenses shall be reasonable and necessary to the furtherance of District business. No personal expenses shall be charged on a District credit card. If a transaction involves both personal and District business, the employee shall pay for the transaction personally and request reimbursement by the District of the appropriate portion of the expense.
- c) All credit card transactions shall have third-party documents (receipts) attached and the District purpose annotated by the cardholder.
- d) The Board of Directors shall review and approve credit card transactions by the General Manager, Maintenance Manager and Senior Program Director. The District Manager shall review and approve credit-card transactions by the Maintenance Manager and Senior Program Director.
- e) All records of the District involving credit card use, including receipts, invoices, and requests for reimbursement are disclosable public records to be maintained consistently with the District's records management policy.

POLICY TITLE: Expense Authorization
POLICY NUMBER: 2125

2125.1 All purchases made for the District by staff shall be authorized by the District Manager], and shall be in conformance with the approved District budget.

2125.2 Any commitment of District funds for a purchase or expense greater than \$20,000.00 [or other appropriate amount] shall first be submitted to the Board of Directors for approval, or shall be in conformance with prior Board action and/or authorizations.

2125.3 A "petty cash" fund shall be maintained in the District office having a balance-on-hand maximum of \$100 .

- a) Petty cash may be advanced to District staff or Directors upon their request and the execution of a receipt for same, for the purpose of procuring item(s) or service(s) appropriately relating to District business. After said item(s) or service(s) have been obtained, a receipt for same shall be submitted to the District Manager and any remaining advanced funds shall be returned. The maximum petty cash advance shall be \$50.00 [or other appropriate amount].
- b) No personal checks shall be cashed in the petty cash fund.
- c) The petty cash fund shall be included in the District's annual independent accounting audit.

2125.4 Whenever employees or Directors of the District incur "out-of-pocket" expenses for item(s) or service(s) appropriately relating to District business as verified by valid receipts, said expended cash shall be reimbursed upon In those instances when a receipt is not obtainable, the requested reimbursement shall be approved by the District manager before remuneration. The District may establish a reimbursement request form and, if it does, no reimbursement will be made without submission of a request on that form.

2125.5 Requests for reimbursement to the District must have a good faith basis. Submission of a request for a reimbursement without such a basis shall subject the requestor to appropriate sanctions, up to and including termination of employment and referral to an appropriate law enforcement agency for prosecution.

POLICY TITLE: Reserve Policy
POLICY NUMBER: 2150

2150.1 Purpose: The Corning Healthcare District shall maintain reserve funds from existing unrestricted funds as designated by the District's Reserve Policy. This policy establishes the procedure and level of reserve funding to achieve the following specific goals:

- a) Maintenance Fund replacement and major repairs for the District's physical assets.
- b) Technical Fund regular replacement of computer hardware and software.
- c) Grant Fund designated conservation projects/programs or other special uses not otherwise funded by grants or requiring additional monetary support, such as capital improvements; ;
- d) Operational Reserves Fund Maintain minimal operational sustainability in periods of economic uncertainty.

The District shall account for reserves as required by Governmental Accounting Standards Board Statement No. 54, which distinguishes reserves as among these classes: non-spendable, restricted, committed, assigned and unassigned. The reserves stated by this policy, unless otherwise required by law, contract, or District policy shall be deemed "assigned" reserves.

- a) 2150.2 Policy: Use of District Reserves is limited to available "Unrestricted" Funds (not obligated by law, contract or agreement), including donations, interest earned, fees for service or other non-grant earnings. All special use funds will be designated by formal action of the Board of Directors.

Maintenance Reserve Repair/Operations & Administrative Operations Reserve:

Facility & Administrative Operations Reserves will accumulate from existing unrestricted funds at a rate of 25,000 annually. The maximum amount of Facility & Administrative Operations Reserves will be 100,000. When the annual accumulation would increase the Reserve beyond 100,000 (equivalent of three years of Operations Reserves), only the amount required to reach the maximum will be reserved.

b) Technology Reserve:

Technology Reserves will accumulate from existing unrestricted funds at a rate of \$4,000 annually. The maximum amount of Technology Reserves will be \$10,000. When the annual accumulation would increase the Reserve beyond \$10,000, only the amount required to reach the maximum will be reserved.

c) Grant Fund Designated Project/Special Use Reserve:

Designated Project/Special Use Reserves will accumulate from existing unrestricted funds at a rate of 12,000 annually. The maximum amount of Designated Project/Special Use Reserve will be \$50,000. When the annual accumulation would increase the Reserve beyond \$50,000, only the amount required to reach the maximum will be reserved.

d) Capital Improvement Reserve: Senior Living Rehab Center Capital will accumulate from existing unrestricted funds at a rate of 24,000 annually. The maximum amount of Capital Improvement Reserves will be \$2,000,000. When the annual accumulation would increase the Reserve beyond \$2,000,000, only the amount required to reach the maximum will be reserved.

e) Operations & Administrative Operations Reserve:

Facility & Administrative Operations Reserves will accumulate from existing unrestricted funds at a rate of [\$260,000] annually. The maximum amount of Facility & Administrative Operations Reserves will be [\$780,000]. When the annual accumulation would increase the Reserve beyond [\$780,000] (equivalent

of three years of Operations Reserves), only the amount required to reach the maximum will be reserved.

(f) Total All Reserve Funds:

The total amount of Reserves designated annually from all funds shall be [\$309,000] with a cumulative accrual cap of [\$2,000,000].

2150.3 Using Reserve Funds:

a) Technology Reserve:

Technology Reserves will be used to purchase hardware and software in support of District operations, with the intent of maintaining a modern technology for employees.

b) Capital Improvements Reserve Special Use Reserve:

Projects, programs or special uses will be identified by the District Manager and/or the Board of Directors and approved by the Board. Uses must further the mission of the District and will be evaluated for designation according to value to the District and the people it serves.

c) :

Capital Improvements Reserves Maintenance shall be limited to costs related to making changes to improve capital assets, increase their useful life, or add to the value of these assets.

Operations/Repair & Administrative Operations Reserve:

d) Operational Reserves shall be accrued to ensure three years of minimal facility and administrative functions, at a rate of \$260,000. Reserve funds shall be utilized to support:

- 1) Administrative operational functions, including minimal staffing levels and administrative/office expenses;
- 2) facility operations;
- 3) facility repairs (distinguished from Capital Improvements and may include painting, caulking of seams, roof repairs, HVAC repairs, patching of walls, etc.).

2150.4 Monitoring Reserve Levels: The General Manager, in collaboration with the [position title] Secretary/Treasurer, shall perform a reserve status analysis annually, to be provided to the Board of Directors' annual deliberation/approval of Budget and Reserve Funds.

Additional information may be provided to the Board of Directors upon the occurrence of the following events:

- a) When a major change in conditions threatens the reserve levels established by this policy or calls into question the effectiveness of this policy;
- b) Upon District Manager and/or Board request.

POLICY TITLE: Disposal of Surplus Property or Equipment
POLICY NUMBER: 2200

2200.1

- a) Old printers, computers etc are donated to school projects or non-for-profit organizations when possible
- b) Burned out motors, saws, etc are taken apart, and disposed of in the trash or recycling. A log shall be kept of date of purchase and replacement as well as reason for destruction.
- c) Broken furniture that is beyond repair may be set by the dumpster. If not taken, they will be placed in dumpster before the next pickup date.
- d) Balusters and electrical equipment shall be spray-painted, and wires cut so that they cannot be reused then disposed of properly according to local ordinances

2200.2 Sale of Real Estate:

- a) Board takes action to declare property surplus and authorizes District staff to obtain appraisal.
- b) Property is offered to public agencies at the appraised price. (State law requires that public agencies have the opportunity to purchase property before advertisement to the general public.)
- c) If property is not purchased by a public agency, it is advertised in the newspaper with a request that sealed bids be submitted to the District.
- d) Board takes action at the next regular Board Meeting to accept or reject highest bid.
- e) Bidders are notified of the Board's action.

2200.3 Conflicts of Interest: As required by Government Code section 1090, no officer or employee of the District who plays any role in declaring District property surplus may bid on that property.

POLICY TITLE: Use/Rental of District Facility

POLICY NUMBER: 2210

2210.1 The District owns and operates various facilities to carry out its mission. The District has determined that the public or other entities may be allowed to rent or use facilities that have been identified as appropriate for such use. The Board of Directors of the District reserve the right to limit or prohibit use of facilities as may be necessary to meet district needs from time to time. The District's procedure for use of facilities is as follows:

- a) Organizations or individuals shall submit requests to the District's District Manager in advance (30 calendar days or more) for use of one or more facilities. The request shall include the date(s), times and proposed uses including information deemed pertinent by the District Manager to verify that the use is acceptable. The District Manager will notify the applicant of approval or denial of the request within 15 days unless more information is required for a decision.
- b) Organizations or individuals whose request is denied by the District Manager may request a hearing with the District Board of Directors for reconsideration of their request. A hearing shall be held within 30 days of receipt of such a request in writing outlining the reasons for the request and any explanation of the factors appealed by the applicant.

2210.2 The Board of Directors may establish a user fee and deposit fee schedule for various facilities by resolution using criteria and costs borne by the District for operation and maintenance of such facilities. The user fee may be adjusted from time to time to reflect changes in costs of use and maintenance of the facility.

- a) District staff shall collect a deposit and estimated use fee in advance of reserving a facility. The deposit shall include a reasonable estimate of the clean-up and administrative time for handling the reservation. The deposit may be refundable to the extent that clean-up costs are less than the deposit, minus the administrative processing costs.

2210.3A priority schedule for use of facilities may be established using the following general criteria:

- a) Use by the Registrar of Voters for elections;
- b) Community activities which directly benefit the District or its customers;
- c) Public or non-profit organizations for non-political or non-commercial uses; and
- d) Commercial or private uses related to health to the extent that other users have not expressed an interest in use of the facility for that date at least 30 days in advance.

2210.4 Any organization or individual requesting use of District facilities shall be required to provide special liability insurance coverage, on a form acceptable to the District, or compensate the District for special use insurance coverage if deemed necessary by the District. If alcohol is to be served, an alcohol liability insurance rider is required. Any organization or individual requesting use of District facilities shall execute a waiver of liability form as deemed necessary by the District for each event in advance of final approval of the use of the facility.

2210.5 All requesting organizations will be required to comply with Federal, State and local laws in the use of District facilities. If special permits such as large gathering permits, fire or building code or use of alcohol permits are required, any preliminary approval of a use will be contingent upon satisfactory proof of compliance with all

permit requirements before a final approval will be issued. Failure to complete final permits requirements may be grounds for rejection or revocation of use approval and grounds for denial of future use requests.

POLICY TITLE: Press Relations
POLICY NUMBER: 2405

2405.1 Purpose:

The purpose of this policy is to provide for an orderly presentation to the press of factual information about District activities and Board action.

2405.2 Press Relations:

The District Manager is hereby designated as the official of the District to represent the District to the press. Employees of the District shall refer all press inquiries to the District Manager. Board members and other District officials are encouraged to refer press inquiries regarding District activities and Board actions to the District Manager or the President of the Board. Individual Board members should take care not to represent their own opinions as those of the Board or the District, even when those opinions coincide with formal Board action.

2405.3 Press Releases:

Press releases regarding the District shall be approved by the District Manager and/or the President of the Board. Whenever possible, all members of the Board shall be given an opportunity to review proposed press releases. Board members should take care not to comment on proposed press releases outside Board meetings in a way that might constitute a serial meeting violation of the Brown Act. Thus, comments should be directed to the President of the Board, the General Manager, or both, but not to other members of the Board.

POLICY TITLE: Public Complaints
POLICY NUMBER: 2410

2410.1 The Board of Directors desires that public complaints be resolved at the lowest possible administrative level, and that the method for resolution of complaints be logical and systematic.

2410.2 A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, State, or Federal law by an individual who has been adversely affected by that alleged violation or misinterpretation.

2410.3 Complaints shall be resolved as follows:

(a) An individual with a complaint shall first discuss the matter with the District Manager [or other responsible employee] to resolve the matter informally if possible.

(b) If there is the smallest chance of legal action, the District Manager shall consult with the attorney for the district

(c) If an individual filing a complaint is not satisfied with the disposition of the matter by the District Manager he/she may request consideration by the Board of Directors by filing said request in writing within ten (10) days of receiving the District Manager's decision. The Board may consider the matter at its next regular meeting, call a special meeting, or decline to consider the matter further. In making a decision, the Board may conduct conferences, hear testimony, and review the materials provided to the District Manager. The Board's final decision shall be memorialized in writing, copied to the individual registering the complaint. The action of the Board, including an action to decline to consider a complaint, is the final action of the District, not subject to further internal appeal.

2410.4 This policy is not intended to prohibit or deter a member of the community or a staff member from appearing before the Board to orally present testimony, a complaint, or a statement in regard to actions of the Board, District programs and services, or pending considerations of the Board as permitted by the Brown Act. Nothing in this policy shall alter the duties of District employees to protect the District's confidences and avoid insubordination and as otherwise provided by law and District policy.

POLICY TITLE: District Web Page
POLICY NUMBER: 2420

Policy:

2420.1 It is District policy to control the content and accuracy of the information provided on the District's Web page. All information will be directed to the District Manager acting in the capacity of the District Web manager. All information posted on the District website must be consistent with the District's mission and public interest and the District's social media policy.

Procedure:

2420.2 Any District Board Director, official or employee may request postings to the District Web page through the District Manager or his/her designated representative. Postings must be non-political in nature. The District Manager who shall approve, modify, or deny the request. Postings shall be submitted in Word format as an e-mail attachment unless only a hard copy is available. In either case, it is the submitter's responsibility to check the item for accuracy both prior to submission and after posting to the Web page to insure no inadvertent errors appear on the final document. The submitter shall inspect the posted submission within 24 hours of posting.

- a) The District Manager or his or her designee shall submit the approved request for inclusion on the web page and, when necessary, to suggest alternative solutions.
- b) The District Manager or his or her designee shall also manage removal of outdated postings.

2420.3 Privacy Policy.

Last Updated: [date]

The following privacy policy shall be posted to the District's website under a link on the home page.

The Corning Healthcare District is concerned about privacy issues and wants you to be familiar with how we collect, use and disclose information. We are pleased to provide this Privacy Policy to inform you of our practices as information that we collect through this website. Please note that this Privacy Policy applies only to our online information-gathering and dissemination practices conducted in connection with this website, and does not apply to any of our practices conducted offline. If you have any questions or comments about the Privacy Policy or our privacy practices, please contact us at Healthyreminders4u@gmail.com.

By accessing or using this website, you agree with all the terms of this Privacy Policy, so please do not access or use this website if you do not.

We may change this Privacy Policy at any time. Please take a look at the "Updated" legend at the top of this page to see when this Privacy Policy was last revised. Any changes to this Privacy Policy will become effective when posted to this website. By accessing or using the website after any such changes, you accept the revised Privacy Policy.

Personal Information We May Collect

We collect two types of information through this website: Personal Information and Other Information. "Personal Information" is information that identifies you or relates to you as an individual. "Other Information" is any information that does not reveal your specific identity or does not directly relate to an individual. Other Information is addressed below, under the heading "Other Information".

We may collect Personal Information through the Sites such as:

- Name
- Email address
- Mailing Address
- Preferences for electronic or physical delivery of newsletters

We may use Personal Information:

- to respond to your inquiries and fulfill your requests, such as to send you information, to register you for events, and to provide you District services.
- to keep a record of your contact information and correspondence, if you contact us through this website and to respond to you.
- to send you administrative information, including information regarding the websites and changes to our terms, conditions and policies.
- to facilitate social sharing functionality.
- for our internal business purposes, such as improving or modifying this website and operating and expanding our services.
- as we believe to be necessary or appropriate: (a) under applicable law, including laws outside your country of residence; (b) to comply with legal process; (c) to respond to requests from public or government authorities, including public or government authorities outside your country of residence; (d) to enforce our terms and conditions; (e) to protect our operations or those of any of our affiliates; (f) to protect our rights, privacy, safety or property, or yours or others'; or (g) to pursue available remedies or limit the damages that we may sustain.

How Personal Information May Be Disclosed:

- to third-parties provide us services such as website hosting, data analysis, IT services and infrastructure, customer service, email delivery, auditing and the like.
- to a third party (whether affiliated or unaffiliated with us) upon any reorganization of the District or transfer or some of all of its services to another entity.
- by you, on message boards, blogs and other services to which you are able to post information. Please note that any information you post or disclose through these services will become public information, and may be available to visitors to this website and to the general public. We urge you to be thoughtful when disclosing your Personal Information, or any other information, on this site.
- to your friends associated with your social media account, to other website users as well as to your social media account provider, in connection with your social sharing activity, such as if you connect your social media account to your use of this website. By connecting your use of this website to your social media account, you authorize us to share information with your social media account provider and you understand that the use of the information we share will be governed by

the social media site's privacy policy. If you do not want your Personal Information shared with other users or with your social media account provider, please do not connect your social media account with your use of this website and do not participate in social sharing on this website.

- as we believe to be necessary or appropriate: (a) under applicable law, including laws outside your country of residence; (b) to comply with legal process; (c) to respond to requests from public or government authorities, including public or government authorities outside your country of residence; (d) to enforce our terms and conditions; (e) to protect our operations; (f) to protect our rights, privacy, safety or property, or yours or others'; or (g) to allow us to pursue available remedies or limit the damages that we may sustain.

Other Information We May Collect:

"Other Information" is any information that does not reveal your identity or relate to an individual, such as:

- Browser information
- Information collected through cookies, pixel tags and other technologies
- Demographic information and Other Information you provide
- Aggregated information
- Zip codes

How We May Collect Other Information:

We and our third-party service providers may collect Other Information in a variety of ways, including:

- Through your browser: Most Internet browsers transmit certain information to websites that you visit, such as your computer's type (Windows or Macintosh) and its Media Access Control (MAC) address and screen resolution, and the type and version of your computer's Operating System and browser. We use this information to ensure this website functions properly.
- Using cookies: Cookies are text files, containing small amounts of information, which are downloaded to your computer, or smartphone or other device by which you visit a website. Cookies allow us to recognize your browsing device to assist with your use of this website. This can include helping us understand how this website is used, letting you navigate between pages efficiently, remembering your preferences, and generally improving your browsing experience. Cookies can also help ensure marketing you see online is more relevant to you and your interests, although we do not intentionally use them for that purpose, our service providers may.
- If you do not want information to be collected through the use of cookies on your computer, most browsers allow you to automatically decline the transfer of cookies to your computer or other device, or to be given the choice of declining or accepting a particular cookie (or cookies) from a particular website. If cookies are disabled, however, some features of this website may not operate as intended. Information about procedures to disable cookies can be found on your Internet browser provider's website.
- Using applications: We may use applications, including mobile applications or widgets, to collect information from you.
- Using pixel tags and other similar technologies: Pixel tags (also known as web beacons and clear GIFs) may be used in connection with some website pages and HTML-formatted email messages to, among other things, track the actions of users of this website and email recipients, measure the success of marketing campaigns and compile statistics about use of this website and response rates.
- IP Address: Your "IP Address" is a number that is automatically assigned to your computer or other web-browsing device by your Internet Service Provider (ISP). An IP Address is identified and logged automatically in our server log files whenever a user visits this website, along with the time of visit and

the page(s) visited. Collecting IP Addresses is standard practice on the Internet and many websites do it automatically. We use IP Addresses for purposes such as measuring use of this website, helping diagnose server problems and administering this website.

- From you: We collect information when you provide it voluntarily, such as your company, title, interests and preferred means of communication. Unless combined with Personal Information, such information does not personally identify you or any other user of this website.
- By aggregating information: Aggregated Personal Information does not personally identify you or any other user of this website. For example, we may aggregate Personal Information to calculate the percentage of our users who have a particular telephone area code.

How We May Use and Disclose Other Information:

We may use and disclose Other Information for any purpose, except when applicable law requires to treat Other Information as Personal Information. In those situations, we may use and disclose Other Information for the purposes for which we use and disclose Personal Information.

In some instances, we may combine Other Information with Personal Information (such as combining your name with your company and title). If we combine any Other Information with Personal Information, we will treat the combined information as Personal Information as long as it is so combined.

Third Party Sites:

This Privacy Policy does not address, and we are not responsible for, the privacy, information or other practices of any third parties, including any third party operating any site to which this website contains a link. Please read the terms, conditions and policies of third-party sites before accessing or using them. The inclusion of a link on the Sites does not imply our endorsement of the linked site.

Security:

We use reasonable organizational, technical and administrative measures to protect Personal Information under our control. Unfortunately, no data storage system or method of Internet data transmission is perfectly secure. Please do not send sensitive or confidential information to us by email or by any other means in connection with this website. If you have reason to believe that your communications with us have been compromised in any way, please immediately notify us of the problem by contacting us as provided in the "Contact Us" page of this website.

Choices and Access:

Your choices regarding our use of your Personal Information for marketing purposes

You may opt-out of receiving these marketing-related emails by following the unsubscribe instructions in any message we send you, by emailing us at [contact email address]. We strive to honor such request(s) as soon as reasonably practicable.

How you can access, change or suppress your Personal Information:

You may request to review, correct, update, suppress or otherwise modify any Personal Information that you have previously provided to us through this website, or object to our use of such Personal Information by emailing us at [contact email address] or by other means as noted on the "Contact Us" portion of this website. You may also oppose the processing or transferring of Personal Information to the extent the laws of your country require, if you have a legitimate reason to do so.

In your request, please state what information you would like us to change, and whether you would like to have your Personal Information removed from our database or otherwise let us know what limitations you would like to

place on our use of your Personal Information. For your protection, we will only implement requests with respect to the Personal Information associated with the particular email address that you use to send us your request, and we may need to verify your identity before doing so. We strive to comply with requests as soon as reasonably practicable.

We may need to retain certain information for recordkeeping purposes, and there may also be residual information that will remain in our databases and other records. Such information will not be removed. We may, from time to time, re-contact former users of this website. Finally, we are not responsible for removing information from the databases of third parties (such as service providers) with whom we have shared your Personal Information.

Retention Period:

We will retain your Personal Information as necessary to fulfill the purposes outlined in this Privacy Policy unless a longer retention period is required or allowed by law.

Use of Site by Minors:

The Sites is not directed to children under the age of 13 and we request they not provide Personal Information through this website.

Cross-Border Transfer:

Your Personal Information may be stored and processed in any country in which we engage service providers, and by using our Sites you consent to the transfer of information to countries outside of your country of residence, including the United States, which may have different data protection rules than those in your country.

Sensitive Information:

We ask that you not send us, and you not disclose, any sensitive Personal Information (e.g., Social Security numbers, credit card or other payment card information, information related to racial or ethnic origin, political opinions, religion or other beliefs, health, criminal background or trade union membership) on or through this website or otherwise except as necessary to pay for District services.

Contacting Us:

If you have any questions about this Privacy Policy, please contact us by email at Healthyreminders4u@gmail.com or by other means as noted on the "Contact Us" portion of this website. Please note that email communications are not secure; accordingly, please do not include credit card information or other sensitive or confidential information in your emails to us.

POLICY TITLE: Accommodations for Disability
POLICY NUMBER: 3100

3100.1 The employment related provisions of the Fair Employment and Housing Act ("FEHA") and the Americans with Disabilities Act ("ADA") apply to all employees and job applicants seeking employment with the District. Under the ADA, a qualified individual with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the position in which the individual is employed.

3100.2 The District will attempt to provide reasonable accommodation for known physical or mental disabilities if a job applicant or employee is otherwise qualified, unless undue hardship related to the necessity of business operations would result, in accordance with federal or state law. An applicant or employee who requires accommodation in order to perform the essential functions of the job should inform the District Manager, or his or her supervisor, to request an evaluation of such an accommodation. Generally, an interactive process meeting will be scheduled to discuss the request, job duties and possible accommodations.

Employee or applicant should contact his or her supervisor or the District Manager for further information.

POLICY TITLE: Demotion – Non-disciplinary
POLICY NUMBER: 3102

3102.1 The General Manager may demote an employee, with the written consent of the employee, to a vacant position in lieu of layoff, provided the employee possesses the desired qualifications for the position to which he/she is assigned.

3102.2 At least five working days before a non-disciplinary demotion becomes effective, written notice of the action shall be provided to the employee and the payroll department.

3102.3 The General Manager shall provide the employee with written job duties within five working days of starting the new position and a written performance review within six months. The employee shall be subject to a probationary period, generally a three-month period. In the event that the employee does not perform satisfactorily within the probationary period, the General Manager shall have the discretion of extending the employee's probationary period or terminating the employee.

POLICY TITLE: Disciplinary Action
POLICY NUMBER: 3104

3104.1 The District expects all of its employees to act in the best interest of the District and its customers and residents. It is the responsibility of all employees to observe all rules, guidelines, and operating procedures of the District. The District further expects that each of its employees will act in a polite and professional manner when dealing with members of the public and other employees. These General Rules of Conduct, along with the "Examples of Unacceptable Conduct" listed below, are not meant to be all-inclusive, but rather to provide illustrations of acceptable conduct versus problematic conduct.

3104.2 Examples of Unacceptable Conduct. The following list presents examples of some of the types of unacceptable conduct that may result in disciplinary action, up to and including immediate termination. This list is not an exhaustive list of what may result in discipline, up to and including immediate termination:

- Discourteous treatment of the public or fellow employees
- Drinking of intoxicating beverages or use of illegal or nonprescribed drugs on the job, or arriving on the job under the influence of such beverages or drugs;
- Habitual absence or tardiness;
- Abuse of sick leave;
- Disorderly conduct;
- Incompetence or inefficiency;
- Being wasteful of material, property, or working time;
- Violation of any lawful or reasonable regulation or order made and given by an employee's supervisor;
- Neglect of duty;
- Dishonesty or fraud;
- Misuse of District property;
- Willful disobedience;
- Conduct unbecoming a District employee;
- Violation of the District's Unlawful Harassment Policy;
- Possession of firearms or dangerous weapons on District property;
- Theft.

3104.3 Types of Disciplinary Action. Disciplinary action includes oral warning, written warning, disciplinary probation, suspension, reduction in salary, demotion, or termination of employment.

3104.3.1 Oral Warning: Communication to an employee that his or her performance or behavior must be improved and failure to do so may result in more serious discipline. An employee's supervisor or the General Manager may note the date, time, and content of oral

- reprimand, but no record of oral reprimand shall be placed in the employee's personnel file unless subsequent action is necessary.
- 3104.3.2 **Written Warning:** A formal written notice to an employee that further disciplinary action will be taken unless his or her performance or behavior improves. A copy of the written reprimand is given to the employee and the original is filed in the employee's personnel file. The employee must acknowledge receipt of the written warning by signing the letter at the time of presentation; this signature signifies only the receipt of the document, it does not signify the employee's agreement with the allegations.
- 3104.3.3 **Disciplinary Probation:** This form of disciplinary action lasts for a specified period of time not to exceed six (6) months. Employees on disciplinary probation may be terminated for failure to meet performance or behavior standards as provided by in the employee's job classification.
- 3104.3.4 **Suspension:** The temporary removal of an employee from his or her duties without pay for disciplinary purposes for up to thirty (30) working days. Employees suspended from his or her employment with the District forfeit all rights, privileges, and salary with the exception of group health and life insurance benefits.
- 3104.3.5 **Reduction in Salary:** A decrease in salary paid to an employee for a specified period of time for disciplinary purposes.
- 3104.3.6 **Demotion:** The removal of an employee from a position to another position carrying a lower maximum rate of pay as a result of a disciplinary action.
- 3104.3.7 **Discharge:** The removal of an employee from District services, as provided for in these Guidelines.

3104.4 Disciplinary Notice/Appeal Procedure

This Section does not apply to probationary or temporary employees.

3104.4.1 Written Notice of Proposed Action

In the event the District imposes disciplinary action as described in sections 3104.3.3-3104.3.7 above, the employee will be given a notice of the disciplinary action.

- a) **Notice of Disciplinary Action.** Whenever a disciplinary action is to be taken against an employee, the employee shall be notified in writing of the proposed disciplinary action to be taken. The notice may be served upon the employee, either personally or by certified mail and shall contain the following information:
- 1) A statement of the disciplinary action to be taken;
 - 2) The effective date of the disciplinary action;
 - 3) The reason or cause of the disciplinary action;
 - 4) A summary of the facts upon which the charges are based;
 - 5) Notice that the employee may inspect copies of all materials upon which the disciplinary action is based; and
 - 6) A statement notifying the employee that he or she has ten (10) business days in which to respond orally or in writing regarding the proposed disciplinary action.

- 7) Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed.
- b) Notice of Suspension. Prior to the imposition of discipline as described in sections 3104.3.3-3104.3.7 above, a regular employee shall be provided a written notice or "Skelly letter" by the employee's supervisor or General Manager proposing to implement discipline which contains:
- 1) Notice of the proposed action;
 - 2) The reasons for the proposed action;
 - 3) A copy of the charges and any materials upon which the proposed action is based;
 - 4) Notice that the employee is entitled to an opportunity to respond within five (5) working days after the notice has been served upon employee to the charges orally or in writing, or both, personally or with a representative who may be an attorney;
 - 5) The date and time of the response or "Skelly" meeting, which shall be held according to section 3102.4.2; and
 - 6) Notice that if the employee fails to attend the response meeting the employee shall be deemed to have waived all rights to said meeting and from appeal to any action taken.

3104.4.2 Response Meeting/Skelly Hearing

No less than ten (10) business days after the notice has been served upon employee, employee shall have the opportunity to refute charges or present facts that may not be known at a "Skelly" Hearing. The employee may respond orally or in writing, personally or with a representative. Neither party shall be entitled to call witnesses or take testimony.

At the meeting, the General Manager may consider information contained in the charges and recommendations, as well as information presented by the employee or his or her representative.

3104.4.3 Post-Skelly Final Notice

Within ten (10) days after the Skelly Hearing, the appropriate authority shall: 1) dismiss the notice and take no disciplinary action against the employee; 2) modify the intended disciplinary action; or 3) prepare and serve upon the employee a final notice of disciplinary action.

The final notice of disciplinary action shall include the following:

- 1) The disciplinary action taken;
- 2) The effective date of the disciplinary action taken;
- 3) Specific charges upon which the action is based;
- 4) A summary of the facts upon which the charges are based;
- 5) The written materials, reports and documents upon which the disciplinary action is based; and
- 6) The employee's right to appeal.

If an employee fails to respond to the notice for a Skelly Hearing, the General Manager shall notify the employee in writing that his or her time to respond has expired and that the discipline shall be imposed.

Disciplinary action other than a suspension, demotion or termination (i.e., written or oral reprimands) shall not be subject to appeal. Disciplinary action consisting of a suspension, demotion or termination may be appealed by regular employees pursuant to section 3104.4.4.

3104.4.4 Appeals of Disciplinary Action

Any regular employee shall have the right to appeal to the General Manager from any disciplinary action taken by his or her supervisor following a Skelly Hearing. Such appeal shall be in writing and must be filed with the General Manager within ten (10) business days after receipt of written notice of such disciplinary action. Failure to file an appeal within such period constitutes a waiver of right to appeal.

The General Manager shall conduct a hearing as provided above. Neither the provisions of this section or this Chapter shall apply to reductions in force or reductions in pay, which are part of a general plan to reduce or adjust salaries and wages. However, any reduction in pay is subject to the meet and confer process pursuant to Government Code sections 3504.5 and 3505.

In the event the General Manager institutes the disciplinary action against an employee, he or she shall be disqualified from presiding at the appeal hearing. In such case, the hearing officer will be appointed by mutual agreement of the parties.

3104.4.5 Selection of Hearing officer for Appeal of Disciplinary Action

If the General Manager is disqualified, the appeal shall be heard by a hearing officer provided to the District by a non-profit organization or governmental agency with whom the District has contracted to conduct hearing pursuant to these Guidelines. No hearing officer shall be compensated or evaluated, directly or indirectly, based upon the outcome of any hearing.

3104.4.6 Appeal Hearing

The General Manager, or the appointed hearing officer, shall conduct an appeal within thirty (30) days of receipt of employee's request for appeal. The General Manager, or the appointed hearing officer, may continue the hearing either for the convenience of the District or for good cause upon written application of the appellant or District, for a period not to exceed an additional thirty (30) days from the receipt of the appeal. Written notice of the time and place of the hearing shall be conducted in accordance with the provisions of section 11509 of the Government Code of the State of California, except that the appellant and other persons may be examined as provided in section 19580 of said Government Code, and the parties may submit all proper and competent evidence against, or in support of the causes.

3104.4.7 Representation at Appeal

Any District employee, other than those appointed to supervisory, management, and confidential classifications, shall be permitted to represent another District employee or group of District employees at the hearing of the appeal. The appellant may appear in person or be represented by counsel.

3104.4.8 Notices to Witnesses: Cost

The General Manager shall issue notice for the appearances of witnesses for the appellant upon his written request and at his cost. The General Manager may require such cost to be prepaid.

3104.4.9 Failure of Employee to Appear at Appeal Hearing

Failure of the appellant to appear at the hearing, without the prior written approval of the hearing officer, shall be deemed a withdrawal of his or her appeal and the action of the General Manager or supervisor shall be final.

3104.4.10 Decision on the Appeal

The General Manager or appointed hearing officer shall render a written decision within thirty (30) days after concluding the hearing. The General Manager's decision shall be final and conclusive, except when an employee is suspended for more than three (3) days or discharged. A copy of such decision

shall be forwarded to the appellant. If the disciplinary action taken against the employee is reversed or modified by the General Manager or an appointed hearing officer, the employee will be compensated for the time lost, if any, that resulted from the reversed disciplinary action.

In cases involving suspending an employee for more than three (3) days or discharging an employee, a copy of such decision shall be forwarded to the employee.

POLICY TITLE: Drug and Alcohol Testing
POLICY NUMBER: 3108

3108.1 Pre-Employment Drug Testing: As a part of the District's employment screening process, any applicant to whom a conditional offer of employment is made must pass a test for controlled substances, per procedures described below. The offer of employment is conditioned on a negative drug test result. Applicants will be informed of the District's drug testing policy in the employment application.

3108.2 Testing of Employees in Designated Safety-Sensitive Position: Employees in health and safety sensitive positions, including, but not limited to, the following management and non-management positions: vehicle and heavy machinery drivers with commercial licenses/operators, firefighters, and utility crew members, will be required to submit to random drug testing under the procedures described below. This testing shall occur at random by an independent, third party drug testing company performing such testing. If an employee refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result.

3108.3 Reasonable Suspicion Testing: If an employee's supervisor or manager has a verifiable and confirmed reasonable suspicion by at least two (2) people, including any Board Members, who are qualified by having reasonable suspicion training, that the employee is working in an impaired condition or otherwise engaging in conduct that violates these Guidelines, then the employee will be asked about any observed behavior or impaired condition and offered an opportunity to give a reasonable explanation. If the employee is unable to explain the behavior, he or she will be requested to take a drug test in accordance with the procedures described herein. If the employee refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result, which results in termination.

3108.4 On-the-Job Inquiry: Should an injury occur while working, a drug or alcohol test may be administered if the injured employee's supervisor has a reasonable suspicion that an employee was injured due to drug or alcohol use.

3108.5 Procedures for Drug Testing: If employee is a member of a District-recognized collective bargaining unit and is subject to a drug test based on reasonable suspicion, the District will meet and confer with the respective collective bargaining group before testing.

The District will refer the applicant or employee to an independent, National Institute on Drug Abuse ("NIDA"), certified medical clinic or laboratory, which will administer the test. The District may require drug testing for: A) pre-employment testing, B) random testing, and C) reasonable suspicion testing. The District will pay the cost of the test. If the employee is determined by verifiable and confirmed reasonable suspicion observation as unable to drive or impaired for driving, then a District supervisor or District Manager will transport the individual to a medical facility for immediate testing or treatment.

The employee will have the opportunity to alert the clinic or laboratory personnel to any prescription or non-prescription drugs that he or she has taken that may affect the outcome of the test. The clinic or laboratory will handle the required testing. The District will have no control over the clinic or laboratory's testing methods. The clinic or laboratory will inform the District as to whether or not the applicant passed or failed the drug test. If an employee fails the test, he or she will be considered to be in violation of these Guidelines and will be subject to discipline accordingly.

3108.6 Acknowledgment and Consent: Any employee subject to testing under this policy will be directed to sign a form acknowledging the procedures governing testing and authorizing (1) the collection of a urine sample for the purpose of determining the presence of alcohol or drugs, and (2) the release to the District of medical information regarding the test results. Refusal to sign the authorization form or to submit to the drug test, will result in the revocation of an applicant's job offer, or will be considered the same as a positive test leading to termination.

3108.7 Confidentiality: All drug testing records will be treated as confidential.

POLICY TITLE: Employee Information/Emergency Data
POLICY NUMBER: 3110

3110.1 It shall be the policy of District to maintain accurate and vital personal contact information for each employee and Director of the District in case of need to contact them. All such information shall be maintained as confidential to the extent allowed by law.

3110.2 It is important that employees promptly notify District of any changes to their personal information including:

- Name
- Home and Mailing Address
- Home and Cell Phone Telephone Numbers
- Number, Names, and Status of Spouse and Dependents, if employees dependents are covered by insurance
- Change of Emergency Contact Information
- Educational Accomplishments
- Benefit Plan Beneficiary

3110.3 Employees are responsible for notifying the District Manager in the event of a name, address or other vital information change as required by this policy or any other District policy/procedure.

3110.4 The District shall not be responsible in the event of failure of an employee to provide this information in a timely manner and a loss of benefits or services by the employee or dependents.

3110.5 Each employee is also responsible for providing the District with records concerning any licenses or certificates required in the performance of his or her job, as well as any documents showing that education or training relevant to employment has been completed.

3110.6 Release of Information. Personnel records are considered confidential. Employees may examine their own personnel records, except for letters of reference, by contacting the District Manager or his or her designee. Employees may authorize the release of their own personnel records by executing a written request identifying the records to be released and the person or entity to which they may be released. Ordinarily, no information on past or present employees shall be provided by the District, other than employment dates and job title, unless such requests for information are accompanied by a signed authorization by the employee to release the information requested.

POLICY TITLE: Employee Status
POLICY NUMBER: 3116

3116.1 A "Regular Full-Time" employee is one who has been hired to fill a regular position in any job classification. Regular full-time employees are regularly scheduled to work at least forty (40) hours per week, are not temporary employees, and who have successfully completed the probationary period.

3116.2 A "Probationary" employee is one who has been hired to fill a regular position in any job classification and has less than three (3) continuous months of service with the District. Upon completion of three (3) months of continuous service with the District in said classification, and upon District Managers decision to retain said employee, said employee shall be granted regular employee status.

- a) A probationary employee will receive not less than the minimum rate for the job and will be eligible for sick leave pay, holiday pay, vacation pay, insurance coverage or items of a similar nature, as he or she becomes eligible. A probationary employee will not be eligible for a leave of absence.
- b) The District Manager, in conjunction with the employee's supervisor, may elect to extend the probationary period for any employee up to an additional three (3) months.

3116.3 A "Temporary" employee is one who is hired to work within any job classification, but whose position is not regular in nature. A temporary employee shall not work more than one thousand (1,000) hours in a fiscal year.

- a) Employees hired to replace a regular employee who is on a leave of absence shall be hired as temporary employees unless said leave of absence is in excess of one hundred eighty (180) days.
- b) A temporary employee will receive not less than the minimum rate for the job, but will not be eligible for sick leave pay, holiday pay, vacation pay, insurance coverage or items of a similar nature, nor will he or she accrue seniority or leave of absence rights. A temporary employee may take time off without pay with the approval of his or her supervisor or the District Manager and shall be permitted to take time off for District-recognized holidays without pay.
- c) If a temporary employee is reclassified to probationary or regular status, he or she will be credited with all continuous service in determining eligibility for such benefits that may accrue to him or her in his or her new status.

3116.4 A "Part-Time" employee is one who is hired to work within any job classification but whose position is not regular in nature.

3116.5 An "Exempt" employee is an employee who is exempt from the minimum wage and overtime requirements of the Federal Fair Labor and Standard Act ("FLSA"). To be considered "exempt", an employee must work in a bona fide executive, administrative, or professional capacity and be paid on a salary basis as required by the FLSA. These positions shall be so designated in the classification plan.

3116.6 A "Non-Exempt" employee is an employee who is not a bona fide executive, administrative, or professional employee as defined by the FLSA. Non-exempt employees can earn overtime pay in accordance with the overtime requirements of the FLSA. Salary alone does not define exempt employees.

POLICY TITLE: Grievance Procedure
POLICY NUMBER: 3120

3120.1 This policy shall apply to all regular employees in all classifications.

3120.2 The purpose of this policy is to provide a procedure by which an employee may formally claim that he or she has been affected by a violation, misapplication, or misinterpretation of a law, District policy, rule, regulation, or instruction.

3120.3 Specifically excluded from the grievance procedure are subjects involving the amendment of state or federal law, resolutions adopted by the District's Board of Directors, ordinances or minute orders, including decisions regarding wages, hours, and terms and conditions of employment, and claims or complaints of alleged discrimination or harassment.

3120.4 Grievance Procedure Steps.

3120.4.1 Level I, Preliminary Informal Resolution. Any employee who believes he or she has a grievance shall present the evidence thereof orally to his or her immediate supervisor within five (5) working days after the employee knew, or reasonably should have known, of the circumstances which form the basis for the alleged grievance. The immediate supervisor shall hold discussions and attempt to resolve the matter within ten (10) working days after the discussions. It is the intent of this informal meeting that at least one (1) personal conference be held between the employee and the immediate supervisor. If the grievance is against the employee's supervisor, the employee may skip Level I and advance to Level II, provided he or she complies with all applicable time limits and other requirements for Level I.

3120.4.2 Level II, General Manager. If the grievance has not been resolved at Level I, the grievant may present his or her grievance in writing on a form provided by the District (attached hereto as Appendix "A") to the General Manager within ten (10) working days after the occurrence of the act or omission giving rise to the grievance.

3120.4.2.1 The statement shall include the following:

- a) A concise statement of the grievance including specific reference to any law, policy, rule, regulation, and/or instruction deemed to be violated, misapplied or misinterpreted;
- b) The circumstances involved;
- c) The decision rendered by the immediate supervisor at Level I, if any;

- d) The dates when: (i) the grievance was first discussed with the immediate supervisor; (ii) the Level I response was issued, and (iii) the employee submitted the grievance to Level II; and
- e) The specific remedy sought.

3120.4.2.2 The General Manager shall communicate his or her decision within ten (10) calendar days after receiving the grievance. Decisions will be in writing setting forth the decision and the reasons therefore and will be transmitted promptly to all parties in interest. If the General Manager does not respond within the time limits, the grievant may appeal to the next level. Time limits for appeal shall begin the day following receipt of the General Manager's written decision. Within the above time limits, either party may request a personal conference with the other.

3120.4.3 Level III, Board of Directors' Personnel Committee. In the event the grievant is not satisfied with the decision at Level II, the grievant may appeal the decision in writing on a form provided by the District (attached hereto as Appendix "A") to the District Board of Directors' standing Personnel Committee within five (5) days. The statement shall include a copy of the original grievance; a copy of the written decision by the General Manager; and a clear, concise statement of the reasons for the appeal to Level III.

3120.4.3.1 The Personnel Committee shall, as soon as possible, schedule a hearing in closed session to formally receive the written grievance and the answers thereto at each step and to hear evidence regarding the issue or issues. The Committee's decision shall be announced in open session immediately after the closed session in which it was made.

3120.5 Basic Rules.

3120.5.1 If an employee does not present the grievance, or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved.

3120.5.2 By agreement in writing, the parties may extend any and all time limitations specified above.

3120.5.3 The General Manager may temporarily suspend grievance processing on a District-wide basis in an emergency situation. Employees covered by this policy may appeal this decision to the Board of Directors.

3120.5.4 A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

3120.6 Expungement of Written Reprimands: A written reprimand may be expunged upon sustained corrective behavior, as determined by the General Manager, after a period of three (3) years from the date of the reprimand. It is the responsibility of the employee to request that his or her personnel file be purged of the written reprimand.

3120.6.1 The General Manager will consider the following factors in making his or her decision to expunge a written reprimand:

- a) whether the employee received further discipline of any kind;
- b) employee's performance evaluation reviews are at least satisfactory in all categories; and
- c) that only one (1) expungement can occur during their employment with the District.

Appendix "A"

EMPLOYEE GRIEVANCE FORM
[DISTRICT NAME]

Employee's Name:

Date:

Statement of grievance, including specific reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied or misinterpreted:

Circumstances involved:

Decision rendered by the informal conference:

Specific remedy sought:

POLICY TITLE: Hours of Work and Overtime
POLICY NUMBER: 3122

3122.1 This policy shall apply to all non-exempt employees.

3122.2 The regular hours of work each day shall be consecutive except for interruptions for meal periods and breaks, or as otherwise approved by the District Manager in writing.

3122.3 A work week is defined to consist of seven (7) consecutive calendar days, Sunday through Saturday, and, except as otherwise provided herein, a basic work week is defined to consist of five (5) consecutive work days of eight (8) hours each, Monday through Friday. The regular work hours shall be 8:00 a.m. to 5:00 p.m. with one (1) hour off for lunch. A majority of employees may request a change of regular work hours, for their division, with the written consent of the District Manager, so that the regular work hours may be revised to accommodate needs of the public, such as 7:30 a.m. to 4:30 p.m. with one (1) hour off for lunch.

Regular work hours may be modified as outlined in an applicable Memorandum of Understanding between the District and a District-recognized bargaining unit.

3122.4 Overtime is defined as:

- Time worked in excess of forty (40) hours in a work week;
- Time worked in excess of eight (8) hours on a scheduled work day if a five (5) day, eight (8) hour per day work week is in effect; or,
- Time worked in excess of scheduled hours on a scheduled work day if an alternative work day is in effect such as a four (4) day, ten (10) hour per day work week is in effect; or,
- Time worked on a designated holiday.

3122.5 All overtime work shall be authorized in advance by the District Manager, or his or her designee, specifically vested with this authority. Employees working overtime without prior approval by the appropriate individual may be subject to discipline.

3122.6.4 If an employee is not on-call and he or she is called back to work, the employee will receive one (1) hour of call back pay, which is one (1) hour of regular pay at straight time plus pay for his or her hours worked (at straight pay or overtime rate depending on whether they have worked over forty (40) hours in the week).

POLICY TITLE: Payroll Deductions for Salaried Employees
POLICY NUMBER: 3128

3128.1 Employees paid on a "salary basis" regularly receive a predetermined amount of compensation each pay period. Subject to the exceptions listed below, a salaried employee will receive his or her full salary for any work week in which he or she performs any work, regardless of the number of days or hours worked. A salaried employee may not be paid for any work week in which he or she performs no work, subject to the District's benefits programs and policies.

3128.2 No deductions from salary may be made for time when work is not available, provided the salaried employee is ready, willing, and able to work. Deductions from pay are permissible when a salaried employee:

- Is absent from work for one (1) or more full days for personal reasons other than sickness or disability;
- Is absent for one (1) or more full days due to sickness or disability if the deduction is made in accordance with a plan, policy, or practice of providing compensation for salary lost due to illness;
- Is absent for military duty and performs no work during the time off;
- Works less than a full week during the initial or final week of employment;
- Violates safety rules of major significance; or
- Violates written workplace conduct rules applicable to all employees and is suspended without pay for one (1) or more full days.

3128.3 It is Corning Healthcare District policy to comply with these salary basis requirements. Therefore, Corning Healthcare District prohibits all employees and managers from making any improper deductions from the salaries of exempt employees. Corning Healthcare District wants employees to be aware of this policy and know that the district does not allow deductions that violate Federal or State law.

3128.4 If you believe that an improper deduction from your salary has been made, you should immediately report this information to your direct supervisor.

3128.5 Reports of improper deductions will be investigated promptly. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

3128.6 Every employee is required to submit a Form W-4 at the beginning of each year, if changes have occurred, to direct the payroll staff to make appropriate Federal and State income tax deductions.

POLICY TITLE: Performance Evaluation
POLICY NUMBER: 3130

3130.1 This policy shall apply to all employees.

3130.2 In order to provide employees with information concerning their employment progress and to identify areas to improve job performance, the employee's supervisor and District Manager will conduct formal written employee evaluations at least once per year, preferably using the employee's hire date anniversary is desired for an annual evaluation.

Generally, employee evaluations may be performed at three (3) months and/or six (6) months after date of hire and shall be performed near the end of the twelve (12) month period. In the event that an employee's supervisor or the District Manager determines that a regular part-time or regular full-time employee's job performance has not improved after receiving a written evaluation, the supervisor or the District Manager may elect to establish a performance improvement plan ("PIP"), also known as a performance action plan to provide an employee the opportunity to succeed while still being held accountable for past performance. A PIP shall be used to address either failures to meet specific job performance-related or behavior-related issues.

3130.3 Ratings: Performance evaluations shall be in writing on forms prescribed by the District Manager or his or her designee. The evaluation shall provide recognition for effective performance and also identify areas that need improvement. All evaluations will have an overall evaluation of Unsatisfactory, Improvement Needed, Satisfactory, Above Satisfactory, or Outstanding.

- Unsatisfactory Work is well below the standard expected of a competent worker in that job position, a majority of the time. Unsatisfactory ratings must be substantiated in a written statement by the evaluator.
- Improvement needed performance is frequently less than the standard expected of a competent worker in that job position, and improvable with additional training, experience, or effort.
- Satisfactory Work performance consistently meets the standard expected of a competent worker in that job position.
- Above Satisfactory Work performance is generally above the standard expected of a competent worker in that job position, a majority of the time.
- Outstanding Work performance is consistently and distinctly well above the standard expected of a competent worker in that job position; performance is superior. Outstanding ratings must be substantiated in a written statement by the evaluator.

3130.4 Evaluation Procedure: The performance evaluation must be signed by the evaluator, as well as the employee, and discussed with the employee. Unscheduled performance evaluations may be made at the discretion of the District Manager or his or her designee. Performance evaluations can be appealed to the District Manager as outlined in the Grievance Procedure of these Guidelines. Employee evaluation grievances will only be considered by the General Manager; they will not be heard by the Board. The District Manager may only modify employee evaluations if there is a compelling reason to do so.

POLICY TITLE: Recruitment and Hiring
POLICY NUMBER: 3134

Recruitment:

3134.1 Announcement: All recruitments for classification vacancies within the District shall be publicized by such methods as the District Manager deems appropriate, consistent with District standards. Special recruiting shall be conducted, if necessary, to ensure that all segments of the community are aware of the forthcoming examination(s). Announcements shall specify the title and compensation of the classification; the nature of the work to be performed delineating the essential and marginal functions of the job; the minimum qualifications for the classification; the manner of making application; the examination components; and other pertinent information.

3134.2 Applications: Every applicant for examination shall file a formal, signed District employment application. Other methods of acceptable application due to an applicant's disability will be considered. Application forms shall require information covering training, experience, and other pertinent information as required by the District Manager. The District Manager may also require applicants to submit additional job related information.

3134.3 Examinations: Examinations for the establishment of eligibility lists shall be competitive and by such character shall test and determine the qualifications, fitness, and ability of applicants to perform the essential functions of the classifications for which they seek appointment.

The examination may include an investigation of character, personality, education, experience, criminal history, credit bureau, drug & alcohol and any tests of intelligence, capacity, technical knowledge, manual skill, or job-related physical fitness that the District Manager deems appropriate.

The District Manager shall designate the procedure, time, place, and type of examination, the conditions under which it may be conducted, and the individual or competent agency who will conduct the examination. The District will make every reasonable effort to accommodate disabled applicants in the administration of employment tests in accordance with applicable law. Examinations may be promotional, open, or continuous as directed by the District Manager. In making a decision regarding the type of examination, the District Manager will consider the availability of qualified interested personnel in the District workforce, the possible Affirmative Action implications, and the need for expediency in filling the position.

3134.3.1 Open/Promotional Examinations: Any person who meets the requirements set forth in the open/promotional examination announcement may compete in open/promotional examinations. The District Manager may adopt and implement objective standards to initially screen applications in order to reduce the number of applicants to a manageable size.

3134.3.2 Promotional Examinations: Regular and non-regular employees, except temporary em-

employees, who meet the requirements set forth in the promotional examination announcement may compete in a promotional examination announcement.

3134.4.4 Disqualification: At any point in the recruitment and selection process, the District Manager may refuse to declare an applicant an eligible candidate, or may withhold or withdraw from certification, prior to appointment by the District Manager, anyone who:

- Has failed to provide proof for any of the requirements established in the announcement for the classification for which he or she applied;
- Has been convicted of a felony of such a nature as to have an adverse effect on the candidate's ability to perform the duties of the position;
- Has a history of dismissal from any position in public or private service for any cause which would be a cause for dismissal from District employment;
- Has practiced or attempted to practice any deception or fraud in his or her application, examination, or in securing eligibility; or
- Is otherwise not qualified for employment with the District.

Hiring:

3134.5 Decisions regarding employment are based upon an individual's qualifications for the applicable position as described below.

3134.5.1 Vacancies: Employees of the District are encouraged to apply for any vacant positions for which they are qualified. The District awards vacant positions to the applicants who are best suited to meet the needs of the District, regardless of whether the applicant is a current District employee or not.

If a vacancy is awarded to a current regular employee, that employee shall serve a three (3) month probationary period in that position with continued benefits for health care, sick leave, vacation and comp time-off. Within three (3) months of the move to the vacant position, the employee may return to their previous position with written notice to and approval by the District Manager, so long as the position has not been filled.

3134.5.2 Selection of employees. All persons considered for employment with the District shall be qualified to perform the duties of the position for which they are employed. Citizenship Verification: All employees must provide necessary documentation to prove identity and their right to work in the United States in accordance with Federal and State Immigration and Naturalization laws. Failure to provide such documentation will result in disqualification from selection or immediate termination.

3134.5.3 Probationary Period. The purpose of the probationary period is to give the District and the new employee the opportunity to determine whether employment relationship suits both parties. New full time employees may be eligible for health benefits under the Affordable Care Act after ninety (90) days of employment, if not enrolled in the District's health care coverage. During the probationary period, the District evaluates the employee's job performance, and it is expected that the employee will use this time period to determine whether the District employment is satisfactory to him or her. Generally, employee evaluations may be performed at three (3) months and/or six (6) months after the date of hire and shall be performed at the end of the twelve (12) month period. The employee's supervisor will conduct a written performance evaluation to ascertain the advisability of continued employment on a regular basis. However, written evaluations may be done at any time during the probationary period if determined to be necessary by the Supervisor or the District Manager.

Regardless of whether the supervisor completes a written performance evaluation, probationary employees are at-will and the District retains the right to terminate employment with or without cause, during the probationary period, in accordance with California law. Similarly, the probationary employee can end his or her employment at any time with at least two (2) weeks' written notice.

New employees hired for regular positions serve a probationary period of three (3) months, commencing with their first day of employment. The District Manager, in conjunction with the employee's supervisor, may extend the probationary period one or more times if it is determined that such an extension is appropriate. The status of regular employment following the probationary period shall only occur after a successful evaluation has taken place, and only if confirmed in writing by the District Manager.

POLICY TITLE: Separation from District Employment
POLICY NUMBER: 3136

3136.1 Resignation: To leave District service in good standing, an employee must file a written notice of resignation with the District Manager at least two (2) weeks before the effective date of separation of employment from the District. The District Manager may, however, grant good standing with less notice if he or she determines the circumstances warrant. Resignations may not be withdrawn without the General Manager's approval.

3136.2 Layoffs: Whenever, in the judgment of the District Board of Directors, it becomes necessary, due to the lack of work, lack of funds, or other economic reason, or because the necessity for a position no longer exists, the Board of Directors may abolish any position of employment, and the employee holding such position may be laid off or offered the option of moving to another position within the District, if a position is available and if the employee is qualified without disciplinary action and without the right of appeal.

3136.2.1 Notification: Employees to be laid off will be given, whenever possible, at least fourteen calendar days prior notice, if possible.

3136.2.2 Order of Layoff: Employees are generally laid off in the inverse order of their seniority in their classification in the department, although this order is subject to business needs. Seniority is determined based upon date of hire in the department. Within each class, and subject to business needs, employees will generally be laid off in the following order: temporary, part-time, probationary, and regular.

In cases where there are two (2) or more employees in the classification in the department from which the layoff is to be made who have the same seniority date, such employees will be laid off on the basis of the last evaluation rating in the class, providing such rating has been on file at least thirty (30) days and no more than twelve (12) months prior to lay off, as follows: (1) all employees having ratings of "improvement needed;" (2) all employees having ratings of "competent;" (3) all employees having rating of "outstanding."

3136.2.3 Transfer in Lieu of Layoff: An employee affected by layoff may be transferred to a vacant position within the same or comparable classification, or a vacant position in any former classification, first within the affected department and then District-wide, which the employee once held as a regular employee, provided that the employee meets the minimum qualifications of said positions and the compensation is at the same or lower rate of pay.

3136.2.4 Re-employment Rights for Laid Off Employees: Regular employees who have been laid off shall be automatically placed on a re-employment list for two (2) years from the date of layoff for the classification from which they were laid off.

3136.3 Dismissal of Regular Employees. A regular employee may be dismissed at any time by the District Manager for cause and after following the proper disciplinary termination procedures as outlined in the "Disciplinary Termination" section of these policies.

3136.3.1 A probationary employee may be terminated at any time during a probationary period without right of appeal or hearing. In case of such termination, the District Manager shall notify the probationary employee in writing that he or she is being separated from District service.

3136.3.2 Dismissal of the District Manager shall be as outlined in the employment agreement between the District Manager and the District.

3136.4 Exit Interview: For the purpose of ascertaining potential eligibility for unemployment insurance benefits, all employees separating from the District for any reason shall be given an interview prior to termination. The interview shall be conducted by a representative of the District Manager and shall produce specific information as to the causes and reasons for the separation. The information shall be recorded on a standard form provided by the District, which the employee shall be required to sign. A copy of the complete report shall be transmitted to the employee's immediate supervisor and District Manager for comment and be returned for retention in the employee's personnel file.

3136.5 Property Return Agreement. Upon employment with the District, each employee may complete a Property Return Agreement if they receive any District property. Property includes, but is not limited to, laptops, cell phones, PDAs, equipment, keys, reports, proprietary information, and any other job related materials. All District property must be returned prior to departure.

3136.6 Employment Reference Checks: All inquiries regarding a current or former District employee must be referred to the District Manager. Should an employee receive a written request for a reference, he or she must refer the request to the District Manager for handling. Employees may not issue a reference letter to any current or former employee without the permission of the General Manager.

Under no circumstances should an employee release any information about a current or former employee over the telephone. All telephone inquiries regarding any current or former employees of the District must be referred to the District Manager.

In response to an outside request for information regarding a current or former District employee, the District Manager will only verify an employee's name, date of employment, and job title. No other data regarding any current or former District employee will be released unless the employee authorizes the District to release such information in writing, or the District is required by law to furnish any information.

If, however, an employee is contacted to give a personal reference regarding a current or former District employee, he or she is permitted to do so and should emphasize to the inquirer that the reference is personal only and not on behalf of the District. Failure to follow these directions may be cause for disciplinary action up to and including termination.

POLICY TITLE: Unlawful Harassment

POLICY NUMBER: 3140

3140.1 Harassment and discrimination in employment on the basis of sex, race, color, national origin, ancestry, citizenship, religion, age, physical or mental disability, medical condition, sexual orientation, gender identity or gender expression, veteran status, marital status, registered domestic partner status, genetic information, or any other protected basis is prohibited by federal and state law. The District does not tolerate unlawful discrimination or harassment in the workplace or in a work-related situation. Unlawful discrimination and harassment is a violation of these Guidelines. Section 3140 shall also include and applied to members of the District Board of Directors including the use of complaint procedures described herein.

3140.2 Unlawful harassment in employment may take many forms. Some examples include, but are not limited to:

- Verbal conduct such as epithets, derogatory comments, slurs, or unwanted comments and jokes;
- Visual conduct such as derogatory posters, cartoons, drawings, or gestures;
- Physical conduct such as blocking normal movement, restraining, touching, or otherwise physically interfering with work of another individual;
- Threatening or demanding that an individual submit to certain conduct or to perform certain actions in order to keep or get a job, to avoid some other loss, or as a condition of job benefits, security, or promotion; and
- Retaliation by any of the above means for having reported harassment or discrimination, or having assisted another employee to report harassment or discrimination.

3140.3 Sexual harassment under state and federal laws is defined as unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile or offensive work environment; or adversely affected the employee's performance, appraisal, assigned duties, or any other condition of employment or career development; or
- Such conduct is offered in order to receive special treatment or in exchange for or in consideration of any personal action.

3140.4 Prohibited acts of sexual harassment can take a variety of forms ranging from unwanted verbal or

physical actions, subtle pressure for sexual activity to physical assault. Sexual harassment conduct need not be motivated by sexual desire. Examples of the kinds of conduct included in the definition of sexual harassment are:

3140.4.1 Direct or indirect threats or suggestions of sexual relations or sexual contact which is not freely or mutually agreeable to both parties.

3140.4.2 Continual or repeated verbal abuses of a sexual nature including graphic commentaries on the person's body; sexually suggestive objects or pictures placed in the work area that may embarrass or offend the person, sexually degrading words to describe the person, or propositions of a sexual nature.

3140.5 Abusive conduct or workplace bullying of the District's employees, by any person in or from the work environment, is strictly prohibited. Abusive conduct or workplace bullying is the conduct of any employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interest. Abusive conduct or workplace bullying includes, but is not limited to:

- Repeated infliction of verbal abuse;
- Derogatory remarks, insults, epithets;
- Verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or
- Gratuitous sabotage or undermining of a person's work performance.

3140.6 Policy Publicizing. All employees shall be informed of the District's unlawful harassment policy and complaint process prior to their need to know, and again when any complaint is filed. Also, said policy and complaint process shall be readily available to all employees and members of the general public utilizing the District's facilities and services.

3140.6.1 All new employees shall be given a copy of the sexual harassment policy at the time of hiring and said policy's contents shall be discussed with said employee at that time by the division manager within whose division they will be working.

3140.6.2 An annual bulletin shall be prepared and distributed to all employees informing them of the District's sexual harassment policy.

3140.7 Complaint Process. Any employee who believes he or she is the victim of unlawful harassment, abusive conduct, or discrimination on any prohibited basis, or who has observed such conduct, or believes he or she is subject to retaliation ("Unlawful Harassment") may file a formal or informal confidential complaint without fear of reprisal or embarrassment.

3140.7.1 An informal complaint is made verbally by the employee to the immediate supervisor. Although filing the complaint with the immediate supervisor is preferred, the employee is free to file a complaint with any supervisory employee.

3140.7.2 A formal complaint is made in writing, using the "Employee Grievance Form," see "Appendix A" in Policy #3120. Said form should be submitted by the employee to their immediate supervisor. Although submitting the formal complaint with the immediate supervisor is preferred, the employee is free to submit a formal complaint with any supervisory employee, or with the President of the Board of Directors, if the employee's immediate supervisor is

the General Manager and the General Manager is unavailable or personally involved in said complaint.

3140.8 Complaint Response Process. Any supervisory employee who receives a formal or informal Unlawful Harassment complaint shall at all times maintain the confidentiality of the plaintiff and shall personally deliver said complaint immediately and directly to the division manager, or to the General Manager if the division manager is unavailable or personally involved in said complaint.

3140.8.1 Within twenty-four (24) hours of the filing of a formal or informal complaint, an investigation shall be conducted by the manager of the division, in cooperation with the Personnel Manager, within which the alleged Unlawful Harassment occurred. Said investigation shall be conducted by the General Manager if the division manager is unavailable or personally involved in said complaint.

3140.8.2 A written record of any investigation of an alleged Unlawful Harassment shall be maintained. Findings will be sent to the General Manager. The General Manager shall immediately inform, in total confidentiality, the Personnel Committee of the Board if one exists or the entire Board of Directors.

3140.8.3 All discussions resulting from said investigation shall be kept confidential by all informed of said investigation.

3140.8.4 The person initiating the complaint has the right to be accompanied by an advocate(s) when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions.

3140.9 Disciplinary Procedures and Sanctions. Upon conclusion of the investigation of an alleged Unlawful Harassment claim, appropriate action shall be taken by the General Manager against the harasser where Unlawful Harassment is found, including mandatory sexual harassment training to prevent future incidents. Whatever punishment given to the harasser shall be made known to the victim of the Unlawful Harassment.

3140.9.1 Appropriate action shall be taken to remedy the victim's loss, if any, resulting from the Unlawful Harassment. Making the employee whole may involve reinstatement, back pay, promotion, etc.

3140.9.2 Action taken to remedy a sexual harassment situation shall be done in a manner so as to protect potential future victims. An employee involved in a confirmed incident shall be removed from supervision of a person verified to have committed a harassment activity.

3140.10 Retaliation. Retaliation against any individual for making a report, or for participating in an investigation, under this policy is strictly prohibited. Individuals are protected by law and by District policy from retaliation for opposing unlawful discriminatory practices, for filing an internal complaint under this policy or for filing a complaint with the DFEH or EEOC, or for otherwise participating in any proceedings conducted by the District under this policy or by either of these agencies.

POLICY TITLE: Whistleblowing Policy
POLICY NUMBER: 3142

3142.1 It is the policy of Coming Healthcare District that its employees should be free to report violations of law, abuse of authority, fraud, economic waste, or gross misconduct, incompetence or inefficiency without fear of retaliation or retribution. This policy is based on a finding that the Coming Healthcare District best serves itself and its membership when it can be candid and honest without reservation in conducting the business of the Coming Healthcare District .

The Coming Healthcare District prohibits retaliation by employees, Board members or volunteers against any staff member, Board member or volunteer for making good faith complaints, reports or inquiries regarding illegal or improper activities under this policy to the Coming Healthcare District or any law enforcement agency, or for participating in a review or investigation of any such complaints under this policy. This protection extends to those whose allegations are made in good faith, but prove to be mistaken. There reserves the right to discipline persons who make bad faith, knowingly false, or vexatious complaints or reports regarding alleged illegal or improper activities, or who otherwise abuse this policy.

Therefore, the purpose of this policy is to: (1) encourage staff, Board members and volunteers to report to the Coming Healthcare District any credible information in their possession regarding illegal or improper activities and/or retaliation as defined herein, including violations of the Coming Healthcare District policies, promptly to those members of the Coming Healthcare District] specified in this policy; and (2) prohibit the Coming Healthcare District Board of Directors, Chief Executive Officer (District Manager) and supervising employees from retaliating against any employee who reports illegal or improper activities to the Coming Healthcare District or law enforcement agencies as provided herein; and (3) specify a procedure by which information regarding illegal or improper activities of or retaliation by members of the Board of Directors or employees can be reported to the Coming Healthcare District and investigated; and (4) provide a hearing process to any employee or Board member who has filed a written complaint with the Coming Healthcare District alleging actual or attempted acts of retaliation in response to having made a protected disclosure to the Coming Healthcare District or law enforcement protected by this policy.

3142.2 Definitions:

- a) "Illegal Order" means a directive to violate or assist in violating a federal, state or local law, rule or regulation, or an order to an employee to work or cause others to work in conditions outside of their scope of duty that could unreasonably threaten the health and safety of employees or the public.
- b) "Illegal or Improper Activity" means an activity by a member of the Board of Directors, an employee, or a volunteer of the that is undertaken in the performance of that person's duties that is either: (1) a violation of any state or federal law or regulation including, but not limited to, corruption, malfeasance, bribery, theft of property, fraud, coercion, conversion, abuse of property or willful omission to perform a duty; or (2) violates policies, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. Illegal or Improper Activity includes alleged financial, accounting or audit improprieties and alleged ethical violations by employees or Board members

- c) "Protected Disclosure" means a good faith communication from an employee or Board member of the to the Board or law enforcement agencies that discloses information that may be evidence of Illegal or Improper Activity.
- d) "Retaliation" means an employee or director using or attempting to use his or her official authority or influence over an employee to intimidate, threaten, or coerce any employee in order to interfere with the rights of employees to freely report Illegal or Improper Activity to the or a law enforcement agency. Retaliation includes, but is not limited to, promising to confer, or conferring any benefit; affecting or threatening to affect any reprisal; or taking or directing others to take, recommend, or approve any personnel action against an employee making a Protected Disclosure including, but not limited to, demotion, transfer, assignment, performance evaluation, suspension, or other disciplinary action including termination.

3142.3 Encouragement of reporting of illegal or improper activity: Corning Healthcare District encourages employees and members of the Board to file complaints or reports about Illegal Orders or Illegal or Improper Activity or alleged Retaliation with the General Manager. All such complaints shall include specific facts supporting any allegation of Illegal or Improper Activity, or Retaliation, as defined by this policy. Complaints of Illegal or Improper Activity or Retaliation may be made anonymously, but such anonymity may impede the ability of the conduct a thorough investigation. If the District Manager is alleged to be involved in the complaint or report, then such complaint shall be filed with the President of the Board of Directors. If the President of the Board is also alleged to be involved in the complaint, then the complaint or report shall be filed with the General Counsel

Other allegations with respect to which the Corning Healthcare District has existing complaint, grievance or appeal procedures as specified in the policies should be addressed pursuant to those procedures, such as issues of alleged discrimination or harassment which are processed by the human resources department. This policy is not intended to provide a procedure for the filing of employee or Board member complaints regarding any employment issues other than whistleblowing activities and protection of employees from Retaliation for making Protected Disclosures.

3142.4 Investigations of Allegations of Illegal or Improper Activity: The District Manager may request that a person submitting a complaint alleging Illegal or Improper Activity provide his or her name and contact information and provide the names and contact information for any persons who could help substantiate the claim. However, this information is not required in order to submit a complaint.

Upon receiving a complaint from any employee or member of the Board that an employee or Board member has engaged in an Illegal or Improper Activity, the District Manager will conduct an investigation of the allegations in the complaint. The identity of the person filing the complaint, or of any person providing information in confidence regarding the facts in the complaint shall not be disclosed without the express permission of the person providing the information. However, the District Manager may disclose the facts in the complaint to a law enforcement agency in the event that an allegation of criminal conduct is contained in the complaint filed with the Corning Healthcare District

The District Manager may request the assistance of Corning Healthcare District General Counsel and/or any outside consultant for assistance in evaluating an allegation of Illegal or Improper Activity or conducting an investigation of Illegal or Improper Activity as authorized by this policy. The District Manager shall investigate the allegations in the complaint and prepare a report of the results of the investigation within sixty (60) days of the date of the complaint.

If, upon completion of the investigation, the District Manager finds that an employee or Board member may have engaged or participated in an Illegal or Improper Activity, the District Manager shall make such findings in the investigative report and include recommended actions to prevent the continuation or recurrence of the Illegal or

Improper Activity and submit it to the attorney for the district. Such recommendations may include taking disciplinary action against those employees found to have violated this policy, which action may be taken by the General Manager. The investigative report may also recommend imposing sanctions, including loss of office, on those Board members found to have violated this policy. In that event the report shall be filed with the attorney for the district Executive Committee of the Board of Directors which shall comply with the policies of the Corning Healthcare District in initiating discipline against a member of the Board of Directors. The Corning Healthcare District shall keep confidential all investigation work product including the investigative report.

3142.5 Complaints of Retaliation and Investigation. An employee or volunteer who believes he or she has been subjected to Retaliation as defined and prohibited by this policy shall file a written complaint with the District Manager which specifies the alleged retaliatory conduct and identifies the individuals allegedly engaged in such conduct.

Upon receipt of the complaint the District Manager shall commence an investigation of the allegations contained in the complaint of Retaliation, which shall include interviews of the complainant and any potential witnesses. The District Manager may utilize the services of the attorney for [Corning Healthcare and/or other consultants in conducting such investigation and preparing an investigation report. A written investigation report regarding the alleged Retaliation shall be completed within thirty (30) days of receipt of a complaint of Retaliation.

Based on the investigation, the District Manager shall make a determination as to whether Retaliation occurred in violation of this policy and, if so, what steps should be taken to remedy the situation. The General Manager's decision shall be communicated to the complaining employee. In making his or her determination, if it is alleged that improper disciplinary action was taken against the complaining employee in Retaliation for having made a Protected Disclosure, the District Manager shall consider whether the taking or failing to take any personnel action with respect to an employee who has complained of Retaliation is justified on the basis of evidence separate and apart from the fact that the person has made a Protected Disclosure, such as inadequate job performance. If the evidence in the investigation reveals that a Protected Disclosure was a contributing factor in the alleged Retaliation against a former or current employee, the burden of proof shall be on the supervisor or other employee imposing the discipline to demonstrate by clear and convincing evidence that the alleged personnel action would have occurred for legitimate, independent reasons even if the complaining employee had not engaged in Protected Disclosures of Illegal or Improper Activity.

The investigation report of the alleged Retaliation prepared by the District Manager shall include a written decision as to whether this policy has been violated. If the investigation report concludes that this policy has not been violated and the complaining employee disagrees with the determination of the General Manager, the complaining employee may appeal in writing the decision to the Executive Committee of the Board of Directors. That appeal must be filed within ten (10) business days of receipt of the investigation report and decision of the General Manager.

If an appeal is filed, the Executive Committee of the Board of Directors shall conduct a hearing of the complaining employee's appeal with the attorney for the district present and hear and receive all evidence submitted by the complaining employee. In hearing the appeal, the Executive Committee may take evidence, and hear testimony from the complaining employee and other witnesses. The Executive Committee shall consider whether an activity protected by this policy was a contributing factor in the alleged Retaliation against the complaining employee and if the alleged retaliatory action could have occurred for legitimate, independent business reasons even if the complaining employee had not made Protected Disclosures. The Executive Committee with the advice of the attorney for the district shall render a final decision in writing to the complaining employee within thirty (30) days after completing the hearing which concludes whether Retaliation prohibited by this policy has occurred or not. If the Executive Committee finds that the provisions of this policy have been violated, it shall order

that any personnel action taken against the complaining employee be reversed and that a memorandum be placed in the employee's personnel file indicating the results of the decision of the Executive Committee of the Board of Directors on appeal.

A complaining employee shall be required to exhaust his or her administrative remedies by filing an appeal with the Executive Committee of the Board of Directors regarding any alleged violation of this policy before being entitled to commence a civil action in the Superior Court.

POLICY TITLE: Dress Code & Personal Standards
POLICY NUMBER: 3200

Business Casual Attire (Monday through Thursday): No exposed midriiffs, low cut tops showing cleavage, tops with spaghetti straps, tube-tops, halter tops, sweats, short shorts, , flip flops, or other informal or inappropriate attire.

Business Attire (Board & Special Meetings): Generally will include suits, sport coats, dress shirt and tie and dress slacks, dresses, skirts and blouses unless excused by the District Manger in advance.

Field Work Attire (All times): Field or facility work may require special uniforms or equipment. Employees shall consult with a supervisor on requirements in advance. No personal hats or jackets, including with logos or names on them other than the District, shall be allowed.

3200.4 Non-Compliance

Employees who are inappropriately dressed may be sent home and directed to return to work in the proper attire. Non-exempt employees will not be compensated for the time away from work. Employees who violate Corning Healthcare District dress code policy or grooming standards will be subject to corrective action and disciplinary action, up to and including termination.

POLICY TITLE: Compensation
POLICY NUMBER: 3415

3415.1 This policy shall apply to all District employees.

3415.2 Compensation at Hiring.

POLICY TITLE: Educational Assistance
POLICY NUMBER: 3420

3420.1 Employees of the District are encouraged to pursue educational opportunities which are related to their present work, which will prepare them for foreseeable future opportunities within the District, or which will prepare them for future career advancement.

3420.2 The District will reimburse regular employees for approved courses of study on the following criteria:

- a) A refund of the entire cost of tuition and required class materials will be made if the employee received a grade of "B" or better for the class.
- b) A refund of one-half ($\frac{1}{2}$) of the cost of tuition and required class materials will be made if the employee received a grade of "C" for the class.
- c) No refund will be made to employees who receive a grade below "C" for the class.
- d) The total amount of reimbursement which will be paid to an employee is limited to \$_____ in any calendar year.

3420.3 To be eligible for reimbursement of course costs, the employee must receive advance approval for the class(es) from the District. Requests for reimbursement should be submitted in writing. The employee will be notified of final approval, or the reasons for disapproval. Those requests for reimbursement which are received after the class begins will be eligible for only one-half ($\frac{1}{2}$) of the usual reimbursement.

3420.4 Upon completion of the class(es) the employee is responsible for sending copies of the grade slip(s) and expense receipt(s) to the District Manager [or other responsible managing employee].

3420.5 Two types of classes are generally eligible for reimbursement per this policy:

- a) Classes that are related to the employee's present work assignment or that may prepare him/her for future foreseeable opportunities within the District. Such classes may be taken individually and need not be directed toward a degree or certificate.
- b) Classes that are taken as part of the requirement for a degree or certificate. In this case the employee must first have completed the equivalent of two (2) full years of college level study and have reached the equivalent of the "junior" year of a four-year degree program.

3420.6 Only residence courses are approved for reimbursement. Correspondence courses are not reimbursable under this policy.

POLICY TITLE: Family and Medical Leave
POLICY NUMBER: 3425

3425.1 The purpose of this policy is to clarify how Corning Healthcare District will implement the Family and Medical Leave Act of 1993 (FMLA).

3425.2 Eligibility. To be eligible for leave under the FMLA, an employee must have: (1) been employed by Corning Healthcare District for at least 12 months within a 5 year period,, which need not be consecutive; (2) worked for [District] at least 1,250 hours during the 12 months immediately preceding the commencement of leave; and, (3

3425.3 Leave Benefit.

- a) Eligible employees will be provided with up to 12 weeks of unpaid leave each year to care for a new-born, adopted, or foster child or for a child, parent, or spouse with a serious health condition. In addition, employees who are unable to perform the functions of their position because of a serious health condition will also be entitled to 12 weeks of unpaid leave. "Serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that entails
 - 1) Inpatient care in a hospital, hospice, or residential medical care facility; or,
 - 2) Continuing treatment by a health care provider.
- b) To be eligible for leave under the FMLA, the employee will first be required to use applicable accrued paid leaves permitted by the District, including vacation leave and sick leave for the first part of the 12-week statutory leave. Paid leave may not be added to the end of the 12 weeks of unpaid leave without the District Manager's prior approval. If a husband and wife are both employed by [District], the total number of workweeks of leave to which both may be entitled shall be limited to 12 weeks if leave is taken for the birth, adoption, or foster placement of a child or for the purpose of caring for a seriously ill parent.
- c) Employees on leave who were previously covered by [District]'s health benefit shall continue to be covered at the level and under the conditions that coverage would have been provided if the employee were continuing to work.
- d) At the end of the leave the employee will be reinstated to his/her previous position or to an equivalent job with equivalent pay, benefits, and working conditions. However, the employee will not accrue seniority or employment benefits during the leave period. [District] may also require the employee to obtain medical certification that they are able to resume work.

3425.4 Employee Obligations

- a) If the event necessitating the leave is foreseeable, the employee must provide his or her division manager with at least 30 days' prior written notice. However, if 30 days advance notice for foreseeable

leave is not practicable, the employee must provide the division manager with as much notice as practicable.

- b) Employees seeking leave on account of a serious health condition must provide the division manager with medical certification regarding their condition. The District Manager may require employees to obtain, at [District]'s expense, a second opinion. If the second opinion differs from the first, the District Manager may require a third opinion from a mutually agreed on health care provider.
- c) For most leaves, employees will not be permitted to take their leave intermittently or on a reduced-leave schedule without the District Manager's approval. However, intermittent leave or a reduced-leave schedule may, if medically necessary, be taken by the employee because of a serious health condition. An employee who seeks intermittent leave or leave on reduced-leave schedule because of planned medical treatment may be required to transfer temporarily to a different position, with equivalent working conditions, that accommodates recurring periods of leave better than the employee's regular job.

POLICY TITLE: Holidays
POLICY NUMBER: 3430

3425.1 This policy shall apply to all employees.

3425.2 The following days shall be recognized and observed as paid holidays:

HOLIDAYS AND HOLIDAY PAY

The employees shall receive the following scheduled holidays off with pay:

- | | |
|---------------------------------------|-----------------------|
| 1. January 1 | New Years Day |
| 2. January (3 rd Monday) | Martin Luther King |
| 3. February (3 rd Monday) | President's Day |
| 4. May (last Monday) | Memorial Day |
| 5. July 4 | Independence Day |
| 6. September (1 st Monday) | Labor Day |
| 7. November 11 | Veteran's Day |
| 8. November (last Thursday) | Thanksgiving Day |
| 9. November (last Friday) | Post Thanksgiving Day |
| 10. December 24 | Christmas Eve Day |
| 11. December 25 | Christmas Day |

3425.3 All regular work shall be suspended and employees shall receive one-day's pay for each of the holidays listed above. A full-time employee is eligible for any paid holiday if he/she works the day before and the day after said holiday. Eligibility is also granted if the employee was on vacation or had notified the [PERSONNEL DIRECTOR or other responsible managing employee] and received permission to be absent from work on that specific day or days.

3425.4 Whenever a holiday falls on, a weekend the preceding Friday or the following Monday shall be observed as the holiday

3425.5 When an employee is taking an authorized leave with pay when a holiday occurs, said holiday shall not be charged against said leave with pay.

3425.6 required by law, if any non-exempt employee works on any of the holidays listed above, he/she shall, in addition to his/her holiday pay, be paid for all hours worked at the rate of time and one-half (1½) his/her regular rate of pay, or as otherwise specified under Policy #3122, "Hours of Work and Overtime."

POLICY TITLE: Sick Leave
POLICY NUMBER: 3460

3460.1 This policy shall apply to probationary and regular employees in all classifications.

3460.2 Sick leave is defined as absence from work due to illness, non-industrial injury, or quarantine due to exposure to a contagious disease. In addition, dentist and doctor appointments and prescribed sickness prevention measures shall be subject to sick leave provided prior notice is provided to the District Manager -

3460.3 Employees have 5 sick days per calendar year, beginning January 2 of each year.

3460.4 Each employee may use accrued sick leave, up to half the time accrued per calendar year, as kin care leave, to care for sick immediate-family members. It is provided for those circumstances where the employee must take time off to care for a sick family member, regardless of the seriousness of the illness. Employees should notify their supervisor to the extent feasible in order to avoid disruptions in work schedule as a result of use of kin care time. Family members covered include parents, children and spouses and are defined as follows:

3460.4.1 A "child" means a biological, adopted or foster child, a stepchild, a legal ward or a child for whom an employee has accepted the duties and responsibilities of raising, such as where a grandparent raises his/her grandchild.

3460.4.2 A "parent" means a biological, foster or adoptive parent, a stepparent or legal guardian. Mothers-in-law, fathers-in-law and grandparents are also considered "parents for purposes of this division.

3460.4.3 The term "spouse" is not defined in the legislation mandating kin care, but presumably applies only to an individual to whom the employee is legally married.

3460.5 In order to receive compensation while on sick leave, the employee shall notify his/her supervisor prior to the time for beginning the regular work day, or as soon thereafter as practical.

POLICY TITLE: Time Keeping/Time Records
POLICY NUMBER: 3465

3465.1 It is the responsibility of every non-exempt employee to accurately record time worked. Federal and State laws require Corning Healthcare District to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is the time actually spent on the job performing assigned duties.

3465.2 Overtime compensation will be paid to qualified hourly employees and salaried exempt workers. Overtime work must always be approved by a supervisor before it is performed. In accordance with Federal law, Corning Healthcare District rounds this time to the nearest one-quarter hour/fifteen minutes.

3465.3 It is the employee's responsibility to sign and submit on time his/her time records certifying the accuracy of all time recorded for compensation.

POLICY TITLE: Time Off for Children - School Activities
POLICY NUMBER: 3470

3470.1 California Law allows a parent or guardian to take up to a total of 40 hours of time off each calendar year (but no more than 8 hours in one month) without pay to participate in their children's activities at school (grades K through 12) or licensed child care provider. The absence is subject to all of the following conditions:

3470.1.1 Employees planning to take time off for school visitations must provide as much advance notice as possible and all requests must be approved by the employee's supervisor;

3470.1.2 If both parents are employed by Corning Healthcare District the first employee to request such leave will receive the time off. The other parent will receive the time off only if the leave is approved by his or her supervisor;

3470.1.3 Employees must use accrued vacation or compensating time off in order to receive compensation for this time off;

3470.1.4 Employees who do not have accrued vacation time or compensatory time off available will take the time off without pay.

3470.2 Suspension

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert his or her supervisor as soon as possible before leaving work. In compliance with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose.

3470.2.1 Employees must use accrued vacation or compensating time off in order to receive compensation for this time off;

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POLICY TITLE: Time Off to Vote
POLICY NUMBER: 3475

3475.1 Corning Healthcare District believes that it is the responsibility and duty of employees to exercise the privilege of voting in federal, state or local governmental elections. In accordance with this philosophy, the Corning Healthcare District will grant its employees advance arranged and approved time off to vote and for periods of service as an election official.

3475.2 All employees should be able to vote either before or after regularly assigned work hours. However, when this is not possible due to work schedules, managers are authorized to grant a reasonable period of time, up to three hours, during the work day to vote. Time off for voting should be coordinated to occur at the beginning or end of a work shift where possible and reported and coded appropriately on timekeeping records.

POLICY TITLE: Unauthorized Voluntary Absence
POLICY NUMBER: 3480

3480.1 Voluntary absence from work without permission for three (3) consecutive working days shall be considered an automatic resignation.

3480.1.1 After two consecutive days of voluntary absence from work without permission, the employee shall be notified in writing that the absence will be considered as resignation if it continues consecutively through the third working day. Said notice shall provide factual evidence that the employee's absence is voluntary and unauthorized and an invitation to the employee to present his/her version of the "facts" at a meeting with the District Manager.

3480.1.1.1 Constructive resignation shall not be determined to have occurred until after the employee has an opportunity to present his/her version of the "facts" at the meeting with the District Manager.

3480.1.1.2 The fact-finding hearing shall be held within ten (10) days after the end of the three (3) consecutive days of unauthorized voluntary absence.

3480.2 The District Manager may, prior to the informal fact-finding hearing, reinstate the employee who has been voluntarily absent if the employee provides a satisfactory explanation. If the employee is reinstated after providing a satisfactory explanation, back pay for the period of absence may be disallowed, including the employee's use of vacation or "comp" time to cover the period of absence.

3480.3 If the District Manager determines, as a result of the evidence presented at the fact-finding hearing, that the employee was voluntarily absent without leave and did not have a satisfactory explanation, the employee shall not be entitled to a post-severance evidentiary hearing and the employee's resignation shall be considered to be effective at the end of the third consecutive day of his/ her unauthorized voluntary absence.

POLICY TITLE: Use of Make up Time
POLICY NUMBER: 3485

3485.1 Corning Healthcare District allows the use of make up time when non-exempt employees need time off to tend to personal obligations. Use of make up time is discretionary and subject to preapproval by the District Manager. Make up time worked will not be paid at an overtime rate.

3485.2 Subject to compliance with this policy, employees may take time off and then make up the time later in the same workweek, or may work extra hours earlier in the workweek to make up for time that will be taken off later in the workweek.

3485.3 Make up time requests must be submitted in writing to your supervisor, with your signature, ~~on the~~. Requests will be considered for approval based on the legitimate business needs of Corning Healthcare District at the time the request is submitted. A separate written request is required for each occasion the employee requests make up time.

3485.4 If you request time off that you will make up later in the week, you must submit your request at least 24 hours in advance of the desired time off. If you request to work make up time first in order to take time off later in the week, you must submit your request at least 24 hours before working the make up time. Your make up time request must be approved in writing before you take the requested time off or work make up time, whichever is first.

3485.5 All make up time must be worked in the same workweek as the time taken off. Corning Healthcare District six-day workweek is Monday through Saturday. Employees may not work more than 40 hours in a workweek as a result of making up time that was or would be lost due to a personal obligation.

3485.6 If you take time off and are unable to work the scheduled make up time for any reason, the hours missed will normally be unpaid. However, your supervisor may arrange with you another day to make up the time if possible, based on scheduling needs. If you work make up time in advance of time you plan to take off, you must take that time off, even if you no longer need the time off for any reason.

3485.7 An employee's use of make up time is completely voluntary and subject to the ability of the District to accommodate the employee. Corning Healthcare District does not encourage, discourage, or solicit the use of make up time off.

the long-term and consistent productivity and contentment of the employee. As such, pay in lieu of vacation time away from work shall not be permitted except in situations of hardship

POLICY TITLE: Workers' Compensation Leave [Not applicable to Sworn Public Safety Employees Due to Labor Code Section 4850]
POLICY NUMBER: 3495

3495.1 If an employee is injured at work and is temporarily unable to perform his or her usual and customary work, the employee will be allowed to take an unpaid leave of absence while receiving workers' compensation benefits. Certification from a recognized medical professional confirming the necessity of the leave must be provided to Corning Healthcare District within fourteen (14) days after the leave begins. The duration of the leave will be determined on a case-by-case basis, considering both the injured employee's medical condition and Corning Healthcare District's business needs.

3495.2 The employee may elect during such absence to apply sick leave on a prorated basis to such absence and receive compensation in an amount equal to the difference between compensation received as regular salary and the amount received as Workers' Compensation benefits, not to exceed the amount of available accrued sick leave. Similarly, the employee may elect to use any accrued paid leave time and accrued time off after the sick leave is exhausted.

3495.3 The employee may return to work only after a recognized medical professional certifies that the employee is capable of resuming all of the essential functions of the employee's position. Corning Healthcare District may, in its discretion, provide modified or light duty work if the employee's release contains such limitation. If the employee has been released without limitation, the employee will be offered the same position he or she held previously, unless the job no longer exists or has been filled so that Corning Healthcare District can operate safely and efficiently or the employment relationship has otherwise been terminated.

3495.4 Workers' compensation leave will run concurrently with any family and medical leave. During the period of leave, Corning Healthcare District will continue payment of all premiums for employee benefit plans in place at the time the leave begins. Corning Healthcare District will also continue the employer contribution for employee benefit premiums, as if the employee were not in leave status, for the duration of the leave. The employee must reimburse Corning Healthcare District for any portion of benefits they would have paid through payroll deduction. Such reimbursement must be received by Corning Healthcare District within 30 days of the date of the invoice or written notification. If Corning Healthcare District does not receive the reimbursement from the employee within 30 days, Corning Healthcare District can cancel any policies and/or plans for which they have not been reimbursed.

POLICY TITLE: Health and Welfare Benefits
POLICY NUMBER: 3505

3505.1 Medical Expense Insurance. Health and dental insurance to cover non-occupational injuries and sickness for probationary and full-time employees in all job classifications, and their dependents, shall be provided by the District. The scope of coverage and the portion of premiums to be paid by the District is subject to periodic review and revision by the Board of Directors.

3505.2 Workers' Compensation Insurance. All District employees will be insured against injuries received while on the job as required by State law.

POLICY TITLE: Illness and Injury Prevention Program
POLICY NUMBER: 3510

3510.1 Program Goal and Outline.

The goal of the District is to provide safe and healthful working conditions for all of its employees. Therefore, the District will maintain a safety and health program conforming to the best practices of agencies of this type. The District's safety and health program will include:

3510.1.1 Providing mechanical and physical safeguards to the maximum extent possible.

3510.1.2 Conducting a program of safety and health inspections to find and eliminate unsafe working conditions or practices, to control health hazards, and to comply fully with the safety and health standards and law for every job.

3510.1.3 Training all employees in good safety and health practices.

3510.1.4 Providing necessary personal protective equipment, and instructions for use and care.

3510.1.5 Developing and enforcing safety and health rules, and requiring that employees cooperate with these rules as a condition of employment.

3510.1.6 Investigating promptly and thoroughly, every accident to determine its cause and correct the problem so it will not happen again.

3510.1.7 Developing a system of recognition and awards for outstanding safety service and/or performance.

3510.2 Program Responsibility.

Although the District recognizes that the responsibility for safety and health is shared, the District Manager [or other responsible managing employee] shall be responsible and have full authority for implementing this policy and the District's Injury and Illness Prevention Program.

3510.2.1 The District accepts responsibility for leadership of the safety and health program, for its effectiveness and improvements, and for providing the safeguards required to ensure safe conditions.

3510.2.2 Supervisory personnel are responsible for developing proper attitudes toward safety and health for themselves and in those they supervise, and for ensuring that all operations are performed with the utmost regard for the safety and health of all personnel involved, including themselves.

3510.2.3 No employee will be required to work at a job he/she knows is not safe or healthful. Employees are responsible for wholehearted, genuine operation of all aspects of the safety and health program -including compliance with all rules and regulations - and for continuously practicing safety while performing their duties. Any employee found not practicing safety while performing their duties will be subject to appropriate discipline.

3510.3 Injury and Illness Records.

The District's record keeping system for its Injury and Illness Prevention Program shall conform to Cal/OSHA standards. Records shall be used to measure and evaluate the success of said program.

3510.3.1 A report shall be obtained on every injury or illness requiring medical treatment. (See also Section 3510.8.)

3510.3.2 Each injury or illness shall be recorded on the "Cal/OSHA Log and Summary of Occupational Injuries and Illnesses," Cal/OSHA Form 200, according to its instructions.

3510.3.3 A supplementary record of the occupational injuries and illnesses shall be prepared on OSHA Form 5020, "Employer's Report of Injury or Illness," with the same information as in 3510.32, above.

3510.3.4 Annually, the summary Cal/OSHA Form 200 shall be prepared and posted no later than February 1 in a place easily observable by employees. Said form shall remain posted until March 1.

3510.3.5 All records specified in this section shall be maintained in the District's files for a minimum of five years after their preparation.

3510.4 Documentation of Activities.

Records shall be maintained of steps taken to establish and maintain the District's Injury and Illness Prevention Program. They shall include:

3510.4.1 Records of scheduled and periodic inspections as required by Cal/OSHA [California Code of Regulations, Title 8, Chapter 4] to identify unsafe conditions and work practices. The documentation must include the name of the person(s) conducting the inspection, the unsafe conditions and work practices identified, and the action taken to correct the unsafe conditions and work practices. The records are to be maintained for at least three (3) years.

3510.4.2 Documentation of safety and health training required by Cal/OSHA [California Code of Regulations, Title 8, Chapter 4] for each employee. The documentation must specifically include employee name or other identifier, training dates, type(s) of training and the name of the training provider. These records must also be kept for at least three years.

3510.5 Program Communication System.

Readily understandable communication shall be maintained with all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the District of hazards at the worksite without fear of reprisal. Communications with employees shall include meetings, training programs, posted written information, and a system of anonymous notification by employees about hazards.

3510.5.1 Written communications to employees shall be in a language they can understand. If an employee cannot read in any language, said communication shall be made orally in a language he/she can readily understand.

3510.5.2 The District's Code of Safe Practices, below, shall be posted at a conspicuous location in the District's maintenance office, and shall be provided to each supervisory employee who shall keep it readily available.

3510.5.3 Periodic meetings (at least one per quarter) of supervisory employees shall be held under the direction of the District Manager for the discussion of safety problems and accidents that have occurred. Documentation of these meetings shall be maintained for three years.

3510.5.4 Supervisory employees shall conduct "toolbox" or "tailgate" safety meetings, or equivalent, with their crew(s) at least every ten working days to emphasize safety. Documentation of these meetings shall be maintained for three years.

3510.5.5 General employee meetings shall be conducted (at least one per quarter) at which safety is freely and openly discussed by those present. Such meetings should be regular, scheduled, and announced to all employees so that maximum employee attendance can be achieved. Documentation of these meetings shall be maintained for three years. Discussions at these meetings should concentrate on:

3510.5.5.1 Occupational accident and injury history within the District, with possible comparisons to other similar agencies.

3510.5.5.2 Feedback from employees.

3510.5.5.3

3510.5.6 Training programs shall be conducted when new equipment, machinery or tools are purchased. Employees shall be instructed in the safe operation of said equipment, machinery or tools. Documentation of training programs shall be maintained for three years.

3510.5.6.1 New employees shall be trained by their supervisor in the safe operation of the equipment, machinery and tools with which they will be working prior to being allowed to work independently. Documentation of new employee training shall be maintained for three years.

3510.5.7 Posters and bulletins relating to and encouraging safe and healthy practices shall be posted on a rotational basis at a conspicuous location in the District's maintenance office.

3510.5.8 News articles and publications devoted to safety shall be distributed to employees. This policy shall also be distributed to all employees upon its adoption, to all new employees at the time of their hiring, and annually thereafter.

3510.6 Hazard Assessment and Control.

Periodic safety inspections shall be conducted to identify existing hazards in the workplace, or conditions, equipment and procedures that could be potentially hazardous. The inspections shall be conducted by personnel who, through experience or training, are able to identify actual and potential hazards and who understand safe work practices.

3510.6.1 Safety inspectors will observe if safe work practices are being followed and will ensure that unsafe conditions or procedures are identified and corrected properly.

3510.6.2 Safety inspections will be conducted at least annually. The frequency of the inspections will depend on the operations involved, the magnitude of the hazards, the proficiency of employees, changes in equipment or work processes, and the history of workplace injuries and illnesses.

3510.6.3 A written assessment shall be prepared after said inspections which will document identified hazards and prescribe procedures for the elimination of same, and measures that can be taken to prevent their recurrence.

3510.6.4 The District Manager will review written inspection reports and/or assessments and will assist in prioritizing actions and verify completion of previous corrective actions. He/she shall also review the overall inspection program to determine trends.

3510.7 Accident Investigation.

All accidents shall be thoroughly and properly investigated with the primary focus of understanding why the accident or near-miss occurred and what actions can be taken to preclude recurrence. A written report of said investigation shall be prepared which adequately identifies the cause(s) of the accident or near-miss occurrence.

3510.7.1 The investigation must obtain all the facts surrounding the occurrence: what caused the situation to occur; who was involved; was/were the employee(s) qualified to perform the functions involved in the accident or near-miss; were they properly trained; were proper operating procedures established for the task involved; were procedures followed, and if not, why not; where else this or a similar situation might exist, and how it can be corrected.

3510.7.2 The accident investigator must determine which aspects of the operation or process require additional attention (what type of constructive action can eliminate the cause(s) of the accident or near-miss).

3510.7.3 Actions already taken to reduce or eliminate the exposures being investigated should be noted, along with those remaining to be addressed.

3510.7.4 Any interim or temporary precautions should also be noted. Any pending corrective action and reason for delaying its implementation should be identified.

3510.7.5 Corrective action should be identified in terms of not only how it will prevent a recurrence of the accident or near-miss, but also how it will improve the overall operation. The solution should be a means of achieving not only accident control, but also total operation control.

3510.8 Code of Safe Practices.

General

3510.8.1 All employees shall follow these safe practices rules, render every possible aid to safe operations, and report all unsafe conditions or practices to

3510.8.2 Supervising employees shall insist on employees observing and obeying every rule, regulation, and order as is necessary to the safe conduct of the work, and shall take such action as necessary to obtain observance.

3510.8.3 Anyone known to be under the influence of drugs or intoxicating substances which impair the employee's ability to safely perform the assigned duties shall not be allowed on the job while in that condition, and will be subject to the discipline specified in Policy #2190.

3510.8.4 Horseplay, scuffling, and other acts which tend to have an adverse influence on the safety or well-being of the employees shall be prohibited.

3510.8.5 Work shall be well planned and supervised to prevent injuries in the handling of materials and in working together with equipment.

3510.8.6 No one shall knowingly be permitted or required to work while the employee's ability or alertness is so impaired by fatigue, illness, or other causes that it might unnecessarily expose the employee or others to injury.

3510.8.7 Employees shall not enter manholes, underground vaults, chambers or other similar places that receive little ventilation, unless it has been determined that it is safe to enter.

3510.8.8 Employees shall be instructed to ensure that all guards and other protective devices are in proper places and adjusted, and shall report deficiencies promptly to the Foreman or Field Operations Supervisor [or other responsible managing employee].

3510.8.11 All injuries shall be reported promptly to District [or other responsible managing employee] so that arrangements can be made for medical or first aid treatment.

3510.8.12 When lifting heavy objects, the large muscles of the leg instead of the smaller muscles of the back shall be used.

3510.8.13 Materials, tools, or other objects shall not be thrown from buildings or structures until proper precautions are taken to protect others from the falling objects.

3510.8.14 Employees shall cleanse thoroughly after handling hazardous or unhealthy substances, and follow special instructions from authorized sources.

3510.8.15 Work shall be so arranged that employees are able to face a ladder and use both hands while climbing.

3510.8.16 Gasoline shall not be used for cleaning purposes.

3510.8.17 No burning, welding, or other source of ignition shall be applied to any enclosed tank or vessel, even if there are some openings, until it has first been determined that no possibility of explosion exists, and authority for the work is obtained from the Maintenance Supervisor [or other responsible managing employee].

3510.8.18 Any damage to scaffolds, falsework, shoring or other supporting structures shall be immediately reported to Maintenance Manager [or other responsible managing employee].

Use of Tools and Equipment

3510.8.19 All tools and equipment shall be maintained in good condition.

3510.8.20 Damaged tools or equipment shall be removed from service and tagged "DEFECTIVE."

3510.8.21 Pipe or Stillson wrenches shall not be used as substitute for other wrenches.

3510.8.22 Only appropriate tools shall be used for the job.

3510.8.23 Wrenches shall not be altered by the addition of handle-extensions or "cheaters."

3510.8.24 Files shall be equipped with handles and not used to punch or pry.

3510.8.25 Screwdrivers shall not be used as chisels.

3510.8.26 Wheelbarrows shall not be used with handles in an upright position.

3510.8.27 Portable electric tools shall not be lifted or lowered by means of the power cord. Ropes shall be used for this purpose.

3510.8.28 In locations where the use of a portable power tool is difficult, the tool shall be supported by means of a rope or similar support of adequate strength.

Machinery and Vehicles

3510.8.29 Only authorized persons shall operate machinery or equipment.

3510.8.30 Loose or frayed clothing, or long hair, dangling ties, finger rings, etc., shall not be worn around moving machinery or other sources of entanglement.

3510.8.31 Machinery shall not be serviced, repaired or adjusted while in operation, nor shall oiling of moving parts be attempted, except on equipment that is designed or fitted with safeguards to protect the person performing the work.

3510.8.32 Where appropriate, lock-out procedures shall be used.

| 3510.8.33 Employees shall not work under vehicles supported by jacks or chain hoists, without protective blocking that will prevent injury if jacks or hoists should fail.

| 3510.8.34 Air hoses shall not be disconnected at compressors until hose line has been bled.

3510.8.35 All excavations shall be visually inspected before backfilling, to ensure that it is safe to backfill.

3510.8.36 Excavating equipment shall not be operated near tops of cuts, banks, and cliffs if employees are working below.

| 3510.8.37 Tractors, backhoes and other similar equipment shall not operate where there is possibility of overturning in dangerous areas like edges of deep fills, cut banks, and steep slopes.

POLICY TITLE: Substance Abuse
POLICY NUMBER: 3520

3520.1 Policy Statement: The purpose of this policy is to assure worker fitness for duty and to protect District employees and the public from risks posed by the use of alcohol and controlled substances. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transportation industry. The Federal Highway Administration (FHWA) of the Department of Transportation (DOT) has enacted 49 CFR Part 382 that mandate urine drug testing and breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The Department of Transportation has also enacted 49 DFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the Department of Transportation has enacted 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug free workplace policies and the reporting of certain drug-related offenses to the Department of Transportation. This policy incorporates those requirements of safety-sensitive employees and others when so noted.

Coming Healthcare District recognizes that the use of alcohol and/or controlled substances in the workplace is not conducive to safe working conditions. In order to promote a safe, healthy and productive work environment for all employees, it is the objective of the District to have a work force that is free from the influence of alcohol and controlled substances.

3520.1.1 Applicability: This policy applies to all employees when they are on District property or when performing any District related business. Certain provisions, where identified, will apply only to safety-sensitive employees. It also applies to off-site lunch periods and breaks when a safety-sensitive employee is scheduled to return to work.

A safety-sensitive employee is:

- a) one in any classification requiring the use of a Class "A" or Class "B" commercial driver's license, as listed in Appendix A;
- b) one who has voluntarily driven a District vehicle requiring a commercial license within the last 12-month period, or who desires in the future to voluntarily drive a District vehicle requiring a commercial license; or,
- c) one who performs safety-sensitive functions as specified in Appendix A. A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

3520.1.2 Prohibited Substances: "Prohibited substances" addressed by this policy include the following:

- a) Drugs: marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine.
- b) Alcohol. The use of beverages or substances, including any medication, containing alcohol such

that it is present in the body at a level in excess of that stated in DOT guidelines while actually performing, ready to perform, or immediately available to perform any District business is prohibited. "Alcohol" is defined as: the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl or isopropyl alcohol.

- c) Legal Medications. Using or being under the influence of any legally pre-scribed medication(s), or non-prescription medication(s) while performing district business or while on District property is prohibited to the extent that such use or influence affects job safety or effective and efficient job performance. This prohibition includes the use of medically prescribed marijuana. An employee who feels his/her performance of work-related duties may be impaired by use of any legal substance which carries a warning label that indicates that mental functioning, motor skills and/or judgment may be adversely affected should report it to his/her supervisor, and medical advice should be sought before performing work-related duties. In the above instance, an employee using legal prescribed medication or non-prescription medication may continue to work if the supervisor determines that the employee does not pose a safety threat and that job performance is not affected by such use.

3520.1.3 Prohibited Conduct:

- a) Manufacture, Trafficking, Possession and Use. Engaging in unlawful manufacture, distribution or dispensing of a controlled substance or alcohol on District premises, in a District vehicle or while conducting District business off the premises is absolutely prohibited. Violation may result in termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected. Engaging in unlawful possession or use of a controlled substance or alcohol on District premises, in a District vehicle or while conducting District business off the premises is absolutely prohibited. Violation will result in removal from duty and referral to a Substance Abuse Professional (SAP), and may result in discipline up to and including termination of employment.
- b) Impaired/Not Fit for Duty. Any employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or not fit for duty shall be removed from job duties and be required to undergo a reasonable suspicion controlled substance or alcohol test. Employees failing to pass this reasonable suspicion controlled substance or alcohol test shall remain off duty and be referred to an SAP. A controlled substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in the DOT guidelines.
- c) Alcohol Use. No safety-sensitive employee may report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No employee shall use alcohol during working hours. No safety-sensitive employee shall use alcohol within four (4) hours of reporting for duty. Violations of this provision is prohibited and will subject the employee to disciplinary action, including removal from safety-sensitive duty and referral to an SAP.
- d) Compliance with Testing Requirements. All safety-sensitive employees are subject to controlled substance testing and breathe alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to an SAP. Refusal to submit to a test can include an inability to provide a urine specimen or breathe sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.
- e) Treatment/Rehabilitation Program. An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:

- f) Positive Controlled Substance and/or Alcohol Test: A Rehabilitation Program is available for employees who have tested positive for a prohibited substance on a one-time basis only. Employees will be terminated immediately on the occurrence of a second event with a verified positive test result. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. When recommended by the SAP, participation and completion of the rehabilitation program is mandatory. Failure of an employee to attend and complete a prescribed program will result in termination from employment. Prior to return-to-duty testing, an employee must follow the rehabilitation program recommended by the SAP and agree to and sign a Return-To-Duty Agreement. The duration and frequency of follow-up testing will be determined by the SAP but will not be shorter than one (1) year or longer than five (5) years.
- g) Voluntary Admittance: All employees who feel they have a problem with controlled substances and/or alcohol may request voluntary admission to a rehabilitation program. Requests must be submitted to the District Manager or his/her designee for review. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. An employee completing a rehabilitation program must agree to and sign a Return-To-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up testing for thirty-six (36) months following return to duty. A positive result on the return-to-duty test or on the unannounced follow-up tests will result in termination from employment. Participants in the rehabilitation program may use accumulated sick leave, vacation and floating holidays, if any.

3520.1.4 Notifying The District of Criminal Drug Conviction: Pursuant to the "Drug Free Workplace Act of 1988," any employee who fails to immediately notify the District of any criminal controlled substance statute conviction shall be subject to disciplinary action, up to and including termination of employment.

3520.1.5 Proper Application of the Policy: The District is dedicated to assuring fair and equitable application of this Substance Abuse Policy. Therefore, supervisors are required to administer all aspects of the policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy with respect to his/her subordinates shall be subject to disciplinary action, up to and including termination of employment.

3520.1.6 Testing for Prohibited Substances: Analytical urine controlled substance testing and breathe testing for alcohol will be conducted as required under DOT guidelines. All employees shall be subject to testing prior to employment and for reasonable suspicion. All safety-sensitive employees shall be subject to testing randomly and following an accident, as defined in the DOT guidelines. In addition, all safety-sensitive employees will be tested prior to returning to duty after failing a controlled substance and/or alcohol test. Employees who have returned to duty will be subject to unannounced follow-up tests for up to five (5) years, as determined by an SAP. Safety-sensitive employees who perform safety-sensitive functions as defined in the DOT guidelines shall also be subject to testing on a randomly selected and unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the Department of Health and Human Services (DHHS), including split-sample testing. All testing will be conducted consistent with the procedures put forth in the DOT guidelines.

An initial controlled substance screen will be conducted on each specimen. For those specimens that are positive, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed.

The test will be considered positive if the controlled substance levels present are above the minimum thresholds established in the DOT guidelines.

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). If the initial test indicated an alcohol concentration of 0.02 or greater, a confirmation test will be performed to confirm the result of the initial test. A safety-sensitive employee who has a confirmed alcohol concentration of 0.02, but less than 0.04 will be removed from his/her position for at least twenty-four (24) hours unless a retest results in an alcohol concentration of 0.02 or less. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of DOT guidelines and this policy.

Any employee who has a confirmed positive controlled substance or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and evaluated by an SAP.

The District affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process.

Circumstances under Which Employees May be Tested:

- a) Pre-Employment Testing. All job applicants for any safety sensitive position who have been offered District employment, including current safety-sensitive employees who promote, demote or transfer to another safety sensitive position, shall undergo urine controlled substance testing prior to employment. Receipt of a satisfactory test result is required prior to employment and failure of a controlled substance test will disqualify the candidate from further consideration for employment. Current employees who promote, demote or transfer from non-safety-sensitive to safety-sensitive position shall test negative prior to assignment to a safety-sensitive classification. The District will obtain records from previous employers of new employees in conformance with DOT guidelines. Probationary employees who receive a positive alcohol and/or substance abuse test, or who fail to provide "clean" records from previous employers will fail to complete the District's probationary period.
- b) Reasonable Suspicion Testing. All employees will be subject to urine and/or breathe testing when there is a reason to believe that controlled substances or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance abuse. Examples of reasonable suspicion include, but are not limited to, the following:
 1. Adequate documentation of unsatisfactory work performance or on-the-job behavior.
 2. Physical signs and symptoms consistent with prohibited substance use.
 3. Occurrence of a serious or potentially serious accident that may have been caused by human error.
 4. Fights (i.e., physical contact), assaults and flagrant disregard or violations of established safety, security, or other operational procedures.Reasonable-suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of controlled substance and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.
- c) Post-Accident Testing. Safety-sensitive employees will be required to undergo controlled substance and/or breathe alcohol testing if they are involved in an accident with a District vehicle that results in a fatality. This includes all safety-sensitive employees who are on duty in the vehicles. In addition, a post-accident test will be conducted if an accident results in injuries requir-

ing transportation to a medical treatment facility; or where one or more vehicles incurs disabling damage that requires towing from the site; or the safety-sensitive employee receives a citation under State or local law for a moving traffic violation arising from the accident.

Following an accident, the safety-sensitive employee will be tested as soon as possible, but not to exceed eight (8) hours for alcohol and thirty-two (32) hours for controlled substances. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and be subject to termination of employment. Post-accident testing of safety-sensitive employees will include not only the operation personnel, but any other employees whose performance could have contributed to the accident.

- d) **Random Testing.** Employees working in safety-sensitive classifications will be subjected to randomly selected, unannounced testing. The random selection will be by a scientifically valid method. Each safety-sensitive employee will have an equal chance of being tested each time selections are made. Safety-sensitive employees will be tested either just before departure, or during duty, or just after the safety-sensitive employee has ceased performing his/her duty. When safety-sensitive employees are off work due to long-term lay-offs, illness, injury, or vacation, the employee's name will be placed back into the pool and another employee name selected.
- e) **Return-to-Duty Testing.** All employees who previously tested positive for a controlled substance or alcohol test must test negative and be evaluated and released to duty by the SAP before returning to duty. Employees will be required to undergo unannounced follow-up controlled substance and/or alcohol breath testing following returning to duty. The SAP will determine the duration and frequency. However, it shall not be less than six tests during the first 12 months, nor longer than 60 months in total, following return to duty.
- f) **Employee Requested Testing.** Any employee who questions the result of a required controlled substance test may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee unless the second test invalidated the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the DOT guidelines. The safety-sensitive employee's request for a retest must be made to the Medical Review Officer (MRO) within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.
- g) **Records Retention.** The District shall maintain complete records of alcohol and/or controlled substance test results for each employee in a secure location with controlled access. Employee records are confidential and will be available to the DOT or any state or local officials with regulatory authority over the District or any of its drivers only. Records will be kept for a minimum of five (5) years regarding the following: driver alcohol tests; positive controlled substance tests; documentation on refusals to take alcohol or controlled substance tests; and, employee evaluations and referrals. Records will be kept for a minimum of two (2) years regarding the alcohol and controlled substance collection process. Records will be kept for a minimum of one (1) year regarding the following: collection process; collection logbooks; documents of random selection process; calibration documents for breath testing device; and, documentation of breath alcohol technician training.

3520.1.7 Employee Assessment: Any employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum thresholds set forth in the DOT guidelines will be assessed by an SAP. An SAP is a District selected licensed physician, psy-

chologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinically experienced in the diagnosis and treatment of drug and alcohol related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance or alcohol abuse or misuse.

If an employee is returned to duty following rehabilitation, he/she must agree to and sign a Return-to-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up tests for a period of one (1) to five (5) years, as determined by the SAP. The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is borne by the employee and is on a one-time basis only. An employee will be immediately terminated from employment on the occurrence of a second verified positive test result. Employees may use accumulated sick leave, vacation, administrative leave, personal necessity leave, and/or floating holidays, if any, to participate in the prescribed rehabilitation program.

3520.1.8 Test Related Time-Off Work Provisions: Any employee who is relieved from duty due to a positive drug or controlled substance test must use accumulated compensated leave (i.e., vacation, sick leave, administrative leave, personnel necessity leave or floating holidays, if any) during the regularly scheduled work time missed. If the employee has insufficient accumulated compensated leave to cover the regularly scheduled work time missed due to a positive alcohol or controlled substance test, such time shall be without pay. In the event there is a false positive test the District, upon verification, will compensate the employee for any regularly scheduled work time missed as a result thereof.

3520.1.9 Contact Person: Any questions regarding this policy should be directed to the following District representative:

Name: Shirley Engebretsen

Title: District Manager

Address: 275 Solano Street, Corning CA

Telephone: (530) 824-5451

3520.10 Definitions:

- a) Accident - An unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury or significant property damage.
- b) Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
- c) Alcohol Concentration - The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this policy (e.g., 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air).
- d) Alcohol Use - Consumption of any beverage, mixture, or preparation, including any medication containing ethyl alcohol. Since ingestion of a given amount of alcohol produces the same alcohol concentration in an individual whether the alcohol comes from a mixed drink or cough syrup, the DOT prohibits the use of any substance containing alcohol, such as prescription or over-the-counter medication or liquor-filled chocolates. Prescription medications containing alcohol may have a greater impairing effect due to the presence of other elements (e.g., antihistamines).
- e) Breath Alcohol Technician (BAT) - A person trained to proficiency in the operation of the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. BAT's are the only qualified personnel to administer the EBT tests.
- f) Chain of Custody - The procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.
- g) Collection Site - A place designated by the District where individuals present themselves for the purpose of providing a specimen of urine and/or breathe.

- h) Commercial Motor Vehicle - A motor vehicle, or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: (1) has a gross combination weight ratio of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or, (2) has a gross vehicle weight rating of 26,001 or more pounds; or, (3) is designed to transport 16 or more passengers, including the driver; or, (4) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.
- i) Confirmation Test - For alcohol testing, a second test following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing this is a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (CG/MS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.)
- j) Controlled Substance (Drug) Test - A method of detecting and measuring the presence of alcohol and other controlled substances, whether legal or illegal, in a person's body. A controlled substance test may be either an initial test or confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specified concentration level. It eliminates negative specimens from further consideration.
- k) Covered Employee - A person, including a volunteer or applicant, who performs a safety-sensitive function for the District.
- l) Department of Transportation Guidelines - The controlled substance and alcohol testing rules - 49 CFR Part 382 (FWHA - Commercial Motor Vehicle) - setting forth the procedures for controlled substance and alcohol testing (49 CFR Part 40) in all transportation industries.
- m) District - [district name].
- n) District Time - Any period of time in which an employee is actually performing a District function. Any period of time in which a safety-sensitive employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.
- o) Driver - Any person who operates a commercial motor vehicle for the District. This includes full time, regularly employed drivers; and casual, intermittent or occasional drivers.
- p) Drug (Controlled Substance) Metabolite - The specific substance produced when the human body metabolizes (changes) a given drug (controlled substance) as it passes through the body and is excreted in urine.
- q) Evidential Breath Testing Device (EBT) - The device to be used for breath alcohol testing.
- r) Medical Review Officer (MRO) - A licensed physician responsible for analyzing laboratory results generated by the District's substance abuse policy testing program. The MRO is knowledgeable about substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results.
- s) Performing (Safety-Sensitive Function) - A safety-sensitive employee is considered to be performing a safety-sensitive function and includes any period in which the safety sensitive employee is actually performing, ready to perform, or immediately available to perform such functions.
- t) Post-Accident Alcohol and/or Controlled Substance testing - Testing conducted after accidents on employees whose performance could have contributed to the accident. For drivers this is determined by a citation for a moving traffic violation and for all fatal accidents even if the driver is not cited for a moving traffic violation. See "Accident."
- u) Pre-Employment Controlled Substance testing - Testing conducted after an offer to hire has been extended to a job applicant, but before actually performing District functions as an employee. Also required when employees transfer to a safety-sensitive position.

- v) Prohibited Drugs (Controlled Substances) - Marijuana, cocaine, opiates, amphetamines, or phen-cyclidine.
- w) Prohibited Substances - Synonymous with drug abuse and/or alcohol misuse or abuse.
- x) Random Alcohol and/or Controlled Substance Testing - Testing con-ducted on a random unan-nounced basis just before, during or just after performance of safety-sensitive functions.
- y) Reasonable Suspicion Alcohol and/or Controlled Substance Testing - Testing conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or con-trolled substance abuse.
- z) Refuse to Submit (to an Alcohol and/or Controlled Substance Test) - Failure by an employee to provide an adequate breath or urine sample for testing without a valid medical explanation after that employee received notice of the requirement to be tested, or engages in conduct that clearly ob-structs the testing process (i.e., verbal declarations, obstructive behavior or physical absence re-sulting in the inability to conduct the test).
- aa) Rehabilitation - The total process of restoring an employee to satisfactory work performance through constructive confrontation, referral to the SAP and participation in SAP recommendations such as education, treatment and/or support groups to resolve personal, physical or emotion-al/mental problems which contributed to job problems.
- bb) Return-to-Duty and Follow-Up Alcohol and/or Controlled Substance testing - Testing conducted when an employee who has violated the prohibited alcohol or controlled substance conduct stand-ards returns to performing duties. Follow-up tests are unannounced, and at least six tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be ex-tended for up to 60 months following return-to-duty upon the SAP recommendation.
- cc) Return-to-Duty Agreement - A document agreed to and signed by the District Manager or his/her designee, the employee, and the SAP, that outlines the terms and conditions under which the em-ployee may return to duty after having had a verified positive controlled substance test result, or an alcohol concentration of 0.04 or greater on an alcohol test.
- dd) Safety-Sensitive Employee (Function and/or Position) - An employee is considered to be perform-ing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. (A complete list of safety-sensitive classifications and functions is listed in Appendix A of this policy.)
- ee) Screening (Initial) Test - An analytical procedure in alcohol testing to determine whether an em-ployee may have a prohibited concentration of alcohol in their system. In controlled substance test-ing, it is an immunoassay screen to eliminate negative urine specimens from further consideration
- ff) Substance Abuse Professional (SAP) - A licensed physician (Medical Doctor or Doctor of Osteopa-thy), or a licensed or certified psychologist, social worker (with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders, the license alone does not au-thorize this), Certified Employee Assistance Professional (CEAP), or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and con-trolled substances related disorders.
- gg) Supervisor - Foreman, Superintendent, Division Manager or District Manager who has had one hour of training on the signs and symptoms of alcohol abuse and an additional hour training on the signs and symptoms of controlled substance abuse
- hh) Vehicle - Bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel used for mass transportation.

3520.2 Procedures:

3250.2.1 Reasonable Suspicion Testing:

- a) An employee who may possibly be under the influence of alcohol and/or controlled substances is observed by a supervisor. Any employee may identify someone suspected of alcohol and/or controlled substance abuse to any supervisor (employees should realize, however, that it is against District policy to make false or malicious statements about other employees and doing so can result in disciplinary action). The supervisor must witness first-hand the employee's signs and symptoms.
- b) The supervisor is then obligated to ensure that the matter is immediately investigated. If possible, two supervisors determine (independently or together) that the employee in question may be under the influence of alcohol and/or controlled substances.
- c) When the supervisor(s) suspect and believe that the employee may be under the influence of alcohol and/or controlled substances, the employee is then immediately suspended from duty (with pay) and driven by a District employee (or others designated) to the District specified collection site. Because of a testing facility requirement, the employee in question must show proof of identification, such as a driver's license photo or state-issued photo identification card. Whenever practical, the District Manager (or his/her designee) should be notified in advance of the employee being taken to the collection site.
- d) At the collection site, the employee will be required to submit a urine sample in the event that controlled substances are suspected, or a breath sample in the event that alcohol intoxication is suspected by the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample.
- e) The District will take precautions to prevent the employee being tested from going back to work and driving their own car home if any of the tests are positive. Instead, the employee will be taken home from the collection by a District employee (or others designated).
- f) The employee whose test results are negative (0.02 alcohol concentration or less) will be reinstated immediately. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for twenty-four (24) hours after administration of the test. The employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.
- g) The employee whose controlled substance test results are verified negative will be reinstated immediately. The employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.

3520.2.2 Random Testing:

- a) The compliance company notifies the District Manager, who in turn notifies the supervisor to send the safety-sensitive employee to the collection site for alcohol and/or controlled substance testing.
- b) The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee sent to the collection site must have proof of identification, such as a driver's license photo or state-issued photo identification card.
- c) At the collection site, the safety-sensitive employee will be required to submit a urine sample (in the event that controlled substances are to be tested for) or a breath sample (in the event that alcohol is being tested for) to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.

- d) The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.
- e) The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

3520.2.3 Post-Accident:

- a) The safety-sensitive employee notifies a supervisor that an accident has occurred.
- b) The supervisor determines that the circumstances of the accident warrant a post-accident test when a citation was issued or a fatality occurred. Thereafter, the supervisor directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a driver's license photo or state-issued photo identification card.
- c) At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
- d) The District Manager (or his/her designee) will be notified that an accident has occurred and that the safety-sensitive employee was instructed to go to the collection site.
- e) The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
- f) The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

3520.2.4 Return-To-Duty and Follow Up

- a) The safety-sensitive employee notifies a supervisor that an accident has occurred. The supervisor determines that the circumstances of the accident warrant a post-accident test when a citation was issued or a fatality occurred. Thereafter, the supervisor directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a driver's license photo or state-issued photo identification card.
- b) At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
- c) The District Manager (or his/her designee) will be notified that an accident has occurred and that the safety-sensitive employee was instructed to go to the collection site.
- d) The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
- e) The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

3520.2.5 Chain of Custody for Controlled Substance Specimens:

- a) At the time a specimen is collected, the employee will be given a copy of the specimen collection procedures.
- b) Urine will be in a wide-mouthed clinic specimen container which will remain in full view of the employee until split, transferred to, sealed and initialed in two tamper-resistant urine bottles.
- c) Immediately after the specimens are collected, the urine bottles will, in the presence of the employee, be labeled and then initialed by the employee. If the sample must be collected at the site other than the controlled substance and/or alcohol testing laboratory, the specimens will then be placed in the transportation container. The container will be sealed in the employee's presence and the employee will be asked to initial or sign the container. The container will be sent to the designated testing laboratory on that day or the earliest business day by the fastest available method.
- d) A chain of custody form will be completed by the on-duty technician during the specimen collection process and attached to and mailed with the specimen.

3520.2.6 Specimen Collection of Strange and/or Unrecognizable Substances:

- a) An employee is observed with a strange and/or unrecognizable substance.
- b) The supervisor, in the presence of a witness, places the strange and/or unrecognizable substance into a clear plastic bag. The bag is sealed, labeled and signed by both the supervisor and the wit-

ness.

- c) An incident report is written by the supervisor and signed by both the supervisor and the witness.
- d) The plastic bag containing the specimen and a copy of the incident report is taken to the collection site for transportation to the laboratory for analysis.

3520.2.7 Alcohol Concentration:

- a) The employee and the on-duty Breath Alcohol Technician (BAT) complete the alcohol testing form to ensure that the results are properly recorded.
- b) After an explanation of how the breathalyzer works, an initial breath sample is taken.
- c) If the results of the initial test show an alcohol concentration of 0.02 or greater, a second or confirmation test must be conducted. The confirmation test must not be conducted less than fifteen (15) minutes after, nor more than twenty (20) minutes after the screening test.
- d) The confirmation test will utilize Evidential Breath Testing (EBT) devices that print out the results, date and time, a sequential test number, and the name and serial number of the EBT device to ensure the reliability of the results.

3520.2.8 Deviations from Procedures: Unless otherwise provided in DOT guidelines, deviations from the foregoing procedures shall not invalidate the results of any prohibited substance tests verified positive by the Medical Review Officer.

APPENDIX "A"

Safety-Sensitive Classifications and Functions

[To be added by District Manager]

Safety-Sensitive Function

Operating any vehicle where a Class A or Class B driver's license would be required.

Employee's Name Printed

POLICY TITLE: Workplace Violence Prevention Policy
POLICY NUMBER: 3525

3525.1 Purpose: The purpose of this policy is to maintain a zero tolerance standard of violence in the workplace. This policy provides District employees with guidance that will maintain an environment at and within District premises and facilities as well as events that are free of violence and the threat of violence. This policy applies to all full-time and part-time employees and includes volunteers, temporary and provisional employees as well as contracted employees.

3525.2 Policy: The District prohibits violent behavior of any kind or threats of violence, either implied or direct, in District premises and facilities as well as at District sponsored events. Such conduct by a District employee will not be tolerated. An employee who exhibits violent behavior may be subject to criminal prosecution and shall be subject to disciplinary action up to and including termination. Violent threats or actions by a non-employee may result in criminal prosecution. The District will investigate all complaints filed and will also investigate any possible violation of this policy of which District management are made aware. Retaliation against a person who makes a good faith complaint regarding violent behavior or threats of violence made to him/her is also prohibited.

3525.3 Definitions:

- a) Workplace Violence: Behavior in which an employee, former employee or visitor to a workplace inflicts or threatens to inflict damage to property, serious harm, injury or death to others at the workplace.
- b) Threat: The implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as a threat to physical safety or property.
- c) District premises or District facilities means all property of the District including, but not limited to the offices, facilities and surrounding areas on District-owned or -leased property, parking lots, and storage areas. The term also includes District-owned or -leased vehicles and equipment wherever located, as well as, pump station, sites, sewer line, excavation sites.
- d) Intimidation: Making others afraid or fearful through threatening behavior.
- e) Zero-tolerance: A standard that establishes that any behavior, implied or actual, that violates the policy will not be tolerated.
- f) Court Order: An order by a Court that specifies and/or restricts the behavior of an individual. Court orders may be issued in matters involving domestic violence, stalking or harassment, among other types of protective orders, including Temporary Restraining Orders.

3525.4 Prohibited Behavior:

- a) Violence in the workplace may include, but is not limited to the following list of prohibited behaviors directed at or by a co-worker, supervisor or member of the public:
 - 1) Direct threats or physical intimidation.
 - 2) Implications or suggestions of violence.

- 3) Stalking, including following to and from work.
 - 4) Possession of weapons of any kind on District premises, including parking lots, other exterior premises or while engaged in activities for District in other locations, or at District sponsored event
 - 5) Assault of any form.
 - 6) Physical restraint or confinement.
 - 7) Dangerous or threatening horseplay.
 - 8) Loud, disruptive or angry behavior or language that is clearly not part of the typical work environment.
 - 9) Blatant or intentional disregard for the safety or well-being of others.
 - 10) Commission of a violent felony or misdemeanor on District premises.
 - 11) Any other act that a reasonable person would perceive as constituting a threat of violence.
- Records shall be maintained of steps taken to establish and maintain the District's Injury and Illness Prevention Program. They shall include:

- b) Domestic violence, while often originating in the home, can significantly impact workplace safety and the productivity of victims as well as co-workers. For the purposes of this document, "domestic violence" is defined as abuse committed against an adult or fully emancipated minor. Abuse is the intentional or reckless attempt to cause bodily injury, sexual assault, threatening behavior, harassment, or stalking, or making annoying phone calls to a person who is in any of the following relationships:
- 1) Spouse or former spouse;
 - 2) Domestic partner or former domestic partner;
 - 3) Cohabitant or former cohabitant and or other household members;
 - 4) A person with whom the victim is having, or has had, a dating or engagement relationship;
 - 5) A person with whom the victim has a child.

The District recognizes that domestic violence may occur in relationships regardless of the marital status, age, race, or sexual orientation of the parties.

- c) Reporting Acts or Threats of Violence:

An employee who:

- 1) is the victim of violence, or
- 2) believes they have been threatened with violence, or
- 3) witnesses an act or threat of violence towards anyone else shall take the following steps:
 - i. If an emergency exists and the situation is one of immediate danger, the employee shall contact the Police Department by dialing 9-1-1 and may take whatever emergency steps are available and appropriate to protect himself/herself from immediate harm, such as leaving the area.
 - ii. If the situation is not one of immediate danger, the employee shall report the incident to the appropriate supervisor or manager as soon as possible and complete the District's Workplace Violence Incident Report Form.

- d) Procedures for Future Violence:

- 1) Employees who have reason to believe they, or others, may be victimized by a violent act sometime in the future, at the workplace or as a direct result of their employment with the District, shall inform their supervisor by immediately completing a Workplace Violence Incident Report Form so appropriate action may be taken. The supervisor shall inform the District Manager and the local law enforcement officials.
- 2) Employees who have signed and filed a restraining order, temporary or permanent, against an individual due to a potential act of violence, who would be in violation of the order by com-

ing near them at work, shall immediately supply a copy of the signed order to their supervisor. The supervisor shall provide copies to the District Manager and to the Police Department.

e) Incident Investigation:

- 1) Acts of violence or threats will be investigated immediately in order to protect employees from danger, unnecessary anxiety concerning their welfare, and the loss of productivity. The District Manager will cause to be initiated an investigation into potential violation of work rules/policies. Simultaneously, the District Manager will refer the matter to local police for their review of potential violation of civil and/or criminal law.
- 2) Procedures for investigating incidents of workplace violence include:
 - Visiting the scene of an incident as soon as possible.
 - Interviewing injured and threatened employees and witnesses.
 - Examining the workplace for security risk factors associated with the incident, including any reports of inappropriate behavior by the perpetrator.
 - Determining the cause of the incident.
 - Taking mitigating action to prevent the incident from recurring.
 - Recording the findings and mitigating actions taken.
- 3) In appropriate circumstances, the District will inform the reporting individual of the results of the investigation. To the extent possible, the District will maintain the confidentiality of the reporting employee and the investigation but may need to disclose results in appropriate circumstances; for example, in order to protect individual safety. The District will not tolerate retaliation against any employee who reports workplace violence.

f) Mitigating Measures:

Incidents which threaten the security of employees shall be mitigated as soon as possible following their discovery. Mitigating actions include:

- 1) Notification of law enforcement authorities when a potential criminal act has occurred.
- 2) Provision of emergency medical care in the event of any violent act upon an employee.
- 3) Post-event trauma counseling for those employees desiring such assistance.
- 4) Assurance that incidents are handled in accordance with the Workplace Violence Prevention policy.
- 5) Requesting District Counsel file a restraining order as appropriate.

g) Training Instruction:

- 1) The District shall be responsible for ensuring that all employees, including managers and supervisors, are provided training and instruction on general workplace security practices. Managers and supervisors shall be responsible for ensuring that all employees are provided training and instructions on job specific workplace security practices.
- 2) Training and instruction shall be provided as follows:
 - To all current employees when the policy is first implemented. Employees will be required to sign a written acknowledgment that the policy has been received and read.
 - To all newly hired employees, supervisors and managers, or employees given new job assignments for which specific workplace security training for that job assignment has not previously been provided. Employees will be required to sign a written acknowledgment that the policy has been received and read.
 - To affected employees whenever management is made aware of a new or previously unrecognized hazard.
- 3) Workplace security training and instruction includes, but is not limited to, the following:
 - Preventive measures to reduce the threat of workplace violence, including procedures for reporting workplace security hazards.

- Methods to diffuse hostile or threatening situations.
- Escape routes.
- Explanation of this Workplace Violence Prevention Policy.

In addition, specific instructions shall be provided to all employees regarding workplace security hazards unique to their job assignment.

POLICY TITLE: Attendance at Meetings
POLICY NUMBER: 4100

4100.1 Members of the Board of Directors are expected to and shall attend all regular and special meetings of the Board unless there is good cause for absence.

To be counted as present for any meeting, Board Members must be present for the duration of the meeting.

Good cause for absence, including late arrivals or early departures, includes temporary illness or other unavoidable circumstances of which the District Manager is notified prior to the meeting. Good cause also includes Board authorized meeting absences such as attendance at a conference directly related to the functions and interests of the District or at the meeting of another public agency in order to participate in an official capacity.

A Board Member who will be absent for good cause may notify District Manager by electronic transmission (email), telephone communication, or letter. The District Manager shall notify the Board of all absences that are excused for good cause. The minutes shall indicate whether an absence was excused.

A vacancy shall occur if a Board Member is absent from three (3) consecutive regular meetings without good cause, or five consecutive meetings that include special meetings except as otherwise provided for by law or as authorized by the Board.

POLICY TITLE: Committees of the Board of Directors
POLICY NUMBER: 4105

4105.1 Temporary Advisory Committees:

The Board President shall appoint any such temporary advisory committees as may be deemed necessary or advisable by the President or the Board. The purpose of a temporary advisory committee and the time allowed to accomplish that purpose shall be outlined at the time of appointment. A temporary advisory committee shall be considered dissolved when its purpose has been accomplished or when the timeframe for its existence has expired, whichever occurs first.

4105.1.1 A temporary advisory committee shall be comprised solely of members of the Board, and shall consist of less than a majority of Board Members.

4105.1.2 A temporary advisory committee may make recommendations to the Board. The Board may not delegate any decision-making power to a temporary advisory committee.

4105.1.3 A temporary advisory committee shall meet on an as needed basis and shall not have a meeting schedule fixed by charter, ordinance, resolution, or formal action of the Board.

4105.2 Standing Committees:

The Board President may appoint and if appointed publicly announce the members of standing committees for the ensuing year no later than the Board's regular meeting in January. Standing committees may be assigned to review District functions, activities, and operations pertaining to their designated concerns, as specified below. Said assignment may be made by the Board President, a majority vote of the Board. Any recommendations from standing committees shall be submitted to the Board via a written or oral report. All meetings of standing committees are subject to the requirements of all applicable open meeting laws, including but not limited to the Brown Act.

4105.2.1 The Planning Committee shall be concerned with the formulation of plans for arranging, realizing, and/or achieving District goals.

4105.2.2 The Policy Committee shall be concerned with proposed ordinances, resolutions, and District policies, except those pertaining specifically to personnel.

4105.2.3

4105.2.4 The Finance Committee shall be concerned with the financial management of the District, including the preparation of an annual budget and major expenditures.

4105.2.5 The Public Relations Committee shall be concerned with assuring that information regarding the affairs of the District is adequately and appropriately communicated to its constituents and the public at large.

POLICY TITLE: Duties of the Board President
POLICY NUMBER: 4110

4110.1 Presiding Officer:

The President of the Board of Directors shall serve as the presiding officer at all Board meetings.

In the absence or disability of the President, the Vice President of the Board of Directors shall serve as the presiding officer over all meetings of the Board. If the President and Vice President of the Board are both absent or disabled, the remaining members present shall select one of themselves to act as temporary presiding officer of the meeting.

The presiding officer shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions. The presiding officer may move, second, debate, and vote from the chair.

4110.2 Duties Regarding Meetings:

The President shall preside over and conduct all meetings of the Board of Directors, shall carry out the resolution and orders of the Board of Directors, and shall exercise such other powers and perform such other duties as the Board of Directors shall prescribe including, but not limited to, the following:

- a) Call the meeting to order at the appointed time;
- b) Announce the business to come before the Board in its proper order;
- c) Enforce the Board's policies in relation to the order of business and the conduct of meetings;
- d) Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference;
- e) Explain what the effect of a motion would be if it is not clear to every member;
- f) Restrict discussion to the question when a motion is before the Board;
- g) Rule on parliamentary procedure;
- h) Put motions to a vote, and state clearly the results of the vote; and
- i) Preserve order and decorum.

4110.3 Responsibilities:

Responsibilities of the President include, but are not limited to, the following:

- a) Sign all instruments, act, and carry out stated requirements and the will of the Board;
- b) Sign the minutes of the Board meeting following their approval; (The District Manager signs minutes)
- c) Appoint and disband all committees, subject to Board ratification;
- d) Call such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law;
- e) Coordinate the preparation of meeting agendas with the District Manager;
- f) Confer with the District Manager or designee on crucial matters which may occur between Board of Directors meetings;
- g) Be responsible for the orderly conduct of all Board meetings;

- h) Be the spokesperson for the Board; and
- i) Perform other duties as authorized by the Board.

In the absence or disability of the President, the alternate presiding officer may temporarily carry out these responsibilities until such time as the President is able to resume his or her responsibilities.

The President of the Board of Directors shall serve as the presiding officer at all Board meetings.

In the absence or disability of the President, the Vice President of the Board of Directors shall serve as the presiding officer over all meetings of the Board. If the President and Vice President of the Board are both absent or disabled, the remaining members present shall select one of themselves to act as temporary presiding officer of the meeting.

POLICY TITLE: Members of the Board of Directors
POLICY NUMBER: 4120

4120.1 Meeting Preparation:

Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors.
Directors may request information from staff before meetings.

4120.1.1 Requests by individual Directors for substantive information and/or research from District staff will be channeled through the District Manager.

4120.1.2 The District Manager shall be responsible for providing the requested information and shall make all information equally available to all Directors.

4120.1.3 If writings are distributed to a majority of the Board in connection with an agenda item, those writings shall be made available to the public in the manner required by law.

4120.2 Meeting Decorum:

4120.2.1 Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.

4120.2.2 Directors shall defer to the presiding officer for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.

4120.2.3 Directors may request for inclusion into the meeting minutes brief comments pertinent to an agenda item only at the meeting that item is discussed (including, if desired, a position on abstention or dissenting vote).

4120.3 Abstentions and Failure to Vote:

Directors should not abstain from the Board's decision-making responsibilities unless a personal or financial conflict of interest exists. Directors abstaining due to a disqualifying conflict of interest will not be counted as part of a quorum and will be considered absent for the purposes of determining the outcome of a vote on the matter. Directors who fail to vote in the absence of a declared conflict of interest will be counted as part of a quorum and in effect consent that a majority of the quorum will determine the outcome of a vote on the matter.

If a director believes that he or she has a conflict of interest, he or she must state the legal conflict at the moment the issue is first presented for discussion. The director shall state the conflict of interest as defined by law. If the attorney for the district and the other directors agree that it is a conflict based on law then the director must leave the room prior to any discussion of the said issue.

If the director refuses to participate in the discussion or voting on an issue without lawful reason, he or she may be considered for removal from the board as the director is refusing to fulfill his or her duties as a public official.

If a director participates in a discussion then at the time of voting states that he or she has a conflict of interest and refuses to vote, he or she will be censored by the board for not stating the conflict prior to discussion and removing himself or herself from the room. After three violations of this rule, the director shall be subject to removal.

In accordance with the law, no director who has a conflict of interest on the topic scheduled for a closed session shall receive materials for said closed session for which he has a conflict of interest, nor may he or she attend that closed session. Violators are subject to removal from the board.

POLICY TITLE: Board Actions and Decisions
POLICY NUMBER: 4200

4200.1 Actions by the Board of Directors include but are not limited to the following:

4200.1.1 Adoption or rejection of regulations or policies;

4200.1.2 Adoption or rejection of a resolution;

4200.1.3 Adoption or rejection of an ordinance;

4200.1.4 Approval or rejection of any contract or expenditure;

4200.1.5 Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of personnel; and,

4200.1.6 Approval or disapproval of matters that require or may require the District or its employees to take action and/or provide services.

4200.2 Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors [if five-member Board, represent a quorum for the conduct of business.

4200.2.1 A member abstaining in a vote is considered as absent for that vote. A member abstaining due to a conflict of interest does not count towards a quorum.

4200.2.1.1 Example. If three of five Directors are present at a meeting, a quorum exists and business can be conducted unless the abstention is due to a conflict of interest. However, if one Director abstains on a particular action and the other two cast "aye" votes, no action is taken because a "majority of the Board" did not vote in favor of the action.

4200.2.1.2 Example. If an action is proposed requiring a two-thirds vote and two Directors abstain, the proposed action cannot be approved because four of the five Directors would have to vote in favor of the action.

4200.2.1.3 Example. If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three Directors must vote in favor of the appointment for it to be approved. If two of the four Directors present abstain, the appointment is not approved.

4200.3 The Board may give directions that are not formal action. Such directions do not require formal procedural process. Such directions include the Board's directives and instructions to the District Manager.

4200.3.1 The President shall determine by consensus a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the President, a voice vote may be requested.

4200.3.2 A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the District Manager for review and recommendation, etc.).

4200.3.3 Informal action by the Board is still Board action and shall only occur regarding matters that appear on the agenda for the Board meeting during which said informal action is taken.

4200.3.4 Nothing in this policy prevents the Board from providing direction to the in response to public comments or under Board member or District Manager comments, as allowed under the Brown Act. No vote or action shall be taken.

POLICY TITLE: Board Meeting Agenda
POLICY NUMBER: 4205

4205.1 Agenda preparation. The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Brown Act. Any Director may contact the General Manager and request an item to be placed on the agenda no later than 5:00 P.M. on the day that is 48 hours prior to the closing of the agenda for the next meeting date.

4205.2 Public requests. Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors, subject to the following conditions:

4205.2.1 The request must be in writing and be submitted to the General Manager [or other responsible managing employee] together with supporting documents and information, if any, at least seven business days prior to the date of the meeting.

4205.2.2 The General Manager shall be the sole judge of whether the public request is or is not a "matter directly related to District Business."

4205.2.3 The General Manager shall determine the timing of when the item will be placed on the agenda.

4205.2.4 The public member requesting the agenda item may appeal the General Manager's decision at the next regular meeting of the Board of Directors. Any Director may request that the item be placed on the agenda of the Board's next regular meeting.

4205.2.5 No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy.

4205.2.6 The Board of Directors may place limitations on the total time to be devoted to a public request issue at any meeting, and may limit the time allowed for any one person to speak on the issue at the meeting.

4205.3 Agenda descriptions. All Board agendas shall include an unambiguous description of each item on the agenda to be discussed, including closed session items. The General Manager shall ensure that the description gives notice to the public of the essential nature of business to be considered.

4205.4 Agenda posting. Agendas for regular meetings shall be posted 72 hours in advance of the meeting and agendas for special meetings shall be posted 24 hours in advance of the meeting. The posting must occur in a place that is freely accessible to the public and on the District's website. A touch screen electronic kiosk may take the place of the paper posting. On or before January 1, 2019, the internet posting shall occur on the District's primary website homepage through a prominent, direct link to the current agenda. The agenda shall also be accessible in an open format by that date.

4205.5 Agenda packages. When distributing agenda packages and other materials to members of the Board of Directors, those materials should be provided to all members at the same time. Agenda packages, except for closed session materials, should also be made available to the public once distributed to the Board.

4205.6 Public comment.

4205.6.1 For regular meetings the Board shall provide the public with an opportunity to address not only any item agenda but any item within the subject matter jurisdiction of the District.

4205.6.2 For special meetings, the board shall provide the public with the opportunity to address any item on the agenda.

4205.6.3 The Board may not prohibit public criticism, but shall control the order of the proceedings, including placing reasonable time limits on public comments.

4205.6.4 The Board may not require member of the public to give names or sign a register as a condition of attendance or speaking.

4205.7 Closed sessions. The Board may conduct a closed session during a notice of meeting for certain matters, as identified on the agenda, where it is necessary to conduct business in private. Major reasons for permissible closed sessions, as authorized by the Brown Act, include real property transactions, labor negotiations, and pending litigation. The Board shall allow public comment on any closed session item before going into closed session.

4205.8 Items not on the agenda. The Board shall not discuss or take action on any item that does not appear on the posted agenda except that the Board may act on items not on the agenda to address emergency situations, subsequent need items, and hold-over items from a continued previous meeting held within the prior five days. The Board may also respond to public comments and make announcements.

POLICY TITLE: Board Meeting Conduct
POLICY NUMBER: 4210

4210.1 Rules of order. Meetings of the Board of Directors shall be conducted by the President in a manner consistent with the policies of the District. Policy no. 4230, "Rules of Order for Board and Committee Meetings," shall be used as a general guideline for meeting protocol.

4210.2 Agenda timing. All Board meetings shall commence at the time stated on the agenda and shall be guided by same. The placement of an item on the agenda shall not be deemed a requirement that the items proceed in any particular order. The Board President, with concurrence of a majority of the Board, may alter the order in which agenda items shall be considered for discussion and/or action by the Board.

4210.3 Conduct of meetings. The following concepts shall be applied to Board meetings:

4210.3.1 The meetings shall be conducted in an open and fair manner.

4210.3.2 The public shall be given ample opportunity to participate in the meetings.

4210.3.3 Due process principles shall apply to quasi-judicial proceedings, or otherwise required by law.

4210.3.4 The meetings shall proceed in a manner that enables the Board to consider problems to be solved and make wise decisions intended to solve problems.

4210.3.5 The Board may receive, consider and take any needed action with respect to reports of accomplishment of District operations.

4210.3.6 Noticed public hearings shall be conducted in an orderly fashion, with the Board President establishing the order of the proceedings.

4210.3.7 The Board may weigh and determine the credibility of evidence and public comment.

4210.4 Public comment. Public comment on items on the agenda, and general public comment at a regular Board meeting for matters within the jurisdiction of the Board of Directors, shall be as followed:

4210.4.1 Five minutes may be allotted to each speaker and a maximum of 20 minutes to each subject matter.

4210.4.2 The Board president may allow additional per speaker and per subject comment time when necessary for a full and fair proceeding.

4210.4.2 No disruptive conduct shall be permitted at any Board meeting. Persistence in disruptive conduct shall be grounds for summary termination, by the Board President, of that person's privilege of address.

4210.5 Disruption of meetings. Willful disruption of any of the meeting of the Board or Directors shall not be permitted. If the President finds that there is willful disruption of any meeting of the Board, he/she may do the following:

4210.5.1 Notify the disrupting parties to immediately stop the conduct and that they will be asked to leave the meeting if the behavior continues.

4210.5.2 If behavior continues after notice, order the disrupting parties out of the room and conduct the Board's business without them present.

4210.5.3 In cases of extreme disruption, clear the room of all members of the public, and conduct the Board's business without them present.

4210.5.4 Duly accredited representatives of the new media, whom the President finds not to have participation in the disruption, shall be permitted to remain in the meeting.

POLICY TITLE: Brown Act Compliance – Open Meeting Requirements
POLICY NUMBER: 4215

4215.1 The Brown Act. The Legislator adopted the Brown Act, commonly referred to as California's "Open Meetings Law" in 1964. The Brown Act is contained in Government Code section 54950 et seq. The Brown Act is broadly construed and compliance is constitutionally mandated.

4215.2 Compliance with Brown Act. All meetings of the Board of Directors shall comply with the Brown Act.

4215.2.1 Meetings occur whenever the majority of the Board of Directors meets to discuss District business.

4215.2.2 Member of the Board includes newly elected and appointed officials prior to assuming office.

4215.2.3 All Board meetings shall be open and freely accessible to the public, including those with disabilities.

4215.2.4 Meetings through the use of intermediaries, serial communications, or emails are prohibited.

4215.2.5 The Board shall only take action during a properly noticed meeting.

4215.3 Committees. Committees created by formal action of the Board shall comply with the Brown Act.

POLICY TITLE: Minutes of Board Meetings
POLICY NUMBER: 4220

4220.1 Duty to keep minutes. The Secretary or Deputy Secretary of the Board of Directors shall keep minutes of all regular and special meetings of the Board.

4220.1.1 Copies of a meeting's minutes shall be distributed to Directors as part of the information packet for the next regular meeting of the Board, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, the official minutes shall be kept in a fireproof vault or in a fire-resistant, locked cabinet.

4220.1.2 Unless directed otherwise, an audio tape recording of regular and special meetings of the Board of Directors will be made. The device upon which the recording is stored shall be kept in a fireproof vault or in fire-resistant, locked cabinet for a minimum of 60 days. Members of the public may inspect recordings of Board meetings without charge on a playback machine that will be made available by the District.

4220.1.3 Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed. The motion makers, and individual votes will be recorded. A unanimous vote shall be recorded as a vote in favor by each member.

4220.1.4 All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each year.

4220.1.5 In addition to other information that the Board may deem to be of importance, the following information (if relevant) shall be included in each meeting's minutes:

- Date, place and type of each meeting;
- Directors present and absent by name;
- Administrative staff present by name;
- Call to order;
- Time and name of late arriving Directors;
- Time and name of early departing Directors;
- Names of Directors absent during any agenda item upon which action was taken;
- Summary record of staff reports;
- Summary record of public comment regarding matters not on the agenda, including names of commentators (when possible);
- Approval of the minutes or modified minutes of preceding meetings;
- Approval of financial reports;

- Complete information as to each subject of the Board's deliberation;
- Record of the vote of each Director on every action item for which the vote was not unanimous;
- Resolutions and ordinances described as to their substantive content and sequential numbering;
- Record of all contracts and agreements, and their amendment, approved by the Board;
- Approval of the annual budget;
- Approval of all policies, rules and/or regulations;
- Approval of all dispositions of District assets;
- Approval of all purchases of District assets; and,
- Time of meeting's adjournment.

POLICY TITLE: Review of Administrative Decisions
POLICY NUMBER: 4225

4225.1 Code of Civil Procedure § 1094.6. The provisions of California Code of Civil Procedure § 1094.6 shall be applicable to judicial review of all administrative decisions of the Board of Directors pursuant to the provision of §1094.5 of said code. The provision of § 1094.6 shall prevail over any conflicting provision and any otherwise applicable law, rule, policy or regulation of the District, affecting the subject matter of an appeal.

4225.1.1 In accordance with § 1094.6 the time to seek judicial relief shall be 90 days following the date in which the Board's decision becomes final.

4225.1.2 No person aggrieved by a Board decision shall be allowed to seek judicial relief unless they have first raised that issue before the Board and provided the Board with an opportunity to address the issue.

4225.1.3 No person aggrieved by a Board decision shall be allowed to seek judicial relief unless they shall have first exhausted all available administrative remedies made available by the District.

4225.2 Applicability. This policy affects those administrative decisions rendered by the Board of Directors following a proceeding at which notice and an opportunity to be heard is provided.

4225.3 Purpose. The purpose of this policy is to ensure efficient administration of the District, and the expeditious review of decision rendered by the Board of Directors.

4225.2 Claims. Nothing in this policy shall be deemed to waive the claims filing requirements of the District when damages are being sought.

POLICY TITLE: Rules of Order for Conduct of Board and Committee Meetings
POLICY NUMBER: 4230

4230.1 General:

4230.11 Action items shall be brought before and considered by the Board by motion in accordance with this policy. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules- Robert's Rules of Order.

4330.1.1.1 If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order- not requiring a second- to the President. If the ruling of the President is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.

4230.2 Obtaining the Floor:

4230.2.1 Any Director desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.

4230.3 Motions:

4230.3.1 Any Director, including the President, may make or second a motion. A motion shall be brought and considered as follows:

4230.3.1.1 A Director makes a motion; another Director seconds the motion; and the President states the motion.

4230.3.2 Once the motion has been stated by the President, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the President will call for a vote.

4230.3.2.1 If the public in attendance has had an opportunity to comment on the proposed action, any Director may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.

4230.4 Second Motion: Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motions or businesses are considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

4230.4.1 Motion to Amend: A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.

4230.4.2 Motion to Table: A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.

4230.4.3 Motion to Postpone: A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.

4230.4.4 Motion Refers to Committee: A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.

4230.4.5 Motion to Close Debate and Vote Immediately: As provided above, any Director may move to close debate and immediately vote on a main motion.

4230.4.5 Motion to Adjourn: A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.

4230.5 Decorum:

4230.5.1 The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings. The President may eject any person or persons making personal, impertinent or slanderous remarks, refusing to abide by a request from the President, or otherwise disrupting the meeting or hearing.

4230.6.1 The President may also declare a short recess during any meeting.

4230.6 Amendment of Rules of Order:

4230.6.1 By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting: a) temporarily suspend these rules in whole or in part; b) amend these rules in whole or in part; or, c) both.

POLICY TITLE: **Types of Board Meetings**
POLICY NUMBER: **4235**

4235.1 Regular meetings: Regular meetings of the Board of Directors shall be held on the [third Tuesday of each calendar month at six pm in the board conference room at 275 Solano Street Corning CA]. The date, time and place of regular Board meetings may be reconsidered annually at the annual organizational meeting of the Board, or such other time as the Board may determine due to a change in District needs and circumstances.

4235.2 Special meetings: Special meetings of the Board of Directors may be called by the Board President or by a majority of the Board.

4235.2.1 All Directors shall be notified of the special Board meeting and the purpose or purposes for which it is called. Notice of the meeting shall be in writing, received by them at least 24 hours prior to the meeting.

4235.2.2 An agenda shall be prepared and posted at least 24 hours before the meeting, as specified in Policy #4210 and shall be delivered with the notice of the special meeting to the Board of Directors.

4235.2.3 Notice of the meeting shall be provided to the local newspaper and any other media outlet or person who has requested to receive notices of meetings by serving a copy of the agenda at least 24 hours before the meeting.

4235.2.4 Only those items of business listed in the call for the special meeting shall be considered by the Board at any special meeting.

4235.3 Emergency Meetings: In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Directors may hold an emergency special meeting without complying with the 24-hour notice requirement. An emergency situation means a crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the Board.

4235.3.1 When possible, notice shall be provided to the media outlets by telephone at least one hour before the meeting.

4235.3.2 Actions taken during an emergency meeting shall be by roll call vote.

4235.3.3 The Board may meet in closed session if agreed to by 2/3 vote of the members present, or if less than 2/3 present, by unanimous vote.

4235.3.4 Following an emergency meeting, the minutes of the meeting, a list of persons notified or attempted to be notified of the meeting, and actions taken must be posted for ten (10) days in the District office.

4235.4 Adjourned Meetings: A majority vote of the quorum of the Board of Directors may adjourn any Board meeting at any place in the agenda to a time and place specified in the order of adjournment, except that if no quorum is present or no Directors are present at any regular or adjourned regular meeting, the Board president or District Manager may declare the meeting adjourned to a stated time and place. Notice of the adjourned meeting shall be posted on or near the door of the meeting within 24 hours after the adjournment and the adjourned meeting shall be noticed in the same manner as a special meeting.

4235.5 Annual Organizational Meeting: The Board of Directors shall hold an annual organizational meeting at its regular meeting in January. At this meeting the Board will elect a President, Vice President and Clerk from among its members to serve during the coming calendar year, and will appoint the District Manager [or other responsible managing employee] as the Board's Secretary and the Finance Division Manager as the District's Treasurer.