MCTC

Madera County Transportation Commission

Employee Manual

November 29, 2023

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1000 INTRODUCTION TO EMPLOYEE MANUAL

1001 PURPOSE

The purpose of this Employee Manual is to introduce employees to the Madera County Transportation Commission and explain the benefits, opportunities, and responsibilities of employees while employed at the Commission. This Manual contains important information about job, safety, rules, benefits, and responsibilities. The continued success of the Commission is dependent upon community trust, and we are dedicated to preserving that trust. Employees owe a duty to the agency, its residents, and to the Commission to act in a way that will merit the continued trust and confidence of the public.

1002 ABOUT THIS MANUAL

The Commission may modify, revise, amend or delete policies and rules set forth in this manual, in which case the employee will be notified and required to review and signify understanding of the changes.

Unless otherwise indicated, all employees of the Commission are "at-will" and serve at the discretion of the Executive Director. The Commission retains the right to reassign job tasks or duties at any time to meet the operational needs of the agency.

Employees are required to read and sign that they have read and understood this manual and are encouraged to keep it handy for future reference.

THIS EMPLOYEE MANUAL SUPERSEDES ALL PREVIOUS EMPLOYEE MANUALS, HANDBOOKS AND MANAGEMENT MEMOS WHICH MAY HAVE BEEN ISSUED ON THE SUBJECTS COVERED HEREIN.

1003 ADDITIONAL INFORMATION

For additional information refer to the Exhibits at the back of this booklet or contact **the Executive Director**.

1004 MADERA COUNTY TRANSPORTATION COMMISSION

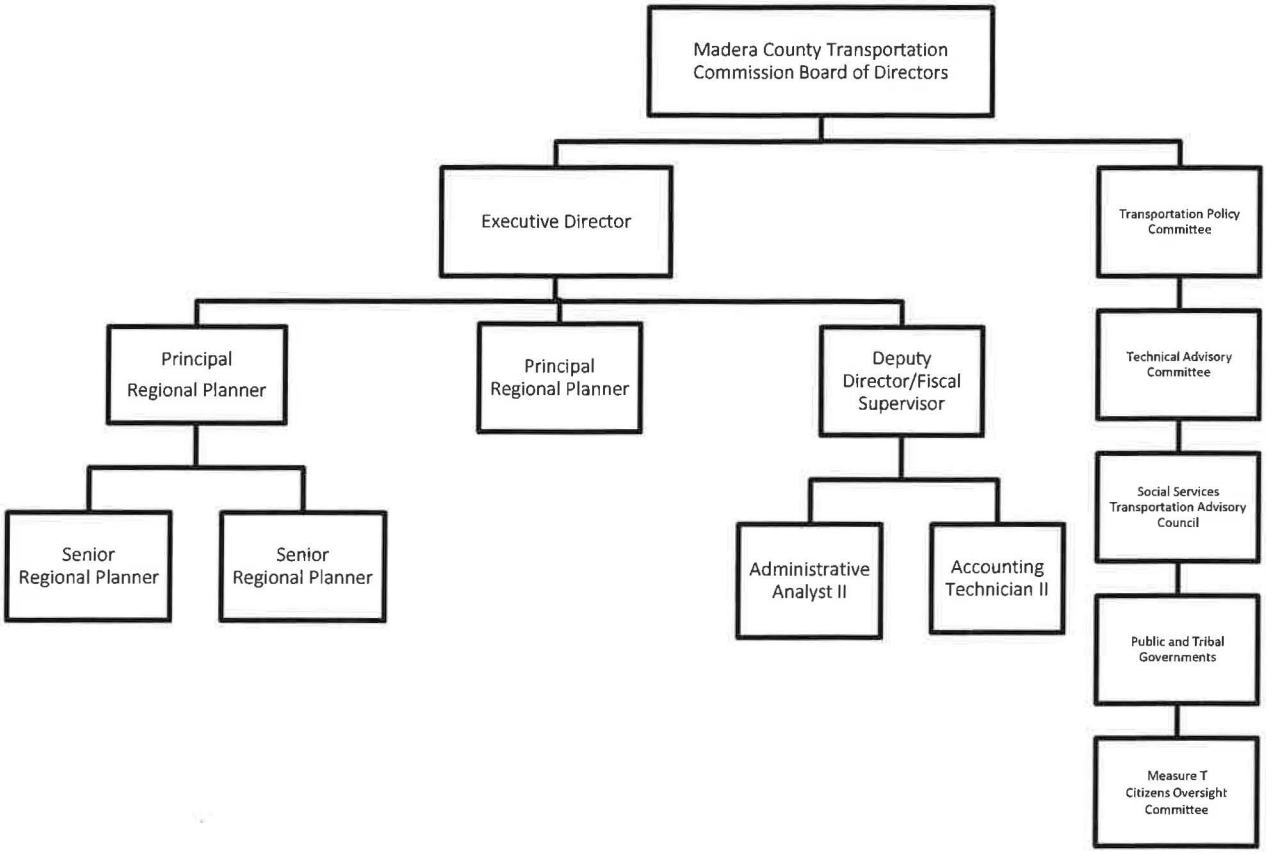
The Madera County Transportation Commission, which shall be referred to as "Commission," or "agency" throughout this manual, is a local transportation commission formed by Madera County on June 13, 1972. The Commission's primary responsibility is to prepare all state and federally required transportation plans and programs that ensure transportation funding for highways, local streets and roads, transit, bikeways, and other transportation facilities in Madera County. The Commission serves as the primary transportation facilitator in Madera County and is funded by federal and state planning grants and local matching funds. In all these activities, the Commission works to develop a consensus among its members concerning multi-jurisdictional transportation issues.

1005 FORMATION AND STRUCTURE

On July 20, 1972, the Commission was designated the Local Transportation Planning Agency by the Secretary of the Business and Transportation Agency of the State of California and in 2003 was designated the Metropolitan Planning Organization for Madera County. A Board of Directors and an Executive Director govern the Commission. The Commission Board of Directors is comprised of three (3) members of the Madera County Board of Supervisors; two (2) members from the Madera City Council; and one (1) member from the Chowchilla City Council.

The Commission is organized into a board of Directors supported by the Transportation Policy Committee and the Technical Advisory Committee. There is currently one standing committee -- the Social Service Transportation Advisory Council which reports through the Technical Advisory Committee. The relationship between the Board, its staff, and the committees is illustrated in the organizational chart below.

The Board of Directors hires and removes the Executive Director. The Executive Director is an at-will employee under contract. The Executive Director is responsible for hiring, promotion, evaluation, and removal of all other employees. The Executive Director is supported by the following staff: Deputy Director/Fiscal Supervisor, Principal Regional Planners (2), Senior Regional Planners (2), ~~Associate Regional Planner,~~ Administrative Analyst II, and an ~~Office~~ Accounting Technician II~~Assistant~~. Staffing needs may change according to the goals of the agency at which time staffing may be changed. Employees will receive advance notice of any staff changes whenever possible.



The Madera County Transportation Commission office is located at 2001 Howard Road, Suite 201, Madera, 93637 and is open from 8 a.m. to 5 p.m. Monday through Friday. The Commission telephone number is (559) 675-0721. Website: www.maderactc.org. Write to us at mctc@maderactc.org.

2000 EQUAL EMPLOYMENT POLICY

2001 EQUAL OPPORTUNITY

The Commission is an Equal Opportunity employer. It is the policy of the Commission to select the best qualified person for each position in the organization on the basis of merit. The Commission prohibits unlawful discrimination against an applicant or employee based on race, creed, color, religion, sex, sexual orientation or status, marital status, gender identity (including gender expression or perception), national origin, ancestry, age, physical or mental disability or military/veteran status. The Commission prohibits discrimination based upon medical conditions including genetic characteristics, or any other consideration made unlawful by federal, state, or local laws.

The Commission further prohibits unlawful discrimination based upon the perception that anyone has any of the characteristics described above or is associated with a person who has or is perceived as having any of those characteristics. This policy applies to all employment practices and personnel actions. It is the policy of the Commission to seek out, hire, develop, and promote qualified members of protected groups (defined above) to reflect the citizens of the communities it serves.

2001.01 Equal Employment Opportunity For Qualified Individuals With Disabilities

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with disabilities, the Commission will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee unless undue hardship would result.

2001.02 Procedure

An applicant or employee requiring an accommodation in order to perform the essential functions of the job or testing should contact the Executive Director to request an accommodation. The individual is encouraged to specify the limitations, and the accommodation needed to perform the job or testing. The Commission will comply with all state and federal laws to identify barriers that may interfere with the equal employment of an applicant or employee to perform the essential functions of the job.

2001.03 Reasonable Documentation Of Disability

The Executive Director may require an employee to provide documentation of the existence of a disability, and may require an employee to undergo a fitness for duty examination at the agency's expense to determine whether the employee can perform the essential functions of the job with or without reasonable accommodation.

2001.04 Interactive Process Discussion

After receipt of documentation or information of a disability and/or a fitness for duty report, the Executive Director will arrange for a discussion, in person or via telephone call, with the

applicant or employee, and any representative. The purpose of the discussion is to work in good faith to fully consider all feasible potential reasonable accommodations. The parties will identify possible accommodations and participate in the interactive process, to ~~eliminate or minimize~~address the limitation(s). If the accommodation is determined to be reasonable and will not impose an undue hardship, the Commission will make the requested accommodation.

2001.05 Case-By-Case Determination

The Commission will determine in its sole discretion, whether reasonable accommodations can be made and the type of accommodation to provide. The Commission will not provide accommodations that would pose an undue hardship upon Commission finances or operations, that would endanger the health and safety of the employee or others, or that would be unduly disruptive to other employees' ability to work, or other factors. The Executive Director will inform the employee of the decision as to reasonable accommodations in writing.

2002 POLICY AGAINST HARASSMENT, DISCRIMINATION and RETALIATION

2002.01 Purpose

The Commission is committed to providing a work environment free of unlawful harassment, discrimination, or retaliation. The Commission prohibits any form of harassment, discrimination, or retaliation based upon the characteristics set forth above in Section 2001. Harassment, discrimination, or retaliation based upon the above listed classifications is defined as action which interferes with work performance; creates an intimidating, hostile, or offensive work environment; or influences or tends to affect the career, salary, working conditions, responsibilities, duties, or other aspects of career development of an employee or prospective employee; or creates an explicit or implicit term or condition of an individual's employment.

2002.02 Application

The Commission's anti-harassment policy applies to all persons involved in the operation of the Commission and prohibits unlawful harassment, discrimination, or retaliation by any employee of the agency, including supervisors and managers, as well as Board Members, customers, vendors, independent contractors and/or member agencies. The protection from harassment or discrimination includes protection from retaliation for having taken action either as a complainant, or for assisting a complainant in taking action, or for acting as a witness or advocate on behalf of an employee in a legal or other proceeding to obtain a remedy for a breach of this policy.

2002.03 Prohibited Discrimination

Prohibited discrimination is any action or conduct by which an employee is treated differently or less favorably than other employees similarly situated for the sole reason that

he or she is a member of a legally protected category, such as race, religion, creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, childbirth or related medical conditions, military or veteran status, sexual orientation, marital status, sex, gender identity (including gender expression or perception), genetic condition, or age.

2002.04 Prohibited Harassment

Prohibited Harassment is any unwelcomed verbal, visual, or physical conduct that creates an intimidating, offensive, or hostile work environment or that interferes with work performance. Conduct which constitutes harassment may occur when submission to the conduct is made either an explicit or implicit condition of employment; submission to or rejection of the conduct is used as the basis for an employment decision; or the harassment unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment. Sexual harassment can occur between members of the same or opposite sex. Harassment on the job is prohibited whether it involves a co-worker, supervisor, or persons doing business with the Commission.

2002.05 Examples of prohibited unlawful harassment include, but are not limited to, the following behavior:

Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances invitations or comments;

Visual displays such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures;

Physical conduct including assault, unwanted sexual advances or touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis;

Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors; and

Retaliation for reporting or threatening to report harassment.

2002.06 Prohibited Retaliation

Retaliation against an employee because of an employee's opposition to a practice the employee reasonably believes could constitute employment discrimination, or harassment, or because of an employee's participation in an employment discrimination or harassment investigation, proceeding or hearing, is prohibited.

Examples of opposition include threatening to file a discrimination complaint, complaining about harassment or discrimination, or complaining or protesting about an employment

practice or on behalf of another employee. The employee is protected by this section only if the employee communicates a reasonably good faith belief that the practice opposed constitutes unlawful employment discrimination. Opposition in a manner that constitutes an unlawful activity, fraud, or engaging in badgering or threatening of employees or supervisors is not protected.

2002.07 Procedure For Reporting

Employees are encouraged to report any incidents of suspected harassment forbidden by this policy immediately so that complaints can be quickly and fairly resolved. Any employee who believes they have been unlawfully discriminated against, harassed, or retaliated against should bring their complaint to the Executive Director or designee as soon as possible after the incident. The employee will be asked to provide details of the incident or incidents, names of individuals involved and the names of any witnesses. Complaints in writing are encouraged but not required. The Executive Director or designee may take a verbal complaint. Anonymous complaints may be acted upon ~~in~~at the discretion of the Executive Director. Supervisors or managers will refer all harassment complaints to the human resources representative, investigative officer, Executive Director or, if all other options are unavailable, to the Chairperson of the Commission. The Executive Director will undertake or cause a timely, effective, and thorough investigation of the discriminatory or retaliatory action, or harassment allegations. Employees involved in an investigation may be placed on paid administrative leave pending the investigation if, in the opinion of the Executive Director, the leave will assist in the investigative process or for the good of the organization. The Executive Director may hire an outside investigator to conduct the investigation or conduct the investigation within the organization.

Failure to use the Commission's reporting procedure may have an adverse effect on any claim under this policy. Unless otherwise required by law, employees are not entitled to copies of any notes or other written materials regarding the investigation, as these are considered confidential documents. Deliberately filing a false accusation may result in termination.

2002.08 Determination/Outcome

If the Executive Director determines that unlawful harassment has occurred, effective remedial action will be taken in a timely manner. An employee found responsible for unlawful harassment, discrimination or retaliation is subject to disciplinary action up to and including termination. The Executive Director or designee will advise the parties concerned that: 1) the investigation has been concluded; 2) the allegations are founded or unfounded; and 3) appropriate action has been taken. If an accused has been found responsible for harassment, the appropriate discipline will be communicated in writing according to this policy.

2002.09 Additional Reporting

Employees may also file a complaint with the Federal Equal Employment Opportunity Commission (EEOC) Fresno District Office, located at the Robert E. Coyle Federal Courthouse, 2500 Tulare Street, Suite 2601, Fresno, CA 93721, Telephone: 1-800-669-4000, and/or the California Department of Fair Employment and Housing (FEHA), Fresno, 1277 E. Alluvial Avenue, Suite 101 Fresno, CA 93720. Those agencies are charged with investigation and prosecution of complaints of discrimination in the workplace. Employees who believe they have been harassed or retaliated against for resisting or complaining may file a complaint with the appropriate agency.

2002.10 Malicious Complaint

While the Commission vigorously defends its employees' right to work in an environment free of harassment and unlawful discrimination, it also recognizes that false accusations of harassment and discrimination can have serious consequences. Accordingly, any employee who is found, through the investigation process, to have knowingly falsely accused another person of harassment or unlawful discrimination will be subject to appropriate disciplinary action, up to and including termination.

2003 DRUG & ALCOHOL FREE-WORKPLACE POLICY

The Madera County Transportation Commission is a recipient of federal funding. As such, the Commission is required to comply with federal regulations regarding maintenance of a "drug free workplace." In order to promote a safe, productive and efficient workplace, the Commission strictly prohibits the unlawful manufacture, distribution, dispensation, possession or use of alcohol, controlled substances, or illegal drugs, and the unlawful abuse of any legal drug, at or on the Commission premises, or during use or operation of Commission vehicles or property. Abuse of any legal drug means the use of any legal drug (i) for any purpose other than the purpose for which it was prescribed or manufactured; or (ii) in a quantity, frequency, or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer. Additionally, consistent with federal law and the provisions of the California Adult Use of Marijuana Act, Proposition 64, the Commission does not permit the use, consumption, possession, transfer, display, sale, or growth of marijuana/cannabis at or on the Commission premises, or during use or operation of Commission vehicles or property. This is true even if the use of marijuana/cannabis is for medical purposes authorized and permitted under the California Compassionate Use Act, Proposition 215. Employees are also prohibited from having any measurable amount of marijuana/cannabis (including THC and metabolites) in their system while on duty.

Employees who are convicted of a criminal drug violation must notify the Executive Director within five calendar days if the conviction is for a criminal drug violation in the workplace. The Commission is required by federal regulations to notify the contracting or granting agency within 10 days after receiving notice that a covered employee has been convicted of a criminal drug violation in the workplace. Violation of this policy may result in termination. By acknowledging receipt of this Employee Manual, the employee acknowledges these rules.

Employees are prohibited from working or being on call if under the influence of, or impaired by, alcohol, illegal drugs, or controlled substances. An employee taking medications which may interfere with the employee's ability to work must notify a supervisor before beginning work. If a question regarding the employee's ability to perform arises, the Executive Director may require medical clearance.

Whenever the Commission has a reasonable suspicion that an employee's work performance or on-the-job behavior may have been affected by alcohol or drugs, the Commission may require the employee be tested, and may search the employee's locker, desk, or other Commission property under the control of the employee. If the employee is observed attempting to conceal drugs or alcohol, the Commission may also search the employee, their purse, or their personal vehicle.

The Commission may assist employees who have substance abuse, mental or emotional problems which interfere with performance or attendance through the health insurance program offered through full time employment.

The Commission may impose a penalty, up to and including termination, for violation of these rules. The Commission may, but is not required to, require satisfactory completion in a drug abuse assistance or rehabilitation program by any employee who is convicted of a reportable workplace drug conviction. Contact the Executive Director for further information.

2004 NO SMOKING POLICY

The Commission does not permit the smoking of tobacco products, or vaping, by employees and non-employees in an enclosed space at any place of employment defined by California Labor Code Section 6404.5 [b], [d]. Smoking is prohibited in any building or facility operated or maintained by the Commission. Smoking is allowed when it is at least 20 feet from any public building entrance, exit, operable window or ventilation system intake. Smoking is only allowed during rest and lunch periods or after working hours.

2005 RECRUITMENT & SELECTION

The Commission is committed to compliance with all applicable laws providing equal employment opportunities. The Commission seeks applicants based on demonstrated ability, experience, and training. As positions become available within the Commission prior to outside recruitment, the Executive Director shall determine the availability of qualified candidates within the Commission. Recruitment may be conducted through schools, employment agencies, advertising or any other means deemed appropriate.

2005.01 Employee Selection Process

Selection of candidates for all positions will follow the Commission's Equal Opportunity policies. The Executive Director or designee is responsible for preparing the position announcement, authorizing the placement of advertisements, and responding to inquiries from employment agencies.

2005.02 Job related duties and qualifications, as listed on the position announcement, will provide the basis for initial screening of applications. All applications and resumes received for the announced position will be forwarded to the Executive Director or designee. Initial screening for the minimum qualifications will be conducted by the Executive Director or designee and a list of individuals to be interviewed for the position will be prepared. The Executive Director or designated supervisory personnel will conduct interviews. Job related questions designed to assess the candidate's experience, knowledge, skills, abilities, and training will be asked. A list of candidates will be created. The candidates will be ranked from highest to lowest scores. The Executive Director may select a candidate from the list, or may determine that additional recruitment is necessary.

2005.03 Positions which require skills for which a known level of competence is required; for example, typing, mathematics, and writing, may be tested, to demonstrate these skills by completing an exercise involving a job related work sample. The testing will be reasonably related to the job and designed to measure the knowledge skills and abilities required for the particular job. Testing will be validated and administered equally to all applicants.

2005.04 The Executive Director or designee will be responsible for verification of employment information and references provided by the applicant as required for candidate selection. Applicants will be advised that references will be verified and that such information will be used as part of the selection process. Applicants shall give written consent for reference verifications.

2005.05 Candidates offered employment must verify eligibility for employment in California within three business days of accepting employment. If verification is not received within the time allowed, the Executive Director may select from the remaining top three candidates on the list. The remaining candidates will not be notified that the position has been filled until the new employee has complied with this requirement. New employees must ~~execute~~complete the I-9 form and other required documents. Each document examined will be photocopied and the copy maintained in the employee's personnel file folder.

2005.06 A list of candidates for a position shall be maintained for three months from the date of certification of the list by the Executive Director as the final candidate list. After three months, the list shall lapse and the recruitment process may be initiated, if deemed necessary by the Executive Director. The recruitment flyer shall state that the list of eligible candidates will be maintained for up to three months after the close of the recruitment, after which time it will lapse.

2006 NEW HIRE

2006.01 The Executive Director shall make all appointments to positions at the Commission. The appointment shall be in writing, specifying date of hire, position, rate of pay, and at-will status. The Executive Director is authorized to make appointments to any step on the adopted salary range for a position. New employee orientation will be completed within the first thirty (30) days of employment. The Board is to be kept informed as to all

appointments to positions. Documentation required for new hires shall be the responsibility of the Executive Director or designee.

2006.02 New Employee Orientation

All new employees will be provided with an orientation briefing which will be held within their first month of employment with the Commission. Employee Orientation will cover the Commission rules, regulations, policies, benefits, hours, expectations, and directives. Employees are required to review and acknowledge that they have received, read, and understand this Employee Manual. The employee orientation goals are as follows:

1. To establish good employee/employer communication;
2. To reduce the anxieties of a new environment and new responsibilities;
3. To build teamwork spirit;
4. To inform the employee of the Commission's achievements; and
5. To provide the employee with information about the Commission's benefit package and to explain the participation eligibility dates for the various plans available.

2007 REHIRE

Applications received from former employees will be processed using the same procedures and standards that govern all new applicants. The Executive Director may review and consider the former employee's performance records and the circumstances surrounding separation from previous employment with the Commission. This information will be provided to the staff responsible for screening and interviewing applicants.

2008 EMPLOYMENT CLASSIFICATIONS

2008.01 Employment At-Will

Unless otherwise indicated, all Commission employees serve "at will" and may be released at the discretion of the Executive Director. At-will employees do not have a probationary period because they do not gain permanency, but they will be evaluated at regular intervals. At-will employees may be terminated at any time without cause and have no right to appeal employment decisions.

2008.02 Classifications

The following classifications of Commission employees are:

1. **Regular Full-time:** An employee who works a normal (40 hour) week or a normal (80 hour) biweekly work period on a regularly scheduled basis.

2. **Regular Part-time:** An employee who works less than a normal work week or biweekly work period, on either a regularly scheduled basis or on an irregular basis. Employees

working in excess of 60 hours per bi-weekly period on a regularly scheduled basis shall be entitled to ~~same~~the same benefits as full-time employees.

3. **Temporary:** An employee hired for a period not exceeding twelve months and who is not entitled to regular benefits. An extension of a temporary work classification for an additional six-month period, or less, may be granted, if, upon review by the Executive Director, the assignment is clearly found to be necessary. A temporary employee may be full-time or part-time. In addition to the use of this classification for secretarial or clerical positions, it applies to students working part-time and those who work during the summer.

2008.03 All employees are classified as exempt or nonexempt according to the following definitions:

Exempt - Positions of a managerial, administrative, or professional nature, as prescribed by federal and state labor statutes, which are exempt from mandatory overtime payments. The positions in this category are: The Executive Director, Deputy Director/Fiscal Supervisor, Principal Regional Planner, Senior Regional Planner, and Associate Regional Planner.

Nonexempt - Positions of a clerical, technical, or service nature, as defined by statute, which are covered by provisions for overtime payments. The positions in this category are Administrative Analyst and ~~Office Assistant~~Accounting Technician.

2009 ANNIVERSARY DATE AND REINSTATEMENT

2009.01 An employee's anniversary date is defined as their first day on the job of regular full-time employment with the Commission, excluding any periods of unpaid leave. Performance reviews may be completed annually on or before the employee's anniversary date. Although a salary adjustment never automatically follows a performance review, if a review cannot be completed prior to the employee's anniversary date and a salary adjustment is in order, it may be made retroactive to the anniversary date.

2009.02 Reinstatement

An employee separated from service in good standing may be reinstated within up to one year after separation at the discretion of the Executive Director. Employees who are reinstated will maintain their original anniversary date.

2010 RELATIVES

2010.01 Relatives of persons currently employed by the agency may be hired only if such employment will not result in any of the following:

- A direct or indirect supervisory relationship;
- The two employees handling financial transactions together;

- The two employees having regular job duties which require performance of shared duties or the same or related work assignment;
- The two employees having the same immediate supervisor; or
- An actual or perceived conflict of interest or having an adverse impact on supervision, safety, security, morale, or efficiency of the workplace that cannot be adequately mitigated.

2010.02 For the purpose of this policy, a relative is defined to include any immediately family member or spouse, registered domestic partner, child, step-child, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, or in-laws of those enumerated by blood, marriage or domestic partnership, or other legal action, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

2010.03 If two employees are employed in violation of this policy, the Executive Director has the discretion to make changes to staffing to meet the needs of the Commission, including a staffing change or salary reduction. If continuing ~~the continuing~~ employment of both employees cannot be accommodated in a manner the Executive Director finds consistent with the Commission's goals and objectives, the Executive Director retains the sole discretion to separate one employee from employment. Such separation is not considered disciplinary and is not subject to any appeal. This policy applies to all employees without regard to gender, sexual orientation, or other protected class.

2011 RETURN TO WORK AFTER SERIOUS INJURY OR ILLNESS

2011.01 The Executive Director shall ensure that employees who return to work after a serious injury or illness are physically capable of performing their duties or assignments without risk of re-injury or relapse. Employees who have been absent from work because of serious illness or injury are required to obtain a doctor's release specifically stating that the employee is capable of performing their normal duties or assignments with or without accommodation. A serious injury or illness is defined as one that results in the employee being absent from work for more than two consecutive weeks or one which may limit the employee's future performance of regular duties or assignments.

2011.02 Upon return to work, the employee is expected to return to full duty. If the employee returns with modified duty or limitations as ordered by a physician, the Executive Director will make reasonable efforts to assign the returning employee to assignments consistent with the instructions of the employee's doctor until the employee is fully recovered. A doctor's written release is required before recovery can be assumed. Employees requiring ~~accommodations~~accommodation(s) for a permanent condition must notify the Executive Director for an interactive meeting and determination according to this policy at Section 2001.

2012 PERFORMANCE

2012.01 Performance Evaluations

Periodic performance evaluations may be given to employees at regular intervals, at least annually, with the annual date extended by any unpaid leaves. Employees will be asked to participate in the evaluation process. Performance reviews may be held more often as warranted by the job situation and the employee's performance.

The performance review will be completed in writing following completion of an interview between the employee and their supervisor. The employee is encouraged to share in the review process by adding written comments to the evaluation form and is encouraged to do the following:

1. Inquire about his or her performance from time to time.
2. Accept additional responsibilities and show initiative.
3. Review opportunities for advancement within the department or job classification.
4. Ask for assistance in developing a goal-oriented path for advancement within the Commission.
5. Learn about training available to assist the employee in skills improvement, promotion, or lateral transfer.

The supervisor will determine if a merit step increase is warranted at the conclusion of the performance review process. Step increases may be awarded for dedication in the employee's work, extra effort, and better than average performance. Step increases are not automatic or based on a pre-set interval. Step increase recommendations must be approved by the Executive Director. All approved step increases will be made retroactive to the first workday of the work period of the performance review.

2012.02 Performance Improvement

To protect its investment in human resources and training, and in addition to periodic feedback, employees may be coached, orally counseled, or given written counseling instructions to improve performance. If the Executive Director and supervisor determine additional measures are appropriate, disciplinary action may be invoked, below. Disciplinary options are not exclusive and are listed as optional measures which may be taken at the sole discretion of the Executive Director. Progressive discipline is not required.

2012.03 Disciplinary Action

If the Executive Director, with or without input from a supervisor, determines that an employee's performance or behavior warrants it, disciplinary action may be taken. The examples set forth in section 2012.05 are a guide for disciplinary action to be taken by the Executive Director. The determination of discipline, or the level of discipline, is within the sole discretion of the Executive Director. At-will employees do not have an expectation of continued employment and are not subject to any due process prior to the implementation of disciplinary action.

1. **Letter of Reprimand:** A Letter of Reprimand may state the conduct, performance or behavior and an order to immediately address the problem. A copy of a Letter of Reprimand will be placed in the employee's file. A Letter of Reprimand is final. The employee may comment, and the comments will be attached to the Letter of Reprimand.

2. **Demotion, Reassignment, Last Chance Agreement:** If termination is not appropriate, a demotion may be made by a reassignment and/or reduction in pay or grade and may be accompanied by a Last Chance Agreement. This is an informal agreement which will summarize the issue or problem, give the employee a chance to change or improve the behavior or performance, reassign the employee or order a reduction in pay, grade or demotion, and state that the employee may be terminated if the problem is not corrected. A Last Chance Agreement will recite that the employee will resign if performance is not improved within a prescribed period of time. The Executive Director's decision shall be final.

3. **Termination:** A supervisor may make a recommendation for termination. The Executive Director will consider the recommendation and allow the employee an opportunity to respond orally or in writing. The Executive Director's decision shall be final.

2012.04 Suspected Misconduct

The Commission maintains a strict policy against suspected financial misconduct to avoid fraud and abuse of Commission resources. See Policy on Suspected Misconduct in the Accounting & Financial Policies and Procedures Manual, incorporated herein by reference and on file at the Commission offices.

2012.05 Cause For Discipline-Guide

The following non-exclusive list of offenses may result in discipline up to and including termination. Discipline is within the sole discretion of the Executive Director.

1. Tardiness; excessive absenteeism, failure to observe assigned work hours, rest and meal periods, absence without authorized leave, which includes failure to notify the supervisor of intended absence either before or within one hour after the start of the workday.
2. Violation of any Commission rule or policy, including confidentiality, conflict of interest, financial or accounting policies, use or misuse of computers, phones, or other communications equipment.
3. Abuse of sick or disability leave in a manner not authorized.
4. Falsifying any Commission record, making false statements, omission or misrepresentation of a material fact; dishonesty, providing wrong or misleading information or other fraud in securing appointment promotion or maintaining employment.
5. Unsatisfactory job performance.

6. Inefficiency.
7. Malfeasance or misconduct, which includes mishandling of public funds, conviction of a crime or damaging property, equipment, vehicles, or supplies through negligence or misconduct.
8. Insubordination.
9. Theft, defacing, misuse or unauthorized use of commission property including tools, equipment, electronics, communications systems (computers and iPads), vehicles or intellectual property.
10. Discourteous treatment of the public or other employees; or any conduct that impairs or disrupts or causes discredit to the Commission.
11. Failure to cooperate with the employee's supervisor or fellow employees.
12. Unapproved outside employment; or performing unauthorized personal work on Commission time.
13. Failure to comply with state and federal safety standards.
14. Working overtime without prior authorization or refusing to work assigned overtime.
15. Carrying firearms or other dangerous weapons on commission premises.
16. Interfering with another employee's job performance.
17. Being under the influence of alcohol or a controlled substance or marijuana or any substance which interferes with the employee's ability to function on the job safely and efficiently, with or without a medical excuse.

2012. 06 Separation From Service

Separation from service or termination with or without cause is within the Executive Director's discretion. Absent a written agreement, no promises or guarantees of permanent or specific term employment will be made to an employee of the Commission. Employees separated from service are entitled to receive all earned pay including vacation and other leave pay and accrued sick leave per schedule in this policy manual.

Separation is through one of the following actions:

1. **Resignation** - Voluntary termination by the employee. An employee desiring to terminate employment, regardless of employee classification, is asked, but not required, to give 30 days' notice to the Executive Director in writing. A resignation will be considered accepted on the day it is submitted at the close of business and will be accepted in writing by the Executive Director or designee.

2. **Dismissal** - Involuntary termination by the Executive Director for any reason at any time. An employee may be dismissed at any time, for any reason, at the sole and absolute discretion of the Executive Director. This includes separation for failure to reasonably accommodate an employee with a disability.

3. **Layoff** – Separation from service due to reduction of the work force or elimination of a position. When a reduction in force is necessary, or one or more positions are eliminated, the Executive Director will identify the employees to be laid off. The Executive Director will notify affected regular full-time employees in writing with as

much advance notice as possible but not less than 30 days. Laid off employees shall be notified for possible reinstatement in the event that a position is reactivated or re-funded for one year after layoff. Failure to maintain current contact information with the Commission will result in removal from the list. It is the laid off employee's responsibility to maintain contact and continued interest in reinstatement.

4. **Retirement** – Any eligible employee who intends to retire is asked to notify the Executive Director in writing at least one month prior to the effective date of retirement.

2012.07 Separation Processing

Processing an employee for separation from service will be coordinated through the direction of the Executive Director or designee. Any outstanding advances charged to the terminating employee will be deducted from the final paycheck by the payroll department, as mutually agreed upon between the Commission and employee. On the final day of employment, the Executive Director must receive all keys, ID cards, and Commission property from the employee. The Executive Director or supervisor may conduct an exit interview with the employee. The employee will be paid on the final day of employment or as authorized by state law. The final check shall include all earned pay and any expenses due to the employee. Employees will be notified of COBRA or health insurance options which may be continued at the employee's expense.

2013 BUSINESS CONDUCT AND CONFLICTS OF INTEREST

2013.01 Conduct And Ethics

The successful organization operation and reputation of the Commission is built upon the principles of fair dealing and ethical conduct of our employees. The Commission's reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity. These standards of ethical conduct are required of employees, officers, board members, consultants, and independent contractors in their performance and Commission responsibilities. Unethical actions, or the appearance of unethical actions, are unacceptable under any conditions.

An obligation exists to exercise honesty, objectivity, and diligence in the performance of duties and responsibilities of the Commission.

For the complete policy on Business Conduct and Ethical Behavior, see the **Accounting & Financial Policies and Procedures Manual** on file in the Commission offices and incorporated herein by reference.

2013.02 Conflicts Of Interest

All employees have an obligation to avoid conflicts of interest, or the appearance of conflicts, between their personal interests and those of the Commission in dealing with outside entities or individuals.

No employee shall maintain an outside business or financial interest, or engage in any outside business or financial activity, which conflicts with the interests of the Commission, or which interferes with his or her ability to fully perform job responsibilities. For example, and not by limitation, if an employee's job responsibilities include purchasing, or the employee is in a position to influence such purchases, the employee should have no proprietary or financial interest in any business that furnishes products, materials, or services to the Commission or in any related transaction. Nor may an employee benefit directly or indirectly from a third party who furnishes products, materials, or services to the Commission. This policy extends to spouses and family relatives of the employee.

2014 POLICY AGAINST WORKPLACE VIOLENCE

The Commission does not tolerate any act or behavior which can be perceived as threatening, hostile, and/or violent. No official or employee shall make any threat, either physical or verbal, against a co-worker, supervisor, or member of the public. No official or employee, other than those required by their position, shall bring a weapon (exclusive of personal defense chemical spray) of any type to a Commission facility, including parking lots and public streets outside or immediately adjacent to a Commission building, or place in a Commission vehicle or equipment. An official or employee, having demonstrated a legitimate need and having obtained any necessary certification, may bring a personal defense chemical spray to a facility, including parking lots and public streets outside or immediately adjacent to a Commission building, or place in a Commission vehicle or equipment, if first approved by the Executive Director having demonstrated a legitimate need and having obtained any necessary certification.

All employees are required to report immediately to their supervisor and Executive Director any threats or incidents of violence. The Commission shall investigate, or cause to be investigated, incidents of violence or threats of violence to maintain department safety. Pursuant to California Code of Civil Procedure section 527.8, employers are permitted to seek temporary restraining orders (TRO) and an injunction to protect employees who have been the subject of actual or threatened unlawful violence in the workplace.

Any person found to have violated this policy may be subject to counseling, training, and/or discipline, up to and including termination.

2015 POLICY AGAINST ABUSIVE CONDUCT AND BULLYING

It is the policy of the Commission to maintain a workplace free from any form of abusive conduct or bullying. All officials and employees are prohibited from engaging in abusive conduct or bullying against another person at the workplace.

"Abusive conduct" is defined under Government Code section 12950.1(g)(2) as conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile,

offensive, and unrelated to an employer's legitimate business interests. For example, abusive conduct may take the form of, but not be limited to, repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe or egregious. Another form of abusive conduct may also be referred to as bullying. In addition to the above definition, examples of workplace bullying may include, but not limited to the spreading of malicious rumors, or insulting someone by word or behavior, ridiculing or demeaning someone, picking on someone or setting them up to fail, exclusion or victimization, unfair or discriminatory treatment, overbearing supervision or other misuse of power or position, making threats or comments about job security without basis, slapping, pushing, shoving, punching, or otherwise physically attacking someone, deliberately undermining a competent worker by unnecessarily overloading their work or intentionally interfering with their work and constant criticism.

Evaluative work performance comments or communications by one's supervisor relating to work deficiencies, constructive feedback, and counseling are appropriate and reasonable business interests, and shall not constitute abusive conduct or bullying.

If an employee is bullied because of their race, gender, religion, sexual orientation, disability, age, or any other protected status, he or she may have a claim for harassment and discrimination and may take action in accordance with the Commission's policy on anti-harassment and anti-discrimination.

Any person found to have violated this policy may be subject to counseling, training, and/or discipline, up to and including termination.

3000 COMPENSATION

The Commission's Board of Directors has authorized delegation of all human resources and classification procedures to the Executive Director. The Executive Director is responsible for the overall coordination, review, and control of the Commission's compensation classification plan. The Commission will comply with all state and federal laws, Commission policies and procedures, as well as the standards, guidelines, practices, and requirements that are specified by its grantors. The Commission may perform wage comparability studies every three years to ensure the salary and wage structure is similar to other agencies of like size and employee base in the area with consideration given to budget resources.

3001 POSITION DESCRIPTIONS

3001.01 Position descriptions will define the duties, knowledge, skills and abilities and essential functions required for filling the position.

3001.02 The Executive Director shall recommend a position program to the Commission Board as necessary. All position descriptions shall include the following information:

1. Title of position.
2. Position summary or overview.
3. Exempt or non-exempt.
4. Position qualifications (minimum qualifications including job experience, knowledge, skills, abilities, and education).
5. Major duties and responsibilities.
6. Essential job functions, marginal job functions, and physical requirements.

The Commission may compare the positions of other agencies for salary surveys. Position descriptions are one of the factors used in setting the pay scale of the Commission positions. The Executive Director shall review all position descriptions periodically to ensure equity and consistency within and across job classifications and functional lines.

3002 WORKWEEK, PAYDAY, AND PAY ADVANCES

3002.01 The Commission employees are paid every two weeks, 26 times annually. The workweek begins on Saturday at 12:00 a.m. and ends on Friday at 11:59 p.m. Payday is on alternate Mondays but may be changed at the discretion of the Executive Director. Timecards are to be submitted to the appropriate supervisor by close of business the Friday proceeding the payday. All timecards shall be verified and signed by the appropriate supervisor. Pay is for the two workweeks preceding the next payday. When a payday falls on a Holiday, paydays may occur on the next workday following the Holiday.

3002.02 The Commission shall issue all paychecks by direct deposit. Early paychecks or pay advances are not allowed. For a complete policy on Paydays and payroll, see Accounting & Financial Policies and Procedures Manual on file in the Commission offices.

3003 OVERTIME COMPENSATION

3003.01 Nonexempt employees will be paid at the rate of one and one-half times their regular hourly rate of pay for all time worked in excess of 40 hours in any one week.

3003.02 Authorization for non-exempt employees for overtime is at the discretion of the Executive Director or designee, and only permitted when expressly authorized. Unauthorized overtime is not permitted. If the need for overtime arises, employees are expected to communicate with their supervisor as soon as possible so that proper scheduling, workload, and budgeting may be adjusted and/or approved. Failure to follow this procedure may subject an employee to discipline.

3003.03 Non-exempt employees may be allowed paid compensatory time off at a rate of one and one-half times the hourly rate for hours worked over 40 in a week only in the discretion of the Executive Director and with advance notice and approval.

3004 MEAL PERIOD AND REST PERIOD

3004.01 Meal Period - The required lunch period for all employees is a minimum of 30 minutes. For non-exempt employees the meal period will begin no later than the commencement of the fifth hour of work.

3004.02 Rest Period - Each employee is allowed two paid 15-minute rest periods, one for every 4 hours worked. For every 2 hours of overtime worked, an additional 15-minute rest period is allowed. Rest periods are to be taken during the appropriate work period, shall not be accrued, and shall not be used to offset scheduled work arrival or departure time.

3005 PAYROLL DEDUCTIONS

3005.01 The following mandatory deductions will be made from every employee's gross wages: federal income tax, state income tax, state disability insurance, employee's Social Security contribution, and payments to any employee's 401(a) loan per executed loan agreement.

3005.02 Every employee must fill out and sign a federal withholding allowance certificate (IRS Form W-4) on or before his or her first day on the job. This form must be completed in accordance with federal regulations. The employee may fill out a new W-4 at any time when his or her circumstances change. Employees who paid no federal income tax for the preceding year and who expect to pay no income tax for the current year may fill out an Exemption Form Withholding Certificate (IRS Form W-4E). Employees are expected to comply with the instructions on the W-4. Questions regarding the propriety of claimed deductions may be referred to the IRS in certain circumstances.

3006.03 Every employee will receive an annual Wage and Tax Statement (IRS Form W-2) for the preceding year on or before January 31. Any employee who believes that his or her deductions are incorrect for any pay period or on the W-2 should check with the Fiscal Supervisor immediately.

3006 SALARY PROGRAM

3006.01 The Executive Director shall annually review the salary program and recommend appropriate salary ranges to the Commission Board. Salary ranges shall be based upon the principle that like salaries shall be paid for comparable duties. The Executive Director shall take into consideration the generally prevailing rates for such services in regional transportation planning agencies within California, cities and counties, and other public and private agencies in the Madera County area. All proposed salary ranges must be approved by the Commission prior to taking effect.

3006.02 An employee reclassified to a new position with a higher salary range will be placed at a step equal to at least five percent higher than the position previously held.

3006.03 An employee reclassified to a position with a lower salary range will be placed at a step equivalent to his or her current salary. If the employee's current salary exceeds the maximum step for the new range, the salary shall be frozen at its current level until the incumbent leaves the position or the position rate changes.

3006.04 An employee appointed to a higher paying position in an acting capacity for a period of longer than 30 calendar days, excluding vacation relief, shall receive additional compensation at the lowest step in that position or 5% more than the employee's previous position, at the discretion of the Executive Director.

3006.05 Longevity Pay

Employees with 10 years of continuous employment shall receive an additional 2% added to their regular rate of pay.
Employees with 15 years of continuous employment shall receive an additional 4% added to their regular rate of pay.
Employees with 20 years of continuous employment shall receive an additional 6% added to their regular rate of pay.

4000 EMPLOYEE BENEFITS

4001 VACATION LEAVE

4001.01 Each regular full-time employee shall accrue vacation leave and will be entitled to use it as approved by their supervisor on the following basis:

Years of Service		Hours per year	Maximum Accrual
0 through 4	3.69 hrs.	96 hrs.	240 hrs.
5 through 9	4.62 hrs.	120 hrs.	240 hrs.
10 through 14	5.54 hrs.	144 hrs.	280 hrs.
15 through 19	6.46 hrs.	168 hrs.	320 hrs.
20 through +	7.38 hrs.	192 hrs.	360 hrs.

4001.02 Vacation accrual begins on the first day of the first pay period of hire. An employee must be in an active pay status on the last working day of a pay period to accrue vacation for that period. Newly hired employees are eligible to use accrued vacation after six months of service.

4001.03 If the employee's anniversary date is on or before the last working day of the pay period, the employee shall accrue the higher rate for that pay period.

4001.04 Vacation shall not accrue while an employee is on an unpaid leave of absence.

4001.05 An employee's vacation time vests when accrued, up to the maximum accrual rate allowed based upon years of service. Vacation time earned and accrued, but not taken during the year, shall be carried over to future calendar years up to the maximum allowable accrual rates. Employees will be required to take vacation leave to maintain the maximum cap at the direction of the Executive Director.

4001.06 Payment of a sum equal to all accrued, but unused vacation time shall be made to the employee upon separation at the pay rate current at the separation date.

4002 SICK LEAVE

4002.01 Each regular full-time employee shall accrue sick leave at the rate of 3.69 hours per pay period (equivalent to 8 hours/month). There is no maximum accrual limit.

4002.02 The use of accrued sick leave shall be allowed in the following instances:

1. For personal illness or physical incapacity.
2. For dental and medical appointments or other sickness prevention measures.
3. For illness or physical incapacity of an employee's family member, which requires their personal attention. Use shall be limited to three consecutive working days, and additional days for said purpose is subject to approval of the Executive Director. In

accordance with California Labor Code Section 245.5, "family member" consists of the employee's spouse, registered domestic partner, children (regardless of age or dependency status, including biological, adopted, foster, step-, legal ward, or a child to whom the employee stands in loco parentis), parent (including biological, adoptive, foster, step-, or legal guardian of an employee or employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), grandparent, grandchild, sibling, or a designated person identified at the time the employee requests paid sick leave. The Commission will limit an employee to one designated person per 12-month period for paid sick leave.

4. For death of an employee's family member, as defined above, the supervisor may allow an employee up to 56 hours of leave per calendar year, chargeable against sick leave.
5. For a reproductive loss event, defined by Government Code Section 12945.6 as the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction.

4002.03 Sick Leave for Part Time, Temporary and Seasonal Employees

Part-time, seasonal, and temporary employees who are not eligible for sick leave benefits will be provided with sick leave benefits in accordance with the requirements of state law, including the Healthy Workplaces, Healthy Families Act of 2014 under Labor Code Section 245 *et seq.*, and will be provided with notification about these benefits. Contact the Executive Director with any questions.

4002.04 It is the employee's obligation to contact their supervisor immediately when sick or personal leave is needed before the beginning of the workday. The supervisor may require a doctor's note or other proof of illness when an employee uses sick leave in excess of three (3) consecutive working days. An employee's failure to call in, excessive use of sick leave, or abuse of sick leave is subject to disciplinary action.

4002.05 Pay for sick leave shall be offset by Worker's Compensation, Disability or Unemployment Insurance of the State of California or by any insurance coverage provided to the employee by the Commission at its cost.

4002.06 Employees shall be paid for unused, accrued sick leave upon termination in accordance with the following formula: (percentage of current pay rate per years of service from table below) times (number of sick leave hours) = sick leave pay off.

For example, an employee with 5 years 6 months of service, $20.00/hr. current salary and 40 hours of accrued sick leave is calculated as follows:

(5 yr 6 mos = 5-10 on table below = 10% x $20.00/hr. = $2.00/hr. x 40 hrs. = $80.00 sick leave payoff)

Years of Service	Percentage of Current Hourly Salary
0-5	0%
5-10	10%
10-15	25%
15-20	30%
20-+	50%

4003 LEAVES OF ABSENCE

4003.01 The Executive Director may grant an employee a leave of absence without pay for a period not to exceed ninety (90) calendar days. Such a request must be in writing.

4003.02 A leave of absence without pay results in extending the employee's anniversary date by the total number of calendar days for which leave is authorized. Military and Family Medical Leave Act (FMLA) and/or California Family Rights Act (CFRA) approved leaves are excluded from the extended calculation.

4003.03 Sick leave and vacation leave shall not accrue during any leave of absence without pay. Health, dental, optical, life, and disability insurance premiums of an entire month falling within a leave of absence without pay may be paid by the employee. Employees on illness leave must exhaust existing leave balances from sick leave, first, then all other available leaves. If the illness is certified as qualifying for FMLA and/or CFRA, the time periods for those leaves will run concurrently from the first day of illness leave. The Commission will coordinate benefits when information is provided by the employee, to the extent possible.

4003.04 Family Medical Leave (FMLA) And California Family Rights Act (CFRA)

To the extent not already provided for under current leave policies, the Commission will provide up to twelve (12) weeks of unpaid leave during which time the employee's job will be protected. The leave shall be unpaid unless the employee has sick and vacation leave balances. Employees are required to exhaust sick leave, followed by vacation leave while on medical leave. FMLA and CFRA approved leaves will be run concurrently with applicable paid leaves. See complete FMLA/CFRA policy attached hereto as Exhibit **1.**

During this leave, the Commission will maintain and pay for group health insurance coverage for the employee at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. The Commission may recover from the employee the premium(s) that the employer paid as required by law for maintaining coverage for the employee under the group health plan if both of the following conditions occur:

- The employee fails to return to work after the expiration of the leave period; and
- The employee's failure to return to work is for non-FMLA/non-CFRA reasons or non-medical condition related circumstances.

4003.05 Paid Family Leave Of Absence (PFL)

State Disability - An employee covered by State Disability Insurance (SDI), may receive up to six (6) weeks of State benefits over a twelve (12) month period for the following: 1) care for a seriously ill child, spouse, parent, or domestic partner, 2) bond with a new child or the new child of a spouse or domestic partner, or 3) to bond with a child in connection with the adoption or foster care placement of the child with the employee, the employee's spouse or registered domestic partner.

The PFL program provides partial wage replacement under the qualifying conditions stated above. Employees may not be able to receive Unemployment Insurance benefits or SDI benefits for the same period for which they are receiving paid family leave benefits. Paid Family Leave shall run concurrently with any FMLA/CFRA leave.

For more information, see the immediate supervisor or visit the EDD Web site at www.edd.ca.gov and select "Paid Family Leave" or call (877) 238-4373 (English) or (877) 379-3819 (Spanish).

4003.06 Pregnancy Disability Leave (PDL)

Employees disabled by pregnancy, childbirth, or related medical conditions will be eligible for temporary disability benefits. Pregnancy disability leave covers the actual period of disability, up to four (4) months. Leave of absence may be taken intermittently or in increments and does not necessarily need to be taken consecutively. Leave may be taken in increments of no less than one (1) day. Employees are encouraged to submit a doctor's note as soon as possible to qualify for PDL.

Upon the request of an employee with a physician's note, the employee's work assignment may be changed if necessary, to protect the health and safety of the employee and her child;

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

Temporary transfers due to health considerations will be granted when possible. The transferred employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons.

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

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

Return to work from pregnancy disability leave will be allowed with a physician's release. Employees may use accrued sick time during a pregnancy disability leave. An employee will be allowed to use accrued sick, vacation, or personal time (if otherwise eligible to take the time) during a pregnancy disability leave; and duration of the leave is determined by a physician's note.

During this leave, the Commission will maintain and pay for group health insurance coverage for the employee at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. The Commission may recover from the employee the premium(s) that the employer paid as required by law for maintaining coverage for the employee under the group health plan if both of the following conditions occur:

- The employee fails to return to work after the expiration of the leave period; and
- The employee's failure to return to work is for non-FMLA/non-CFRA reasons or non-medical condition related circumstances.

4003.07 Returning to Work

A medical certification, or release, that an employee is able to return to work from a pregnancy disability leave is required to return to work. Employees on FMLA/CFRA/PFL or PDL will be reinstated to the same position held at the time the leave began or to an equivalent position, if available.

4004 OTHER LEAVES OF ABSENCE

In accordance with applicable state and federal law, the Commission offers the following leaves of absence. For leaves of absences that are considered non-paid, the Commission will adhere to applicable state wage and hour provisions with respect to exempt personnel.

4004.01 Victims Of Domestic Violence And Sexual Assault Leave

If an employee is or becomes a victim of domestic violence or sexual assault, the employee may take time off for court hearings, to seek medical, legal, or psychological assistance, or to protect the employee or the employee's family or safety. Under these provisions, the employer may request specific types of certifications in connection with the absence. The employee will not be discharged or discriminated against for taking this qualified leave of absence. Exempt and non-exempt personnel may choose to take accrued paid vacation, personal leave, sick leave, or unpaid leave.

As a condition of taking time off for the purposes set forth under Labor Code section 230 and 230.1, the employee is required to give their supervisor reasonable advance notice of the employee's intention to take time off, unless the advance notice is not feasible. In the event of an unscheduled absence due to domestic violence, sexual assault and/or stalking, the Commission will not take any action against the employee if the employee, within a reasonable time after the absence, provides [a] written certification to the employer.

4004.02 Witness Duty

If an employee is subpoenaed and required to serve as a witness in a court case, he or she must notify the supervisor within a reasonable amount of time before the impending service. A copy of the subpoena may be requested to validate the employee's request for witness-duty leave. As prescribed by law, upon completion of witness duty, an employee is entitled to reinstatement. Witness duty leave is considered a non-paid leave of absence.

4004.03 Military Leave

Military leave shall be granted to any employee. Any employee who is granted military leave shall be paid their regular rate, up to a maximum of thirty (30) calendar days in any calendar year, while on such leave. Under these circumstances the employee shall be paid the difference between their full salary and any military payment received, exclusive of travel pay for such leave. As required by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), the Commission makes available temporary, non-paid military leave of absence. Military leave is open to anyone who has been absent from work due to "service in the uniformed services" is protected. "Service" includes active duty, active duty for training, initial duty for training, inactive duty training; full-time National Guard duty, and examinations to determine fitness for duty.

"Uniformed services" include: the Army, Navy, Air Force, Marine Corps, Coast Guard (and the reserves for each of those branches); the Army National Guard, Air National Guard, and Commissioned corps of the Public Health Service; National Disaster Medical System; and any other category of persons designated by the President in time of war or emergency.

An employee is requested to notify their employer as soon as they learn of the need for military leave. When an employee's service is over, he or she shall provide a notice of intent

to return. An employee may take leave up to a maximum of a cumulative five (5) years. At the employee's option and with the Commission's approval, military leave may be combined with paid vacation time, if available. In accordance with USERRA and under most circumstances, an employee is entitled to reinstatement, as well as to all rights and benefits as if he or she had remained continuously employed. The employee may also elect COBRA-type health care coverage.

4004.04 Jury Duty

Any employee called to serve on any jury and when unable to be excused therefrom shall be entitled to paid leave during the period of such service or while necessarily being present in court as a result of such jury call. Employees are not entitled to juror pay for such duty but are permitted to keep mileage payments. Employees should decline juror pay and report their service to the Commission. Benefits shall be maintained by the employer.

4004.05 Holidays

The Madera County Transportation Commission observes the following paid holidays. A part time employee will receive holiday pay if the paid holiday falls on a day that the employee is regularly scheduled. The Commission offices will be officially closed on these days:

Month	Day	Holiday
January	1st	New Year's Day
January	3rd Monday	Martin Luther King's Birthday
February	3rd Monday	President's Day
May	Last Monday	Memorial Day
July	4th	Independence Day
September	1st Monday	Labor Day
October	2nd Monday	Columbus Day
November	11th	Veteran's Day
November	4th Thursday	Thanksgiving
November	4th Friday	Day after Thanksgiving
December	25th	Christmas

4004.07 Each employee will be allowed four (4) hours of personal leave per calendar year. This leave is not to be accrued beyond the calendar year.

4004.08 The agency will observe any day proclaimed by the President of the United States or the Governor of California for a Public Fast, Thanksgiving, or Public Holiday.

4004.09 When a holiday falls on a Sunday, the following Monday shall be observed. When a holiday falls on a Saturday, the proceeding Friday shall be observed.

4005 BEREAVEMENT LEAVE

Employees will be entitled to three (3) days paid Bereavement Leave not to be charged to any balance for the death of a parent, parent-in-law, step-parent, sibling or step-sibling, child, step-child, spouse, or registered domestic partner. An employee shall be granted special leave with pay not to exceed a total of fifty-six (56) hours in any calendar year to be charged to sick leave, vacation leave, or personal leave in the event of a death of a member of the employee's immediate family. If an employee has no sick leave, vacation leave, or personal leave available, the employee shall be entitled to two (2) days of unpaid Bereavement Leave in addition to the three (3) days of paid Bereavement Leave. "Immediate family" is defined as spouse, registered domestic partner, children, step-children, parents, guardians, grandparents, grandchildren, siblings, and in-laws. To be eligible for paid leave, the employee must be employed for at least 30 days prior to the commencement of the leave. The leave can be taken intermittently or all at once and must be taken within three months of the family member's death. Documentation of the death of the family member within 30 days of the first day of the leave may be required. "Documentation" includes, but is not limited to, a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency.

4006 REPRODUCTIVE LOSS LEAVE

Employees will be entitled to five (5) days of Reproductive Loss Leave, chargeable against sick leave, vacation leave, or personal leave, following a reproductive loss event defined by Government Code Section 12945.6 as the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction. Reproductive Loss Leave must be completed within three months of the reproductive loss event. To be eligible for reproductive loss leave, an employee must have been employed by the Commission for 30 days before the leave commences. An employee shall be entitled up to a maximum of twenty (20) calendar days within a twelve-month period.

4007 WORKER'S COMPENSATION

Worker's compensation insurance protects employees against economic loss caused by work-related accidents or illnesses. The Commission provides worker's compensation insurance as required by the Worker's Compensation Act of the State of California. The benefit amount is determined on a case-by-case basis in accordance with the law. The Commission pays the entire cost of the program. Coverage depends upon prompt reporting of accidents /illnesses and filing claims. If an injury on the job occurs, no matter how slight, the employee should report it immediately to their supervisor or the Executive Director or designee. The Executive Director or designee will provide the employee with the appropriate forms and instructions. Failure to report may affect a Worker's Compensation claim or delay treatment. Failure to promptly report may lead to disciplinary action.

4008 LIFE INSURANCE

The Commission shall provide life insurance for each regular full-time employee. The insurance becomes effective after thirty (30) days of continuous active service. The master policy is on file and available to employees through the ~~Office Assistant~~Fiscal Supervisor.

4009 CALIFORNIA STATE DISABILITY INSURANCE

The Commission makes available short-term disability insurance for a cost to offset income loss due to illness or disability that is not work-related. Generally, employees are eligible for benefits after the first day of hospital confinement or the 8th day of a disability that prevents the employee from working. The plan is entirely financed by employee contributions. Employees are encouraged to apply for benefits when eligible. For assistance in filing a claim, see the Executive Director or designee for more information.

4010 HEALTH INSURANCE

4010.01 The Commission currently provides a health insurance plan for each full-time employee and their family. This benefit and benefit level is renewed annually and costs to the employee may change year to year. The master policy is on file and available to employees through the ~~Office Assistant~~Fiscal Supervisor. A plan summary will be provided to each employee.

4010.02 The Commission may make an incentive contribution to eligible employees should the employee *voluntarily* decide not to enroll themselves and their dependents under the Commission health insurance policy up to $500.00 monthly. The determined monthly amount will be paid out in 50% increments on the first two checks of the month.

Regular full-time employees with alternative medical coverage may annually elect to waive participation in the Commission-sponsored medical insurance plan. Employees electing to waive the Commission-sponsored medical coverage are eligible to receive cash in lieu of the waived coverage as noted above. The in-lieu dollar amount is determined annually. Employees who lose their alternative coverage must immediately enroll in the Commission-sponsored medical insurance plan or enroll in a state exchange plan.

Employees requesting to waive insurance in lieu of cash under this policy must do so in writing and provide proof of alternative health insurance and submit both to the ~~Office Assistant~~Fiscal Supervisor.

This program can be changed or revoked at any time by the Executive Director.

4011 DENTAL & OPTICAL

The Commission provides dental and optical benefits for each regular full-time employee and their family. This benefit and benefit level is renewed annually and costs to the employee may change year to year. The master policy is on file and available to employees through the ~~Office Assistant~~Fiscal Supervisor. A plan summary will be provided to each employee.

4012 SOCIAL SECURITY

All employees are required to participate in the federal Social Security system. Both the Commission and the employee are required to contribute.

4013 MEDICARE

All employees are required to contribute to the federal Medicare system. Both the Commission and the employee are required to contribute.

4014 RETIREMENT PLAN

4014.01 General Provisions

The Commission maintains two retirement plans for regular full-time employees. These plans are administered by ~~the International City Managers Retirement Corporation~~MissionSquare Retirement ~~(ICMA)~~ and are governed by Sections 401(a) (Defined Contribution Plan) and 457 (Deferred Compensation Plan) of the Internal Revenue Code. Employee rights and privileges are determined by the code and the joinder agreements that the Commission has with ~~the ICMA~~MissionSquare.

Every employee is required to execute a joinder agreement for participation in the ~~ICMA~~ MissionSquare 401(a) plan and may elect to participate in the 457 program at the employee's option. These agreements specify the portion of compensation to be deferred, indicate investment preferences, designate beneficiaries, and hold the Commission harmless from any liability hereunder for all acts performed in good faith, including acts relating to the investment of deferred amounts and/or the employee's investment preference.

Participating employees have various rights upon termination of employment or retirement: 1) leave accumulated funds in trust and receive normal retirement benefits, or 2) withdraw 457 funds or vested portion of 401(a) funds. If the funds are left in trust, the employee is required to notify the Plan Administrator within sixty (60) days of leaving service as to the date that the first payment will be made from the trust. Normally this would be a retirement date; however, the funds may be withdrawn at termination of employment. Thirty (30) days prior to the first payment from the trust, the employee must elect a payment schedule. Withdrawals may be in the form of direct payments from the Plan Administrator or by insurance annuity contract. In the event funds are withdrawn, all requisite forms shall be processed through the Commission for signature.

4014.02 ~~ICMA~~ MissionSquare Retirement 401(a) Money Purchase Plan

The Commission contributes 7.5% of the employee's gross salary and picks up the employee's 7.5% contribution for a total 15% contribution into the plan. The employer's contribution to the employee's member contribution is not guaranteed and may change from year to year. This plan is recognized as a qualified retirement plan per Section 401(a) of the IRC. All regular full-time employees shall be enrolled in the plan upon date of hire and are required to complete the joinder agreement at that time. There is no probationary period of service, no minimum age requirements for plan participation, and no restrictions on the investment options of funds maintained in the plan. Employees are immediately 100% vested in the Commission's contribution to the plan. Funds placed in the 401(a) plan shall remain in the trust and shall not be withdrawn during the participant's term of employment. However, there is a provision for employees to take loans from their vested balance.

Upon termination participating employees must notify the Commission of their determination relating to withdrawal of vested funds in the plan. The employee may elect to withdraw funds, leave funds in the plan, or to roll funds over to another qualified plan. If the employee elects to rollover to another plan, the new plan must certify to ~~ICMA~~ MissionSquare that it provides for acceptance of a qualified total distribution. The rollover must equal 100% of vested balance and must occur within sixty (60) days of withdrawal from ~~ICMA~~MissionSquare. If the employee elects to withdraw the vested balance, the employee will receive a form at the end of the year. Withdrawals that are not rolled into a qualified plan within sixty (60) days are subject to 10% early withdrawal penalty and are taxed as ordinary income.

Normal distribution of benefits commences on the 60th day following the close of the plan year in which the employee turns 62 unless written notice is given to have the benefits start at a different time. The earliest that benefits may commence without 10% penalty is at age 59-1/2. The latest is at age 70-1/2. The employee is required to select a "first payment date" during the first sixty (60) days following termination. This payment date may be changed or revoked by the employee.

4014.03 ~~ICMA~~ MissionSquare Retirement 457 Deferred Compensation Plan

Any regular full-time employee may elect to participate in the ~~ICMA~~ MissionSquare Deferred Compensation Plan. The maximum deferred in any tax year shall not exceed the lesser of 100% of gross salary or the limits set by the IRS on an annual basis. Funds in the 457 plan must remain in trust during the course of employment and shall not be withdrawn except for verifiable "unforeseeable emergencies" as defined in IRC 152(a). There is no vesting requirement, are no early withdrawal penalties (however, funds are taxable as ordinary income in the year that they are withdrawn and a W-2 will be prepared for all funds withdrawn) and are no rollover provisions into other retirement plans.

Payment from the ~~ICMA~~ MissionSquare 457 plan can begin immediately upon termination regardless of age or can be scheduled to begin at any time up to the age of 70. Within sixty (60) days of termination, the participant must select a date for payments from the plan to begin. This date cannot be changed once the sixty-day period has lapsed. At least thirty (30) days before the first payment date, the recipient must choose a withdrawal schedule. Once payments begin, the withdrawal schedule cannot be changed. Payments may be scheduled on a monthly, semi-annual, or annual basis.

4015 COVID-19 EMPLOYEE BENEFITS

The Commission has adopted various policies related to COVID-19 employee benefits, including, but not limited to, the ~~Supplemental COVID-19 Policy for Sick Leave,~~ Supplemental COVID-19 Policy for FMLA/CFRA leave, and the Supplemental COVID-19 Policy on Telecommuting. All policies related to COVID-19 employee benefits that have been or may be adopted by the Commission, as necessary to comply with applicable law, are hereby incorporated into this Employee Manual. All individual COVID-19 employee benefits policies will be provided to employees upon adoption. Employees are notified of their rights and obligations under such COVID-19 employee benefits policies, and failure to comply with the COVID-19 policies may subject the employee to disciplinary action. Although one or more of the foregoing policies may no longer be applicable upon the expiration of the declared State of Emergency, the Commission will still comply with all applicable State law regarding COVID-19 Employee benefits, including Cal/OSHA's non-emergency regulations related to COVID-19.

5000 EMPLOYEE EXPENSES - FINANCIAL ACCOUNTING POLICY

5001 EMPLOYEE INCURRED EXPENSES AND REIMBURSEMENT

For the complete Policies Associated With Expenditures and Disbursements, see the Accounting & Financial Policies and Procedures Manual incorporated herein and on file in the Commission offices.

To ensure that all proper business-related expenses incurred by employees are reimbursed, the following procedure has been established:

1. All expenditures are to be approved in advance by the appropriate supervisor unless circumstances prevent advance approval.
2. All business-related expenditures must be accompanied by a receipt or evidence of expenditure to receive reimbursement.
3. All items purchased or charged by the employee are to be itemized on the approved "Monthly Expense Form." All portions of the report must be filled out or marked "N/A" (not applicable), and the necessity and purpose of the expenditure must be explained in sufficient detail.
4. Expense reports must be signed and dated by the employee and signed by the appropriate supervisor showing approval. Reports are due in the accounting department within 30 days of the expenditure. Reimbursement will be made by the 15th day of the month following submittal of the report.

5002 MILEAGE REIMBURSEMENT

5002.01 Employee's use of a personal vehicle for Commission business shall be reimbursed for Commission-related business travel at the current stated IRS rate. Use of a personal vehicle is never required by the Commission and is discretionary on the part of the employee.

5002.02 Going to and coming from work is not compensable time. If an employee is required to travel from home directly to a third location on Commission business and then to work, the Commission will reimburse the employee for the mileage from the Commission office to the work-related destination.

5002.03 The employee must submit a "Monthly Expense Form" signed and dated by the employee and signed by the appropriate supervisor.

5002.04 The employee, in using his or her vehicle for Commission purposes, assumes liability for his or her vehicle. All employees must sign a statement verifying that they have a current driver's license and vehicle liability insurance in at least the minimum amounts required by state law.

5003 TRAVEL REIMBURSEMENT

1. This policy establishes the general guidelines and procedures to be followed when business travel is required. See the Travel and Business Entertainment Section in the

Financial and Accounting Policies and Procedures manual for more detailed information regarding travel.

a) Same day travel-related expenses are to be detailed on the "Monthly Reimbursement Form."
b) Overnight travel is to be detailed on the overnight travel authorization and claim forms.
c) Employees using their personal vehicles on Commission business, including trips to the airport, will be reimbursed at the standard Commission mileage rate, provided that the time and distance involved is reasonable under the circumstances.
d) All parking expenses and highway tolls incurred because of business travel will be reimbursed.
e) All air travel must be approved in advance by the Executive Director unless unavoidable. All travel will be by coach class whenever possible. First class may be used when coach class accommodations are not available.

2. Employees should request advance approval for use of a rental car at their destination. If a rental car is needed, an economy or compact sized car is to be used and additional insurance should not be purchased. A copy of the rental car agreement form must be handed in with the reimbursement form.
3. Employees should select moderately priced lodging convenient to their destination to minimize time and expense and shall request government rates. A detailed receipt from the hotel or motel must accompany the reimbursement form unless such is unavailable, in which case, a credit card receipt is acceptable.
4. Employees are paid per diem for meals. Reimbursement for meals will be paid according to the per diem schedule in the Financial and Accounting Policies and Procedures Manual.
5. Employees are expected to make all reasonable efforts to retain receipts for valid expenses.

5004 TRAVEL ADVANCES AND CREDIT CARDS

5004.01 The Commission maintains a credit card account for use by employees while in travel status. Employees are encouraged to secure a credit card from the ~~Office Assistant~~Administrative Analyst prior to traveling on Commission business. Credit cards should be used for accommodations and purchase of work-related materials whenever possible. The ~~Office Assistant~~Administrative Analyst shall maintain a record of credit card assignments and require that receipts for credit card transactions be submitted promptly.

5004.02 Travel advances are available to employees subject to prior approval by the Executive Director. The employee is required to submit the travel advance request in writing to the Executive Director at least five working days prior to the scheduled travel. Travel advance will only be made for travel exceeding one full working day.

5005 REQUIRED MANAGEMENT APPROVAL

5005.01 All travel expense requests, mileage expense reports, purchase requisitions, and other business-related expense reports must be approved by the appropriate supervisor before the request will be processed for payment.

5005.02 The supervisor will only approve expenditures that are business-related, reasonable, and consistent with the letter and intent of the Commission agency policies. Occasionally, a policy will not cover a specific expenditure. Similarly, the facts and circumstances relating to a particular item or expense may justify an exception to the letter of a policy. In these events, the Executive Director shall rule on the acceptability of the expense. Among the factors to be considered in resolving such issues are the following:

1. The intent or purpose of the policy
2. The particular facts or circumstances surrounding the expense
3. The necessity for the expense
4. The amount involved
5. Previous similar situations

5005.03 Employees who incur expenses or charge expenses to the Commission without prior approval do so at their own risk. Employees are invited to seek prior approval from the Executive Director or Fiscal Supervisor, as appropriate, in questionable situations.

5006 PETTY CASH POLICY

5006.01 A Petty Cash fund is maintained for use by employees for minor expenditures. Petty Cash is limited to $100.00 and is maintained in a locked box secured by the ~~Office Assistant~~Accounting Technician. Petty Cash disbursement procedures are as follows:

1. Employees may request Petty Cash either as an advance or a reimbursement by completing and signing a Petty Cash Voucher.
2. Petty Cash advances are required to be supported by a receipt within one week of voucher approval.
3. Petty Cash reimbursements are to be supported by receipts at time of voucher approval.
4. The ~~Office Assistant~~Accounting Technician following review and approval of the voucher makes all disbursements from Petty Cash. ~~Office Assistant~~Accounting Technician approval shall be designated by signature.

5006.02 The Fiscal Supervisor shall periodically review the status of the Petty Cash fund to verify that the sum of the cash balance plus Petty Cash Vouchers is equal to $100.00.

6000 MISCELLANEOUS

6001 GRIEVANCE PROCEDURE

An employee may express a grievance regarding a work-related issue, directive, order, or task, to the supervisor. If the concern is not resolved to the employee's satisfaction within one week, the employee may put in writing the details of his or her grievance and submit the grievance to the Executive Director. The Executive Director will review and advise on the grievance. The Executive Director will issue a decision in writing and the decision will be final and not appealable.

6002 POLITICAL ACTIVITIES POLICY

For the complete policy on prohibited lobbying, political expenditures, endorsement of candidates, and use of Commission assets and resources, see Accounting & Financial Policies and Procedures Manual on file in the Commission offices.

In recognition of its responsibilities as a part of the community, the Commission encourages its employees to accept the personal responsibility of good citizenship, including participation in civic and political activities in accordance with their interests and abilities. The Commission prohibits employees and officers from engaging in political activities during work hours.

No political activities or solicitations will be allowed on the Commission premises.

Political activities are defined for purposes of this policy as activities in support of any partisan political issue or activities in support of, or in concert with, any individual candidate for political office, or a political party, which seek to influence the election of candidates to federal, state, or local offices. The definition includes employees who are or may be candidates for political office.

The Commission reserves the right to deny time off for political activity where the activities, in the opinion of the appropriate supervisor, would unduly interfere with the employee's fulfillment of any obligations to the Commission. However, when an employee's full time is required for political activity, a leave of absence without pay may be granted.

6003 EMPLOYEE PRIVACY

The Commission recognizes the employee's right to privacy and endorses these basic principles:

1. Internal access to employee records will be limited to those employees having an authorized, business-related "need-to-know." Access may also be given to third parties, including government agencies, pursuant to court order or subpoena. All employee records shall be retained by the Commission for a minimum of four years from the date the employee record was created, or the employment action was taken, whichever is later.

2. The Commission will refuse to release personal information to outside sources without the employee's written approval unless legally required to do so. In response to job inquiries,

the Commission will give the employee's date of hire, position held and date of termination. References related to job performance will be on a case-by-case basis.

3. Employees are permitted to see their personnel file upon request during business hours. Employees may correct inaccurate factual information or submit written comments in disagreement with any material contained in their records.

6004 INTERNET AND ELECTRONIC USE POLICY

6004.01 Use of Software / Electronic Communications

Use of any computer resource (including ***iPads,*** hardware, software***, smartphones,*** and access to networks and databases) may not be used for sending offensive, inappropriate, defamatory, fraudulent, threatening, or obscene e-mail, or e-mail attachments which may harass, sexually harass, express defamatory remarks, intimidate, or display obscene or otherwise offensive written, aural, or graphic material on a Commission computer. "Jokes" and chain emails should not be sent. Theft, misuse, or unauthorized use of either tangible or intellectual property may result in disciplinary action or termination. Sensitive or personal information should not be sent via electronic mail without the approval of a supervisor.

Making unauthorized copies of copyrighted software is prohibited. Employees may not access network resources of another user without permission. All electronic and telephonic communication systems and all communication and information transmitted by, received from, or stored in the Commission systems, are the property of the Commission and as such are to be used solely for job-related purposes. Therefore, because the use of Commission electronic communication media is intended to be job related and for business necessity, *authorized Commission individuals may monitor, access, and inspect any employee's e-mail transmission, internet use, and any other electronic information system used for the purpose of conducting business for the agency.*

6004.02 Use of Commission Telephones

Telephones are for the conduct of Commission business. Personal calls should be kept to an absolute minimum and for emergencies. Unauthorized use of Commission telephones for personal business may result in disciplinary action.

6004.03 Use of Cellular Phones

Personal cell phones are to be on silent or vibrate during any meetings. In response to California law, all employees must abide by the following cell phone usage rules:

1. Employees may not receive or make calls or text message on an agency- owned cellular phone or personal cellular phone while driving a motorized vehicle on any work-related time, unless on a hands-free device (such as a Bluetooth). This same rule applies to push-to talk features of other communication devices.

2. To avoid distracted driving, employees are required to pull over to a safe spot off the road when receiving or making a call while driving.
3. Employees will not be reimbursed for any personal cellular telephone expense.
4. The Commission reserves the right to track, monitor and review all business cellular phone activity of its employees at any time on electronic equipment owned or leased by the Commission.
5. An employee found to be in violation of this policy, is subject to disciplinary action or termination.

6005 BULLETIN BOARDS

The Commission utilizes bulletin boards throughout the workplace to display legally mandated postings, changes in the Commission policy, as well as other useful and informative information for all employees. Employees are encouraged to visit bulletin boards regularly.

6006 HOUSEKEEPING

Employees should always maintain a clean and orderly work area. This includes helping maintain cleanliness in common work areas visited by other employees and the public. Place clothing, such as jackets, shoes, umbrellas, and other related items in designated areas to ensure free and unobstructed walkways and work areas. By the end of the workday, food, beverages, and related litter should be disposed of in available trash receptacles.

6007 SAFETY

The Commission is committed to providing a safe and secure workplace for employees and the public. For review of the Commission building safety and workplace security, see the Executive Director or designee and the Safety Plan on file.

6008 TELECOMMUTING ARRANGEMENTS

The Commission considers telecommuting to be a viable, flexible work option when both the individual employee and the job are suited to such an arrangement. Telecommuting may also be appropriate during emergency situations where employees may not be able to work onsite.

Telecommuting is not an entitlement or an organization-wide benefit, and it in no way changes the terms and conditions of employment with the Madera County Transportation Commission. All telecommuting arrangements shall be made on a case-by-case basis, focusing first on the business needs of the Commission. For further information, see the Executive Director or designee and the Telecommuting Policy and Procedures on file.

6009 LACTATION ACCOMMODATION POLICY

The Commission recognizes the health benefits of breastfeeding for both parent and child. This Lactation in the Workplace Policy is intended to comply with the requirements of Senate Bill 142, which became effective January 1, 2020, and encourage a supportive work environment

for Commission employees who are nursing to breastfeed or express milk during working hours. The Commission recognizes that a supportive work environment for these employees will greatly benefit their health and welfare, strengthen their families, and therefore benefit the Commission and the community.

6009.1 Right to Request Lactation Accommodation

Employees have the right to request lactation accommodation, and employees shall be allowed to take reasonable breaks for lactation each time an employee has a need to express milk.

6009.2 Process for Employee Accommodation Request

Before the start of an employee's child bonding leave, or upon request, the employee's supervisor or Human Resources will provide the employee with the attached "Request for Lactation Accommodation" form, a copy of this policy and related parental information supplied by Human Resources.

The employee should complete the attached accommodation request form and return it to Human Resources as soon as possible and no later than 10 business days before returning from leave.

As required by law, the Commission will provide a written response to the employee if it is unable to provide for a break time or location that complies with this policy.

Human Resources will be available to discuss any impact on workload and/or work schedule with the employee and employee's supervisor to help balance the lactation accommodation with the Commission's needs.

6009.3 Time to Lactate

The Commission will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child each time the employee has the need to express milk. The Commission recognizes that the frequency of periods needed to express breast milk on a daily basis as well as duration of each individual period may vary for each employee.

To the extent possible, the lactation break is to run concurrently with any break time already provided to the employee. Employees are entitled to use regular paid breaks, meal periods, and unpaid break time to express milk. Lactating employees may use breaks to breastfeed a child at a nearby childcare facility.

Break times will be established based on the employee's work schedule. Supervisors may provide a flexible schedule, including adjusted beginning or ending work times, so employees can make up unpaid break time if requested.

For non-exempt employees, lactation time beyond the regular paid rest break time is unpaid.

The time used to travel to and from the employee's work area to the private space provided must not be included in the calculation of time used for the expression of breast milk and travel time to the nearest Commission facility compliant with this policy would be paid time.

6009.4 Location and Facilities for Lactation

The Commission will provide employees with a clean space for lactation in private, which is not a bathroom, in close proximity to the employee's work area. The private space provided will have the ability to be locked, be shielded from view and free from intrusion from co-workers and/or the public. The location may be the place where the lactating employee normally works if there is adequate privacy (e.g., the employee's private office, a supervisor's private office, or a conference room that can be secured) and that location otherwise meets the requirements of this section.

Restrooms are prohibited from being utilized for lactation purposes. However, a separate private anteroom (women's lounge) or a separate private changing area next to a bathroom may be permissible.

Areas such as closets or storage rooms are usually not appropriate spaces for lactation purposes. Closets or storage rooms that do not contain noxious materials may be converted to be acceptable private spaces assuming they have adequate ventilation and meet the rest of the requirements of this policy.

The location will be safe, clean and free of toxic or hazardous materials. The space will be equipped with an electrical outlet or provide access to alternative devices (such as extension cords or charging stations), comfortable seating and be in close proximity to a sink with running water. The space will contain a surface to place a breast pump and personal items.

Rooms designated for lactation must be identified with appropriate signage to ensure privacy. A designated lactation space may be used for other purposes when not needed for lactation.

A refrigerator suitable for storing milk will be provided in close proximity to the employee's workspace. Lactating employees are permitted to store breast milk in refrigerator and freezer units already otherwise provided to employees by the Commission for the storage of food. Breast milk should be clearly labeled. The Commission, however, will not be responsible for any lost or stolen containers left in the refrigerator or freezer.

A system will be created for scheduling use of the lactation space by multiple employees, if needed. The system will ensure all employees who need to use the space for lactation can use it during approved breaks.

6009.5 Statement Regarding Employee Right to File a Complaint with the Labor Commissioner

Employees have the right to file a report/claim with the Labor Commissioner's Bureau of Field Enforcement (BOFE) for violation of Labor Code § 1030 – 1034 at the BOFE office nearest to the Commission. Additional information can be obtained at the following website: http://www.dir.ca.gov/dlse/HowToReportViolationtoBOFE.htm.

6009.6 Discrimination Prohibited

Discrimination against and/or harassment of lactating employees in any form is unacceptable, a form of prohibited sex/gender discrimination, will not be tolerated at the Commission and will be handled in accordance with the Commission's policy on discrimination and harassment.

6010 EMPLOYEES' RIGHTS IN EMERGENCY CONDITIONS

6010.1 Purpose

Pursuant to Labor Code Section 1139, the purpose of this policy is to inform employees of their rights during the event of an emergency condition, as defined below, that may occur at the workplace, an employee's home, or a school of an employee's child, based on a natural disaster or a criminal act. This policy ceases to apply when the emergency condition ceases.

6010.2 Definitions

"Emergency condition" means either:

(i) Conditions of disaster or extreme peril to the safety of persons or property at the workplace or worksite caused by natural forces or a criminal act.

(ii) An order to evacuate a workplace, a worksite, an employee's home, or the school of an employee's child due to natural disaster or a criminal act. In this case, a "child" includes the employee's minor age biological, adopted, or step-child, or a minor for whom the employee is in loco parentis.

"Emergency condition" does not include a health pandemic.

"A reasonable belief that the workplace is unsafe" means that a reasonable person, under the circumstances known to the employee at the time, would conclude there is a real danger of death or serious injury if that person enters or remains on the premises. The existence of any health and safety regulations specific to the emergency condition and an employer's compliance or noncompliance with those regulations shall be a relevant factor if this information is known to the employee at the time of the emergency condition or the employee received training on the health and safety regulations mandated by law specific to the emergency condition.

6010.3 Policy

In the event of an emergency condition, the Commission will not take or threaten adverse action against any employee for refusing to report to, or leaving, the workplace within the affected area because the employee has a reasonable belief that the workplace is unsafe. This does not apply if the employee is required by law to render aid or remain on the premises in case of an emergency, or an employee participating directly in emergency evacuations during an active evacuation.

The Commission will not prevent any employee from accessing the employee's mobile device or other communications device for the purpose of seeking emergency assistance, assessing the safety of the situation, or communicating with a person to verify their safety.

When feasible, the employee must notify their supervisor of the emergency condition requiring the employee to leave or refuse to report to the workplace prior to leaving or refusing to report to work. If prior notice is not feasible, the employee must notify the supervisor as soon as reasonably possible.

The provisions of this policy no longer apply when emergency conditions that pose an imminent and ongoing risk of harm to the workplace, the employee, the employee's home, or the school of an employee's child have ceased.

THESE RULES DO NOT CREATE ANY CONTRACT OF EMPLOYMENT, EXPRESS OR IMPLIED

EMPLOYEE COPY

EMPLOYEE MANUAL ACKNOWLEDGEMENT FORM

TO: Madera County Transportation Commission

RE: Employee Manual Acknowledgment and Policies

I have received the Commission Employee Manual and understand that this manual is not a binding contract.

I also understand that it is my responsibility to read and become familiar with the policies of the Commission. If I have any questions regarding my status as an employee, I may forward them to the Executive Director, and/or the human resources representative of the Madera County Transportation Commission.

I understand that the policies contained in this Employee Manual may be changed when, in the opinion of management due to business necessity, circumstances require it. The Madera County Transportation Commission will reasonably inform me in advance with a notice in writing of any such changes. Management retains the right to unilaterally terminate or change policies contained in the Employee Manual. Also, it is my responsibility to stay in close communication with my supervisor regarding any possible upcoming changes in policy. Such changes will not affect vested interests in any pension or retirement benefits if available.

I have reviewed the employee manual and acknowledge receipt of a manual this date and will comply with all the Commission policies and conditions of employment.

SIGNATURE_____ Date_____

_____

PRINT NAME

THE COMMISSION MAINTAINS A DUPLICATE ORIGINAL SIGNATURE

Employee acknowledges having read and understands this employee manual

Exhibits
-FMLA/CFRA Policy

Exhibit 1

FMLA/CFRA

The Commission employs not more than 10 people. Therefore, the regulations under the California Family Rights Act apply.

I. Statement of Policy

To the extent not already provided for under current leave policies and provisions, the Commission will provide family and medical care leave for eligible employees as required by state and federal law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 (FMLA), and the regulations of the California Family Rights Act (CFRA). Unless otherwise provided by this policy, "leave" under this policy shall mean leave pursuant to the FMLA and CFRA. Since the Commission employs less than 50 employees the CFRA applies; however, references will be made to both the FMLA and CFRA for ease of reference.

II. Definitions

A. "12-Month Period" means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

B. "Single 12-month period" means a 12-month period which begins on the first day the eligible employee takes leave to take care of a covered servicemember and ends 12 months after that date.

C. "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis.

D. "Parent" means the biological, adoptive, step foster parent, or parent-in-law of an employee, or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child.

E. "Spouse" means a husband or wife as defined or recognized under California State law for purposes of marriage.

F. "Domestic Partner," as defined by Family Code §§ 297 and 299.2, shall have the same meaning as "Spouse" for purposes of CFRA Leave.

G. "Designated person" means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. The Commission limits an employee to one designated person per 12-month period for family care and medical leave.

H. "Serious health condition" means an illness, injury impairment, or physical or mental condition that involves:

1. Inpatient Care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom); or

2. Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

   a) A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to serious health condition of more than three full consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

      i) Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist by a health care provider, by a nurse, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity; or

      ii) Treatment by a health care provider on at least one occasion which must take place within seven days of the first day of incapacity and results in a regimen of continuing treatment under the supervision of the health care provider. This includes for example; a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.

   b) Any period of incapacity due to pregnancy or for prenatal care. (This entitles the employee to FMLA leave, but not CFRA leave. Under California law, an employee disabled by pregnancy is entitled to pregnancy disability leave.)

   c) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

      i) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider or by a nurse;

      ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

      iii) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.

   d) A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must

be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

e) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

I. "Health Care Provider" means:

1. A Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;

2. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treat or supervise treatment of a serious health condition;

3. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;

4. Nurse practitioners and nurse-midwives, clinical social workers, and physician assistants who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;

5. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

J. "Active Duty or Call to Active Duty Status" means a duty under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation for members of the Reserve components, the National Guard, and certain retired members of the Regular Armed Forces and retired Reserve while serving on active duty status during a war or national emergency declared by the President or Congress.

K. "Contingency Operation" means a military operation that is (1) designated by the Secretary of Defense as an operation in which members of the United States Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or (2) that results in the call to order to, or retention on, active duty members of the United States Armed Forces by law or any other provision of law during a war or national emergency declared by the President or Congress.

L. "Covered Servicemember" means (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty;

or (2) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

M. "Outpatient Status" means, with respect to a covered servicemember, the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

N. "Next of Kin of a Covered Servicemember" means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

O. "Serious Injury or Illness" (1) in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; or (2) in the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

III. Reasons For Leave

Leave is only permitted for the following reasons:

1. The birth of a child or to care for a newborn of an employee;

2. The placement of a child with an employee in connection with the adoption or foster care of a child;

3. Leave to care for a child, parent, spouse, domestic partner, grandparent, or designated person who has a serious health condition;[1]

[1] FMLA allows for leave to care for a child, parent, or spouse only, while CFRA allows leave to care for a child, parent, spouse, domestic partner, grandparent, sibling, or designated person who has a serious health condition.

4. Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position;

5. Leave for a "qualifying exigency" may be taken arising out of the fact that an employee's spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation; or

6. Leave to care for a spouse, son, daughter, parent, or "next of kin" servicemember of the United States Armed Forces who has a serious injury or illness incurred in the line of duty while on active military duty or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces (this leave can run up to 26 weeks of unpaid leave during a single 12-month period) (under the FMLA only, not the CFRA).

IV. Employees Eligible For Leave

An employee is eligible for leave if the employee:

1. Has been employed for at least 12 months; and

2. Has been employed for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

V. Amount of Leave

Eligible employees are entitled to a total of 12 workweeks (or 26 weeks to care for a covered servicemember under FMLA) of leave during any 12-month period. Where leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

A. Minimum Duration of Leave

If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks duration on any two occasions.

If leave is requested to care for a child, parent, spouse, or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be complied with.

B. Spouses Both Employed By The Commission

Under CFRA, in any case in which a husband and wife both employed by the Commission are entitled to leave, each employee is entitled to 12 workweeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave). However, under FMLA, such leave will be limited to the aggregate of 12 workweeks during any 12-month period.

Under FMLA, in any case in which a husband and wife both employed by the Commission are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 26 workweeks during any 12-month period if leave is taken to care for a covered servicemember.

Except as noted above, this limitation does not apply to any other type of leave under this policy.

VI. Employee Benefits While on Leave

Leave under this policy is unpaid. While on leave, employees will continue to be covered by the Commission's group health insurance to the same extent that coverage is provided while the employee is on the job.

Employees may make the appropriate contributions for continued coverage under the preceding non-health benefit plans by payroll deductions or direct payments made to these plans. Depending on the particular plan, the Commission will inform you whether the premiums should be paid to the carrier or to the Commission. Your coverage on a particular plan may be dropped if you are more than 30 days late in making a premium payment. However, you will receive a notice at least 15 days before coverage is to cease, advising you that you will be dropped if your premium payment is not paid by a certain date. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the Commission shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The Commission shall have the right to recover premiums through deduction from any sums due the Commission (e.g. unpaid wages, vacation pay, etc.).

VII. Substitution of Paid Accrued Leaves

While on leave under this policy, as set forth herein, an employee may elect to concurrently use paid accrued leaves. Similarly, the Commission may require an employee to concurrently use paid accrued leaves after requesting FMLA and/or CFRA leave and may also require an employee to use family and medical care leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA-qualifying.

A. Employee's Right To Use Paid Accrued Leaves Concurrently With Family Leave

Where an employee has earned or accrued paid vacation, compensatory time, or personal or family leave that paid leave may be substituted for all or part of any (otherwise) unpaid leave under this policy.

An employee is entitled to use sick leave concurrently with leave under this policy if:

1. The leave is for the employee's own serious health condition; or

2. The leave is needed to care for a parent (including in-laws), spouse, child, registered domestic partner, grandparent, sibling, grandchild, or a designated person with a serious health condition, and would be permitted as sick leave under the Commission's sick leave policy.

B. Commission's Right To Require An Employee To Use Paid Leave When Using FMLA/CFRA Leave

Employees must exhaust their accrued leaves concurrently with FMLA/CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with FMLA/CFRA leave, with two exceptions:

1. Non-exempt employees are required to use accrued compensatory time earned in lieu of overtime earned pursuant to the Fair Labor Standards Act; and

2. Employees will only be required to use sick leave concurrently with FMLA/CFRA leave if the leave is for the employee's own serious health condition.

C. Commission's Right to Require an Employee to Exhaust FMLA/CFRA Leave Concurrently With Other Leaves

If an employee takes a leave of absence for any reason which is FMLA/CFRA-qualifying, the Commission may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement.

D. Commission's and Employee's Rights If an Employee Requests Accrued Leave without Mentioning Either the FMLA or CFRA

If an employee requests to utilize accrued vacation leave or other accrued paid time off without reference to a FMLA/CFRA-qualifying purpose, the Commission may not ask the employee if the leave is for a FMLA/CFRA-qualifying purpose. However, if the Commission denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA-qualifying purpose, the Commission may inquire further into the reason for the absence. If the reason is FMLA/CFRA-qualifying, the Commission may require the employee to exhaust accrued leave as described above. The Commission may determine an illness qualifies under FMLA/CFRA in accordance with state and federal regulations.

VIII. Medical Certification

Employees who request leave for their own serious health condition or to care for a child, parent or a spouse who has a serious health condition must provide written certification from the health care provider of the individual requiring care if requested by the Commission.

If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his/her position.

Employees who request leave to care for a covered servicemember who is a child, spouse, parent, or "next of kin" of the employee must provide written certification from a health care provider regarding the injured servicemember's serious injury or illness.

The first time an employee requests leave because of a qualifying exigency, an employer may require the employee to provide a copy of the covered military member's active-duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service. A copy of new active-duty orders or similar documentation shall be provided to the employer if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different covered military member.

A. Time To Provide A Certification

When an employee's leave is foreseeable and at least 30 days' notice has been provided, if a medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to the Commission within the time frame requested by the Commission (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

B. Consequences For Failure To Provide An Adequate Or Timely Certification

If an employee provides an incomplete medical certification the employee will be given a reasonable opportunity to cure any such deficiency.

However, if an employee fails to provide a medical certification within the time frame established by this policy, the Commission may delay the taking of FMLA/CFRA leave until the required certification is provided.

C. Second and Third Medical Opinions

If the Commission has reason to doubt the validity of a certification, the Commission may require a medical opinion of a second health care provider chosen and paid for by the Commission. If the second opinion is different from the first, the Commission may require the opinion of a third provider jointly approved by the Commission and the employee but paid for by the Commission. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a second or third medical opinion sought.

D. Intermittent Leave Or Leave On A Reduced Leave Schedule

If employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

IX. Employee Notice of Leave

Although the Commission recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. Except for qualifying exigency leave, if leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. Such notice may be orally given. If the Commission determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the Commission may delay the granting of the leave until it can, in its discretion, adequately cover the position with a substitute.

For foreseeable leave due to a qualifying exigency, an employee must provide notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

X. Reinstatement Upon Return From Leave

A. Right To Reinstatement

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and Commission the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

B. Employee's Obligation To Periodically Report On His/Her Condition

Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

C. Fitness-for-Duty Certification

As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

D. Reinstatement of "Key Employees"

If an employee is on FMLA leave, the Commission may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed by the Commission within 75 miles of the work site) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the Commission, and the employee is notified of the Commission's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur. This provision is not applicable when an employee uses leave under CFRA.

XI. Required Forms

Employees must fill out the following applicable forms in connection with leave under this policy:

1. "Request For Family or Medical Leave Form" prepared by the Commission to be eligible for leave. **NOTE: EMPLOYEES WILL RECEIVE A COMMISSION RESPONSE TO THEIR REQUEST WHICH WILL SET FORTH CERTAIN CONDITIONS OF THE LEAVE;**

2. Medical certification—either for the employee's own serious health condition or for the serious health condition of a child, parent, spouse, or domestic partner.

3. Authorization for payroll deductions for benefit plan coverage continuation; and

4. Fitness-for-duty to return from leave form.