

South Bay Cities Council of Governments

March 9, 2026

TO: SBCCOG Steering Committee

FROM: Jacki Bacharach, SBCCOG Executive Director

SUBJECT: Employee Manual 2026 Revision

BACKGROUND

The South Bay Cities Council of Governments (SBCCOG) Employee Manual serves as a guide for the organization's personnel policies. It was reviewed and updated by SBCCOG legal counsel (Jackson Lewis P.C.), to comply with current laws and best practices including laws that went into effect January 1, 2026. **These changes should not impact SBCCOG costs.**

SUMMARY OF REVISIONS

The revisions are primarily clarifications and additions to existing policies as well as additional language to comply with new state laws. The revisions are provided on a redline document attached and summarized below:

1. *Credited Vacation Leave* (revised): clarified hours credited for regularly scheduled 9/80 Fridays off that fall on a paid holiday still adhere to SBCCOG's vacation and holiday accrual policies – section 5.1.2 (pg 18)
2. *Holiday Pay for Part-Time Employees* (removed): removed as part-time employees would not have regularly worked on any holiday – section 5.1.3 (pg 18)
3. *Sick Leave Accrual* (revised) – revised full-time to 30 hours to be consistent with section 2.1.2 – section 5.1.5 (pg 20)
4. *Deferred Compensation* (revised) – clarification language on employer contribution– section 5.1.9 (pg 22)
5. *Paid Family Leave* (revised) – adding legal language to comply with new state law regarding expanded definition for a designated person – section 5.4.3 (pg 23)
6. *Leave Related to Domestic Violence, Sexual Assault or Stalking* (revised) – adding legal language for additional leave qualifying reasons to comply with new state law section 5.6.10 (pg 29)

RECOMMENDATION

Approve the Employee Manual revisions as presented on the attachment.



SOUTH BAY CITIES
COUNCIL OF GOVERNMENTS

SBCCOG Employee Policy Manual

Revised 3-11-2025

Letter from the Executive Director

Welcome to South Bay Cities Council of Governments (SBCCOG).

We are pleased to have you as an employee of SBCCOG and hope that you find your association with our organization to be an enriching and engaging work experience.

This manual is your guide to our policies. Of course, this manual cannot cover every eventuality that may arise. Its purpose is to summarize or highlight current policies and practices for staff members. The policies and procedures in this manual are not intended to be contractual commitments by SBCCOG, and employees shall not construe them as such. No policy is intended as a guarantee of continuity of benefits or rights. No employment for any term is intended or can be implied from any statements in this Manual. SBCCOG reserves the right to revise or rescind any portion of the Employee Policy Manual at any time.

We invite you to share with us your questions and thoughts about work life at SBCCOG. Please feel free to call upon me or the SBCCOG Deputy Executive Director Kim Fuentes, to assist you in any matter that concerns you or your job at SBCCOG.

Sincerely,



Jacki Bacharach
Executive Director

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Section 1: Introduction

1.1 Terms of Employment

Employment at the South Bay Cities Council of Governments (SBCCOG) is employment at-will. As such, either the employee or the SBCCOG may terminate the employment relationship at any time. Nothing in this Employee Policy Manual or in any document or statement shall limit the right to terminate employment at-will. No manager, supervisor, or employee of the SBCCOG has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment other than at-will.

1.2 Integration Clause and the Right to Revise

This Employee Policy Manual contains the employment policies and practices of SBCCOG in effect at the time of publication. All previously issued Employee Policy Manuals and any inconsistent policy statements or memoranda are superseded.

SBCCOG reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this Employee Policy Manual or in any other document, except for the policy of at-will employment. However, any such changes must be in writing and must be signed by the Executive Director. No oral statement of representations can in any way change or alter the provisions of this Employee Policy Manual. Further, any amendment or modification to the Employee Policy Manual that increases costs or employee compensation, or benefits will take effect upon approval by the Governing Board.

Nothing in this Employee Policy Manual, or in any other personnel document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee.

1.3 Immigration Law Compliance

The SBCCOG is committed to full compliance with federal immigration laws. Therefore, the agency is required to verify the identity and legal ability to work of all individuals before they can begin work. In keeping with this obligation, each applicant must produce documentation that shows his or her identity and legal authority to work. Each applicant must also attest to his or her legal authority to work and identity on an I-9 form provided by the federal government. This verification form will be distributed by the agency and must be completed as soon as possible after an offer of employment is made. In no event can the form be completed and returned to the SBCCOG more than three (3) business days after an individual is hired.

If an employee has provided right to work documentation that has an expiration date, updated documentation must be given to the SBCCOG before this expiration date. All offers of hire and continued employment are conditioned on furnishing satisfactory evidence of identity and legal authority to work in the United States.

Section 2: Employment Policies and Practices

2.1 Employment Categories

In order to determine eligibility for various benefits, the following employment categories have been established:

2.1.1 New Hires/Trial Period

The first 90 days of continuous employment at SBCCOG is considered a trial period. During this time an employee will learn responsibilities, get acquainted with fellow employees, and determine whether he or she is content with the position. Also, during this time, the supervisor will closely monitor work and review performance. Upon completion of the trial period, or at any time, SBCCOG reserves the right to extend the duration of the trial periods, as it deems appropriate.

Completion of the trial period does not entitle an employee to remain employed by SBCCOG for any definite period of time.

2.1.2 Regular Full-Time Employees

Regular full-time employees are those who are normally scheduled to work and who work a minimum of 30 hours per week.

2.1.3 Part-Time Employees

Part-time employees are those who typically are scheduled to work and who work less than 30 hours per week. Part-time employees may be assigned a work schedule in advance or may work on an as-needed basis. Part-time employees are not eligible for employee benefits except where mandated by applicable law.

2.1.4 Temporary Employees

Temporary employees are those employed for short-term assignments. Short-term assignments will generally be periods of three months or less. However, such assignments may be extended for up to one (1) year. Temporary employees are not eligible for employee benefits except where mandated by applicable law.

Since all employees are hired for an unspecified duration, these classifications do not guarantee employment for any specified length of time. Employment is at the mutual consent of the employee and the SBCCOG.

2.2 Job Duties

The employee's supervisor will explain job responsibilities and performance standards expected of the employee. Job responsibilities may change at any time during employment. From time to time, an employee may be asked to work on special projects or to assist with other work necessary

to the operation of the organization. The cooperation and assistance of the employee in performing such work is expected.

SBCCOG reserves the right at any time, with or without notice, to alter or change job responsibilities, reassign, or transfer job positions or assign additional job responsibilities.

2.3 Standard Work Schedules

The standard workday (a consecutive 24-hour period) begins at 12:01 p.m. and ends at 12:00 p.m. (noon). The standard workweek begins on Friday at 12:01 p.m. and ends on Friday at 12:00 pm and consists of 30-40 hours.

2.3.1 Compressed Work Week Program

A 9/80 schedule went into effect May 16, 2018 and will remain until further notice. A 9/80 schedule is defined as a schedule where an employee works eight 9-hour days and one 8-hour day in a two-week period with one Friday off every other week that corresponds with the 8-hour day. In the event of a critical business event, employees are expected to report to work/attend, regardless of scheduled day off. Participation in the 9/80 schedule continues until/unless employee requests to work a different schedule and the Deputy Executive Director or Executive Director approves. Any employee whose regularly scheduled day off falls on a paid assigned holiday, shall be credited with 8 hours vacation leave.

2.3.2 Meal and Rest Periods

Employees who work five or more hours in a workday are provided with an unpaid one-hour meal period, to be taken approximately in the middle of the workday. Employees may elect a 30-minute meal period instead of one hour. Employees that work more than 10 hours but less than 12 hours per day receive a second 30-minute meal period. The second meal period may be waived by mutual consent of supervisor and employee. Employees are allowed ten-minute rest periods for every four hours of work, or major portion thereof, which should occur at or close to the middle of those hours. Meal periods cannot be combined with rest periods. Rest periods cannot be taken at the beginning or end of a workday.

Employees are expected to observe assigned working hours and the time allowed for meal and rest periods.

2.3.3 Timekeeping Requirements

For billing, tracking and/or payroll purposes, all employees are required to record their own time accurately and completely every day in the required format and timekeeping system. It is solely the employee's responsibility to review their timecards for accuracy, request adjustments, corrections, obtain approval, and approve the timecard electronically. To ensure the accuracy of all time-recording, employees may be asked to sign and date a statement similar to the following at the conclusion of each pay period:

“This information is accurate and was entered daily.”

Any errors in your timecard must be reported immediately in writing to your manager, who will attempt to correct legitimate errors.

Under no circumstances may any employee punch or record another employee's timecard. The time recorded must reflect the actual hours worked and meal periods taken. Altering, falsifying, and tampering time records, or recording time on another employee's time record is prohibited and subject to disciplinary action, up to and including termination of employment. Time recording must be submitted to the supervisor in a timely manner.

2.4 Payment of Wages

SBCCOG employees are paid semi-monthly. If payday falls on a Saturday, Sunday or bank holiday then payday will be the last business day prior to the regular payday. An employee may enroll in a direct deposit program if one is offered.

2.4.1 Overtime

An employee may be deemed non-exempt. Non-exempt employees are paid either a salary or on an hourly basis and might be entitled to receive overtime pay for time worked in excess of 40 hours per week under the Fair Labor Standards Act (FLSA). Such employees must have prior, written approval from their supervisor before any overtime can be worked. The employee should provide a written memorandum stating the reasons for an overtime request, the maximum hours requested and the dates that overtime shall be worked. New hires are advised of their employee and exemption status at the time of hire or promotion.

Exempt employees may have to work hours beyond their normal schedule, but do not qualify for overtime pay. The monthly salary shall be the full compensation for all hours worked by exempt employees.

2.4.2 Exempt Employees and Flex Scheduling

SBCCOG exempt full-time employees are paid an annual salary to fulfill the duties of their position regardless of hours worked while meeting the basic work requirement of 80 hours every two weeks. Exempt status places a greater emphasis on meeting the responsibilities assigned to the position than on working a specified number of hours. Exempt employees are expected to be present at work during their scheduled work times in order to perform work that is essential to the organization's operations. Employees are also expected to arrive at a certain time in order to ensure that workplace is properly staffed for business. For the SBCCOG office functions, the schedule is 8 am to 5 pm. For SBCCOG meeting support functions, the schedule varies to include early morning and evening meetings. For SBCCOG event functions, the schedule varies to include early morning, evening, weekend, and holiday events. Understanding that job functions require flexibility, there is also a need for staff to be in the office to perform team functions. Team functions are typically conducted between 9 a.m. and 5 p.m.

Flex scheduling can be used to adjust employee start and departure time to help address variations in schedules needed to ensure that the duties of the positions are fulfilled. Employees may request a flextime arrangement in advance. Flextime schedules must be approved by the Executive Director or Deputy Executive Director.

In addition, because of the exempt status criteria that work hours are not accounted for on a one-to-one basis, there may be times when employees are not at work during some hours of a typical workday. Employees are required to obtain approval from the Executive Director or Deputy Executive Director before they are absent during typical work hours. Notification can be e-mail or verbal. It is not only common courtesy, but it is necessary so that others who need to be coordinated with can be informed of the change in work schedule for the day. All time out of the office during typical core work hours must be recorded on the internal office calendar.

In addition, the SBCCOG has approved Telework Procedures and Employee Agreement that set guidelines for working at home or remotely instead of in the office that is available for review.

2.5 Personnel Records

An employee has a right to inspect certain documents in his or her personnel file, as provided by law, in the presence of a SBCCOG representative at a mutually convenient time. If copies of an employee's performance records or any grievance concerning the employee are requested, employees will be responsible for costs incurred as a result of copying. An employee may add his or her version of any disputed issue to the file.

SBCCOG will attempt to restrict disclosure of personnel files only to authorized individuals within SBCCOG. Any request for information from personnel files must be directed to the Executive Director. Disclosure of personnel information to outside sources will be limited. However, SBCCOG will cooperate with requests from authorized law enforcement of local, state, or federal agencies conducting official investigations and as otherwise legally required.

SBCCOG is required by law to keep current all employees' names and addresses. Employees are responsible for providing updated and accurate information for their personnel files.

2.6 Performance Evaluations

Employees will receive periodic performance reviews. Supervisors conduct the review and discuss it with the employee. The first performance evaluation will be after completion of the trial period. After that review, performance evaluations will be conducted, at a minimum, annually.

Performance evaluations may review factors such as the quality and quantity of the work performed, knowledge of the job, initiative, attitude, and behavior toward others. Evaluations are intended to help the employee become aware of areas for progress and improvement, as well as objectives or goals for future work performance. Positive performance evaluations do not guarantee increases in salary or promotions or continued employment. Salary increases and promotions are solely within the discretion of SBCCOG and depend upon many factors in addition to performance. After the review, employees are required to sign an evaluation report simply to acknowledge that it has been presented and discussed, and to indicate that they are aware of its contents. Employees will have the opportunity to add comments to their reviews.

2.7 Employee References

All requests for references must be directed to the Deputy Executive Director. A manager, supervisor, or employee must be authorized by the Executive Director or Deputy Executive

Director before releasing references for current or former employees. SBCCOG policy regarding references for employees who have left SBCCOG is to disclose only the dates of employment and the title of the last position held. If the employee authorizes disclosure in writing, SBCCOG will also provide a prospective employer with information on the amount of salary or wage last earned.

2.8 Resignation and Voluntary Termination

An employee may voluntarily resign his or her employment. If an employee fails to report to work, absent a bona fide emergency which prevents him or her from contacting the Executive Director or Deputy Executive Director for three consecutively scheduled workdays, and without notice to or approval by the Executive Director or Deputy Executive Director that employee will voluntarily terminate employment with SBCCOG. All organizational property including keys, equipment, computers, peripherals, cellular phones, credit cards, access cards, files and records must be returned on or before the employee's last day worked or upon termination of employment.

Employees who wish to amicably leave their employment with the SBCCOG should give at least two (2) weeks written notice. This two (2) week notice period cannot be satisfied by using any accrued time-off, paid or unpaid, without the express written permission of the Executive Director or Deputy Executive Director.

Employees in good standing who resign, return all agency property, and give proper written notice to the Executive Director or Deputy Executive Director will receive due consideration as a new hire if they later become applicants for re-employment.

2.8.1 Reductions in Force

Under some circumstances, SBCCOG may need to restructure or reduce its workforce. Employees who are hired pursuant to funding-assisted programs are subject to termination when program funding terminates. If it becomes necessary to restructure operations or reduce the number of employees, SBCCOG will attempt to provide advance notice, if possible, so as to minimize the impact on those affected. If possible, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff, whether short-term or indefinite.

In determining which employees will be subject to layoff, SBCCOG will take into account, among other things, business operations and requirements, the skill, productivity, ability and past performance of those employees involved and, where feasible, each employee's length of service.

2.9 Involuntary Terminations and Progressive Discipline

Violation of SBCCOG policies and rules may warrant disciplinary action. SBCCOG has established a system of progressive discipline that includes verbal warnings, written warnings and suspension. The system is not formal and SBCCOG may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances, up to and including immediate termination of employment. The SBCCOG policy of progressive discipline in no way limits or alters the at-will employment relationship. Terminations are to be treated in a confidential, professional manner by all concerned.

Circumstances may exist where the agency will exercise its right to immediately accept an employee's resignation and to accelerate the final date of employment.

Section 3: Standards of Conduct

3.1 Prohibited Conduct

The following conduct is prohibited and will not be tolerated by SBCCOG. This list of prohibited conduct is illustrative only. Other types of conduct injurious to security, personal safety, employee welfare, and operations may also be prohibited. The following are prohibited:

1. Falsification of employment records, employment information, expense report or other SBCCOG records
2. Allowing falsification of any time recording, either the employee's own time or that of another employee
3. Theft, damage or destruction of any SBCCOG property or the property of any employee, vendor or customer
4. Removing or borrowing SBCCOG property without prior authorization
5. Unauthorized use of SBCCOG equipment, time, materials or facilities
6. Threats or acts of physical violence towards others during working hours or on SBCCOG property
7. Carrying a firearm or any other dangerous weapon on SBCCOG premises at any time
8. Engaging in felonious criminal conduct whether or not related to job performance
9. Causing, creating, or participating in a disruption of any kind during working hours on SBCCOG property
10. Insubordination including, but not limited to, failure or refusal to obey the orders or instructions of a supervisor using abusive language at any time on SBCCOG premises
11. Failure to notify the Executive Director or Deputy Executive Director or designee when unable to report to work
12. Unreported absence of three (3) consecutive scheduled workdays absent a bona fide emergency which prevents employee from contacting their supervisor
13. Failure to observe working schedules, including meal periods
14. Failure to provide a physician's certificate when requested or required to do so
15. Sleeping or malingering on the job
16. Making or accepting lengthy or numerous personal telephone calls during working hours, except in cases of emergency or extreme circumstances
17. Working overtime without authorization or refusing to work assigned overtime
18. Wearing unprofessional or inappropriate styles of dress, jewelry or hair while working
19. Violation of any law or SBCCOG safety, health, or security policy, rule or procedure
20. Committing a fraudulent act under any circumstances
21. Unlawful harassment, discrimination, or retaliation.

3.2 Punctuality and Attendance

Employees of SBCCOG are expected to be punctual and regular in attendance. Any tardiness or absence causes problems for fellow employees and others, such as contractors. When an employee is absent, others must carry added workloads, just as each employee must assume the workload of others who are absent.

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized SBCCOG business. Late arrival, early departure or other absences from scheduled hours are disruptive and must be avoided.

If an employee is unable to report for work on any particular day, that employee must call his or her supervisor before the time he or she is scheduled to begin working that day, or at least as soon as practicable. In all cases of absence or tardiness, employees must provide supervisor with honest reasons or explanations. An employee must inform his or her supervisor of the expected duration of any absence. Unless there are extenuating circumstances, an employee must call in on any day he or she is scheduled to work and will not report to work.

If an employee is absent or tardy because he or she was eligible for and used their initial 40 hours of accrued Paid Sick Leave, the employee will receive no disciplinary action for that absence or tardiness, nor will the employee be deemed to have voluntarily resigned.

3.3 Confidentiality

Each employee is responsible for safeguarding confidential information obtained during employment. In the course of work, an employee may have access to confidential information regarding SBCCOG, its partners, its member cities, or perhaps even fellow employees. It is the responsibility of the employee to, in no way, reveal or divulge any such information unless it is necessary to do so in the performance of duties. Access to confidential information should be on a "need-to-know" basis and must be authorized by the Executive Director or Deputy Executive Director. Any breach of this policy will not be tolerated and legal action may be taken by SBCCOG.

3.4 Harassment, Discrimination and Defamation

Employees use electronic mail for correspondence that is less formal than written memoranda. Employees must take care, however, not to let informality degenerate into improper use. SBCCOG does not tolerate discrimination, harassment or retaliation on any basis, as specified in the Harassment, Discrimination and Retaliation Reporting Policy, as found below. Under no circumstances may employees use the organization's information technology resources to transmit, receive, or store any information that is discriminatory, harassing, or defamatory in any way (e.g., sexually explicit or racial messages, jokes, cartoons).

3.5 Communication

All employees should make every attempt to communicate respectfully, professionally, accurately and clearly in all forms of communication including, but not limited to, those via e-mail and written communication. Employees should use the same due care in drafting e-mail as they would for any other SBCCOG communication.

3.6 Dress Code

The manner in which employees of the SBCCOG present themselves contributes to the corporate culture and reputation of the organization; this includes the South Bay Environmental Services Center. A professional appearance is essential to make a favorable impression with those who employees interact with, including elected officials, city and county staff, contractors, and members of the community.

Good grooming and appropriate dress reflect personal pride in our jobs and inspire confidence in others. A basic essential of appropriate dress includes the need for clothing to be neat and clean. Business casual is the appropriate attire for most days. Depending on the occasion, for more formal meetings, business attire should be worn.

Section 4: Operational Considerations/Policies

4.1 Management Access to Technology Resources

4.1.1 Information Assets are SBCCOG Property

All messages sent and received, including personal messages, and all data and information stored on the organization's electronic mail system, voicemail system, or computer systems, including Public Files, are SBCCOG property regardless of the content. All employees have a responsibility to protect and adhere to policies and procedures regarding this content. SBCCOG reserves the right to access all of its information technology resources including its computers, voicemail, and electronic mail systems, at any time, at its sole discretion.

4.1.2 Employee Privacy

Although SBCCOG does not wish to examine personal information of its employees, on occasion, it may need to access its information technology resources including computer files, electronic mail messages, and voicemail messages. Employees should understand, therefore, that they have no right of privacy with respect to any messages or information created or maintained on the organization's technology resources, including personal information or messages. The information technology system belongs to the organization. Users expressly waive any right of privacy in anything they create, store, send, or receive on SBCCOG information technology systems.

SBCCOG may, at its discretion, inspect all files or messages on its information technology resources at any time for any reason. The organization may also monitor its information technology resources at any time in order to determine compliance with these policies, for purposes of legal proceedings, to investigate misconduct, to locate information, or for any other business purpose.

In addition, no user should view, copy, alter, or destroy another's personal electronic files without permission (unless authorized or required to do so by law or regulation).

Employees should assume that any communication - whether business related or personal - that they create, send, receive, or store on the organization's information technology resources may be read or heard by someone other than the intended recipient. In particular, highly confidential or sensitive information should not be sent through e-mail, or the Internet.

The organization reserves the right to keep an employee's e-mail address active for a reasonable period of time following an employee's departure from the organization to ensure that important business communications reach the agency. SBCCOG will review such communications and send any appropriate personal communications to the former employee if forwarding information is provided at termination.

4.3 E-Policies

4.3.1 General Principles

This policy makes it clear that SBCCOG owns and controls all workplace technology and therefore all communications and activity conducted over it. Authorized use of SBCCOG- owned or operated computing and network resources shall be consistent with the mission of SBCCOG and consistent with this policy. Underlying this policy is the idea that each employee has a responsibility to use the agency's information technology resources in a manner that increases productivity, enhances the agency's public image, and is respectful of other employees.

4.3.2 Information Technology Resources Defined

Information technology resources consist of all electronic devices, software, and means of electronic communication including, but not limited to, the following: personal computers and workstations; laptop computers; mini and mainframe computers; computer hardware such as disk drives (local and portable), USB flash drives, and tape drives; peripheral equipment such as printers, modems, fax machines, and copiers; projection equipment; computer software applications and associated files and data, including software that grants access to external services, such as the Internet; electronic mail; telephones; cellular phones; pagers; handheld computing devices; PDAs; Smartphones; USB devices; and voicemail systems.

4.3.3 Permitted General Access

Generally, employees are given access to the organization's various technologies based on their job functions. Only employees whose job performance will benefit from the use of the organization's information technology resources will be given access to the necessary technology. Authorized users of SBCCOG computing and network resources include those who may not work for SBCCOG, but whose access has been authorized by management. Access, passwords, and e-mail accounts are granted by management of SBCCOG and therefore access to the systems can also be denied by management.

This policy defines in detail the acceptable use of the information technology resources of the organization by its employees. Generally, the resources should be used for business related functions; however, there are a few exceptions:

- To send and receive necessary and occasional personal communications
- To prepare and store incidental personal data (such as personal calendars, personal address lists, and similar incidental personal data) in a reasonable manner
- To use the telephone system for brief and necessary personal calls
- To access the Internet for brief personal searches and inquiries during mealtimes, or outside of work hours, provided that employees adhere to all other usage policies.

In subsequent sections, this policy defines unacceptable uses of the information technology resources of the organization in more detail. SBCCOG reserves the right, upon reasonable cause for suspicion, to access all aspects of its computing systems and networks, including individual login sessions to determine if a user is violating this policy, state or federal laws.

4.3.4 Prohibited Uses

Abuse of SBCCOG computer resources is prohibited. Employees may not use any of the organization's information technology resources for any illegal purpose, violation of any policy, in a manner contrary to the best interests of SBCCOG, in any way that discloses confidential or proprietary information of the organization or third parties, or for personal gain. Abuse includes, but is not limited to:

4.3.4.1 Gambling or Game Playing

The use of SBCCOG computers and networks to gamble is strictly prohibited. Computing and network services are not to be used for recreational game playing.

4.3.4.2 Chain Letters

The propagation of chain letters is considered an unacceptable practice by SBCCOG and is prohibited. If a chain letter is received by an employee, SBCCOG prohibits the forwarding of the email to anyone.

4.3.4.3 Faxing

Using the organization computer faxing capabilities for non-work-related activities is strictly prohibited. SBCCOG prohibits the use of any facsimile machine, computer, or other device to send an unsolicited advertisement to a facsimile machine unless authorized by management.

4.3.4.4 Online Shopping

The use of SBCCOG computers and the Internet to conduct personal online shopping is prohibited.

4.3.4.5 Unauthorized Monitoring

A user may not use computing resources for unauthorized monitoring of electronic communications. However, the agency has the right, but not the duty, to monitor any aspects of its computer system including monitoring sites visited by employees, chat groups, newsgroups, and downloading and uploading files.

4.3.4.6 Flooding, Spamming and Internal Spam

Posting a message to multiple list servers, news groups, websites, or email addresses with the intention of reaching as many users as possible is prohibited. This restriction does not apply to approved marketing, or meeting and informational notices, designed to reach users who have elected to receive messages which are acceptable. Employees are also prohibited from sending

organization-wide e-mail messages, which are not for organizational purposes, to all employees without the approval of the Executive Director or Deputy Executive Director.

4.3.4.7 Software Piracy

Access to the Internet enables users to download a wide variety of software products for a fee as shareware or for free. All software downloads must be approved by the Executive Director or Deputy Executive Director. Employees are required to fulfill all license and copyright obligations of software approved to be used. Furthermore, employees must record and document all desktop downloads, upgrades, and migrations to the best of their ability for IT administration purposes. Software is the property of the SBCCOG.

4.3.4.8 Use of Unlicensed Software

The use of unlicensed software on SBCCOG computers is strictly prohibited. All software in use on the organization's information technology resources must be officially licensed software. No software is to be installed or used that has not been duly paid for and licensed appropriately for the use to which it is intended. No employee may load any software on SBCCOG computers, by any means of transmission, unless authorized in advance by the Executive Director or the Deputy Executive Director. Authorization for loading software onto the organization's computers should not be given until the software to be loaded has been thoroughly scanned for viruses.

4.3.4.9 Pornography

Employees are not allowed to visit sites that are considered "obscene". This restriction applies to all the 4.2.2 Information Technology Resources Defined, including personal laptops and mobile devices used in the workplace, at work-related external events, work-related meetings, and any other job function or activity. The agency may maintain a system to monitor Internet usage. In the event that an employee disregards this policy and visits "unauthorized" sites, it will be grounds for termination. The organization has the right to view private files that have been downloaded to determine the propriety of these downloads. SBCCOG also prohibits using computer resources to send sexually oriented images or messages.

4.3.5 Confidential and Sensitive Information via E-mail

Sending proprietary information or confidential information of or about the organization via e-mail is strictly prohibited. This type of information is a valuable asset of the organization. Unauthorized dissemination of this type of information may result in civil liability as well as criminal penalties. E-mail messages are like paper documents. Client-related e-mail messages should be carefully guarded and protected. Before sending e-mail messages every employee should consider how a third party might interpret the message.

4.3.6 Blind "Carbon Copies"

Due care must be exercised when sending BCC (blind cc) e-mail messages. BCCs are discouraged as consideration must be taken to ensure that an addressee's privacy is not violated.

4.3.7 Artificial Intelligence Policy

Employees may use artificial intelligence (AI) tools to enhance productivity, creativity, and efficiency in their work; however, AI-generated content must be verified for accuracy, compliance, and ethical considerations before use. Employees are responsible for ensuring that AI does not compromise data security, confidentiality, or any existing company policy. Employees must not include any SBCCOG or client identifying or confidential information when using AI, including:

- Client's names or other information that could identify the client;
- Confidential or proprietary information;
- SBCCOG's name or identifying information; and
- SBCCOG confidential or proprietary information.

Any use of AI should align with company values and standard industry regulations. If uncertain about AI usage, employees should seek guidance from the Executive Director or Deputy Executive Director.

Section 5: Employee Benefits

5.1 Employee Benefits

5.1.1 Mileage Reimbursement

SBCCOG provides mileage reimbursement at the IRS rate to employees when they are traveling for work related activities. Mileage reimbursement is calculated on the distance from the worksite to and from the location. For employees who are teleworking on a day that they have to travel for work related activities, mileage is calculated based on the shortest distance either their telework location or the office location.

5.1.2 Holidays

SBCCOG provides twelve (12) paid holidays each year and a Floating Holiday all of which must be used in the calendar year received. The office is officially closed on these days:

- New Year's Day
Martin Luther King's Birthday
- Presidents' Day
- Memorial Day
- Independence Day
Labor Day
Veterans' Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas
- Winter Break – December 26 – December 29
- Floating Holiday (office open – employee must submit time off request and used within the calendar year it is received)

When a holiday falls on a Saturday or Sunday, it is usually observed on the preceding Friday or the following Monday, respectively. However, SBCCOG may close on another day or grant compensating time off instead of closing. Holiday observance will be posted at the beginning of each calendar year.

Note: Any employee whose regularly scheduled day off falls on a paid assigned holiday shall be credited with 8 hours vacation leave.

¹

Employees shall not receive compensation for the balance of unused holidays including Floating Holiday upon separation, retirement, or indefinite layoff.

5.1.3 Eligibility for Holiday Pay

Employees must work the last scheduled day before a holiday and the first scheduled working day following the holiday to be eligible for holiday pay unless time off on these days has been excused with Vacation Leave or Admin Leave. Only regular full-time employees are eligible for full holiday pay. Temporary employees are not eligible for holiday pay.

Employees on unpaid leave are not eligible for holiday pay.

Employees may take religious holidays not designated as an agency holiday either as PTO, floating holiday or without pay. Prior approval in advance must be obtained from the Executive Director or Deputy Executive Director.

5.1.4 Vacation Leave

The SBCCOG provides vacation leave to eligible employees for personal use, such as rest, relaxation, and renewal. Consistent with this objective, the SBCCOG encourages employees to use their accrued vacation leave each year.

The SBCCOG provides vacation leave to employees who are hired at full-time status (at least 30 hours per week) for three or more consecutive months. An employee in such an appointment begins to accrue vacation leave at the start of his/her appointment.

Accrual of Vacation Leave: SBCCOG regular full-time employees accrue vacation leave based on years of qualifying service. During the first year of employment, employees accrue 104 hours of vacation time, at the rate of 8.67 hours per month. The number of hours will increase in subsequent years per the schedule below. The rate of accrual will not increase after 12 years of employment.

The schedule is as follows:

Years of Service	Monthly Accrual Hours
Year 1	8.67
Year 2	9.33
Year 3	10.00
Year 4	10.67
Year 5	11.33
Year 6	12.00
Year 7	12.67
Year 8	13.33
Year 9	14.00

¹ Any credited hours shall still adhere to SBCCOG's vacation and holiday accrual policies.

Year 10	14.67
Year 11	15.33
Year 12 and beyond	16.00 (max)

Those employees hired by the SBCCOG at the Executive level (defined as over 10 years of related experience) may start with additional paid vacation hours as may be negotiated with the employee. New employees become eligible to take paid vacation time after they have worked three consecutive months. Part-time employees are not entitled to paid vacation.

The Executive Director or Deputy Executive Director are responsible for approving vacation leave. Employees are responsible for planning ahead for vacation leave and working out their schedule with their Supervisor. Advanced notice and an approved time off request are expected and necessary to ensure appropriate scheduling of work.

Use of Accrued Vacation Leave

An employee may not use vacation leave before it is accrued and the accrual rate for the first year of employment is 8.67 hours per month. For instance, if a new employee has worked six months and wants to take a vacation, 52 hours would have been accrued and available to use. As stated above, a new employee must have worked a minimum of three consecutive months in order to be eligible to use accrued vacation leave.

Employees will coordinate their vacation leave in advance with their department or unit to ensure that their absence does not conflict with the needs of the department or unit. Vacation leave must be approved by the Executive Director or Deputy Executive Director.

Although the primary purpose of vacation leave is rest and relaxation, employees may use accrued vacation for personal or family illness or injury, or for other personal reasons.

Maximum Vacation Leave Accrual Limit

Vacation leave may be accrued up to a maximum of two (2) times an employee’s annual accrual. For example, an employee who has 2 or more years of qualifying service and accrues 112 vacation hours on an annual basis may accrue up to a maximum of 224 hours of vacation leave. Once an employee reaches the maximum accrual, no additional vacation leave may be accrued until the employee’s vacation leave balance falls below the maximum.

However, if an employee cannot schedule vacation within 60 working days of reaching the maximum accrual limit due to SBCCOG operational considerations, with the approval of the Executive Director or Deputy Executive Director, the employee will be provided an additional four months within which to take vacation leave in order to bring the employee’s accrual below the maximum. The employee continues to accrue vacation leave during these additional four months.

Vacation Leave Pay

Pay during a vacation leave is at the employee’s rate of pay in effect at the time the leave is taken, not the rate of pay in effect when the vacation leave was accrued.

An employee shall be paid for any unused vacation leave accrued through their last day on pay status upon separation of employment from the SBCCOG (resignation, termination, retirement, indefinite layoff, or medical separation).

5.1.5 Sick Leave

SBCCOG provides paid sick leave to continue the salary of eligible employees who are absent from work because of illness, injury, medical appointments, for parental bonding or family illness as outlined within this policy.

Eligibility

Sick leave is provided to eligible employees that work for SBCCOG for 30 or more days.

Sick Leave Accrual

An employee accrues sick leave based on hours on employee classification. An employee who is classified as full-time (30 hours a week) accrues 8 hours of sick leave per month, which equates to 96 hours of sick leave per year. Employees classified as part-time employees accrue sick leave at a rate of one hour per 30 hours worked. Accrual starts on the first date of employment for part-time employees and is capped at 48 hours annually. Sick leave accruals shall not be paid out upon employee separation. An employee may accrue no more than 120 hours of sick leave. Overtime hours are not included for purposes of computing the amount of sick leave accrued.

Grace Period: Employees that have sick leave accruals over the 120 hour cap as of 9-28-2023 will not earn additional hours until their accrual comes under the 120 hour cap. In no case will this extended period last longer than three years to 9-30-2026, at which time all employees will have a 120 hour cap.

Sick time will not accrue during leaves of absence.

Use of Sick Leave

- 1) An employee who becomes ill while on vacation shall be permitted to use sick leave based upon satisfactory verification of illness or injury.
- 1) To use sick leave for an extended period, an employee shall be required: to give at least 30 days advanced notice, to the extent practicable of foreseeable medical needs (e.g., a planned medical treatment) whenever possible or, if 30 days is not possible, reasonable notice; and
- 2) To the extent that any employee is unable to work for more than three consecutive days, submit documentation to substantiate their inability to work due to illness. Please note that this provision shall not apply in instances where employees exercise their right to use their initial 40 hours, or 5 days, of paid sick leave for a qualifying reason.

Sick leave shall not be used:

- 1) prior to its accrual;
- 2) beyond a predetermined date of separation, retirement, or indefinite layoff;
- 3) in excess of the employee's scheduled hours of work; or

- 4) during a temporary layoff, furlough, or leave without pay, except for a qualifying reason as indicated below.

Sick leave may be taken for the below prescribed purposes:

- 1) The diagnosis, care, or treatment of an existing health condition of, or prevention care for, an employee or an employee's family member; or
- 2) To attend legal proceedings, or to obtain medical treatment, counseling or other victims' services for domestic violence, sexual assault, or stalking; or
- 3) For an employee who is a victim or whose family member is a victim, as defined in subdivision (j) of Section 12945.8 of the Government Code, the purposes described in paragraph (3) of subdivision (a), or subdivision (b), of Section 12945.8 of the Government Code.

A "family member" for these purposes is defined as a child (a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), a parent (a biological, adoptive or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), a spouse or registered domestic partner, a grandparent, grandchild and sibling, or a designated person identified by the employee at the time the employee requests paid sick leave. SBCCOG reserves the right to limit an employee to one designated person per 12-month period for paid sick leave.

Family Illness

An employee shall be permitted to use not more than 30 days of accrued sick leave in any calendar year when required to be in attendance or to provide care because of the illness of the employee's spouse, domestic partner, parent, child (including the child of a domestic partner), sibling, grandparent, or grandchild. In-laws and step-relatives in the relationships listed also are covered. The provision also covers other persons residing in the employee's household. The SBCCOG Executive Director may authorize exceptions beyond the 30 days limit, including the exhaustion of all sick leave in the event of catastrophic illness in the employee's family or household.

The employee shall not receive compensation for the balance of accrued but unused sick leave upon separation, retirement, or indefinite layoff.

Catastrophic Leave Donation Program

An employee may voluntarily donate a portion of his/her accrued vacation leave to be used by other SBCCOG employees (who have exhausted all of their own accrued paid leave benefits) to address circumstances such as: a catastrophic injury or illness of an employee; caring for a catastrophically ill or injured family member or household member; to deal with the death of a family or household member; or to address a catastrophic casualty loss suffered due to a terrorist attack, fire, or natural disaster. An employee cannot bring his/her personal vacation leave balance below 40 hours as a result of donating accrued vacation leave to another employee.

5.1.6 Management Leave

Full-time exempt employees will receive 40 hours annually of Management Leave as time off from work. New employees receive a prorated portion of the annual 40-hour leave allocation based on their start date. The leave is calculated by multiplying 40 hours by the percentage of the calendar year remaining from the employee's start date. The prorated amount is rounded up to the nearest quarter-hour.

Management Leave must be requested in advance, be approved by the Executive Director or Deputy Executive Director or his or her designee and not interfere with work operations. Management Leave must be used within the calendar year and does not carry over into the ensuing year. Unused balances at the end of the calendar year are lost. The employee shall not receive compensation for the balance of unused Management Leave upon separation, retirement, or indefinite layoff.

5.1.7 Life Insurance

SBCCOG provides eligible employees with \$50,000 of life insurance coverage. Employees aged 65, 70, 75, and 80 will experience a coverage amount reduction of 35%, 60%, 75%, and 85%, respectively.

5.1.8 Employee Assistance Program

An Employee Assistance Program (EAP) is available to all SBCCOG employees. The EAP is called Work-Life Matters and is a confidential support service that provides a 24/7 toll free phone number that connects the employee to a counselor. You can reach Work-Life Matters at (800) 386-7055.

5.1.9 Deferred Compensation

Regular, active full-time employees are eligible to participate in the Deferred Compensation Plan on the first of the month following their date of hire. Eligible employees receive \$200 per month applied directly to their 457 deferred compensation account.²

5.2 Illness

If you are absent longer than three days due to illness, medical evidence of your illness and/or medical certification of your fitness to return to work may be required.

5.3 Eligibility for Health Benefits

Regular full-time employees are eligible for health benefits (medical, dental and vision) once they have satisfied the waiting period from their date of employment specified in their chosen health plan. Eligible employees receive \$500 per month to apply towards health benefits. Any unused amounts will be applied to deferred compensation.

² In order to participate in this plan, an employee must be actively working full-time hours as defined in section 2.1.2. If any employee does not meet this threshold or is out on a leave of absence for any reason, SBCCOG reserves the right to pause its contributions during the pay period affected.

5.4 Payroll Deductions

State and federal laws require the SBCCOG to make the proper deductions on your behalf. Amounts withheld vary according to an employee's earnings, marital status, and the number of exemptions. Required deductions include: (1) Social Security (FICA); (2) Medicare; (3) federal income tax; (4) state income tax; and (5) state disability insurance (SDI).

5.4.1 Social Security and Medicare

Social Security and Medicare are important parts of every employee's retirement benefit. SBCCOG contributes to each employee's Social Security and Medicare taxes in accordance with legal requirements.

5.4.2 State Disability Insurance (SDI)

Each employee contributes to the State of California for short-term disability insurance pursuant to the California Unemployment Insurance Code. Contributions are made through a payroll deduction. Disability insurance is payable when you cannot work because of illness or injury not caused by employment at SBCCOG or when you are entitled to temporary workers' compensation at a rate less than the daily disability benefit amount. Specific rules and regulations governing disability are available.

5.4.3 Paid Family Leave

The State of California extends disability coverage for individuals who take time off work to care for a seriously ill child, spouse, parent or domestic partner, to bond with a new child or to care for a designated person (any care recipient related by blood or whose association with the employee is the equivalent of a family relationship)³. The State Disability Insurance (SDI) program will administer this insurance. This insurance is funded by payroll deductions from each employee's paycheck.

5.4.4 Unemployment Compensation

SBCCOG contributes to the state and federal Unemployment Insurance Funds on behalf of our employees. If your employment terminates, you may be eligible to receive unemployment insurance. In most cases, you must file a claim to receive this benefit.

5.5 Workers' Compensation Insurance

SBCCOG insures all employees against accidental injuries occurring on the job, in accordance with the California Workers' Compensation Law. Coverage begins on the date of employment and covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. An employee must report an accident to the Executive Director or Deputy Executive Director or his or her designee within 24 hours.

³ Employees may identify one designated person per 12-month period.

5.6 Leaves of Absence

A leave of absence is an unpaid leave lasting longer than two weeks. SBCCOG may grant leaves of absence to employees in certain circumstances. It is important to request any leave in writing as far in advance as possible, to keep in touch with the Executive Director or Deputy Executive Director or his or her designee during the leave and to give prompt notice if there is any change to the return date. If an employee's leave expires and he or she has not contacted the Executive Director or Deputy Executive Director or his or her designee or the SBCCOG, it will be assumed that the employee does not plan to return and employment will be terminated.

Upon returning from leave, an employee will be offered the same position held at the time of leaving, if available. If this position is not available, a comparable position will be offered. If neither the same nor a comparable position is available, the employee's return to work will depend on job openings existing at the time of the scheduled return. There are no guarantees of reinstatement and an employee's return and salary will depend on qualifications for existing openings.

Vacation and sick time will not accrue during the leave and no holiday pay will be paid.

5.6.1 Medical Leaves

A medical leave of absence may be granted for non-work-related temporary medical disabilities (other than pregnancy, childbirth, and related medical conditions) for up to four months with a physician's certificate. Requests for leave should be made in writing as far in advance as possible.

A medical leave begins on the first day a doctor certifies that an employee is unable to work and ends when the doctor certifies that the employee is able to return to work or after a total of four months of leave, whichever occurs first. An employee returning from a medical disability leave must present a physician's certificate showing fitness to return to work.

Upon returning from a non-work-related medical leave, an employee will be offered the same position held at the time of leaving, if available. If this position is not available, a comparable position will be offered. If neither the same nor a comparable position is available, the employee's return to work will depend on job openings existing at the time of the scheduled return. There are no guarantees of reinstatement and an employee's return and salary will depend on qualifications for existing openings.

California workers' compensation laws govern work-related injuries and illnesses. California pregnancy disability laws govern leaves taken because of pregnancy, childbirth and related medical conditions. The SBCCOG intends to fully comply with these laws.

5.6.2 California Family Rights Act

The California Family Rights Act (CFRA) authorizes eligible employees to take up to a total of 12 weeks of paid or unpaid job-protected leave during a 12-month period. While on leave, employees keep the same employer-paid health benefits they had while working. Eligible employees can take the leave for one or more of the following reasons:

- The birth of a child (including the child of a domestic partner) or adoption or foster care placement of a child.
- To care for an immediate family member (spouse, domestic partner, child of any age, parent, sibling, grandparent, or grandchild), or designated person (a designated person, means any individual related by blood or whose association with the employee is the equivalent of a family relationship. A designated person may be identified by the employee at the time the employee requests paid sick days) with a serious health condition.
- When the employee is unable to work because of a serious health condition (excluding pregnancy)
- A qualifying military exigency related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child (of any age), or parent in the United States Armed Forces, as specified in Section 3302.2 of the Unemployment Insurance Code.

Employees must notify SBCCOG as soon as they are aware of the need for such leave. For foreseeable leave, the employee must provide 30 calendar days' advance notice. For events not foreseeable 30 days in advance, the employee must give notice as soon as is practicable, and generally must comply with SBCCOG's normal call-in or notice procedures. All requests for CFRA Leave should include enough information to make SBCCOG aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave, if known. If an employee fails to provide the requisite 30-day advance notice for foreseeable events without a reasonable excuse for the delay, SBCCOG reserves the right to delay the start of the leave until at least 30 days after the date on which the employee does provide such notice. Once aware the employee needs leave, SBCCOG will inform the employee as to whether the employee is eligible under CFRA for such leave. SBCCOG may request documentation evidencing the need for such leave as permitted by law.

Eligible employees who take CFRA Leave should note that they are guaranteed employment in the same or a comparable position upon termination of such leave, subject to any exceptions provided by law.

If SBCCOG employs both parents who are entitled to CFRA Leave, both employees are entitled to 12 weeks of leave each.

SBCCOG will not discriminate against an employee for exercising CFRA rights or giving information or testimony as to the employee's or another person's CFRA Leave; nor will SBCCOG interfere with or limit the exercise or attempted exercise of such rights.

5.6.3 Pregnancy Related Disability Leave

SBCCOG recognizes that employees may be unable to work for temporary but extended periods of time due to pregnancy, childbirth, or related medical conditions. Accordingly, for any employee who is disabled by pregnancy, childbirth, or related medical conditions, SBCCOG provides leave for the period of actual disability ("Pregnancy Disability Leave"), up to a maximum of four months. Pregnancy Disability Leave may be taken intermittently, or on a reduced-hours schedule, as medically advisable. An employee may also be entitled to reasonable accommodation for pregnancy, childbirth, or related medical conditions.

Whenever possible, an employee should submit a written request for Pregnancy Disability leave to SBCCOG's Executive Director or their designee as soon as she is aware of the need for such leave. If the leave is foreseeable, the employee must provide 30 calendar days' advance notice to SBCCOG of the need for Pregnancy Disability Leave. If it is not practicable to give 30 calendar days' advance notice of the need for such leave, the employee must notify SBCCOG as soon as practicable after she learns of the need for such leave. If an employee fails to provide the requisite 30 days' advance notice for a foreseeable need for leave, without any reasonable excuse for the delay, SBCCOG reserves the right to delay the taking of the leave until at least 30 days after the date that the employee does provide such notice.

A request for a Pregnancy Disability Leave must be supported by medical certification from a health care provider, which shall provide the following information: (a) the date on which the employee became disabled due to pregnancy; (b) the probable duration of the period or periods of disability; and (c) an explanatory statement that, due to the disability, the employee is unable to work at all or is unable to perform any one or more of the essential functions of her position without undue risk to herself, her pregnancy, or to other persons. Upon expiration of the time period for the leave estimated by the health care provider, SBCCOG may require the employee to provide another medical certification if additional leave time is requested.

An employee taking Pregnancy Disability Leave must substitute any accrued sick pay for her leave and may, at her option, substitute any accrued vacation time for her leave. Except to the extent that paid leave is substituted for Pregnancy Disability Leave, such leave will be unpaid. The substitution of paid leave for Pregnancy Disability Leave does not extend the total duration of the leave to which an employee is entitled.

During an employee's Pregnancy Disability Leave, SBCCOG will continue to pay for the employee's participation in SBCCOG's group health plans, to the same extent and under the same terms and conditions as would apply had the employee not taken leave. Thus, the employee must continue to pay her share of the health plan premiums during the leave. If the employee substitutes paid leave for the unpaid leave, such payments will be deducted from the employee's pay through the regular payroll deductions. Otherwise, the employee must make arrangements with SBCCOG for the payment of such premiums.

All other benefits will be governed in accordance with the terms of each benefit plan and are the sole responsibility of the employee.

SBCCOG may recover from the employee the amount of premiums that SBCCOG paid to maintain coverage for the employee under the group health plan if the employee fails to return from leave after the period of leave has expired due to a reason other than: (i) the employee is taking (i.e., has transitioned over to) leave under the California Family Rights Act, unless the employee chooses later not to return after the CFRA leave, in which case SBCCOG can recover such premium amounts; (ii) the continuation, recurrence, or onset of a health condition that entitles the employee to Pregnancy Disability Leave, unless the employee chooses not to return after the Pregnancy Disability Leave, in which case SBCCOG can recover such premiums; (iii) non-pregnancy related medical conditions requiring further leave, unless the employee chooses not to return to work following such leave, in which case SBCCOG can recover such premiums, or (iv) other circumstances beyond the employee's control.

Employees on Pregnancy Disability Leave will accrue employment benefits, such as sick leave, vacation, and seniority only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual. Employee benefits may be continued during the unpaid portion of the Pregnancy Disability Leave according to the provisions of SBCCOG's various employee benefit plans.

Unless SBCCOG and the employee have already agreed upon the employee's return date, an employee who has taken a Pregnancy Disability Leave must notify SBCCOG's Executive Director or their designee at least two business days before her scheduled return to work or, as applicable, transfer back to her former position. An employee who timely returns to work at the expiration of her Pregnancy Disability Leave will be reinstated to her former position, or a comparable position, whenever possible and consistent with applicable law.

Each employee who has taken a Pregnancy Disability Leave must be released by her doctor to return to work. The return-to-work release should be in writing and submitted to the Executive Director or their designee on or before the employee's return.

5.6.4 Bereavement Leave

In the event of a death in the immediate family, an employee may be granted a leave of absence for up to five (5) days in total. Three (3) of those days will be paid leave, and the remaining two (2) days will be unpaid. Employees may, at their option, elect to utilize any accrued vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee. This is in addition to regular sick leave and vacation time. Certification may be required by the Executive Director or their designee.

The days of bereavement leave do not need to be taken consecutively, however, you must complete your bereavement leave within three months of your family member's death, at which time any remaining unused bereavement leave will expire.

For purposes of this policy an employee's immediate family is defined to include spouse, parents, children, brother, sister, grandparents, father-in-law, mother-in-law, sister-in-law, brother-in-law, domestic partner, or any other person who is a legal dependent of the employee. To the extent allowed by law, SBCCOG may request documentation from an employee availing themselves of this leave.

5.6.5 Personal Leave

A personal leave of absence without pay may be granted at the discretion of the SBCCOG. Requests for personal leave should be limited to unusual circumstances requiring an absence of longer than two weeks. Approved personal absences of shorter duration are not normally treated as leaves, but rather as excused absences without pay. Vacation Leave and Sick Leave will not accrue during a leave of absence and no holiday pay will be paid. Employees may not elect to utilize accrued sick leave while on a personal leave of absence.

5.6.6 Jury Duty or Witness Leave

Temporary and Part-time employees will not be paid by the organization while serving on a jury. Regular full-time employees who have completed their trial periods will receive full pay while serving up to five (5) days per year of jury duty wherein that employee is called on to a court case, or one (1) day wherein that employee is summoned to a juror holding area. An employee must notify the Executive Director or Deputy Executive Director or his or her designee of the need for potential time off for jury duty as soon as a notice or summons from the court is received. Employees will be requested to provide written verification from the court clerk of having served. If work time remains after any day of jury selection or jury duty, the employee will be expected to return to work for the remainder of that day.

If desired, employees may use any available Administrative Leave or Vacation Leave while serving on a jury over the five (5) days of full pay. Employees may be required to pay SBCCOG any amount he or she received for jury fees. Mileage allowance may be retained by the employee.

5.6.7 Time Off to Vote

SBCCOG encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to reach a polling place during their non-working hours, SBCCOG will grant up to two hours of paid time off to vote.

Employees must request time off to vote from their supervisor at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule. Employees must submit a voter's receipt on the first working day following the election to qualify for paid time off.

5.6.8 Military Leaves

SBCCOG will grant employees a military leave of absence to the extent required by applicable law.

5.6.9 Military Spouse Leave

Qualified California employees will be given up to 10 days leave during that time in which the employee's spouse or domestic partner is on leave from deployment in a combat zone with the active duty or reserve military or national guard during a period of military conflict. Employees may use accrued vacation time to cover this absence. If the employee has no accrued vacation, the employee must request time off without pay.

Qualifying employees are employees who work an average of 20 hours per week and have a spouse or domestic partner who is serving as (1) a member of the U.S. Armed Forces and who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States or (2) a member of the Armed Forces Reserve Components or the National Guard and has been deployed during a period of military conflict.

Qualifying employees who wish to request this leave must provide SBCCOG with a written request for such leave within two business days of receiving official notice that the military spouse or domestic partner will be on leave from deployment. The employee must also provide written

documentation to SBCCOG certifying that the military member will be on military leave from deployment.

5.6.10 Leave Related to Domestic Violence, Sexual Assault or Stalking

SBCCOG will provide unpaid time off to an employee who has been the victim of domestic violence, sexual assault or stalking to seek any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or his or her child.

This includes time off for the following:

- To seek medical attention for injuries caused by domestic violence, sexual assault, stalking, crime or abuse;
- To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, stalking, crime, or abuse;
- To obtain psychological counseling related to an experience of domestic violence, sexual assault, stalking, crime or abuse;
- To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, stalking, crime, or abuse, including temporary or permanent relocation; or
- To obtain or attempt to obtain relief from the court, including but not limited to a temporary restraining order, a restraining order, or other court-ordered relief to help ensure the health, safety or welfare of the victim or his/her child; or
- To provide care for a family member recovering from injuries caused by the qualifying act of violence; or
- To relocate or engage in the process of securing a new residence due to the qualifying act of violence, including, but not limited to, securing temporary or permanent housing or enrolling children in a new school or childcare. Leave for this reason is limited to a total of five (5) days; or
- If an employee is subpoenaed or ordered by a court to appear as a witness in a judicial proceeding related to a crime against the employee or another person.
- If an employee or employee's family member are a victim of certain crimes and are attending judicial proceedings related to that crime including, but not limited to, any delinquency proceeding, a post-arrest release decision, plea, sentencing, postconviction release decision, or any proceeding where a right of that person is an issue. A "victim" is a person against whom a violent felony, serious felony and/or felony theft or embezzlement is committed. Additionally, it includes a person who suffers a direct or threatened physical, psychological or financial harm due to the commission or attempted commission of the following crimes or delinquent acts: vehicular manslaughter while intoxicated; felony child abuse likely to produce great bodily harm or a death; assault resulting in the death of a child under eight years old; felony domestic violence; felony physical abuse of an elder or dependent adult; felony stalking; solicitation for murder; a serious felony; hit-and-run causing death or injury; felony driving under the influence causing injury; sexual assault.

SBCCOG requires reasonable advance notice of the leave when feasible. If time off is taken due to an emergency, the employee must, within 15 days of the absence, provide SBCCOG with

certification of the need for the leave such as a police report, court order, documentation from a healthcare provider, victims advocate, or counselor.

Unless otherwise stated above, such leave is limited to a total of ten (10) days unless the employee's family member is deceased as a result of crime and the employee is also a victim.

This leave may run concurrently with CFRA leave. Employees eligible for paid sick leave benefits under California law may take any such available paid time off, consistent with such law, for the purposes set forth in this policy. For more information, please see the Sick Leave policy. In the event paid sick leave benefits are not available, employees taking leave under this policy may elect to apply accrued and unused vacation to such time.

SBCCOG will also provide a reasonable accommodation for an employee who is a victim of domestic violence, sexual assault, stalking, crime, or abuse, and who has disclosed that status to SBCCOG, if the employee requests an accommodation for his or her safety while at work. SBCCOG will engage, in good faith, in a timely and interactive process with the employee to determine an effective reasonable accommodation.

SBCCOG prohibits discrimination, discharge, or retaliation against an employee for taking time off or requesting an accommodation under this policy, or based on the employee's status as a victim of domestic violence, sexual assault, and/or stalking.

5.6.11 Crime Victims' Leave

SBCCOG will provide unpaid time off to an employee to attend judicial proceedings related to a crime, if that employee is a victim of crime, an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim. SBCCOG requires that where feasible, in advance of taking leave, the employee provide a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice. If advance notice is not possible, the employee is required to provide SBCCOG with a copy of the notice within a reasonable time.

No employee who is absent from work pursuant to this provision will be discharged or otherwise discriminated against in compensation or other terms, conditions or privileges of employment, because of such absence. Such leave is unpaid. Employees taking leave under this policy may elect to apply vacation time to such leave.

5.6.12 Leave for Organ and Bone Marrow Donation

SBCCOG will grant an employee the following leaves of absence:

- Bone Marrow Donation: A paid leave of absence of up to five business days in any one-year period for the purpose of donating the employee's bone marrow to another person.
- Organ Donation:
 - A paid leave of absence of up to 30 business days in any one-year period for the purpose of the employee donating the employee's organ to another person.
 - An additional unpaid leave of absence, not exceeding 30 business days in a one-year period, for the purpose of the employee donating the employee's organ to another person.

For leaves of absence under this policy that are paid, if an employee has earned and unused sick or vacation time available, the employee is required to first use up to five days of such paid sick or vacation time for a bone marrow donation and up to two weeks of sick or vacation time for organ donation prior to receiving paid leave benefits.

In order to receive a leave of absence pursuant to this policy, the employee must provide written verification to SBCCOG's Executive Director or their designee that the employee is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

Any leave taken for the donation of an organ or bone marrow will not constitute a break in service for purposes of the employee's right to salary adjustments, sick leave, vacation, annual leave, or seniority. During any leave taken under this policy, SBCCOG will maintain and pay for coverage under any group health plan, for the full duration of this leave.

Leave provided under this policy may be taken in one or more periods. Leave taken under this policy will not run concurrently with any leave taken pursuant to the federal Family and Medical Leave Act or the California Family Rights Act.

Upon expiration of a leave of absence authorized by this policy, SBCCOG will restore the employee to the position held by the employee when the leave began or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment. SBCCOG may decline to restore an employee because of reasons unrelated to the employee's exercise of rights under this policy.

5.6.13 School Activity Leave

School Activity Leave (SAL) applies to employers with twenty-five (25) employees at the same location. To the extent that SBCCOG has twenty-five (25) employees, this policy will apply.

An employee is eligible to take if the employee:

- Is the parent or guardian of a student;
- Is the parent, guardian, or custodial grandparent of a child in kindergarten, grade school, or licensed day care.

“Parent” for purposes of this policy, means a parent, guardian, stepparent, foster parent, or grandparent of, or a person who stands in loco parentis to, a child.

Qualification For Leave

To qualify for this leave, an employee must be a parent and:

- Find, enroll, or reenroll their child in a school or with a licensed childcare provider;
- Participate in activities of the school or licensed childcare provider of their child;
- Address a childcare provider or school emergency.

Please note, under California law, SBCCOG is prohibited from discharging or discriminating against an employee who both: is the parent or guardian of a student; and takes time off, with reasonable notice, to appear at school because the student was suspended.

Duration of Leave

An employee may take a maximum of up to 40 hours off per year, with reasonable notice to take SAL. The time off cannot exceed 8 hours in any calendar month of the year. An employee must elect to use paid accrued leaves concurrently (e.g. sick leave, vacation, etc.) in the same way they could for other qualifying purposes under SBCCOG's policies.

Notice Requirement

The employee is required to provide SBCCOG with reasonable notice of the need for SAL. SBCCOG may ask for proof that the employee utilized the time for child-related activities permitted under California law.

5.6.14 Kin Care Leave

Under California state law, employees who accrue sick leave are eligible for Kin Care Leave (KCL). An employee may use KCL for the following reasons:

- Diagnosis, care, or treatment of an existing health condition of the employee, or preventive care for, an employee or an employee's covered family member;
- For obtaining relief if the employee is a victim of domestic violence, sexual assault, or stalking.
- If the employee is a victim of domestic violence, sexual assault, or stalking, the employee may take time off to: obtain medical treatment, counseling or other victims' services, obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of the employee or the employee's child, such as a temporary restraining order, restraining order, or other injunctive relief.

The number of days the employee can take off is calculated as an amount not less than the sick leave that would be accrued during 6 months of the employee's then-current rate of entitlement. Employees are able to use up to half of their sick leave for KCL. But, no more than one-half of the employee's annual accrued sick leave benefits can be counted as KCL. For a full-time career employee, for example, this would mean no more than 48 hours of sick leave can be counted as KCL.

To the extent possible, employees must provide reasonable advance notice of their need for leave under this policy. If the need for leave is not foreseeable, an employee must provide notice as soon as practicable.

A "family member" for the purposes of this policy is defined as a child (a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), a parent (a biological, adoptive or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), a spouse or registered domestic partner, a grandparent, grandchild and sibling,

Please note, leave under this statute runs concurrently with paid sick leave, and CFRA leave.

5.6.15 Volunteer Firefighter and Reserve Police Leave

Under California state law, employees are eligible for leave under Volunteer Firefighter and Reserve Police Leave (VFRPL) if the employee is a volunteer firefighter, reserve peace officer, or emergency rescue personnel, and the employee requires time off to perform emergency services.

Employees may take temporary leave up to 14 days per calendar year in the aggregate for fire, law enforcement, or emergency rescue training. This leave does not run concurrently with other leave laws.

5.6.16 Alcohol and Drug Rehabilitation Leave

Under California state law, employees who seek time off to voluntarily complete a rehabilitation program are eligible for this leave under this policy.

Employees may take reasonable unpaid leave as long as the leave does not cause SBCCOG an undue hardship. Employees may choose to use available sick leave concurrently with rehabilitation leave.

5.6.17 Reproductive Leave Loss

All employees who have been employed with SBCCOG for at least 30 days are entitled to an unpaid leave of absence up to five (5) days in total following a reproductive loss event. Such leave must be taken within three (3) months of the reproductive loss event. If an employee experiences more than one reproductive loss event within a 12-month period, SBCCOG will grant the employee a cumulative total of up to of 20 (twenty) unpaid days of leave; subject to the limitation that each unpaid leave of absence shall not exceed five (5) days.

A reproductive loss event is defined as: failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction. If the employee would have been recognized as a parent if the aforementioned events were successful, the employee will be covered under this definition. This includes the employee, the employee's current spouse or domestic partner, or another individual if the person would have been a parent of a child as a result of the event.

The days of reproductive leave do not need to be taken consecutively, however, you must complete your reproductive loss leave within three months of your reproductive loss event, or, if prior to or immediately following your reproductive loss event, you are on or choose to go on leave under California's pregnancy disability law, the California Family Rights Act, or any other leave provided by state or federal law, then you may complete your reproductive loss leave within three months of the end of the other leave, at which time any remaining unused reproductive loss leave will expire.

The leave of absence following a reproductive loss event is unpaid, though an employee may elect to utilize any accrued and available paid time off (including sick, administrative leave, and vacation) that is otherwise available to the employee.

Any information provided to related to this leave will be maintained as confidential and will not be disclosed except to internal personnel or counsel, as necessary, or as required by law.

5.7 Inactive Status

Employees who are on any type of leave of absence, work-related or non-work-related, that exceeds one month will be placed on inactive status. During the time the employee is on inactive status, no benefits (e.g., vacation leave, sick leave, holiday pay) will be earned and seniority will not continue to accrue.

Section 6: Employee Relations Policies

6.1 Reasonable Accommodations

To carry out SBCCOG’s commitment to providing equal opportunity for all applicants and employees, SBCCOG will provide reasonable accommodations, including as required under applicable laws, in accordance with this policy.

Reasonable Accommodations Related to Disability and Religion

SBCCOG will provide reasonable accommodations for applicants and employees with disabilities in accordance with the Americans with Disabilities Act (the “ADA”) and California law, and for applicants and employees based on their sincerely-held religious beliefs, practices, or observance under state and federal law. Employees seeking such accommodations should promptly notify SBCCOG’s Executive Director or their designee.

Reasonable Accommodations Relating to Pregnancy

SBCCOG will provide reasonable accommodations to employees who are affected by a pregnancy, childbirth, or related medical conditions, as medically advisable. Such accommodations may consist of:

- Modified work duties or a modified schedule to permit earlier or later hours or more frequent breaks; stools, chairs or other furniture; modified or acquired equipment or devices; reduced work hours; or other accommodations,
- Temporary transfers to a less strenuous or less hazardous position, if such transfer can be reasonably accommodated, or
- A “Pregnancy-Related Disability Leave” if the employee is disabled by pregnancy, as described in SBCCOG’s leave of absence policy.

Employees seeking a pregnancy-related accommodation, including transfer under this policy, should notify SBCCOG’s Executive Director or their designee. This notice must be timely and be provided by employees in advance when the need for reasonable accommodation is foreseeable; in all other circumstances, notice must be provided as soon as practicable. Failure to give advance

notice when the need is foreseeable may delay the reasonable accommodation or transfer until 30 days after the date the employee provides notice (unless such delay would endanger the health of the employee, her pregnancy or her coworkers).

Reasonable Accommodations for Victims of Domestic Violence, Stalking, or Sexual Assault

SBCCOG will also provide reasonable accommodations for an employee who is the victim of domestic violence, stalking or sexual assault if: (i) the employee has disclosed that status to SBCCOG, and (ii) the employee requests an accommodation for the employee's safety while at work.

In such circumstances, SBCCOG will engage, in good faith, in a timely and interactive process with the employee to determine an effective reasonable accommodation. In this process, the employee may be asked to provide: (i) a written statement, signed by the employee or someone acting on the employee's behalf, certifying that the accommodation is for the purposes stated above, and (ii) a certification confirming the employee's status as a victim of domestic violence, sexual assault or stalking. Six months after the date of each previous certification, SBCCOG may request a recertification of such status. SBCCOG will maintain any such certification as confidential if it identifies the employee as a victim of domestic violence, sexual assault or stalking, disclosing such information only as required by law, or as needed to protect the employee's workplace safety, and with prior notice of such disclosure to the employee.

Retaliation and Discrimination Prohibited

SBCCOG prohibits discrimination, discharge, retaliation, or any other unlawful acts against an individual because such person requests or receives an accommodation under this (or another applicable) policy, or because such individual engaged in any other conduct protected by the law. Additionally, as addressed in SBCCOG's separate policy on harassment, discrimination and retaliation, SBCCOG prohibits unlawful harassment, discrimination or retaliation against any employee on the basis of an individual's disability, religion, religious creed, sex (including pregnancy, childbirth and related medical conditions), status as a victim of domestic violence, sexual assault or stalking, or any other status as protected by law.

6.2 Lactation Policy

SBCCOG provides accommodations to lactating employees who need to express breastmilk during work hours in accordance with applicable law. SBCCOG will provide a room or other location (not a bathroom) for employees to express breastmilk in private. SBCCOG will ensure that the lactation room or location will:

- Be in close proximity to the employee's work area, shielded from view, and free from intrusion while the employee is expressing milk;
- Be clean, safe, and free of hazardous materials;
- Contain a surface to place a breast pump and other personal items;
- Contain a place to sit; and

- Have access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery powered breast pump.

In addition, SBCCOG will provide access to a sink with running water and a refrigerator suitable for storing milk (or other cooling device suitable for storing milk) in close proximity to an employee's workspace. In the event that more than one employee needs use of the lactation room, SBCCOG will discuss alternative options with the employees to determine what arrangement addresses their needs, such as finding an alternative space or creating a schedule for such use.

SBCCOG shall also provide a reasonable amount of break time for an employee to express any breast milk each time that she needs to do so. The break time, if possible, should run concurrently with any break time already provided to the employee. Break time for a nonexempt employee that does not run concurrently with rest time already authorized for the employee is unpaid. However, if the employee performs any work during such break, she must accurately record all time worked and SBCCOG will compensate her for such time.

Employees who are nursing have a right to request lactation accommodation. Such requests may be made verbally or in writing, should indicate the need for an accommodation in order to express breastmilk at work, and should be directed to SBCCOG's Executive Director or their designee. SBCCOG shall respond to such requests in a reasonable manner, not exceeding five business days. If SBCCOG cannot provide break time, location, or other reasonable accommodations in accordance with this policy, it will inform the requesting employee in writing. Because lactation accommodation needs may change over time, employees may request changes to existing accommodations by a written request to SBCCOG's Executive Director or their designee that describes the nature of the change that is requested.

SBCCOG prohibits any form of retaliation or discrimination against an employee for exercising or attempting to exercise any rights provided under the above policies. Any such conduct or violations of the above-referenced policies should be reported to the Executive Director or their designee. Employees also have the right to file a complaint with the California Labor Commissioner for violation of a lactation accommodation right described in the policy above.

6.3 Equal Employment Opportunity

South Bay Cities Council of Governments is an equal opportunity employer and makes employment decisions on the basis of merit. We want to have the best available person in every job. SBCCOG policy prohibits unlawful discrimination based on race (including but not limited to, hair texture and protective hairstyles such as braids, locks, and twists), color, religious creed (including religious dress and religious grooming practices), national origin, ancestry, citizenship status, age (40 years and older), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity and expression (including transgender identity and expression), because an individual has transitioned (to live as the gender with which they identify), is transitioning (or is perceived to be transitioning), sexual orientation, sex stereotyping, reproductive health decision making (protected under section 12920 of the Government Code in California) marital status, domestic partner status, military service and veteran status, physical and/or mental disability (including HIV and AIDS), legally protected medical condition or information (including genetic information,) protected medical leaves

(requesting or approved), status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, or any other basis protected by local, state or federal laws. All such discrimination will not be tolerated. SBCCOG is committed to complying with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the operations of the SBCCOG and prohibits unlawful discrimination by any employee of SBCCOG, including supervisors and co-workers.

6.4 Harassment, Discrimination and Retaliation Reporting

SBCCOG is committed to providing a professional workplace in which individuals are treated with respect and in a manner consistent with SBCCOG's high expectations of ethical conduct. This necessarily means that SBCCOG prohibits unlawful harassment, discrimination, and retaliation in accordance with applicable laws. This includes harassment based on sex (which includes harassment based on sex, pregnancy, perceived pregnancy, childbirth, breastfeeding, and related medical conditions), as well as harassment, discrimination, and retaliation based on such factors as race (including hair texture, protective hairstyles (including, but not limited to, such hairstyles as braids, locs, and twists), and other traits associated with race), color, religion and religious creed (including religious dress and religious grooming practices), national origin, ancestry, citizenship, age (40 years and older), mental disability and physical disability (including HIV and AIDS), legally-protected medical condition or information (including genetic information), protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), military and/or veteran status, service, or obligation, reserve status, national guard status, marital status, domestic partner status, gender, gender identity (including transgender identity), gender expression (including transgender expression), because an individual has transitioned or is (or is perceived to be) transitioning, sex stereotyping, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, engaging in protected communications regarding employee wages or otherwise exercising rights protected under the National Labor Relations Act or California Fair Pay Act, requesting a reasonable accommodation on a protected basis such as disability or sincerely-held religious belief, practice, or observance, or any other characteristic protected by federal, state, or local laws.

SBCCOG prohibits unlawful harassment, discrimination, and retaliation based on:

- Any combination of the above characteristics;
- A perception that the person has any of the above characteristics or any combination of those characteristics;
- A perception that the person is associated with a person who has, or is perceived to have, any of those characteristics of any combination of the above characteristics.

SBCCOG strongly disapproves of and will not tolerate harassment, discrimination, or retaliation against applicants, employees, unpaid interns, or volunteers by managers, supervisors, co-workers or third parties with whom employees come into contact, consistent with applicable law. Similarly, SBCCOG will not tolerate harassment, discrimination, or retaliation by its employees directed

toward non-employees with whom SBCCOG employees have a business, service, or professional relationship (such as independent contractors, vendors, clients, volunteers, or interns).

Harassment is generally defined as verbal, physical, or visual conduct that creates an intimidating, offensive, or hostile working environment, or that interferes with an employee's work performance, and that is based on a protected status. Such conduct constitutes harassment when (1) submission to the conduct is made either an explicit or implicit condition of employment; (2) submission or rejection of the conduct is used as the basis for an employment decision; or (3) the harassment interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

As the definition above shows, harassing conduct can take many forms and may include, but is not limited to, the following (when based upon an employee's protected status as noted above): slurs, jokes, statements, gestures, assault, impeding or blocking another's movement or otherwise physically interfering with normal work, pictures, drawings, or cartoons, violating someone's "personal space," foul or obscene language, leering, stalking, staring, noises, unwanted or offensive letters or poems, offensive emails, texts, gifs, memes, or voicemail messages.

Sexually harassing conduct in particular may include all of these prohibited actions, as well as other unwelcome conduct, such as requests for sexual favors, conversation containing sexual comments, and other unwelcome sexual advances. For example, sexual harassment can be:

- Verbal: sexual innuendoes, sexually suggestive or degrading comments, text messages, gifs, memes, sexual jokes or slurs, graphic commentaries about a person's body, or repeated sexual advances or invitations.
- Nonverbal: displaying sexually suggestive objects, pictures, cartoons, magazines, calendars or posters, or making suggestive or insulting sounds, leering, whistling, or obscene gestures.
- Physical: offensive touching, brushing against a person's body, unwanted hugging or kissing, or impeding or blocking a person's normal movement. Sexually harassing conduct may arise if a reasonable person subjected to the conduct would find that the harassment so altered working conditions as to make it more difficult to do that person's job. Sexually harassing conduct can occur regardless of the sex, sexual orientation, or gender identity of the harasser or of the person being harassed. Sexually harassing conduct need not be motivated by sexual desire to be violate of this policy.

Sexual Harassment Training

All non-managerial employees must attend a one-hour Sexual Harassment Prevention Training, and all managerial employees must attend a two-hour Sexual Harassment Prevent Training. All SBCCOG employees will be required to attend a sexual harassment training every two years as assigned by Administration. Managers will receive two hours of training every two years as assigned by Administration. Staff may be required to attend additional anti-harassment or other sensitivity training regarding any protected class. Company employees may refer to the Department of Civil Rights (CRD) sexual harassment prevention online training course

appropriate for their position. You may also visit <https://calcivilrights.ca.gov> to access the online training courses.

Internal Reporting

All employees, independent contractors, interns, and volunteers of SBCCOG must promptly report any incidents of harassment, discrimination, and retaliation so that SBCCOG can take appropriate action. It is the responsibility of all of us to contribute to a work environment that is free of unlawful bias, discrimination, harassment, and retaliation. Failure to bring forth a complaint prevents SBCCOG from having the opportunity to correct the situation.

Any incidents of discrimination, harassment, or retaliation, including work-related harassment by any SBCCOG personnel or any other person, or any conduct believed to violate this policy, must be reported immediately to the SBCCOG's Executive Director or their designee, who is responsible for investigating harassment complaints. An individual is not required to bring a complaint to the Executive Director or their designee if the individual is uncomfortable doing so for any reason. In that case, complaints should be reported to the Executive Director.

Managers and supervisors have a special responsibility under this policy. All levels of management and all supervisors are responsible for compliance with this Policy Against Harassment, Discrimination, and Retaliation and for ensuring that everyone in their department is aware of, understands and adheres to this policy. Supervisors and managers who receive complaints or who observe or learn of discriminatory, harassing, or retaliatory conduct must immediately inform the Executive Director or their designee or other appropriate SBCCOG official so that an investigation may be initiated.

Individuals making such complaints must report the facts as accurately and as completely as possible. Every reported complaint of harassment, discrimination, and retaliation is taken seriously by SBCCOG. Every reported complaint, including allegations of misconduct, will be investigated thoroughly and promptly by impartial and qualified personnel. Typically, the investigation will include the following steps: an interview of the employee who lodged the complaint to obtain complete details regarding the alleged harassment, discrimination, or retaliation; interviews of anyone who is alleged to have engaged in such conduct to respond to the claims; and interview of any employees who may have witnessed, or who may have knowledge of, the alleged conduct. The Human Resources Director or other SBCCOG official responsible for the investigation, will notify the employee who lodged the complaint of progress during the investigation, including documentation where applicable, and timely notification of the results of the investigation. The investigation will be handled in as confidential a manner as possible consistent with a fair, timely, and thorough investigation (e.g., parties will receive appropriate due process, SBCCOG will reach reasonable conclusions based on the evidence collected, etc.). Employees (or other complainants) making complaints are expected to cooperate fully with the person or persons designated to investigate the complaint.

SBCCOG prohibits conduct severe enough to be unlawful. Yet even more, SBCCOG's workplace conduct standards also prohibit conduct and comments which are not severe enough to violate state or local or federal law—but which are still inappropriate in the workplace. For example, SBCCOG prohibits abusive conduct in the workplace—whether or not it is based on a protected category. As a result, SBCCOG will take prompt, appropriate, and effective corrective action (e.g., remedial

measures) any time it is established that discrimination, harassment, or retaliation in violation of this policy has occurred—whether or not such violation also violates the law.

Corrective action may include, for example: training, referral to counseling, or disciplinary action ranging from a verbal or written warning to termination of employment, depending on the circumstances.

External Reporting Procedure

In addition to SBCCOG’s internal complaint procedure, an employee may file a complaint by contacting the following:

Department of Civil Rights (CRD) at 800-884-1684 or visiting

<https://calcivilrights.ca.gov/contactus/>

Equal Employment Opportunity Commission (EEOC) at 800-669-4000 or visiting

<https://www.eeoc.gov/contact-eeoc/>.

SBCCOG will not tolerate retaliation against an individual for good faith reports of harassment, discrimination, or retaliation; assisting another in making a report; cooperating in an investigation; filing an administrative complaint with a government agency; or engaging in other protected activity. Such retaliation is a separate violation of the law and of SBCCOG policy, and is subject to disciplinary action up to employment termination. Individuals who believe they have experienced or been threatened with such retaliation, and any manager or supervisor who learns of possible retaliation, must immediately report it using the same complaint reporting process.

6.5 Workplace Violence

SBCCOG recognizes that workplace violence is a concern among employers and employees across the country. SBCCOG is committed to providing a safe, violence-free workplace and has adopted a separate workplace violence prevention plan available for review.

Employees may request a copy of the workplace violence prevention plan from the Human Resources Director.

6.6 Smoking Prohibition

SBCCOG recognizes that smoking (defined to include any recreational inhalant, whether using tobacco or not) and tobacco use (including smokeless tobacco) in the workplace can adversely affect customers and co-workers. SBCCOG is committed to a philosophy of good health and a safe workplace. In keeping with this philosophy, it is important that the workplace and office environment reflect SBCCOG’s concern for good health. Smoking and tobacco use, therefore, are not permitted inside SBCCOG facilities or vehicles or on any Company property. This prohibition includes but is not limited to cigarettes, pipes, smokeless tobacco, vaporizers, water pipes, e-cigarettes, marijuana (whether prescribed or not), and any other recreational inhalable.

Employees who wish to smoke or use tobacco products must limit their use to meal and rest periods when they are able to leave Company property. This policy relates to all Company areas at all times, including before and after normal working hours.

6.7 Drugs & Alcohol

SBCCOG will be firm in identifying and disciplining those employees who use, possess, or distribute illegal drugs or alcohol in violation of SBCCOG's policies. SBCCOG has a significant interest in ensuring the health and safety of its employees. In addition, SBCCOG has an obligation to ensure that its employees do not present a safety risk at work, or to the efficient performance of the employee's duties. The use of drugs, alcohol, or any other substance which alters an employee's behavior affects an employee's ability to perform his or her duties safely and effectively, and increase the potential for accidents, absenteeism, and substandard performance, cause poor employee morale, and can damage SBCCOG's reputation. Additional rules and procedures may be applicable to safety-sensitive positions.

At no time shall any employee be under the influence of any controlled drug or alcohol while on the job, including but not limited to marijuana (with, or without, prescription).

PLEASE NOTE: Despite Proposition 64's legalization of marijuana under California law, SBCCOG's still considers it a prohibited drug for purposes of this policy as it remains illegal under Federal law. Being under the influence of marijuana while on duty, at any level of intoxication, is prohibited. An employee will be considered under the influence if it is determined based on a drug test which detects the presence of Tetrahydrocannabinol (THC) that the employee is impaired while on duty. Employees shall not be tested for the presence of non-psychoactive cannabis metabolites. Use, possession, purchase, sale, or distribution of marijuana are grounds for discipline, mostly likely termination. Employee use of marijuana is not excused even when used as "medical marijuana."

Definitions. For the purposes of this policy, the following terms shall have the following meanings:

- A. "Alcohol" means any alcoholic beverage as defined in California Business and Professions Code Sections 23000, *et seq.*
- B. "Drug" means any drug, including but not limited to illegal drugs, prescription medications, and/or over-the-counter medications.
- C. "Illegal Drug" means any substance, drug, narcotic, or immediate precursor which may subject an individual to criminal penalties, or a legal drug which has not been legally obtained or is being used in a manner for which it was not prescribed or intended. Because marijuana is regulated on the federal level, it is considered an "Illegal Drug" under this policy, whether obtained legally under state law or not.
- D. "Legal Drug" means any "over-the-counter" drug or prescription drug which has been legally obtained and is being used in a manner, combination and quantity for which it was manufactured, prescribed, or intended.
- E. "Reasonable Suspicion" is defined as a good faith belief, based on articulated facts or evidence that a person may be under the influence of alcohol or drugs.

- F. "On Duty" means the span of time between the time the employee reports for work through the time an employee's period of work ends. It also includes any time an employee is on standby duty. Standby duty includes any time during which an Company employee is on notice that he or she may be called to duty.
- G. "Safety Sensitive Position" means a position that has job duties that may put the employee or others at risk of irremediable consequences if performed under the influence. Irremediable consequences result when an employee, due to the use of drugs or alcohol, is not able to rectify his or her mistake, and the co-workers of the employee have no opportunity to intervene, before harm occurs. A safety sensitive position would include, but not be limited to, those positions that as a normal course of business require SBCCOG's employees to operate vehicles, equipment, tools, and/or other devices or machinery that may cause bodily harm to themselves or other individuals.
- H. "Under the influence" means that a drug or alcohol is present in the employee's system in any detectable amount that may impair the employee's ability to work safely and efficiently.

Prohibitions. The following conduct is prohibited and may result in discipline, up to and including termination:

- 1) Using or possessing alcohol or other controlled substances while on duty.
- 2) Reporting for duty or remaining on duty when the employee used any controlled substances, except if the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a vehicle or otherwise perform the employee's job.
- 3) Reporting for duty or remaining on duty if the employee tests as having a blood alcohol concentration of 0.04 or greater.
- 4) The use or being under the influence of any legally obtained drug by an employee while performing Company business, while on Company property, is prohibited to the extent that such use or influence may affect the safety of the employee, co-workers, the employee's job performance; or the safe or efficient operation of SBCCOG's business. An employee shall notify his or her supervisor if the employee is using a legal drug which may impair the employee's ability to perform work safely and efficiently. The employee will not be required to disclose the type of drug or the reason for taking the drug, but the employee may be required to provide verification from his or her doctor or physician that he or she may continue working safely and efficiently while taking the drug. If the employee's doctor or physician cannot verify that the employee can work safely and efficiently while taking the drug, the employee may be placed in an alternative position, if available, or on a leave of absence until the employee is no longer taking the drug in question.
- 5) The use, being under the influence, manufacture, distribution, purchase, transfer, or possession of an illegal drug by an employee while on duty, on standby duty or while on Company property is strictly prohibited. A controlled substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a

prohibited substance in the body above the minimum thresholds defined in the Department of Transportation guidelines. Marijuana, whether or not obtained legally under state law, is federally regulated and is therefore considered an “illegal drug” under this policy; there is no allowable level of influence for marijuana.

- 6) Reporting for duty or remaining on duty if the employee tests positive for controlled substances (including, but not limited to, marijuana, whether prescribed or not).
- 7) Refusing to submit to any alcohol or controlled substances test required by this Policy. An employee who refuses to submit to a required drug/alcohol test will be treated in the same manner as an employee who tested 0.04 or greater on a blood alcohol test or tested positively on a controlled substances test. A “refusal to submit” to an alcohol or controlled substances test required by this policy includes, but is not limited to:
 - A refusal to provide a urine sample for a drug test;
 - An inability to provide a urine sample without a valid medical explanation;
 - A refusal to complete and sign the breath alcohol testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the test;
 - An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation;
 - Tampering with or attempting to adulterate the urine specimen or collection procedure;
 - Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested;
 - Leaving the scene of an accident without a valid authorization.

Please note: SBCCOG reserves the right to search all places under the common control of SBCCOG and employees and to enlist the assistance of law enforcement personnel in connection with the enforcement of this policy.

Alcohol and Drug Testing

An applicant for a safety sensitive position with SBCCOG shall be required to participate in and successfully complete a drug screening as part of their pre-employment medical examination. Any offer of employment will be conditioned upon compliance with this policy. Failure or inability to successfully complete the drug screening process will constitute disqualification of the applicant for the position. The applicant will be requested to execute a consent form which includes a waiver and release. Refusal to do so will terminate consideration of the applicant for employment. A prior failed drug screening is grounds for denial of future employment applications. Applications received within one year of a failed drug screen will not be considered.

1. Reasonable Suspicion Testing

All employees may be required to submit to an alcohol or drug test if a supervisor has reasonable suspicion to believe the employee is under the influence of alcohol or controlled substances. Reasonable suspicion alcohol and drug testing will generally be administered within two hours of the observation. If not, the supervisor should provide written documentation as to why the test was not promptly conducted.

SBCCOG may require a blood test, urinalysis, or other drug and/or alcohol test of employees reasonably suspected of using or being under the influence of a drug or alcohol when on duty or on Company property. The type of test to be performed shall be determined by the medical facility, laboratory or collection facility conducting the test. For marijuana, an employee will be considered under the influence if it is determined based on a drug test which detects the presence of Tetrahydrocannabinol (THC) that the employee is impaired while on duty. Employees shall not be tested for the presence of non-psychoactive cannabis metabolites. An employee's consent to submit to such a test is required as a condition of the employee's continued employment, and the employee's refusal to consent will be considered insubordination and may result in disciplinary action, up to and including termination of employment, for even a first refusal or any subsequent refusal.

Only the Executive Director or their designee or other designated individuals who have specific training with respect to recognizing potential substance abuse will have the authority to request a drug or alcohol test based on reasonable suspicion. Employees must report any perceived violation of this policy to their supervisors or the Human Resources for further assessment. The Executive Director or their designee Head or other designated individuals (as applicable) requesting an employee to submit to a drug or alcohol test based on a reasonable suspicion must document in writing the facts constituting reasonable suspicion that the employee in question is using or under the influence of drugs or alcohol.

Employees reasonably believed to be under the influence of drugs or alcohol shall not be permitted to engage in further work. In addition, such employees shall not depart from their assigned workplace without supervision. If it is reasonably suspected that an employee is under the influence of illegal drugs or alcohol, or if it is suspected the employee is being impaired from the use of a legal drug, SBCCOG shall arrange for transportation from the assigned workplace to a testing center and/or the employee's residence, as is deemed appropriate.

Any employee who has drugs or alcohol in his or her system that exceed the standards established by the Department of Transportation at the time a drug and alcohol test is performed based upon a reasonable suspicion shall be subject to disciplinary action, up to and including termination.

2. Procedures Used in All Testing

- Prior to any testing, an applicant or employee will be required to sign a consent and release form allowing SBCCOG to conduct or order the testing and receive the test results. The signing of a consent and release form is a condition of employment. An employee's refusal to sign a consent and release may be considered insubordination and will subject the employee to disciplinary action, up to and including termination of employment. An

applicant's refusal to sign a consent and release form will result in withdrawal of an offer of employment.

- The drug or alcohol testing will be conducted in such a manner as to reasonably provide the applicant or employee privacy.
- The test results will be kept on a need-to-know basis by SBCCOG. However, SBCCOG reserves the right to submit the test results as evidence in any legal or administrative action, including an action challenging disciplinary action taken by SBCCOG against the employee in question. A copy of the test results will be provided to the employee in question upon request.
- A portion of the biological sample taken in the drug or alcohol test will be provided to the employee or applicant, upon request, so that he or she may have the sample independently analyzed at his or her own expense.
- Biological samples taken in the drug or alcohol test will not be used for anything other than an analysis for drug or alcohol content.
- SBCCOG shall use specimen collection sites and laboratories certified for drug and alcohol testing by the U. S. Department of Health and Human Services.
- Testing of current employees will be conducted when the employee is in an on duty status.
- If an employee is tested for substance abuse and the test results are positive for drugs and/or alcohol, or if an employee admits to using drugs or alcohol that has affected their job performance, it is left to SBCCOG's management and Human Resource Department's discretion as to whether the employee shall be immediately terminated from their employment, or if they will be offered the opportunity to participate in a rehabilitation program which may be covered under SBCCOG's medical insurance coverage. If the employee is allowed to remain in the employment of SBCCOG and they elect to participate in a rehabilitation program, reinstatement to their position will be permitted only if the program was completed and they receive affirmation of their successful completion from the program provider. Before returning to work the employee must submit the results of a new drug and alcohol test which shows an absence of substances for which the test was originally given or any other substance which would be considered illegal, and which would cause impairment. This test will be performed at the same testing facility used by SBCCOG, or approved in advance by SBCCOG. Further, if an employee elects to participate in a rehabilitation program, they may be eligible to use their leave time, or request a leave of absence in order to enter into the program for a period of time to be determined prior to admittance into the program, not to exceed 30 days.
- Unless otherwise required by law, an employee will not be guaranteed reinstatement to the position they held at the time they were tested positively for drugs; following the successful completion of a rehabilitation program, reinstatement and the terms and conditions under which reinstatement will occur will be determined on a case-by-case basis, with the final

determination made by SBCCOG Manager. The terms and conditions for continued employment or reinstatement shall be contained in a written agreement.

3. Legal Drugs

An employee shall notify SBCCOG in writing of any legal drug (not including marijuana, whether obtained legally pursuant to state law or not) in his or her system which may show up as a positive result in a drug or alcohol test, prior to taking the test. (The employee will not be required to disclose the type of drug or the reason for taking the drug, but the employee may be required to provide verification from a doctor or physician that the employee's use of the drug is indeed legal and that he or she may continue working safely and efficiently while taking the drug.)

Consequences of Failing an Alcohol or Drug Test

A positive result from a drug or alcohol test may result in disciplinary action, up to and including termination, even for a first offense. SBCCOG also reserves the right to discipline or terminate an employee convicted of an offense which involves the use, distribution, or possession of illegal drugs. If an employee is not terminated, the employee:

1. Must be removed from performing any job function and immediately placed in an unpaid status.
2. Must submit to an examination by a substance abuse professional. Upon a determination by the substance abuse professional, the employee may be required to undergo treatment for his or her alcohol or drug abuse. SBCCOG is not required to pay for this treatment.
3. Shall not be returned to his or her former position until the employee submits to a return to duty controlled substance and/or blood alcohol test (depending on which test the employee failed) which indicates an alcohol concentration level of less than 0.02 or a negative result on a controlled substance test.
4. Will be required to submit to unannounced follow up testing and, possibly other conditions if he or she has been returned to his or her position.

Compliance With State or Federal Law

At all times, SBCCOG will comply with current applicable state or federal law concerning drug and alcohol testing. Issues or inconsistencies that are not addressed in this policy will be determined by referring to state or federal law and regulations governing drug and alcohol testing. SBCCOG reserves the right to make changes to this policy at any time, for the purpose of complying with state or federal law or regulation as it exists now or as it may be amended.

Acknowledgement of Receipt

Employee Name: _____

I acknowledge that I have received a copy of the Employee Policy Manual, issued by **South Bay Cities Council of Governments' Employee Policy Manual** ("SBCCOG") on _____, _____. I have promptly read its contents. I agree to observe and abide by the conditions of employment, policies, and rules contained in this Manual. I understand that this Manual refers to current benefit plans maintained by SBCCOG and that I must refer to the actual plan documents and summary plan descriptions as these documents are controlling.

I understand and agree that nothing in the Manual creates or is intended to create a promise or representation of continued employment and that employment at SBCCOG is employment "at-will;" employment may be terminated at the will of either SBCCOG or myself with or without cause. I understand and agree that the terms of my at-will employment may not be modified or superseded except by a written agreement signed by me and the Executive Director of SBCCOG, that no other employee or representative of SBCCOG has the authority to enter into any such agreement, and that any agreement to employ me for any specified period of time or that is otherwise inconsistent with the terms of this Acknowledgment will be unenforceable unless in writing and signed by me and the Executive Director of SBCCOG.

I acknowledge that the SBCCOG reserves the right to modify or amend its policies at any time, without prior notice. I also acknowledge receipt of SBCCOG's anti-harassment and discrimination policy set forth in this Manual, and I certify that I have read it, understand it, and agree to comply with its terms and conditions. Further, I acknowledge receipt of the Alcohol-Free and Drug-Free Workplace Policy set forth in this Handbook, and I certify that I have read it, understand it, and agree to comply with its terms and conditions.

My signature below certifies that I understand that the foregoing agreement on "at-will" status is the sole and entire agreement between SBCCOG and me concerning my employment and the circumstances under which my employment may be terminated. I also understand that if I violate the rules, policies, and procedures set forth herein that I may be subject to discipline, up to and including termination of my employment. This Manual supersedes all prior agreements, understandings, and representations concerning my employment. I understand that if I have questions regarding the Manual that I can discuss with my management team or with the Executive Director or Deputy Executive Director.

Signature _____ Date _____

Print Name _____