

**TRANSPORTATION AGENCY
FOR
MONTEREY COUNTY
(TAMC)**

**HUMAN RESOURCES
RULES AND REGULATIONS**

**Revised and approved by the
Board of Directors on February 27, 2008**

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TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)

Human Resources Rules and Regulations

SECTION I GENERAL

1.1 Purpose

It is the purpose of these regulations to set forth the policy for TAMC employees and to establish procedures for the handling of human resources matters.

1.2 Positions Covered

These rules and regulations shall cover all employees in the classified service. The Executive Director is appointed and serves at the pleasure of the Board of Directors. To the extent that provisions of the Executive Director's contract vary from these Human Resources Rules and Regulations, the contract requirements prevail. Temporary employees are not covered by these rules.

1.3 Authority of the Executive Director

The Executive Director shall administer these rules and regulations and is authorized to hire, discharge, and discipline employees.

1.4 Administration

These rules shall be maintained by the Executive Director, who shall, him/herself or by designee:

- A. Maintain personnel records.
- B. Prepare and recommend to the Executive Director:
 - 1. Revisions and amendments to these rules.
 - 2. Revisions to the pay and classification plans.
- C. Handle personnel recruitment and in-service training actions.

1.5 Amendment of Rules

- A. Amendments to these rules shall be reviewed by the Executive Director and referred to the Board for decision.
- B. The Executive Director is authorized to issue administrative policies for the purpose of implementing those rules; providing that such policies are not in conflict with the rules as written and approved by the Board. Administrative policies, which have a substantive effect on employees or a financial impact on TAMC, will be referred to

the TAMC Board for approval.

1.6 Equal Employment Opportunity/Affirmative Action Employer Statement

TAMC does not discriminate based on race, color, ancestry, medical condition, sex (including pregnancy, childbirth and related medical conditions), physical or mental disability, veteran status, sexual orientation, age, national origin, religious affiliation, political affiliation, Union membership, marital status, Workers' Compensation in California, or gender identity. This policy covers all facets of employment, including but not limited to, recruitment, training, selection, promotions, transfers, compensation, demotions and terminations.

1.7 Policy Against Harassment

The Agency does not tolerate unlawful, discriminatory harassment in any form, including verbal, physical and visual harassment by any employee, supervisor, manager, officer or Board member, or agent of the employer. This includes harassment on the basis of gender, sexual orientation, race, color, ancestry, religious creed, disability, medical condition, age (over 40), marital status, gender identity or any other protected class under applicable law. This policy applies to all phases of the employment relationship, including recruitment, testing, hiring, promotion/demotion, layoff, termination, rates of pay benefits, and selection for training.

Activity or conduct is defined as "harassment" when it is personally offensive or unreasonably interferes with any person's work performance or creates an intimidating or uncomfortable work environment. The person offended, unreasonably interfered with or intimidated need not be the recipient or object of the discriminatory conduct.

Sexual harassment includes, but is not limited to the making of unwelcome sexual advances and requests for sexual favors where either submission to such conduct is made an explicit term or condition of employment, or submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals. Sexual harassment also includes the display of derogatory poster, cartoons and/or drawings and other material referring to sex, or other physical or verbal conduct of a sexual nature in the workplace by supervisors, managers or co-workers.

Any employee, who believes he or she has been harassed by a co-worker, supervisor, manager, officer, Board member or agent of the employer, or who has knowledge of such harassment, should promptly report incident(s) and the name(s) of the individual(s) to his/her supervisor or, in the alternative, to the Executive Director or the TAMC Legal Counsel. Supervisors shall immediately report any incidents of harassment to the Executive Director. The Executive Director shall designate an appropriate individual to investigate any such claim and may take appropriate action. Any claims against the Executive Director will be investigated by TAMC Legal Counsel or his/her designee. All records and information relating to the investigation of any alleged harassment and

resulting disciplinary action shall be confidential, except to the extent disclosure is required by the law, as part of the investigatory or disciplinary process, or as otherwise reasonably necessary. Retaliation against anyone for opposing conduct prohibited by this policy or for filing a complaint with or otherwise participating in an investigation, proceeding or hearing conducted by TAMC, Equal Employment Opportunity Commission or the Department of Fair Employment and Housing is strictly prohibited.

Knowingly, falsely accusing someone of harassment or otherwise knowingly giving false or misleading information in an investigation of harassment shall be grounds for disciplinary action, up to and including, termination of employment.

1.8 Security/Workplace Violence

The security of facilities as well as the welfare of the employees depends upon the alertness and sensitivity of every individual to potential security risks. Be aware of persons loitering for no apparent reason in the parking area, entrances and exits. Report any suspicious persons or activities to management personnel. Immediately report any facilities keys that are missing. Secure your desk or office at the end of the day including all TAMC checks and any confidential paperwork. When leaving your work area for an extended length of time, do not leave valuable and/or personal articles in or around your workstation.

TAMC is committed to providing its employees a safe work environment. The Agency does not tolerate any violent or threatening behavior by or toward its employees. This policy prohibits actual or threatened violence against any person on Agency premises, at any Agency sponsored event, and/or while engaging in any Agency related activity. Safety and security in the workplace is every employee's responsibility.

Some examples of conduct that violate this policy include threats of any kind, physically aggressive or violent behavior, intimidating or harassing behavior, sabotage or destruction of any TAMC property or property of any employee. Additionally, the Agency strictly prohibits the possession of any weapon, firearm, or other dangerous objects or material of any kind on TAMC premises or at any TAMC related event.

Report any threats of or actual violence to your immediate supervisor or any management personnel. This includes threats by employees, vendors, solicitors or other members of the public.

Employees should notify their supervisor and Administrative Services Manager of any restraining order in effect or of any potentially violent non-work situation that could result in workplace violence.

TAMC will promptly and thoroughly investigate any report of actual or potential workplace violence. The identity of the individual making a report will be kept confidential as much as practical. The Agency will not tolerate retaliation against any employee who

reports workplace violence.

SECTION II DEFINITIONS

2.1 Allocation

The assignment of a specific position to an appropriate classification on the basis of the type, degree of difficulty, and responsibility of the work actually performed in the position.

2.2 Agency (or TAMC)

Transportation Agency for Monterey County, composed of the five County Board of Supervisors, representatives from the 12 incorporated cities, 6 ex-officio members, a TAMC Counsel, an Executive Director and staff.

2.3 Applicant

An individual who has completed and submitted an application for employment with TAMC.

2.4 Appointing Authority

The Executive Director who has authority to appoint or to remove employees.

2.5 Appointment

The filling of a position with an incumbent properly authorized by the Executive Director.

2.6 Candidate

An individual whose application has been accepted for consideration and who is invited to participate in the selection process.

2.7 Certification

The submission of names of eligible candidates from an appropriate list to the Executive Director.

2.8 Class or Classification

A group of positions, which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, class specification, examples of duties, requirements, and salary range.

2.9 Class Specification

The written description of a class, containing a title, statement of duties, authority and responsibilities and the minimum qualifications for the class.

2.10 Classification Plan

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The official or approved system of grouping positions into appropriate classes consisting of:

- A. An index to the class specification.
- B. The class specifications.
- C. Rules for administering the classification plan.

2.11 Classified Service

All regular positions in the service of TAMC as defined in the TAMC job classification.

2.12 Compensation Plan

The official schedule of pay approved by the TAMC Board assigning one or more rates of pay to each classification.

2.13 Compensation

The standard rates of pay which have been established for the respective classes of work, as set forth in the compensation plan.

2.14 Controlled Substance

A controlled substance is as provided on schedules I through V of Section 202 of the Controlled Substances Act (21U.S.C. 812), and as further defined by regulation at 21 CFR 1300.11 through 1300.15.

2.15 Conviction

A finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal statutes.

2.16 Criminal Drug Statute

A federal or non-federal criminal statute involving the manufacture, distribution, dispensing, use or possess of any controlled substance.

2.17 Dismissal

Separation from employment; for cause, if required by law, in the case of a Regular employee, or without cause in the case of a probationary or temporary employee.

2.18 Drug-Free Workplace

A site for the performance of work done in connection with a specific grant at which employees of the grantee are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.

2.19 Employee

A person occupying a paid position in TAMC service and covered by these policies unless otherwise excluded.

- 2.20 Employee Organization
A union or employee group representative recognized by TAMC as an exclusive bargaining representative.
- 2.21 Examination
Any procedure used as a basis for making employment decisions.
- 2.22 General Employees
All positions except the Executive Director, the Deputy Executive Director and the Administrative Services Manager are classified as general employees for the purposes defined in this document.
- 2.23 Holiday
The period between 12 midnight and 12 midnight of the day on which an authorized holiday falls, or the same period on the day designated to serve in lieu of the holiday, when the latter falls on a Saturday or Sunday.
- 2.24 Human Resources Resolution
Resolution adopted by the TAMC Board, establishing a system of human resources administration.
- 2.25 Immediate Family
Includes spouse, children, parents, brother, sister, or grandparents of employee, and close blood relatives or close relatives through marriage; as determined by the Executive Director.
- 2.26 Leave of Absence
Permission to be absent from duty for a specified period of time and for a specified purpose, with the right to return at the expiration of the approved period of leave.
- 2.27 Management Employees
The Executive Director, the Deputy Executive Director and the Administrative Services Manager are classified as management employees for the purposes defined in this document, including exempt status and benefits.
- 2.28 Pay Period
A two-week period consisting of 14 consecutive days.
- 2.29 Personnel Action
An action taken with reference to appointment, compensation, promotion, transfer,

layoff, dismissal, or any other action affecting status of employment.

2.30 Personnel File or Personnel Record

That record maintained by the Executive Director or designee relating to the employment history of an individual employee.

2.31 Position

A group of current duties and responsibilities assigned to be performed by one employee on a full or part time basis.

2.32 Probationary Period

A fixed period of time during which a Regular employee is required to demonstrate, by actual performance of duties, his/her fitness for the position to which he/she has been appointed.

2.33 Promotion

The movement of an employee from a position in one class to a vacant position in another class with a higher salary range, usually as a result of a competitive selection process.

2.34 Reclassification

A change in designation of an individual position by raising it to a higher class, reducing it to a lower class, or by moving it to another class at the same salary level on the basis of significant changes in the type, degree of difficulty, or responsibility of the work performed in such position.

2.35 Reduced-time or Part-time employee

An employee who works a total number of hours which is less than full-time work (40 hours per week) on either a daily or weekly basis.

2.36 Regular Employee

A person appointed through certification to a vacancy after s/he successfully completes probation.

2.37 Supervisor

Employees that have the authority, in the interest of TAMC, to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances. This is generally to whom an employee reports.

2.38 Suspension

The temporary separation of an employee from his or her duties with or without pay for disciplinary purposes or pending investigations of charges or circumstance.

2.39 Temporary Employees

Personnel hired for a period of time that is normally limited to six full calendar months or less, the purpose of which is to provide additional employees to prevent undue delay or interference with the provisions of necessary public service, or when a short-term increase in workload requires additional employees.

2.40 Vacancy

A duly authorized position in the classified service, which is not occupied, for which funds have been budgeted and which the Executive Director has determined to fill.

2.41 Work Day

Scheduled number of hours an employee is required to work per day.

2.42 Y- Rate

“Y-rating” is a procedure whereby an employee who is reclassified or demoted to a class having a lower salary range than his/her current class may retain his/her current salary after the reclassification to the lower class. The employee’s salary at the time of the Y-rate shall not increase until such time as the maximum salary of the class to which the employee was reclassified exceeds the employee’ salary.

SECTION III CLASSIFICATION PLAN

3.1 Purpose

The classification plan provides a complete inventory of all positions in the classified service and specification for each classification.

3.2 Composition of Classification Plan

The classification plan shall consist of:

- A. A grouping of positions by classification within classification series.
- B. A schedule of compensation by classification.
- C. Written specifications for each classification.

3.3 Content of Specifications

Each class specification shall include the title, a description of the duties and responsibilities of work, and a statement of the qualifications required of the person who is to perform the work.

Class specifications are descriptive and not restrictive. They are not to be construed as limiting the duties or responsibilities of any position, nor as limiting or modifying the power of the Executive Director, or designee to assign, direct

and control the work of employees under his supervision.

3.4 Assignment of Positions to Class

The Executive Director or designee will assign or allocate each position in the classified service to a classification established under the plan.

3.5 Use of Class Title

Class title shall be the official title of every position allocated to the classification for the purpose of personnel actions and shall be used on all payrolls, budget estimates, official records, and reports relating to the position.

3.6 Modifications to Classifications Plan

Modifications to existing classifications may be made necessary by gradual changes in job duties over a period of time. The classification plan will be kept current to reflect additions, deletions, or modifications of classes. Major changes of classification content, which have fiscal impact, shall be referred to the Board's Executive Committee for recommendation to the full Board.

SECTION IV COMPENSATION

4.1 Salary Plan

The TAMC salary plan was approved by the TAMC Board on December 6, 2000, and as it is updated by the TAMC Board thereafter.

4.2 Allocation of Positions

The salary ranges and positions allocated thereto, shall be set by the Board of Directors usually in conjunction with approval by the annual budget, but the salary schedule may be amended by the Board at other times when a specific need arises.

4.3 Anniversary Date for Purposes of Step Advancement

A. An employee's anniversary date or date of eligibility for advancement to a higher step on a salary range shall be determined by the employee's most recent date of appointment or re-employment in his/her current class. All increases will be effective with a Monday date in order to coincide with Payroll. If the employee's anniversary date is Sunday, Monday, Tuesday or Wednesday, the increase will be effective the Monday of the week in which it is due. If the employee's anniversary date is Thursday, Friday or Saturday, the increase will be effective the Monday of the week following in which it is due.

B. The Executive Director or designee shall notify all prospective employees, when confirming in writing his/her employment with TAMC the employees'

anniversary date as well as the Basic Salary plan.

4.4 Employee Incentive Program

- A. Total cost of this program not to exceed \$7,500 in a fiscal year. All employees that are subject to step increases are eligible for this program. The purpose of this incentive program is not to increase employee compensation, but rather to realize a public benefit through the promotion of efficiency, initiative and morale in TAMC service. This incentive program serves the substantial public purpose of ensuring continued recruitment and retention of qualified and competent employees. From a legal perspective, TAMC Counsel approves this program, provided it is not granting benefits to employees for past services, which could be construed as making a gift of public money. With this incentive program, TAMC is taking self-serving steps to further the agency's self-interest in recruiting and retaining the most competent employees.
- B. If an employee demonstrates sustained superior performance over a significant period of time, the Executive Director may at his/her discretion approve a step increase for this employee. The definition of sustained superior performance includes consistent, day-to-day, unfailingly exceptional work output that is both quantitatively and qualitatively superior. Superior quality means written reports that are well thought out, timely, accurate, and written correctly for the intended audience. Superior quantity means volume of work above what would normally be expected of an average performer. This award must have prior approval by the TAMC Executive Committee.
- C. If an employee performs outstandingly and spectacularly on a particular project, the Executive Director may at his/her discretion authorize payment to this employee of a one-time cash award. The one-time cash award is for a piece of work, or completed project that is over and above what is usually expected of that person in that job classification. It is for work "above and beyond" the call of duty that is beneficial to the agency and to the public. The one-time cash awards would range from \$50 to \$150 each and would not exceed an agency-wide total of \$700 per fiscal year. This award must have prior approval by the TAMC Executive Committee.
- D. If an employee performs outstandingly "in the moment", a management employee may award the employee with an "employee of the moment" coupon, which could include low-value redeemable merchant coupons for outstanding performance of specific activity. The employee of the moment coupons would be from \$5 to \$10 each and would not exceed a total cost to the agency of \$300 a year. The "Employee of the Moment" award is for an action or individual piece of work that took less than one day to accomplish,

and was superlative in and of itself in character, and successful in outcome.
All TAMC management staff is authorized to make this award.

SECTION V RECRUITMENT

All personnel covered by these rules and employed by TAMC will be chosen, retained and advanced on the basis of merit.

Recruitment for regular employee position vacancies will be advertised to the public on an area basis as dictated by the particular situation unless waived by Board of Directors. All persons who meet the minimum qualifications for the position may apply. All applications will be impartially screened, and those individuals determined to be the best qualified will be invited to participate in an examination, either oral, written, or both. An eligibility list will be prepared and certified to the Executive Director. Under normal conditions, one of the top rated candidates will be chosen to fill the position.

5.1 Employment Policies

Objective: The underlying objectives of TAMC's employment policy is to reach and consider all segments of the population through a positive recruitment program and by recruitment of personnel who are capable of making a distinct contribution to the effective operation of TAMC.

5.2 Filling Vacant Positions

Vacancies in the classified service shall be filled in accordance with these regulations and the rules on compensation classification.

5.3 Order of Consideration in Filling Vacant Positions

The Executive Director will utilize the following order of consideration in filling vacant positions:

- A. Laid-off and Bumped Employees. Employees with Regular status who were (a) separated through no fault of their own, or (b) bumped from their positions to a lower level position as a result of a layoff action.
- B. Reinstatement. This includes employees who held Regular status in the classified service, resigned in good standing, have requested reinstatement within one year from the time each resigned.
- C. Entrance Appointment. Includes those candidates whose names are on eligibility lists for employment with TAMC.

5.4 Certification Procedures

The Executive Director or designee shall certify the names of qualified candidates on an existing current eligibility list to the Executive Director for consideration. If, in the opinion of the Executive Director, qualified candidates are not available on an existing eligibility list, TAMC may proceed to conduct a recruitment to fill the vacancy.

5.5 Announcements

The Executive Director or designee will prepare recruitment announcements containing a job summary and other essential information about the position.

5.6 Applications

All persons applying for positions with TAMC will be required to complete the TAMC employment application form.

5.7 Testing of Applicants

A. Types of Examinations. Examinations held to establish a list of eligible candidates for any class shall consist of one or more of the following parts:

1. Written Tests. Written tests shall be designed to measure the various knowledge and abilities necessary to perform the particular job. Written examinations will be given when the qualifications necessary to perform the job cannot be tested in an oral examination alone.
2. Oral Examinations. Oral examinations shall include a personal interview with the candidates for those classes where the ability to deal with others or to meet the public, or other personal qualifications are to be determined.
3. Performance Tests. Performance tests shall include tests to determine the ability and manual skills of candidates to perform the specific tasks required by the position.

B. Training and Experience. Applicants may be required to indicate possession of necessary training and/or experience for specific questions. This information shall be supplied by the applicant in his or her application form or by providing supplementary data when required.

C. Scoring of Examination. Sound measurement techniques and procedures shall be used in scoring the results of these tests and in determining the relative ranking of the candidates. Candidates may be required to attain a minimum score on the required tests. In all examinations, the minimum score by which eligibility may be achieved shall be established by TAMC.

5.8 Notification of Applicants

If the Agency establishes an eligibility list, each person who takes an examination shall be notified that he/she has been placed on the eligibility list or his/her failure to obtain a place on the list.

Eligibility lists shall normally remain in effect for one year, but may be extended or shortened based on the needs of TAMC as determined by the Executive Director or his/her designee.

SECTION VI APPOINTMENTS

6.1 General

The Board of Directors appoints the Executive Director. All other appointments are made by the Executive Director.

6.2 Completion of Appointments Papers

A. Personnel Action Form. This form is used for initial appointment to Regular and temporary positions, as well as for re-hires, promotions, demotions, transfers, reclassification, merit increases, basic rate changes, premium pay, salary changes and separations. All copies of the form are reviewed and approved by the Executive Director or designee and signed by the employee.

B. Personnel Division Forms. TAMC shall prepare the following forms and furnish them to eligible employees:

1. Personnel Action Form.
2. Employee withholding exemption certificates.
3. Health insurance enrollment card.
4. Retirement enrollment form.

C. Payroll Data for New Employees

1. Personnel employed after the start of a normal pay period will be paid at the hourly rate established for the step and range of their position, for the balance of the first pay period.
2. Personnel commencing work on the first day of a normal pay period will be paid at the rate of the step and pay range for their position.

D. In compliance with the Immigration Reform and Control Act, each new employee, as a condition of employment, must complete the Employment Eligibility Verification form (I-9) and present documentation establishing identity and employment eligibility no later than three (3) days following

date of hire.

6.3 Types of Appointments

A. Regular Employee appointments. Appointments of regular employees are to vacant positions existing for an on-going period of time. A Regular employee appointment carries with it the rights, duties, privileges, and protection extended by these Personnel Rules.

1. Probationary Status

(a) Initial Probation - The probationary period served upon initial hiring or reinstatement. Full rights, privileges, and protection of a Regular employee may be limited during initial probation, as indicated in these Rules.

(b) Disciplinary Probation - The probationary period served upon disciplinary demotion.

B. Temporary Employee appointments. The Executive Director may make temporary part time or full time employee appointments in an emergency, to prevent undue delay or interference with the provision of necessary public services, or when a short-term increase in workload requires additional employees, provided budgeted or emergency funds are available. Temporary employee appointments are limited to less than 1,000 hours per fiscal year. Successive temporary appointments to the same position or of the same person are not generally made. These positions are ineligible for benefits, except those required by statute.

C. Reduced Workweek Appointments. Regular appointments may be made where positions require less than full time work on either a daily or weekly basis. Appointments to budgeted positions in the classified plan in which the annual work schedule will be 21 to 39 hours per workweek will accrue benefits on a prorated basis.

D. Intern Appointment. Intern appointments are temporary appointments made when funds have been budgeted for persons in a professional field who seek to gain supervised practical experience while working in support of ongoing projects and programs. The annual work schedule for such appointments shall include less than 1,000 hours per fiscal year. These appointments are ineligible for benefits, except for those required by statute or negotiated by the Executive Director. Successive intern appointments are not generally made. Interns will be subject to the general provisions of Section XIX, Employee Performance Reviews and will receive interim reviews and updates every three months.

SECTION VII PROMOTIONS, DEMOTIONS AND REINSTATEMENTS

7.1 Promotion

First consideration for promotions will be given to qualified employees.

- A. Vacant positions in the classified service above the lowest rank in any classification shall be filled, as far as practicable, by the promotion of employees in the classified service. In each case the Executive Director shall determine whether an open competitive examination or a promotional examination will best serve TAMC.
- B. Whenever TAMC determines that a promotional examination is to be held, notice of such examination shall be published and posted in prominent locations in all work areas.
- C. In exceptional cases, when an individual employee has demonstrated through superior job performance that he/she is capable of performing work in a higher related class, and is the only employee to have so demonstrated, the Executive Director may approve the promotion of that employee without further testing.

7.2 Demotion

An employee may be demoted to a position in a lower class for which he/she is qualified, and for which a vacancy exists, for any of the following reasons:

A. Non-Disciplinary

- 1. When a regular employee would otherwise be laid off because his/her position is being abolished; his/her position is being reclassified and he/she is not qualified for the new classification; lack of work; lack of funds; or because of the return to work from authorized leave of another employee to such a position in accordance with the rules on leave.
- 2. When an employee voluntarily requests such a demotion, the Executive Director may impose a new probationary period, at his/her discretion.
- 3. In the case of non-disciplinary demotion, the Executive Director may "Y-rate" the employee's salary. Y-rating is not subject to the grievance procedure.

B. Disciplinary

- 1. Disciplinary demotions may occur when an employee is not rendering satisfactory service or as enumerated in section 9.4.

2. An employee demoted for disciplinary reason shall serve a new probationary period.

7.3 Reinstatement

A qualified former Regular employee in the classified service who has resigned with a good record may be re-appointed, if a vacancy exists, to the former position or a similar position from which he/she resigned. Such reinstatement must be within one year of the date of resignation and may be without a qualifying competitive examination.

The former employee may be reinstated at the same step in the pay range, which he/she received, or may revert to a lower step within the range at the discretion of the Executive Director. He/she may be reinstated at a higher step if sufficient justification exists.

Reinstated employees will qualify for vacation and sick accrual at the same rate at time of resignation. The employee's new service date will be considered the anniversary date.

Reinstated employees will serve another probationary period unless such service is waived.

SECTION VIII PROBATIONARY PERIOD

8.1 Nature, Purpose and Duration

The probationary period shall be an extension of and an essential part of the selection process, and shall be utilized to determine whether the employee is able to effectively perform the duties of the new position. Previous employment of any sort prior to appointment shall not reduce the probationary period.

All individuals appointed to Regular positions shall serve a probationary period of twelve (12) months, which may be extended in up to two (2) additional three (3) month increments at the discretion of the supervisor with prior notice to the employee. Employees in a probationary status as of the time of approval of these rules and regulations shall serve the probationary period that was in effect at the time of their hire.

A probationary period shall be served after initial appointment to a Regular position. A new probationary period shall be served upon a disciplinary demotion. A new probationary period shall be served upon a voluntary demotion or a reinstatement, unless waived by the Executive Director.

8.2 Recommendation for Regular Status

Attainment of Regular status by a probationary employee usually would take effect following the date ending the probationary period. No probationary employee shall achieve Regular status until Regular status is authorized by the Executive Director.

8.3 Promotion During Probation

The serving of a probationary period shall not, of itself, prevent an employee from being promoted, provided that he or she is certified from an appropriate eligibility list for such higher class. If such a promotion is made, the probationary period for the position to which the employee is promoted shall begin with the date of appointment to such position. The period of probation would restart with such a promotion.

8.4 Release or Disciplinary Action During Probation

At any time during a probationary period, an employee may be disciplined, including termination without cause or, without right of appeal or hearing. Unless an appointment is made Regular at the close of the probationary period, the employee shall be released.

8.5 Accrual of Fringe Benefits During Initial Probationary Period

This section applies to only regular employees serving an initial probationary period. It does not apply to employees who are serving a probationary period as a result of being demoted.

- A. Vacation, annual leave and sick leave accrue on a weekly basis, as long as the employee is in paid status during the pay period
- B. Vacation or sick leave benefits may not be used until the employee has worked a minimum of 40 hours during his/her initial pay period
- C. In computing length of service for step advancement purposes, service begins on the initial date of appointment in the Regular position.
- D. Holidays may be taken during probation.

SECTION IX EMPLOYEE CONDUCT

9.1 Employee Conduct Generally

The expected standard of conduct for all employees in the service of TAMC shall be in the public interest as opposed to individual interests. Therefore, in order to render best possible service to the general public and to reflect credit on the organization, high standards of conduct are deemed essential. The tenure of every employee shall be conditioned on good behavior and satisfactory performance of

duties.

9.2 Attendance

All employees shall be in attendance on site or at approved off-site activities during their work hours in accordance with these rules.

9.3 Outside Employment

No Regular or temporary employee may engage in employment outside his/her official hours of duty unless approved in advance in writing by the Executive Director. Approval will be based on whether outside employment will cause or might cause conflict of interests or otherwise be incompatible, and whether such outside employment will adversely affect the employee's position or efficiency on the job.

9.4 Conduct Which May Lead to Discipline

Improper action by an employee in his/her official capacity tending to adversely impact TAMC or to bring TAMC into discredit or to affect the employee's ability to perform his/her duties officially, or any improper use of his/her position as an employee for his/her personal advantage may be grounds for discipline. Improper conduct includes, but is not limited to, the following:

- A. Misrepresentation or fraud in securing or during appointment/ employment, including falsifying or omitting information on the employment application.
- B. Conviction of a felony or a misdemeanor involving moral turpitude. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, as to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this section.
- C. Consumption of intoxicating beverages, use of non-prescribed controlled substances, or being intoxicated while on duty.
- D. Insubordination, willful disobedience, or dishonesty.
- E. Discourteous or offensive conduct or language toward the public or towards fellow employees.
- F. Other failure of good behavior either during or outside of duty hours, which is of such a nature that it adversely impacts the agency or employment.
- G. Inefficiency or incompetence.
- H. Inattention to or willful neglect of duty, excessive or repeated tardiness,

indolence, carelessness, misuse of, or damage to TAMC property.

- I. Unauthorized absence from duty.
- J. Excessive absenteeism or tardiness.
- K. Improper or unauthorized use of vehicles or equipment.
- L. Claim of sick leave under false pretenses, malingering, or other misuse of sick leave.
- M. Outside employment not specifically authorized, or failure to obey an order from the Executive Director to terminate or desist from outside employment or enterprise that has not been approved or has been determined to be incompatible with TAMC employment or detrimental to the efficiency of his/her Regular work.
- N. Absence from duty without leave, or failure to return to work after leave of absence has expired or has been disapproved or revoked or cancelled by proper authorities.
- O. Willful violation of any of the provisions of TAMC Resolutions, these rules, or any administrative policies.
- P. Failure to immediately report a work-related injury or illness to his/her supervisor.
- Q. Improper conduct may be grounds for disciplinary action up to and including termination of employment.

This list is not intended to be all inclusive of the improper conduct, which may constitute grounds for employee dismissal.

9.5 Drug Use in the Workplace

Unlawfully manufacturing, distributing, dispensing, possessing, or using a controlled substance in TAMC's workplace is prohibited and the following actions may be taken against the employee for violations of the prohibition:

- 1. Requiring a convicted employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency. The TAMC will be responsible for maintaining a list of appropriate, locally available programs; and/or

2. Disciplinary action including termination pursuant to policies found under Section XIX.
3. As a condition of employment under federal grants or cooperative agreements, the employee shall:
 - A. Abide by the terms of the statements; and
 - B. Notify TAMC of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such a conviction. After receiving notice of misconduct within the above paragraph, TAMC, within ten (10) days will notify the Federal sponsoring agency of the employee conviction, as mandated by the Rules implementing the Drug-Free Workplace Act of 1988 (54FR 4946 and 6363). Additionally, after receiving notice of misconduct as outlined within the same paragraph, TAMC, within thirty (30) days will take the following actions:
 1. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency; or
 2. Appropriate personnel action against such an employee, up to and including termination.
4. In TAMC's continuing recognition of the importance of a drug-free workplace, the agency has established a drug-free awareness program to inform employees about:
 - A. The dangers of drug abuse in the workplace;
 - B. TAMC's policy of maintaining a drug-free workplace;
 - C. Drug counseling, rehabilitation, and employee assistance programs that are locally available to the employee; and
 - D. The penalties, as outlined above, that may be imposed upon employees for drug abuse violations occurring in the workplace.

This awareness program will be perpetuated by notification to the employees on the employee bulletin board and distribution of the TAMC Human Resources Rules and Regulations to new employees upon their hire.

SECTION X HOURS OF WORK

10.1 Work Week

The workweek for TAMC shall be five consecutive days from Monday through Friday. However a designated seven-day work period for each employee will be established for each employee as required by the Fair Labor Standards Act.

10.2 Schedule

The normal work schedule within a work week for full-time employees shall be eight hours per day on five consecutive days from 8:00 a.m. to 5:00 p.m., excluding one hour for lunch.

10.3 Alternate Work Schedule

Alternate work schedules may be authorized by the employee's supervisor.

10.4 Rest Periods

Rest Periods not to exceed fifteen (15) minutes, once during the work period of four (4) hours or more, shall be granted employees. The time shall not be taken at the beginning or end of a work period, and time not used for rest periods shall not be accumulated and used at a later date. Employees are not required to work during rest periods. 15-minute rest periods will be provided for the following work hours:

- 0 rest period for hours of work between 0-3.5
- 1 rest period for hours of work between 3.5-6.0
- 2 rest periods for hours of work between 6.0-10.0
- 3 rest periods for hours of work between 10.0-14.0
- 4 rest periods for hours of work between 14.0-18.0

10.5 Lunch Break (Meal Period)

A minimum lunch of ½ hour per day must be taken by all employees, in accordance with state and federal labor laws. The meal period must be taken no later than 5.0 hours after the start of the workday. A second meal period of no less than ½ hour must be taken if an employee works more than 10.0 hours. Employees may not work through the meal period.

Employees who work at home (refer to Administrative Policy on Telecommuting) shall observe rest periods and lunch breaks as defined above.

SECTION XI OVERTIME

11.1 Eligibility

When overtime is duly authorized in advance in writing by the Executive Director, the Deputy Executive Director, or the Administrative Services Manager, non-exempt personnel will be paid at the rate of one and one-half for every hour worked in excess of 40 hours during the employee's designated seven-day work

period. The only non worked hours counted towards the computation of hours worked for the purposes of calculating overtime pay will be paid holidays occurring within the seven-day work period. Work hours related to travel time will be compensated according to the Agency's travel policy.

In lieu of paid overtime, compensatory time may be earned at a rate of one and one-half hours for every hour worked in excess of 40 hours during the employee's designated seven-day work period. An employee shall not be allowed to accumulate more than eighty (80) hours of compensatory time earned, above which maximum all overtime compensation shall be paid in cash. Compensatory time off must be utilized before the use of vacation time. Any compensatory time that is not utilized during the calendar year shall be paid in cash.

11.2 No Overtime for Exempt Employees

Payment of overtime or compensatory time off is not authorized for management, administrative and professional classes exempt under the Fair Labor Standards Act.

SECTION XII EMPLOYEE BENEFITS

12.1 Benefits Provided

The Transportation Agency provides employee benefits as approved by the Agency Board including paid holidays, vacation and sick leave or annual leave, employer's contributions to the retirement plan (PERS) and deferred compensation plan, unemployment insurance, Long Term Disability coverage, Accidental Death and Dismemberment coverage, dental and vision plan, pre-tax premium and flexible spending plan for health and dependent care, and an employer paid health plan for the employee and all eligible dependents. See section 14 below for a complete listing of Agency Regular and Management employee benefits. TAMC employees may use payroll deductions for PERS service credit purchases. The scope of coverage is summarized in these rules and applicable provider documents which shall take precedence.

12.2 Temporary employees, Interns and reduced-time employees

Temporary employees, interns and reduced-time employees working less than or equal to 20 hours per week receive no benefits.

SECTION XIII HOLIDAYS

13.1 General

The number of paid holidays per year is fixed by the TAMC Board. All regular employees receive time off with pay for these authorized holidays. Regular employees working a reduced workweek schedule will receive time off with pay

when the holiday falls on that employee's scheduled workday. Regular employees working part-time (less than 8 hours/day) shall receive pro-rata holiday pay. TAMC office will be closed on the following paid holidays:

HOLIDAY	DATE
New Year's Day	January 1
Martin Luther King's Birthday	Third Monday in January
President's Day Observance	As announced for February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	As announced for October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	Day after Thanksgiving
Day preceding December holiday	December 24
December holiday	December 25

In addition to the above holidays, all regular employees will receive time off with pay for one (1) floating holiday per calendar year. The floating holiday cannot be accrued or carried over and must be used within the calendar year in which it is granted. Scheduling is at the discretion of the employee subject to approval by the supervisor.

13.2 Other Holidays

Every day appointed by the President or Governor for a public day of mourning, Thanksgiving or holiday, when ratified by the TAMC Board, shall be a paid staff holiday. If the one-time only public day of mourning takes place before the TAMC Board has had an opportunity to meet and ratify the holiday, it shall be a paid staff holiday for TAMC employees if the TAMC Board Chair and TAMC Executive Director so approve.

13.3 Holiday Observance

When a holiday falls on a Sunday, the following Monday shall be observed; when a holiday falls on Saturday, the previous Friday shall be observed. The Executive Director shall resolve any conflicts caused by duplication in the aforementioned days off, by determining the actual holiday observance days.

13.4 Holiday Schedule

The holiday schedule for the upcoming calendar year shall be posted in the lunchroom during the month of December.

SECTION XIV PAID LEAVE AND OTHER EMPLOYEE BENEFITS

14.1 Vacation, sick leave and other employee benefits

A. Purpose.

Vacations are provided for all Regular employees and are designed to give the employee an opportunity to rest and relax. Employees shall not work during time charged as vacation. It is normally expected that the employee will take a vacation at least once a year.

B. Tables of Vacation, Leave Earned, Sick Leave Accrued, and other Employee benefits including health.

	General Employees	Management Employees
Vacation time: Based on Years of Completed Continuous TAMC Service		
Up to two (2) years	12 days	23 days
More than two (2) years	15 days	25 days
More than ten (10) years	20 days	30 days
More than eighteen (18) years	23 days	33 days
More than twenty (20) years	24 days	34 days
More than twenty-five (25) years	25 days	35 days
Maximum vacation accrual	260 hours	700 hours
Sick Leave: Accrual rate	10 days per year. May use up to 10 days a year as vacation if maintain minimum reserve of 10 sick days	No sick leave – just annual leave.
Family Illness Use:	May use up to 10 days in a fiscal year of accumulated sick leave	
Bereavement Leave:	May use up to 5 days of accumulated sick leave per occurrence.	
Professional Leave:	Exempt employees only eligible for ten (10) days per calendar year non-accruable	Ten (10) days per calendar year non-accruable.
Quarterly Expense Allowance:		\$100
Life Insurance:	\$20,000; premium paid by employer	\$50,000; premium paid by employer

	Following Benefits Provided to all Employees (To the extent that benefit provisions of the Executive Director’s contract vary from these provisions, the contract requirements prevail.)
Health Benefits:	Employer paid health insurance premiums for employee and eligible dependents; Cash-out option at CalPERS Choice single rate. If the cash-out option is selected, employee must provide proof of alternate health coverage. Public Employees’ Medical and Hospital Care Act (PEMHCA) also paid after retirement. (PEMHCA premium as set by CalPERS)
Dental Benefits	Employee contribution paid by employer for employee benefits only.
Vision Care	Employee contribution paid by employer for employee benefits only.
Other Insurance	Long-term Disability; Accidental Death & Dismemberment Employee contribution paid by the employer
Flexible Benefit Plan (Section 125 Plan)	Plan offering pre-tax deductions through employee payroll for unreimbursed medical, dental and vision expenses and dependent care
State Disability Insurance	Paid by employee. TAMC employees pay into State Disability Insurance (SDI) as part of payroll deduction. TAMC employees are covered by SDI, including paid family leave program under SDI. Paid Family Leave covers all employees who are covered by SDI. To be eligible, the employee must have earned at least \$300 from which deductions were withheld. Employees wishing to receive Paid Family Leave benefits must file a claim with the State Employment Development Department (EDD) and provide documentation supporting the request. An employee may file a claim for Paid Family Leave benefits for the following reasons: To care for a seriously ill child, spouse, parent or domestic partner; To bond with a new child; or To bond with a minor child in connection with the adoption or foster care placement of that child. For bonding leave, Paid Family Leave benefits are limited to the first year after the birth, adoption or foster care placement of a child. Paid Family Leave claim forms (EDD form DE 2501F) are available from the EDD.
Family Leave	Under the Federal Family and Medical Leave Act of 1993 and the California Family Rights Act (“the Acts”), eligible employees are entitled to take up to 12 work weeks of unpaid leave with benefits, except as provided in section 14.2.D. See Section 15.5 below for details.
PERS coverage	2% @ 55; 1959 Level 3 Survivor Benefits; employee and employer contribution paid by agency; one-year final compensation; Military Service Credit as Public Service; Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmeriCorps Service;
Deferred Compensation	Employer contributes 8% of employee’s base salary to employee’s deferred compensation plan

	Following Benefits Provided to all Employees (To the extent that benefit provisions of the Executive Director's contract vary from these provisions, the contract requirements prevail.)
Vanpool Usage	TAMC vehicles available for car/vanpool to commute to work. Employee pays share of gas cost according to usage. Cost of car/vanpooling either using TAMC vehicles or if employee uses another car/vanpool deducted from employee paycheck.
Wellness Program	50% reimbursement for eligible expenses up to \$350/ calendar year
Employee Assistance Program	Counseling, Consulting and Educational Services
Tuition Reimbursement	Up to \$2,000 per fiscal year

- C. Reduced time employees earn vacation on a pro rata basis (percent of full time hours worked) according to the foregoing schedule. Reduced time employees working less than or equal to 20 hours per week, do not accrue vacation or sick leave.
- D. Sick Leave Retirement Payoff. Upon retirement or death, an employee shall be paid his/her accumulated sick leave up to a maximum of five hundred (500) hours.
- E. Vacation Accrual. Accrued vacation hours in excess of maximum hours listed above must be used by January 1 each year. An employee who accrues the maximum hours of vacation shall cease accruing time until his/her accrual drops below the maximum. In certain circumstances, the Executive Director may approve a carry-over of year-end accruals over maximum hours listed above, however, in no event shall payment for accrued vacation hours on termination exceed maximum hours listed above.
- F. Vacation Leave Buy Back. Regular Management and general employees may sell back to the Agency up to forty (40) hours of vacation leave in any calendar year if the following conditions are met:
 - 1. Vacation or annual leave can be cashed out only in increments of eight (8) hours.
 - 2. The employee has used (taken) ten (10) vacation/annual leave days during the previous calendar year.
 - 3. The employee must have at least eighty (80) hours of vacation/annual leave remaining after the “cash out” of some of their vacation/annual leave.
- G. Vacation and Compensatory Time Scheduling and Advances. Vacations and compensatory time must be scheduled in advance and approved by employee's supervisor. While every effort will be made to afford the employee the opportunity to utilize accrued time and to select the dates that best suit his/her personal convenience, TAMC operational needs will take precedence over all individual considerations. No advance grant of vacation leave is authorized, except under exceptional circumstances, as approved by the Executive Director. If the Executive Director authorizes an advance grant of vacation, the employee must be able to earn enough vacation/annual leave hours over the next 12-month period to eliminate the deficit in his/her vacation/annual leave reserve account.

14.2 Sick Leave

A. Certification.

Sick leave is provided for an employee's bona fide illness or injury. Such leave usage is subject to approval of the Executive Director, who may require a doctor's certification for any claim for such leave in excess of three days or when leave usage shows an unacceptable pattern.

Sick leave may also be used to care for an ill child, parent, spouse, registered domestic partner, or the child of a registered domestic partner. Up to one-half of the employee's accrued sick leave may be used for this purpose. These days may not be carried over.

B. Accrual of Sick Leave. Sick leave accrual rates are shown on the table above by each employee classification unit. General employees may use a maximum of ten (10) days per year of sick leave as vacation time if they have a reserve of ten (10) days of sick leave. There is no change to maximum accrual hours.

C. Use of Sick Leave. Time off may be charged to sick leave with pay for the following reasons:

1. Bona fide illness or injury.
2. Physical injury disability incurred on the job, in which sick leave supplements workers' compensation benefits.
3. Doctor's appointments for self or family members.

D. Approval of Sick Leave. When possible, the employee must receive the approval of his/her supervisor prior to taking sick leave. If the employee is sick and unable to work, the employee shall call in sick by 8:00 a.m. on each day he/she is not reporting for work, and keep his/her supervisor informed of anticipated date and time of return to work.

E. Critical Illness or Death of Immediate Family Member. Regular employees are eligible to use five days of sick leave with pay in event of critical illness or death of a spouse, child, parent, grandparents, brother or sister of employee and close blood-relative or close relatives through marriage as determined by Executive Director. Critical illness is defined as an illness where death appears imminent. Leave for such critical illness shall be considered leave under section 15.5.

F. Family Sick Leave. (California Kin Care Leave) With advance approval of the Executive Director, up to one-half of accrued sick leave may be taken each calendar year as Family Sick Leave to care for, and attend to spouse, children for whom the employee is legal guardian, stepchildren, parents,

siblings, registered domestic partner or the child of a registered domestic partner and grandparents, who are under medical care. Said time may be considered leave under section 15.5.

14.3 Workers' Compensation

Workers' compensation disability benefits shall be provided in accordance with State law to employees injured on the job. Vacation leave may be used to supplement Workers' Compensation benefits only after accrued sick leave has been exhausted.

14.4 Military Leave

Regular employees who have completed one year of TAMC service will be granted temporary military leave of absence, as specified by appropriate State law (Military and Veterans Code Section 395). An employee with less than one-year service may use vacation leave if available during periods of summer training, otherwise said leave shall be without pay.

14.5 Jury Duty

Employees called for jury duty during working hours will be authorized time off with pay for the duration of jury duty. Employees dismissed from jury duty before the end of the workday shall report for duty. Compensation paid by the court, other than travel expenses, will be declined by the employee .

14.6 Pregnancy Disability Leave

With appropriate medical certification, this disability leave will be granted for up to 4 months.

A. Leave for pregnancy disability is as follows:

1. Childbirth and complications of pregnancy includes temporary medical disability for which a maternity leave, in the form of paid sick leave, will be granted, based upon the employee's accrual.
2. The employee may use her accumulated sick leave and vacation credits during maternity leave for reasons of Pregnancy Disability Leave. Sick leave and vacation credits cease to accrue effective the beginning of the pay period after all leave time has been exhausted. The employee may then be placed on leave under section 15.1 and/or section 15.5.
3. Leave beyond the period of Pregnancy disability leave shall be as provided in section 15.1 and/or section 15.5.
4. Seniority will continue to accumulate during the entire period of leave. Performance reviews and eligibility for merit increases are extended by

the period of time the employee is on pregnancy disability leave.

B. Procedures

1. The point at which leave for disability due to pregnancy commences is a matter for the employee and her physician to determine, based upon medical need. Notification of maternity leave will be made as soon as possible to the employee's supervisor and the Administrative Services Manager and be accompanied by the appropriate certification from the employee's physician.
2. Return to work after childbirth is a matter for the employee's physician to determine. Return from maternity leave will not be allowed until the physician has provided a medical release to return to work.
3. The employee will contact her supervisor and the Administrative Service Manager at least thirty days prior to the termination of leave, stating her intention to return or not to return to Regular employment at the conclusion of the leave for disability due to pregnancy. Return to work immediately after the end of pregnancy disability leave, upon the completion of California Family Rights Act (CFRA) leave, or within the additional period of leave for disability due to pregnancy approved by the department director, entitles the employee to reinstatement to the position she held at the time leave was granted.

SECTION XV UNPAID LEAVE

15.1 Authorized Leave Without Pay

- A. The Executive Director may grant an employee a leave of absence without pay for a period up to one year.
- B. Regular employees desiring to take time off, who have inadequate accumulation of vacation, annual leave or sick leave, may request leave without pay.
- C. Return of the employee within the approved period entitles the employee to reinstatement in the position he/she held at the time leave was granted, providing the position is still authorized. Failure of the employee to return to work after due notice shall be considered a resignation. During leave without pay of 30 days or more, the Executive Director may fill the position on a temporary basis.

D. Vacation, Sick and Annual Leave. Vacation, sick and annual leave

accumulation are suspended effective the first of the month after the leave begins and will be reinstated the first of the month after the return of the employee.

E. Retirement contributions to PERS are suspended effective the first of the month after the leave begins and reinstated the first of the month after return.

F. Health Plan. TAMC contributions to the health plan are suspended effective the first of the month after leave begins and reinstated the first of the month after return. However, with the Executive Director's approval, the employee may elect to remain on the health plan during his/her absence, providing the employee pays all premium costs to TAMC prior to premium due date. Failure to remit premiums on time will result in removal of employee from the health plan.

15.2 Unauthorized Absence

An employees who does not report for work as scheduled and does not report a valid reason for such absence by telephone is considered to be absent from duty without leave and has abandoned his/her position if such absence exceeds 3 work days.

15.3 Military Leave

Extended Military Leave of Absence. Employee drafted into the military service or who enlist during a period of national emergency will be granted military leave for the period of service, as per State law. No pay, vacation or sick leave benefits accrue to the employee during this period of military leave. Personnel returning from military service will be paid the same salary as they received when they left TAMC (as adjusted by Board Action). Benefits will accrue from the date the employee is restored to duty, with pre-military leave employment credits given.

At the time the person leaves for military leave, he/she will be paid for all time worked and full accrual of vacation/annual leave. No payment will be made for sick leave accumulation; however, the employee will be credited with his/her entire previous accumulation of sick leave at the time of return to work.

Failure of the employee to return to work upon completion of military service shall be cause for dismissal as prescribed by State law.

15.4 Military Spouse Leave

An employee who works more than 20 hours per week whose spouse is a member of the Armed Forces, National Guard or Reserves, who has been deployed during a period of military conflict shall be eligible for up to 10 unpaid days off when their spouse is on leave for military deployment. The employee must provide

TAMC with notice within at least two business days of receiving official notice that their spouse will be on leave from deployment that he/she wishes to take leave and must also provide written documentation certifying the spouse will be on leave for deployment.

15.5 Family Care and Medical Leave

A. Under the Federal Family and Medical Leave Act of 1993 and the California Family Rights Act (“the Acts”), eligible employees are entitled to take up to 12 workweeks of unpaid leave with benefits, except as provided in section 14.2.D. Eligibility factors are:

1. The employee has worked for TAMC at least 12 months.
2. The employee has worked at least 1,250 hours in the previous 12 months.

B. Leave must be granted for the following reasons:

1. Birth or adoption of the employee’s child.
2. Placement of a child with the employee for adoption or foster care.
3. To care for the employee’s child, spouse or parent with a serious health condition.
4. For the employee’s own serious health condition preventing the employee from doing his/her job.

C. In the case of leave for the employee’s own, or an eligible family member’s serious health condition, the employee must, whenever possible, provide advance notice of the leave request and medical certification. Thirty (30) days advance notice is required where the health condition is foreseeable.

D. In the case of leave for the employee’s own, or an eligible family member’s serious health condition, medical certification is required. Failure to provide notice as required and/or medical certification may delay the granting of the leave. TAMC may require a second or third medical opinion in its discretion.

E. Leave available under this rule is unpaid leave with TAMC continuing payment of its share of health benefits costs. Leave under this rule shall run concurrently with eligible paid sick or annual leave.

SECTION XVI INSURANCE AND RETIREMENT

16.1 Insurance Benefits

A. Health Insurance. On the date of hire, regular employees are provided:

1. Medical Insurance Plan. A medical plan is provided to all regular employees. TAMC employees may choose from among the health plans offered by the Agency. Premiums for specific health plans, including coverage for eligible dependents is paid by the Agency up to the limits set in Section XIV. Coverage is effective the first of the month after the employee's hire date. COBRA coverage available upon termination subject to conditions. The Agency pays only the non-elective employer contribution for retiree coverage according to conditions defined by CalPERS.
2. Domestic Partner Health Benefits. Domestic partners as authorized by Section 22873 of the Government Code and their children are considered eligible dependents for the purpose of Agency health care coverage.
3. Dental and Vision Plan. These plans are provided to all Regular employees. Dependent coverage is available at employee expense.
4. Pre-tax Medical and Dependent Care Benefits. A flexible spending account is available at employee expense on a pre-tax basis. (Section 125 of IRS code) This program allows employees to set up pre-tax deductions from their paychecks to be placed into accounts with TAMC to use to pay for unreimbursed medical benefits and dependent care.

B. Worker's Compensation Insurance. As required by State law, all employees are covered by worker's compensation insurance.

C. Group Term Life Insurance. TAMC pays premium on \$20,000.00 Group Term Life Insurance for each Regular employee, except for the Executive Director, the Deputy Executive Director and the Administrative Services Manager. TAMC pays premium on \$50,000.00 Group Term Life Insurance for the Deputy Executive Director and the Administrative Services Manager. The life insurance benefits provided to the Executive Director are defined in his/her contract, and the contract requirements prevail.

D. Unemployment Compensation Insurance (UCI). All employees are covered by UCI at employer expense.

- E. Long Term Disability Insurance. All eligible regular employees are covered under a Long Term Disability Insurance plan at employer expense.

16.2 Retirement

- A. Public Employees Retirement System (PERS). At the time of hire, employees eligible to participate in the plan must work at least 1,000 hours in a fiscal year. Benefits will be in accordance with PERS regulations, and the agency contract with PERS.
- 2% at 55 Formula
 - Employee contribution paid by TAMC
 - Minimum service requirement: age 50 with 5 years of service
 - Final compensation: highest 12-month average
 - Military Service Credit: up to four (4) years credit available at employees expense.
 - Public Service Credit for Peace Corps or AmeriCorps: VISTA Service for up to three (3) years credit available at employee's expense.
 - 1959 Level 3 Survivor Benefit premium paid by employer
- B. Deferred Compensation Plan. The Agency as employer will pay 8% of each employee's base salary into the TAMC-approved Deferred Compensation Program. Employees may defer additional compensation up to that amount permitted under current Internal Revenue Service regulations by investment in the CalPERS Deferred Compensation Program as contracted by TAMC.
- C. Medicare. At time of hire, all employees are automatically members of the Medicare system. TAMC and employee each pay statutory amounts into plan.
- D. Social Security. TAMC is not a member of Social Security and does not provide that benefit. Employees are encouraged to contribute to their Deferred Compensation Plan.

SECTION XVII TRAINING

17.1 Policy

TAMC encourages and promotes training opportunities for all employees to ensure that services they render may be more effective.

17.2 Types of Training

- A. Specialized Individual Training includes special training courses, which are directly related to work performed by the employee. Covers conferences, seminars and training sessions held by professional organizations and

specialized professional short courses.

- B. Academic Training indicates courses offered by colleges, universities or local schools for academic credit that would improve employee's performance of TAMC duties.
- C. Orientation Training will be conducted over the first six months of employment for all new regular employees, or other employees as designated by the Executive Director.

17.3 Professional Training Program

TAMC policy is to encourage enhancement of professional skills of all TAMC employees.

A. On-The-Job Training:

The cost of professional training courses, authorized by the employees' supervisor as part of the employees' regular work schedule, will be reimbursed. Training is distinguished from continuing education because training is required by the employer, and continuing education is at the discretion of the employee.

B. Continuing Education:

Subject to Executive Director approval, reimbursement of up to \$2,000 per employee per fiscal year shall be paid upon submittal of documentation of successful completion of approved course(s). Employees shall submit continuing education program requests in writing, which shall include estimated reimbursement amount, type of degree or certification program, schedule of classes, and description of how participation in the program will be of benefit to his or her work. All classes are to be attended outside normal working hours, unless approved as an exception by the Executive Director. If scholarships are available, employee will make every effort to apply and use the scholarships to defray the reimbursement cost to the employer. The Executive Director may request TAMC Board approval for exceptions to the \$2,000 limit for employee training that is deemed crucial to the skills and knowledge needed by TAMC to complete its mission.

SECTION XVIII EMPLOYEE PERFORMANCE REVIEWS

18.1 Purpose and Objectives

The purpose of a systematic review of employee performance is to reflect individual capability with the view of improving performance and promoting over-all program excellence.

This process is defined as performance management. At the core of performance management is the evaluation process. The evaluation process provides the opportunity to develop better relationships between the supervisor and employee by giving an ongoing feedback in an atmosphere that encourages growth and improvement.

18.2 Goals and Objectives and Job Specifications

A. Goals and objectives shall be set by each employee within six months of his or her hire date and updated annually in coordination with his or her supervisor, taking into account the adopted job specifications for that particular position. From these goals and objectives an employee should know what his/her job requires and the manner in which he/she is expected to perform those requirements.

At his or her performance review, each employee is rated against his or her goals and objectives for the specified review period. Based on the progress in meeting these goals and objectives, an employee should know how well she/he has performed in relation to what is expected.

18.3 Timing of the Performance Review

A. Performance reviews utilizing the appropriate evaluation forms shall be conducted by the supervisor directly responsible for an employee's performance. The purpose of the interim review is to deliver timely feedback on performance and to reduce the probability of any unanticipated performance matters arising at the periodic review. The annual and periodic reviews will include consideration of step increases until an employee has reached the seventh step of the salary range. All reviews will become part of the employee's personnel file. These performance reviews shall be conducted as follows:

1. Interim Review: At the end of the first six months during the probationary period, an interim review is conducted with an employee.
2. Periodic Review: The first periodic review will occur at the end of the probationary period for all employees.
3. Annual Review: At the annual anniversary of the employees' ascension to the next step of the salary range, and every year thereafter.
4. Step Increases: Step increases are considered after the successful completion of the probationary period, and annually thereafter.

An employee is eligible for advancement to Steps 2 through 5 annually,

from the anniversary of appointment as a regular employee. An employee is eligible for a Step 6 after serving at least 3 years at the 5th step, and eligible for Step 7 after serving at least 4 years at the 6th step.

5. Whenever commendation or an adverse circumstance warrants a special performance review.
- B. Discussion of Review: Supervisors will conduct private interviews with each employee. Both employee and supervisor will discuss each section of the employee's performance review form.
 - C. Performance Review Form: The performance review form shall be standardized for each position . The form shall provide for the employee to add comments if desired. Supervisors must indicate the overall rating given the employee, and the employee must sign the performance review form indicating that it was discussed with him/her. Signature by the employee does not necessarily indicate that the employee agrees with the content of the performance review form, only that it has been discussed in the manner described above. Addendum sheets may be added to the evaluation by the employee if the employee takes exception to the rating received, or has additional relevant information to add. Prior to discussing with the employee, the Supervisor shall discuss the employee's review with the Executive Director. The Executive Director will also sign the performance review form.
 - D. Special Performance Reviews: Special performance reviews may be scheduled for employees who are ending probation, and employees not on probation at any time when a performance problem exists. An employee who has completed the probation period for his/her current job class and who received a probation performance review with an overall rating which is less than fully satisfactory may be placed on a special two month's performance review schedule. Any other employee may also be placed on special performance review by their supervisor through memorandum to the employee, with a copy to the Executive Director. The memorandum must include a statement of the performance problems leading to the special performance review, the date that the performance problems were discussed with the employee, the type of performance improvement that is required, and the date that the special performance review period it to begin.

The special performance review period will continue at two month intervals until the employee attains an overall rating of fully satisfactory or is terminated; provided, however, that the maximum time period that an employee can remain on special evaluation does not exceed six months.

This Section (XVIII) does not limit the agency's right to impose disciplinary action on an employee at any time, with or without special or periodic performance reviews.

SECTION XIX DISCIPLINARY ACTION

19.1 Purpose

The principal objective of any disciplinary action shall be to the extent possible, to improve the performance, efficiency, and morale among employees. Any action by an employee, which reflects discredit on the TAMC organization is a direct hindrance to the effective performance of TAMC, or constitutes improper employee conduct, shall be considered good cause for disciplinary action.

19.2 Basis for Disciplinary Action

Whenever an employee's performance, work habits, or personal conduct fall below the desired level, the supervisor shall inform the employee promptly and specify the nature of the problem and the means the employee may take to rectify the situation. If appropriate, a reasonable period of time for improvement may be allowed before initiating disciplinary action.

19.3 Types of Disciplinary Actions

A. Warnings and Reprimands

If it has been determined by the supervisor that more severe action is not immediately necessary, the supervisor may communicate a warning to the employee orally or in writing, and document the dates and nature of the problem or deficiency observed. The written reprimand will be recorded in the employee's personnel file so as to be available for future reference. Written reprimands will be filed in the employee's personnel file. Oral warnings and written reprimands are not grievable.

B. Suspension

1. Normal Circumstances. The Executive Director may suspend an employee without pay for up to six (6) months depending upon the circumstances. Vacation and sick leave will not be available or accrue during a period of suspension.
2. Administrative Removal with Pay. The Executive Director may administratively suspend an employee with pay pending investigation into charges of misconduct on the part of the employee.

a) Paid suspension pending investigations are not subject to appeal

b) If the charges against the employee are substantiated by the investigation, appropriate disciplinary action may be taken in accordance with the remaining provisions of this chapter.

C. Reduction in Pay Step. The Executive Director may reduce an employee's pay step as part of a disciplinary action.

D. Demotion to Lower Classification. The Executive Director may demote an employee to a lower classification as part of a disciplinary action.

E. Payment for Damages

If the Executive Director determines that an employee, through gross negligence or willful misconduct, has caused the damage of vehicles, equipment, or property, the employee may be held financially responsible for the amount of damage or loss.

F. Dismissal

The Executive Director may dismiss for cause any Regular employee in Regular status or without cause any probationary employee under his or her jurisdiction. Dismissal may be imposed in the absence of prior warnings or suspensions, in the discretion of the Executive Director.

19.4 Procedures for Disciplinary Action

After consultation with the Executive Director, the employee's supervisor shall inform the employee in writing of the proposed disciplinary action. A copy of the notice shall be placed in the employee's personnel file.

A. Written notice of proposed disciplinary action shall be given directly to the employee or sent by U.S. certified mail to the address on file in the personnel department at least five (5) working days prior to the effective date of such action. The date of service shall be the date the notice is given to the employee or the date mailed.

1. State the intended disciplinary action, the reason for the disciplinary action, and the effective date of the action.
2. Include a copy of the charges and copies of all relevant documents upon which the disciplinary action is based.
3. State the employee's right to appeal from such action by responding to the charges either verbally or in writing at an informal hearing conducted by the Executive Director or his designee at a time between no earlier than

five (5) working days following the date of the notice.

- B. In cases of intended dismissal the employee's supervisor shall, after the employee's response or non-response, and no earlier than five (5) days from the notice of intention to dismiss, whichever is sooner, shall notify the employee of his/her decision. If the decision is to dismiss, the Executive Director shall give the employee written notice of dismissal.

19.5 Appeals from Disciplinary Action

- A. Any employee who has successfully completed his/her probationary period may appeal disciplinary actions.

- B. Only disciplinary actions which result in loss of salary or of Regular status may be appealed.

- C. Appeals From Disciplinary Actions

The Executive Director or his/her designee shall serve as hearing officer for disciplinary appeals. The hearing officer shall base his/her findings upon the written statement of charges and upon information presented orally or in writing at the hearing. The hearing officer shall determine whether or not the charges as made and the proposed disciplinary action are appropriate. The hearing officer shall approve, modify or withdraw the recommended disciplinary action. The hearing officer shall give the employee and the Administrative Services Manager notice if the intended disciplinary action is modified or withdrawn. If the disciplinary action is upheld, it shall take effect at the time specified in the notice of intended disciplinary action to the employee. If modified, the effective date shall be specified in the notice from the hearing officer.

- D. The decision shall be final and conclusive.

SECTION XX NON-DISCIPLINARY SEPARATION

20.1 Rights Upon Separation

Regular employees who separate shall receive payment for all earned salary and accrued annual leave and/or vacation for which the employee is eligible. The use of accrued annual leave and/or vacation to extend employment beyond the actual last day worked shall not be permitted.

20.2 Employee Property Clearance

The Executive Director will certify that all keys, records, assets, and other items of property in the custody of separating employee have been returned to TAMC prior to receiving final pay.

20.3 Resignations

Any employee may resign from the service by presenting his/her resignation in writing to the Executive Director. To resign in good standing, an employee must give at least two weeks notice, unless because of extenuating circumstances the Executive Director agrees to permit a shorter period of notice. Resignations shall be promptly forwarded to the Executive Director or his/ her designee who will conduct exit interviews for each resignation.

20.4 Reduction-in-Force (Layoff)

A. Layoff. Layoff occurs when TAMC finds it necessary to reduce its level of staffing within (a) job classification(s) due to lack of work, lack of funds, curtailment of positions due to reclassification action, for purposes of economy or reorganization.

Layoffs shall occur within the job classification(s) selected by the Executive Director and shall consider such factors as the needs of TAMC work program and workload, employee skills, expertise, and knowledge, and employee performance.

The Executive Director may retain Regular employees irrespective of status or seniority who possess special skills, knowledge or abilities that are necessary to perform the continuing functions of TAMC.

B. Notice. TAMC will notify employees prior to implementing any reductions in force. Employees shall be given at least 14 days written notice, whenever possible, prior to layoff. In the case of a layoff in the bargaining unit, TAMC will notify the union concurrent with employee notification in the event the union wishes to propose alternatives to layoff.

The notice shall state: (1) the employee's last date of work; (2) the reason for the layoff; (3) reinstatement rights; and (4) voluntary demotion rights.

C. Layoff List. Each employee who is laid off shall have his/her name, position, and date of layoff placed on a layoff list. For one year, the layoff list shall be the basis for recall to the employee's original position or positions of the same classification within the organizational unit in which the layoff occurred.

D. Demotion in Lieu of Layoff

A qualified TAMC employee may, in lieu of layoff, demote to a lower-paid classification in which there is a vacancy. Where more employees seek to demote than there are available positions, the needs of the agency shall

prevail. An employee electing this option shall also be placed on the layoff list for possible recall.

E. Layoff Appeal Procedure

Persons subject to layoff under these provisions may appeal based only on an allegation of error, irregularity or bias in the application of the layoff procedures. TAMC's determination as to lack of funds, need for the layoff or classification(s) selected may not be appealed. The affected employee may, within seven (7) calendar days after the personal delivery or mailing of the layoff notice, appeal the layoff as provided herein to the Executive Director. An appeal concerning a layoff procedures violation shall not act to stay or stop the intended displacement. The Executive Director shall review the appeal and respond to the employee in writing no later than seven (7) calendar days after receiving the appeal.

If the employee is not satisfied with the Executive Director's decision, the employee may, within seven (7) calendar days, request the review and final resolution of the matter by the Executive Committee of the TAMC Board whose decision shall be final.

20.5 Disability

An employee may be separated for disability when he or she cannot perform essential duties because of a physical or mental impairment. TAMC may require an examination at its expense and performed by a physician of its choice.

20.6 Death

All compensation due in accordance with Section 20.1 of these regulations shall be paid the estate of the employee, except for such sums as by law must be paid to the surviving spouse.

20.7 Retirement

Whenever an employee meets the conditions set forth in PERS retirement plan, he or she may elect to retire and receive benefits earned as determined by and under that plan.

20.8 Processing Separation Actions

A. Separation data, along with the following documents, must be submitted to TAMC:

1. Letter of Resignation. To be submitted with Personnel Action Form in case of employee resignation.

2. Substantiating Data for Separations Due to Dismissal. Data will normally include copies of unsatisfactory employee performance reviews and letter of notification to the employee if dismissal is for unsatisfactory work.
- B. Whenever practical, separation should be effective as of the completion of a normal pay period, and all data pertaining to final pay and accumulation of vacation leave, holiday pay and compensatory time should be included in the Regular payroll.
1. Pay for personnel separating for reasons other than dismissal will be available on the normal payday unless prior arrangements are made with the Executive Director.
 2. Pay for personnel dismissed for cause will be processed on the same day as the separation is effective.
- C. Exit Interviews
The purpose of the exit interview is for the departing employee to be aware of his or her continuing benefits and rights, and for the Agency to learn about issues that may have led to the employee's departure or areas for improvement within the agency. The Executive Director or designee will schedule an exit interview for each departing employee. This interview will cover benefits conversion/continuation, retirement rights, clearance of office keys and property, final pay and related administrative matters as well as concerns, observations and suggestions for improving working conditions.

Future contact with departing employees will be encouraged.

SECTION XXI EXPENSES

21.1 Mileage reimbursement

Any TAMC employee who is required to operate his or her own privately owned vehicle on official duties shall be reimbursed mileage at the Internal Revenue Service reimbursement rate. If the employee is authorized by the TAMC Board to receive a car allowance, that employee is expected to use his/her vehicle for work-related trips within the County and may only claim mileage reimbursement for work-related trips out of Monterey County

Claims for mileage reimbursement shall be paid upon completion and submission of the reimbursement claim form.

21.2 Travel reimbursement

A TAMC employee shall receive reimbursement for authorized, actual and

necessary expenses of meals, lodging, parking and similar charges as a result of being assigned duties away from his/her principal work site, or to attend a school, conference, seminar or similar function at TAMC direction. Reimbursement rates shall be in accord with federal guidelines. If state rates are lower than federal rates, TAMC shall pay the difference using non-state revenue

Claims for travel reimbursement shall be paid upon completion and submission of the reimbursement claim form.

(For more details on expense and travel reimbursement refer to Administrative policy on Official travel)

SECTION XXII REPORTING OF WORKPLACE INJURIES

Staff members involved in accidents while at work shall report such accidents to the Administrative Section in writing as soon as possible after the accident. The Administrative Section will notify the insurance carrier and Executive Director of all accidents. The Administrative Section will ensure that the employee receives appropriate medical treatment. (Refer to the Administrative policy for more details)

SECTION XXIII MISCELLANEOUS

23.1 Loyalty Oath

Prior to receiving any compensation, employees shall complete and sign oaths as may be required by State law.

23.2 Personnel Files

All TAMC personnel files shall be confidential and not open to public inspection. An employee may review his/her personnel file during non-duty time in the presence of an Agency representative. Requests to inspect files must be made with the Administrative Services Manager. An employee may write a response to adverse information in his/her personnel file, which shall be entered into and maintained in the file.

23.3 Employee References

Other than what is required by the law, the Agency will not release any information without an employee's written authorization. In the absence of a written authorization, the Agency will only confirm dates of employment, and the title of the last position held.

23.4 Employer Property

The Agency has the right to inspect any and all Agency property at any time. This

includes but is not limited to offices, desks, phones, personal computers, and e-mails. (Also refer to administrative policy on Electronic Communications policies)

23.5 Dress Code and Other Personal Standards

TAMC expects all employees to use good judgment and taste in matters of personal grooming and dress. Attire should be in keeping with the dignity of a professional office. Employees should always be neat and clean in appearance, dressed in reasonably conservative attire, and conduct themselves in a business like manner. Management will help employees determine what is considered appropriate attire for the particular situation.

23.6 Use of Cell Phones while driving

Use of cell phones while driving an Agency vehicle or personal vehicle on Agency business is discouraged. In the event that a cell phone must be used while driving, a hands-free device must be used in the interest of safety of employees and other drivers. Any citations for cell phone violations shall be the employee's responsibility.

EMPLOYEE CERTIFICATION

I, _____, certify that I have
(Print Name of Employee)

received a copy of the Transportation Agency for Monterey County's Human Resources Rules and Regulations. I understand that I am to promptly read its contents and that if I have any questions about the Rules and Regulations, I am to discuss them with my supervisor or the Administrative Services Manager. I acknowledge that I am expected to read, understand and adhere to the Transportation Agency for Monterey County's policies.

(Employee Signature)

(Date)