

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

**HUMAN RESOURCES
RULES AND REGULATIONS**

**Revised and approved by the
Board of Directors on**

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TABLE OF CONTENTS

I. GENERAL

- 1.1 Purpose
- 1.2 Positions Covered
- 1.3 Authority of Executive Director
- 1.4 Administration
- 1.5 Amendment of Rules
- 1.6 EEO/AA Employer Statement
- 1.7 Policy Against Harassment
- 1.8 Security/Workplace Violence
- 1.9 Complaint Procedure/ Problem Solving Policy
- 1.10 Ethical Business Conduct
- 1.11 Conflicts of Interest

II. DEFINITIONS

- 2.1 Allocation
- 2.2 Agency (or TAMC)
- 2.3 Applicant
- 2.4 Appointing Authority
- 2.5 Appointment
- 2.6 Candidate
- 2.7 Certification
- 2.8 Class or Classification
- 2.9 Class Specification
- 2.10 Classification Plan
- 2.11 Compensation Plan
- 2.12 Compensation
- 2.13 Controlled Substance
- 2.14 Conviction
- 2.15 Criminal Drug Statute
- 2.16 Dismissal
- 2.17 Drug-Free Workplace
- 2.18 Employee
- 2.19 Employee Organization
- 2.20 Examination
- 2.21 General Employees
- 2.22 Gratuities
- 2.23 Holiday
- 2.24 Immediate Family
- 2.25 Leave of Absence
- 2.26 Management Employees

- 2.27 Pay Period
- 2.28 Personnel Action
- 2.29 Personnel File or Personnel Record
- 2.30 Position
- 2.31 Probationary Period
- 2.32 Promotion
- 2.33 Reclassification
- 2.34 Reduced or Part-time employee
- 2.35 Regular Employee
- 2.36 Retired Annuitant
- 2.37 Supervisor
- 2.38 Suspension
- 2.39 Temporary Employees
- 2.40 Vacancy
- 2.41 Work Day
- 2.42 Y- Rate

III. CLASSIFICATION PLAN

- 3.1 Purpose
- 3.2 Composition of Classification Plan
- 3.3 Content of Specifications
- 3.4 Assignment of Positions to Class
- 3.5 Use of Class Title
- 3.6 Modifications to Classifications Plan

IV. COMPENSATION

- 4.1 Salary Plan
- 4.2 Allocation of Positions
- 4.3 Anniversary Date for Purposes of Step Advancement
- 4.4 Employee Incentive Program

V. RECRUITMENT

- 5.1 Employment Policies
- 5.2 Filling Vacant Positions
- 5.3 Certification Procedures
- 5.4 Order of Consideration in Filling Vacant Positions
- 5.5 Announcements
- 5.6 Applications
- 5.7 Testing of Applicants
- 5.8 Notification of Applicants

VI. APPOINTMENTS

- 6.1 General

- 6.2 Completion of Appointments Papers
- 6.3 Types of Appointments

VII. PROMOTIONS, DEMOTIONS AND REINSTATEMENTS

- 7.1 Promotion
- 7.2 Demotion
- 7.3 Reinstatement

VIII. PROBATIONARY PERIOD

- 8.1 Nature, Purpose and Duration
- 8.2 Recommendation for Regular Employee Status
- 8.3 Promotion During Probation
- 8.4 Release or Disciplinary Action During Probation
- 8.5 Accrual of Fringe Benefits During Initial Probationary Period

IX. EMPLOYEE CONDUCT

- 9.1 Employee Conduct Generally
- 9.2 Attendance
- 9.3 Outside Employment
- 9.4 Conduct Which May Lead to Discipline
- 9.5 Drug Use in the Workplace
- 9.6 Supervisor-Subordinate Employee/Contractor Relationships

X. HOURS OF WORK

- 10.1 Work Week
- 10.2 Schedule
- 10.3 Alternate Work Schedule
- 10.4 Rest Periods
- 10.5 Lunch Break (Meal Period)

XI. OVERTIME

- 11.1 Eligibility
- 11.2 Management Personnel

XII. EMPLOYEE BENEFITS

- 12.1 Benefits Provided
- 12.2 Temporary employees, Interns and reduced-time employees

XIII. HOLIDAYS

- 13.1 General
- 13.2 Other Holidays
- 13.3 Holiday Observance
- 13.4 Holiday Schedule

XIV. PAID LEAVE AND OTHER EMPLOYEE BENEFITS

- 14.1 Vacation, sick, and other employee benefits
- 14.2 Sick Leave
- 14.3 Worker's Compensation
- 14.4 Military Leave
- 14.5 Jury Duty
- 14.6 Pregnancy Disability Leave
- 14.7 Lactation Policy
- 14.8 Bereavement Leave
- 14.9 Voting Leave

XV. UNPAID LEAVE

- 15.1 Authorized Leave Without Pay
- 15.2 Unauthorized Absence
- 15.3 Military Leave
- 15.4 Military Spouse and Family Leave
- 15.5 Family Care and Medical Leave

XVI. INSURANCE AND RETIREMENT

- 16.1 Insurance Benefits
- 16.2 Retirement

XVII. TRAINING

- 17.1 Policy
- 17.2 Types of Training
- 17.3 Professional Training Program

XVIII. EMPLOYEE PERFORMANCE REVIEWS

- 18.1 Purpose and Objectives
- 18.2 Goals and Objectives and Job Specifications
- 18.3 Timing of the Performance Review

XIX. DISCIPLINARY ACTION

- 19.1 Purpose
- 19.2 Basis for Disciplinary Action
- 19.3 Types of Disciplinary Actions
- 19.4 Procedures for Disciplinary Action
- 19.5 Appeals from Disciplinary Action

XX. NON-DISCIPLINARY SEPARATION

- 20.1 Rights Upon Separation
- 20.2 Employee Property Clearance

- 20.3 Resignations
- 20.4 Reduction-in-Force (Layoff)
- 20.5 Disability
- 20.6 Death
- 20.7 Retirement
- 20.8 Processing Separation Actions

XXI. EXPENSES

- 21.1 Mileage Reimbursement
- 21.2 Travel Reimbursement

XXII. WORKPLACE SAFETY AND REPORTING OF WORKPLACE INJURIES

XXIII. MISCELLANEOUS

- 23.1 Loyalty Oath
- 23.2 Personnel Files
- 23.3 Employee References
- 23.4 Employer Property
- 23.5 Dress Code & Other Personal Standards
- 23.6 Use of Cell Phones
- 23.7 Gratuities and Gifts
- 23.8 Smoking Policy
- 23.9 Confidential Information
- 23.10 Workplace Search Policy

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

The rules and regulations contained in Section I. shall cover all Board Members and employees. The rules and regulations contained in Sections II. through XXIII., shall cover all TAMC employees. 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.

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 is an equal opportunity employer and will not discriminate based on race, color, ancestry, citizenship, medical condition, sex (including pregnancy, childbirth and related medical conditions), physical or mental disability, veteran or military status, sexual orientation, age (over 40), gender characteristics, genetic classification, national origin, religious affiliation, political affiliation, union membership, marital status, Workers' Compensation in California, gender identity, or any other classification protected under federal, state, or local law. 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.

Harassment is any behavior that intimidates, threatens, degrades, torments or places demands upon another based upon the categories described above, to the extent that the conduct unreasonably interferes with the employee's work performance or creates an intimidating, hostile, or offensive 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 can also include the display of derogatory posters, 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, paid or unpaid, or volunteer, 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. 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.

Any claims against the Executive Director will be investigated by TAMC Legal Counsel or his/her designee. All records and information relating to the filing, investigation and resolution of any alleged harassment, discrimination and retaliation complaints shall be treated as highly sensitive and confidential, except to the extent disclosure is required by the law, as part of the investigatory or disciplinary process, or as otherwise reasonably necessary.

Intentionally 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

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.

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. Employees should be aware of persons loitering for no apparent reason in the parking area, entrances and exits and should report any suspicious persons or activities to management personnel. Immediately report any facilities keys that are missing. Employees must secure his/her desk or office at the end of the day, including all TAMC checks and any confidential paperwork. If an employee leaves his/her work area for an extended length of time, valuable and/or personal articles must not be left in or around the workstation.

It is each employee's obligation to report any threats of or actual violence to his/her 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 Director of Finance & Administration 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 legally possible. The Agency will not tolerate retaliation against any employee who reports workplace violence.

1.9 Complaint Procedure/Problem Solving Policy

TAMC intends to treat each employee fairly and will do all it reasonably can to make this a good place to work. The Agency is committed to correcting a condition or situation that may cause unfairness or misunderstanding. Therefore, the Agency has provided an orderly manner for an employee to voice a complaint or discuss a problem with management without prejudice or fear of retaliation. If an employee has a problem or complaint concerning employment, or if an employee believes s/he is not being treated fairly, the employee is expected to take the appropriate steps, as set forth below, to resolve the matter.

Procedure

The employee should discuss problem or complaint with his or her immediate supervisor as soon as possible.

If the problem is not satisfactorily resolved or the problem is with the supervisor, the employee has the right to discuss it with the Director of Finance & Administration.

If the problem still has not been satisfactorily resolved, the employee may make an appointment to discuss the situation with the Executive Director for a final resolution. The Director of Finance & Administration will assist the employee (if requested) in the presentation of the problem to the Executive Director.

Not all complaints can be resolved to everyone's satisfaction. However, in each case, the reason for the decision will be clearly explained to the employee.

No one may criticize, penalize, or treat the employee differently in any way for using this complaint procedure/problem solving policy.

This procedure is not intended to prevent an employee from discussing any matter with any level of management, including the Executive Director, at any time, but employees are encouraged to follow the procedure as set forth in this policy. This procedure is also not intended to prevent an employee from contacting appropriate State or Federal authorities, if

deemed necessary.

1.10 Ethical Business Conduct.

A. Practice of Ethical Behavior

The highest standards of ethical conduct are required of employees, officers, board members, consultants, and independent contractors in their performance and their Agency responsibilities. Unethical actions, or the appearance of unethical actions, are unacceptable under any conditions.

An obligation exists to exercise honesty, objectivity and diligence in the performance of duties and responsibilities for the Agency. Activities shall not be entered into which may be in conflict with the interests of the Agency or which would prejudice the ability of the Agency to objectively carry out its duties and responsibilities. Confidential and proprietary information shall not be used for personal gain or in a manner which would be detrimental to the interests of the Agency.

Each employee, officer, board member, consultant, and independent contractor must apply her/his own sense of personal ethics, which should extend beyond compliance with applicable laws and regulations in business situations, to govern behavior where no existing regulation provides a guideline. Each individual is responsible for applying common sense in business decisions where specific rules do not provide all the answers.

In determining compliance with this standard in specific situations, individuals should ask themselves the following questions:

1. Is my action legal?
2. Is my action ethical?
3. Does my action comply with Agency policy?
4. Am I sure my action does not appear inappropriate?
5. Am I sure that I would not be embarrassed or compromised if my action became known within the Agency or publicly?
6. Am I sure that my action meets my personal code of ethics and behavior?
7. Would I feel comfortable defending my actions on the 6 o'clock news?

Each individual should be able to answer "yes" to all of these questions before taking action.

The Executive Director is responsible for the ethical business behavior of her/his subordinates. The Executive Director must carefully weigh all courses of action suggested in ethical, as well as economic terms, and base their final decisions on the guidelines provided by this policy, as well as their personal sense of right and wrong.

B. Compliance with Laws, Regulations, and Agency Policies

The Agency does not tolerate:

- The willful violation or circumvention of any federal, state, local, or foreign law by an employee during the course of that person's employment.
- The disregard or circumvention of Agency policy or the engagement in unscrupulous dealings.
- The manipulation or disregard of policies or provisions in order to secure a benefit for friends and family members.

All Board members, alternates and management staff of TAMC shall take at least two hours of ethics training every two years and provide the Agency a certificate of completion. New Board members need to demonstrate completion of the training within one year of taking office.

Employees should not attempt to accomplish by indirect means, through agents or intermediaries, that which is directly forbidden.

The performance of all levels of employees will be measured against implementation of the provisions of these standards.

1.11 CONFLICTS OF INTEREST

A. Introduction

In the course of business, situations may arise in which an Agency decision-maker has a conflict of interest, or in which the process of making a decision may create an appearance of a conflict of interest.

All employees, officers, board members, committee members and volunteers have an obligation to:

1. Avoid conflicts of interest, or the appearance of conflicts, between their personal interests and those of the Agency in dealing with outside entities or individuals,
2. Disclose real and apparent conflicts of interest to the Executive Director, and
3. Refrain from participation in any decisions on matters that involve a real conflict of interest or the appearance of a conflict.

The following discussion provides general guidance; employees, officers, board members, committee members and volunteers need to follow State and Federal law, and should look

to the California Fair Political Practices Commission and its regulations for guidance.

B. What Constitutes a Conflict of Interest?

No employee, officer, or board member of the Agency, whether paid or unpaid, shall engage in any business transactions, or shall have a financial interest, direct or indirect, which is incompatible with the proper discharge of their official capacity in the public interest or would tend to impair their independence of judgment or action in the performance of their official duties.

A conflict of interest arises when an employee, officer, or board member involved in making a decision is in the position to benefit, directly or indirectly, from his/her dealings with the Agency or person conducting business with the Agency.

Examples of conflicts of interest include, but are not limited to, situations in which an employee:

1. Negotiates or approves a contract, purchase, or lease on behalf of the Agency and has a direct or indirect interest in, or receives personal benefit from, the entity or individual providing the goods or services;
2. Negotiates or approves a contract, sale, or lease on behalf of the Agency and has a direct or indirect interest in, or receives personal benefit from, the entity or individual receiving the goods or services;
3. Employs or approves the employment of, or supervises a person who is an immediate family member of the director or employee;
4. Sells products or services in competition with the Agency;
5. Uses the Agency's facilities, other assets, employees, or other resources for personal gain;
6. Receives a gift from a vendor, if the employee is responsible for initiating or approving purchases from that vendor.

C. Disclosure Requirements

An employee, officer, or board member who believes that he/she may be perceived as having a conflict of interest in a discussion or decision must disclose that conflict to the group making the decision. Most concerns about conflicts of interest may be resolved and appropriately addressed through prompt and complete disclosure.

The Agency requires the following:

1. On an annual basis, all members of the Board of Directors, Ex-Officio members, alternates, the Executive Director, the Deputy Executive Director, Director of Finance and Administration, Finance Officer/Analyst, Planners and Engineers

- shall complete Form 700, Report of Economic Interests.
2. Employees, officers, or board members of the Agency are required to notify the Executive Director of any financial conflict of interest that may arise in the course of carrying out assigned duties.
 3. If a conflict arises during the year, the employee, officer, or board member will immediately notify the Executive Director.

D. Disciplinary Action for Violations of this Policy

Failure to comply with the standards contained in this Policy will result in disciplinary action that may include termination, referral for criminal prosecution, and reimbursement to the Agency or to the government, for any loss or damage resulting from the violation. As with all matters involving disciplinary action, principles of fairness will apply. Any employee, officer, or Board member charged with a violation of this Policy will be afforded an opportunity to explain her/his actions before disciplinary action is taken.

Disciplinary action will be taken:

1. Against any employee who authorizes or participates directly in actions that are a violation of this policy or applicable law or regulation.
2. Against any employee who has deliberately failed to report a violation or deliberately withheld relevant and material information concerning a violation of this policy or applicable law or regulation.
3. Against any supervisor who attempts to retaliate, directly or indirectly, or encourages others to do so, against any employee who reports a violation of this policy or applicable law or regulation.

A Board member who violates this Policy will be reported to his/her respective governing board for appropriate action.

E. Conflict of Interest Code

The Political Reform Act of 1974, Government Code sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. TAMC has adopted a Conflict of Interest Code policy to be in compliance with this requirement under a separate policy.

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

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 Compensation Plan

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

2.12 Compensation

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

2.13 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.

2.14 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.

2.15 Criminal Drug Statute

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

2.16 Dismissal

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

2.17 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.

2.18 Employee

A person occupying a paid position at TAMC.

2.19 Employee Organization

A union or employee group representative recognized by TAMC as an exclusive bargaining representative.

2.20 Examination

Any procedure used as a basis for making employment decisions.

2.21 General Employees

All positions except the Executive Director, the Deputy Executive Director and the

Director of Finance & Administration are General Employees for the purposes defined in this Policy.

2.22 Gratuities

A Gratuity, for purposes of this Policy, is the provision of remuneration of any kind, including money, meals, gifts, honoraria, discounts, loans, or anything of value from any person or firm doing business, or seeking to do business, with TAMC. Provided, however, that employee incentives are not gratuities, nor are gifts received in an employee gift exchange or reciprocal exchanges of gifts or meals among TAMC employees, provided the value of such gifts are not disproportionate and comply with FPPC Regulation 18942 or similar regulation.

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 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.

2.25 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.

2.26 Management Employees

The Executive Director, the Deputy Executive Director and the Director of Finance & Administration are management employees for the purposes defined in this Policy, including exempt status and benefits.

2.27 Pay Period

A two-week period consisting of 14 consecutive days.

2.28 Personnel Action

An action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or any other action affecting status of employment.

2.29 Personnel File or Personnel Record

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

2.30 Position

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

2.31 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.

2.32 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.

2.33 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.

2.34 Reduced-time or Part-time employee

An employee who works a total number of hours which is less than full-time work (8 hours per day/40 hours per week) on either a daily or weekly basis.

2.35 Regular Employee

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

2.36 Retired Annuitant

A person who has retired from a California Public Employees' Retirement System (CalPERS) agency, or other similar public employment retirement system, and is hired by TAMC for less than 960 hours per fiscal year.

2.37 Supervisor

Employees that have the authority, in the interest of TAMC, to assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their complaints. 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 that 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 for action.

SECTION IV COMPENSATION

4.1 Salary Plan

The TAMC salary plan was approved by the TAMC Board on December 6, 2000, and 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. All Regular Employees other than the Executive Director are eligible for Step Advances in salaries, based upon the Salary Plan.
- B. 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.
- C. 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. All employees that are subject to step increases are eligible for this program. The total cost of this program shall not exceed \$7,500 in a fiscal year. 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. With this incentive program, TAMC is taking 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 the advancement or acceleration of 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. Any award of this nature must have prior approval by the TAMC Executive Committee.
- C. Alternatively, 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 may range from \$50 to \$150 each and cannot exceed an agency-wide total of \$700 per fiscal year. Awards of this nature must have prior approval by the TAMC Executive Committee.
- D. If an employee performs outstandingly "in the moment," a Management Employee may award an 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 is authorized to make this award.

SECTION V RECRUITMENT

All personnel employed by TAMC will be chosen, retained and advanced on the basis of merit. All recruitment and hiring of employees shall conform to the Agency's Equal Employment Opportunity Plan.

Recruitment for Regular Employee position vacancies will be advertised to the public 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

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.

TAMC is an equal opportunity employer. There shall be no unlawful discrimination in favor of or against any employee or person seeking employment.

The employment of members of an employee's immediate family shall be avoided except under extraordinary circumstances.

5.2 Filling Vacant Positions

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

5.3 Certification Procedures

The Executive Director's 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.

5.4 Order of Consideration in Filling Vacant Positions

The Executive Director will utilize the following order of consideration in exercising his/her discretion for filling vacant positions:

- A. Laid-off and Bumped Employees. Regular Employees who were (a) separated from the Agency 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 Regular employees who resigned in good standing and 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 or a Regular employee who would be moving from one class to another.

5.5 Announcements

The Executive Director or designee will prepare recruitment announcements containing a job summary and other essential information about the position. Outside recruitment sources may be selected by the Executive Director according to the level of job, difficulty in recruiting, and applicable labor market.

5.6 Applications

All persons applying for positions with TAMC will be required to complete the TAMC employment application form. Applications may also include a request for supplemental information including a resume, supplemental questions and voluntary equal employment opportunity information.

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 positions. 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 the Executive Director.

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 employment 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.
5. Other forms as may be necessary.

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. Employment Eligibility Verification. 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, unless the Temporary Employee is a Retired Annuitant, in which case employment shall be limited to less than 960 hours per fiscal year. Successive temporary appointments to the same position or of the same person shall not be made. Temporary employee positions are ineligible for benefits, except those required by statute. Temporary Employees will be subject to the general provisions of the sections on Disciplinary Actions and Employee Performance Reviews.

C. Reduced-Time Appointments. Regular Employee 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. Appointments to budgeted positions in the classified plan in which the annual work schedule will be 20 hours a week or less, shall not accrue any benefits, except as required by law. Reduced-Time Employees will be subject to the general provisions of the sections on Disciplinary Actions and Employee Performance Reviews.

- 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. Successive intern appointments are not generally made. Interns will be subject to the general provisions of the sections on Disciplinary Actions and 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 Regular Employees.

- A. Vacant positions above the lowest rank in any classification shall be filled, as far as practicable, by the promotion of existing Regular Employees. In each case the Executive Director shall determine whether an open competitive examination or a promotional examination will best serve TAMC.
- B. Whenever it is determined 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 current 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, in his/her reasonable discretion. Y-rating is not subject to the complaint procedure.

B. Disciplinary

1. Disciplinary demotions may occur when an employee is not rendering satisfactory service or if he or she has engaged in conduct which may lead to discipline, 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 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 only if the position has been reclassified.

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 .

SECTION VIII PROBATIONARY PERIOD

8.1 Nature, Purpose and Duration

The probationary period is 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.

Each appointment, promotion, reclassification, demotion, reemployment or reinstatement to a permanent position shall be subject to a probationary period. This probationary period shall be a minimum 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.

8.2 Recommendation for Regular Employee Status

Attainment of Regular Employee status by a probationary employee usually would take effect following the date ending the probationary period. No probationary employee shall achieve Regular Employee status until Regular Employee 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 employees serving an initial probationary period.

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 to the particular Regular Employee position.

D. Holidays may be taken during probation.

SECTION IX EMPLOYEE CONDUCT

9.1 Employee Conduct Generally

The expected standard of conduct for all TAMC employees 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 with TAMC 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.
- G. Inefficiency or incompetence.
- H. Inattention to or willful neglect of duty, indolence, carelessness, misuse of, or damage to TAMC property.
- I. Unauthorized absence from duty.
- J. Excessive absenteeism or repeated 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 a direction 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. 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 Policies or Resolutions, these Rules, or any administrative policies, including those related to discrimination, harassment or retaliation.
- P. Failure to immediately report a work-related injury or illness to his/her supervisor.

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

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.

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. 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 the section on Disciplinary Action.
3. As a condition of employment under federal grants or cooperative agreements, the employee shall:
 - A. Abide by the terms of the drug policy statements in such grants and agreements; 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 such misconduct, 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.

9.6 Supervisor-Subordinate Employee/Contractor Relationships

TAMC desires to avoid misunderstandings, complaints of favoritism, possible claims of sexual harassment and employee morale problems that can potentially result from personal relationships involving supervisory employees at TAMC. Accordingly, supervisors are prohibited from engaging in romantic or dating relationships with any subordinate employee in their chain of command, regardless if the employee is a direct employee of TAMC or contracted to work with or for TAMC. TAMC will take appropriate action against anyone who violates this policy.

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 as required by the Fair Labor Standards Act.

10.2 Schedule

The normal work schedule within a workweek for full-time employees shall be eight hours per day on five consecutive days. Office hours are from 8:00 a.m. to 5:00 p.m., excluding one hour for lunch from Monday to Thursday and from 8:00 a.m. to 4:30 p.m. on Friday. With prior supervisor approval, employees may flex their work schedule one day per week in order to make up for the shortened office hours on Friday.

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 all 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 is to 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 are expected not to 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 Director of Finance & Administration, 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 Management Personnel

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

TAMC 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. The scope of coverage is summarized in these rules; applicable provider documents 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 except sick leave required by State law. (See Section 14.2 H-Healthy Workplaces/Healthy Families Act of 2014 Paid Sick Leave)

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 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
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 two (2) floating holidays per calendar year. The floating holidays cannot be accrued or carried over and must be used within the calendar year in which they are 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, day of thanksgiving, or holiday, when ratified by the TAMC Board, shall be a paid staff holiday. If the one-time only public day of mourning, day of thanksgiving, or holiday 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.

Employees are not allowed holiday pay while in an out-of-pay status, such as leave of absence or layoff, or while receiving long-term disability payments.

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	25 days
More than two (2) years	14 days	28 days
More than four (4) years	16 days	28 days
More than six (6) years	18 days	28 days
More than ten (10) years	20 days	30 days
More than thirteen (13) years	21 days	31 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	600 hours
Sick Leave: Accrual rate	<p>10 days per year. May use up to 10 days a year as vacation if maintain minimum reserve of 10 sick days.</p> <p>Effective July 1, 2015 for Temporary employees, Interns and Reduced-time employees (excluding Retired Annuitants) who work 30 days or more within a fiscal year and satisfy a 90 day employment period (defined as the number of days worked): 24 hours will be credited each July 1 for the upcoming fiscal year. Unused sick leave accrual cannot be carried over to the following fiscal year or cashed out at termination. Retired Annuitants are not eligible for Sick Leave.</p>	No sick leave – just annual leave.
Family Illness Use:	May use up to 10 days in a fiscal year of accumulated sick leave	Use Annual Leave

Bereavement Leave:	Up to 3 days for in state and 5 days for out of state paid leave to attend funeral of an immediate family member.	Up to 3 days for in state and 5 days for out of state paid leave to attend funeral of an immediate family member
Professional Leave:	General Employees are not eligible. However, any General Employee who has professional leave as of 3/5/2012 shall continue to receive professional leave of ten (10) days per calendar year non-accruable unless the General Employee becomes a Management Employee, at which time the Management Employee benefit controls	Ten (10) days per calendar year non-accruable.
Quarterly Expense Allowance:	\$50 for Planner & Engineering positions	\$100
Life Insurance:	\$20,000; premium paid by employer Benefit reduces by 35% at age 65, by 60% at age 70, by 75% at age 75, by 85% at age 80 per current policy	\$50,000; premium paid by employer Benefit reduces by 35% at age 65, by 60% at age 70, by 75% at age 75, by 85% at age 80 per current policy

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:	Cafeteria 125 plan offering pre and post-tax benefits. Monthly minimum employer contribution towards PEMHCA as determined by CalPERS paid by employer towards health insurance premiums; also paid after retirement. Additional monthly employer contribution may be made towards elective portion of health insurance premiums for active employee and eligible dependents based on employee participation in a PERS plan as approved by TAMC Board; Cash-out option at CalPERS Choice single rate. Unused portion of plan paid to employee as cash subject to taxes. If the cash-out option is selected, employee must provide proof of alternate health coverage.
Dental Benefits	Employee premium contribution paid by employer for employee benefits only.
Vision Care	Employee premium contribution paid by employer for employee benefits only.
Other Insurance	Long-term Disability; Accidental Death & Dismemberment Employee premium contribution paid by the employer
Flexible Benefit Plan	Cafeteria benefit plan offering pre tax deductions through employee payroll for payments of health, dental & vision premiums. Also, unreimbursed medical, and dependent care
State Disability Insurance and Paid Family Leave	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, domestic partner, grandparent, grandchild, sibling, or parent-in-law; 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.
Unpaid 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 leave without pay but with benefits as required by law, .
PERS coverage	Applies to employees hired prior to 1/1/2013 & Classicmembers: 2% @ 55; 1959 Level 3 Survivor Benefits; employee portion and employer contributions paid by Agency as approved by Board; one-year final compensation; Military Service Credit as Public Service; Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmeriCorps Service. Applies to PEPRAs members employed after 1/1/2013: 2% @ 62; 1959 Level 3 Survivor Benefits; employee pays 50% of the normal cost of their pension benefit as determined annually by PERS; three-year final compensation; Military Service Credit as Public Service; Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmeriCorps Service. Maximum pensionable compensation is capped at 120% of the Social Security contribution and benefit base if the member’s service is not included in Social Security, and 100% if it is. Any required employee contributions to the pension shall be made on a pre-tax basis.

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.)	
Deferred Compensation	<p>Applies to employees hired prior to 1/1/2013 & Classic Employees: Employer contributes up to 8% of employee’s base salary to employee’s deferred compensation plan as permitted by law. 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.</p> <p>Applies to PEPPRA members employed after 1/1/2013: The Agency as employer will pay up to 8% of each employee’s base salary into the TAMC-approved Deferred Compensation Program, as permitted by law. 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. Employer contributions may be further limited by CalPERS/IRS rules.</p>
Alternative Transportation Incentive	\$1.50/ one- way (maximum of \$3.00/day & 15.00/week) incentive for use of alternative transportation. Alternative transportation is defined as vanpooling, car-pooling, biking, walking, riding bus or rail to work.
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 Payoff. Agency employees whose services are terminated by death, or who qualify for and officially retire from services to the Agency, shall be eligible to be paid his/her accumulated sick leave, up to a maximum of two hundred (200) hours.
- E. Vacation Accrual. Vacation hours in excess of maximum accrued hours listed above, must be used by January 1 each year. An employee who reaches the maximum accrued 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. Employees who are paid for less than one half (1/2) their regularly scheduled hours in a given pay period shall not accrue vacation for that pay period.
- F. Vacation Leave Cash Out. 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.
 4. The employee makes an irrevocable election in writing to cash-out vacation/annual leave and submits such election to the Director of Finance and Administration prior to December 15 of the prior calendar year.
- 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, beyond then accrued amounts, 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.

- H. Benefits on promotion to a classification with greater benefits. When an employee is promoted to a classification having benefits of overall greater value than the benefits assigned to his/her former class, effective the date of the change of class, the employee will receive the benefits of the new class. All benefits of the old class will terminate, except that existing vacation balances will be maintained and the employee may elect to convert sick leave balances over 80.0 hours to vacation time or, in the alternative cash-out sick leave at the hourly rate of the classification prior to the promotion. The election to convert accumulated sick leave to vacation time or cash-out such leave must be made by the effective date of the promotion. Sick leave balances equal to or less than 80.0 hours will remain available for future use.

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 for usage. Employees who are paid for less than one half (1/2) their regularly scheduled hours in a given pay period shall not accrue sick leave for that pay period.

- C. Use of Paid 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.
 4. Finding, enrolling, or reenrolling a child in school or a licensed child care provider, and to address a child care provider or school emergency.
- 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 of Immediate Family Member. Regular Employees are eligible to use five days of sick leave with pay in event of critical illness of a spouse, child, parent, grandparent, 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 on Family Care & Medical Leave
- 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. Sick leave may also be used for the employee, or a family member for diagnosis, care or treatment of an existing health condition or preventative care, or specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking. Said time may be considered leave under Family Care & Medical Leave.
- G. State Disability Insurance
If an employee is on sick leave for more than 7 consecutive calendar days, he/she must file for State Disability Insurance. In the event that the employee is receiving salary from the Agency due to accrued leave, any wages paid by the Agency will be coordinated/integrated with the State Disability Insurance payments.
- H. Paid Sick Leave Under Healthy Workplaces/ Healthy Families Act of 2014. Employees (excluding Retired Annuitants) who work for 30 days or more

within a fiscal year and satisfy a 90 day employment period (defined as the number of days worked), will be credited with 24 hours of paid sick leave at the beginning of each fiscal year on July 1. No unused sick leave accrual shall be carried over to the following fiscal year or cashed out at termination. The sick leave accrual is effective July 1, 2015. Sick leave may be used for the employee, or a family member for diagnosis, care or treatment of an existing health condition or preventative care, or specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking, consistent with State law.

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 Employee 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 at the Agency. 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 hours during maternity leave for reasons of Pregnancy Disability Leave. Sick leave and vacation hours cease to accrue after all paid leave time has been exhausted. The employee may then be placed on leave under section on

Authorized Leave Without Pay and/or section on Family Care & Medical Leave. Upon return to work in a paid status, the employee shall be entitled to accrue sick leave and vacation credits.

3. Leave beyond the period of Pregnancy disability leave shall be as provided in section on Authorized Leave Without Pay and/or section on Family Care & Medical Leave.
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. TAMC will continue to pay health, dental and vision insurance coverage premiums during Pregnancy Disability Leave, at the same level as if the employee were not on 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 Director of Finance & Administration 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 Director of Finance & Administration at least thirty (30) days prior to the scheduled 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 Executive Director, entitles the employee to reinstatement to the position she held at the time leave was granted.

14.7 Lactation Policy

Any employee who is breastfeeding her child, and who needs to express milk during the working day, will coordinate with her supervisor and Director of Finance & Administration to determine how best to accommodate her needs while

still accommodating the performance of her job.

Reasonable efforts will be made to provide the employee the use of a private area in which they may express milk. The room or location may include the place where the employee normally works. Milk may be stored in the Agency refrigerator and shall be clearly marked.

Lactation times shall be established for each employee and her work schedule. If possible, the lactation time is to run concurrently with any break and lunch time already provided. Lactation time beyond the regular break or lunchtime is unpaid and the employee will need to use personal time.

14.8 Bereavement Leave

Regular Employees are eligible for up to 3 days for in-state, and up to 5 days for out-of-state, paid leave per incident to attend funeral services for immediate family. Immediate family is defined as father, mother, brother, sister, wife, husband, registered domestic partner, grandparent, child, mother-in-law, father-in-law, sister-in-law, brother-in-law, step mother, step father, step brother and step sister. Executive Director approval is required prior to payment of this leave.

14.9 Voting Leave

Time off for voting shall be provided to any employee during regular office hours if the employee is unable to reach the polls during non-working hours. Time off will be provided in accordance with the provisions of the Elections Code of the State of California.

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 of unpaid leave 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 a leave without pay of 30 days or more, the Executive Director may fill the position on a temporary basis.

- D. Sick leave and vacation credits cease to accrue after all paid leave time has been exhausted. When the employee returns to work in a paid status he/she shall resume sick leave and vacation credit accrual.
- E. Retirement contributions to PERS are suspended effective the first day of the month after the unpaid leave begins and reinstated the first of the month after return.
- F. TAMC contributions to the health, dental and vision plan are suspended after all paid leave time has been exhausted and will be reinstated when the employee returns to work in a paid status. 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. If such absence exceeds 3 work days the employee will be considered to have abandoned his/her position.

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 extended 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 & Family Leave

An employee who works more than 20 hours per week and 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 from 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 and that he/she wishes to take leave and must also provide written documentation certifying the spouse will be on leave for deployment.

Eligible employees may also take up to 26 weeks of unpaid leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of active duty or an existing or preexisting serious injury or illness that was aggravated because of service on active duty, that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disabled retired list. Military caregiver leave may also be used by family members to care for veterans undergoing treatment, recuperation or therapy for an injury, as long as the veteran was a member of the National Guard or Reserves within five years of requiring care.

15.5 Family Care and Medical Leave

A. TAMC will comply with the terms of the Federal Family and Medical Leave Act of 1993 and the California Family Rights Act (“the Acts”). Under the Acts, eligible employees are entitled to take up to 12 workweeks of leave without pay but with benefits, except as required by law. Federal and State leaves run concurrently, except in cases of Pregnancy Disability Leave (PDL). Leave is 12 workweeks per calendar year. 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. 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.
- D. Leave available under this rule is unpaid leave, but with TAMC continuing payment of its share of health, dental and vision benefits costs. Leave under this rule shall run concurrently with eligible paid sick or annual leave.
- E. Employees with a spouse, son, daughter, or parent in the regular Armed Forces or on active duty or call to active duty status in the National Guard or Reserves may use their 12- week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- F. Regardless of the specific provisions of this Policy, TAMC shall comply with all applicable provisions of the Acts, as they may be amended from time to time.

SECTION XVI INSURANCE AND RETIREMENT

16.1 Insurance Benefits

- A. Health Insurance. On the date of hire, Regular Employees are provided:
 - 1. Health Insurance Plan. A cafeteria selection of health plans 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 is available upon termination subject to conditions. The Agency pays only the non-elective employer contribution for retiree coverage according to conditions defined by CalPERS. In order to be eligible to receive the Agency-paid healthcare benefits, the retiree must be age 50 and have 5 years of covered PERS service or qualify for disability retirement status.
 - 2. Domestic Partner Health Benefits.

Domestic partners as defined by Section 297 of the Family 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 for the employee's share of premiums for health, dental and vision premiums and for unreimbursed medical benefits and dependent care.

It is the employee's responsibility to report any changes in life that impact his/her health plan (e.g. divorce, change of address, etc.). If the change is not reported in a timely manner, the employee will be responsible for any financial consequences the Agency may incur as a result of the change.

- B. Worker's Compensation Insurance. As required by State law, all TAMC 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 General Employee. TAMC pays premium on \$50,000.00 Group Term Life Insurance for the Deputy Executive Director and the Director of Finance & Administration. 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 TAMC 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 PERS plan must work at least 1,000 hours in a fiscal year. Benefits and contributions will be in accordance with PERS regulations, and the Agency's contract with PERS.

Applies to employees prior to 1/1/2013 & Classic Members:

- 2% at 55 Formula
- Portion of Employee contribution paid by TAMC as approved by the Board
- Minimum service requirement for retirement eligibility: 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

Applies to PEPRA members employed after 1/1/2013:

- 2% at 62 Formula
- Employees pay 50% of the normal cost of their pension benefit as determined annually by PERS
- Minimum service requirement for retirement eligibility: age 52 with 5 years of service
- Final compensation: highest 36-month average
- Maximum pensionable compensation is capped at 120% of the Social Security contribution and benefit base if the member's service is not included in Social Security and 100% if it is.
- 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

Any required employee contributions to the pension will be made on a pretax basis.

- B. Deferred Compensation Plan. Applies to employees prior to 1/1/2013 & Classic Members: The Agency as employer will pay up to 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.

Applies to PEPRA members employed after 1/1/2013: The Agency as employer will pay up to 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. Employer contributions may be further limited by CalPERS/IRS rules.

- 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. (IRS Section 127)

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 Regular 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 Regular 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. Special Performance Review. 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 is 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 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, but written reprimands may be rebutted in writing and the rebuttals shall be attached to the written reprimand. The supervisor may correct the reprimand at his/her discretion.

B. Suspension

1. Without Pay. The Executive Director may suspend an employee without pay for up to ninety (90) days 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. The Executive Director may also administratively suspend an employee with pay for up to twenty (20) working days, based upon a determination that circumstances exist that make the immediate removal of the employee to be in the best interests of TAMC.

a) Paid suspension pending investigations are not disciplinary actions and not subject to appeal, unless the suspension subsequently becomes a disciplinary action.

b) Written notice of such suspension shall be given to the employee as soon as possible, but not later than 72 hours after such action is taken.

c) 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, or without cause any probationary employee, under his or her jurisdiction. .

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. Except when emergency or other special circumstances require immediate action, 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) 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. The five (5) days prior notice requirement shall not apply in cases where the integrity of TAMC funds or data are threatened, or in the case of workplace violence (threatened or actual); in such cases, notice shall be given within a reasonable time after commencement of discipline.

B. The written notice shall:

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 respond to such action to the charges either verbally or in writing at an informal meeting conducted by the Executive Director or his/her designee at a time prior to the effective date of the proposed discipline.

C. In cases of intended dismissal, the Executive Director shall make the final decision and give the employee written notice of dismissal.

19.5 Appeals from Disciplinary Action

- A. Any Regular Employee who has successfully completed his/her probationary period may appeal disciplinary actions. Such appeals must be made in writing, must describe the basis for the appeal, and must be filed with the Executive Director within a period of ten (10) calendar days from notification of the decision to take disciplinary action.
- B. Written reprimands and administrative removal with pay may not be appealed.
- C. Within thirty (30) days of receipt of a written appeal of a disciplinary action, the Executive Director shall ask the TAMC Executive Committee to designate a hearing officer. The hearing officer shall not be a member of TAMC staff and shall not be a member of the TAMC Board.
 - 1. 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. Oral evidence shall be taken only on oath or affirmation. Witnesses may be called and cross-examined. Technical rules relating to evidence and witnesses do not have to apply; hearsay evidence may be used for the purpose of supplementing or explaining direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action.
 - 2. At the hearing, the burden of proof shall be on TAMC.
 - 3. The hearing officer shall determine whether or not the charges as made and the proposed disciplinary action are appropriate. The hearing officer shall prepare a summary record of proceedings and recommend whether to approve, modify or withdraw the recommended disciplinary action.
 - 4. Within thirty (30) days after the filing of the hearing officer's record and recommendation, review maybe sought by filing an appeal with the TAMC Executive Committee. If review is sought, then the TAMC Executive Committee shall consider the matter and either adopt the hearing officer's recommendations or make its own findings, conclusions and determinations within sixty (60) days of the filing of an appeal, but no later than the next available TAMC Executive Committee meeting which is after the 60th day.
- D. The decision of the TAMC Executive Committee shall be final and conclusive for purposes of grievance procedures, with no further appeal to the Agency Board.

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.

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, agree to be demoted 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 on Rights Upon Separation 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 the applicable 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. Letter of Retirement. To be submitted with Personnel Action Form in case of employee retirement.
 3. 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 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. .

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

21.2 Travel reimbursement

A TAMC employee shall receive reimbursement for authorized, 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 shall be in accord with current state guideline rates. (Refer to Official Travel & Training-Employees Policy.) Any reimbursement in excess of state rates must be approved by the Executive Director and will be paid for using non federal and state revenue.

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

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

SECTION XXII WORKPLACE SAFETY AND REPORTING OF WORKPLACE INJURIES

TAMC is committed to providing a safe and healthy work environment for all employees.

All employees have responsibilities with respect to their own personal safety, that of fellow employees, and public safety.

Employees are required to think about safety at all times. If an employee sees an unsafe or unhealthy condition or hazard, the employee must advise his/her supervisor or Executive Director so that the condition or hazard can be corrected.

Staff members injured while at work shall report such accidents to the Administrative Section in writing as soon as possible after the accident. "At work" refers to any time period or location where the employee is conducting official TAMC business. The Director for Finance & Administration will notify the insurance carrier and Executive Director of all accidents and ensure that the employee receives appropriate medical treatment. (Refer to the Administrative policy for more details)

California law makes it a crime to knowingly file a false or fraudulent claim for workers' compensation benefits, or to knowingly submit false or fraudulent information in connection with any workers' compensation claim.

TAMC or its insurer will not be liable for payment of workers' compensation

benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity that is not part of the employee's work-related duties.

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, unless otherwise required by law. 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 Director of Finance & Administration. Records shall be made available within 30 days of receiving the request. Employee may also request to receive a copy of the records. 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 may be required by the law, the Agency will not release any information concerning references 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. All requests for references must be directed to the Director of Finance and Administration. No other manager, supervisor, or employee is authorized to release information for current or former employees without prior authorization from the Director of Finance and Administration.

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.)

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

- A. 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 and may be subject to TAMC disciplinary action.
- B. Text messaging while driving an Agency vehicle or personal vehicle on Agency business is prohibited.
- C. Use of cell phones for personal use during business hours shall be minimized and should be limited to infrequent immediate family and medical needs. Phone calls of any other nature should be conducted while on break.

23.7 Gratuities and Gifts

In order to avoid raising any questions about the integrity of TAMC as an agency or that of any individual staff member, all employees are prohibited from accepting gratuities from any person or entity, relative to their job function or performance within TAMC. Employees and their immediate family are not to accept gratuities, meals, or honoraria, or any special discounts or loans from any person or firm doing, or seeking to do, business with TAMC.

If an employee has any question regarding the propriety of a gift, or proposed gift, disclosure should be made to their supervisor or the Executive Director for a determination of the proper course of action.

A violation of this policy may result in disciplinary action, up to and including termination.

23.8 Smoking Policy

Smoking is not permitted in any TAMC building, office or vehicle. Smoking is permitted during employee rest and meal breaks only in outside areas, consistent with applicable law. Smokers are required to leave such areas free of smoking litter and debris.

23.9 Confidential Information

- A. If during the course of employment an employee acquires confidential or proprietary information about TAMC, or any TAMC's business or operations, such information is to be handled in strict confidence and not to be discussed with those outside of TAMC. Employees shall also be responsible for keeping such information in strict confidence internally where appropriate.

Most communication among TAMC employees is not considered confidential. However, certain circumstances, such as police investigations, personnel records, personnel related matters and communications from TAMC Counsel, may be confidential or contain confidential information. At times when an employee possesses “confidential” information, the employee has an obligation to take all reasonable and necessary steps to protect the confidentiality of the information, and minimize the likelihood of inadvertent transmission of the confidential information to unintended recipients. If an employee has any question regarding the implementation of this section, they should contact their supervisor or the Executive Director.

- B. Employee’s confidentiality obligations remain in effect even after an employee is no longer employed by TAMC.
- C. Employees shall treat all information as “confidential” if there is any possibility that the information could be considered personal (such as personnel or medical records), or private (such as proprietary or financial information received in confidence from a third party with the expectation, expressed or implied, that such information will be kept confidential), or if it could potentially expose TAMC to liability if released.
- D. Identity of People Who Are Authorized To Receive Confidential Information. Employees with the care and custody of confidential information shall be responsible for determining which other employees (or possibly attorneys or consultants hired to represent TAMC) are authorized recipients of the information. Generally, only people with a “need to know” the confidential information are authorized recipients. Employees with any questions as to who is an authorized recipient for confidential information shall contact their supervisor or the Executive Director.
- E. All requests made under the California Public Records Act and Federal Freedom of Information Act shall be forwarded to the Executive Director, or his/her designee, who will communicate the request to TAMC Counsel.

23.10 Workplace Search Policy

All offices, desks, lockers, file cabinets, computers, voicemail boxes, Agency vehicles, and other equipment and furnishings provided by TAMC are considered property of TAMC and are issued for the use of employees during their employment with TAMC. Inspection or searches may be conducted of TAMC property at any time at the discretion of TAMC management.

In the event that TAMC has reasonable suspicion to believe that an employee is

possessing, selling, or using illegal drugs, weapons, or stolen property on TAMC premises, TAMC management reserves the right to notify law enforcement authorities to initiate appropriate searches and/or investigations.

Employees who, after lawful inspection or searches, are found to be in possession of illegal drugs, weapons, or stolen property will be subject to disciplinary action up to and including termination.

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 Director of Finance & Administration. I acknowledge that I am expected to read, understand and adhere to the Transportation Agency for Monterey County's policies.

(Employee Signature)

(Date)