



**To: First 5 Alameda County Executive Committee**

**From: Patricia Zapanta, Acting Director, Finance and Administration**

**Date: June 19, 2009**

**Subject: Personnel Policies Revisions**

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#### **REQUESTED ACTION**

To review and approve the following Personnel Policies revisions.

#### **BACKGROUND**

First 5 Alameda County adopted Personnel Policies in May 2004 in preparation for separation from Alameda County. Since then revisions have been made in May 2005, September 2005, June 2006, May 2007, and May 2008. All significant policy revisions are listed on the change log at the end of the document. Revisions are necessary periodically due to changes in practice or law, and proposed revisions have been reviewed by outside counsel. We engage the employment law firm of Wiley Price & Radulovich when consultation is needed on issues of employment, including revision of personnel policies.

#### **PROPOSED REVISIONS TO PERSONNEL POLICIES**

1. Year-end Manual Clean Up and Reformatting – This represents changes that clarify policy but do not change policy.
2. Employee Classifications, page 2 – Regular part-time employee status was changed from 15 hours to 20 hours, and the general length of temporary employee assignments was increased from 6 months to 12 months, to better reflect Agency practices and allow for additional flexibility in short term staffing assignments.
3. Addition of Paid Family Leave section, page 11 – This section adds information about Paid Family Leave, an employee-paid benefit administered by the Employee Development Department.

4. Vacations, pages 11-12: An accrual category for years 21+ was added, consistent with our practice and Alameda County vacation policy. A cap on total vacation time accrual was substituted for the cap on vacation roll-over at year end, based on the recommendation of legal counsel.
5. Paid Time Off (PTO), pages 12-13 – Based on the recommendation of legal counsel, the policy was changed to provide for pay out of unused PTO at the time of termination of employment.
6. Bilingual Pay, page 20 – The language was changed from a specified dollar amount to an amount consistent with Alameda County, and language was added requiring annual need for supervisor reauthorization of bilingual pay to ensure the second language continues to be utilized in employee’s work.
7. Breastfeeding-Friendly Workplace, page 22 – This section, based on a model template from LA Best Babies Network, was added to reflect the Agency’s support of employees who breastfeed when they return to work.
8. Attire and Personal Hygiene, pages 23-24 – The definition of business casual was clarified to include professional-appearing denim skirts and dark jeans.
9. Addition of Reduction in Workforce Policy, approved by Commission 12/11/2009 and amended 3/26/09 with the addition of severance pay cap, pages 29-31 - Additional changes, based on the advice of legal counsel, were made in the policy to reflect changes in Federal law related to the temporary COBRA subsidy, to build in cost-control measures on benefits payments in the event of employee furloughs, to ensure the language in the policy is consistent with the waiver employees must sign to receive severance pay, and to clarify the Agency’s right to alter or terminate the policy.

**FISCAL IMPACT**

There is no fiscal impact.

**RECOMMENDATION**

To review and approve the following Personnel Policies revisions.

Submitted by:

Reviewed by:

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Patricia Zapanta,  
Acting Director, Finance and  
Administration

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Mark Friedman,  
Chief Executive Officer



## PERSONNEL POLICIES MANUAL

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## WELCOME

Welcome to Every Child Counts – First 5 Alameda County. Through the efforts of our staff members, First5 Alameda County has established itself as a leading organization in our community. To ensure our continued success, all staff employees need to understand our policies and procedures.

If you have any questions, please do not hesitate to ask either your supervisor or a member of the Finance / Administration team.

Sincerely,



Mark Friedman, Chief Executive Officer

## PART ONE: INTRODUCTORY INFORMATION

### HANDBOOK USE AND PURPOSE

This employee handbook is designed to help employees familiarize themselves with important information about First 5 Alameda County (hereafter also referred to as the Agency), as well as information regarding their own privileges and responsibilities.

It is not possible to anticipate every situation that may arise in the workplace or to provide information that answers every possible question. Also, future circumstances may require changes in the policies, practices, and benefits described in this handbook. Accordingly, except for the At-Will Employment Policy, the Agency reserves the right to modify, rescind, supplement, or revise any provision in this handbook. While the Agency will make reasonable efforts to provide employees with advance notice of any modifications or revisions to the handbook and will distribute updated pages as revisions are made, advance notice of policy changes may not always be possible. Even in this event, changes to policies will apply to Agency employees.

This handbook is not intended to be a contract. The policies and procedures in this handbook are intended to replace all previous personnel policies, practices, and guidelines with the exception of the Agency's at-will employment policy.

Any questions regarding the contents of this handbook may be addressed to your supervisor or to the Finance and Administration Director.

### EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of First 5 Alameda County to afford equal opportunity in all aspects of employment to all persons without discrimination on the basis of race, religion, sex, national origin, ethnicity, age, physical or mental disabilities, color, marital status, sexual orientation or medical condition, or any other basis protected by law. This policy shall apply to all employees and applicants for employment, and extends to all phases of employment, including recruitment, hiring, training, promotion, discharge or layoff, rehiring, compensation, and benefits.

## REASONABLE ACCOMMODATION OF PROTECTED DISABILITIES

First 5 Alameda County will comply with the employment-related reasonable accommodation requirements of the California Fair Employment and Housing Act and the Americans with Disabilities Act, including the interactive process to identify possible reasonable accommodations of protected disabilities.

An employee or applicant who alleges a denial of a reasonable accommodation may file a complaint pursuant to the Agency's Complaint Procedure for Complaints of Denial of Reasonable Accommodation, below.

### COMPLAINT PROCEDURE FOR COMPLAINTS OF DENIAL OF REASONABLE ACCOMMODATION

Complaints of denial of reasonable accommodation shall be directed to the Finance and Administration Director. Applicants and employees are encouraged to bring such complaints to the Agency's attention promptly, so that it can address them promptly.

The Chief Executive Officer shall make a determination regarding whether a reasonable accommodation shall be provided. The Chief Executive Officer may require the applicant/employee and an Agency representative to meet to discuss potential reasonable accommodations and to try and agree to a specific reasonable accommodation. The Chief Executive Officer shall have the authority to determine which reasonable accommodation, if any, shall be provided.

## PART TWO: EMPLOYMENT AND HIRING POLICIES

### WORK ELIGIBILITY

To comply with federal law, First 5 Alameda County employs only United States citizens and non-citizens who are lawfully authorized to work in the United States. All employment is conditioned upon receipt, by the Finance and Administration Director, of documentation establishing identity and authorization to work in the United States.

Employees who will be working alone with children will be required to be fingerprinted prior to employment. Employees who will work directly with families will be required to pass a TB test prior to employment, and periodically during the course of employment.

### INTRODUCTORY PERIOD

Employees are considered introductory during the first one hundred eighty (180) days following their date of hire. During this period, performance will be carefully evaluated and a determination made regarding the employee's job performance. The fact that an employee has completed the introductory period does not guarantee continued employment. During the introductory period, employees are not eligible to take vacation time, although vacation time does accrue.

Notwithstanding the introductory period, because your employment is at-will, it may be terminated by you or the Agency, during or after your introductory period, for any reason or no reason, with or without notice.

## EMPLOYEE CLASSIFICATIONS

Staff members are placed into classifications based on job description, and applicable wage/hour laws.

- Exempt Employee: An executive, administrative, or professional employee who is exempt from the overtime requirements of the Fair Labor Standards Act (“FLSA” )
- Nonexempt Employee: An employee (generally paid by the hour) who is eligible for overtime pay under the FLSA
- Regular Full-Time Employee: An employee who is regularly scheduled to work forty (40) hours or more per workweek\*
- Regular Part-Time Employee: An employee who is regularly scheduled to work between ~~fifteen~~ twenty (20) and thirty-nine (39) hours per workweek\*
- Temporary Employee: An employee who is hired on a full-or part-time basis for a specified period of time, usually not to exceed ~~twelve~~ six (6) months
- On-Call Employee: An employee who is not regularly scheduled to work a specified number of hours in any given workweek, but who is scheduled to work on an as-needed basis

~~\*Until, but not after, December 31, 2008, full-time status is considered to be a minimum of thirty-five (35) scheduled hours per workweek. PLEASE NOTE: Effective January 1, 2009, the definition of full-time status will change to a minimum of forty (40) scheduled hours per workweek, as described above.~~

## CHANGES IN EMPLOYEE CLASSIFICATIONS

All employees are classified as exempt or non-exempt, introductory or regular, and as regular, temporary, part-time, or full-time. These classifications determine eligibility for benefits, compensatory time, and overtime.

Changes in employee classification may occur when a job change (for example, a promotion or a change in work hours, etc.)—projected to be ongoing or last for more than four (4) months—takes place.

## JOB POSTINGS

First 5 Alameda County attempts to find the most qualified candidates to fill position vacancies. This is accomplished through a combination of internal and external recruiting. Consideration will be given to the advancement of current employees, and employees are encouraged to apply for promotions or transfers for which they feel they are qualified.

Open positions may be posted internally on bulletin boards and/or the First 5 Alameda County website. Internal postings may occur simultaneously with external postings. The decision to fill positions from within or to hire from outside is made solely by First 5 Alameda County.

Only the Finance and Administration Director, the Human Resources Manager/Administrator, and the Chief Executive Officer have the authority to extend job offers. All offers of employment will be in writing.

## **HIRING OF RELATIVES**

First 5 Alameda County is aware that relatives of employees or Commissioners may occasionally seek employment with First 5 Alameda County.

In the interest of avoiding conflicts of interest, or appearances of conflicts, First 5 Alameda County sets forth the following guidelines with respect to nepotism:

1. Current employees may not interview relatives who seek employment with the Agency.
2. Current employees may not supervise relatives under any circumstances.

The definition of “relative” is:

- Spouse/domestic partner
- Spouse’s or domestic partner’s child (natural child, legally adopted child, or a child for whom the employee, spouse, or domestic partner has been awarded court-appointed legal guardianship)
- Parent(s) or spouse/domestic partner’s parent(s)
- Brother(s) and sister(s) and spouse(s) thereof
- Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship

It is expected that relatives shall conduct themselves professionally in their interactions with each other and with other employees working at First 5 Alameda County.

## **EMPLOYMENT OF BOARD MEMBERS**

To preserve the objectivity and integrity of the Agency’s Commission, any Commission member who wishes to apply for employment with the Agency must first resign from the Commission.

## **PART THREE: EMPLOYEE DEVELOPMENT**

### **PERFORMANCE EVALUATIONS**

Each employee's performance will be reviewed on an annual basis, to coincide with the anniversary of the employee’s start date with First 5 Alameda County. Performance review guidelines are provided for supervisors and employees to follow during the process.

Performance appraisals, signed by both employee and supervisor, will be placed in the employee's personnel file. Employees may keep a copy of their appraisal and have the opportunity to comment on it in writing.

### **PROFESSIONAL DEVELOPMENT**

First 5 Alameda County encourages the professional growth and development of employees through a variety of means, including in-house training, membership affiliations with professional organizations, and attendance at educational conferences, meetings or seminars. To support this, all employees, together with their supervisor, develop professional development goals annually as part of the performance review process.

First 5 Alameda County will consider employee requests to pay for membership dues and license renewals in job-related professional organizations when those fees become due after the start of employment with the Agency. Employees make this request through their supervisor, and written supervisor approval is required prior to payment or reimbursement. Employees who wish to attend a job-related conference, meeting or seminar must also make this request through their supervisor, and obtain advance written approval, prior to payment or reimbursement for the cost of the training. Detailed information about procedures for submitting professional development requests can be found in the Agency's Program, Administrative and Financial Management Procedures Manual.

## **PART FOUR: HEALTH, WELLNESS, AND EMPLOYEE ASSISTANCE**

### **MEDICAL INSURANCE**

Medical insurance is offered as part of the benefits package to regular, full-time employees and part-time employees who regularly work 20 hours or more per week. First 5 Alameda County pays the cost of premiums for the employee, spouse / domestic partner and/or eligible dependents, up to an amount to be determined annually. If an employee chooses a medical plan that costs more than the employer contribution, the balance of the cost is borne by the employee, and is paid for on a pre-tax basis through payroll. First 5 Alameda County's share of costs of benefits for part-time employees will be pro-rated to the percentage of time worked.

First 5 Alameda County reserves the right to change medical insurance plans and benefits under those plans, to change the Employer share of premium payments for the plans, or change the amount it pays employees who opt out of the medical plan, with or without notice, consistent with any legal obligations it may have. In general, the Employer share of medical premiums is determined prior to each Open Enrollment period.

### **DENTAL INSURANCE**

Dental insurance is offered as part of the benefits package to regular full-time employees and employees who regularly work 20 hours per week or more. First 5 Alameda County pays the cost of premiums for the employee, spouse / domestic partner and eligible dependents up to an amount to be determined annually. If an employee chooses a dental plan that costs more than the employer contribution, the balance of the cost is borne by the employee, and is paid for on a pre-tax basis through payroll. First 5 Alameda County's share of costs of benefits for part time employees will be pro-rated to the percentage of time worked.

First 5 Alameda County reserves the right to change dental insurance plans and benefits under those plans, to change the Employer share of premium payments for the plans, or change the amount it pays employees who opt out of the dental plan, with or without notice, consistent with any legal obligations it may have. In general, the Employer share of dental premiums is determined prior to each Open Enrollment period.

### **DEFINITION FOR ELIGIBILITY**

For the purposes of benefits coverage, "eligible dependents" is defined as spouse or domestic partner and eligible dependent children.

## PAYMENT IN LIEU

Employees may opt not to enroll in health and/or dental insurance provided through First 5 Alameda County, provided they have proof of insurance through another source. Employees who wish to opt out must complete and sign a waiver form. First 5 Alameda County will pay employees who opt not to enroll in any form of Agency-provided medical or dental insurance \$100.00 each pay period. This payment is subject to state and federal taxes.

## INSURANCE CONTINUATION

Upon termination, employees covered under a health insurance plan have certain legal rights to remain on the insurance plan at their own expense for up to eighteen (18) months (more in some exceptional cases) through benefits under COBRA. More information regarding COBRA coverage, costs, and administrative procedures is available from the Human Resources department at the time employment ends or when an employee has a question about other qualifying events.

## FIRST 5 FLEXIBLE BENEFIT

All regular, full-time employees receive a First 5 Flexible Benefit of \$1,500 per year. The benefit may be applied to the following pre-tax options:

1. The Employee's share of the medical/dental premium,
2. The purchase of supplemental Life Insurance (for the employee), or
3. The funding of a Health Flexible Spending Account

Part-time, regular employees' Flexible Benefit is pro-rated based on the percentage of time worked.

## ALAMEDA COUNTY EMPLOYEES RETIREMENT ASSOCIATION (ACERA)

All regular, full-time employees are required to become members of ACERA. ACERA is a defined benefit retirement plan and information about ACERA is provided by Human Resources. Employees are required to make a pre-tax contribution to ACERA through payroll deduction. Contribution rates are set annually by ACERA. Part-time employees are not eligible to become members of ACERA. Full-time employees who convert to part-time may retain membership if they so indicate to ACERA.

All exempt employees will receive a 3% salary augmentation (called Ret Payback on the payroll stub) related to ACERA. This benefit was part of the original Alameda County benefit package.

## EMPLOYEE ASSISTANCE PROGRAM (EAP)

All regular employees are provided with access to an Employee Assistance Program, which offers a variety of benefits at low- or no-cost. Information is available from Human Resources.

## LIFE INSURANCE

Regular employees who work 20 or more hours per week are eligible for a basic \$25,000 life and accidental death and dismemberment insurance benefit paid for by the Agency. Employees may also elect supplemental coverage as well as dependent life insurance coverage at their own expense, with premium payments being made on a pre-tax basis through payroll under the Agency's Cafeteria (Section 125) Plan. Additionally, employees may

~~elect supplemental life insurance for their spouse/partner and/or dependent children; Effective January 1, 2009, these premiums for supplemental life insurance for an employee's spouse/partner or children are not included in the Agency's Cafeteria Plan and will be~~ paid on an after-tax basis. Supplemental life insurance may only be purchased at the time of hire or open enrollment.

### **FLEXIBLE SPENDING ACCOUNT**

All regular employees may enroll in the Agency's flexible spending account ("FSA") program, which allows employees to set aside pre-tax dollars to be used for eligible medical expenses or dependent care expenses. For a comprehensive list of reimbursable medical expenses, please review the FSA materials provided by Human Resources.

### **A Word of Caution**

No refunds of money left in an individual's flexible spending account are given at the end of the plan year. This means that employees participating in the plan need to estimate expenses carefully.

### **TOOLS AND TECHNOLOGY**

All regular employees are eligible for a Tools and Technology benefit. Employees may use the benefit to pay for job-related expenses including trainings and conferences, subscriptions to professional publications, technology equipment (i.e. computer equipment for your home), membership dues in professional organizations and fees for job licenses, certification and/or registration. Eligible expenses must be paid for up-front by eligible employees. Employees can be reimbursed for those eligible expenses twice a year, not to exceed a total amount of \$800 per year. The reimbursement is made through payroll and is taxable. Specific instructions for reimbursement will be distributed twice yearly by ~~Human Resources~~ Finance.

To be eligible for the Tools and Technology benefit for a given year, regular full-time or part-time employees must have begun work for First 5 on or before December 31 of the previous year. The benefit for part-time employees will be pro-rated.

### **WORKERS' COMPENSATION**

First 5 Alameda County carries workers' compensation insurance as required by law to protect employees who are injured on the job. This insurance provides medical, surgical, and hospital treatment in addition to compensation for loss of pay resulting from work-related injuries or illness. The cost of this coverage is paid by the Agency.

You must immediately report any on-the-job injury to your supervisor, regardless of how minor the injury may seem. Questions concerning our workers' compensation coverage should be directed to Human Resources.

First 5 Alameda County does not provide workers' compensation coverage for injuries sustained during or as a result of an employee's voluntary participation in off-duty social, recreational, or athletic activities that are not part of an employee's work-related duties. If an employee is required or expected to participate in a recreational, social, or athletic activity as part of his or her job, however, workers' compensation coverage may apply.

## STATE DISABILITY INSURANCE (SDI)

Employees of First 5 Alameda County who are unable to work due to illness, injury, or pregnancy may receive state-funded income protection insurance for the time they are unable to work. SDI is an employee paid benefit. The determination of benefits is up to the state. An employee may apply for disability benefits after being disabled for eight (8) days, or if hospitalized, after one (1) day of disability. The first seven days of an employee's disability are considered a "waiting period", and no SDI benefits are paid for that period. Forms can be obtained from the local office of the Employment Development Department or the EDD website: <http://www.edd.ca.gov/disability>, or from the employee's physician.

If a physician deems an employee to be temporarily disabled, the employee may not return to work without first submitting a medical release to ~~his or her supervisor~~ Human Resources.

## PAID FAMILY LEAVE (PFL)

First 5 Alameda County employees are also covered under the Paid Family Leave (PFL) insurance program. PFL is an employee-paid benefit that provides partial wage replacement when an employee is taking time off work to care for parents, children, spouses/partners, or to bond with a new minor child. Up to six (6) weeks of benefits may be paid in a twelve (12) month period. The determination of benefits is up to the state. Employees must serve a seven (7) day waiting period before benefits begin. Claim forms are available from the local office of the Employment Development Department or by calling 1-877-238-4373.

## LONG TERM DISABILITY INSURANCE

All regular full-time and part-time employees who are regularly scheduled to work 20 or more hours per week may apply to purchase long term disability insurance from a designated broker. Payment for such insurance ~~may be~~ made by an after-tax deduction from the employee's gross salary.

## DEFERRED COMPENSATION

Employees may participate in the Alameda County's ~~De~~ferred ~~C~~ompensation ~~P~~lan, ~~through Prudential Financial~~. Contributions to the plan are made pre-tax, through payroll, and may be placed in various investment vehicles. Employees may enroll or change their deferred compensation election at any time during the year.

## EXECUTIVE BENEFIT PACKAGE

The Commission may provide an Executive Benefit Package to the Chief Executive Officer. The components of the package are at the discretion of the Commission. Any Executive Benefit Package must be detailed in writing, signed by the Chair of the Commission and the Chief Executive Officer, and placed in the Chief Executive Officer's personnel file.

## PART FIVE: PAID TIME OFF

### VACATIONS

Regular and introductory full-time employees earn paid vacation time on the following schedule, beginning with the first day of employment:

- 1–3 years: 10 days each calendar year (80 hours)
- 4–10 years: 15 days each calendar year (120 hours)
- 11–~~20~~ years: 20 days each calendar year (1650 hours)
- 21+ years 25 days each calendar year (200 hours)

Accrued vacation time cannot be taken until six months after your first day of employment.

Any unused vacation time may be rolled over into the following year up to a cap of 2 times your annual vacation accrual. Employees may accrue vacation time up to two (2) times their annual accrual, set forth above. Once an employee reaches this cap on accrual, he/she will cease accruing vacation until vacation time is taken that reduces the employee’s balance to below the cap. Any unused vacation time may be rolled over into the following year.

Regular and introductory part-time employees who are regularly scheduled to work twenty (20) or more hours per week earn paid vacation time on a pro-rated basis based on the number of hours worked per week. No other classification of employees earns paid vacation time.

All vacation time must be requested, preferably in writing, and approved in advance.

Employees may request to receive a vacation pay-out for some of their accrued unused vacation in lieu of taking paid time off work. Employees who request a vacation pay-out are required to have one year’s accrual remaining after the pay-out.

Upon termination of employment, employees will be paid for any accrued, unused vacation.

**HOLIDAYS**

First 5 Alameda County observes the following holidays:

- |                            |                           |
|----------------------------|---------------------------|
| New Year's Day             | Labor Day                 |
| Martin Luther King Jr. Day | Veteran’s Day             |
| Lincoln’s Birthday         | Thanksgiving Day          |
| Washington’s Birthday      | Friday after Thanksgiving |
| Memorial Day               | Christmas Day             |
| Independence Day           |                           |

All regular full-time employees are paid for each holiday. Employees on vacation at the time a holiday occurs will not have that day counted as vacation pay. Part time employees who are regularly scheduled to work on a holiday will be paid for that holiday up to the number of hours regularly scheduled to work.

**PAID TIME OFF (PTO)**

All regular and introductory employees receive 56 hours (7 days) of paid time off (PTO) each year in addition to vacation and sick leave and the Agency’s regular holidays. PTO allows employees to have additional paid leave to cover absences for personal reasons such as religious observances or to supplement vacation, sick and holiday leave. Eligible employees will receive 56 hours of PTO on January 1 of a given year. Employees may carry over unused

PTO to subsequent years. However, in the succeeding year, employees will receive only the number of PTO hours that will bring their total to 56 hours.

Regular and introductory part-time employees who are regularly scheduled to work twenty (20) hours or more per week will be granted PTO hours pro-rated based on the percentage of time worked, and on the schedule described above. Temporary and part-time employees regularly scheduled to work less than twenty (20) hours per week do not receive PTO.

~~No payment is made for unused Paid Time Off upon separation, or at any other time. Upon termination of employment, employees will be paid for any unused PTO.~~

## **SICK TIME**

Sick time provides regular and introductory full- and part-time employees with paid time off to recover from illness or injury, or to care for seriously ill family members. For purposes of this section "immediate family" means mother, stepmother, father, stepfather, husband, wife, domestic partner (upon submission of an affidavit), son, stepson, daughter, stepdaughter, grandparent, grandchild, brother, sister, foster parent, foster child, mother-in-law, and father-in-law, or any other person sharing the relationship of in loco parentis; and, when living in the household of the employee, a brother-in-law or sister-in-law.

Sick time may also be used for health care appointments that cannot be scheduled outside work hours.

### **Accrual and Payment**

Eligible regular and introductory full-time employees may accrue sick time at the rate of .5 days (4 hours) per pay period of service for a total of thirteen (13) days per year. Regular and introductory part-time employees accrue sick time on a pro-rated basis, based on the number of hours they are regularly scheduled to work.

Accrued, unused sick time may be carried over from one year to the next but accrual caps at 130, 8-hour work days.

No payment is made for accrued, unused sick time upon separation or at any other time.

### **Sick Time Use**

Employees are responsible for directly notifying their supervisor prior to the start of the business day (or no later than one hour following their regularly scheduled start time) when prevented from starting or continuing a workday due to illness or injury. Employees must also keep their supervisor informed about the expected duration of the time away from work.

In most circumstances, a doctor's statement is required when an employee uses more than five (5) consecutive days of sick time or when an accumulation of absences seems to establish (in the supervisor's judgment) a problematic use of sick time. However, First 5 Alameda County may request verification of the reasons for any use of sick time.

Employees may use sick time to care for ill family members, but the same verification requirements apply in these instances.

## LEAVE OF JURY DUTY OR IN ANSWER TO SUBPOENA

Paid leave shall be granted to permit an employee to travel between the workplace and the court and while serving on jury duty or in answer to a subpoena as a witness. Proof of attendance from the court will be required in order to receive jury duty pay. Any jury or witness fee awarded, less reimbursement fee for mileage, shall be deposited in First 5 Alameda County's bank account.

When an employee is excused from jury duty or from answering a subpoena as a witness in time to report for at least one-half of his/her regularly scheduled shift, the employee shall report for duty and jury duty pay under this section shall be reduced accordingly. If the employee fails to report as described above, he/she shall be docked for the balance of the day.

Employees shall apply for standby jury duty if the court permits this option. An employee whose work assignment precludes participation in the standby jury duty shall be exempted from this requirement provided that a department head or his/her designee may adjust an employee's work assignment to permit the employee to apply for standby duty.

## BEREAVEMENT LEAVE

Leave of absence with pay because of death in the immediate family of a regular full- or part-time employee working for First 5 Alameda County may be granted by the division director or his/her designee for a period up to five days per calendar year. For purposes of this section "immediate family" means mother, stepmother, father, stepfather, husband, wife, registered domestic partner, son, stepson, daughter, stepdaughter, grandparent, grandchild, brother, sister, foster parent, foster child, mother-in-law, and father-in-law, or any other person sharing the relationship of in loco parentis; and, when living in the household of the employee, a brother-in-law or sister-in-law.

Entitlement to leave of absence under this section shall be only for those hours the employee would have been scheduled to work, and shall be in addition to any other entitlement for sick leave, emergency leave, or any other leave.

## PART SIX: UNPAID TIME OFF AND LEAVES OF ABSENCE

First 5 provides leaves of absence to eligible employees in a variety of circumstances. In all cases, First 5 intends to comply with applicable federal and state laws. Additional information concerning legal requirements applicable to leaves of absence will be posted in the workroom. Employees who are considering a leave of absence are encouraged to meet with the Finance and Administration Director or Human Resources Manager Administrator as early as possible to discuss the details of the leave and to coordinate the integration of benefits and payroll.

Employees may request a leave of absence without pay for other government or County employment, as defined below, extended educational purposes, illness, or justifiable personal or other reasons. You must submit a written request to your supervisor as far in advance of the leave as possible. An authorized leave of absence without pay does not affect previously accumulated sick leave, vacation time or seniority; however, no benefits shall accrue during the leave. The Finance Human Resources Department will explain how to continue health plan coverage. A leave of absence without pay must be approved by the division director or

his/her designee in consultation with Human Resources upon the request of the employee seeking such leave, but the unpaid leave shall not be for longer than 6 months, except where the policies below limit the leave to a shorter period or extend it to a longer period.

### **REQUESTS FOR LEAVE**

As soon as an employee learns of the need for a leave of absence, the employee should submit a written request for leave to his/her division director. Request forms are available from Human Resources. If the need for the leave is foreseeable, employees are required to provide at least 30 days' notice. Approval of the leave may be delayed if timely notice is not provided. If the employee learns of the need for leave less than 30 days before the leave is needed, the request must be made as soon as possible.

### **INTEGRATION OF BENEFITS**

If an employee on leave is receiving State Disability Insurance ("SDI") or Paid Family Leave ("PFL") benefits, and has not exhausted his/her accrued paid benefits with First 5, First 5 will integrate the SDI/PFL benefit with the employee's accrued paid benefit so that total compensation for the pay period does not exceed the employee's regular wages for that pay period.

### **MEDICAL CERTIFICATION**

If the reason for leave is the employee's own injury, illness, or temporary disability, medical certification that the employee is released to return to work is required before the employee will be permitted to return.

### **CONCURRENT RUNNING OF LEAVES**

If an employee is on a leave that qualifies as a pregnancy disability leave and/or a family medical leave, as described below, the leave time will run concurrently with leave time for which the employee is eligible under the Pregnancy Disability Leave law and/or the Family Medical Leave Act ("FMLA") and/or the California Family Rights Act ("CFRA").

### **NO LEAVE TO ACCEPT OUTSIDE EMPLOYMENT**

A leave of absence without pay may not be granted to a person accepting either private or public employment outside the service of First 5 Alameda County, except as outlined below.

### **UNPAID LEAVE MATRIX**

The following [two](#) pages (pages 15 & 16) contain an Unpaid Leave Matrix which includes information on eligibility, maximum leave time, notification requirements, guidelines on use of accrued paid leave (as it pertains to the type of unpaid leave), benefits continuation with regard to the type of leave, coordination with other leaves, reinstatement and benefits and seniority at reinstatement for various types of unpaid leaves. The types of unpaid leaves included in the matrix are:

- Medical / Family Illness / Child Care Leave
- Maternity and Pregnancy Disability Leave
- Paternity and Adoptive Leave
- Workers' Compensation Leave
- Leave when Lent to Other Governmental Agency or Governmental Institution

- Educational Leave
- Military Leave

	Medical/Family Illness/Child Care Leave*	Maternity and Pregnancy Disability Leave	Paternity and Adoptive Leave	Workers' Compensation Leave
<b>Eligibility</b>	<ul style="list-style-type: none"> <li>At least one year continuous service at First 5 and worked at least 1,250 hours in preceding 12 months</li> <li>Presence of the one of the reasons for leave described in the policies</li> </ul>	Any pregnant employee, employee with pregnancy or childbirth related medical conditions, or time for baby bonding by the mother following the birth of a child	Any employee who is a prospective father (before birth of child and/or for baby bonding after birth) or an adoptive parent	Any employee with an illness or injury related to work at First 5
<b>Maximum Leave Time</b>	12 work weeks within a rolling 12-month period, except the maximum duration of leave to care for an injured service member is 26 weeks in a rolling 12-month period	Up to six months, except leave for pregnancy disability cannot exceed four months	Up to six months	Until employee is released to work, is determined to be permanently unable to return to usual duties, or informs First 5 of intent not to return to work
<b>Notification Requirements</b>	30 days' notice required if need for leave is foreseeable, otherwise as soon as possible. Medical certification required if leave due to serious health condition of employee or family member.	30 days' notice required if need for leave is foreseeable, otherwise as soon as possible	30 days' notice required if need for leave is foreseeable, otherwise as soon as possible	Not applicable. Notification is based on determination of employee's work-related illness or injury incurred as a result of employment at First 5 with medical verification of the need for a leave.
<b>Use of Accrued Paid Leave</b>	Must use accrued sick, PTO and vacation time before unpaid leave starts. Must use accrued sick leave first (i.e. before PTO or vacation time).	Must use accrued sick leave before unpaid leave starts. May elect (optional) to also use accrued vacation time.	May elect (optional) to use accrued vacation time. Not eligible to use accrued sick time except due to illness to employee during leave.	Must use accrued sick leave and vacation time. Benefits will be coordinated with workers' compensation benefits so total payments do not exceed employee's regular wages.
<b>Benefits Continuation During Leave</b>	Retain employer-paid health insurance up to a maximum of 12 weeks within a 12-month period. All other benefits, and health insurance beyond 12 weeks, can be continued at the employee's expense (no First 5 contributions).			
<b>Coordination With Other Leaves</b>	<p>May be linked with Maternity and Pregnancy Disability Leave; <del>see diagram following this table</del></p> <p>May run concurrently with Paternity and Adoptive Leave or Worker's Compensation Leave</p>	First 12 weeks of pregnancy disability leave count against amount of leave available under FMLA for those eligible. Leave taken under this policy for baby bonding counts against leave available under CFRA.	Leave taken under this policy will run concurrently with FMLA/CFRA for employees eligible for baby bonding leave under FMLA/CFRA	Leave for work-related illness or injury is counted as leave in accordance with federal and state family/medical leave laws (FMLA/CFRA)
<b>Reinstatement</b>	Will be returned to the same or comparable position unless position has been eliminated or employee would have been terminated anyway. Medical certification of release to return to work required if leave is due to employee's health condition.			
<b>Benefits &amp; Seniority at Reinstatement</b>	Seniority and benefits accrue while paid leave is used but not during periods of unpaid leave. Seniority is reinstated at the same level as when unpaid leave started.			

\* Encompasses leave under the federal Family Medical Leave Act (FMLA) and state California Family Rights Act (CFRA).

	Lent to Other Government or Educational Institution	Educational Leave	Military Leave
<b>Eligibility</b>	By approval of division director and/or his designee	By approval of division director and/or his designee	Any employee who is a member of or joins the military and is called for active service; eligibility determined in accordance with provisions of state and federal law
<b>Maximum Leave Time</b>	One year	One year	Up to 30 days leave <u>with pay</u> if continuously employed by First 5 for one year prior to the leave. Up to five years without pay in all cases. Only days spent in active military service count against the five year limit.
<b>Notification Requirements</b>	30 days' notice required if need for leave is foreseeable, otherwise as soon as possible	30 days' notice required if need for leave is foreseeable, otherwise as soon as possible	30 days' notice required if need for leave is foreseeable, otherwise as soon as possible. Copy of military orders must be provided.
<b>Use of Accrued Paid Leave</b>	Not applicable	Must use accrued vacation time before unpaid leave starts	Must use accrued vacation time before unpaid leave starts
<b>Benefits Continuation During Leave</b>	Retain employer-paid health insurance up to a maximum of 12 weeks within a 12-month period. All other benefits, and health insurance beyond 12 weeks, can be continued at the employee's expense (no First 5 contributions).		Same. Employees can continue health insurance at their own expense for up to 18 months after employer-paid health insurance ends, in accordance with federal law.
<b>Coordination With Other Leaves</b>	None	None	None
<b>Reinstatement</b>	Will be returned to the same or comparable position unless position has been eliminated or employee would have been terminated anyway. <del>Medical certification of release to return to work required if leave is due to employee's health condition</del>		Will be reinstated to the position the employee reasonably would have had if military leave had not been taken, except reemployment is not assured if military service discharge was less than honorable or reemployment is impossible (e.g. position was legally eliminated), unreasonable or would be an undue hardship for First 5
<b>Benefits &amp; Seniority at Reinstatement</b>	Seniority and benefits accrue while paid leave is used but not during periods of unpaid leave. Seniority is reinstated at the same level as when unpaid leave started.		Benefits and seniority are reinstated at the level they would have been if military leave had not been taken. Employees have up to five years to make up contributions to the retirement plan that were missed during the period of leave.

## CATASTROPHIC SICK LEAVE BANK

An employee may be eligible to receive donations of paid leave to be included in the employee's sick leave balance if he/she has suffered a catastrophic illness or injury, or must care for an immediate family member (as defined in the Personnel Policies) who has suffered a catastrophic illness or injury, which prevents the employee from being able to work or from being able to work his/her regularly scheduled number of hours. Catastrophic illness or injury is defined as a critical medical conditions considered to be terminal, or a long-term major physical impairment or disability.

The Catastrophic Leave Program is a confidential program. The donor of benefits will be made aware of the value of their donation to the bank. The recipient of benefits will be made aware of the value of their benefits from the bank. Individual donations, and the recipient of benefits, will be considered confidential.

Any First 5 Alameda County employee who is eligible for sick leave is eligible to participate in the Catastrophic Leave Bank.

The recipient employee, family member of the recipient employee, or another person designated in writing by the recipient employee must submit a request to First 5 Alameda County Human Resources Department, 1100 San Leandro Blvd., Suite 120, San Leandro, CA 94577. The ~~Human Resources~~ Finance and Administration Director, in consultation with the Chief Executive Officer and Deputy Director, will administer the Catastrophic Leave Bank.

A confidential medical verification including diagnosis, prognosis, and estimated date of return to work must be provided by the recipient employee. If the employee has left work to care for a critically ill family member, the same documentation is required for the family member. No retroactive requests will be permitted.

The determination of the employee's eligibility for catastrophic sick leave donations shall be at First 5 Alameda County's sole discretion and shall be final.

The recipient employee is not eligible to receive and use donations so long as she/he has paid leaves available, however, the request may be initiated prior to the anticipated date leave balances will be exhausted. Exhaustion of paid leaves is not sufficient justification for requesting a donation from the catastrophic leave bank.

A recipient employee is eligible to receive up to 40 working days of donated time per employment. Donations will be made to recipients on a first-come, first-served basis. Donations from the bank may be received only if there are funds available in the bank.

Periodically, calls may be made to employees to donate to the bank, particularly at year-end.

The donor employee may donate vacation time. The donor's hourly value will be converted into dollars and deposited into the bank. Recipient sick leave will be withdrawn from the bank and converted into hours.

Donations shall be made in half day increments and are irrevocable. The maximum that may be donated in a calendar year is ten donor employee days per year, except that a husband and

wife or registered domestic partners, both employed by First 5 Alameda County, may donate unlimited amounts of time between one another.

Only vacation leave time may be donated. The donor employee may donate up to ten donor employee days per year, provided that the donation does not allow their vacation leave balance to fall below 40 hours.

When using donated leave, regulations governing the use of disability payments will be in effect if the employee is receiving disability. Sick leave hours will be offset based on the amount of disability payment.

## **PART SEVEN: WORK HOURS AND PAY**

### **PAY PERIODS**

For all employees, the standard pay period is biweekly. Paychecks are distributed every other Friday.

Although the regular workweek is from 8:30 a.m. to 5:00 p.m. Monday through Friday, other work schedules may be made between the employee and his or her supervisor, if memorialized in writing, and subject to the demands and limitations of the job and department. Supervisors have final approval for flextime requests and retain the authority to require the employee to return to a regular schedule should organizational need require it.

### **MEAL AND REST PERIODS**

All non-exempt employees receive a paid ten (10) minute rest period for each four (4) hours worked or major fraction thereof. Full-time employees should take one rest period in the first half of their day and one in the second half.

Non-exempt employees who work five (5) hours or more receive an unpaid lunch break of thirty (30) minutes. Rest periods cannot be combined with the lunch break, but employees may take up to a one (1) hour lunch break if desired. Employees may not skip rest and meal breaks to shorten the workday.

### **TIMEKEEPING REQUIREMENTS**

All employees submit time sheets that are approved by their supervisor or manager for each pay period. Non-exempt employees record actual hours worked and leave taken, and exempt employees record leave taken. Any falsification of a time sheet will result in disciplinary action, up to and including discharge.

### **OVERTIME PAY**

First 5 Alameda County provides non-exempt employees compensatory time off as a substitute for overtime pay, for all hours worked in excess of 40 in the workweek, at the rate of time and one-half hours for each hour of overtime worked, up to a maximum of 240 compensatory time off hours. All overtime must be approved in advance by the supervisor and the Chief Executive Officer. When the employee takes off the compensatory time earned shall be determined between the employee and his or her supervisor; however, employees are

encouraged to take compensatory time off as soon as possible after it is earned. The Agency will not unreasonably deny such requests.

Vacation, holiday, and sick time do not constitute hours worked for the purposes of computing overtime.

**BILINGUAL PAY**

If an employee uses a second language at least 20% of the time on the job, the employee’s supervisor may request that she/he be given bilingual pay. The process involves the employee being tested given a language proficiency exam administered through the Alameda County Health Care Services Agency. If the employee passes the test, a taxable salary augmentation of \$30 per paycheck will occur each pay period in an amount consistent with the bilingual pay rate of Alameda County.

Supervisors should contact Human Resources to schedule testing for eligible employees. Supervisors must also confirm that the employee is continuing to use the second language at least 20% of the time and reauthorize bilingual pay on an annual basis.

**WAGE GARNISHMENTS**

From time to time, First 5 Alameda County may be required to withhold monies from an employee's pay. If this Agency receives a court-authorized garnishment or levy, the employee affected will be notified immediately.

**PAYROLL DEDUCTIONS**

Your payroll and earnings deductions are detailed with your paycheck. Mandated and voluntary deductions usually include the following:

Deductions Mandated by Federal and State Law	Voluntary Deductions
Federal income tax	Health and Dental insurance
State income tax	Health Flexible Spending Account
Social Security, Medicare contributions	Dependent Care Flexible Spending Account
State disability insurance	Supplemental Life Insurance
Garnishments, wage attachments	Deferred Compensation
<u>Employee contribution to ACERA</u>	Long Term Disability Insurance

Any questions about your paycheck should be directed to the Finance department Human Resources Administrator or Payroll Manager.

**PART EIGHT: WORKPLACE HEALTH AND SAFETY**

**DRUG-FREE WORKPLACE**

As part of First 5 Alameda County’s ongoing commitment to a safe and healthy workplace, we maintain a drug-free workplace policy. Any employee who reports to work while under the influence of drugs or alcohol runs the risks of endangering his or her safety and the safety of others, destruction of or damage to personal or Agency property, and a loss of productivity and workplace morale.

All employees of First 5 Alameda County are required to understand and comply with the Agency's drug-free workplace policy. Any failure to comply with the guidelines of this policy can result in immediate termination of employment. Employees either in our offices or conducting business on behalf of our Agency regardless of location are prohibited from all of the following:

- Unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any controlled substance
- Reporting to work while under the influence of alcohol or a controlled substance. Controlled substances include, but are not limited to, narcotics (such as heroin and morphine), cannabis (marijuana, hashish), stimulants (such as cocaine and amphetamines), depressants (tranquilizers) except by doctor's prescription, and hallucinogens (such as PCP, LSD, and "designer drugs")
- Use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any legal prescription drug in an illegal or unauthorized manner
- Reporting to work while impaired by the use of a legal drug whenever such impairment might substantially interfere with job performance or pose a threat to the employee's safety or the safety of others, or risk significant damage to Agency property

## **SMOKING**

Smoking is prohibited in all First 5 Alameda County offices.

## **PART NINE: WORK PRACTICES AND ENVIRONMENT**

### **PUNCTUALITY AND ATTENDANCE**

Employees who are unable to report for work for any reason must notify their immediate supervisor within one (1) hour of their regularly scheduled starting time.

In general, all employees are expected to be responsible and demonstrate respect for fellow employees by establishing a record of punctuality and regular attendance. These are factors considered in evaluating overall job performance.

Frequent lateness or excessive absenteeism may, depending on the circumstances, result in disciplinary action up to and including termination.

### **USE OF FACILITIES AND PROPERTY**

Employees are asked to treat Agency property as they would their own. Specifically, employees are to keep their own work area and common areas clean and well maintained and limit their use of Agency equipment to work-related purposes. Employees are required to receive written supervisory approval before removing any Agency property from the premises.

### **GUESTS AND VISITORS**

Employees are asked to keep on-the-job, non-work-related visitors to a minimum to ensure that the workplace is not unduly interrupted. All visitors should remain in the reception area until escorted by the appropriate employee.

## SECURITY

First 5 Alameda County strives to provide a secure work environment for our employees, volunteers, clients, and visitors. Creekside management provides for the security of our buildings and facilities by maintaining alarms and outside security services. You are required to comply with all security procedures established in your work area and immediately report any breach of security to your manager.

We encourage employees to be prudent about bringing personal items to work. First 5 Alameda County is not responsible for losses resulting from theft of property while you are away from your work area.

Immediately report lost or stolen keys or missing Agency property to your supervisor. Copying or giving keys or lock combinations to an unauthorized individual will be considered grounds for immediate dismissal.

### BREASTFEEDING-FRIENDLY WORKPLACE

First 5 Alameda County recognizes that breastmilk is the optimal food for growth and development of infants, and F5AC encourages employees and management to have a positive, accepting attitude toward working women and breastfeeding. F5AC promotes and supports breastfeeding and the expression of breastmilk by employees who are breastfeeding when they return to work.

It shall be the policy of First 5 Alameda County to provide:

- Information about breastfeeding support after returning to work to employees prior to their maternity leave.
- Time to express milk or breastfeed upon return to work. Supervisors are encouraged to consider flexible schedules to accommodate employees' needs.
- A designated Lactation Room within the F5AC office, which shall be furnished with an electrical outlet, refrigerator for storage of expressed breastmilk, comfortable seating, a table, and blinds for privacy. A scheduling board is also provided so that lactating employees may reserve the room at selected times.

## CHILDREN IN THE WORKPLACE

First 5 Alameda County values family and work/life balance, and strives to create an employee-friendly workplace. Our employment policies and benefits reflect our beliefs. First 5 Alameda County also believes in creating an environment that is conducive to work. In general, therefore, the workplace should not be used in lieu of child care.

While First 5 Alameda County is sensitive to our employee's child-related circumstances, it is not appropriate for minor children and other minor relatives of employees to be in the workplace during working hours, except for brief visits. This policy has been adopted to minimize potential liability to First 5 Alameda County, the risk of harm to children, and decreased employee productivity due to distractions and disruptions.

We recognize that there are occasions when childcare is not available and work demands are such that the employee needs to be available for work. In those situations, the employee may request to work from home on a temporary basis, or, if the work must be done in the office, may bring in their child(ren) for a short period of time. In those cases where children are in the workplace, they must be directly supervised by the parent at all times. In the interest of maintaining the health and well-being of all First 5 employees, children that are ill should not be brought to the workplace except for brief visits to enable the parent to gather work materials or take care of urgent matters that cannot be handled from outside the office.

Employees may consult First 5 Alameda County's Employee Assistance Program, [Guidance Resources, at 1-800-327-1850](#) for assistance with finding emergency care providers to care for sick children.

Situations like these should occur infrequently and not be a regular way of managing the employee's work responsibilities. If the frequency, length or nature of children in the workplace becomes problematic, the employee will be advised of the situation by his/her supervisor and will be expected to take corrective action.

### TELECOMMUTING

Telecommuting is a work arrangement in which some of the employee's work is performed at home. Telecommuting is a privilege that may be appropriate for some employees and some jobs. It is not an entitlement or Agency-wide benefit. A telecommuting assignment in no way changes any other terms or conditions of employment with First 5 Alameda County. Requests for a regular telecommuting arrangement are considered on a case-by-case basis when an employee's work can reasonably be carried out from home. In general, telecommuting requests are considered only for exempt employees that have been employed at First 5 Alameda County for a period of at least one year, have received satisfactory performance reviews, and have demonstrated their ability to manage their work independently.

Requests for telecommuting arrangements must be made in writing, and will be considered by the Director. If the telecommuting arrangement is approved, the employee will be required to sign a Telecommuter Policy and Agreement, and to complete a self-certification safety checklist of their home work location. Telecommuting arrangements are reviewed by the employee and supervisor at least annually, and can be terminated at any time by either party.

### USE OF PERSONAL AUTOMOBILE

Employees who use their own automobiles for travel on authorized Agency business will be reimbursed for mileage at the rate established by the Internal Revenue Service. Employees must have prior supervisory approval for the use of personal vehicles and provide to the Agency, in advance of using their personal vehicle, [a copy of their driver license and](#) evidence that they obtained at their own expense the minimum insurance coverage for property damage and public liability.

### ATTIRE AND PERSONAL HYGIENE

It is expected that employees will maintain a clean and neat appearance and will project a professional and businesslike image in dealing with other employees, clients, volunteers, and the general public. All employees should wear casual business attire on Mondays through Thursdays. [Casual business attire may include denim skirts or dark jeans as long as they are professional in appearance and the employee does not have meetings or other work](#)

scheduled where customary business attire would be more appropriate. First 5 Alameda County observes “casual Fridays” on which other styles of jeans may be worn, as long as they are appropriate for the workplace. Under special circumstances (storage clean-up, moving furniture, working with children, etc.) casual attire may be worn on non-Fridays upon supervisor approval. Supervisors are responsible for interpreting and monitoring dress and grooming standards, including counseling employees whose appearance is inappropriate.

#### **EXPENSE REIMBURSEMENT**

Reasonable and customary personal expenses incurred in the performance of one's job will be reimbursed. Reimbursement requires prior authorization by the employee's immediate supervisor, written approval of actual expenses, and completion of a signed personal expense reimbursement form with all required documentation attached. Employees should consult the Finance department or the Accounting and Administrative Procedures Manual for specific instructions.

#### **PARKING**

Employees will be issued an access card to the parking structure on their first day of hire. Employees are encouraged to park in the gated area at all times. Visitor spaces are limited and vehicles parked in those spaces for more than one hour may be towed at the car owner's expense.

For security reasons, please report lost or stolen access cards to Administration immediately. There is a \$20 fee to replace lost or stolen cards.

#### **REFERENCES**

It is the policy of First 5 Alameda County to provide references about current or former employees to prospective employers. Just as the Agency obtains job-related reference information prior to extending an offer of employment to prospective employees, we believe that providing reference information represents good faith in being part of a community. References may be provided only by Human Resources or the employee's supervisor (or supervisors higher in the line of supervision). All supervisors are provided with training on appropriate reference practices and guidelines.

It is also the policy of the Agency not to disclose any information about employees (other than hire and termination dates, job titles and earnings), unless and until Human Resources has received an originally signed Reference Authorization and Release form signed by the employee for whom the reference is requested. This form may be obtained from Human Resources and is provided to all employees at the time that employment is terminated.

Only job-related information may be provided to persons requesting information on current or former employees, and employees providing references must ensure that the information provided is accurate and truthful. Examples of information that may be shared include, but are not limited to information, either positive or negative, regarding performance, team/interpersonal behaviors, attendance, productivity, work quality, etc. When providing references, supervisors and human resources staff are strongly encouraged to access the employee's performance reviews to ensure accurate information is provided. Under no circumstances should information be provided regarding the employee's race, religion,

national origin, health, childrearing, sexual orientation, veteran status, workers' compensation history, complaints about alleged discrimination, political views, or other private affairs.

Before a reference will be provided, prospective employers must complete a waiver form releasing First 5 Alameda County from claims, damages or liabilities that may arise from provision of the reference. This form may be obtained from Human Resources, and may be mailed, faxed or emailed to the prospective employer. It is also the policy of the Agency that whenever an employment reference is given, the person giving the reference must complete a Record of Employee Reference Form so the Agency will have documentation of the information that was provided. This form is to be submitted, along with the waiver form, to Human Resources within one day of any reference being provided.

Except as provided by this policy, all employee information is considered confidential.

## **PART TEN: INFORMATION AND COMMUNICATION**

### **TECHNOLOGY, VOICE MAIL AND ELECTRONIC MAIL**

First 5 Alameda County employees are permitted to use voice mail and electronic mail to communicate with others for business purposes. The e-mail system is to be used for Agency or work-related email only, and not for personal purposes. In no event should First 5 Alameda County's voice or email systems be used to send jokes or other comments or information to others that may be perceived as discriminatory, harassing, offensive, or disruptive. The voice and/or e-mail systems may not be used to send material that disparages an individual, company, or business entity, or to disclose personal information without authorization. Employees should be aware that voice mail and electronic mail messages, and documents and files saved on Agency computers are not private and are subject to review by the Agency at any time for business and/or legal purposes.

Employees may not install, copy, or download software onto Agency computers unless authorized to do so by the Director, Evaluation and Technology or the Network Support Administrator. Employees are also prohibited from downloading any personal files onto work computers, as this may result in reduced capacity, slower computer speed for all employees, and maintenance and support issues. In addition, it places the employee's computer and the entire First 5 Alameda County network at risk for viruses and other problems.

### **EMPLOYEE INFORMATION**

It is important that personnel files contain up-to-date information regarding each employee. Employees should inform Human Resources immediately whenever there are changes in their personal data, such as address, telephone number, marital status, domestic partnership, number of dependents, and person to notify in case of emergency, that may affect their pay or benefits with the Agency.

Employees have the right to inspect their personnel file during regular office hours, given reasonable notice to the Agency. An appointment to inspect the file may be made with the Finance and Administration Director, who will accompany the employee while he or she inspects the file. Employees may obtain copies of any document in their personnel file to the

extent required by law. Personnel records are the property of First 5 Alameda County and are not allowed to leave the office of the Finance and Administration Director without authorization.

### INTERNAL COMMUNICATION

We use bulletin boards, mailboxes, meetings, the Agency's intranet, and office e-mail to communicate important information to employees on a regular basis. Each of our employees is responsible for reading posted or distributed information on a timely basis.

## PART ELEVEN: STANDARDS OF CONDUCT

### HARASSMENT

First 5 Alameda County does not tolerate harassment in the workplace or in a work-related situation based on an individual's race, color, religion, gender, national origin, ancestry, age, marital status, physical disability, mental disability, medical condition, sexual orientation, or any basis protected by law, or based on a perception that an individual has any of these characteristics, or based on a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics. Such harassment may include, but is not limited to, slurs; epithets; derogatory jokes; degrading comments; gestures or physical conduct; or threats that an employee's job, advancement, compensation, assignment, or other benefit is dependent on submission to sexual demands or on toleration of harassment. It includes conduct of all Agency employees as well as conduct of persons with whom First 5 Alameda County contracts to do business, such as independent contractors, when the conduct is directed at, or involves, an Agency employee or contractor.

Anyone who believes he or she has been harassed in connection with his or her employment at First 5 Alameda County, or is aware of such harassment, should notify the Chief Executive Officer, or any Director, or the Human Resources ~~Manager~~ Administrator immediately. A prompt and, to the extent possible, discreet investigation will be conducted, and appropriate corrective action will be taken for any conduct deemed to violate this policy or otherwise to be inappropriate. There will be no retaliation against anyone for complaining of, reporting, or participating in any investigation of harassment.

Anyone who is found by the Agency to have violated this policy, or whose conduct is found otherwise to be inappropriate, will be subject to appropriate corrective action, including possible termination of employment.

### WORKPLACE CONDUCT

First 5 Alameda County requires of its employees cooperation, efficiency, productivity, and compliance with its policies and procedures. Failure to comply with these expectations may result in disciplinary action, including immediate termination. Examples of conduct that may result in disciplinary action include, but are not limited to, any of the following:

- Substandard job performance
- Absence from work without prior notification to supervisor
- Excessive tardiness or unauthorized absenteeism

- Rudeness or discourtesy toward a fellow employee, supervisor, volunteer, supporter, or member of the general public
- Violating the drug- and alcohol-free workplace policy
- Theft—including, but not limited to, the removal of Agency property or the property of another employee from Agency premises without prior authorization
- Walking off the job without supervisory approval
- Fighting, roughhousing, abusive language, or conduct that is hostile or disrespectful toward a co-worker, supervisor, board member, volunteer, or any person associated with or served by this Agency
- Disregarding established safety procedures; knowingly creating an unsafe work situation for self or any coworker
- Falsifying or altering records or time sheets
- Refusing to perform a work-related duty when directly instructed to do so by a supervisor or member of management
- Possessing a weapon or firearm on this Agency's property
- Violating this Agency's equal opportunity or harassment policies
- Violating the Agency's conflict of interest policy
- Unauthorized use of Agency property, including vehicles

#### **OPEN-DOOR POLICY**

First 5 Alameda County has an open-door policy that encourages employee participation in decisions that will affect them and their daily professional responsibilities. Employees that have a difference of opinion, misunderstanding or conflict with another First 5 employee are encouraged to address the situation directly with the employee(s) involved. This policy also encourages employees who have job-related problems or complaints to talk them over with their supervisor or a manager at any level of management who they feel can help them. First 5 Alameda County believes that employee concerns are best addressed through informal and open communication.

The Agency will attempt to be discreet in addressing and resolving concerns brought to its attention. However, in the course of investigating and resolving concerns, some dissemination of information to others may be necessary.

No employee will be retaliated against for raising a concern in good faith.

#### **DISCIPLINARY PROCEDURES**

While the Agency may advance to whatever disciplinary step it concludes is appropriate in the circumstances, including immediate termination, the following disciplinary steps may be invoked:

- Employee Counseling or Verbal Warning – The supervisor counsels the employee following a minor offense in an effort to eliminate possible misunderstandings and to identify what constitutes acceptable conduct or performance. Verbal warnings are documented by the supervisor and placed in the employee's personnel file. They are signed by the employee to acknowledge receipt of the warning

- **Written Warning** – The employee meets with his or her supervisor and is presented with a written notice of corrective action. A written warning is designed to make sure that the employee is fully aware of the misconduct or performance problem, including the degree of seriousness and the consequences if the problem is not corrected. Copies of written warnings will be placed in the employee’s personnel file
- **Suspension** – Employees who are suspected of serious misconduct may be suspended with pay in situations where an investigation is required prior to a disciplinary decision being made
- **Discharge** – Termination can result from a single serious offense, or it can be the final step in a process designed to correct a series of offenses or performance deficiencies. It can also occur as the result of conduct inconsistent with Agency policy

The use of any of the above disciplinary procedures in no way alters the fact that employment at First 5 Alameda County is at-will.

### **APPEAL OF SERIOUS DISCIPLINE**

If the Agency imposes discipline consisting of discharge, demotion, an unpaid suspension of more than five days, or a reduction in pay of more than five days, the Agency will, at the time it notifies the employee of the discipline imposed, give the employee notice of his/her rights, if any, to appeal the Agency’s determination.

### **CONFLICT OF INTEREST**

It is important that employees avoid conflicts of interest to maintain high standards of conduct. A conflict of interest is a situation in which an employee's personal or economic interest interferes with, influences, or is, in the judgment of the Agency, incompatible with the employee's duties and responsibilities at First 5 Alameda County or with the Agency’s general activities, even if the conflict or incompatibility has no adverse impact on job performance.

All regular employees are required to sign an Incompatible Activities Statement at the time of hire and periodically during employment as part of the Agency’s Ethics Training program. In accordance with California’s Political Reform Act, designated employees are also required to complete a Statement of Economic Interests (Form 700) within 30 days of hire, on an annual basis, and within 30 days of terminating employment with First 5 Alameda County. Employees must advise the ir supervisor and the Finance and Administration Director of any outside employment that they have. Any employee needing advice about a potential conflict of interest should consult with the Ethics Officer, Finance and Administration Director or the Chief Executive Officer. If an employee's outside activity is determined to constitute a conflict of interest or incompatible activity and the employee intends the activity to continue (i.e., beyond a defined, temporary duration), the Agency may make the cessation of the outside activity a condition of continuing employment with First 5 Alameda County.

## **PART TWELVE: ENDING EMPLOYMENT**

### **AT-WILL STATUS**

Employment with First 5 Alameda County is not for any specified period and can be terminated by either the employee or the Agency at any time with or without any particular reason or advance notice. Nothing contained in these policies is intended to, or should be

construed to, alter the at-will relationship between First 5 Alameda County and its employees. Although other terms and conditions and benefits of employment with First 5 Alameda County may change from time to time, the at-will relationship of employment is one aspect that cannot be changed except by an agreement in writing with the First Five Alameda County Commission, signed by the chair of the board on behalf of the entire board, and by the employee.

#### **VOLUNTARY TERMINATION OF EMPLOYMENT**

All employees are asked to give a minimum of two (2) weeks written notice of resignation. If the Agency asks an employee who has voluntarily resigned to leave our employ before the end of the notice period (for example, if a replacement is to begin immediately), the employee will be paid for the entire notice period.

#### **PAYROLL AND THE RETURN OF FIRST 5 PROPERTY**

All employees separating from First 5 Alameda County will receive their final payroll at the next regularly scheduled payroll date. Employees are required to turn over all keys, access cards and other Agency property to the Office Manager before leaving on their last day of work.

#### **REDUCTION IN WORKFORCE**

First 5 Alameda County (First 5) is funded by revenue from the 1998 Proposition 10 tobacco tax. Tobacco taxes are a declining revenue stream which requires prudent organizational and financial planning. Revenue maximization efforts have been made to strategically invest the funds received from Prop 10 so that they generate and leverage additional revenue that will offset the declines. Even so, it is anticipated that the funding for First 5 will decline over time. In addition, it is possible that changes in the state may change the tobacco tax allocation in Alameda County, from minimally to dramatically. Further, through the adoption and amendment of the First 5 Strategic Plan, particular programs may be eliminated or scaled back, reducing the staffing needs for those programs.

This reduction in workforce policy is established as part of a comprehensive compensation strategy which is designed to retain highly skilled and trained employees as long as possible through the incentive of a severance package. If retention is not ultimately possible due to program and/or funding reductions, outplacement services will be provided that assist affected employees to find employment in agencies that serve children age 0-5, as explained below.

In the event First 5 determines that it is necessary to implement a reduction in the workforce, the methods below may be used to accomplish this. The determination of First 5 reserves the right to determine when and whether it is necessary to implement a reduction in force, the employees who would be covered by the reduction in force, and the method for implementing the reduction in force. Generally, First 5 shall give to be used at any time and for any situation are within the sole discretion of First 5, with primary consideration given to the needs and circumstances of the program and First 5. The following are terms and conditions which First 5 will apply in the event of a reduction in force. Since First 5 cannot foresee the future circumstances and funding of the program and First 5, it reserves the discretionary right to change the terms and conditions.

- Employees may be hired for time-limited positions, with the duration of the position dependent on the availability of funding. Employees hired for time-limited positions are not eligible for severance pay, but are eligible to receive outplacement services.
- First 5 may reduce positions through attrition, as long as a workforce can be maintained that supports the program needs at the time.
- First 5 may require all or a portion of employees to go on furlough (ie, work fewer hours per week or take a specified period of time off work without pay). During the period of furlough, First 5 will maintain affected employees' health and dental insurance benefits at the same level as they were prior to the furlough for a period not to exceed eighteen (18) months.
- First 5 may reduce a position(s) from full-time to part-time dependent on program needs and availability of funding. If First 5 reduces a position to part-time, First 5 will maintain employees' health and dental benefits at the same level as they were immediately prior to the reduction for a period not to exceed eighteen (18) months, and subject to any future changes in the First 5 benefit package. Employees that voluntarily request a part-time schedule are not eligible for this benefit.
- First 5 may eliminate positions, resulting in a separation of impacted employees. First 5 shall determine if the reduction in force will occur on an agency-wide basis or in one or more programs and/or classifications. If this option is utilized, continued employment with First 5 will be based on the following factors:
  - ♦ Availability of open vacant positions within First 5
  - ♦ Transferability of skills to other positions within First 5
  - ♦ Demonstrated current and past performance

Evaluation of these factors shall be within the sole discretion of First 5. If these factors are equal between two or more employees of the same classification in the same program, then length of service will be the deciding factor for continued employment. An employee's length of service is measured from the original date of employment with First 5 Alameda County (including time as a County employee, Tri-Net employee, Diversified employee, or First 5 Alameda County employee) as long as there has not been a break in service greater than 30 days, not including leave mandated and protected by applicable laws such as FMLA (Family and Medical Leave Act), CFRA (California Family Rights Act), the California Pregnancy Disability Law, or other approved leaves of absence, greater than 30 days.

The above provisions will not apply to employees whose employment is terminated for reasons other than due to the reduction in workforce, such as termination for poor performance or misconduct.

### Notice

Employees selected for reduction in workforce through elimination of position will be given 30 calendar days notice.

### Severance Pay

In the event that positions are eliminated due to the need to reduce the First 5 workforce, First 5 will authorize severance pay in the amount of two weeks of regular base salary or pay (i.e., the employee's regular base salary or regular straight-time hourly wages for the time period) and not irregular pay (such as accrued vacation leave paid out during the time period), less

applicable tax and other withholdings, for every year of continuous full time service (according to the above length of service definition), not to exceed eighteen (18) weeks of pay. This payment shall be made in one lump sum. (According to ACERA, this amount is not pensionable.) In order to receive severance pay, employees who accept severance pay will first be required to sign a waiver releasing First 5 from any and all liability arising out of their employment and separation from employment prior to the remittance of any severance pay. Refusal to sign the waiver timely will render an employee ineligible to receive severance pay.

In addition to severance pay as described above, and only for employees who are not eligible for the federal COBRA subsidy under the American Recovery and Reinvestment Act of 2009, First 5 Alameda County will also make a payment equivalent to \$500 per year of service (as defined above) up to but not to exceed \$3000.00 to provide financial support to the employee for the purpose of maintenance of their his/her health insurance. This payment shall be made in one lump sum, and will be issued at the same time and under the same conditions as severance pay.

### **Outplacement Services**

Employees whose positions are being eliminated or who were hired for time-limited positions are eligible for First 5 outplacement services. These services are designed with the goal of placing First 5 staff in positions within Alameda County where they can continue to use their skills and expertise on behalf of children age 0-5. These outplacement services will be considered part of First 5 systems change work in Alameda County by placing trained and skilled individuals into positions where they can continue to support and contribute to programs for the 0-5 population, and continue to use the skills they learned and honed at First 5. Outplacement services to assist employees with their employment search are available from First 5 for a period not to exceed three months following the date of separation. First 5 makes no guarantee that utilizing its outplacement services will result in an offer of employment.

First 5 reserves the discretionary right to interpret, administer, and terminate or alter this policy at any time upon approval by the First 5 Commission.

### **EXIT INTERVIEWS**

The Chief Executive Officer, Finance and Administration Director, or the Human Resources Manager Administrator will conduct an exit interview with each employee who voluntarily terminates employment with First 5 Alameda County prior to the last day of work. These conversations enable the Agency to gather important information about personnel policies and procedures that may be of benefit to many other employees. Although exit interviews are not mandatory, employees are encouraged to participate in them and to speak frankly about their employment experience with First 5 Alameda County.



## ACKNOWLEDGEMENT OF RECEIPT

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### RECEIPT OF MANUAL

I hereby acknowledge that I have received a copy of the First 5 Alameda County Personnel Policies Manual and understand that the Manual contains important information on the general personnel policies of First 5 Alameda County and on my privileges and obligations as an employee. I acknowledge that I am expected to read, understand, and adhere to First 5 Alameda County's policies. By my signature below, I also understand and agree specifically with the policy in the Manual titled "Overtime Pay." By my signature below, I also understand that employment at First 5 Alameda County is at-will employment, as described on page 28-29 of this Manual.

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Employee's Name (Printed)

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Employee's Signature

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Date

## CHANGE LOG

Item	Date
Original adoption of Personnel policies adopted by Commission	5/21/2004
Addition of fingerprinting under “Work Eligibility” – approved by Commission	5/26/2005
Medical and Dental Insurance sections rewritten to reflect current benefit structure – approved by Commission	5/26/2005
Addition of “Tools and Technology” section – approved by Commission	5/26/2005
“Floating Personal Days” and “Personal Use Time” merged under “Paid Time Off (PTO)” – approved by Commission	5/26/2005
“Unpaid Time Off and Leaves of Absence” section reformatted to include matrix of leaves – approved by Commission	5/26/2005
Addition of “Bilingual Pay” section – approved by Commission	5/26/2005
Addition of Catastrophic Leave Bank – approved by Commission	9/29/2005
Year End Manual Clean-up – reviewed by Executive Committee	6/19/2006
Year End Manual Clean-up – reviewed by Executive Committee	5/22/2008
Change in Full Time Status definition	5/22/2008
Addition of Professional Development section	5/22/2008
Addition of Payment in Lieu section	5/22/2008
Addition of Long Term Disability section	5/22/2008
Addition of Children in the Workplace section	5/22/2008
Addition of Telecommuting section	5/22/2008
Addition of References section	5/22/2008
Deleted Position Description section	5/22/2008
Formatting	2/25/2009
<u>Year End Manual Clean-up – reviewed by Executive Committee</u>	<u>6/25/2009</u>
<u>Addition of Paid Family Leave section</u>	<u>6/25/2009</u>
<u>Addition of Breastfeeding-Friendly Workplace section</u>	<u>6/25/2009</u>
<u>Addition of Reduction in Workforce section – approved by Commission 12/11/08, with addition of severance pay cap 3/26/09</u>	<u>6/25/2009</u>