



**EXECUTIVE COMMITTEE
MEETING AGENDA**

TIME: 9:00 a.m.

DATE: Wednesday, November 13, 2019

**LOCATION: MARCH FIELD CONFERENCE ROOM
County of Riverside Administrative Center
4080 Lemon Street, Third Floor, Riverside**

🌀 COMMITTEE MEMBERS 🌀

Chuck Washington, County of Riverside, District 3– Chair
Ben J. Benoit, City of Wildomar – Vice Chair
Jan Harnik, City of Palm Desert – Second Vice Chair
Dana Reed, City of Indian Wells – Past Chair
Lloyd White, City of Beaumont
Brian Berkson, City of Jurupa Valley
Lisa Middleton, City of Palm Springs
Michael S. Naggar, City of Temecula
Karen Spiegel, County of Riverside, District 2
V. Manuel Perez, County of Riverside, District 4
Jeff Hewitt, County of Riverside, District 5

🌀 AREAS OF RESPONSIBILITY 🌀

Reviews and makes final decisions on personnel issues
and office operational matters.

***Comments are welcomed by the Committee. If you wish to provide comments to the Committee,
please complete and submit a Speaker Card to the Clerk of the Board.***

RIVERSIDE COUNTY TRANSPORTATION COMMISSION

EXECUTIVE COMMITTEE MEETING AGENDA

9:00 A.M.

**WEDNESDAY, NOVEMBER 13, 2019
County of Riverside Administrative Center
March Field Conference Room
4080 Lemon Street, Third Floor, Riverside**

In compliance with the Brown Act and Government Code Section 54957.5, agenda materials distributed 72 hours prior to the meeting, which are public records relating to open session agenda items, will be available for inspection by members of the public prior to the meeting at the Commission office, 4080 Lemon Street, Third Floor, Riverside, CA, and on the Commission's website, www.rctc.org.

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if you need special assistance to participate in an Executive Committee meeting, please contact the Clerk of the Board at (951) 787-7141. Notification of at least 48 hours prior to meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility at the meeting.

- 1. CALL TO ORDER**
- 2. PUBLIC COMMENTS**
- 3. ADDITIONS/REVISIONS** – *The Committee may add an item to the Agenda after making a finding that there is a need to take immediate action on the item and that the item came to the attention of the Committee subsequent to the posting of the agenda. An action adding an item to the agenda requires 2/3 vote of the Committee. If there are less than 2/3 of the Committee members present, adding an item to the agenda requires a unanimous vote. Added items will be placed for discussion at the end of the agenda.*
- 4. APPROVAL OF THE MINUTES – MAY 8, 2019**
- 5. ADDITIONS TO THE PERSONNEL POLICIES AND PROCEDURES MANUAL**

This item is for the Committee to:

- 1) Approve the additions to the Personnel Policies and Procedures Manual (PPPM); and
- 2) Adopt Resolution No. 19-019 “Resolution of the Executive Committee of the Riverside County Transportation Commission Amending its Personnel Rules to Adopt an Election and Campaign Related Policy for Employees”.

- 6. ADJOURNMENT**

AGENDA ITEM 4

MINUTES

RIVERSIDE COUNTY TRANSPORTATION COMMISSION

EXECUTIVE COMMITTEE MEETING MINUTES

May 8, 2019

1. CALL TO ORDER

The meeting of the Executive Committee was called to order by Chair Chuck Washington at 9:00 a.m. in the March Field Conference Room at the County of Riverside Administrative Center, 4080 Lemon Street, Third Floor, Riverside, California, 92501.

ROLL CALL

Commissioners Present

Ben J. Benoit
Brian Berkson
Jan Harnik
Jeff Hewitt
Lisa Middleton
Mike Naggar
V. Manuel Perez
Dana Reed
Karen Spiegel
Chuck Washington
Lloyd White

Commissioners Absent

2. PUBLIC COMMENTS

There were no requests to speak from the public. Commissioner Karen Spiegel congratulated Commissioner Lisa Middleton on her recent appointment to the California Public Employees' Retirement System Board of Administration.

3. ADDITIONS/REVISIONS

There were no additions or revision to the agenda.

4. APPROVAL OF MINUTES

M/S/C (Benoit/Reed) to approve the minutes of March 13, 2019 meeting as submitted.

5. CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM NET PENSION LIABILITY

Anne Mayer, Executive Director, noted staff previously presented a summary of the Commission's CalPers contracts and related benefits on June 13, 2018. As a result of that discussion, staff is currently recommending a plan to fund the Commission's net pension liability.

Theresia Trevino, Chief Financial Officer, presented an overview of the Commission's current net pension liability and discussed how the retirement plan's contributions are affected by the amortization of the net pension liability. She noted the current pension liability for Classic members as of June 30, 2017 is \$8,114,357 and the current pension liability for Public Employees' Pension Reform Act (PEPRA) members as of June 30, 2017 is \$10,488, for a total of \$8.1 million in net pension liability. Paying off the net pension liability will result in interest charge savings of \$7.5 million. As the Commission has available funds for this disbursement, staff is recommending the payoff of the net pension liability and has included this plan in the draft FY 2019/20 budget document, pending Executive Committee approval.

Commissioner Spiegel inquired if the Commission will still be in compliance with the Measure A regulations regarding a maximum of 1% administration costs, and Ms. Trevino stated the payment would be spread out over several years in an effort to stay in compliance. Commissioner Brian Berkson asked for clarification on the interest savings, and Ms. Trevino discussed the amortization schedules and compound interest. Commissioner Jeff Hewitt expressed his support of this item and commended the agency for showing fiscal responsibility. Commissioner Middleton discussed the approximately 10-15 year gap between Classic members and PEPRA members and stated managing that gap is key.

M/S/C (Hewitt/Naggar) to approve the plan to fund and pay off the Commission's California Public Employees Retirement System (CalPERS) net pension liability in Fiscal Year 2019/20.

6. ADJOURNMENT

There being no other items to be considered, the Executive Committee meeting adjourned at 9:13 a.m.

Respectfully submitted,



Lisa Mobley
Clerk of the Board

AGENDA ITEM 5

RIVERSIDE COUNTY TRANSPORTATION COMMISSION

DATE:	November 13, 2019
TO:	Executive Committee
FROM:	Pamela Velez, Human Resources Administrator
THROUGH:	Anne Mayer, Executive Director
SUBJECT:	Additions to the Personnel Policies and Procedures Manual

STAFF RECOMMENDATION:

This item is for the Committee to:

- 1) Approve the additions to the Personnel Policies and Procedures Manual (PPPM); and
- 2) Adopt Resolution No. 19-019 *“Resolution of the Executive Committee of the Riverside County Transportation Commission Amending its Personnel Rules to Adopt an Election and Campaign Related Policy for Employees”*.

BACKGROUND INFORMATION:

The purpose of the Commission’s PPPM is to provide fair and systematic policies and procedures for the administration of all matters affecting the status and activities of Commission employees. At the time of hire, and with each amendment of the PPPM, employees sign an acknowledgement form, which states that it is their responsibility to read and comply with the policies contained in the PPPM. The PPPM, last amended on October 11, 2017, is periodically reviewed and revised to address policy or legal requirements.

It is proposed to add policy language regarding elections and campaigns to ensure expectations of employees are clearly defined. The proposed revisions to the PPPM do not reflect a change in benefits but are minor policy additions made to conform to legal requirements. The following are key additions for your consideration:

Section §	Description of Proposed Language Changes
20	Added a Elections and Campaigns Policy

Attachment 1 is the revised PPPM, which reflects the proposed changes. The new language is redlined.

Staff is asking for the Commission's approval to adopt Resolution No. 19-019 "*Resolution of the Executive Committee of the Riverside County Transportation Commission Amending its Personnel Rules to adopt an election and campaign related policy for employees*". There is no fiscal impact to the Commission.

Attachments:

- 1) Revised PPPM
- 2) Resolution No. 19-019

EXHIBIT A



Riverside County Transportation Commission
Adopted: October 11, 2017
Resolution No. 17-014

Table of Contents

SECTION 1 — GENERAL PROVISIONS 12

§1.1 Purpose 12

§1.2 Prior Policies Repealed 12

§1.3 Term of Manual 12

§1.4 Equal Employment Opportunity (EEO) Program 12

§1.5 Violation of Personnel Policy 13

§1.6 Department Policies and Procedures 13

§1.7 Distribution of Personnel Policies 13

§1.8 Definition of Terms 13

§1.9 Application of this Manual 17

§1.10 Savings Clause 17

SECTION 2 — RECRUITMENT, SELECTION, AND PLACEMENT 17

§2.1 Classification Plan 17

§2.2 Reclassification 18

§2.3 Vacancies 18

§2.4 Personnel Requisitions 18

§2.5 Announcements 18

§2.6 Qualification of Applicants 18

§2.7 Submitting Application Packages 18

§2.8 Incomplete Application Packages 18

§2.9 Initial Applicant Screening 19

§2.10 Recruitment and Selection 19

§2.11 Promotion 22

SECTION 3 — TERMS OF EMPLOYMENT 23

§3.1 Orientation 23

§3.2 Probationary Period 24

§3.3 Attendance 24

§3.4 Hours of Work 24

§3.5 Unauthorized Absences 25

§3.6 Overtime 26

§3.7 Non-Exempt Employees 26

§3.8 Exempt Employees 26

§3.9 Compensation 28

§3.10 Salary Review 28

§3.11 Performance Evaluations 28

§3.12 Service Awards 29

§3.13 Safety 29

§3.14 Keys and Security Codes 29

§3.15 Political Activity 29

§3.16 Conflict of Interest and Outside Activities/Employment 30

§3.17 Nepotism and Other Prohibited Employment 31

§3.18 Demotion 32

§3.19 Suspension Without Pay 32

§3.20 Rejection of Probationary Employment 32

§3.21 Discharge 33

§3.22 Resignation 33

§3.23 Death of Employee 33

§3.24	Dress Code	33
SECTION 4	— EMPLOYEE BENEFITS	33
§4.1	Benefit Plan	33
§4.2	Medical	33
§4.3	Short- and Long-Term Disability Insurance	35
§4.4	Life Insurance	35
§4.5	Dental/Vision Program	36
§4.6	Retirement Program	36
§4.7	401(a) Qualified Plan	37
§4.8	457 Deferred Compensation	37
§4.9	Workers' Compensation	37
§4.10	Unemployment Insurance	37
§4.11	Continuation of Benefits Coverage	37
§4.12	Education Reimbursement	38
§4.13	Employee Assistance Services	39
§4.14	Flexible Reimbursement Plan	39
§4.15	Employee Transportation Assistance	39
§4.16	Non-Revenue Account and Toll Exemption	40
SECTION 5	— LEAVE, VACATION AND HOLIDAYS	40
§5.1	Sick Leave	40
§5.1.1	Minimum Paid Sick Leave Policy for Non-Benefited, Temporary Employees	41
§5.2	Sick Leave Conversion to Vacation/Cash Out	43
§5.3	Holiday Leave	43
§5.4	Vacation	44
§5.5	Vacation Cash Out	45
§5.6	Administrative Leave	45
§5.7	Jury Duty Leave	45
§5.8	Leave of Absence Without Pay	45
§5.9	Military Leave	46
§5.10	Accrued Leave Donation Program	47
SECTION 6	— PART-TIME AND TEMPORARY EMPLOYEES	48
§6.1	Regular Part-time Employees	48
§6.2	Temporary Employees	48
§6.3	Employment of Retired Persons	48
SECTION 7	— GRIEVANCE PROCEDURE	49
§7.1	Policy	49
§7.2	Steps in the Grievance Procedure	49
SECTION 8	— EMPLOYEE CONDUCT AND DISCIPLINE POLICY	50
§8.1	Forms of Discipline	51
§8.2	Disciplinary Process	51
SECTION 9	— LAYOFF POLICY AND PROCEDURE	54
§9.1	Statement of Intent	54
§9.2	Guidelines	54
§9.3	Reporting and Communication Requirements	55
§9.4	Reinstatement	55
SECTION 10	— REPORTS AND RECORD KEEPING	56
§10.1	Personnel Files	56
§10.2	Change of Status Report	56

§10.3	Personnel Action Form	56
§10.4	Time Cards	56
§10.5	Records Review and Access	56
§10.6	Employee Access	57
§10.7	Disclosure of Employee Information	57
§10.8	Protection of Confidentiality.....	57
SECTION 11 — HARASSMENT-FREE WORKPLACE POLICY		57
§11.1	General Provisions.....	57
§11.2	Harassment-Free Environment	57
§11.3	Sexual Harassment	58
§11.4	Violation Reporting.....	59
§11.5	Retaliation.....	60
SECTION 12 — VIOLENCE IN THE WORKPLACE POLICY		60
§12.1	General Provisions.....	61
§12.2	Zero Tolerance	61
§12.3	Acts or Threats of Violence	61
§12.4	Reporting Procedure	62
§12.5	Disciplinary Action	62
§12.6	Retaliation.....	62
§12.7	Training	63
SECTION 13 — DRUG-FREE WORKPLACE POLICY		63
§13.1	General Provisions.....	63
§13.2	Definitions: For Purposes of this Policy	63
§13.3	Scope	64
§13.4	Prohibited Conduct.....	64
§13.5	Alcohol/Drug Testing	65
§13.6	Disciplinary Action	66
§13.7	Drug-Free Awareness Program	66
§13.8	Use of Legal Drugs	67
§13.9	Unregulated or Unauthorized Conduct	67
§13.10	Confidentiality.....	67
§13.11	Counseling/Employee Assistance.....	67
SECTION 14 — VEHICLE OPERATION POLICY		68
§14.1	Policy.....	68
§14.2	Driver's License	68
§14.3	Driver's Record	68
§14.4	Prohibition on Use of Phones, Emails, and Text While Driving.....	68
§14.5	Vehicle Citation	68
§14.6	Policy for Employer-Provided Vehicles	68
§14.6.1	Care and Maintenance of Employer-Provided Vehicle.....	68
§14.6.2	Taxation Requirements of Employer-Provided Vehicle.....	69
§14.6.3	Return of the Employer-Provided Vehicle	69
§14.6.4	Driver's License While Operating an Employer-Provided Vehicle.....	69
§14.6.5	Driver's Record While Driving an Employer-Provided Vehicle.....	69
§14.6.6	Vehicle Citations While Driving an Employer-Provided Vehicle	70
SECTION 15 — EXPENSE REIMBURSEMENT		70
§15.1	Transportation	70
§15.2	Lodging	72

§15.3	Meals	73
§15.4	Communications	73
§15.5	Incidentals.....	74
§15.6	Registration Fees	74
§15.7	Memberships and Professional Certifications	74
§15.8	Expenditures in Excess of Allowable Expenses	74
§15.9	Travel Advance	74
§15.10	Documentation	75
§15.11	Payment to Former Employees.....	75
SECTION 16 — ELECTRONICS COMMUNICATIONS POLICY		75
§16.1	General Provisions.....	76
§16.2	Ownership, Authorization and Privacy	76
§16.3	Disclosure.....	77
§16.4	Prohibited Uses	77
§16.5	Authorized Use of E-mail and Telephone Systems.....	78
§16.6	Guidelines for the Use of E-mail.....	79
§16.7	Internet Usage.....	79
§16.8	Security and Audits.....	80
§16.9	Social Media Use	80
§16.10	Public Records Act Requests	81
SECTION 17 — EMPLOYEE GIFT AND CONTRIBUTION LIMITATIONS.....		81
SECTION 18 — FAMILY AND MEDICAL LEAVE POLICY.....		82
§18.1	Scope	82
§18.2	Purpose of Leave	82
§18.3	Eligibility.....	83
§18.4	Special Rules for Pregnancy Disability Leave	83
§18.5	Special Rules Regarding the Employment of Spouses/Parents	84
§18.6	Calculating the Twelve (12) Month Period	84
§18.7	Employee Notice Requirements.....	84
§18.8	RCTC Determination and Notification to Employee.....	85
§18.9	Medical Certification	86
§18.10	Minimum Period of Leave.....	87
§18.11	Intermittent Leave and Temporary Transfers.....	88
§18.12	Continuation of Health and Other Benefits	88
§18.13	Coordination of CFRA and FMLA Leave	89
§18.14	Substitution of Leave.....	89
§18.15	Reinstatement.....	89
§18.16	Denial of Reinstatement	90
§18.17	Benefits Accrual.....	90
§18.18	Additional Information	90
§19.1	Eligibility.....	91
§19.2	Pregnancy Disability Leave.....	91
§19.3	Leave Due to Normal Childbirth.....	91
§19.4	Leave/Transfer and Other Reasonable Accommodation Requests	91
§19.5	Intermittent Leave.....	92
§19.6	Temporary Transfers	92
§19.7	Certifications.....	92
§19.8	Recertification	93

§19.9	Fitness for Duty	93
§19.10	Pay During Leave	93
§19.11	Reinstatement.....	93
§19.12	Seniority and Benefits.....	94
§19.13	Federal Family and Medical Leave	95
§19.14	Group Health Insurance.....	95
§19.15	California Family and Medical Leave	95

SECTION 1 — GENERAL PROVISIONS

§1.1 Purpose

The purpose of this Personnel Policies and Procedures Manual (Manual) is to provide guidance in the application of a fair personnel management policy that promotes the efficient and economical delivery of Riverside County Transportation Commission (RCTC) services.

§1.2 Prior Policies Repealed

In the event that the terms and provisions of this Manual are inconsistent or in conflict with the terms and provisions of any prior RCTC personnel policy and procedures, resolutions, rules, and regulations governing the same subject, the terms of this Manual shall prevail and such inconsistent or conflicting provisions or prior resolutions, rules, and regulations are hereby repealed effective on the date of adoption of this Manual.

§1.3 Term of Manual

This Manual takes effect when adopted by RCTC. The Manual shall remain in effect unless repealed, in whole or part, by RCTC. Notwithstanding the foregoing, the RCTC's Executive Committee may, in its sole discretion, add to, delete, or otherwise modify the policies and procedures of this Manual.

§1.4 Equal Employment Opportunity (EEO) Program

§1.4.1 Purpose

The purpose of this policy is to establish an equal employment opportunity (EEO) program for all applicants and employees of RCTC.

§1.4.2 Policy Defined

It is the policy of RCTC to provide EEO to all applicants and employees. RCTC does not unlawfully discriminate on the basis of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), gender including gender identity and gender expression, national origin, ancestry, age (40 and over), physical or mental disability, legally protected medical condition, family care status, veteran status, marital status, sexual orientation, genetic characteristics, or any other basis protected by state or federal laws.

§1.4.2.1 Policy Application

RCTC's EEO policy applies to all areas of employment including recruitment, selection, promotion, termination, transfer, layoff, compensation, benefits, training, performance evaluations, and other personnel actions, procedures and examinations.

§1.4.2.2 Responsibility Assignments

It is the responsibility of every manager and employee to conscientiously follow the EEO

policy.

§1.4.3 Applicants and Employees with Disabilities

§1.4.3.1 Non-Discrimination

It is the policy of RCTC not to discriminate on the basis of disability for employment. It is the intent of RCTC to provide qualified disabled employees with a bias free work environment. RCTC will provide reasonable accommodation in compliance with the Americans with Disabilities Act (ADA) and the Fair Employment and Housing Act (FEHA). Reasonable effort will be made to provide an accessible work environment.

§1.4.3.2 Interactive Process

RCTC will engage in the interactive process, as defined by the ADA and FEHA, to determine whether a qualified disabled applicant or employee is able to perform their essential functions. If the employee or applicant cannot perform the essential functions of their position, RCTC will examine possible reasonable accommodations that will make it possible for the employee or applicant to perform. Such interactive process will include a meeting with the employee or applicant and RCTC.

§1.5 Violation of Personnel Policy

Violation of the provisions of this Manual by an employee may subject the employee to disciplinary action, up to and including discharge from employment.

§1.6 Department Policies and Procedures

Department managers may issue such policies and procedures as deemed necessary for the efficient and orderly administration of the department. However, no such policies or procedures shall conflict with or supersede the policies and procedures in this Manual.

§1.7 Distribution of Personnel Policies

Copies of this Manual shall be distributed to each employee and will be made available electronically.

§1.8 Definition of Terms

Terms used in this Manual are defined as follows:

Acting Appointment – An appointment of a person on an interim basis pending later appointment of an eligible person.

Allocate – The assignment of a single position to its proper job classification in the Employee Classification Plan.

Applicant – Any person submitting a formal completed application for employment with RCTC.

Authorized Position – A specific work position within a job classification which is or may be held by an employee.

Chair – A member of RCTC elected on a yearly basis to preside at all meetings of RCTC and perform such other powers and duties as may be from time to time assigned to him/her by RCTC.

Class – All positions substantially similar with respect to duties, responsibilities, authority, and character of work to permit grouping under a common title in the application with equity of common standards of selection, transfer, and salary.

Compensation – Salary, wages, fees, benefits, allowances, or other monies paid to or on behalf of an employee for personal services.

Continuous Service – Employment that is uninterrupted except by authorized absences.

Contract Employee – An individual employed by RCTC pursuant to the terms of an individual employment contract that sets forth terms and conditions of employment. The rules shall apply to contract employees to the extent they do not conflict with the contract.

Days – Defined as working days.

Demotion – The movement of an employee from one class to another class having a lower maximum base rate of pay.

Dependent – The spouse or other dependent of an employee who is eligible to receive benefits under a specific benefit program offered by RCTC and who is specifically defined as a tax dependent under Section 105(b) of the Internal Revenue Code. Dependent shall also mean, as to health benefits offered by RCTC, any child (as defined in Section 152(f)(1) of the Internal Revenue Code) of an employee until the child turns 26 years of age.

Disciplinary Action – A personnel action in the form of a discharge, demotion, reduction in pay, suspension without pay, oral reprimand, and written reprimand of a regular employee.

Discharge – Involuntary termination of regular employment with the RCTC.

Employee – A person who is occupying a position at RCTC. The various types of RCTC employees may include regular, temporary, contract, and probationary. Some types of employees may also be labeled as full-time or part-time and differentiated as exempt or non-exempt employees.

Employee Classification Plan – Classes of positions defined by class specifications as approved by the Executive Committee including titles that group all positions with similar minimum qualifications, duties, responsibilities, authority, character of work, and schedules of compensation within the same class (Section 2.1).

Executive Committee – Policymaking committee comprised of a subset of RCTC Commissioners.

Executive Director – The position selected by RCTC to serve as the Chief Executive Officer of RCTC.

Exempt Employee – An employee who is not eligible for overtime pay. A list of current exempt positions

is contained in Section 3.8 of this Manual. Additional positions may be created.

First-Line Supervisor – The most immediate person to whom an employee reports for work assignments and direction.

Fiscal Year – The fiscal year for RCTC begins on July 1 and ends on June 30 of the next year.

Full-Time Employee – An employee of RCTC who usually works forty (40) hours per week.

Grievance – Good faith complaint of an employee or a group of employees or a dispute between RCTC and said employee or group of employees involving the interpretation, application, or enforcement of this Manual; provided, however, any of the following complaints are not grievable: the content of a performance evaluation, the denial of a merit pay increase, employee classification, disciplinary action, rejection from probation, and termination of a contract, or temporary, employee.

Grievance Procedure – The systematic means by which an employee may obtain consideration of a grievance.

Immediate Family Member – An employee's father, mother, spouse, registered domestic partner, child, brother, sister, grandparent, grandchild, parent-in-law, brother-in-law, sister-in-law, foster child, ward of court, or stepchild.

Job Classification – Another name for “Class”, which is all positions substantially similar with respect to duties, responsibilities, authority, and character of work, to permit grouping under a common title in the application with equity of common standards of selection, transfer, and salary.

Layoff – The separation of a regular employee from RCTC that has been made necessary by lack of work, or funds, and other reasons.

Leave of Absence – An authorized absence from duty for a specified period.

Manager responsible for Human Resources – The employee of RCTC designated by the Executive Director to oversee the Human Resources Department.

Merit Salary Increase – A salary increase within the limits of a pay range established for a class.

Non-exempt Employee – An employee who is eligible for overtime pay. Any employee who is not designated as being exempt in Section 3.8 of this Manual is considered to be non-exempt.

Part-time Employee – An employee of RCTC who usually works less than forty (40) hours per week, but more than twenty (20) hours per week.

Performance Evaluation – A review and evaluation of an employee's performance and capabilities in the employee's authorized position by the employee's First-Line Supervisor or other manager.

Position – A group of current duties and responsibilities assigned or delegated by competent authority and requiring the full or part-time services of one (1) employee.

Probationary Employee – An employee who is serving a probationary period either as a newly hired employee or as a new promotion.

Probationary Period – The first 2,080 hours or such duly extended period of employment, during which an employee may be rejected without cause and without recourse to the grievance procedure or any other appeal right. Contract and temporary employees do not serve a probationary period and may be terminated at any time without cause and without recourse to the grievance procedure or any other appeal right.

Promotion – The movement of an employee from one class to another class having a higher maximum base rate of pay through a competitive process.

Commented [bg1]:

Reclassification – The movement of a position from one class to another class in accordance with a re-evaluation of the minimum qualifications, duties, and responsibilities of the position.

Reduction in Pay – A temporary or permanent decrease in salary.

Regular Employee – An employee who has successfully completed the probationary period.

Reinstatement – The restoration without examination of a former regular employee to a classification in which the employee formerly served as a regular employee.

Rejected – Involuntary termination of probationary employment with the RCTC, or in the case of a regular employee serving a promotional probationary period, demotion to former position.

Relative – A spouse, registered domestic partner, child, step-child, parent, step-parent, parent-in-law, legal guardian, brother, sister, brother-in-law, sister-in-law, step-sister, step-brother, aunt, uncle, niece, nephew, grandchild, or grandparent, regardless of their places of residence; and any other individual living within the same household as the subject person.

Resignation – Voluntary termination of employment by an employee.

Retired Annuitant – A retired employee currently receiving benefits from CalPERS working for RCTC as a temporary employee without reinstatement and with certain restrictions as provided by the Public Employees' Retirement Law (PERL).

Salary Range – Categories which determine the minimum and maximum salary payable for each job classification.

Sick Leave – A paid absence from duty by an employee due to any of the reasons set forth in Section 5.1 of this Manual.

Second-Line Supervisor – A person who has responsibility for the direction of the work of a specific employee in the absence of the First-Line Supervisor.

Suspension With Pay – A temporary separation of an employee, either fully or partially from assigned duties, with pay and benefits, pending investigation of alleged employee misconduct, pending imposition of discipline, or for other reasons.

Suspension Without Pay – A temporary separation of an employee from service, without pay, for a disciplinary purpose.

Temporary Employee – An employee, including, but not limited to, interns, hired for a specified purpose for a limited period of time. Such employees may be discharged without cause and without recourse to the grievance procedure or any other appeal right.

Termination – The conclusion or cessation of employment with RCTC because of retirement, resignation, discharge, rejection, or death.

Transfer – The movement of an employee within a department or between departments from one position to another position in the same class or another class having the same maximum rate of pay, involving the performance of similar duties, and requiring substantially the same basic qualification.

Underfilled Position – A unfilled, authorized position that is used to fill a business need at a lower classification and pay grade.

Upgrade – The movement of an employee from one class to another class having a higher maximum base rate of pay without having to go through a competitive process. Based upon Executive Director discretion.

Commented [bg2]:

Vacancy – An unfilled, authorized position in RCTC employment.

§1.9 Application of this Manual

Unless provided otherwise herein, this Manual shall apply to all positions and employments in the service of RCTC.

§1.10 Savings Clause

If any provision or the application of any provision of this Manual, as implemented, is rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions of this Manual shall remain in full force and effect.

SECTION 2 — RECRUITMENT, SELECTION, AND PLACEMENT

§2.1 Classification Plan

The Manager responsible for Human Resources, under the direction of the Executive Director, shall ascertain and record the duties and responsibilities of all positions in the RCTC. The Manager responsible for Human Resources shall be responsible for preparing and maintaining an employee classification plan for RCTC. The Executive Director shall recommend a classification plan for such positions. The classification plan shall consist of classes of positions defined by class specification, including the title. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply under similar working conditions to all positions in the same class.

The classification plan shall be adopted by the Executive Committee and may be amended from time to

time. A newly created position shall not be filled until approved by the Executive Committee.

§2.2 Reclassification

The Executive Director can reassign position classifications, when circumstances require changes in responsibilities.

§2.3 Vacancies

When a vacancy occurs in an authorized position, the First-Line Supervisor will submit a request to fill the vacancy to the Human Resources Department. The immediate supervisor may recommend to fill the vacancy through internal or external recruitment. The Executive Director shall determine the process for selection or, in the alternative, determine that it is in RCTC’s best interest to leave the position vacant, or that the position warrants a down grade in the job classification or pay grade. This section shall not be construed to limit in any way the Executive Director’s right to hire the most qualified person available to fill any vacancy.

§2.4 Personnel Requisitions

All requests for personnel shall be submitted to the Human Resources Department and must be approved by the Executive Director or designee.

§2.5 Announcements

The Human Resources Department shall publish announcements which shall state the position title, rate of pay, desired qualifications, when and where to file applications, and other pertinent information. Employment standards stated in the announcement shall be those established for the class.

Announcements shall be considered published when they are posted on the RCTC Internet website. The Human Resources Department may publish additional notices in other locations.

§2.6 Qualification of Applicants

Person employed in or appointed to any position requiring full-time or part-time service must possess minimum qualifications.

§2.7 Submitting Application Packages

Signed original and complete application packages must be received by RCTC on the final filing date unless advertised as open until filled.

§2.8 Incomplete Application Packages

Incomplete application packages may be returned to the applicant with notice to amend at the discretion of RCTC. Incomplete application packages, like all other application packages, received after the filing period will not be given consideration for RCTC employment.

§2.9 Initial Applicant Screening

The First-Line Supervisor seeking to hire a new employee may disqualify an applicant or refuse to refer any person for employment for, but not limited to, the following reasons:

- A. The applicant does not possess the minimum qualifications established for the position;
- B. The applicant has been dismissed for good cause from previous employment;
- C. The applicant has practiced or attempted to practice any deception, fraud, or omission of material fact in the application or interview, or in securing eligibility for employment.

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The Executive Director and/or the appropriate Director shall have final approval as it pertains to qualification of applicants.

§2.10 Recruitment and Selection

Offers of employment shall be extended to selected candidates by the Manager responsible for Human Resources at the direction and approval of the Executive Director or designee. Employment offers for all positions shall be made in writing and shall include starting rate of pay. All employment offers are contingent upon the fulfillment of any contingencies mentioned in the written offer of employment.

The Executive Director has the authority to negotiate a higher accrual rate of vacation and sick leave for new employees when, in the judgment of the Executive Director, the education, training, and experience of a proposed employee are superior and justify a higher rate. These changes must be documented in writing to the Human Resources Department and the Payroll Department prior to the first day of work for the new hire.

§2.10.1 Relocation Reimbursement

It is the intent of the Riverside County Transportation Commission (RCTC) to fill job openings in the most economical way possible. Payment of relocation expenses will only be authorized, when there is a lack of qualified candidates in the local labor market to fill what typically would be management (executive or program/project) or a critical hire position. The underlying philosophy of this relocation expense policy is that claims and payments should cover necessary, reasonable and actual expenditures and be fair and equitable to employees and RCTC.

As delegated by the Executive Committee, this policy for payment of relocation expenses is administered by the Executive Director and is dependent upon funds available during the fiscal year. Any offers to pay relocation expenses require prior written approval by the Executive Director or designee.

The purpose of the Relocation Expense Reimbursement Policy and Guidelines is to provide a means for compensating eligible employees for pre-authorized and reasonable relocation expenses. This document states RCTC policy, guidelines, and procedures for payment.

A. Eligibility for Relocation Expense Payment

Payment for relocation expenses may be authorized for a new employee in a management and/or critical hire position who resides outside of the Riverside County area. Relocation expenses will only be authorized for new hires who live in excess of 250 miles from Riverside County at time of initial employment offer. Each situation will be reviewed on an individual basis, taking into consideration the reasonableness of the proposed request. No request will automatically qualify for reimbursement.

1. Voluntary Resignation

Authorized relocation expenses must be repaid to RCTC if the employee voluntarily resigns from employment as specified below:

- a) Within twelve (12) months of hire date: 75% of paid relocation expenses
- b) Between twelve (12) and eighteen (18) months of hire date: 50% of paid relocation expenses
- c) Between eighteen (18) and twenty-four (24) months of hire date: 25% of paid relocation expenses
- d) No repayment is required after twenty-four (24) months of employment

2. Involuntary Termination

For involuntary termination of employment for reasons other than reduction in force or organizational change, a repayment of relocation expenses is to be paid as follows:

- a) Within twelve (12) months of hire date: 100% of paid relocation expenses
- b) Between twelve (12) and twenty-four (24) months of hire date: 50% of paid relocation expenses

B. Eligible Relocation Expenses

Relocation expenses paid to a new employee for the employee's benefit, are considered compensation, and will be added to the employee's W-2 statement at the end of the calendar year. Federal and state laws require taxation on certain reimbursed relocation expenses. When authorized by RCTC, an eligible employee can be granted compensation for relocation expenses as shown below. RCTC will provide an advance payment to the employee, when authorized, within the total amount allocated for relocation for one or more of the following expenses:

1. Moving Expenses

- a) **Household Goods and Personal Property.** The cost of packing, loading, transporting, unloading, and unpacking household goods and personal property.
- b) **Passenger Vehicles.** The cost of shipping and insuring in-transit passenger vehicles by a moving company car carrier service.
- c) **Insurance.** The cost of moving protection insurance for the actual value

of household goods and personal property.

d) Appliance Service. The cost of disconnecting and re-installation of appliances at origin and destination for washers, dryers, refrigerators, freezers, stoves, etc. Any additional charges for storage-in-transit at point of origin, extra pick-up and deliveries, entry into pallets, and storage charges must be paid by the employee directly to the moving company.

2. Transportation Expenses

Actual transportation expenses for the employee and the employee's immediate family, from the prior residence to the workplace. Transportation will be by the most direct route, using:

- a) Air Coach (economy rate)
- b) Automobile. If the employee drives, in lieu of shipping automobile, payment will be at the most current IRS rate per mile.
- c) First Class Rail Fare and roomette during overnight travel, whichever is more economical.
- d) Tolls and parking costs.

3. Temporary Housing Expenses

RCTC will pay for temporary housing expenses associated with establishing a new permanent residence for the purpose of:

- a) Selling the original residence
- b) Packing and shipping household items

Temporary housing costs are authorized for a period of up to 60 days. The Executive Director can approve extensions in writing when deemed necessary. Authorization for temporary living and commuting expenses will terminate once the employee moves into his/her new residence.

C. Non-Eligible Expenses

Compensation will not be authorized for the expenses listed below:

1. Moving Expenses

- a) Extra costs of Saturday, Sunday, holiday service, or waiting time.
- b) Costs in excess of the costs required to move to or from a location other than the established former residence at the time of hire. An employee may relocate to or from a place other than the established former residence but the cost may not exceed the amount which would be required to relocate from the established former residence.

D. Claims Against Moving Company

The employee shall be responsible for selecting and contracting with a qualified and reputable moving company. All claims against the moving company for lost or damaged goods should be negotiated directly between the employee and the moving company, or the insurance company.

E. Maximum Reimbursement Allowable

The maximum amount of compensation for relocation shall be determined on an individual basis by the Human Resources designee and approved by the Executive Director or designee. **In no event will the reimbursement provided under this policy**

exceed \$20,000 unless a specific written approval is provided by the Executive Director under Section F, below.

F. Approvals

All relocation agreements and expense payments within the limits specified in this document require advance written authorization by the Executive Director or designee. Human Resources will obtain approval of expenses and prepare the Relocation Expense Reimbursement Authorization Form that includes the name of the individual, job classification, starting salary, maximum negotiated allowance, and a statement that the cost to be incurred will come from the hiring department's approved budget.

All exceptions to the limits and items stated in this document require advance written approval of the Executive Director including:

1. Relocation expense reimbursement which exceeds the maximum allowable amount.
2. Any other items as stated in this policy.

G. Responsibility for Relocation Expenses

All relocation expenses will be charged to the hiring department utilizing the proper project code as assigned by the Finance Department.

H. Procedure for Reimbursement

RCTC will reimburse a new employee's reasonable relocation expenses, based on the employee providing receipts and supporting documentation. An itemized explanation along with relocation expense receipts must clearly describe the relocation expense and be submitted to Human Resources no later than sixty (60) days from the first day of employment.

Human Resources will review all documentation for clarity, approve the reimbursement of eligible expenses, and forward to the Finance department for processing with the next appropriate check run.

The employee is advised to consult with his/her accountant or tax professional to determine which expenses might be tax-deductible. However, the entire amount reimbursed to the employee from RCTC will be included on the W-2, as required by the Internal Revenue Service.

I. Relocation Expense Reimbursement Authorization Form

Those for whom relocation expenses are provided must sign the Relocation Expense Reimbursement Authorization Form no later than the first day of employment with RCTC.

Any questions about reimbursement of relocation expenses or any aspect of this policy and guidelines should be directed to Human Resources.

§2.11 Promotion

It is the policy of RCTC to fill authorized position vacancies with the most qualified individual available and to provide promotional opportunities for qualified employees. Employees interested in promotion to a

position vacancy for which they are qualified shall submit an employment application per the recruitment process. New employees, who have not completed the initial probationary period for their current position, shall start a new probationary period for any new position. After the successful completion of the probationary period in the new position, the employee shall be classified as a regular employee.

Employees promoted to a new position shall be placed at a location within the salary range in which the position is classified that represents a ten (10) percent increase in the employee's current salary. An employee promoted to a new position having a minimum salary range higher than a ten (10) percent increase over the employee's current salary shall be placed at the minimum level of the new salary range. The Executive Director has the discretion to authorize salary levels within the salary range based on the most recent compensation study.

Promotional offers shall be extended to selected candidates (upon approval of the Executive Director or designee) by the Manager responsible for Human Resources. Employment offers for all promotional positions shall be made in accordance with Section 2.10 of this Manual.

Employees serving in an acting appointment shall not acquire probationary or regular status or rights, and time spent in an "acting" position shall not contribute to the probationary period if the employee is subsequently appointed to the position. Employees who are appointed to an acting position will receive a temporary five (5) percent increase in their salary that will continue for the duration of their acting position.

SECTION 3 — TERMS OF EMPLOYMENT

§3.1 Orientation

New employees shall be provided an orientation by their First-Line Supervisor and the Human Resources Department. The orientation will address issues such as hours of work, rest periods, salary, benefits, probationary period, performance evaluation, position description, attendance, sexual harassment policy, alcohol /drug abuse in the workplace policy, violence in the workplace, electronic communication, sick leave, vacation, overtime, and other personnel issues. The employee's First-Line Supervisor will provide the employee with a thorough orientation including, but not limited to, the following:

- A. Outline current and long range departmental objectives;
- B. Review the organization of the department and the names of key department personnel;
- C. Review department procedures;
- D. Explain hours of work, timesheet reporting, lunch and break periods, absence reporting, and other RCTC policies;
- E. Define work assignments, objectives and responsibilities;
- F. Set measurable performance goals with the employee;
- G. Conduct a tour of RCTC facilities including restrooms and parking facilities.

§3.2 Probationary Period

To ensure that new employees are able to satisfy requirements of the position for which they were hired; each new employee, other than contract and temporary employees, shall be required to serve a probationary period consisting of the employee's first two thousand eighty (2,080) hours of work time. The probationary period is required as part of the testing process and shall be utilized for closely observing the employee's work. All employees will receive a quarterly progress report and a performance evaluation prior to completion of the probationary period.

A probationary employee may be rejected at any time without cause and without recourse to the grievance procedure or any other appeal right. If not sooner, any rejection of a probationary employee must be communicated to the employee at the conclusion of the probationary period or within a reasonable time thereafter. The quarterly progress report and performance evaluation must be completed by the employee's First-Line Supervisor. The decision to accept or reject the probationary employee is also made by the First-Line Supervisor in consultation with the Manager responsible for Human Resources and must be approved by the Executive Director.

Employees promoted to another job classification, shall be considered to be probationary employees during the first two thousand eighty (2,080) hours of work time in the new position. Employees failing to perform satisfactorily in the new classification may be rejected and returned to their former position or to a position requiring similar skill and in a similar pay grade if such a position is still available. Should the previous position not be available, the employee is subject to discharge. Rejected employees shall not have recourse to the grievance procedure or any other appeal right.

The initial probationary period of an employee may be extended by the First-Line Supervisor in consultation with the Manager responsible for Human Resources. Extensions of an initial probationary period must be approved by the Manager responsible for Human Resources in writing at least eighty (80) hours before the end of the initial probationary period. Approval is made on a case-by-case basis and must be supported by documentation justifying the request. The initial probationary period may only be extended once by a maximum of five hundred twenty (520) hours of working time.

§3.3 Attendance

Employees shall be in attendance at their work place in accordance with the rules regarding hours of work, holidays, and leaves. All employees shall keep their daily attendance. Attendance records of employees shall be reported to payroll on the appropriate form. Absence without leave shall be cause for discipline, up to and including discharge.

RCTC will maintain records of employee attendance to identify critical and chronic attendance problems. Employee attendance will be reviewed and evaluated during the employee's annual performance evaluation.

§3.4 Hours of Work

It is the RCTC's objective to perform its responsibilities and meet its obligations to the public and local agencies, while allowing its employees reasonable flexibility in their work schedules. The offices of the RCTC shall be kept open exclusive of Saturdays, Sundays, and holidays.

- A. Work Schedules – The normal work schedule is defined as eighty (80) hours of work performed on ten (10) work days in a normal 10/80 work schedule; or, nine (9) work days on an alternative 9/80 flexible work schedule. Department heads shall set and adjust the work schedules for their employees, keeping in mind that there must be coverage during the office operation hours. An employee’s schedule may be adjusted to meet RCTC’s needs.

Alternative Work Schedule – RCTC may, and has, implemented alternative work schedules that differ from the standard workweek (typically a five (5) day, forty (40) hour per week schedule). The Executive Director has the authority to determine which positions may be on an alternative work schedule, including but not limited to those defined above, and to continue alternative work schedules.

- B. Meal Periods – Department heads are responsible for scheduling and requiring employees to take meal periods. Meals periods may be temporarily postponed to meet unexpected office operational requirements at the discretion of a First-Line Supervisor in cooperation with a department head. These meal periods for all exempt and non-exempt employees are unpaid.

The meal period for all exempt and non-exempt full-time employees working on a flexible 9/80 work schedule shall be at least thirty (30) minutes.

- C. Discretionary Breaks – Department heads may grant employees who work at least an eight (8) hour day a maximum of one paid fifteen (15) minute rest break before and one paid fifteen (15) minute rest break after the meal period.

§3.4.1 Impermissible Use of Meal Period and/or Breaks

The meal period and the discretionary break(s) must be used separately. Discretionary breaks may not be used to extend the lunch period.

Discretionary breaks shall not be accumulated and, when not taken, shall not be the basis for any additional pay or time off.

§3.5 Unauthorized Absences

Any employee who is absent without authorization for three (3) consecutive working days shall be considered to have resigned from their position with RCTC by reason of abandonment. For purposes of this section, an unauthorized absence during part of a day constitutes an unauthorized absence for the entire day.

Nothing in this section shall limit the Executive Director’s authority to discipline an employee due to an unauthorized absence of less than three (3) consecutive days.

§3.5.1 Abandonment/Automatic Resignation

Absence without authorization, including “no call/no show”, of any RCTC employee, whether voluntary or involuntary, for three (3) consecutive working days is an automatic resignation from

RCTC service, providing the employee upon written notification does not respond to the RCTC and/or does not provide a satisfactory explanation for the absence and their failure to obtain an approved leave. The notification to the employee must be in writing prior to the RCTC finalizing the resignation and must contain an opportunity within three (3) working days of service for the employee to respond. A second notice, after the time to respond has passed or after the employee has given an unsatisfactory explanation, must be sent to the employee stating the effective date of the abandonment/automatic resignation. Notices will be served by first-class mail to the last known address of record of the employee.

An employee may within ten (10) calendar days of the second notice from RCTC, request in writing reinstatement from the Executive Director. If denied by the Executive Director, the employee may file a further appeal to the Executive Committee within ten (10) working days from service of the denial of restatement. Reinstatement may be granted only if the employee makes a satisfactory explanation for the absence and/or the failure to obtain an approved leave of absence, and the Executive Committee finds the employee is ready, able, and willing to resume the discharge of the duties of the position.

§3.6 Overtime

It is the policy of RCTC to avoid overtime work whenever possible. Overtime work shall be used only to supply essential public services or perform necessary duties during emergencies or where performance of overtime work by existing employees is more economical than adding new employees by creation of new positions.

Hours worked over forty (40) hours in a workweek, by a non-exempt employee, will be designated as overtime.

A non-exempt employee of RCTC shall not work overtime without obtaining authorization for the overtime, prior to commencement of overtime, from the employee's First-Line Supervisor or department head. Employees of RCTC required to work overtime are compensated in accordance with the Fair Labor Standards Act (FLSA) at the rate of time and one-half for each hour of overtime worked. No other form of absence from work, such as sick leave, vacation leave, jury duty leave, etc. shall be considered hours of work for purposes of calculating overtime.

Employees of RCTC designated as exempt employees shall not be eligible for overtime pay. No RCTC employee shall be eligible for FLSA compensatory time, in lieu of overtime pay.

§3.7 Non-Exempt Employees

The official workweek for RCTC non-exempt employees shall be seven (7) consecutive days beginning on Friday, four hours after the workday begins. For non-exempt employees on a flexible work schedule, the scheduled Friday flex day must be consistently designated in order to avoid incurring any overtime obligation.

§3.8 Exempt Employees

The official workweek for exempt employees shall be the same as for non-exempt employees. Exempt employees shall account for all hours worked as well as for official hours away from work such as vacation,

sick, holiday leave, and other absences. Hours worked in excess of eighty (80) hours per pay period shall be considered by the Executive Director when determining administrative leave grants pursuant to Section 5.6 at the end of the fiscal year.

Employees designated as either Professional/Administrative, or Executive/Supervisory, are not eligible for overtime pay or compensatory time. Employees occupying the following positions are considered to be exempt employees:

- Accountant
- Capital Projects Manager
- Chief Financial Officer
- Clerk of the Board
- Commuter & Motorist Assistance Manager
- Deputy Director of Finance
- Deputy Executive Director
- Executive Director
- External Affairs Director
- Facilities Administrator
- Goods Movement Manager
- Legislative Affairs Manager
- Human Resources Administrator
- I.T. Administrator
- Management Analyst
- Multimodal Services Director
- Planning & Programming Director
- Planning & Programming Manager
- Procurement Analyst
- Procurement Manager
- Project Delivery Director
- Public Affairs Manager
- Rail Manager
- Right of Way Manager
- Senior Financial Analyst
- A. Senior Management Analyst
- B. Toll Operations Manager
- C. Toll Program Director
- D. Toll Project Manager
- E. Toll Technology Manager
- F. Transit Manager

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RCTC established a pay system pursuant to principles of public accountability, under which exempt employees accrue vacation and sick leave.

An exempt employee's pay may be reduced or exempt employee may be placed on leave without pay for absences for personal reasons including illness or injury of less than one (1) work day when such employee's accrued leave is not used because: (1) permission for its use has not been sought or has been sought and denied; (2) accrued leave has been exhausted; or (3) the employee chooses to use leave

without pay.

Deductions from the pay of an exempt employee for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

§3.9 Compensation

New employees of RCTC shall normally be hired at the minimum level of the salary range assigned to the classification. In the event a potential employee possesses extraordinary skill, training or ability, or where exceptional recruitment difficulties are encountered, employment offers may be made at a higher rate whenever such would be in RCTC's best interest. Offers of employment at the minimum to middle step of the salary range may be made by the Manager responsible for Human Resources in cooperation with the Executive Director and hiring First-Line Supervisor.

Individuals hired shall be eligible for a merit salary increase upon completion of their probationary periods, and at twelve (12) month intervals thereafter. A completed performance evaluation with a satisfactory or higher rating shall be required for all salary increase recommendations. If the probationary period for a probationary employee is extended, the employee shall be eligible for a merit salary increase upon successful completion of the extended probationary period.

Salary equity adjustments outside the normal merit salary increase may be made by the Executive Director to address issues such as internal salary compression, retention considerations, and classification parity. In these instances, equity adjustments may be approved to remedy a salary inequity. Equity adjustments are not granted to reward performance and must stay within the established pay range determined by the most recent compensation study. Justification must accompany requests for equity adjustments, including specific outside salary offers in cases of retention, or a specific analysis of salary relationships in cases of correcting salary inequities.

§3.10 Salary Review

The Manager responsible for Human Resources, under the direction of the Executive Director, shall review the salary range assigned to each position within RCTC and provide a written report of the review to the Executive Director. The Executive Director may make salary recommendations to the Executive Committee.

§3.11 Performance Evaluations

It is the policy of RCTC to evaluate employee performance on a regularly scheduled basis. The performance evaluation shall normally be conducted by the employee's First-Line Supervisor and shall be discussed with the employee. The employee's First-Line Supervisor shall carefully consider each item of the performance evaluation in relation to the duties outlined in the employee's position description.

A performance evaluation shall be completed at the end of the initial probationary period and annually thereafter. It is the supervisor's responsibility to assure that the performance evaluation is completed and returned to the Manager responsible for Human Resources for review prior to the completion of the employee's probationary period.

Employees may be eligible for merit pay increases based on funding approved by the RCTC. The Executive Director, prior to the beginning of the fiscal year, will inform Management staff on the maximum level of increase that could be granted to employees. The amount of an employee's merit pay increase, if any, will be determined by the employee's First-Line Supervisor in accordance the employee's performance and based on the guidelines established by the RCTC.

§3.12 Service Awards

In order to recognize the contributions of long-time RCTC employees, RCTC shall provide service awards to regular employees who have completed five (5) years of consecutive service and on succeeding five (5) year anniversaries thereafter.

Service awards will be presented at regular RCTC meetings. Employees must have completed the appropriate years of service prior to the date of the awards ceremony to be eligible for the award. Presentation of service awards shall be made by the Chair or Executive Director of RCTC or a representative designated by the Executive Director.

§3.13 Safety

It is the policy of RCTC to maintain an active safety program designed to eliminate occupationally related illness and injury among RCTC employees. Every employee of the RCTC shall be required to observe all RCTC and departmental health and safety procedures. RCTC's safety policies and practices are more fully set out in the Injury and Illness Prevention Plan, which is available in Human Resources.

§3.14 Keys and Security Codes

Keys to RCTC facilities will be issued by the Facilities Administrator and related security access cards will be issued to employees as designated by Human Resources. Keys are the property of RCTC and shall be surrendered to RCTC upon termination of employment. Employees shall be required to immediately report lost or stolen keys to the Facilities Administrator and related security cards to Human Resources.

§3.15 Political Activity

Political activities undertaken by employees of RCTC, while on duty and/or on the premises of RCTC, are prohibited. In accordance with the California Government Code, the following is prohibited.

- A. An employee of RCTC shall not, directly or indirectly, solicit political funds or contributions, knowingly, from other officers or employees of RCTC. (Government Code Section 3205, see Section 17);

No employee of RCTC shall engage in political activity during working hours. (Government Code Section 3207);

- B. No signs, posters, or other political advertising materials shall be posted upon RCTC property at any time.

§3.15.1 Election Contributions

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The rules set forth herein are in consideration with the Public Utility Code 130051.20.

- A. No employee of the RCTC, or member of their immediate families, shall accept, solicit, or direct a reportable campaign contribution, as defined in California Government Code 84300, from any construction company, engineering firm, consultant, legal firm, or any company, vendor, or business entity seeking a contract with the RCTC.
- B. No employee of the RCTC shall make or participate in, or use his or her official position to influence, a contract decision if the employee has knowingly accepted a reportable campaign contribution as defined in California Government Code 84300 in the past one (1) year from a participant, or its agent, involved in the contract decision.
- C. No employee of the RCTC, or member of their immediate families shall accept, solicit, or direct a reportable campaign contribution as defined in California Government Code 84300 from a construction company, engineering firm, consultant, legal firm, or any company, vendor, or business entity that has contracted with the RCTC in the preceding one (1) year.

§3.16 Conflict of Interest and Outside Activities/Employment

It is a basic principle of RCTC that all of its business affairs shall be, in all respects, conducted legally and ethically and with strict adherence to the highest standards of integrity and propriety. Thus, although RCTC recognizes the employee's right to engage in private and/or commercial activities or employment outside normal working hours, RCTC expects each employee to avoid those outside activities or employment that are a conflict of interest or that may potentially become a conflict of interest. Employees must have prior approval from their First-Line Supervisor and Human Resources before securing additional employment.

Therefore, all employees interested in pursuing private and/or commercial activities outside normal working hours that have the potential for a conflict of interest shall be required to present a written explanation of such activities to the employee's First-Line Supervisor for approval. If the First-Line Supervisor recommends approval of the outside employment, he or she shall forward the documentation to Human Resources for consideration.

Human Resources will review the written explanation in accordance with federal and California law, including but not limited to the California Code of Regulations of the Fair Political Practices Commission (FPPC), Title 2, Division 6, Chapter 7, Article 1. If the Human Resources Manager determines that the activity does not violate federal and California Conflict of Interest laws, the Manager responsible for Human Resources will approve the outside activity or employment.

It is not possible to formulate in advance an all-inclusive set of guidelines regarding potential conflicts of interest. The illustrations set forth below provide guidelines for certain types of situations. Specific questions regarding situations which are not clearly covered by this policy statement will be answered on a case-by-case basis when they arise. Examples of conflict of interest include:

- A. Employees are prohibited from supervising a consultant contract in which an employee's relative manages the same contract for the consultant if such conduct would be prohibited by FPPC regulations or other applicable law;
- B. Employees are prohibited from soliciting RCTC consultants to hire employee's family members;
- C. Employees are prohibited from seeking personal services or advice from RCTC consultants not related to RCTC business at the RCTC expense.

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It is improper for an employee to use or divert any RCTC property or resources, including the service of other employees for his/her own advantage or benefit. RCTC employees may not engage in political activities while on duty. RCTC employees may pursue such interests when off duty, provided that they do not create a conflict of interest. Any RCTC employee running for or holding any other office or position may not use any RCTC resources (including but not limited to vehicles, equipment, materials, labor, or services) in connection with running for or holding the other office or position. RCTC employees shall not use RCTC letterhead paper when writing letters on personal or other matters that are not directly related to the RCTC's business, because that practice uses the RCTC's name and could expose RCTC to liability for activities beyond the scope of employment.

RCTC Employees shall not solicit political contributions from other RCTC employees while on duty and at no time shall attempt to coerce such contributions. RCTC employees shall not solicit political or charitable contributions from RCTC contractors at any time. However, a RCTC employee may communicate through the mail, or by other means, requests for political funds or charitable contributions from a significant segment of the public which may include RCTC officers, employees or contractors, so long as it is clear that RCTC officers, employees and contractors are not targeted for the solicitation. RCTC employees shall not use employee lists, RCTC mailing lists, vendor lists and lobbyist lists to solicit political or charitable contributions.

An RCTC employee who holds elective office shall ensure that they are in compliance with all FPPC requirements and do not possess authoritative control over any contractual or financial obligations related to RCTC projects within the geographic jurisdiction of his or her elective office. At the time of his or her election to any office subject to this section, the RCTC employee shall disclose this information to his or her supervisor and Human Resources.

§3.17 Nepotism and Other Prohibited Employment

In order to assure efficiency in implementing policies of RCTC, it is necessary to restrict the employment of relatives of elected and appointed officers of RCTC. Therefore, the following restrictions will apply:

- A. Relatives of the RCTC Executive Director, RCTC Legal Counsel, and all elected officials who are Board members of RCTC shall not be eligible for RCTC employment in any capacity;
- B. Members of the RCTC Board are ineligible for employment with RCTC while serving on the RCTC Board and for one (1) year after their service on the RCTC Board ends. This section shall not apply to a non-voting board member appointed by the Governor after their service on the RCTC Board ends;
- C. Relatives of RCTC employees shall not be employed in the same department of RCTC where such employment would be detrimental to the supervision, safety, security, or

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morale of the department or RCTC, as determined by the Executive Director, nor shall any employee be placed in a position that exercises supervisory authority over a relative;

- D. If two (2) RCTC employees become married or cohabitate and their employment conflicts with the provisions of this policy, they may continue employment provided that such employment does not directly or indirectly place an undue hardship on other employees within the particular work unit of the married couple and such employment is not detrimental to the supervision, safety, security, or morale of the particular work unit as determined by the Executive Director.

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In no event shall an employee participate directly or indirectly in the recruitment or selection process for a position in which an employee's relative may have filed an employment application.

§3.17.1 Non-Fraternization

RCTC desires to avoid misunderstandings, complaints of favoritism, possible claims of sexual harassment, and the employee morale and dissension problems that can result from certain relationships between employees. Accordingly, employees are prohibited from fraternizing or becoming romantically involved with other employees when, in the opinion of RCTC, their personal relationships may create a potential conflict of interest, cause disruption, create a negative or unprofessional work environment, or present concerns regarding supervision, safety, security, or morale.

All employees should also remember that RCTC maintains a strict policy against unlawful harassment of any kind, including sexual harassment.

§3.18 Demotion

RCTC may demote an employee whose ability to perform the required duties falls below standard or for disciplinary purposes.

§3.19 Suspension Without Pay

The Executive Director may suspend without pay an employee from a position at any time for a disciplinary purpose. Suspension without pay shall not exceed thirty (30) days, nor shall any employee be suspended without pay for more than thirty (30) days in any fiscal year.

§3.20 Rejection of Probationary Employment

Probationary employees may be rejected without cause and without right of appeal at any time during a probationary period. Rejections shall be initiated by the appropriate Director and approved by the Executive Director prior to notifying the employee of termination action. The Manager responsible for Human Resources must be notified of any employee termination action. Rejected probationary employees shall no longer receive employee benefits except benefits accrued under CalPERS and benefits to which the employee is statutorily entitled. Rejected probationary employees shall not be eligible for prior notice of termination and shall receive payments due on the date of termination.

§3.21 Discharge

RCTC may discharge regular employees for cause, including, but not limited to, inadequate job performance. All employees of RCTC shall be discharged in accordance with applicable provisions of this Manual. Employees discharged in accordance with this Manual shall no longer receive employee benefits except benefits accrued under CalPERS and benefits to which the employee is statutorily entitled. Discharged employees shall receive final compensation payments on the next regular payday.

§3.22 Resignation

Employees who wish to voluntarily terminate employment with RCTC shall provide a minimum of two (2) weeks written notice to their First-Line Supervisor. The written resignation shall be considered accepted by RCTC immediately upon submission by the employee and shall be forwarded to the Human Resources Department for processing. Requests to revoke a resignation shall be determined in the sole discretion of the Executive Director. Any employee failing to provide RCTC with a minimum of two (2) weeks written notice of resignation shall be ineligible for consideration for future employment with RCTC. Final compensation will be paid on the next regular payday.

§3.23 Death of Employee

In the event of a death of a RCTC employee, payment of all earned wages due shall be in accordance with California law. The payment of benefits from insurance policies and other employee programs will be paid in accordance to the terms of the specified benefit policies and in accordance with state law.

§3.24 Dress Code

RCTC encourages a relaxed atmosphere for its employees. RCTC defines business casual as dressing professionally, neat, and pulled together. Employee attire needs to be suitable for the workplace. Employee attire should be clean, unwrinkled, and look professional. Unacceptable attire is rumpled or ripped clothing, underwear as outerwear, tank tops, shorts, flip flops, or inappropriately revealing attire. Keep in mind the "business" part of business casual.

SECTION 4 — EMPLOYEE BENEFITS

§4.1 Benefit Plan

All regular and probationary employees shall be eligible to participate in the benefit plans and programs offered by RCTC and listed herein.

§4.2 Medical

RCTC will provide medical coverage through the CalPERS for regular and probationary employees that are eligible to enroll. RCTC shall pay the cost of medical insurance in the CalPERS at the rate approved by the Executive Committee and as set forth in a resolution adopted in accordance with Government Code Section 22892(a).

§4.2.1 COBRA

Employees and their qualified beneficiaries, who lose their group health coverage and meet CalPERS' qualifying event requirements, may be eligible for Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) continuation coverage. COBRA coverage, eligibility, enrollment, costs, and duration are determined by CalPERS.

If an employee terminates employment with RCTC, the employee is entitled to continue participating in the RCTC group health plan for a prescribed period of time, usually eighteen (18) months, provided that the employee satisfies all requirements under COBRA, including payment of the full premium. COBRA coverage is not extended to employees terminated for gross misconduct.

If a former employee chooses to continue group benefits under COBRA, the employee must pay the total applicable premium. Coverage will cease if the former employee fails to make premium payments as scheduled, becomes covered by another group plan that does not exclude pre-existing conditions or becomes eligible for Medicare.

For detailed information or questions on COBRA, employees are requested to check with the Human Resources Department.

§4.2.2 Post-Retirement Medical

To be eligible for retirement health benefits, an employee's retirement from RCTC must be effective within 120 days of the employee's separation from employment with RCTC and the employee must be receiving a retirement allowance from CalPERS resulting from the employee's service with RCTC. Retired employees who satisfy the preceding requirements ("Eligible Retirees") are eligible to continue health coverage offered by CalPERS. The level of benefits varies depending upon an Eligible Retiree's date of employment with RCTC. RCTC provides retirement health benefits as follows:

Hired On or After January 1, 2007

Employees hired after January 1, 2007, will only be eligible to receive health benefits paid by RCTC upon their retirement if at the time of retirement, the employee has completed at least ten (10) years of service with a CalPERS employer provided that at least five (5) of those years of service must have been performed entirely with RCTC.

The benefit for these retirees will be determined, in part, by the retiree's years of service with a CalPERS employer and, in part, by a contribution level based on a weighted average of the premiums of the four largest medical benefit plans offered by CalPERS ("Average Cost"). Average Cost will be determined by CalPERS on an annual basis. Specifically, RCTC's contribution on behalf of these retirees shall be comprised of the following two components: (1) an amount equal to at least 100percent of the Average Cost of employee only benefits multiplied by the "applicable percentage"; and for each retiree with enrolled family members, (2) an amount equal to 90percent of the Average Cost for the enrollment of such family members multiplied by the "applicable percentage." The "applicable percentage" shall be determined on the basis of the employee's years of service as follows:

Credited Years of Services	Applicable Percentage
10	50
11	55
12	60
13	65
14	70
15	75
16	80
17	85
18	90
19	95
20 or more	100

Hired Prior to January 1, 2007

The employer contribution payable for post-retirement health benefits for each employee hired prior to January 1, 2007, shall be at the rate paid for active employees.

§4.3 Short- and Long-Term Disability Insurance

RCTC shall provide short and long-term disability insurance for regular employees. The premiums of regular and probationary employees are paid by RCTC. Regular and probationary employees will be enrolled in the program at the time of hire and must remain in the program while employed by RCTC.

Short-term disability insurance provides for no elimination period for disability due to accidental bodily injury and seven (7) day elimination period for disability due to illness or pregnancy. The maximum benefit equals 66 2/3 percent of the weekly pre-disability salary or \$1,777, whichever is less. Employees may use sick leave and vacation pay to supplement the disability benefit up to 100percent of salary. The maximum benefit period is 180 days. A disability due to a job-related injury would require Workers' Compensation insurance to be the primary insurance.

Long-term disability insurance provides for a 180-day elimination period or the employee must exhaust available sick leave, whichever is longer. The maximum benefit equals 66 2/3 percent of the monthly pre-disability salary up to a maximum of \$10,000. Benefit amounts exceeding \$7,000 per month must receive medical underwriting and approval.

§4.4 Life Insurance

RCTC shall provide a one hundred thousand dollar (\$100,000) term-life insurance policy for each regular and probationary employee. Life insurance is also provided to regular and probationary part-time employees and will be on a pro-rata basis based on the hours worked. The first \$50,000 of coverage will not be taxable to the employee. However, the cost of providing the remaining \$50,000 in coverage will be reported as taxable compensation of the employee. Employees may be permitted to purchase, through payroll deduction, supplemental term-life insurance.

RCTC shall provide these benefits subject to carrier requirements. Selection of the insurance provider(s)

and the method of computing premiums shall be within the sole discretion of RCTC.

§4.5 Dental/Vision Program

RCTC shall provide dental and vision insurance for regular and probationary, full-time and part-time employees and their Dependents. Employees and their Dependents shall be entitled to benefits as provided by the insurance carrier.

§4.6 Retirement Program

All regular and probationary employees shall become members of the CalPERS on the effective date of employment. Through contract with CalPERS, regular employees who meet the PERS requirement as a Classic Member shall receive a 2.7% a@ 55 retirement benefit under provisions of section 21354.5 of the Public Employees' Retirement Law (PERL). For regular employees who meet the PERS requirement as a New Member (PEPRA) shall receive a 2% @ 62 benefit under provisions of section 7522.20 of the PERL.

A summary of retirement benefits contracted for through CalPERS for Classic Members are as follows:

A. 1959 Survivor Allowance – Third Level: The provisions of section 21573 of the PERL shall apply to RCTC regular and part-time employees.

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B. Post-Retirement Survivor Allowance: The provisions of section 21624, 21626, and 21628 of the PERL shall apply to RCTC regular and part-time employees.

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C. Final Compensation – One Year: The provisions of section 20042 of the PERL shall apply to all RCTC regular and part-time employees.

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D. Unused Sick Leave: The provisions of section 20965 of the PERL shall apply to all RCTC regular and part-time employees.

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E. Industrial Disability Retirement: The provisions of section 21151 of the PERL shall apply to all RCTC regular and part-time employees.

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F. Up to a 3% Cost of Living Adjustment: The provisions of section 21335 of the PERL shall apply to all RCTC regular and part-time employees.

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G. Two-Year Additional Service Credit: The provisions of section 20903 of the PERS shall apply to all RCTC regular and part-time employees at the sole discretion of the RCTC Executive Committee.

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A summary of retirement benefits contracted for through CalPERS for New Members (PEPRA) are as follows:

1. Final Compensation – Three Years: The provisions of section 20037 of the PERL shall apply to all RCTC regular and part-time employees.

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2. Unused Sick Leave: The provisions of section 20965 of the PERL shall apply to all RCTC regular and part-time employees.

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3. Up to a 3% Cost of Living Adjustment: The provisions of section 21335 of the PERL shall apply to all RCTC regular and part-time employees.

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4. 1959 Survivor Allowance – Third Level: The provisions of section 21573 of the PERL shall apply to RCTC regular and part-time employees.

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5. Post-Retirement Survivor Allowance: The provisions of section 21624, 21626, and 21628 of the PERL shall apply to RCTC regular and part-time employees.

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6. Two-Year Additional Service Credit: The provisions of section 20903 of the PERS shall apply to all RCTC regular and part-time employees at the sole discretion of the RCTC Executive Committee.

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§4.7 401(a) Qualified Plan

All regular and probationary employees shall be enrolled in the 401(a) Qualified Plan. RCTC will contribute the equivalent of 7.5 percent of the employee's salary to the qualified plan. Employees shall be enrolled in the program at the time of hire and are vested at a rate of 20 percent per year with full vesting at five (5) years of RCTC service.

§4.8 457 Deferred Compensation

Regular and probationary employees of RCTC shall be eligible to enroll in the 457 deferred compensation plans offered by RCTC on the first day of employment. There is no employer contribution to the 457 deferred compensation plan. Employees are permitted to specify amounts to be deducted from the employee's paycheck for deposit to RCTC's deferred compensation carrier. Maximum contribution is in accordance to the amount set by the federal law.

§4.9 Workers' Compensation

RCTC shall provide workers' compensation benefits to all employees who suffer a work-related injury or illness. For an injury suffered by an employee while performing their duties, the employee will be placed immediately on workers' compensation. The employee must complete an Employee's Claim for Workers' Compensation Benefits (DWC Form 1) and submit it to the Human Resources Department. After receipt of the DWC Form 1, the Human Resources Department will complete the Employer's Report of Occupational Injury or Illness (SCIF 3067). Both forms shall be submitted to RCTC's Workers' Compensation carrier. It is the desire of RCTC to provide full benefits to the employee whenever possible, however, in no event shall the employee receive more salary and benefits than he or she would normally receive had the injury not occurred.

§4.10 Unemployment Insurance

Unemployment insurance shall be provided in accordance with the current state and federal laws.

§4.11 Continuation of Benefits Coverage

RCTC shall continue employer contributions to the employee benefit plan and to group life insurance programs of those regular employees placed on leave of absence with pay (excluding long-term disability)

for the duration of the leave of absence with pay. Employee contributions to such programs shall be deducted from salary payments made to the employee during the paid leave of absence.

Regular employees of RCTC placed on leave of absence without pay may continue to participate in RCTC's benefit programs for the duration of the leave of absence. RCTC employer contributions to the benefit programs shall cease five (5) days after the effective date of the leave of absence without pay. Regular employees placed on leave of absence without pay, who want to continue participation in the benefit programs, shall advise the Human Resources Department in writing of their intention to do so and shall submit a check for the cost of the applicable coverage to the Human Resources Department no later than the 10th day of the month preceding the month for which coverage is effective. The Executive Committee, however, may, in its sole discretion, agree to continue paying RCTC's contributions and begin paying the employee's contributions to the benefit programs, in whole or in part, during an unpaid leave of absence.

Once an employee begins to receive RCTC's Short and/or Long-Term Disability benefits, employer contributions to the benefit program will cease after twelve (12) weeks during the Short-Term Disability leave. After such time, the employee shall be required to cover both the employer's and employee's contributions if the employee chooses to continue any benefits.

§4.12 Education Reimbursement

Regular full-time employees of RCTC, who have completed at least 2,080 hours of consecutive service, shall be eligible for education reimbursement pursuant to this section. The RCTC will make available a maximum of \$25,000 per fiscal year for education reimbursement.

An employee may be reimbursed up to \$2,500 to cover education expenses incurred in any fiscal year. If total employee education reimbursement requests exceed available funding in a given fiscal year, reimbursement will be made on a first-come, first-served basis.

Requirements for education reimbursement are as follows:

- A. Course is satisfactorily completed with a grade of "C" or higher;
- B. Appropriate proof of successful completion is submitted to their First-Line Supervisor and the Human Resources Department;
- C. Course of instruction will enable the employee to perform their present duties more effectively, or will prepare them for future opportunities into which he or she could reasonably expect promotion or transfer at RCTC;
- D. The hours of instruction for the course do not conflict with the employee's regularly scheduled work day;
- E. The course of instruction must be presented by a technical school, vocational school, college, university, business, or high school that has been accredited by a recognized governmental or professional accrediting body and/or has been approved by the Executive Director.

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Employees shall be eligible for reimbursement of the following education expenses: tuition, textbooks,

registration fees, and laboratory fees related to an approved course of instruction. Employees shall be limited to a maximum reimbursement of \$2,500 per employee per fiscal year.

Employees shall not be eligible for reimbursement of late registration penalties or fees, transportation costs, parking, interest, or any other charge not specified as reimbursable in this section.

Employees shall submit an Education Reimbursement Request to their First-Line Supervisor for approval prior to registration for the course. The First-Line Supervisor will review the request for compliance with RCTC policies and either approve or disapprove the request. If the request is denied, the First-Line supervisor will state the reason for denial. The supervisor shall forward the completed form to Human Resources for review to assure compliance with RCTC policy. One copy of the completed form, indicating the Executive Director's approval or disapproval, shall be forwarded to the employee.

Employees who successfully complete an approved course shall submit a request for reimbursement to Human Resources. The request must include receipts for all items for which the employee wishes to be reimbursed and a copy of the final grade report with a grade of "C" or higher.

RCTC expects employees who use the Education Reimbursement Program to continue as RCTC employees for at least two (2) years after completion of the program. Thus, as part of their Education Reimbursement Request, the employee shall agree that upon voluntary termination of employment within twenty-four (24) months following receipt of an education reimbursement payment, the employee is required to remit to RCTC the amount of the education reimbursement minus one twenty-fourth (1/24) of the education reimbursement for each month of service following the receipt of the reimbursement.

Required education and/or training outside an employees' regular work hours shall be considered as hours worked. RCTC is responsible for all costs associated with required education and training.

§4.13 Employee Assistance Services

The RCTC shall provide an employee assistance program for its employees. Questions about the employee assistance services should be directed to Human Resources. Employees shall use sick leave, or vacation time if the employee has no available sick leave time, for assessment consultations that are voluntary. For consultations that are obligatory and recommended by the employee's supervisor, no sick leave time or vacation time will be deducted.

The RCTC may change the program at any time.

§4.14 Flexible Reimbursement Plan

This plan allows employees to set aside pre-tax dollars to pay for unreimbursed health care and dependent care expenses. Employees will be able to pay for allowable expenses not covered by their medical plans as well as dependent care services with pre-tax dollars. Refer to plan enrollment package, contact the Human Resources Department, or Internal Revenue Service *Publication 969* for details.

§4.15 Employee Transportation Assistance

RCTC shall provide regular and probationary employees a monthly transportation assistance program up to the established limit under Internal Revenue Code section 132(f). The program will reimburse

employees for the purchase of public transportation tickets to and from work, and it will pay the county directly for vanpool participation through the county's vehicle program, subject to the limitations noted above.

§4.16 Non-Revenue Account and Toll Exemption

RCTC staff shall receive toll exemption when travelling on RCTC owned Express Lanes according to the policy below:

- a) Use of the Express Lanes is directly related to the maintenance, testing, or monitoring of the Express Lanes;
- b) Use of the Express Lanes is related to an approved tour of the facility; and
- c) Use of the facility is pre-approved by the designated Toll Operations staff member.

In order to manage non-revenue usage of the toll facilities, toll operations staff will maintain a non-revenue account on which qualified vehicles will be listed and transponders will be issued. Toll Operations staff will manage the account and perform monthly reviews of the account activity and transponder inventory.

This policy may be extended to RCTC contractors as deemed appropriate by the contract. It is a violation of this policy for RCTC staff to use the Express Lanes with a non-revenue transponder or plate listed on a non-revenue account without complying with the requirements above.

SECTION 5 — LEAVE, VACATION AND HOLIDAYS

§5.1 Sick Leave

- C.A. Accrual and Accumulation: Regular and probationary full-time employees of RCTC shall accrue four (4) hours sick leave for each pay period completed. Regular and probationary part-time employees shall accrue sick leave on a pro-rata basis based on the proportional hours worked. Accumulated sick leave shall be available for use the first day following the payroll period in which it is earned.

Employees on sick leave shall continue to receive their regular pay and benefits.

Except as provided differently in RCTC policies, an employee who has exhausted their accumulated sick leave and who is unable to work due to illness or injury will be placed in a vacation status for the duration of the illness or injury, or until the employee has exhausted their accumulated vacation, whichever occurs first. If the employee has exhausted both sick leave and vacation leave accumulations, the employee may be placed on a leave without pay. In conjunction with an illness or injury, an employee may apply for short- or long-term disability insurance, as applicable.

- D.B. Use: The following are considered appropriate uses of sick leave accrual; a paid absence from duty by an employee due to:
 - i. An employee's illness, injury, or disability that incapacitates the employee from performing their duties;
 - ii. An employee who is personally undergoing medical, dental, or optical treatment or examination may use sick leave accrual for the required time away from work;

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- iii. An employee who, due to exposure to a contagious disease, is quarantined by an appropriate authority may use sick leave;
- iv. An employee compelled to be absent for reason of illness or injury or medical appointments and procedures for dependents, spouse, parents, or registered domestic partner may use sick leave;
- v. Bereavement Leave. Sick leave may be used when a death occurs to an employee's relative or relations through a registered domestic partnership. RCTC has the right to require proper documentation in support of the requested leave.

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A-C. Minimum Charge: The minimum charge against accumulated sick leave shall be fifteen (15) minutes.

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B-D. Notice of Illness: On the first day of absence due to illness, an employee must notify their First-Line or Second-Line Supervisor of the intended absence at or before the start of the employee's scheduled workday. It is the responsibility of the employee to keep RCTC informed as to continued absence beyond the first day for reasons due to illness. Failure to make such notification may result in denial of sick leave and may result in disciplinary action, up to and including discharge from employment.

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C-E. Illness During Vacation Leave: Employees who become ill while on vacation leave may request to have vacation time converted to sick leave. Approval may be granted only when the employee presents a licensed physician's certificate verifying an illness or injury. Such conversion shall require approval of the employee's supervisor.

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D-F. Other Employees: Temporary employees shall not be eligible to accrue sick leave.

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E-G. Return from Sick Leave: Employees who have been on sick leave for three (3) days or more may be requested to present a statement signed by a licensed physician stating that the employee has been off from work due to illness or injury and is able to resume normal duties. RCTC reserves the right to require a physician's statement for absences of less than three (3) days.

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F-H. Misuse of Sick Leave: Evidence substantiating the abuse and misuse of the sick leave benefit shall result in denial of sick leave and may result in disciplinary action, up to and including discharge from employment.

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§5.1.1 Minimum Paid Sick Leave Policy for Non-Benefited, Temporary Employees

Eligibility: Any employee not otherwise provided paid leave sufficient to cover at least twenty four (24) hours of absence on an annual basis for the reasons set forth in this policy (e.g., sick leave or paid time off) shall be eligible for this Minimum Paid Sick Leave per AB1522. An employee who, on or after July 1, 2015, works thirty (30) or more days within a year from the commencement of employment is eligible for Minimum Paid Sick Leave. This policy is intended to comply with the requirements of the Healthy Workplaces, Healthy Families Act of 2014 at Labor Code section 246(e)(2) and should be interpreted

consistently.

Annual Grant of 24-hours of Minimum Paid Sick Leave: Employees who are eligible as of July 1, 2015, will be granted a twenty-four (24) hours on July 1, 2015 for use during the remainder of that calendar year. Employees who are hired after July 1, 2015, shall be granted twenty-four (24) hours upon hire for use during the calendar year of their hire. Every year thereafter, on January 1st, each covered employee shall receive an annual grant of twenty-four (24) hours of Minimum Paid Sick Leave for use during that calendar year. This annual grant does not roll over to the next calendar year and is not paid out upon termination of employment. The Minimum Paid Sick Leave entitlement and its use shall be reflected on the covered employee's regular pay stubs.

Use of Minimum Paid Sick Leave: Leave may be used for any purpose sick leave is otherwise typically used pursuant to policy and consistent with those uses set forth in the Healthy Workplaces, Healthy Families Act of 2014 (AB 1522). These uses include, but are not limited to use by a covered employee for preventative care or diagnosis, care, or treatment of an existing health condition for the covered employee or his or her family member; and use by a covered employee who is a victim of domestic violence, sexual assault, or stalking. A covered employee may not be required to find a replacement worker in order to utilize Minimum Paid Sick Leave.

Procedural Requirements: Procedural requirements, including those requirements related to notice, request of use, acceptable uses, prohibited uses, minimum increments, and medical certification shall be governed by existing policies relating to §5.1 Sick Leave. For those purposes, Minimum Paid Sick Leave shall be treated the same as §5.1 Sick Leave.

- An absence necessitated by an employee's own or a family member's illness or injury, defined to include diagnosis, care, or treatment of an existing health condition, among other things.
- An absence necessitated by the employee's own or a family member's need for preventative care, defined to include medical, dental, or vision appointments.
- An absence due to an employee's exposure to a contagious disease when quarantine is imposed by health authorities or on the advice of a physician when the presence of the employee at work could endanger the health of others.
- An absence required by an employee who is the victim of domestic violence, sexual assault, or stalking, to: (1) attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or his or her child; (2) seek medical attention for injuries caused by domestic violence, sexual assault, or stalking; (3) obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking; (4) obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking; or (5) participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

For purposes of this §5.1.1, "family member" is defined consistent with Labor Code section 245.5(c), which generally includes child (including foster, legal ward, and those similarly situated), parent (including spouse's parent, guardian, and those similarly

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situated), spouse, registered domestic partner, grandparent, grandchild, and sibling. Employer may require such paid leaves to be used, when available, in conjunction with any medical leave.

Medical Certification: Employer may, at its discretion, require an employee who has a medically related absence for more than twenty-four (24) hours of consecutively scheduled work days to furnish medical certification of the illness or injury necessitating the absence. If an employee cannot provide certification, the employee's supervisor has the option to deny the sick leave request and convert the time to unexcused absence. Employer may also, at its discretion, require an employee absent for more than twenty-four (24) hours of consecutively scheduled work days to furnish medical certification that he or she is fit for duty prior to returning to service.

§5.2 Sick Leave Conversion to Vacation/Cash Out

Conversion of Sick Leave to Vacation Leave

Employees of RCTC with five (5) years of continuous service (10,400 hours of continuous service) may choose to convert part of their sick leave to vacation leave. Only that portion of accumulated sick leave hours that exceed 240 hours may be converted. An employee may choose to convert unused sick leave as follows:

- ◆A. Sick leave accrued in excess of 240 hours could be converted to vacation at a rate of 50 percent (i.e., one (1) hour of vacation for two (2) hours of sick leave in excess of 240); and
- ◆B. The option to convert unused sick leave to payment under this provision may only be exercised by the employee once per year and must be accomplished by notifying the Accounting Department and the Human Resources Department of their intention by March 31 for use the next fiscal year. The provisions above shall be utilized for sick leave cash out.

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Sick Leave Cash Out

Employees that terminate their service with RCTC as a result of retirement shall have their accrued but unused sick leave time converted to additional service credit pursuant to Government Code Section 20965.

Employees that terminate their service with RCTC for any reason other than retirement and that have unused sick leave in excess of 240 hours, shall have said excess converted to a cash payout at a rate of 50 percent. The employee shall not be compensated for the first 240 hours of unused sick leave.

§5.3 Holiday Leave

All regular and probationary employees of RCTC who are paid hours on the payroll the day before and day after a designated holiday shall be paid for said holiday. Full-time employees shall receive eight (8) holiday pay hours for a holiday. Part-time benefited employees shall receive holiday pay on a pro-rata basis. Temporary employees do not receive holiday benefits. The following holidays are observed by RCTC (the actual day of observance may be changed at the discretion of RCTC management):

- A. New Year's Day
- B. Dr. Martin Luther King, Jr. Day
- C. Presidents' Day
- D. Memorial Day
- E. Independence Day
- F. Labor Day
- G. Veterans' Day
- H. Thanksgiving Day
- I. Day After Thanksgiving Day
- J. Christmas Eve
- K. Christmas Day
- L. New Year's Eve
- M. Floating Holiday (Executive Director's discretion)

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Holidays that fall on a Saturday shall normally be observed on the preceding Friday. Holidays that fall on Sunday shall normally be observed on the following Monday. When a fixed holiday falls within a vacation period, the holiday shall not be charged against the employee's accumulated vacation benefits. Non-exempt employees required to work on a holiday will receive eight (8) hours of pay plus overtime.

At the Executive Director's discretion, regular and probationary full-time employees of RCTC shall receive eight hours of floating holiday on the first pay date of the fiscal year and must be used within the same fiscal year. Floating holiday leave time may not be carried over to the following fiscal year. New employees to RCTC shall receive the floating holiday on a pro-rata basis based on the date of hire.

§5.4 Vacation

Regular and probationary employees of RCTC shall be entitled to accrue annual vacation based on the length of continuous service with RCTC. Employees in part-time positions shall accrue, on a pro-rata basis, vacation leave for completed pay periods. Such vacation shall be available for use on the first day following the pay period in which it is accrued.

Each regular and probationary full-time employee will accrue, based on actual hours worked, on a pay period basis, the pay period equivalent of the applicable annual number of hours of vacation, in accordance with the employee's record of continuous years of service, unless a different rate is negotiated by the employee at the time of hire.

Continuous Years of RCTC Service	Bi-Weekly Accrual	Annual Accrual	Maximum Accrued Balance
Hire Date to completion of 3 rd Year	3.08 hours	80 hours	160 hours
Beginning of 4 th Year to completion of 9 th Year	4.62 hours	120 hours	240 hours
Beginning of 10 th year and forward	6.16 hours	160 hours	320 hours

No full-time employee shall accumulate more vacation than twice the employee's annual accrual (for example, a full-time employee who accrues 120 hours per year cannot accumulate more than 240 hours of vacation). Accrual of vacation will cease once the employee's accumulated vacation hours equal the employee's maximum accumulation limit. Accrual of vacation will not recommence until an employee

has used some vacation and the accumulated vacation has once again fallen below the maximum accumulation limit. Regular, part-time employees will accrue vacation on a pro-rated basis.

The Executive Director may approve continued vacation accrual in excess of the maximum accrued balance in the event that RCTC requires the presence of employees who are in danger of reaching the maximum accumulation limit. The approval will be contingent upon the employee providing a plan demonstrating the use of vacation hours after the needs of RCTC have been met.

Temporary employees of RCTC shall not be eligible for vacation benefits.

Vacation may be taken in multiples of one quarter (.25) hour with the approval of the employee's immediate supervisor. Supervisors will only approve vacation for such time as will not impair the work schedule and efficiency of the department. Should employee vacation requests conflict with staffing requirements, the final determination for vacation approvals will be at the discretion of the First-Line Supervisor in cooperation with the department head.

§5.5 Vacation Cash Out

Employees who have utilized at least eighty (80) hours vacation during the previous fiscal year shall be permitted to cash out any accumulated vacation in excess of eighty (80) hours. This limitation on cashing out vacation is intended to encourage employees to take at least two (2) weeks of vacation per year.

An employee requesting to cash out vacation who has met the requirements of a vacation cash out, must submit a written memorandum to the Accounting Department indicating the number of vacation hours for buyout in the next fiscal year. The memorandum must be submitted by March 31.

Accumulated vacation shall be paid upon termination of employment.

§5.6 Administrative Leave

The Executive Director may grant administrative leave to those exempt employees who performed authorized work in excess of a regular workday or on regularly scheduled days off. Administrative leave time shall be granted at the beginning of the fiscal year and must be used within the fiscal year. Administrative leave time may not be carried over to the following fiscal year.

§5.7 Jury Duty Leave

Every regular and probationary employee who is called or required to serve as a trial juror and upon notification and appropriate verification submitted to their supervisor, shall be entitled to be absent with pay from their duties with RCTC during the period of such service or while necessarily being present in court as a result of such call. Employees are expected to report to work during those normal working hours that the employee is not required to be present as a juror. Employees must submit evidence of jury duty to their supervisor. Any jury fees, excluding mileage, paid to the employee must be turned in to the RCTC Accounting Department. A temporary employee shall be entitled to retain jury fees, since they will not be paid as an employee for time not actually worked.

§5.8 Leave of Absence Without Pay

The Executive Director, at their discretion, may grant leave of absence without pay.

In requesting leave of absence without pay, the employee must provide a written request specifying the period of time and reason for the requested leave to the Executive Director. The Executive Director may grant a leave of absence without pay up to 480 hours (12 weeks). The Executive Committee may, in its sole discretion, grant a leave of absence without pay of any length. Any leave of absence without pay shall be for a specified period and appropriate conditions may be imposed, such as requiring the employee to provide sufficient medical documentation or any other evidence documenting the leave, as required by the Executive Director and/or the Executive Committee. Under normal circumstances, a personal leave of absence without pay shall not be granted until after an employee has exhausted all accumulated vacation.

An employee placed on leave of absence without pay shall not accrue, for the duration of the leave of absence without pay, credited service for salary review, vacation, and sick leave accrual. Eligibility for salary review and vacation and sick leave accrual shall be extended by the number of days an employee has been on leave of absence without pay. Employees placed on leave of absence without pay shall be responsible for all health insurance premiums, life insurance premiums, short and long-term disability premiums, and other monthly benefit payments in accordance with the provisions of this Manual.

An employee on leave of absence without pay for illness or disability reasons will be required to present a return to work order releasing the employee to full duty signed by their attending physician, prior to being allowed to return to work. A release to return to less than full duty will be allowed only as an accommodation as required by the Americans with Disabilities Act and the California Fair Employment and Housing Act. Upon expiration of a leave of absence without pay that is not covered by the FMLA, the CFRA, or the Pregnancy Disability law, or within a reasonable period of time after notice to return to duty, the employee may be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave of absence without pay to report promptly at its expiration, or within a reasonable time after notice to return to duty shall be deemed to have resigned RCTC employment by reason of abandonment. The depositing in the United States mail of a first class letter, postage paid, addressed to the employee's last known address, shall be reasonable notice.

§5.9 Military Leave

RCTC shall grant military leave to fulfill a military service obligation in accordance with federal and state laws. Public employees are entitled to receive up to thirty (30) days paid military leave per fiscal year. In order to be paid for military leave regular, part-time, and contract employees must have one (1) year of employment with a public agency. The employee's military service can be counted toward the one (1) year of public agency service. An employee granted military leave with pay shall receive all benefits related to employment that are granted when the employee is on pay status.

If the military leave extends beyond thirty (30) days, the employee must submit a request for additional military leave. A copy of the military orders should be submitted to the First-Line Supervisor. The First-Line Supervisor shall submit the request and military order to the Human Resources Department for verification.

Any RCTC employee who has been on a leave of absence for military leave shall have such right to return, and only such right, as may be required by state and federal law in effect at the time the employee applies for reinstatement.

§5.10 Accrued Leave Donation Program

RCTC shall allow regular employees to donate accrued, unused sick leave, vacation, and administrative balances to other regular and probationary employees who have exhausted all accrued sick leave, vacation, and administrative balances and who meet the specified criteria.

The program shall permit RCTC regular employees to donate sick leave, vacation, and administrative balances to fellow regular and probationary employees who have a serious medical hardship, to include temporary disability resulting from pregnancy, miscarriage, or childbirth, or a catastrophic illness or injury that poses a threat to life and requires in-patient, hospice, or residential health care. An employee's need may arise from their own serious medical hardship or catastrophic illness or from their need to care for a relative who has a serious medical hardship or catastrophic illness. This program is not intended to cover an employee that has a common illness or injury.

§5.10.1 Criteria to Receive Accrued Leave Donation

To be eligible, an employee:

- A. must have exhausted all forms of paid leave; i.e., sick leave, vacation, and administrative balances;
- B. must suffer from a serious medical hardship or a catastrophic illness or injury that requires in-patient, hospice, or residential health care; must need to care for a relative who has a serious medical hardship or catastrophic illness;
- C. must complete an application for use of donation leave within five (5) working days after all paid leave time has been exhausted. In the event the employee is not capable of doing so, the employee's First-Line Supervisor may act on their behalf; and
- D. must present a physician's statement verifying the severity of the serious medical illness, injury, or condition.

§5.10.2 Donation of Leave

An employee who has unused sick leave, vacation, and administrative hours may donate up to forty (40) hours per fiscal year to eligible employees. Donations in excess of forty (40) hours require written approval from the Executive Director. An employee desiring to donate sick leave, vacation leave, and administrative balances shall complete a Leave Donation Form that specifies the number of hours to be donated and the name of the employee to whom the hours are to be donated. All donations of sick leave, vacation leave, and administrative balances shall be voluntary, and no employee shall coerce, intimidate, threaten, or financially induce another employee to donate hours. Any donated accrued leave that is not used by the recipient employee during the occurrence for which it was donated shall be returned to the donor employees on a prorated basis based on the hours of sick leave, vacation leave, and administrative balances donated to the recipient employee by all donor employees, and any returned donated accrued leave shall be reinstated to the appropriate balance of each donor employee.

§5.10.3 Receipt of Leave

An employee who meets the criteria may receive up to a maximum twelve (12) weeks (480 hours) donated leave time by submitting the appropriate forms to the Executive Director. If approved by the Executive Director, employees will be paid at their current pay rate, not the rate of the donor employee. The employee will not be eligible to continue to accrue sick leave, vacation leave, and administrative hours. RCTC sponsored benefits, which include medical, dental, vision, and life insurance, will continue for the employee until the last working day of the month that the donated leave is available.

If the donated leave is supplementing short-term disability or worker's compensation benefits, in no circumstances shall the donated leave result in the employee receiving in excess of 100 percent of their current salary.

§5.10.4 Denial of Leave

In the event the employee is denied donation leave, the employee may submit a written appeal to the Executive Director within ten (10) working days of receiving the denial. A written response to the appeal shall be issued within ten (10) working days from the date of written request.

SECTION 6 — PART-TIME AND TEMPORARY EMPLOYEES

§6.1 Regular Part-time Employees

Employees of RCTC designated as regular and probationary part-time employees shall be compensated on an hourly basis as specified by the position classification in which they are assigned. Such regular and probationary part-time employees shall accrue holidays, vacation and sick leave, and receive other benefits as provided in this Manual on a pro-rata basis.

Part-time employees shall receive performance evaluations in accordance with Section 3.11 of this Manual. Part-time employees shall receive compensation in accordance with Section 3.9 of this Manual.

§6.2 Temporary Employees

Employees of RCTC designated as temporary employees shall be compensated on an hourly basis as specified at the time of hire. Such employees shall not be eligible for participation in any benefit program established by RCTC, except as required by state and/or federal law. Such employees shall not be eligible for merit or other pay increases and will not receive performance evaluations.

Such employment is at-will and may be terminated at any time without cause or prior notice to the employee and without recourse to the grievance procedure or any other appeal right.

§6.3 Employment of Retired Persons

An employee who is retired under the Public Employees' Retirement Law (PERL) and who is receiving retirement benefits shall not be employed or re-employed in any position for compensation without the

prior written approval of the Manager responsible for Human Resources. Consistent with the requirements of the PERL regarding the employment of CalPERS retirees without reinstatement, the retiree may be employed or re-employed.

The Manager responsible for Human Resources may allow the employment or re-employment for up to 960 hours of actual work within any fiscal year, without loss of benefits as specified in Section 21224 of the PERL. That section permits the temporary employment only during an emergency to prevent stoppage of public business, or because the retiree has skills needed in performing specialized work of limited duration. During the employment or re-employment period, the retiree will be paid at a rate not less than minimum, nor more than that paid other employees performing comparable duties.

Under Government Code Section 21221(h), the RCTC Board may make an interim appointment to a vacant authorized position during recruitment for a permanent appointment if deemed to require specialized skills or during an emergency to prevent stoppage of public business. These appointments, including any made pursuant to Section 21224, shall not exceed a total for all employers of 960 hours in any fiscal year unless otherwise permitted under the terms of Section 21221(h), and shall be limited to a single twelve (12) month term.

All retired annuitants shall adhere to the PERL, *Title 2, Division 5, Part 3. Public Employees' Retirement System, Chapter 12, Article 8, Sections 21220 - 21230.*

SECTION 7 — GRIEVANCE PROCEDURE

§7.1 Policy

RCTC has established a grievance procedure. Grievances are defined in Section 1.8 of this Manual. The following complaints or disputes are not grievable: the content of a performance evaluation; a denial of a merit pay increase; employee classification; disciplinary action; rejection from probation; and termination of a temporary, or contract employee.

Employees of RCTC who pursue grievances according to the provisions of RCTC Grievance Policy and Procedure shall be free from harassment by fellow employees, supervisors, and RCTC administration. The mere utilization of the grievance process shall in no way affect an employee's present or future employment status.

§7.2 Steps in the Grievance Procedure

The steps of the grievance procedure are as follows:

§7.2.1 Step 1 – An employee must discuss a grievance with their First-Line Supervisor, or their Second-Line Supervisor in the event that the employee's problem is with their First-Line Supervisor. This discussion must occur within five (5) working days of the occurrence of the event giving rise to the grievance. The appropriate supervisor will attempt to resolve the matter and will, within a reasonable period of time, notify the employee of the Step 1 decision;

§7.2.2 Step 2 – If the employee is not satisfied with the Step 1 decision, the employee may, within five (5) working days of receiving the Step 1 decision, submit the grievance in writing to the

appropriate Director for review. The written grievance must set forth the specific section of this Manual that has been violated, must state the facts upon which the grievance is based, must indicate who has knowledge of the relevant facts, must state that Step 1 of the grievance procedure has been completed, and must indicate the specific relief the employee is requesting. The Executive Director, or designee, shall make such investigation of the facts and issues as is warranted under the circumstances and shall make a determination within five (5) working days of the timely receipt of the written Step 2 grievance. The written Step 2 decision shall be provided to the grievant;

§7.2.3 Step 3 – If the employee is not satisfied with the Step 2 decision, the employee may, within five (5) working days of receiving the Step 2 decision, request that the grievance be reviewed by the Executive Committee. To request such review, the grievant should submit a written request for Step 3 review to the Manager responsible for Human Resources; The Executive Committee, or its designee(s), shall make such investigation of the facts and issues as is warranted under the circumstances and shall make a determination. The written Step 3 decision shall be provided to the grievant.

The Step 3 review may involve a meeting between the employee, the Executive Director, and the Executive Committee, or its designee(s). At such meeting, if any, discussion shall be limited to the issues raised in the initial written grievance and an earnest effort shall be made to resolve the problem.

If the parties fail to resolve the grievance, Executive Committee, or its designee(s), shall make a final and binding determination of the grievance.

§7.2.4 Step 4 – If the employee fails to comply with any time limit specified above, the grievant shall have accepted the RCTC’s decision on the matter. If RCTC fails to comply with any time limit specified above, the grievant may move the grievance to the next step in the procedure. The parties by mutual agreement can extend any time limit set forth in the grievance procedure.

SECTION 8 — EMPLOYEE CONDUCT AND DISCIPLINE

Employees are encouraged to excel in their work and are prohibited from engaging in any conduct which could reflect unfavorably upon RCTC. The following standards are intended to govern the actions of all RCTC employees during their course of employment. Employees who violate these standards shall be subject to appropriate disciplinary actions (Refer to §8.1, Forms of Discipline)

- A. Employees shall abide by and carry out the ordinances, resolutions, policies, procedures, and the rules and regulations of RCTC.
- B. Employees shall always conduct themselves in a manner which reflects credit to RCTC and creates positive morale among employees.
- C. Employees shall operate any equipment safely and utilize safe means of carrying out their duties. Employees shall follow instructions for all equipment and property.
- D. Supervisors shall manage in an effective, considerate, respectful and fair manner.

- E. Subordinates shall follow instructions in a positive, respectful and cooperative manner.
- F. Employees shall provide service with courtesy and avoid arguments with the public and other employees.

§8.1 Forms of Discipline

The Executive Director, with good cause for such action, shall have the right to impose major discipline and demote, discharge, reduce in pay, or suspend without pay an employee. Minor discipline can be imposed by First-Line Supervisors in cooperation with the appropriate Director and Manager responsible for Human Resources.

§8.1.1 Good Cause for Discipline

Any of the following examples of performance or behavior shall constitute good cause for discipline. This listing is representative only and does not exhaust all possible situations where disciplinary action may be imposed:

- A. Dishonesty;
- B. Incompetence;
- C. Unsatisfactory performance or negligence in job performance;
- D. Insubordination, including actions that involve resistance to, defiance of, or refusal to carry out a supervisor's lawful order;
- E. Absence without leave;
- F. Discourteous treatment of the public or other employees;
- G. Falsification of RCTC records and documents including, but not limited to, employment material.

§8.1.2 Categories of Discipline

Major discipline consists of a suspension without pay of six (6) or more days, demotion, reduction in pay of one (1) month or more, or discharge. Any other form of discipline is considered to be minor discipline.

§8.2 Disciplinary Process

§8.2.1 Notice of Proposed Disciplinary Action

Prior to the imposition of disciplinary action, regular employees shall be presented with a written Notice of Proposed Disciplinary Action informing the employee of their right to a pre-disciplinary meeting.

- A. The Notice of Proposed Disciplinary Action shall include:

- i. A description of the discipline proposed; a statement of the reasons the action has been proposed, which shall include a brief description of the facts upon which the proposed action is based and a statement of any rules, regulations, laws, etc. that were violated. Additionally, if applicable, a list of any previous disciplinary actions, counseling evaluations or other relevant actions taken against the employee;
- ii. A copy of any documents relied upon in proposing the disciplinary action; and
- iii. A statement advising the employee that they have the right to respond to the Executive Director, or designee, regarding the proposed disciplinary action, orally or in writing, before a final decision is made on the proposed disciplinary action. This part of the Notice of Proposed Disciplinary Action shall include the name of the person to whom the response, if any, can be made. Moreover, the Notice shall include a statement notifying the employee that he or she has five (5) working days from the date of receipt of the Notice to respond in writing or meet with the Executive Director to make an oral response;

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Upon a showing of good cause, the Executive Director, or designee, may extend the time for response;

In responding, either orally or in writing, the employee may designate a representative to assist in the presentation of the response.

B. Response to Notice

- i. In the event that the employee chooses to respond orally, the employee must, within the period given to respond, make an appointment, and meet with the Executive Director or designee;
- ii. During this meeting the employee, or the employee's representative, may present any reasons why the employee feels that the proposed action is not proper. The Executive Director or designee shall listen to the employee's presentation, but shall not present any evidence on behalf of RCTC, nor shall either party present any witnesses for examination;
- iii. A written response must be received in the office of the Executive Director, or designee, no later than 4:00 p.m. on the due date;
- iv. Failure by the employee, or the employee's representative, to respond to the Notice of Proposed Disciplinary Action within the period allowed shall forfeit the right to respond to the Notice of Proposed Disciplinary Action and the proposed disciplinary action shall take effect as proposed.

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- C. If a timely oral or written response is received, the Executive Director, or designee, shall take the employee's response into consideration and shall make a determination as to whether or not the proposed disciplinary action, a lesser form of discipline, or no disciplinary action shall be taken.

- D. After completion of the pre-disciplinary process, the Executive Director, or designee, may direct that any approved discipline take effect and establish the effective date of such approved discipline. Such imposition of discipline shall be effected by the preparation of a Notice of Discipline that informs the employee of the discipline imposed and any appeal rights applicable to the discipline. The Notice of Discipline should include the reasons for the discipline imposed and a copy of any documents relied upon in imposing the discipline.

§8.2.2 No Appeal of Minor Discipline

In the case of minor discipline, no right of appeal is provided.

§8.2.3 Right to Appeal Major Discipline

- A. A regular employee shall have the right to appeal a major disciplinary action.
- B. Requests for appeal shall be made in writing, signed by the employee and filed with the Manager responsible for Human Resources within ten (10) working days of receipt of the Notice of Discipline.
- C. Following receipt of a timely appeal of major discipline, the Executive Committee will determine whether the appeal will be heard by a hearing officer, an Ad Hoc Committee of the Executive Committee, or by the Executive Committee.
- D. The Human Resources Department shall notify the employee and the Executive Director or other employee from whose action the appeal is being taken of the date, time and place of the hearing and shall publicly post at such places as the Executive Committee shall prescribe, a notice of the date, time, and place of the hearing.
- E. Hearings shall be closed unless an open hearing is requested by the employee filing the appeal.
- F. Hearings shall be recorded by a court reporter. The court reporter shall prepare a hearing record.
- G. The employee shall appear personally at the hearing and may be represented by counsel of their choice, at no cost to RCTC. In the event that the employee fails to personally appear at the hearing, the employee shall forfeit their right to appeal.
- H. All witnesses to be heard at the hearing shall testify under oath. The hearing shall not be conducted according to technical rules relating to evidence and witnesses, except as hereinafter provided. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to relying on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of the evidence over objection in civil actions. Hearsay evidence may be admitted but it may not be the sole basis upon which a finding is made unless it would be admissible over objection in a civil matter;

- I. Upon conclusion of a hearing not conducted by the Executive Committee, the hearing officer or the Ad Hoc Committee of the Executive Committee, as applicable, shall cause findings and recommendations to be prepared in writing and shall certify the same to the Executive Committee;
- J. The Manager responsible for Human Resources shall deliver a certified copy of such findings and recommendations of the Hearing Officer, or Ad Hoc Committee of the Executive Committee to the Executive Committee and to any other officer or employee affected by such findings and recommendations or from whose action the appeal was taken;
- K. After conducting the hearing or after considering the findings, recommendations, and hearing record of the hearing officer or Ad Hoc Committee, the Executive Committee shall issue its findings and decision. The Executive Committee may approve, disapprove, or modify (lesser or greater) the discipline that was imposed by the Executive Director, or designee. The appeal decision issued by the Executive Committee shall be final.

SECTION 9 — LAYOFF POLICY AND PROCEDURE

§9.1 Statement of Intent

RCTC recognizes that in some circumstances work force reduction becomes necessary and is unavoidable. Some of the circumstances may include the following:

- Lack of work;
- Discontinuance of a function;
- Budgetary constraints;
- Reorganization;
- Specific actions approved by the RCTC Board.

§9.2 Guidelines

- A. Layoffs of regular full-time and part-time employees shall be based on skill, ability, and performance history. Where skill, ability, and performance history are substantially equal, seniority based on date of hire shall determine the order of layoff.
- B. No regular employee shall be laid off in any job classification if there are consultants, probationary, or temporary employees in an active status in the same job classification within RCTC.
- C. The Executive Director shall provide a report to the Executive Committee. The report shall include:
 - i. The list of affected employees;
 - ii. Reasons that positions were deleted or reorganized;
 - iii. The strategy plan that includes the number of employees who chose to exercise a layoff option rather than seeking retraining; and

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- iv. Confirmation that all reasonable options that would have allowed for the employee to be retained were explored.

§9.3 Reporting and Communication Requirements

- A. When it is determined that positions will be deleted, departmental management personnel shall, as soon as possible, meet with the employees who may be affected. Those employees will be advised of the time frame in which their positions will be deleted or reorganized.
- B. At the meeting, the employee(s) shall receive an official written notice of layoff.
- C. The meeting and official written notice shall be at least twenty (20) working days prior to the effective date of the layoff. The official notice shall include:

Reason(s) for the layoff;

- i. Effective date of the action;
- ii. Option for placement on reinstatement list;
- iii. Options to demote or retrain;
- iv. Requirement to notify the RCTC of an address change.

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§9.4 Reinstatement

Reinstatement is defined as recall by RCTC into a regular position, from the reinstatement list.

- A. Regular employees affected by the layoff shall be placed on a reinstatement list for the class of job from which they were laid off or demoted, or transferred.
- B. Any vacancy to be filled shall be offered, in order of seniority, for the classification to be filled.
- C. The employee's name shall be removed from the reinstatement list, for specific classification, for any of the following reasons:

- i. The expiration of six (6) months from the date of placement on the list;
- ii. Failure to contact RCTC within seven (7) days of RCTC's mailing of a first class letter notifying the former employee of availability of employment. It is responsibility of the former employee to notify RCTC of an address change;
- iii. Request in writing to be removed from the list.

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- D. An employee reinstated by the RCTC shall have:

- i. Their sick leave credited to their account as of the date of the layoff;
- ii. Continue their seniority;

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iii. Credit for all service prior to layoff for the purposes of determining accrual of vacation leave;

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iv. Be placed on the salary range at a step nearest, without exceeding, to their former or current pay rate, whichever is higher.

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E. Outside of the Reinstatement Policy, the RCTC may elect to offer laid off employees, in order of seniority, a temporary position for not less than thirty (30) days and not more than 480 hours within a six (6)-month period. If an employee accepts such a temporary position, it will have no effect on their status on a reinstatement list.

SECTION 10 — REPORTS AND RECORD KEEPING

§10.1 Personnel Files

The Human Resources Department shall maintain a personnel record for each employee in the service of RCTC showing the name, title of position held, the department to which assigned, salary, changes in employment status, and such other information as may be considered pertinent.

§10.2 Change of Status Report

Every appointment, transfer, promotion, demotion, change of salary rate, change of address or any other temporary or permanent change in status of employees shall be reported to the Human Resources Department.

§10.3 Personnel Action Form

A Personnel Action Form shall be completed for each employee hired, appointed, promoted, demoted, transferred, disciplined, and terminated by RCTC. This form shall include all employee information including benefit selection information. A copy of this form shall be included in the employee's personnel file. No Personnel Action Form is effective unless it is approved by the Executive Director.

§10.4 Time Cards

All RCTC employees shall be required to complete and sign a time card recording all hours worked, vacation, sick leave, administrative, jury duty leave, etc. Time cards shall be signed by the employee's First-Line Supervisor and forwarded to the Payroll Department no later than twelve (12) noon on the next day following the end of the pay period.

§10.5 Records Review and Access

Access to employee records is restricted to the following:

- A. Human Resources Department employees with a business need-to-know;
- B. The First-Line Supervisor of an individual employee with a business need-to-know; and
- C. The Executive Director with a business need-to-know.

§10.6 Employee Access

An employee may, in the presence of a Human Resources Department representative, examine their personnel records periodically. An employee has the right to ask for a correction or a deletion, or write a statement of disagreement with any item in the file. The employee may not, however, remove any item from the file.

§10.7 Disclosure of Employee Information

All requests, whether written or oral, for information about a current, retired, or terminated employee must be referred to the Manager responsible for Human Resources. No one other than the Manager responsible for Human Resources will respond to any such requests. Information will be given to duly authorized requests from law enforcement agencies presenting summons, subpoena, and judicial orders.

§10.8 Protection of Confidentiality

Privacy of employee records refers to the collection, use, access, dissemination, retention, and confidentiality of data maintained on employees. RCTC has a commitment to the privacy of personal information kept in its personnel records unless disclosure is required by law.

SECTION 11 — HARASSMENT-FREE WORKPLACE POLICY

§11.1 General Provisions

§ 11.1.1 Purpose

The purpose of this Harassment-Free Workplace Policy (Policy) is to ensure that all employees, volunteers, and commissioners are aware of their rights and responsibilities with regard to the prevention of harassment in the workplace, and that the RCTC workplace is free from harassment.

§11.1.2 Violation of Policy

Violation of the provisions of this Policy by an employee may subject the employee to disciplinary action, up to and including discharge from employment. Violation of the provisions of this Policy by any person who is not a RCTC employee may subject that person to appropriate administrative action.

§11.1.3 Distribution of Policy

A copy of this Policy shall be distributed to each employee, volunteer, and commissioner.

§11.2 Harassment-Free Environment

All employees are entitled to a work environment free from harassment. Discriminatory treatment occurs when an individual uses a protected class as a basis for an adverse employment action or decision. Behavior constitutes harassment when it is unwelcome and unsolicited, offends or otherwise causes distress, and is undertaken because of an individual's protected status.

Harassment creates a negative atmosphere that reduces work productivity and morale, undermines the integrity of the workplace, and destroys professionalism. Harassment includes any unwelcome, unsolicited, and/or unwanted behavior towards coworkers, subordinates, supervisors, or volunteers, which offends, humiliates, embarrasses, or intimidates because of a person's race, color, creed, religion, sex, national origin, age, disability, marital status, ancestry, medical condition (e.g., AIDS/HIV, history of cancer), pregnancy, and sexual orientation, gender, including gender identity and gender expression, and genetic characteristics. Examples include the use of derogatory comments, slurs, jokes, pictures, cartoons, or posters.

§11.2.1 Good Faith Employment Actions

Good faith employment actions do not constitute harassment. Thus, good faith personnel actions taken by a supervisor or manager, such as offering constructive feedback or criticism, holding employees accountable, and providing discipline, where appropriate, do not constitute and should not be mistaken for harassment or retaliation. Such actions are intended to enhance workplace productivity and/or address work performance, and are within the responsibilities and obligations of RCTC supervisors and managers.

§11.2.2 Response to Harassment Allegations

RCTC has a prompt response policy on allegations of harassment. Thus, every report of an alleged incident of harassment in the workplace will be subjected to appropriate investigation. The result of such investigative action may range from informal counseling to disciplinary action for employees, up to and including discharge from employment, the first time they engage in such inappropriate behavior. Prior incidents of harassment may be considered when assessing the facts and circumstances of a later complaint. The result of such investigation may result in administrative action affecting a non-employee's relationship with RCTC.

§11.2.9 Support of Policy

Every employee, volunteer, and commissioner is expected to support and enforce this Policy. Supervisors and managers who observe or know of a harassing situation, and who fail to take corrective action, may be disciplined even if the harassment did not take place in their work unit.

§11.3 Sexual Harassment

§11.3.1 Sexual Harassment

Sexual harassment is a particular form of harassment, which is most prevalent in workplaces, that creates an offensive working environment. Sexual harassment is unprofessional and not supportive of a high performing work environment. With regard to sexual harassment, as with other forms of harassment, RCTC has a prompt response policy on all allegations of harassment.

§11.3.2 Sexual Harassment Defined

- A. Harassment may consist of offensive verbal, physical, or visual conduct when such conduct is based on or related to an individual's sex;

Submission to the offensive conduct is an explicit or implicit term or condition of employment; and

Submission to or rejection of the offensive conduct forms the basis for an employment decision affecting the employee; or

The offensive conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Sexually harassing conduct can occur between people of the same or opposite sex. Sexual harassment can occur between peers, supervisor to subordinate, subordinate to supervisor, member of the governing body or the public to employee, and within or across department lines.

B. Written examples of sexual harassment may include letters, e-mails, notes, and invitations, which may be perceived as suggestive or obscene.

C. Examples of what may constitute prohibited harassment include, but are not limited to, the following:

- i. Kidding or joking about sex;
- ii. Recounting one's sexual exploits;
- iii. Starting or spreading rumors about the sex life of an employee;
- iv. Hugs, pats, touching, massaging, and similar physical contact;
- v. Assault, impeding or blocking movement, or any physical interference with normal work or movement;
- vi. Revealing parts of the body when such exposure violates common decency;
- vii. Sexually suggestive or explicit gestures;
- viii. Cartoons, posters, and other materials referring to sex;
- ix. Threats intended to induce sexual favors;
- x. Continued suggestions or invitations to social events outside the workplace after being told such suggestions are unwelcome;
- xi. Degrading words or offensive terms of a sexual nature; and
- xii. Prolonged staring or leering at a person.

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§11.3.3 Policy is Broader than Law

Although actions may not rise to the level of a violation of law, they may still violate this Policy.

§11.3.4 Performance Evaluations

Job performance evaluations for supervisors and managers should include a review of their support of this Policy.

§11.4 Violation Reporting

§11.4.1 Reporting a Violation to RCTC

Any employee who believes this Policy is being violated should immediately bring the matter to the attention of any of the individuals or offices listed below:

- Manager responsible for Human Resources
- Deputy Executive Director
- Executive Director

A potential violation involving the Executive Director should be immediately reported to the Manager responsible for Human Resources or Deputy Executive Director. The Manager responsible for Human Resources or Deputy Executive Director will immediately consult the Commission's Chair.

§11.4.2 Reporting a Violation to External Agencies

In addition to the internal reporting procedure, an employee may file a complaint directly with the following external agencies:

- State of California Department of Fair Employment and Housing (DFEH) as listed in the State Government Offices pages of the telephone directory; and
- Federal Equal Employment Opportunity Commission (EEOC) as listed under "Discrimination" in the United States Government pages of the telephone directory.

§11.4.3 Confidentiality

When responding to a report of a Policy violation, RCTC will make a reasonable effort to protect the privacy of the individuals involved. However, anonymity and complete confidentiality cannot be guaranteed once a complaint is made, or when inappropriate behavior is made known. While an individual's expressed desire regarding confidentiality will be seriously considered, those wishes must be weighed against the responsibility of RCTC to investigate possible violations of this Policy and to take corrective and preventive action where appropriate. Information pertaining to complaints will be maintained in confidence to the extent permitted by law.

§11.5 Retaliation

§11.5.1 Retaliation Prohibited

Retaliation toward an employee for reporting an alleged violation of this Policy or for participating in an investigation regarding violations of this Policy is unlawful and will not be tolerated. Supervisors and managers are reminded that employees have a right and obligation to report what they believe is a violation of this Policy. Thus, RCTC will not tolerate harassment or retaliation of employees for fulfilling their obligations under this Policy. Moreover, even subtle retaliation will not be permitted. Such retaliation may include a change in work assignment or location, uncharacteristically denying leave requests, uncooperativeness toward the person who is the object of the retaliation, unsupported discipline, etc.

SECTION 12 — VIOLENCE IN THE WORKPLACE POLICY

§12.1 General Provisions

§12.1.1 Purpose

The purpose of this Violence in the Workplace Policy (Policy) is to ensure that all employees, volunteers, and commissioners are aware of their rights and responsibilities with regard to the prevention of violence in the workplace, and that the RCTC workplace is free from violence.

§12.1.2 Distribution of Policy

A copy of this Policy shall be distributed to each employee, volunteer, and commissioner.

§12.1.3 Support of Policy

Every employee, volunteer, and commissioner is expected to support and enforce this Policy.

§12.2 Zero Tolerance

§12.2.1 Violence-Free Environment

RCTC is strongly committed to ensuring the safety of all its employees and has adopted a Zero Tolerance Policy for workplace violence. Consistent with this Policy, threats or acts of physical violence, including intimidation, harassment and/or coercion that involves or affects RCTC employees will not be tolerated.

§12.3 Acts or Threats of Violence

§12.3.1 Acts or Threats of Violence Defined

“Threats or acts of violence” include conduct against persons or property that is sufficiently severe, offensive, or intimidating to alter the employment conditions, or to create a hostile, abusive, or intimidating work environment for an employee of RCTC. Although RCTC has a strong commitment to customer service, RCTC does not intend for employees to be subjected to verbal or physical abuse.

§12.3.2 Prohibited Conduct

General examples of prohibited workplace violence include, but are not limited to:

- ~~1-A.~~ Hitting, shoving, or otherwise assaulting an individual;
- ~~2-B.~~ Threatening to harm an individual or their family, friends, associates, or their property;
- ~~3-C.~~ Possession of firearms, weapons, or any other dangerous devices on RCTC premises or in RCTC’s owned or operated vehicles;
- ~~4-D.~~ Making harassing or threatening telephone calls, letters or other forms of written or electronic communications;
- ~~5-E.~~ Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of RCTC;
- ~~6-F.~~ Harassing surveillance or stalking, which is engaging in a pattern of conduct with the

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intent to follow, alarm, or harass another individual, that presents a credible threat to the individual and causes that individual to fear for their safety or the safety of their immediate family; and/or

7.G. Making a suggestion or otherwise intimidating that an act to injure persons or property is appropriate behavior.

§12.4 Reporting Procedure

§12.4.1 Reporting a Violation

An employee who believes that they have been the victim of workplace related violence or a threat of workplace related violence shall immediately report such to their supervisor or to a supervisory or management level employee if the immediate supervisor is not available. Any employee who has knowledge of an incident of workplace related violence or a threat of workplace related violence must immediately report it to their immediate supervisor or any other supervisory or management level employee.

Even without an actual threat, employees should report any behavior they have witnessed that they regard as threatening or violent, when that behavior is job related or might be carried out on a RCTC controlled site.

§12.4.2 Response to Allegations

Every report of an alleged incident of violence in the workplace will be subject to appropriate investigation. The result of such investigative action may range from informal counseling to disciplinary action for employees, up to and including discharge from employment, the first time they engage in such inappropriate behavior. The result of such investigation may result in administrative action affecting a non-employee's relationship with RCTC.

RCTC may also seek a temporary restraining order or injunction on behalf of its employees if the situation warrants such action.

§12.5 Disciplinary Action

§12.5.1 Violation of Policy

Violation of the provisions of this Policy by an employee may subject the employee to disciplinary action, up to and including discharge from employment. Violation of the provisions of this Policy by any person who is not a RCTC employee may subject that person to appropriate legal or administrative action as appropriate.

§12.6 Retaliation

§12.6.1 Retaliation Prohibited

Retaliation toward an employee for reporting an alleged violation of this Policy, furnishing information, or for participating in any manner in an investigation regarding violations of this Policy is prohibited and will not be tolerated.

§12.7 Training

§12.7.1 Employee Training

All employees shall receive training and instruction via video, written materials, and/or other means on workplace security practices on a recurring basis both as new hires and during annual training.

SECTION 13 — DRUG-FREE WORKPLACE POLICY

§13.1 General Provisions

§13.1.1 Purpose

It is the intent of RCTC to maintain a workplace that is free of drugs and alcohol and to discourage drug and alcohol abuse by its employees. RCTC has a vital interest in maintaining safe and efficient working conditions for its employees. Substance abuse is incompatible with health, safety, efficiency, and success at the RCTC. Employees who are under the influence of a drug or alcohol on the job compromise RCTC's interests, endanger their own health and safety and the health and safety of others, and can cause a number of other work related problems, including absenteeism and tardiness, substandard job performance, increased workloads for co-workers, behavior that disrupts other employees, delays in the completion of jobs, inferior quality in products or service, and disruption of customer relations.

To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, and to protect its business, property, equipment and operations, the RCTC has established this policy concerning the use of alcohol and drugs. As a condition of continued employment with RCTC, each employee must abide by this Policy.

The purpose of this Drug-Free Workplace Policy (Policy) is to ensure that all employees, contract workers, volunteers, and commissioners are aware of their responsibilities with regard to the prevention of drug and alcohol abuse in the workplace, and that the RCTC workplace is drug-free.

§13.1.2 Distribution of Policy

A copy of this Policy shall be distributed to each employee, volunteer, and commissioner.

§13.1.3 Support of Policy

Every employee, volunteer, and commissioner is expected to support and enforce this Policy.

§13.2 Definitions: For Purposes of this Policy

§13.2.1 Abuse of any Legal Drug

The use of any legal drug: (a) for any purpose other than the purpose for which it was prescribed or manufactured; or (b) in a quantity, frequency, or manner that is contrary to the instructions or

recommendations of the prescribing physician or manufacturer.

§13.2.2 Controlled Substance

Any drug that is classified by the Drug Enforcement Administration into the five (5) schedules or classes on the basis of their potential for abuse. These include, but are not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine.

§13.2.3 Illegal Drug

A controlled substance; a legal drug that has not been legally obtained; or a legal drug that was legally obtained, but that is being sold or distributed unlawfully.

§13.2.4 Legal Drug

Any drug, including any prescription drug or over-the-counter drug that has been legally obtained and this is not unlawfully sold or distributed.

§13.2.5 Possession

An employee who has a prohibited substance on their person or otherwise under their control.

§13.3 Scope

§13.3.1 Scope of Policy

The prohibitions and other provisions of this policy apply whenever the interests of the RCTC may be adversely affected, including any time the employee is:

- A. On RCTC premises;
- B. Conducting or performing RCTC business, regardless of location;
- C. Operating or responsible for the operation, custody or care of RCTC equipment or other property; or
- D. Responsible for the safety of others.

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§13.4 Prohibited Conduct

§13.4.1 Alcohol

The following acts are prohibited and subject an employee to discipline, up to and including discharge from employment:

- A. The use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol in circumstances described in Section 13.3.1, Scope; or
- B. Being under the influence of alcohol.

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§13.4.2 Illegal Drugs

The following acts are prohibited and subject an employee to discipline, up to and including discharge from employment:

- A. The use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance; or
- B. Being under the influence of any illegal drug or other controlled substance.

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§13.4.3 Legal Drugs

The following acts are prohibited and subject an employee to discipline, up to and including discharge from employment:

- A. The abuse of any legal drug;
- B. The purchase, sale, manufacture, distribution, transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with law; or
- C. Working while using a legal drug whenever such use might:
 - i. Endanger the safety of the employee or some other person;
 - ii. Pose a risk of significant damage to RCTC property or equipment; or
 - iii. Substantially interfere with the employee's job performance or the efficient operation of the RCTC's business or equipment.

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§13.5 Alcohol/Drug Testing

When a supervisor or manager has a reasonable suspicion that an employee is using or is under the influence of drugs or alcohol in violation of this policy, that employee may be required to submit to a blood, urine, or other test or examination designed to detect such use. If an employee refuses to consent and submit to, or fails to otherwise cooperate in, the testing/examination process where job-related drug or alcohol use is reasonably suspected, the employee will be subject to discipline, up to and including, discharge.

§13.5.1 Discretion Not to Discharge

The Executive Director may choose not to initiate the disciplinary process for termination for a first violation of this policy if the employee satisfactorily completes participation in an approved drug or alcohol assistance or rehabilitation program.

§13.5.2 Last Chance Agreement

RCTC may also allow an employee to enter into a Last Chance Agreement, in lieu of termination, the terms of which shall be established by the RCTC in its sole discretion. The Last Chance Agreement may include, but is not limited to the following:

- A. An employee must agree to undertake and to complete successfully, a course of

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treatment as deemed appropriate by the substance abuse professional and/or rehabilitation program counselor. Any employee who fails to successfully complete the program in a timely manner and/or fails to remain drug free will be terminated in accordance with the Last Chance Agreement;

- B. As part of the terms of the referral, employee agrees that the substance abuse professional, Employee Assistance Services, or rehabilitation counselor will report to Human Resources any failure on the part of the employee to cooperate in the rehabilitation program or to progress through the program; and
- C. Nothing in this subsection should be construed to prohibit RCTC from terminating an employee for their first violation of this Policy, when in the discretion of the Executive Director, such termination is warranted by the circumstances.

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§13.5.3 Criminal Conviction

An employee who is convicted under a criminal drug statute for a violation occurring in the workplace or during any RCTC related activity or event will be deemed to have violated this policy.

§13.5.4 Effect of Second Violation

If not initiated for a first violation of this policy a second violation of this policy at any time will result in initiation of the disciplinary process for termination.

§13.6 Disciplinary Action

Disciplinary action will be subject to §8.1.

§13.7 Drug-Free Awareness Program

§13.7.1 Employee Awareness

As required by state and federal law, the RCTC has established a Drug-Free Awareness Policy designed to inform employees about the dangers of drug abuse in the workplace and to help assure that employees are familiar with this policy. From time to time, RCTC will provide drug-free workplace training, including current information about RCTC's Employee Assistance Services.

§13.7.2 Management Awareness

Managers and supervisors should be attentive to the performance and conduct of those who work with them and should not permit an employee to work in an impaired condition or otherwise in violation of this policy.

§13.7.3 Criminal Convictions

Employees are required by this policy to notify RCTC of any conviction under a criminal drug statute for a violation occurring in the workplace of during any RCTC related activity or event, not

later than five (5) days after any such conviction. When required by federal law, RCTC will notify any federal agency with which it receives funds of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace.

§13.8 Use of Legal Drugs

§13.8.1 Prescribed Legal Drug

RCTC recognizes that an employee may, from time to time, be prescribed legal drugs that, when taken as prescribed or according to the manufacturer's instructions, may result in their impairment. Employees may not work while impaired by the use of legal drugs if the impairment might endanger the employee or someone else, pose a risk of significant damage to RCTC property, or substantially interfere with the employee's job performance. If an employee is impaired by the appropriate use of legal drugs, they may not report to work. To accommodate the absence, the employee may use accrued sick leave or vacation. Nothing in this Policy is intended to sanction the use of accrued sick leave or vacation time to accommodate absences due to the abuse of legal drugs.

§13.9 Unregulated or Unauthorized Conduct

§13.9.1 Customary Use of Over the Counter Drugs

Nothing in this policy is intended to prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over the counter drugs, so long as that activity does not violate any law or result in an employee being impaired by the use of such drugs in violation of this policy.

§13.9.2 Off the Job Conduct

This policy is not intended to regulate off the job conduct, so long as the employee's off the job use of alcohol or drugs does not result in the employee being under the influence of or impaired by the use of alcohol or drugs in violation of this Policy or does not otherwise reflect unfavorably on RCTC.

§13.10 Confidentiality

§13.10.1 Disclosures to Human Resources

Disclosures made by employees to Human Resources concerning their use of legal drugs will be treated confidentially and will not be revealed to managers or supervisors unless there is an important work related reason to do so in order to determine whether it is advisable for the employee to continue working. Disclosures made by employees to Human Resources concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially.

§13.11 Counseling/Employee Assistance

§13.11.1 Employee Assistance

RCTC maintains an Employee Assistance Services that provides help to employees who seek

assistance for drug or alcohol abuse as well as for other personal problems. Employees who suspect they may have alcohol or drug problems are encouraged to voluntarily seek diagnosis and to follow through with the treatment as prescribed by qualified professionals. Employees who seek assistance could still be subject to disciplinary action if policies have been violated.

SECTION 14 — VEHICLE OPERATION POLICY

§14.1 Policy

During the course of employment with RCTC, employees may be required to operate their personal vehicles to perform their assigned duties. Designated employees are required to have a valid California driver's license, a satisfactory driving record, and proof of insurance. No employee shall operate or drive any motor vehicle on behalf of RCTC unless the employee is licensed for the class of vehicle to be driven and meets all of the above requirements.

§14.2 Driver's License

Designated employees in positions that might require travel to outside meetings must be able to obtain and maintain a valid California driver's license.

§14.3 Driver's Record

All applicants for employment with RCTC, where driving is required, are required to possess a satisfactory driving record. On an annual basis, RCTC will perform a Department of Motor Vehicle check on employees that are required to drive to meetings outside of RCTC offices.

§14.4 Prohibition on Use of Phones, Emails, and Text While Driving

As a safety measure, RCTC employees are strictly prohibited from using a phone, or from reading, writing, or sending an email or text message while driving any vehicle on RCTC business that does not comply with state law regarding a "hands-free device".

§14.5 Vehicle Citation

Employees will be held personally responsible and liable for all parking and traffic citations while operating a RCTC vehicle on RCTC business. Employees shall notify their supervisor within 48 hours of receiving a parking or traffic citation.

§14.6 Policy for Employer-Provided Vehicles

Certain RCTC employees may be assigned an "employer-owned" vehicle to be used during the term of a special and/or short term job assignment requiring the employee to commute to an alternate office location. Such employees shall have the use of the vehicle during regular business hours and may maintain the vehicle at his or her residence. For purpose of this policy, the term "employer-owned" shall mean a vehicle that is owned by RCTC or any of its affiliated entities, consultants, partners or contractors.

§14.6.1 Care and Maintenance of Employer-Provided Vehicle

Employee shall exercise due caution and prudence in the operation of an employer-owned vehicle to minimize the risk of damage to the vehicle. No individual, other than the employee assigned to the vehicle, shall operate the vehicle except in the case of an emergency.

Employee shall maintain the vehicle in good operating condition, to follow the servicing and maintenance requirements in the vehicle's service manual, and to obtain all repairs to the vehicle as necessary. RCTC shall reimburse employees for the expense and cost of providing all oil, motor fuel, lubricants, tires, coolant, and other operating supplies necessary for the proper and efficient operation of the vehicle, all maintenance and repairs including labor and parts required to keep the vehicle in good operating condition, and all road service or towing due to mechanical or tire failure. The employee must agree to promptly submit reports of these costs and expenses.

Employee shall also take all necessary precautions to park and lock an RCTC vehicle in a secure location. Employees who take RCTC vehicles home shall park the vehicle in a garage, carport or driveway and not on a private or public street if possible. RCTC vehicles may not be parked at or near bars, casinos, adult entertainment establishments or other locations likely to reflect poorly on RCTC. Smoking or the use of alcohol or illegal substances is not permitted in employer-owned vehicles.

§14.6.2 Taxation Requirements of Employer-Provided Vehicle

Under Internal Revenue Code ("IRC") Section 132, the RCTC prohibits the personal use of the employer-provided vehicle except for commuting to and from work and "de minimus" personal use, such as a stop for a personal errand on the way between a business delivery and the employee's home. The employee is taxed only on the commuting use at a rate of \$1.50 per one-way commute for all scheduled workdays and on-call situations. Employees who are assigned an employer-provided vehicle must document scheduled workdays and on-call situations on his/her timesheet to ensure IRS taxation requirements are documented appropriately. The taxable value for commuting will be included in the employee's gross income and reported on the employee's W-2 each year.

§14.6.3 Return of the Employer-Provided Vehicle

The employee must immediately return a RCTC vehicle upon his or her termination of employment, upon the suspension or invalidation of the employee's driver's license, or due to end of project terms in which the employer-provided vehicle is no longer required. The vehicle must be in the same condition in which it was delivered to the employee, excepting only ordinary wear and tear.

§14.6.4 Driver's License While Operating an Employer-Provided Vehicle

Designated employees in positions that might require travel to outside meetings or employees who have been assigned an employer-provided vehicle must have a current and valid California driver's license. Such employees are required to immediately notify their supervisor if their driver's license is revoked, suspended, restricted or expired.

§14.6.5 Driver's Record While Driving an Employer-Provided Vehicle

All applicants for employment with RCTC, where driving is required, and any employee assigned the use of an employer-provided vehicle are required to possess a satisfactory driving record.

§14.6.6 Vehicle Citations While Driving an Employer-Provided Vehicle

Employees will be held personally responsible and liable for all parking and traffic citations while operating an employer-provided vehicle during the course of RCTC business. Employees shall notify their supervisor within 48 hours of receiving a parking or traffic citation.

SECTION 15 — EXPENSE REIMBURSEMENT

RCTC shall reimburse employees of RCTC for travel, lodging, meals, and other expenses directly related to the conduct of RCTC business. Commissioners are covered under a separate policy in accordance with AB 1234. Consultants are not covered under this policy. Employees are expected to use good judgment in the expenditure of public funds with which they have been entrusted. Employees must substantiate expenses with original receipts, unless otherwise noted.

§15.1 Transportation

Transportation costs include, but are not limited to, airplane, train, bus, shuttle, and taxi fares, tolls, parking, car rental, and pool and personal vehicles. Employees should generally take the most direct and commonly traveled routes. Other routes may be authorized when official business requires their use. If an indirect route or stop along the way for personal reasons is taken, the employee will not be reimbursed for the non-business portion of the expenses. Any additional costs incurred related to changes to travel for personal reasons, other than illness or family emergency, may be the responsibility of the employee. Use of internet travel services is discouraged (due to potential cancellation charges or fees) therefore it is recommended that travel arrangements be made directly with the air carrier, car rental agency, and/or hotel, *except when* savings in excess of \$150 can be realized and documented when using such travel service.

A. Air

Air travel shall be at coach accommodations, unless the cost differential between upper class and coach accommodation is less than \$10, or single class service. Selection of carrier, reservations, and ticketing should be arranged as early as feasible to obtain the greatest discount. Alternative transportation methods, such as a nearby airport and ground transportation, should be considered if the total fares are lower. Employees are encouraged to book air travel using the RCTC Credit Cards maintained by the Executive Director, Chief Financial Officer, or Clerk of the Board.

If an airplane ticket is not used, RCTC's appropriate staff shall be notified so that it can be used for travel purposes by other employees. If an airline ticket exchange or change results in a fare increase, the documentation for the original fare and the fare increase must be submitted with the employee's expense report.

A private vehicle may be used in lieu of air travel if it is more advantageous to RCTC, although prior approval should be obtained. The employee's supervisor should consider the additional

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time spent driving prior to granting such approval. However, the total documented mileage and all other travel expenses incurred cannot exceed the airfare amount that would have been incurred. RCTC shall only reimburse only the lesser of the two means of travel.

If personal travel is combined with the business-related travel by an employee, documentation of the normal cost of the business-related travel should be obtained. The employee shall be reimbursed for only the business-related portion of the travel.

B. Train, Bus, Shuttle, and Taxi Fares

Long-distance train travel arrangements should be made in a fashion similar to that of air travel. Commuter train travel is encouraged, especially if it is more efficient than pool or personal vehicle use, and shall be reimbursed at actual costs. Available courtesy shuttle services should be utilized between airports and meeting locations. Reasonable ground transportation charges (shuttle, taxi, or bus), including gratuities, for business purposes shall be reimbursed at actual costs.

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C. Tolls

Toll charges incurred while traveling on highways and bridges for business purposes shall be reimbursed at actual costs.

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D. Parking

Employees traveling by air and requiring parking at the airport for 24 hours or less shall be reimbursed at the short-term parking rates. Required parking for more than 24 hours shall be reimbursed at the long-term rates. Hotel parking fees shall be reimbursed at actual costs, including gratuities for valet parking. Parking fees at other locations for business purposes shall be reimbursed at actual costs.

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E. Car Rental

Rental cars generally shall not be used except when there is no other economical and convenient transportation available. When there are multiple attendees, including Legislative Body Members, at the same meeting or conference, attendees are encouraged to share car rentals to minimize RCTC's expense, when feasible. Approval of car rentals shall be approved by the employee's supervisor only when reasonable or necessary. Car rental charges shall be limited to the reasonable cost of non-luxury or specialty vehicles. Fuel charges for car rentals shall be reimbursed at actual costs.

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F. Pool and Personal Vehicles

RCTC pool vehicles may be used for official RCTC business by an employee. Use of such vehicle by more than one employee on official RCTC business making the same trip is encouraged. Employees may reserve a pool vehicle in advance through the Outlook calendar reservation system. Pool vehicles are to be returned to the RCTC parking site at the completion of RCTC business with no less than a ¼ tank of fuel. Refueling may be done at the county fueling station using staff employee number for billing to RCTC by county or at commercial fueling station, which will be reimbursed at actual cost. Pool vehicles may be taken home or parked off site if the

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employee has to attend a meeting for which the employee must leave prior to or return after normal scheduled business hours. The employee must reimburse RCTC, at the Internal Revenue Service (IRS) approved mileage reimbursement rate for employee use of private vehicles, for any miles accumulated using a pool vehicle that exceed the miles necessary for the most direct route to and from the meeting. Pool vehicle keys shall be returned to the appropriate location upon completion of the business trip.

Use of a personal vehicle for business purposes, including travel to and from the airport, shall be reimbursed at the IRS approved mileage reimbursement rate. The mileage claimed shall be from the employee's normal work location to the travel destination or from the employee's home to the destination, *whichever is less*. The RCTC office at 4080 Lemon Street is the normal work location for RCTC employees. For example, an employee residing in Banning who goes directly to Ontario Airport from home should claim mileage from the RCTC office to the airport, not from home to the airport. Gas, damages, service or repair to a personal vehicle while being used for business purposes are not reimbursable, as such costs are included in the IRS mileage reimbursement rate.

In the event of accident, employees using a personal vehicle for authorized travel in conducting RCTC business must rely on personal insurance for financial protection. Although RCTC's interests are protected by insurance, RCTC may not provide insurance to protect employees against damage to the employee's personal automobile or for damage to the property of others or for death or personal injury to others as a result of an employee using a personal vehicle while conducting RCTC business.

Employees are encouraged to make optimum use of carpooling or available public transit services when traveling to the same business event.

§15.2 Lodging

Pre/post-conference or pre/post-meeting lodging is available for regional or national travel requiring extensive travel time and adjustment. Pre-conference/pre-meeting lodging shall be offered for regional travel if such conference/meeting starts at or before 9:00 a.m. Lodging for local travel will be permitted if the length of the conference/meeting is more than one (1) day and the distance are more than 60 miles from RCTC's offices or the employee's residence, *whichever is more*, or if the employee's presence is necessary for business-related activities before or after the regular conference hours.

Lodging in commercial hotels and motels shall be based on standard accommodations at single occupancy rates. Every effort should be made to obtain the government rate, if available. Additional costs incurred for additional guest(s) of the employee in the same room shall not be reimbursed. Under no circumstances should lodging expenses exceed the conference hotel rate. In instances where conference hotels are filled, the employee should attempt to secure comparable rates at the nearest hotel.

The guarantee of lodging reservations may be made using the RCTC Credit Cards maintained by the Executive Director, Chief Financial Officer, and the Office and Board Services Manager. A properly approved Payment Request Form may be submitted for advance payment to the hotel. A close-out folio copy from the hotel should be provided to the Accounting Department upon return from travel if the lodging has been prepaid.

§15.3 Meals

i.A. Travel

Expenses for an employee's meals, including reasonable tips, shall be reimbursed at a per diem of \$50 per day; however, such per diem may be increased to \$60 for certain urbanized areas (e.g., New York; Washington, D.C.; San Francisco; and Chicago). Receipts for meals claimed using per diem rates *are not* required; receipts for meals claimed using actual, reasonable costs exceeding per diem rates are required. Reimbursement of costs related to alcoholic beverages is prohibited. Employees shall receive a reduced per diem if one or more meals are included in the conference cost or are otherwise covered. The per diem components are as follows:

Breakfast	\$10
Lunch	\$15
Dinner	\$25

When an employee is traveling with other RCTC employees or a Legislative Body Member, the per diem amount shall be reduced by the cost of the employee's meal(s) paid for by other RCTC employees.

Travel generally refers to travel more than 90 miles from the normal work location or the employee's home, or includes an overnight stay, or outside normal business hours.

ii.B. Local

Reasonable meal expenses associated with local business meetings, luncheons, or dinners shall be reimbursed at actual costs *not to exceed* \$50 per day, including gratuities. Reimbursement of costs related to alcoholic beverages is prohibited. Meal expenses incurred during meetings should be discouraged, unless it relates to a specific business matter that includes non-RCTC participants and there is no other convenient time that the meeting participants are available. Lunch meals are normally the responsibility of each employee, and reimbursement for lunch meals generally shall *not* be allowable except when traveling, as defined above, attendance at locally provided training, or for meetings that meet the criteria discussed above.

C. Specific Documentation Requirements

Requests for meal reimbursements should include the conference attended or meeting business purpose, date of meal, restaurant name, and itemized receipt of food and beverages to ensure no alcoholic beverages are being reimbursed, and listing of attendees, if any, and business relationship. When a per diem is claimed, the conference/meeting purpose and date shall be provided.

Reimbursements for room service or hotel dining meals shall be made upon presentation of an itemized receipt. Hotel folio charges for such meals without an itemized receipt *are not* acceptable.

§15.4 Communications

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Expenses for telephone and internet connection charges shall be kept to a minimum and shall be reimbursed for business purposes only. For travel requiring an overnight stay, a telephone charge for one reasonable-length personal call is permitted. Employees in possession of RCTC-provided communication devices are encouraged to use such devices as much as possible rather than incurring hotel access and phone charges.

§15.5 Incidentals

Reasonable miscellaneous gratuities, not otherwise noted previously, shall be reimbursed at an amount *not to exceed* \$10 per day. Such gratuities related to guest(s) accompanying an employee on business travel shall *not* be reimbursed.

Laundry/dry cleaning charges shall not be reimbursed, unless the employee's travel is more than one (1) week in duration. Items of a personal nature including, but not limited to, in-room movies, tours and entertainment, spas and gyms, barber, magazines, shoe shines, travel insurance, purchase of clothing or toiletries, fines or traffic violations, and excess baggage costs are *not* eligible for reimbursement.

§15.6 Registration Fees

Whenever possible, registration and payment for registration fees for approved classes, seminars, and conferences shall be made in advance by submitting a properly approved payment request form. Frequently, early registration discounts are offered. If a conference needs to be cancelled, such cancellation shall be made in accordance with stipulated dates in order to avoid cancellation charges or penalties. When an employee's registration is late and cannot be paid through the regular accounts payable process, the cost of registration incurred by the employee shall be reimbursed with an appropriate receipt.

§15.7 Memberships and Professional Certifications

Employees are encouraged to participate in professional and local organizations and maintain professional certifications that are related to the employee's specific job responsibilities. Dues for individual memberships in organizations and expenses for professional certifications are reimbursable only when such memberships provide a specific benefit to RCTC and have prior approval of the employee's supervisor.

§15.8 Expenditures in Excess of Allowable Expenses

The Executive Director or Deputy Executive Director is authorized to interpret these policies and to approve exceptional reimbursements in excess of limits and standards established in this policy when, in the judgment of the Executive Director or Deputy Executive Director, such expenses are warranted. Expenses in excess of the allowable amounts for meals or lodging may be reimbursed upon presentation of a memorandum of explanation/justification attached to the expense report. All expenses must be clearly substantiated prior to reimbursement. Unnecessary or exorbitant expenses will be disallowed.

§15.9 Travel Advance

The Executive Director or Deputy Executive Director may grant a travel advance up to \$200 to an

employee traveling on RCTC business in excess of one (1) day to defray the expenses of such travel only under extraordinary circumstances. This can be done by completing a Payment Request Form and obtaining appropriate approvals five (5) days prior to date of business travel. An accounting of actual expenses incurred, including required receipts, must be provided on an Expense Claim Form, and any unused amounts shall be returned to the RCTC Accounting Department.

§15.10 Documentation

All expenses for which reimbursement is requested shall be fully documented as to date, amount, and business purpose. Exclusive of the per diem, receipts are required for all expenses of \$25 or more. Receipts are encouraged for expenses under \$25, *except for* per diem claims and incidentals such as gratuities. If a receipt is inadvertently lost or not available, the employee should provide a signed certification statement at the bottom of the Expense Claim Form as follows:

For non-meal expenses: I certify that I have incurred an expense for (describe vendor, date, amount, etc.) for which a receipt is not available/has been lost.

For meal expenses: I certify that I have incurred a meal expense for (describe restaurant name, date, amount, and guest(s) in attendance, and business purpose) for which a detailed receipt is not available/has been lost. The reimbursement amount requested does not include any charges for alcoholic beverages.

The use of the certification statement for lost or unavailable receipts should not be abused by any employee, as frequent use of this provision may result in the denial of similar reimbursement requests in the future.

Expense Claim Forms must be properly completed and approved by a supervisor and include required documentation and receipts prior to submittal to the RCTC Accounting Department. Employees are encouraged to submit expense claims on a timely, regular basis. Expense Claim Forms are due by 12:00 p.m. prior to the regular accounts payable check processing day.

§15.11 Payment to Former Employees

Former employees of RCTC may be subpoenaed to testify in litigation matters for projects or activities that they may have had direct knowledge during their former employment. In such cases, former employees may be required to attend a deposition or trial, attend pretrial interviews with legal counsel in preparation of testifying, and review records. RCTC recognizes that a former employee may sustain a direct loss of income because of time away from work or in preparing to give testimony. Therefore, RCTC will at the former employee's request, allow payments for the "reasonable" cost of travel and subsistence incurred and the reasonable value of time lost in attendance of such a trial, hearing, or proceeding.

The Executive Director will consider the former employee's out-of-pocket expenses and reasonable loss of income, years of experience, first-hand experience of the subject matter of the litigation, and the complex nature of the lawsuit to determine "reasonable" payments.

SECTION 16 — ELECTRONICS COMMUNICATIONS POLICY

§16.1 General Provisions

§16.1.1 Purposes and Scope

The purpose of this Electronic Communications Policy (Policy) is to ensure that all employees, volunteers, interns, and commissioners are aware of the authorized and unauthorized uses of the RCTC electronic communications resources, as defined herein, as well as disclosure of contents and records stored on the electronic communications resources.

§16.1.2 Electronic Communications Resources Defined

Electronic communications resources include all equipment and software that retain, transmit, copy, modify, analyze or process information in any form. Electronic communications resources include, but are not limited to, the RCTC's telephone system, voice mail system, servers, desktop and notebook computers, computer networks, printers, scanners, facsimile (fax) machines, databases, cellular/smartphones, iPads, internet, , utilities and operating systems and other electronic communications systems provided by the RCTC.

§16.1.3 Violation of Policy

Violation of the provisions of this Policy by an employee may subject the employee to disciplinary action, up to and including discharge from employment. Violation of the provisions of this Policy by any person who is not an RCTC employee may subject that person to appropriate administrative action.

§16.1.4 Distribution of Policy

A copy of this Policy shall be distributed to each employee and commissioner.

§16.2 Ownership, Authorization and Privacy

§16.2.1 Ownership

E-mail, fax, telephonic voice mail, cellular/smart phones, internal RCTC websites, Internet access, and other electronic communications systems, resources, and equipment are provided for the purpose of conducting official business. All electronic communications of any type generated by employees with RCTC equipment or stored on RCTC equipment are the property of the RCTC and, therefore, are not considered private. Upon termination of employment, no employee shall remove any software or data from RCTC-owned or leased computers or servers.

§16.2.2 Authorization

Access to the RCTC's electronic communication resources is within the sole discretion of the RCTC. Generally, employees are given access to the RCTC's various technologies based on their job functions. Only employees whose job performance will benefit from the use of the electronic communication resources will be given access to the necessary technology.

§16.2.3 No Expectation of Privacy

All electronic communication resources remain the property of RCTC and are primarily for official RCTC use; therefore, employees shall have no expectation of privacy in documents or other materials they write, receive, store, or send when using these resources. All internal employee transactions and transactions on the Internet from RCTC equipment, including, but not limited to e-mail, may be considered public information and records of these transactions may be requested by anyone at any time, subject to certain Public Records Act exceptions and attorney-client privilege material.

The RCTC recognizes that there may be incidental occasional personal use of cellular/smart phones, e-mail, or voice mail, but these messages will be treated the same as other messages. Since personal messages can be accessed by the RCTC management without prior notice, employees should not use e-mail or voice mail to transmit messages they do not want read or listened to by a third party.

§16.3 Disclosure

§16.3.1 Access and Disclosure

RCTC officials reserve the right to access and disclose all products, materials, and contents of the electronic communications systems and resources for any purpose. Access and disclosure may occur because of situations indicating impropriety, violation of RCTC policies, legal requirements, suspected criminal activities, breach of system security, to monitor employee performance, and conduct or for any other reason RCTC deems appropriate.

§16.4 Prohibited Uses

§16.4.1 Prohibited Uses of Electronic Communications Resources

Prohibited uses of the RCTC's electronic communications resources include, but are not limited to the following:

- A. Installing programs on the RCTC's computer system without prior written consent of the Clerk of the Board;
- B. Unauthorized copying of RCTC software programs for personal use. No employee shall install pirated, personal or non-licensed software, data, entertainment software, music or games on RCTC-owned or leased PCs, cellular/smartphones, notebooks, or iPads, or violate any copyright or licensing software laws;
- C. Using another employee's password to attempt to gain access to that employee's computer, e-mail, mobile messaging, telephonic voice mail, internet access, or other electronic communications system or resources without prior consent of their Department Director or the Clerk of the Board;
- D. Connecting computers not owned or leased by the RCTC to RCTC's information systems network without the prior written consent of the Clerk of the Board;

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- E. Disclosing access codes, login or passwords, or otherwise making the RCTC electronic resources available to persons not authorized to have such access;
- F. Using RCTC’s computer resources for private business or commercial uses not intended to benefit the RCTC;
- G. Violating any federal, state, or local laws in the use of RCTC electronic communications systems.
- H. Using RCTC systems, resources, or equipment to access, look at, store, send, or receive obscene, pornographic, profane, sexually oriented, threatening, racially offensive or otherwise discriminatory or illegal matter or material that violates RCTC’s policies prohibiting sexual and other harassment.

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§16.5 Authorized Use of E-mail and Telephone Systems

§16.5.1 Policy for Use of E-mail and Telephone System

It is the policy of RCTC that e-mail systems and equipment will be used primarily for official business. Personal use shall be limited to those actions authorized herein. E-mail communication is not private or confidential; therefore, E-mail users shall operate on the assumption that e-mail may be, in addition to monitoring by RCTC, subject to discovery in a court proceeding.

RCTC does understand that employees occasionally need to use the telephone system to make or receive personal calls. The employee should attempt to make personal calls during non-working hours (meal period or breaks) or a time that does not interrupt the flow of work within the department. Personal phone calls shall not reduce the employee’s job performance. Excessive use of the RCTC phone system for personal calls is prohibited and may lead to disciplinary action.

Users may use the RCTC’s e-mail and telephone systems for the following incidental and personal uses so long as such use does not interfere with the user’s duties, does not conflict with RCTC’s business, is at no cost to RCTC, and does not violate either this or any other RCTC policy:

- A. To send and receive occasional personal e-mail and other communications; and
- B. To use the telephone system for brief and necessary personal calls, at the caller’s expense for toll calls.

It is RCTC policy to issue cellular/smartphones to designated employees for business purposes. The IRS issued Notice 2011-72 stating that cellular phones are no longer considered “listed property” subject to substantiation requirements for their business use. The IRS has confirmed that a cellular phone issued to the employee for non-compensatory business use is considered a “working condition fringe benefit,” the value of which is not taxable to the employee. In addition, the personal use of the phone is considered a “de minimis fringe benefit”, which is not taxable to the employee.

The IRS issued separate guidance where employees are required to use their personal cellular phones for business purposes. In this situation, as long as the reimbursement is reasonably

calculated to not exceed the actual cost of the cellular phone and is not a substitute for taxable compensation, the reimbursement is not taxable to the employee.

§16.6 Guidelines for the Use of E-mail

§16.6.1 Use of E-mail

The RCTC provides electronic mail for business purposes as necessary and desirable to meet RCTC organizational needs and goals. RCTC considers e-mail as an important means of communication and recognizes the importance of proper e-mail content and timely replies in conveying a professional image and delivering good customer service. Users should take the same care in drafting an e-mail as they would for any other communication.

§16.6.2 Prohibited Use

The following unacceptable uses of RCTC’s electronic mail system include, but are not limited to:

- A. Sending threatening, abusive, obscene, offensive, lewd, profane, or harassing messages;
- B. Sending messages that violate the RCTC’s Sexual Harassment Policy; sending “chain letters” or similar correspondence;
- C. Sending copies of documents in violation of copyright laws; and
- D. Any other use that would be deemed inappropriate for a business office.

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§16.7 Internet Usage

§16.7.1 Purpose

The purpose of the internet is to distribute information to public constituencies or to research various RCTC related matters. During business hours, an employee’s internet access is for business-related purposes. However, employees may use the internet for non-business research or browsing during meal periods, breaks, or outside of work hours, provided that users adhere to all RCTC policies. All existing RCTC policies apply to an employee’s conduct on the internet, including but not limited to those that deal with privacy, misuse of RCTC property, harassment, and confidentiality.

§16.7.2 Improper Use of the Internet

Listed below are examples of prohibited uses of the RCTC internet system. This list is not exhaustive and common sense and good judgment should be used in determining whether the user is engaging in an activity that will violate this policy. If an employee has a question regarding whether an activity is permitted, they shall get the permission of their Department Director, Manager, or Supervisor before proceeding with the internet activity.

Examples of Inappropriate/Prohibited Use are:

- A. Generating, sending, requesting, receiving, or archiving material in any form that contains any comment or image that is discriminatory, offensive, defamatory, or harassing in nature;
- B. Displaying sensitive or offensive material resulting in a perceived “hostile environment” to coworkers;
- C. Conducting personal business from the RCTC’s computers/server, i.e., placing or advertising items for sale, except in the designated Internet site provided by the RCTC for this purpose;
- D. Conducting illegal activities (e.g. gambling, placing wagers or bets, etc.); and
- E. Copyright infringement, unauthorized downloading, or forwarding of protected information.

§16.8 Security and Audits

§16.8.1 Security Devices

RCTC has installed a variety of programs and devices to ensure the safety and security of RCTC’s electronic communications resources. Any employee found tampering or disabling any of the security devices will be subject to disciplinary action, up to and including discharge from employment.

§16.8.2 Audits

RCTC may perform auditing activities or monitoring to determine compliance with these policies. Audits of software and data stored on the electronic resources may be conducted without notice at any time.

§16.9 Social Media Use

The Riverside County Transportation Commission (RCTC) has established its own presence on social media networks, and encourages responsible use on these outlets that allow nearly instantaneous information dissemination. Social media sites create organizational transparency by providing a forum for discussion of relevant issues between RCTC, its employees and external audiences.

Employees are discouraged from using social media in a way that may negatively impact the agency and the workplace. RCTC’s social media sites shall comply with all appropriate RCTC policies and procedures. RCTC’s social media sites shall also comply with RCTC’s conflict of interest rules and applicable ethics rules and policies. Content on RCTC’s social media sites are subject to the California Public Records Act. Any content maintained in a social media format that is related to RCTC business, including a list of subscribers and posted communication, are a public record. Wherever possible, such sites shall indicate that any content posted or submitted for posting, including comments, are subject to public disclosure upon request. RCTC shall preserve records required to be maintained pursuant to a relevant records retention schedule for the required retention period on a RCTC service in a format that preserves the integrity of the original record and is easily accessible.

The External Affairs Department maintains a social media strategy that directs who is responsible for creating, reviewing, and approving social media postings. The External Affairs Department approves the creation and continuance of RCTC-related social media properties designed to reach a primarily external audience, periodically reviews those properties for strategic value and monitors any improper or illegal use of social media, and is responsible for official records on RCTC-sponsored social media.

§16.10 Public Records Act Requests

The California Public Records Act (CPRA) states that governmental records shall be disclosed to the public. As RCTC employees, every record that is created or received is a public record and is eligible for public disclosure unless a specific statutory exemption permits or requires it to be withheld. This includes all emails sent from or received by an RCTC email address. All RCTC employees are required to comply with the CPRA and respond to Public Records Act Requests as necessary and appropriate. In no manner should documents or records be removed, deleted, or destroyed. The requests may include any and/or all of the following types of documents:

- 1. Letters/Memos
- 2. Contracts
- 3. Agreements
- 4. Emails
- 5. Policies/Procedures
- 6. Maps/Photos/Illustrations
- 7. Phone Records

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SECTION 17 — EMPLOYEE GIFT AND CONTRIBUTION LIMITATIONS

All RCTC employees shall demonstrate, and be dedicated to, the highest ideals of honor and integrity in all relationships involving their employment. Employees shall conduct themselves in an ethical manner at all times in order to merit the respect, trust, and confidence of others.

Gifts extended to all employees, such as a basket of fruit, nuts, or candy is not covered under this policy. In addition, promotional items such as calendars or pens are not covered. Hospitality received by an employee as part of a seminar, convention, or RCTC sponsored event is not covered, provided that such hospitality is open to all those attending the event.

The rules set forth herein are supplemental to those set forth in the Political Reform Act of the State of California (Governmental Code Section 81000 et seq.).

For purposes of this Section, "gift" shall have the same meaning as defined in Section 82028, as amended, of the California Government Code.

"Gift" means, except as provided below, any payment that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value.

The term "gift" does not include:

- A. Funds, items, or services donated directly to RCTC for which the employee receives no personal monetary benefit or ownership interest;
- B. Informational material such as books, reports, pamphlets, calendars, or periodicals. No payment for travel or reimbursement for any expenses shall be deemed "informational material";
- C. Gifts which are not used and which, within 30 days after receipt, are either returned to the donor or delivered to a nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code without being claimed as a charitable contribution for tax purposes;
- D. Gifts from an employee's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of any such person; unless the donor is acting as an agent or intermediary for any person not covered by this Subsection;
- E. Campaign contributions required to be reported under state law (see section 3.15 Political Activity);
- F. Any devise or inheritance; and
- G. Personalized plaques and trophies with an individual value of less than two hundred fifty dollars (\$250).

Violation of this policy may result in discipline up to and including discharge from employment.

SECTION 18 — FAMILY AND MEDICAL LEAVE POLICY

§18.1 Scope

In accordance with the federal Family and Medical Leave Act (FMLA), and the California Family Rights Act (CFRA), RCTC has adopted the following policy regarding the rights and responsibilities of employees absent for a family and medical leave purpose. This policy shall supersede the provisions of any RCTC policy, practice, rule, or procedure to the extent that such policy, practice, rule, or procedure is in conflict or inconsistent with this policy.

§18.2 Purpose of Leave

In accordance with the CFRA, FMLA, and this policy, RCTC shall provide up to twelve (12) workweeks of CFRA and/or FMLA leave in a twelve (12) month period to any eligible employee who requests leave for any of the following purposes:

- A. The birth or adoption of a child by the employee or placement of a child in foster care with the employee (all family and medical leave taken for one of these purposes must be concluded within one (1) year of the event);

- B. To care for a child, parent, or spouse of the employee who has a serious health condition. Under CFRA, an employee may also use leave to care for a registered domestic partner who has a serious health condition; or
- C. For an employee’s own serious health condition that makes the employee unable to perform the essential functions of the employee’s position.
- D. Military Family Leave Entitlements (FMLA only):
 - i. Exigency leave: Eligible employees with a spouse, son, daughter, or parent on covered active duty (or who has been called or ordered to covered active duty) in the Armed Forces may use their FMLA leave entitlement of up to twelve (12) workweeks during the applicable twelve (12) week period to address qualifying exigencies. Qualifying exigencies may include activities such as attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
 - ii. Military caregiver leave: Eligible employees may take up to twenty-six (26) workweeks of FMLA leave in a single month period to care for a “covered service member,” if the employee is the spouse, son, daughter, parent, or next of kin of the covered service member.

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See the Human Resources Department for more details concerning FMLA Military Leave entitlements.

§18.3 Eligibility

Employees are eligible for family and medical leave if, at the time leave commences, all of the following apply:

- A. The employee must have at least twelve (12) months (not necessarily consecutive months) of service with RCTC; and
- B. The employee must have worked at least 1,250 hours for RCTC during the twelve (12) months immediately prior to the period of FMLA and/or CFRA leave.

§18.4 Special Rules for Pregnancy Disability Leave

- A. The right to take CFRA leave is separate and distinct from the right to take a pregnancy disability leave. In other words, leave taken by an employee disabled by pregnancy, childbirth, or related medical conditions is not family and medical leave under the CFRA, even though it may be FMLA leave.
- B. In light of the above, RCTC may require that pregnancy disability and FMLA leave run concurrently (hereinafter “pregnancy disability/FMLA leave”), but CFRA leave does not run concurrently with a pregnancy disability leave. This means that, at the end of the employee’s period(s) of pregnancy disability and/or pregnancy disability/FMLA leave,

whichever occurs first, a CFRA-eligible employee may take up to twelve (12) workweeks of CFRA leave due to the birth of her child or for other family and medical leave purposes.

- i. Where an employee has exhausted her entitlement to pregnancy disability/FMLA leave prior to the birth of her child, and her health care provider certifies that continued leave is medically necessary, RCTC may, but is not required to, allow the employee to utilize CFRA leave prior to the birth of her child.
 - ii. The maximum combined leave entitlement for pregnancy disability, FMLA, and CFRA leave for the birth of a child is four (4) months and twelve (12) workweeks. This assumes that the employee exhausted all four (4) months of pregnancy disability leave; she exhausted her entitlement to up to twelve (12) weeks of FMLA leave during the period of pregnancy disability leave; and the employee requested and was eligible for a twelve (12) week CFRA leave following the birth of her child.
- C. For more information regarding your rights to pregnancy disability leave, see RCTC's pregnancy disability leave policy and/or contact the Human Resources Department.

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§18.5 Special Rules Regarding the Employment of Spouses/Parents

- A. Where CFRA and FMLA leave are running concurrently, and both the husband and wife are employed by RCTC, their combined entitlement to CFRA/FMLA leave for the birth or adoption of a child by the employees or placement of a child in foster care with the employees shall be limited to twelve (12) workweeks in a twelve (12) month period between the husband and the wife.
- B. Where CFRA leave is running separate and apart from FMLA leave (such as following a pregnancy disability/FMLA leave), and both parents are employed by RCTC, their combined entitlement to CFRA leave for the birth, adoption, or foster care placement of their child shall be limited to twelve (12) workweeks in a twelve (12) month period between the two parents. This provision applies to the parents of the child, regardless of their marital status.
- C. The provisions above do not affect the employees' right to use any remaining CFRA and/or FMLA leave for any other qualifying purpose(s).

§18.6 Calculating the Twelve (12) Month Period

For the purpose of this policy, "twelve (12) month period" shall mean a twelve (12) month period measured forward from the date the employee first uses family and medical leave.

§18.7 Employee Notice Requirements

- A. The employee, or a spokesperson for the employee (e.g., spouse, adult family member, or other responsible party), must notify the employee's supervisor or the Human Resources Department, preferably in writing, as soon as it becomes apparent that the employee will be needing leave for a family and medical leave purpose.

- B. Employees must provide at least thirty (30) calendar days advance notice before leave is to begin if the need for leave is foreseeable, or notice as soon as possible for unforeseeable events.
- C. The employee must consult with their supervisor and must make a reasonable effort to schedule any planned medical treatment or supervision so as to minimize disruption of RCTC operations. Actual scheduling is, however, subject to the approval of the patient's health care provider.
- D. Failure to comply with these notice requirements is grounds for, and may result in, deferral of the requested leave until the employee complies with these provisions. However, RCTC will not deny a leave, the need for which is an emergency or is otherwise unforeseeable, on the basis that the employee did not provide advance notice of the need for the leave.
- E. Where leave is requested on the basis of a serious health condition affecting an employee's family member, RCTC may require evidence of the family relationship.

§18.8 RCTC Determination and Notification to Employee

- A. RCTC shall designate leave, paid or unpaid, as CFRA or CFRA/FMLA leave based on information provided by the employee or the employee's representative.
- B. In the event that RCTC determines that a leave of absence is for a FMLA family and medical leave purpose, RCTC shall, within two (2) business days, notify the employee of its determination that the leave constitutes FMLA and/or CFRA leave. Such notice may be oral or in writing. However, any oral notice shall be confirmed in writing by no later than the employee's next payday (the subsequent payday where the next payday is less than a week away).
- C. Where CFRA leave is running separate and apart from FMLA leave, such as following a pregnancy disability/FMLA leave, RCTC shall respond to the leave request as soon as possible and, in any event, no later than ten (10) calendar days after receiving the request. Once given, approval of CFRA leave shall be deemed retroactive to the first day of the leave.
- D. RCTC's written notice to the employee shall, among other things:
 - i. Specify the obligations of the employee while on family and medical leave and explain the consequences of a failure to meet these obligations;
 - ii. Provide notice to the employee in the event that a period of paid leave is to be counted as family and medical leave;
 - iii. Provide notice to the employee in the event that RCTC requires paid leave to be substituted for unpaid leave.

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- E. Where the employee fails to provide sufficient information until after the leave commenced, RCTC may make a preliminary determination that the employee's absence is for a family and medical leave purpose, subject to later confirmation by medical certification.

If either RCTC or the employee designates an absence as family and medical leave after the leave of absence has begun, such as when an employee advises RCTC during the leave of absence or after their return to work that the entire leave of absence or any part of it was for a family and medical leave purpose, that portion of the leave period which was for a family and medical leave purpose may be retroactively counted as family and medical leave.

- F. If the employee fails to advise RCTC that a leave of absence was for a family and medical leave purpose either, before, during, or within two (2) days after they return to work, the employee will not be able to assert the protections of the family and medical leave laws for the leave of absence.
- G. Any dispute between RCTC and an employee as to whether paid leave qualifies as family and medical leave should be resolved through discussions between the employee and RCTC.

§18.9 Medical Certification

- A. An employee's request for leave due to a serious health condition affecting the employee or the employee's child, parent, spouse, or registered domestic partner must be supported by a medical certification issued by the health care provider of the individual requiring care.

- i. For leave to care for the employee's child, parent, spouse, registered domestic partner, this certification need not identify the serious health condition involved, but shall contain:

- a.
 - b. date, if known, on which the serious health condition commenced;
 - c. The probable duration of the condition;
 - d. An estimate of the amount of time which the health care provider believes the employee needs to care for the child, parent, spouse, or registered domestic partner; and
 - e. A statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent, spouse, or registered domestic partner.

- ii. For leave to care for the employee's own serious health condition, this certification need not, but may, at the employee's option, identify the serious health condition involved. It shall contain:

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- a. The date, if known, on which the serious health condition commenced;
 - b. The probable duration of the condition; and
 - c. A statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of their position.
- B. Medical certification is not required where leave is requested for the birth, adoption, or placement of a child in foster care with the employee.
- C. Medical certification must be provided within fifteen (15) calendar days of RCTC's request and generally prior to the commencement of a foreseeable leave of absence, unless it is not practicable to do so despite the employee's diligent, good faith efforts to do so.
- D. With regard to leave due to the employee's own serious health condition:
- i. Where RCTC has reason to doubt the validity of the employee's medical certification, RCTC may require, at RCTC's expense, that the employee obtain a second medical opinion from a health care provider designated by RCTC and who is not regularly used by RCTC for this purpose; and
 - ii. Where the second opinion differs from the first, RCTC may require that the employee obtain a third and binding medical opinion, again at RCTC's expense, from a health care provider designated or approved jointly by RCTC and the employee.
- E. RCTC may require recertification only where additional leave is requested.
- F. RCTC may also require certification at the time the employee seeks reinstatement from family leave due to the employee's own serious health condition that the employee is fit for duty and able to return to work.

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§18.10 Minimum Period of Leave

- A. Leave may be taken in one (1) or more periods and does not have to cover a continuous period of time.
- B. Where leave is taken due to the serious health condition of the employee or their parent, child or spouse, the minimum leave increment shall be the shortest period of time RCTC's payroll system uses to account for absences or use of leave.

iii.C. Where CFRA leave is running separate and apart from FMLA leave (such as CFRA leave following pregnancy disability/FMLA leave), the minimum duration for leave taken in connection with the birth, adoption, or foster care placement of a child is two (2) weeks, except that the RCTC shall grant a request for CFRA leave of less than two (2) weeks on any two (2) occasions during the one (1) year period following the birth or placement of the child with the employee.

§18.11 Intermittent Leave and Temporary Transfers

- A. Employees may take intermittent leave or leave on a reduced schedule due to a serious health condition of the employee, or the employee’s child, parent, spouse, or registered domestic partner, whenever medically necessary.
- B. If an employee requests intermittent leave, RCTC may require a temporary transfer to an “alternative position” for which the employee is qualified, and which:
 - i. Provides equivalent pay and benefits; and
 - ii. Better accommodates recurring periods of leave.
- C. Transfer to an alternative position may include altering an existing job to better accommodate the employee’s need for intermittent leave or a reduced work schedule.

§18.12 Continuation of Health and Other Benefits

- A. RCTC will continue group health care benefits during the period of leave, up to a maximum of twelve (12) workweeks in any twelve (12) month period, on the same terms and conditions as applied prior to the commencement of family and medical leave. For the purposes of continued group health coverage, the twelve (12) weeks commences on the first day of pregnancy disability, CFRA, or FMLA, whichever occurs first.
- B. During any period of leave which is unpaid, RCTC may discontinue payments made on behalf of the employee to a non-group health plan, employee retirement plan or other benefit plan, and the leave period shall not be counted for purposes of time accrued under a retirement plan.
- C. In the event that the employee is responsible for any portion of the group health insurance premium or for any other premium payment(s), the employee should, prior to the commencement of leave, make arrangements with the Human Resources Department for the submission of such payments.

D. If the employee fails to return after the period of leave has expired, RCTC may be entitled to reimbursement for any benefit premiums paid by RCTC during a period of unpaid family and medical leave, unless:

- i. The reason for the employee's failure to return is due to the continuation, recurrence or onset of a serious health condition of the employee or the employee's child, spouse, parent, or registered domestic partner;
- ii. Other circumstances beyond the control of the employee as set forth in applicable law and regulations.

E. Employees who are not eligible for continued paid coverage or whose entitlement to continued paid coverage has expired may continue their group health insurance coverage through RCTC pursuant to federal and state COBRA guidelines.

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§18.13 Coordination of CFRA and FMLA Leave

Each day of leave for a family and medical leave purpose, other than disability due to pregnancy, childbirth, or related medical conditions, counts as a day of FMLA and CFRA leave.

§18.14 Substitution of Leave

- A. RCTC requires that sick leave be used to provide pay during any period of otherwise unpaid family and medical leave due to the employee's own serious health condition. Sick leave may also be used in connection with family and medical leave taken for other purposes in accordance with applicable RCTC policies and upon the mutual agreement of RCTC and the employee.
- B. An employee may elect to use any accrued vacation time or other paid accrued time off, other than accrued sick leave, that the employee is otherwise eligible to take during the otherwise unpaid portion of the FMLA/CFRA leave.
- C. CFRA and FMLA leave may also run concurrently with a leave of absence covered by workers' compensation or temporary disability and an eligible employee may coordinate the use of sick leave and/or vacation to supplement workers' compensation or temporary disability insurance payments.

§18.15 Reinstatement

Where a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated to the same or a comparable position by the date agreed upon.

If the reinstatement date differs from RCTC's and employee's original agreement, the employee will be reinstated to the same or a comparable position within two (2) business days, where feasible, after the employee notifies RCTC of their readiness to return.

The employee's use of family and medical leave may not result in the loss of any employment benefit that the employee earned or was entitled to before going on family and medical leave. Upon reinstatement, all employee benefits will be resumed without any new qualification period, physical examination or

exclusion of preexisting conditions.

§18.16 Denial of Reinstatement

An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during family and medical leave. Thus, for example, if an employee is laid off while on family and medical leave, RCTC’s responsibility to maintain group health plan benefits and reinstate the employee ceases at the time the employee is laid off.

A. RCTC may also deny reinstatement to:

- i. An employee who gives notice that he or she no longer desires to return to employment with RCTC;
- ii. An employee who fails to provide certification that he or she is fit for duty and able to return to work after taking family and medical leave based on the employee’s own serious health condition; or
- iii. A salaried “key employee” who is among the highest-paid 10percent of employees employed within 75 road miles of the employee’s worksite, if:
 - a. It is necessary to prevent substantial grievous economic injury to the operations of RCTC;
 - b. Notice is given to the employee at the time of the leave request that RCTC cannot deny the leave request, but that RCTC intends to deny reinstatement, and
 - c. The employee is given a reasonable opportunity to return to employment after receiving such notice, but elects not to return; or
 - d. After the leave expires, the employee requests reinstatement, and RCTC makes a determination at the time of the reinstatement request and notifies the employee of its determination that reinstatement would cause substantial grievous economic injury to the operations of RCTC.

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§18.17 Benefits Accrual

Employees on family and medical leave will not continue to accrue vacation, sick leave, or other seniority based benefits during unpaid family and medical leave.

§18.18 Additional Information

Should you have any questions about your rights and responsibilities in connection with family and medical leave, contact the Human Resources Department.

SECTION 19 — PREGNANCY DISABILITY LEAVE POLICY

§19.1 Eligibility

In accordance with applicable law and this policy, female employees are eligible for a leave of absence and/or transfer on account of pregnancy, regardless of length of service with RCTC.

§19.2 Pregnancy Disability Leave

- A. A woman is “disabled by pregnancy” if, in the opinion of her health care provider, she is unable to work at all or is unable to perform one (1) or more of the essential functions of her job or to perform these without undue risk to herself, to the successful completion of her pregnancy, or to other persons.
- B. Pregnancy disability leave is for any period(s) of actual disability caused by pregnancy, childbirth, or related medical conditions. Where medically advisable, pregnancy disability leave may be taken for a reasonable period of time, up to four (4) months per pregnancy (eighty-eight (88) workdays for a full-time employee). Employees who regularly work more or less than a forty (40) hour workweek are entitled to such leave on a pro rata basis.

§19.3 Leave Due to Normal Childbirth

Even if the employee is not disabled by pregnancy, childbirth or related medical conditions, a pregnant employee is entitled to up to six (6) weeks of leave for normal childbirth. Employees working more or less than a forty (40) hour workweek are entitled to such leave on a pro rata basis.

§19.4 Leave/Transfer and Other Reasonable Accommodation Requests

- A. Pregnant employees should notify the Human Resources Department as soon as possible regarding their intent/need to take a leave of absence or to transfer due to pregnancy, childbirth, or related medical conditions. Such notice should specify the anticipated timing and duration of the leave or transfer.
- B. Where the need for a leave of absence or transfer is foreseeable, employees must provide such notice at least thirty (30) days prior to the date the leave or transfer is to begin. Further, employees must consult with the Human Resources Department regarding the scheduling of any planned medical treatment or supervision so as to minimize any disruption to RCTC’s operations. Actual scheduling of the leave/transfer is subject to the approval of the employee’s health care provider.
- D. Where thirty (30) days advance notice is not possible, notice must be given as soon as possible. However, RCTC will not deny a pregnancy disability leave or transfer where the need for leave is an emergency or was otherwise unforeseeable.
- E. RCTC shall respond to the leave or transfer request as soon as practicable and, in any event, no later than ten (10) calendar days after receiving the request. RCTC shall attempt to respond to the leave request before the date the leave is due to begin. Once given, approval shall be deemed retroactive to the date of the first day of the leave.

- F. Reasonable accommodation other than leave or transfer will be granted upon request. Such requests must be supported by a written certification from the employee's health care provider.

§19.5 Intermittent Leave

Pregnancy disability leave need not be taken in one (1) continuous block. It may be taken on an as-needed basis, intermittently or on a reduced work schedule.

- A. If it is medically advisable and foreseeable that an employee will be taking intermittent leave or leave on a reduced work schedule, RCTC may require that the employee transfer temporarily to an available alternative position.
- B. An "alternative position" is one that provides pay and benefits equivalent to those of the employee's regular position and better accommodates recurring periods of leave than the employee's regular job. It does not have to have equivalent duties. However, the employee must be qualified for the position.
- C. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work schedule.

§19.6 Temporary Transfers

- A. An employee may request a temporary transfer to a position with less strenuous or less hazardous duties when the employee's health care provider certifies that such a transfer is medically advisable.
- B. Temporary transfers will be granted where appropriate and when RCTC is able to reasonably accommodate the transfer, provided that the transfer would not require RCTC to:
 - i. Create additional employment;
 - ii. Discharge another employee;
 - iii. Transfer a more senior employee in order to make room for the pregnant employee's transfer; or
 - iv. Promote or transfer the employee or any other employee to a position for which they are not qualified.

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§19.7 Certifications

- A. As a condition of taking a pregnancy disability leave or transfer, the employee must provide medical certification from her health care provider that she is disabled due to pregnancy, childbirth or related medical conditions and/or that a transfer to an alternative position is medically advisable.

B. The medical certification should include:

- i. The date on which the employee become disabled due to pregnancy or the date of the medical advisability for the transfer;
- ii. The probable duration of the period(s) of disability or the period(s) for the advisability of the transfer; and
- iii. A statement that, due to the disability, the employee is unable to work at all or to perform any one or more of the essential functions of her position without undue risk to herself, to the successful completion of her pregnancy, or to other persons or a statement that, due to pregnancy, the transfer is medically advisable.

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§19.8 Recertification

Recertification may be required where additional time is requested.

§19.9 Fitness for Duty

The employee must provide certification from her health care provider of her fitness for duty prior to being reinstated.

§19.10 Pay During Leave

- A. Pregnancy disability leave is unpaid leave. However, the employee may request or RCTC may require that the employee use accrued sick leave to provide pay during the period of leave.
- B. An employee may also elect, at her option, to use accrued vacation or other accrued paid time off, if any, to provide pay during pregnancy disability leave.

The employee may also be eligible to receive temporary disability insurance payments during her pregnancy disability leave, and to coordinate the use of any accrued sick leave and/or vacation to supplement temporary disability insurance payments.

§19.11 Reinstatement

- A. The employee is entitled to be reinstated to the same or a comparable position upon release to return to work by her health care provider.
 - i. Where a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated by the date agreed upon, provided that the employee has provided medical certification of her fitness for duty.
 - ii. If the actual reinstatement date differs from the original agreement, the employee will be reinstated within two (2) business days, where feasible, after

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the employee notifies RCTC of her readiness to return and provides medical certification of her fitness for duty.

iii. Failure to return to work, without good cause, on the next work day following the expiration of pregnancy disability leave may be grounds for termination of employment.

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B. The employee is not, however, entitled to any greater right of reinstatement than she would have had if she had not taken leave. Thus, reinstatement to the "same position" may be denied if:

i. For legitimate business reasons unrelated to the employee having taken a pregnancy disability leave or transfer, the employee would not otherwise have been employed in her same position at the time reinstatement is requested; or

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ii. Each means of preserving the job or duties for the employee, such as leaving it unfilled or filling it with a temporary employee, would substantially undermine RCTC's ability to operate safely and efficiently.

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C. Also, the employee has no greater right to reinstatement to a "comparable position" or to other benefits and conditions of employment than an employee who has been continuously employed. Thus, reinstatement to a comparable position may be denied if:

A.i. There is no comparable position open on the employee's scheduled date of reinstatement or within ten (10) working days thereafter; or the pregnancy disability leave does not qualify as leave pursuant to the federal FMLA and a comparable position is available, but filling the available position with the returning employee would substantially undermine RCTC's ability to operate safely and efficiently.

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D. In the event that the employee takes family and medical leave under the CFRA following her pregnancy disability leave for the birth of her child, the employee's right to reinstatement shall be governed by the CFRA and RCTC's Family and Medical Leave Policy rather than these provisions.

§19.12 Seniority and Benefits

14.A. In general, employees taking pregnancy disability leave will be treated the same as other similarly situated employees taking disability leave.

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15.B. The employee returning from a pregnancy disability leave shall return with no less seniority than she had when the leave commenced for purposes of layoff, recall, promotion, job assignment, and seniority-related benefits such as vacation.

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16.C. The employee shall retain employee status during the period of leave, and the leave shall not constitute a break in service for purposes of longevity and/or seniority.

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§19.13 Federal Family and Medical Leave

In accordance with the FMLA, RCTC shall count each day of pregnancy disability leave against an eligible employee's entitlement to up to twelve (12) weeks of federal family and medical leave under the FMLA.

§19.14 Group Health Insurance

Pursuant to the Pregnancy Disability Leave law, where an eligible employee is on pregnancy disability/FMLA leave, RCTC will continue the employee's group health insurance coverage for up to a maximum of four (4) months under the same terms and conditions as applied prior to the leave of absence.

- A. In the event that the employee fails to return from leave, RCTC may recover premiums it paid to maintain group health insurance coverage. (For details, see RCTC's Family and Medical Leave Policy, Section 18.)
- B. If the employee is not eligible for continued paid coverage or if coverage ceases after four (4) months, the employee may continue group health insurance coverage pursuant to federal and state COBRA guidelines.

§19.15 California Family and Medical Leave

The right to take a pregnancy disability is separate and distinct from the right to take family and medical leave under the CFRA. Thus, at the end of the employee's period(s) of pregnancy disability, or at the end of four (4) months pregnancy disability leave, whichever occurs first, an eligible employee may request to take up to twelve (12) workweeks of CFRA leave in accordance with RCTC's family and medical leave policy.

- A. There is no requirement that either the employee or her child have a serious health condition or that the employee no longer be disabled by her pregnancy before taking CFRA leave for the birth of a child.
- B. Where the employee has used all four (4) months of her pregnancy disability leave prior to the birth of her child, and her health care provider determines that a continuation of the leave is medically necessary, RCTC may, but is not required to, allow the use of CFRA leave prior to the birth of a child.
- C. The maximum possible combined leave for pregnancy disability/FMLA and CFRA leave due to the birth of a child is four (4) months and twelve (12) workweeks.
- D. CFRA leave taken due to the birth of the employee's child must be concluded within one (1) year of the child's birth. The basic minimum duration of such leave shall be two (2) weeks, except that RCTC will grant a CFRA leave of less than two (2) weeks' duration on any two (2) occasions within one (1) year of the child's birth.

SECTION 20- ELECTIONS AND CAMPAIGNS

§20.1 Purpose.

- a) Government Code section 3207 expressly allows local agencies, such as the RCTC, to establish rules and regulations that prohibit or restrict employees from engaging in political or election activities during work hours or on the premises of RCTC. Based on the provisions of Government Code section 3207, RCTC establishes the guidelines herein to avoid any appearance of improper use of public funds.
- b) The purpose of this Election and Campaign-related Policy for RCTC Employees ("Policy") is to establish written regulations to prohibit RCTC employees from advocating for a position or candidate during working hours and to ensure compliance with laws and regulations that limit or restrict election and campaign related activity by public agencies.
- c) As a general guiding principle, State law prohibits the use of "public resources" for campaign-related purposes. "Public resources" are broadly defined to include any property or asset owned by the RCTC including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and RCTC compensated time.
- d) This Policy and the rules articulated below do not cover every circumstance or scenario that an RCTC employee may encounter while involved in the election process. Should an employee have specific issues or questions not covered in these rules, he or she should to contact their supervisor or RCTC General Counsel.

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§20.2 Political Activities During RCTC Work Hours.

- a) RCTC employees may not engage in political activities during work hours (while "on duty").¹ (Gov. Code § 3207.) Prohibited political activities during work hours include, but are not limited to, the following:
 - a. Distributing Campaign or Political Materials. RCTC employees may not distribute political pamphlets, flyers, or other materials, post signs or political social media posts, or send political emails while on duty.
 - b. Campaign Events. RCTC employees may not attend campaign meetings, rallies or other campaign-related functions while on duty.
 - c. Telephone Calls. RCTC employees may not make campaign telephone calls while on duty.
 - d. Campaign Activities. RCTC employees may not perform any other campaign-related tasks while on duty. This would include making copies, stuffing envelopes, writing campaign statements or advocating or informing fellow RCTC employees about campaign issues.

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¹ For purposes of this rule, "during work hours" includes any standard or overtime hours that are part of a shift that a RCTC employee is required to work. However, a RCTC employee is considered "off-duty" for purposes of this rule when he or she is on a permitted lunch break, vacation, an administrative leave day, sick leave, or during a public holiday when not working.

Wearing of campaign buttons, hats, shirts or other clothing, or signs is also prohibited while on duty or while on RCTC property.

b) RCTC employees may engage in certain permissible political activity, provided such activity does not involve use of RCTC time, property, facilities or equipment. For any personal political activity a RCTC employee may be involved in, it shall be made clear that the employee is acting personally and not on behalf of RCTC. Nothing in this Policy shall be applied in a manner that unlawfully curtails the constitutional, statutory, or contractual rights of the employee. Permissible political activities during RCTC employees' "off duty" time include, but are not limited to:

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a. Performing volunteer work, endorsing candidates in an individual capacity, taking a position on ballot measures.

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b. Using personal funds to make political contributions, subject to any applicable federal or state laws.

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c. Soliciting political contributions from persons other than RCTC officials and employees on behalf of candidates or ballot measures.

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§20.3 Prohibition on Use of Public Resources for Campaign Activity

a) RCTC employees may not use RCTC funds or resources to advocate a partisan position or otherwise use public agency funds or resources to support any personal political activities. Prohibited use of public agency funds or resources include, but are not limited to, the following:

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a. Office Equipment. RCTC employees may not use RCTC copy machines, faxes, computers, printers or other office equipment to design, make, or distribute political pamphlets, flyers, signs, or other materials in support of his or her own political activity.

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b. Telephones/E-Mail. RCTC employees may not use RCTC phones in support of personal political activities. Prohibited activities include: making political cold calls, calling any campaign organizations with which they may be involved, posting to social media, or otherwise using a RCTC-issued phone or equipment (e.g., Smartphone) to communicate personal views about candidates or ballot measures. This would include use of RCTC-provided email addresses to send and receive messages related to personal political activities.

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c. Office Space. RCTC employees may not use RCTC offices or workspaces to engage in personal political activities. Prohibited activities include: holding political meetings, soliciting signatures for a proposed initiative, organizing political events, preparing arguments, ballot statements, advertisements, and other such political activities.

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d. RCTC Facilities. Political campaigning and related activities are deemed to be contrary to the designated purposes and functions of RCTC facilities and are, therefore, prohibited at RCTC facilities. RCTC property shall not be used for posting campaign signs, depositing or distributing campaign literature, or holding campaign events.

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e. Office Supplies. RCTC employees may not use or appropriate RCTC office supplies in support of personal political activities. For example, an RCTC employee may not print fliers on RCTC printer paper, take pens and paper clips for use at a campaign office, or use RCTC copiers to make copies.

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f. RCTC Monies. RCTC employees may not purchase items such as bumper stickers, posters, advertising floats, or television and radio spots using RCTC monies, and are prohibited from displaying these items on RCTC property or vehicles.

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b) RCTC employees who wear a Commission uniform may not participate in any personal political activity while in uniform. (Gov. Code § 3206.) If an RCTC employee wears a uniform that has become associated with a specific position at the Commission, he or she may not appear at any political function in that uniform *even when off duty*. The restriction also applies to any shirts or other items of clothing with any RCTC insignia.

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§20.4 Making Promises for Political Favors

a) RCTC employees and officers may not promise to provide any person with a gift, money, promotion, job, or other form of compensation in return for a contribution or vote. (Gov. Code § 3204.)

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a. Hiring. RCTC employees and officers may not promise to hire or appoint any person, vendor or third party for a RCTC position(s) in return for a contribution or vote for or against any candidate or ballot measure.

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b. Salaries. RCTC employees and officers may not promise to increase the pay rate, salary, or fringe benefits of any officer or employee in return for a contribution or vote for or against any candidate or ballot measure.

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c. Gifts. RCTC employees and officers may not promise to provide any person with money, a loan, or a gift in return for a contribution or vote for or against any candidate or ballot measure.

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§20.5 Soliciting Contributions or Political Support

a) A RCTC employee or officers may not, directly or indirectly, solicit a political contribution from a RCTC officer or employee with knowledge that the person from whom the contribution is solicited is an officer or employee of the Commission. The only exception is if an officer/candidate solicits contributions from "a significant segment of the public which may include officers or employees of that local agency." (Gov. Code § 3205.)² Violation of this rule is a crime, punishable as a misdemeanor.

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a. No Specific Solicitation of RCTC Officers/Employees - Anywhere. Requests made to RCTC officers/employees (either verbal or written) for contributions or political support are prohibited. This rule applies to both direct (by the officer/candidate) and indirect

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² For example, if a candidate were to send out 1,000 campaign mailers and 20 of them were sent to RCTC employees as part of the larger group, that would not violate this rule. The key is that RCTC officers/employees cannot be specifically approached for contributions/political support.

(through a third party) solicitations. Further, the prohibition applies regardless of location – even to solicitations made outside of RCTC facilities.

- b) Solicitation of Relatives of a RCTC Officer/Employee – Permissible. Soliciting contributions or political support from the spouse or relative of a RCTC officer/employee is permissible, so long as it is not a subterfuge for soliciting the RCTC officer/employee.

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§20.6 Providing Information on a Ballot Measure

- a) RCTC employees cannot commit public money or resources to influence voters on matters which are on the ballot for an upcoming election. (*Stanson v. Mott* (1976) 17 Cal.3d 206.)

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- b) RCTC employees and officers may only expend public funds for "informational" activities in which it gives a "fair presentation of the facts" regarding a ballot measure. Therefore, RCTC cannot use public funds to expressly urge voters to "Vote Yes" or "Vote No" on ballot measures. However, the use of public funds to inform the public of all the consequences, good and bad, of a measure will generally be permissible and should be reviewed by Legal Counsel before being distributed to the public.

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- a) Balanced Presentation. The use of public funds on legitimate informational activities by RCTC employees should present information relevant to both sides of an issue that will appear on the ballot, including its potentially positive and negative impacts.

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§20.7 Lobbying Permissible

- a) It is lawful for public officers and employees to lobby or present information to the federal or state legislature, the executive branch and administrative agencies to aid the passage of legislation or regulations deemed beneficial to RCTC. This activity is a lawful charge against the local agency. (Gov. Code §§ 50023, 53060.5.) While lobbying is permissible, election activity designed to influence voters is not.

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RESOLUTION NO. 19-019

**RESOLUTION OF THE
EXECUTIVE COMMITTEE OF THE RIVERSIDE COUNTY TRANSPORTATION
COMMISSION AMENDING ITS PERSONNEL RULES TO ADOPT AN
ELECTION AND CAMPAIGN RELATED POLICY FOR EMPLOYEES**

WHEREAS, the California Government Code expressly allows local agencies to establish rules and regulations that prohibit or restrict employees from engaging in political or election activities during work hours or on the premises of local agencies, such as the Riverside County Transportation Committee (RCTC); and

WHEREAS, based on the provisions of Government Code sections 3207, RCTC establishes the guidelines herein to avoid any appearance of improper use of public funds; and

WHEREAS, the purpose of this Election and Campaign related Policy for RCTC employees (“Policy”) is to establish written regulations to prohibit RCTC employees from advocating for a position or candidate during working hours and to ensure compliance with laws and regulations that limit or restrict election and campaign related activity by public agencies; and

WHEREAS, as a general guiding principle, State law prohibits the use of “public resources” for campaign-related purposes. “Public resources” are broadly defined to include any property or asset owned by the RCTC including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and RCTC compensated time; and

WHEREAS, the Policy and the rules articulated below do not cover every circumstance or scenario that an RCTC employee may encounter while involved in the election process. Should an employee have specific issues or questions not covered in this policy, he or she should to contact their supervisor or RCTC General Counsel; and

WHEREAS, Section 20 Elections and Campaigns is hereby added to the Riverside County Transportation Commission’s Personnel Policies and Procedures Manual.

NOW, THEREFORE, BE IT RESOLVED BY THE EXECUTIVE COMMITTEE OF THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION AS FOLLOWS:

Section 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by reference as though fully set forth herein.

Section 2. The Executive Committee of the RCTC hereby adopts the Election and Campaign related policy for employees, which are attached hereto as Exhibit “A”, and incorporated herein by this reference and are made a part hereof, in order to establish rules and

regulations that prohibit or restrict employees from engaging in political or election activities during work hours or on the premises of RCTC .

Section 3. The Executive Committee hereby authorizes the Executive Director to interpret and implement the Election and Campaign related policy for employees.

Section 4. Section 20 Elections and Campaigns is hereby added to the Riverside County Transportation Commission’s Personnel Policies and Procedures Manual to establish rules and provide guidance on the type of election and campaign activities which may and may not be carried out by Commission employees during work hours or on the premises of RCTC.

Section 5. This Resolution shall become effective upon the date of its adoption.

Section 6. This **Resolution** shall **repeal** any other resolutions or portions thereof to the extent that such resolutions or portions thereof are in conflict with this **Resolution**.

Passed, approved and adopted this 13th day of November, 2019.

Chuck Washington, Chair
Riverside County Transportation Commission

ATTEST:

Lisa Mobley
Clerk of the Board

EXHIBIT "A"

PROPOSED PERSONNEL POLICIES AND PROCEDURES MANUAL

[ATTACHED BEHIND THIS PAGE]