



EL DORADO TRANSIT



El Dorado County Transit Authority

Personnel Policies & Procedures Manual

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WELCOME TO THE EL DORADO COUNTY TRANSIT AUTHORITY

Success entails doing the right things right, and outstanding people are the key to our success. Through the efforts of our people, the El Dorado County Transit Authority has been recognized as a valuable service agency in our community, and we need the support of each team member to ensure our continued success. We feel it is important that all employees understand our personnel policies and procedures, and we encourage you to use these policies and procedures as a valuable resource for understanding the agency. If you have any questions, please do not hesitate to ask ~~them of~~ your supervisor.

Our best wishes to you and thank you for taking this first step in knowing your transit agency.

OUR MISSION

To provide effective public transit, coordinate transit services, reduce vehicle miles traveled on the Western Slope of El Dorado County, and actively support reducing emissions to improve air quality.

OUR GOAL

To provide safe, reliable, courteous, attractive, and comfortable public transit.

STATEMENT OF PURPOSE AND AUTHORITY

The purpose of this manual is to provide fair and systematic procedures for the administration of all matters affecting the status and activities of employees of the El Dorado County Transit Authority. El Dorado County Transit Authority may be referred to as “El Dorado Transit” throughout this manual. It shall be the duty of all El Dorado Transit employees to comply and assist in carrying out the provisions of this manual and such internal management memoranda as the Executive Director shall issue.

The Executive Director is responsible for the administration of the personnel system. He/she may delegate any such powers and duties to any other officer or employee. The Executive Director or his/her designee shall have the authority to appoint, promote, transfer, discipline and terminate any employee of El Dorado Transit in accordance with the personnel practices described in this document, and adopted by the El Dorado County Transit Authority.

The Executive Director with the authority and direction of the El Dorado County Transit Authority, has all rights not specifically delegated in this document, including but not limited to: the exclusive right to determine the administrative goals and objectives of El Dorado Transit, set standards of performance, determine the procedures and standards of selection for employment and promotion, direct employees, take disciplinary action with proper cause, lay off employees because of lack of work or for other legitimate reasons, maintain the efficiency of El Dorado

Transit activities, determine the methods, means, and personnel by which El Dorado Transit activities are to be conducted, determine the content of position classifications, exercise control and discretion over the organization of El Dorado Transit and the technology required to perform its goals and objectives.

Insofar as is practical, exceptions to these procedures as written will be avoided. These personnel policies and procedures will be reviewed periodically, and adjustments will be made based on actual experience and economic considerations. In the event of any change to the policies set forth herein, all employees will receive a copy of a written memorandum from the Executive Director detailing the changes made and the reasons therefore.

Employees in the classification of Transit Operator are also covered by a collective bargaining Memorandum of Understanding (MOU) between El Dorado Transit and the Operating Engineers Local No. 3. This MOU covers salaries, hours, and other terms and conditions of employment for those employees. To the extent that there is any conflict between this Personnel Policies and Procedures Manual and the express provisions of the MOU or any other understandings reached between the parties, the MOU and/or the understandings of the parties shall prevail.

ARTICLE 1 – GENERAL POLICIES AND PROCEDURES

1.1 Equal Employment Opportunity

El Dorado Transit is committed to equal employment opportunity. El Dorado Transit will not discriminate against employees or applicants for employment based on any legally recognized basis [“protected class”] including, but not limited to: veteran status, uniform servicemember status, race, color, religion, sex, national origin, age, physical or mental disability, genetic information or any other protected class under federal, state, or local law.

Under California law, protected classes include: race; religious creed; color; national origin; ancestry; physical disability; mental disability; medical condition, including genetic characteristics; genetic information; marital status; sex; pregnancy, childbirth or related medical conditions; actual or perceived gender; gender identity or expression; sexual orientation; civil air patrol membership; service in the military forces of the State of California or of the United States; lawful conduct occurring during nonworking hours away from El Dorado Transit premises; and age [40 or over]. Included in the definition of each protected category is the perception of membership in a protected category and an individual’s association with an actual or perceived member of a protected category.

Employees may discuss equal employment opportunity related questions with their supervisor or any other designated management members.

1.2 Americans with Disabilities Act

El Dorado Transit is committed to providing equal employment opportunities to qualified individuals with disabilities. This may include providing a reasonable accommodation where appropriate for an otherwise qualified individual to perform essential job functions. It is the employee's responsibility to notify Human Resources of the need for accommodation. Upon doing so, Human Resources may ask for the employee's input or the type of accommodation the employee believes may be necessary or the functional limitations caused by the disability. Also, when appropriate, El Dorado Transit may need permission to obtain additional information from a physician or other medical or rehabilitation professionals. El Dorado Transit will not seek genetic information in connection with requests for accommodation. All medical information received by El Dorado Transit in connection with a request for accommodation will be treated as confidential.

1.3 No Harassment

El Dorado Transit prohibits harassment of one employee by another employee, supervisor or third party for any reason based upon an individual's race; color; religion; genetic information; national origin; sex (including same sex); pregnancy, childbirth, or related medical conditions; age; disability; or any other category protected under federal, state, or local law ("protected class").

Protected classes include: race; religious creed; color; national origin; ancestry; physical disability; mental disability; medical condition, including genetic characteristics; genetic information; marital status; sex; pregnancy, childbirth or related medical conditions; perceived pregnancy; actual or perceived gender; gender identity or expression; sexual orientation; civil air patrol membership; service in the military forces of the State of California or of the United States; military and veteran status; lawful conduct occurring during nonworking hours away from El Dorado Transit premises; and age [40 or over]. Included in the definition of each protected category is the perception of membership in a protected category and an individual's association with an actual or perceived member of a protected category.

Violation of this policy will result in disciplinary action, up to and including immediate discharge.

If employees have any questions about what constitutes harassing behavior or what conduct is prohibited by this policy, discuss the questions with an immediate supervisor or one of the contacts listed in this policy. "Harassment" as used in this policy, includes but is not limited to, any of the following activities pertaining to an individual's protected class:

- Offensive remarks, comments, jokes, slurs, threats, or verbal conduct.

- Offensive pictures, drawings, photographs, figurines, writings, or other graphic images, conduct, or communications, including text messages, instant messages, websites, voicemails, social media postings, e-mails, faxes, and copies.
- Offensive sexual remarks, sexual advances, or requests for sexual favors regardless of the gender of the individuals involved; and
- Offensive physical conduct, including touching and gestures, regardless of the gender of the individuals involved.

El Dorado Transit absolutely prohibits retaliation, including, but not limited to: threatening an individual or taking any adverse action against an individual for (1) reporting a possible violation of this policy, or (2) participating in an investigation conducted under this policy.

Supervisors and managers are covered by this policy and are prohibited from engaging in any form of harassing, discriminatory, or retaliatory conduct. No supervisor or other member of management has the authority to suggest to any applicant or employee that employment or advancement will be affected by the individual entering into (or refusing to enter into) a personal relationship with the supervisor or manager, or for tolerating (or refusing to tolerate) conduct or communication that might violate this policy. Such conduct is a direct violation of this policy.

El Dorado Transit prohibits harassment, discrimination, or retaliation of our employees in connection with their work by non-employees. Immediately report any harassing or discriminating behavior by non-employees, including contractor or subcontractor employees. Any employee who experiences or observes harassment, discrimination, or retaliation should report it using the steps listed below.

If an employee has any concern that the No Harassment Policy may have been violated by anyone, the matter must be immediately reported. Due to the very serious nature of harassment, discrimination and retaliation, employees must report concerns as listed below:

1. Discuss any concerns with the Human Resources Manager at (530) 642-5383 ext. 209 and 6565 Commerce Way Diamond Springs, CA 95619.
2. Employees may also discuss concerns with the Executive Director at (530) 642-5383 ext. 210 and 6565 Commerce Way Diamond Springs, CA 95619.

If an employee makes a report to any of these members of management and the manager either does not respond or does not respond in a manner the employee deems satisfactory or consistent with this policy, the employee is required to report the situation to one of the other members of management designated in this policy to receive complaints.

Employees should report any actions that are believed to violate the policy no matter how slight the actions may be perceived.

El Dorado Transit will investigate the report and then take prompt, appropriate remedial action, as required. El Dorado Transit will protect the confidentiality of employees reporting suspected violations to the extent possible, consistent with the investigation.

Employees will not be penalized or retaliated against for reporting improper conduct, harassment, discrimination, retaliation, or other actions that allegedly violate this policy.

El Dorado Transit is committed to enforcing the policy against harassment. Persons who violate this or any other El Dorado Transit policy are subject to discipline, up to and including discharge. El Dorado Transit cannot resolve a potential policy violation unless it is reported. Employees are responsible for reporting possible policy violations so that appropriate action may be initiated.

1.4 Job Classifications (Exempt, Non-Exempt)

Categories of Employment

PROBATIONARY PERIOD: Full-time and part-time employees are on a probationary period during their first twenty-six (26) bi-weekly pay periods.

During this time, employees will determine if the new job is suitable. The supervisor will have an opportunity to evaluate the employee's work performance.

FULL TIME EMPLOYEES regularly work at least a 40-hour workweek.

PART TIME EMPLOYEES regularly work less than 40 hours each workweek.

EXTRA-HELP Employees work to complete a specific project or task for a duration that generally lasts no more than 6 months or 940 hours. Extra-help employees do not receive benefits.

In addition to the preceding categories, employees are also categorized as "exempt" or "non-exempt."

NON-EXEMPT EMPLOYEES are entitled to overtime pay as required by applicable federal and state law.

EXEMPT EMPLOYEES are not entitled to overtime pay and may also be exempt from minimum wage requirements pursuant to applicable federal and state laws.

Upon hiring, Human Resources will notify each employee of their employment classification.

1.5 Immigration Reform and Control Act

Pursuant to the Immigration Reform and Control Act of 1986 (IRCA), as amended, and any state law requirements, if applicable, El Dorado Transit is committed to employing only individuals who are authorized to work in the United States.

Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.

If an employee is authorized to work in this country for a limited time, the individual will be required to submit proof of renewed employment eligibility prior to expiration of that period to remain employed by El Dorado Transit.

1.6 New Hire Orientation

Upon joining El Dorado Transit, employees will be given a copy of the Personnel Policies and Procedure Manual. After reading the Personnel Policies and Procedure Manual, the employee will sign the receipt page and return it to the employee's supervisor. Employees will be asked to complete personnel, payroll and benefit forms.

If an employee loses their Personnel Policies and Procedure Manual, or if it becomes damaged in any way, they may notify their supervisor as soon as possible to obtain a replacement copy.

The department supervisor is responsible for an employee's department operations.

1.7 Probationary Period

A. Initial Probationary Period

Probationary periods are considered as a continuation of the selection process and apply to all initial appointments, promotions, and employee-initiated lateral transfers to a different position. All employees shall undergo a probationary period of twenty-six (26) biweekly pay periods. Individual probationary periods may be extended for unpaid absences over one (1) pay period only.

Time worked by an employee in temporary, Extra-Help or other employment shall not count toward completion of the probationary period. An employee who is not rejected before completion of the prescribed probationary period, unless extended as per provision herein, shall acquire regular status automatically. Individual probationary pay periods shall be extended commensurately by each full pay period an employee is on authorized leave without pay, except as provided by law. Probationary periods may be extended by mutual consent for a period not to exceed three (3) months over the initial probationary period.

B. Rejection During Initial Probation

El Dorado Transit may terminate (reject) a probationary employee at any time during the probationary period without cause. The Fair Hearing Procedure described herein is not applicable. El Dorado Transit shall notify the employee in writing that he/she is rejected during probation.

C. Rejection During Secondary Probation

Should an employee who has been promoted to a new job classification fail to satisfactorily complete his/her probationary period, such employee may elect to return to the position in the classification from which the employee was promoted, if vacant. If the employee held regular status in such former classification, the employee shall not be required to serve a new probationary period. The employee's step and anniversary date shall be restored to their pre-promotion status.

1.8 Continuing Education/Training Programs

If an employee has been directed by the Executive Director or immediate supervisor to take courses to improve work productivity and/or work habits (e.g. either through the semi-annual or annual evaluation or through a counseling session) El Dorado Transit will pay for the approved training course(s).

1.9 Open Door Policy

Employees are encouraged to share their concerns, seek information, provide input, resolve problems or issues through their immediate supervisor, and as appropriate, consult with any member of management toward those ends. Managers and supervisors are expected to listen to employee concerns, to encourage their input, and to seek resolution to their problems or issues.

1.10 Personnel Records

The Human Resources Manager shall maintain confidential personnel files for every employee. The files shall contain the employee's employment letter and all other pertinent information. Access to these files is restricted. Each employee shall have access to his/her personnel file under supervision of the Executive Director or his/her designee. Supervisors shall also have access to their assigned staff's personnel files upon request. If an employee wishes to review their file, they must submit a written request to the Executive Director or his/her designee. El Dorado Transit will make the records available for inspection and/or copying within thirty (30) days of a written request. An appointment will be scheduled with the Human Resources Manager at a time that is suitable for both parties.

It shall be the responsibility of each employee to keep Human Resources advised concerning his/her marital status, number of dependents, correct address, and telephone

number, along with any other pertinent information required for the purposes of maintaining personnel records. The following procedures will be used in case of a dispute over material or information in the employee's personnel file:

- A. Any employee who objects to material or information in the file should submit a written request to the Executive Director asking that the material be removed.
- B. The Executive Director shall notify the employee of the decision.
- C. If the decision is favorable to the employee, the material will be removed immediately and destroyed by the Executive Director or his/her designee.

1.11 Reporting Changes

To aid the employee in the event of a personal emergency, we need to maintain up to date information.

Changes in name, address, telephone number, marital status, number of dependents or changes in next of kin and/or beneficiaries should be [updated on the employee's dashboard within the payroll platform given to Human Resources Department promptly. Additionally, employees should notify Human Resources of any updates to beneficiary information.](#)

1.12 Employment Verifications

Prospective employers, financial institutions and residential property managers routinely contact employers for information on former or current employee's work history, training records and salary.

All such requests of this type should be referred to and handled by the Human Resources Department. Responses to written requests for verification of employment will be made on the form provided only when the request is accompanied by a former or current employee's signed authorization to release such information.

A written verification of employment form that has been completed by the Human Resources Department will be returned directly to the requesting party. Telephone requests for verification of employment by prospective employers, financial institutions and residential property managers will be limited to confirming information stated by the external party.

1.13 Employment References

All employment history reference inquiries shall be processed through the Human Resources Department. Unless otherwise directed by a state or federal government agency, employment history references checks shall include only name, date of hire, date

of separation and position held. Please refer to Article 1.12 for further information regarding employment verifications.

ARTICLE 2 – DRUG AND ALCOHOL POLICY

A. PURPOSE

- 1) The El Dorado County Transit Authority (El Dorado Transit) provides public transit and paratransit services for the residents of the Western Slope of El Dorado County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, El Dorado Transit declares that the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- 2) Additionally, this policy establishes guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result or refusal to test. The U.S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.
- 3) Any provisions set for the in this policy that are included under the sole authority of El Dorado Transit and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of El Dorado Transit will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

B. APPLICABILITY

This Drug and Alcohol Testing Policy applies to all safety sensitive employees (full-time, part-time, or extra-help) when performing safety sensitive duties. El Dorado Transit employees that do not perform safety sensitive functions are also covered under this policy under the sole authority of El Dorado Transit. See Attachment A for a list of employees and the authority under which they are included.

A safety sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue

service, security personnel who carry firearms, dispatchers or persons controlling the movement of revenue service vehicles and transit employee who operates a vehicle that requires a Commercial Driver's License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions that perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL or receive remuneration for service in excess of actual expense.

C. DEFINITIONS

Accident means an occurrence associated with the operation of a vehicle even when not in revenue service: if as a result:

- a) An individual dies;
- b) An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c) One or more vehicles incur disabling damage as the result of the occurrence and are transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Adulterated specimen a specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen, or showing an abnormal amount of an endogenous substance.

Alcohol means the intoxicating agent in a beverage, including alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration is expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40 et. seq.

Aliquot is a fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.

Canceled Test is a drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled. A canceled test is neither positive nor negative.

Confirmatory Drug Test is a second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

Confirmatory Validity Test is a second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Covered Employee under FTA Authority means an employee who performs a safety sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A for a list of covered employees).

Covered Employee Under El Dorado Transit Authority is an employee, applicant, or transferee that will not perform a safety sensitive function as defined by FTA but is included under El Dorado Transit's own authority. (See Attachment A).

Designated Employer Representative (DER) An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

DOT, The Department, DOT Agency These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). For purposes of 49 CFR Part 40, the United States Coast Guard (USCG), in the Department of Homeland Security, is considered to be a DOT agency for drug testing purposes. These terms include any designee of a DOT agency.

Dilute specimen. A urine specimen with creatinine and specific gravity values that is lower than expected for human urine.

Disabling damage means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Evidentiary Breath Testing Device (EBT) A device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations and appears on ODAPC's Web page for "Approved Evidential Breath Measurement Devices" because it conforms with the model specifications available from NHTSA.

Initial Drug Test: (Screening Drug Test) is test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial Specimen Validity Test The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid.

Invalid Result The result reported by a Department of Health & Human Services (HHS) - certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted results cannot be established for a specific drug or specimen validity test.

Laboratory is any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit Detection (LOD) is the lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

Medical Review Officer (MRO) means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative Dilute A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

Negative Result the result reported by HHS certified laboratory to an MRO when a specimen contains no drug, or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen. An alcohol concentration of less than 0.02 BAC is a negative test result.

Non-Negative Test Result is a urine specimen that is reported as adulterated, substituted, invalid, or positive for drug/drug metabolites.

Oxidizing Adulterant is a substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function) means a covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive Result is the result reported by an HHS-Certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations.

Prohibited Drug is Identified as marijuana, cocaine, opioids, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40 et. seq., as amended.

Reconfirmed is the result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Rejected for Testing is the result reported by an HHS-Certified laboratory when no tests are performed for a specimen because of a fatal flaw or a correctable flaw that has not been corrected.

Revenue Service Vehicles are all transit vehicles that are used for passenger transportation service.

Safety-Sensitive Functions Employee duties identified as:

- 1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- 2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Driver's License (CDL)
- 3) Maintaining a revenue service vehicle or equipment used in revenue service.
- 4) Controlling the movement of a revenue service vehicle and
- 5) Carrying a firearm for security purposes.

Split Specimen Collection is a collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Professional (SAP) is a licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, or a state licensed marriage and family therapist, drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted Specimen is a urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

Test Refusal

An employee refuses a test if the employee:

1. Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer;
2. Fails to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test;
3. Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test;
4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen;
5. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
6. Fails or declines to take a second test as directed by the employer and/or collector;
7. Fails to undergo a medical examination or evaluation, as directed by the MRO, or as directed by the DER;
8. Fails to cooperate with any part of the testing process;
9. If the MRO reports that there is verified adulterated or substituted test result;
10. Failure or refusal to sign Step 2 of the alcohol testing form.
11. Failure to follow the observer's instructions during an observed collection including instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine the presence of any type of prosthetic or other device that could be used to interfere with the collection process.
12. Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
13. Admit to the collector or MRO that the specimen has been adulterated or substituted.
14. Failure to remain readily available for testing following an accident.

Vehicle is a bus, electric bus, van, automobile, rail car, trolley care, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

Verified Negative Test is a drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified Positive Test is a drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

Validity Testing is the evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

D. EDUCATION AND TRAINING

- 1) Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.
- 2) All supervisory personnel or El Dorado Transit officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

E. PROHIBITED SUBSTANCES

- 1) Prohibited substances include:
 - a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988, as amended, any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15, as amended, except a legal prescription. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration.
- 2) Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. It is important to note that the use of marijuana in any circumstances remains completely prohibited for any safety-sensitive employee subject to drug testing under USDOT regulations. The use of marijuana in any circumstance (including under state recreational and/or medical

marijuana laws) by a safety-sensitive employee is a violation of this policy and a violation of the USDOT regulation 49 CFR Part 40, as amended.

- 3) Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA Authority be tested for marijuana, cocaine, amphetamines, opioids, and phencyclidine as described in Section H of this policy. El Dorado Transit employees will also be tested for these same substances. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.
- 4) Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
- 5) Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. A random, reasonable suspicion, or follow-up alcohol test can only be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions. Under El Dorado Transit authority, a non-DOT alcohol test can be performed any time an employee is on duty.

F. PROHIBITED CONDUCT

- 1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40 et. seq., as amended.
- 2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline.
- 3) El Dorado Transit shall not permit any employee to perform or continue to perform safety-sensitive functions if there is reason to suspect the employee is using alcohol.
- 4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.

- a. An employee with a breath alcohol concentration which measures 0.02-0.039 is not considered to have violated the USDOT-FTA drug and alcohol regulations, provided the employee hasn't consumed the alcohol within four (4) hours of performing a safety-sensitive duty. However, if a safety-sensitive employee has a breath alcohol concentration of 0.02-0.039, USDOT-FTA regulations require the employee to be removed from the performance of safety-sensitive duties until:
 - i. The employee's alcohol concentration measures less than 0.02; or
 - ii. The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.
- 5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- 7) El Dorado Transit under its own authority also prohibits the consumption of alcohol at all times employee is on duty, or anytime the employee is in uniform.
- 8) Consistent with the Drug-Free Workplace Act of 1988, all El Dorado Transit employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the workplace including El Dorado Transit premises and transit vehicles.

G. DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1998, as amended, all employees are required to notify the El Dorado Transit management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q of this policy.

H. TESTING REQUIREMENTS

- 1) Analytical urine drug testing and breath testing for alcohol will be conducted using the testing methodologies and threshold defined in 49 CFR Part 40 et. seq. as amended. All employees covered under FTA authority shall be subject to random testing or prior to performing safety-sensitive duty, return to duty/follow-up, following an accident, or for reasonable suspicion, , as defined in Section K, L, M, and N of this policy. All employees covered under El Dorado Transit authority will also be subject to testing for reasonable suspicion, post-accident, random and return to duty/follow up using non-DOT testing forms.

- 2) A drug test can be performed any time a covered employee is on duty. A reasonable suspicion, random, or follow-up alcohol test can only be performed just before, during, or after the performance of a safety-sensitive job function. Under El Dorado Transit authority, a non-DOT alcohol test can be performed any time an employee is on duty.
- 3) All covered employees will be subject to urine drug testing and breathe alcohol testing as a condition of ongoing employment with El Dorado Transit. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy.

I. DRUG TESTING PROCEDURES

- 1) Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40 et. seq., as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- 2) The drugs that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40 et. seq., as amended. Each specimen will be accompanied by a DOT Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at an HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen.
- 3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for confirmed positive, substitute or adulterated rest result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to El Dorado Transit. If a

legitimate explanation is found, the MRO will report the test result as negative.

- 4) If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
- 5) Any covered employee who challenges a required drug test's results under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40 et. seq., as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. El Dorado Transit will ensure that the cost for the split specimen are covered in order for a timely analysis of the sample, however, El Dorado Transit will seek reimbursement for the split sample test from the employee.
- 6) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled.
- 7) The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency.
- 8) Observed Collections
 - a. Consistent with 49 CFR Part 40 et. seq., as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:
 - i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to El Dorado Transit that there was not an adequate medical explanation for the result; or

- ii. The MRO reports to El Dorado Transit that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed.
- iii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2mg/dl but less than or equal to 5 mg/dl, and the MRO reported the specimen as negative dilute and that a second collection must take place under direct observation.
- iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen.
- v. The temperature on the original specimen was out of range;
- vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
- vii. All follow-up test; or
- viii. All return-to-duty tests.

J. ALCOHOL TESTING PROCEDURES

- 1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). A list of approved EBTs can be found on ODAPC's Web page for "Approved Evidential Breath Measurement Devices". Alcohol screening tests may be performed using a non-evidential testing device (alcohol screening device (ASD)) which is also approved by NHSTA. A list of approved ASDs can be found on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids". If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40 et. seq., as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

- 2) An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q. of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the workday whichever is longer and will be subject to the consequences described in Section Q of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.
- 3) El Dorado Transit affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
- 4) The alcohol testing form (ATF) required by 49 CFR Part 40 et. seq. as amended shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

K. PRE-EMPLOYMENT TESTING

- 1) All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.
 - a. All offers of employment for covered positions shall be conditionally extended upon the applicant passing a drug test. An applicant will not be allowed to perform a safety-sensitive function unless the applicant takes a drug test with verified negative results.
 - b. An employee shall not be placed, transferred, or promoted into a position covered under FTA or El Dorado Transit Authority until the employee takes a drug test with verified negative results.
 - c. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded, and the applicant will be referred to a list of USDOT qualified SAPs. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the applicant's sole responsibility.
 - d. Employees shall be subject to disciplinary action in accordance with Section Q herein when an employee is placed, transferred, or promoted from a non-covered position to a position covered under FTA or El Dorado Transit authority submits a drug test with a verified positive result.

- e. If a pre-employment test is canceled, El Dorado Transit will require the applicant to take and pass another pre-employment drug test.
- f. In instances where an FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have negative test results prior to conducting safety-sensitive job functions.
- g. Following a negative dilute, the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- h. Applicants are required (even if ultimately not hired) to provide El Dorado Transit with a signed written releases requesting USDOT drug and alcohol records from all previous, DOT covered employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. El Dorado Transit is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a DOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a DOT covered employer, the applicant must provide El Dorado Transit proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

L. REASONABLE SUSPICION TESTING

- 1) All El Dorado Transit FTA covered employees will be subject to a drug and/or alcohol test if the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or alcohol. Reasonable suspicion means that specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under El Dorado Transit's authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty. All employees covered under the sole authority of El Dorado Transit will also be subject to non-USDOT reasonable suspicion testing procedures modeled off the provisions in 49 CFR Part 40 et. seq.

- 2) El Dorado Transit shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section Q of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q of this policy.
- 3) A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to El Dorado Transit.
- 4) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with Section Q of this policy. El Dorado Transit shall place the employee on administrative leave in accordance with the provisions set forth under Section Q of this policy. Testing in this circumstance would be performed under the direct authority of El Dorado Transit. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority. However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.

M. POST-ACCIDENT TESTING

- 1) FATAL ACCIDENTS - All employees covered under FTA authority will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle regardless of whether or not the vehicle is in revenue service that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.
- 2) NON-FATAL ACCIDENTS - A post-accident test of the employee operating the public transportation vehicle will be conducted if an accident occurs and at least one of the following conditions is met:
 - 1) The accident results in injuries requiring immediate transportation to a medical treatment facility away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident;

- 2) One or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident.

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, will be tested.

As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.

The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours after the accident for alcohol and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test.

An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

In the rare event that El Dorado Transit is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), El Dorado Transit may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

N. RANDOM TESTING

- 1) All covered employees are subject to random, unannounced testing. Employees covered under FTA authority will be selected from a pool of DOT-covered safety-sensitive employees. Employees covered under El Dorado Transit authority will be selected from a pool of non-DOT covered employees. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of employees.
- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator. The current year testing rates can be viewed online at <https://www.transportation.gov/odapc/random-testing-rates>.
- 4) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under El Dorado Transit authority.
- 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can only be performed just before, during, or just after the performance of a safety sensitive duty. However, under El Dorado Transit's authority, a non-DOT random alcohol test may be performed any time the employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.
- 7) Employees are required to immediately proceed to the collection site upon notification of their random selection.

O. RETURN-TO-DUTY TESTING

All covered employees who previously tested positive on a drug test, had an alcohol test result of 0.04 or above, or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both. Such employees must be evaluated and released by the Substance Abuse Professional before returning to work. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the

return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no concerns for public safety.

P. FOLLOW-UP TESTING

Covered employees will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP as determined by the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion, and return-to-duty testing. Follow-up alcohol testing will only be conducted just before, during, or just after the performance of safety-sensitive functions.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40 et. seq. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under El Dorado Transit authority and will be performed using non-DOT testing forms.

Q. RESULT OF DRUG/ALCOHOL TEST

1) Any non-probationary covered employee that has a verified positive drug test, an alcohol test result of 0.04 or above, or test refusal, will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available and referred to a list of USDOT qualified Substance Abuse Professionals (SAPs) for assessment. No employee will be allowed to return to duty requiring the performance of safety-sensitive job functions without the approval of the SAP and the employer.

~~1)2)~~ Any ~~covered~~ probationary covered employee that has a verified positive drug test, an alcohol test result of 0.04 or above, or a test refusal, ~~will be terminated immediately~~ shall have their probation rejected pursuant to the procedures in Section 1.7. The results of the verified positive drug test shall remain confidential. Employee will be provided information ~~removed from his/her safety sensitive position, informed of~~ regarding education and rehabilitation programs in addition to ~~available and referred to~~ a list of USDOT qualified Substance Abuse Professionals (SAPS) for assessment that may be used at their own cost ~~and will be terminated.~~

~~2)3)~~ Following a negative dilute result, the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be

considered negative, and no additional testing will be required unless directed to do so by the MRO.

- 3)4) Refusal to submit to a drug/alcohol test shall be considered equivalent to a positive test result and insubordination. Refusal shall result in termination and referral to a list of at least two (2) USDOT qualified SAPs. A test refusal includes the following circumstances:
- a. Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer.
 - b. Fails to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
 - c. Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
 - d. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen.
 - e. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
 - f. Fails or declines to take a second test the employer or collector has directed you to take.
 - g. Fails to undergo a medical examination or evaluation, as directed by the MRO, or as directed by the DER.
 - h. Fails to cooperate with any part of the testing process.
 - i. If the MRO reports that there is verified adulterated or substituted test result
 - j. Failure or refusal to sign Step 2 of the Alcohol Testing form.
 - k. Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
 - l. Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
 - m. Admit to the collector or MRO that you adulterated or substituted the specimen.
 - n. Failure to remain readily available for testing following an accident.
- 4) For the first instance of a verified positive test from a sample submitted as the result of a random drug/alcohol test (≥ 0.04 BAC), disciplinary action shall include:
- a. Mandatory referral to a list of USDOT qualified Substance Abuse Professionals for assessment, formulation of a treatment plan, and/or execution of a return to duty agreement.
 - b. Failure to execute or remain compliant with the return-to-work agreement shall result in termination from El Dorado Transit employment.

- i. Compliance with the return-to-duty agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the SAP the employee is cooperating with his/her SAP recommended treatment program; and the employee has agreed to periodic unannounced follow-up testing as defined in Section P of this policy.
 - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall, be considered a direct act of insubordination and shall result in termination.
 - d. A periodic unannounced follow-up drug/alcohol test which results in a verified positive shall result in termination from El Dorado Transit employment.
- 5) The second instance of a verified positive drug or alcohol (≥ 0.04 BAC) test result on a random test shall result in termination from El Dorado Transit employment.
 - 6) An initial positive drug or alcohol test under the reasonable suspicion, post-accident, return-to-duty, or follow-up drug/alcohol test provisions herein, shall result in termination from El Dorado Transit employment.
 - 7) An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of the employee from duty for eight hours or the remainder of the workday, whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to a NON-DOT alcohol test with a result of less than 0.02 BAC.
 - 8) The cost of any treatment or rehabilitation services will be paid directly by the employee or the employee's insurance provider. The employee will be permitted to use accrued sick leave or administrative leave to participate in the prescribed treatment program. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the employee has successfully completed the required treatment program and has been released to return-to-duty. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family and Medical Leave Act if eligible.
 - 9) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include Mandatory referral for an assessment, by an employer approved counseling professional, formulation of a treatment plan, and execution of a return-to-work agreement.
 - a. Failure to ~~execute, or~~execute or remain compliant with the return-to-work agreement shall result in termination from El Dorado Transit employment.
 - i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and the employee has agreed to periodic unannounced follow-up testing as described in Section P of this policy; however, all

follow-up testing performed as part of a return-to-work agreement required under section Q of this policy is under the sole authority of El Dorado Transit and will be performed using non-DOT testing forms.

- b. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. All tests conducted as part of the return-to-work agreement will be conducted under El Dorado Transit authority and will be performed using non-DOT testing forms.
 - c. A self-referral or management referral to the employer's approved counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q of this policy.
 - d. Periodic unannounced follow-up drug/alcohol test conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q of this policy.
 - e. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with El Dorado Transit.
 - f. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.
- 10) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

R. GRIEVANCE AND APPEAL

As specified in 49 CFR Part 40.149 (c) a positive test or test refusal is not subject to arbitration.

S. PROPER APPLICATION OF THE POLICY

El Dorado Transit is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regards to subordinates shall be subject to disciplinary action, up to and including termination.

T. INFORMATION DISCLOSURE

- 1) Drug/alcohol testing records shall be maintained by the El Dorado Transit Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without the tested employee's express written consent.

- 2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.
- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and ~~other transit system management personnel on a need-to-know basis~~ shall otherwise remain confidential unless disclosure is required according to applicable law.:-
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual. The records will be released to the decision maker in the proceedings.
- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over El Dorado Transit or the employee.
- 10) If a party seeks a court release of a specimen or part of a specimen, contrary to any provision of Part 40 as amended, necessary legal steps to contest the release will be taken.
- 11) In cases of a contractor or sub-recipient of a DOT, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

U. SYSTEM CONTACTS

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individuals(s).

El Dorado Transit ~~Designated Employer Representative (DER)~~ Drug and Alcohol Program
Contacts

Maria Harris, Human Resources Manager/ ~~Drug and Alcohol Program Manager (DAPM)~~
~~6565 Commerce Way~~

~~Diamond Springs, CA 96519~~

(530) 642-5383 x 209 or mharris@eldoradotransit.com

Christine Parker, Safety Coordinator/~~Designated Employer Representative (DER)~~

(530) 642-5383 ext. 217 or cparker@eldoradotransit.com

Medical Review Officer

MRO Express/Phillip Lopez, M.D.

3501 So 185th Avenue

Miramar, FL 33029

Or as designated by third party administrator

Substance Abuse Professionals

Ms. Dellena Hoyer, LAADC, ICADC, SAP

~~2715 K Street, Suite 2~~

~~Sacramento, CA 95814~~

(916)213-4650; www.SapCounselor.com

Ms. Deborah Duell-Stephens LMFT SAP

~~427 A Street Suite 400~~

~~Lincoln, CA 95648-1976~~

(916)408-6618 www.lighthousefrc.org

HHS Certified Laboratory Primary Specimen

Quest Diagnostics

~~10101 Renner Blvd.~~

~~Lenexa, KS 66219~~

Or as designated by third party administrator

Consortium

Advanced Drug and Medical Screening (ADM)

279 Placerville Drive, Suite C

Placerville, CA 95667

Safety Sensitive Employees Subject to Testing

Custodian
Dispatch Supervisor
Equipment Technician I & II
[Executive Director](#)
Operations Manager
Planning & Marketing Manager
Maintenance & Facilities Supervisor
Maintenance Technician
Safety Coordinator
Transit Dispatcher
Transit Operator
Transit Operations Supervisor

*** All El Dorado Transit hired employees are subject to pre-employment drug testing.**

[49 CFR Part 655 mandates that all employees be provided with training materials discussing the effects of alcohol and controlled substance use on an individual's health, work and personal life.](#)

[The following information is intended to help individuals understand the personal consequences of substance abuse.](#)

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

Health Effects

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed “alcoholic”)
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related).

Social Issues

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- The rate of separation and divorce in families with alcohol dependency problems is seven (7) times the average.
- Forty percent of family court cases are alcohol problem related.
- Alcoholics are fifteen (15) times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

Alarming Statistics

- One in three people will participate in a drunk driving crash in their lifetime
- A spinal cord injury is one of the most coming injuries caused by drunk driving
- 54% of the children who die in a DUI-induced crash were being driven by an intoxicated driver
- Drunk drivers cost the U.S. about \$132 billion a year
- One-third of drunk drivers are repeat offenders
- Drivers involved in fatal accidents who also had a blood alcohol content over 0.08% were 4.5 times more likely to have already been convicted of drinking and driving.

Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

ARTICLE 3 – EMPLOYEE COMPENSATION AND PROGRESS

3.1 Time Keeping

El Dorado Transit employees are responsible for the proper recording of their work time within the electronic time keeping system. Time cards may be reviewed and approved by each employee at the end of their shift to ensure accuracy. Time cards are due Monday morning following the end of a pay period. Managers and/or supervisors will follow up with employees who have an incomplete or incorrect electronic time card prior to electronic approval.

3.2 Payday/Direct Deposit

The date of payment shall be the first Friday following the close of the bi-weekly pay periods, except that when such following Friday falls on a legal holiday, the date of payment shall be the first Thursday (or first Wednesday if Thursday is also a holiday) following the close of the bi-weekly pay period.

Pay Advances

Pay advances will not be granted to employees.

Direct Deposit

Employees have the option of receiving pay as a payroll check or having pay deposited into a bank account through the direct deposit program.

3.3 Payroll

The Accounting Department shall be the office of record with respect to maintenance of payroll records and implementing all payroll requirements and regulations. Payroll records shall be maintained in forms approved by the Executive Director.

Paycheck Deductions

El Dorado Transit is required by law to make certain deductions from paychecks each pay period. Such deductions typically include, but may not be limited to, federal and state taxes, CalPERS and Social Security (FICA) taxes. All deductions and the amount of the deductions are listed on the pay stub. These deductions are totaled each year on the Form W-2, Wage and Tax Statement.

If questions or concerns about any pay deductions arise, employees should complete a Payroll Inquiry Form to discuss and resolve the issue with the Human Resources Department. If an error is found, the employee will receive an immediate adjustment, paid no later than the next regular payday.

3.4 Garnishments

A wage garnishment is legal permission from a court order or other legal authority requiring El Dorado Transit to deduct an employee's pay to reduce a debt. Employees are encouraged to resolve these matters privately to prevent El Dorado Transit's involvement.

3.5 Work Schedules

El Dorado Transit shall fix the hours of work with due regard for the convenience of the public and Federal, State, and local laws. El Dorado Transit will assign employees to a regular work schedule, subject to change at El Dorado Transit's discretion. El Dorado Transit defines its work week as beginning on Saturday at 12:00 am and ending on Friday at 11:59 pm. El Dorado Transit shall give employees reasonable advance notice of any change in work schedule, when feasible.

An alternate work schedule may be approved, provided that service to the public is not adversely affected, at the sole discretion of the Executive Director.

El Dorado Transit may support a flexible work schedule arrangement, on a case by case basis, when it meets the needs of both the employee and the agency. A flexible work schedule may be granted at the discretion of the Department Manager or Executive Director and is intended to allow for completion of assigned work on a critical deadline and/or allow an employee time off for personal reasons, when necessary and appropriate.

The following guidelines will be used when granting flex time:

- Flex time must be approved in advance by the employee's immediate supervisor. Supervisors will consider requests for flex time on a case by case basis;
- Flex time off must be made up in the same payroll week it is taken;
- Flex time shall not impact transit operations and/or department performance;
- Flexible work schedules are subject to ongoing review and may be discontinued at any time, as deemed necessary by the Executive Director

Reporting Time Pay

El Dorado Transit will make every effort to notify employees in advance when it is not necessary to report to work. These circumstances may include inclement weather, fire, flood, power outage, lack of work, etc. In the event an employee reports for work without being notified in advance that services are not needed, the employee will be compensated in accordance with applicable state and federal wage and hour laws. In addition, if a meeting is scheduled on an employee's non-working day, El Dorado Transit will inform the employee of the anticipated duration of the meeting. The employee will be compensated for the duration of any mandatory meeting and in accordance with the appropriate state and federal wage and hour laws.

3.6 Breaks and Meal Period

Breaks/Rest Periods

El Dorado Transit allows rest periods for employees that shall be scheduled by the employee's immediate supervisor. Conscientious employees are careful not to abuse the privilege, postponing it when work is heavy or when the continuity of a project demands it. The maximum time allowed is two (2) fifteen (15) minute breaks per day. Breaks/Rest periods if not taken are forfeited and may not be used to extend lunch hours or to shorten the work day. No additional compensation shall be provided to an employee who misses or loses a rest period.

Meal Periods

Employees will be allowed a meal period of not less than thirty (30) minutes, scheduled approximately at the midpoint or middle of a full work shift. Employees required to be at work stations for eight (8) or more consecutive hours shall have their meal during work hours. Combining meal periods, "banking" meal periods from day to day, saving to shorten days or requesting compensatory time or overtime for work performed during meal periods shall not be authorized.

3.7 Lactation Breaks

El Dorado Transit will provide a reasonable amount of break time to accommodate an ~~female~~ employee's need to express breast milk for the employee's infant child. El Dorado Transit will also make a reasonable effort to provide the employee the use of the Wellness Room or other location in close proximity to the employee's work area, for the employee to express milk in private. Such space will meet the requirements of the California Labor Code including a surface to place a breast pump and personal items, a place to sit, access to electricity, a sink with running water, and a refrigerator for storing breast milk.

The break time should be taken concurrently with other break or meal periods already provided, when possible. Nonexempt employees must clock out for any lactation breaks that do not run concurrently with normally scheduled rest periods. Any such breaks will be unpaid.

~~El Dorado Transit will also make a reasonable effort to provide the employee the use of the Wellness Room or other location in close proximity to the employee's work area, for the employee to express milk in private.~~

Employees should notify their immediate supervisor to request time to express breast milk under this policy. An employee may request an accommodation for lactation breaks by submitting a lactation accommodation request form to their supervisor. The supervisor must approve or deny the request in writing. The completed request form must be returned to the employee and a copy sent to the human resources department.

El Dorado Transit reserves the right to deny an employee's request for a lactation break if the additional break time will seriously disrupt operations or as otherwise required by law.

~~If you feel the agency is not providing you with adequate break time and/or a place to express milk as provided for in Labor Code § 1030, you may file a report/claim with the Labor Commissioner's Bureau of Field Enforcement (BOFE) at the BOFE office nearest to your place of employment. The complaint must be filed within three years of the alleged unlawful action.~~

Employees have the right to file a complaint with the California Labor Commissioner for any violations of rights provided under Chapter 3.8 of the California Labor Code regarding lactation accommodations.

~~In addition, if you believe you have been a victim of retaliation for either asserting a right to lactation accommodation or for complaining to the Labor Commissioner about the failure of the agency to provide this accommodation, you may file a retaliation claim with the Labor Commissioner's Office pursuant to Labor Code § 98.7. This claim must be filed within six months of the alleged retaliation.~~

3.8 Overtime

Overtime – Non-Exempt Employees

The Executive Director or his/her designee may require and authorize in advance any overtime work. A confirming authorization must be made on the next regular working day if prior authorization is not feasible.

A. Employees working regular five (5) day, eight (8) hour (5/8) schedules

Overtime for non-exempt employees shall be defined as any authorized time worked over forty (40) hours in one work week. For employees working regular 5/8 shifts, "time worked" shall include only hours actually worked.

B. Employees working regular four (4) day, ten (10) hour (4/10) schedules

Overtime for non-exempt employees shall be defined as any authorized time worked over forty (40) hours in one work week. For employees working 4/10 shifts "Time worked" shall be defined to include only hours actually worked.

All overtime shall be earned at the rate of one and one-half (1-1/2) hours for each one (1) overtime hour worked. Non-exempt employees shall be compensated for overtime earned either in the employee's pay check, or upon the employee's request and with the Executive Director's approval, as compensatory time off which is earned at the overtime rate. Overtime shall be paid at the employee's base hourly rate of pay or in accordance

with the FLSA. Time worked as overtime shall not be used to earn fringe benefits or to serve out probation or merit increase periods.

Overtime – Exempt Management Employees

Management employees are exempt from overtime under FLSA. Employees in these categories are considered salaried employees and subject to the following provisions:

- A. Management employees will be paid a bi-weekly salary.
- B. Time off for illness, injury, and medical appointments will be charged to sick leave, if available.
- C. Whole days off will be charged to vacation or management leave, if available.
- D. Absences for personal reasons of a work day or longer will be deducted from the weekly salary unless forty (40) hours have already been worked in that work week (vacation or management leave may be charged). With the approval of the appointing authority, absences of less than one work day will not be deducted from an employee's bi-weekly salary.

Management employees shall work the necessary hours to perform their duties and responsibilities and shall not be entitled to overtime compensation or compensatory time. In lieu of overtime, these employees shall be entitled to management leave.

3.9 Compensatory Time Off (CTO)

Accumulation and Use

- A. The accumulation of Compensatory Time Off (CTO) must be authorized by the Executive Director and the maximum accumulation shall be ~~160~~ 80 hours.
- B. CTO accrual and usage shall be mutually agreed upon by the appointing authority and the ~~employee~~ employee prior to the commencement of work.
- ~~C. Upon termination, any employee with unused CTO shall have it paid out at the base hourly rate at the time of termination. Employees shall have one (1) year to use any accrued CTO beginning July 1 through June 30th. All balances will be paid out on the last payroll of the fiscal year at the base hourly rate at the time of pay out.~~
- D. Upon termination of employment, unused CTO shall be paid in cash at the base hourly rate at the time of termination.

Payoff of Compensatory Time

~~Employees may request payment for accumulated CTO by submitting a leave request to the Executive Director or his/her designee indicating the desired number of hours to be paid. Requests will be processed with regular pay period timecards.~~

When an employee is promoted from a non-exemptmanagement position to an exempt management position, the employee must either be paid off for any unused CTO, or, request to use the accumulated CTO within six (6) months of the date of promotion. The request shall be made to the Executive Director. If the employee does not use the CTO within six months, the remaining CTO shall be paid off as part of the next regularly scheduled pay period. The rate at which the employee is to be paid off is the rate of pay in effect on the date of promotion. Once an employee is promoted to an exempt-management position, the employee may no longer accrue CTO.

3.10 Standard Salary Ranges

Unless otherwise required by law or policy, a standard salary schedule, consisting of either flat rates or steps of hourly and equivalent monthly salary rates in dollars for full-time positions, shall be established by Resolution of El Dorado Transit Board of Directors. Monthly salary rates are listed for the purpose of convenience in quotation of monthly salaries. Computations for purposes of paying employees shall be on the basis of hourly rates.

Except as otherwise provided by law or ordinance, employees shall receive the hourly rate provided in the salary range for their respective position classifications. Fair Labor Standards Act (FLSA) exempt employees shall receive a bi-weekly salary based upon multiplying the hourly salary step rate by 80.

- A. The salary ranges for full-time or part-time management and non-management employees shall be effective as specified in amending resolutions. The salary ranges or flat step salaries for extra-help shall be effective on the first day of the first pay period after El Dorado Transit adopts an amending Resolution.
- B. The salary ranges for extra-help employees in classifications that are represented by a recognized employee organization are listed in a salary table implementing the respective Memorandum of Understanding. The effective date of those salary range increases shall be specified in the respective Memorandum of Understanding.

Full-Time Employees

A full-time employee shall receive the full amount of salary based upon the step in the range of the classification to which the employee is assigned by his/her appointment, if the total hours in pay status for the bi-weekly pay period as shown above equals or is greater than eighty (80) hours.

Part-Time Employees

A part-time employee shall receive salary based upon the step in the range for the classification to which the employee is assigned and the number of hours in pay status in the pay period. Part-time positions may consist of 20 -39 hours per week.

Part-time employees shall earn vacation with pay and accrue sick leave and holiday pay on a pro-rata basis based on the number of hours in pay status in the pay period. In other respects, the provisions applicable to full-time employees shall apply to part-time employees unless specifically defined otherwise herein.

Extra-Help Employees

The Executive Director may authorize the employment of a person as extra-help upon a determination that sufficient funds are budgeted for a limited duration. Unless otherwise specified, and specifically authorized by the Executive Director, extra-help employees shall be paid the flat rate salary step for their classifications or the first step hourly rate in the salary range listed for the classification to which they are appointed. Extra-help employees may be eligible for merit increases as set forth and approved by the salary schedule, performance evaluation, and hour guideline. Extra-help employees are not guaranteed minimum work hours. Extra-help employees shall be entitled to accrue sick leave per Section 5.2. Extra-help employees shall not be entitled to accrue ~~vacation,~~ or vacation or be paid for absence for temporary military duty or holiday pay and shall not be eligible to participate in the retirement system unless specified by Government Code 20336.

3.11 Salary Increases

Eligibility for salary step increases shall be based upon time in classification but advancement to a higher step shall be based upon merit, and at the discretion of the appointing authority. Except for employees who receive a flat rate or as otherwise provided, a full-time or part-time employee shall be eligible for a merit salary step increase after completion of twenty-six (26) bi-weekly pay periods of satisfactory service upon approval of the appointing authority. Except as specified above, if an employee is appointed at a step higher than the first step of the salary range for that classification, he/she shall be eligible for the first merit salary step increase after completion of twenty-six (26) bi-weekly pay periods of satisfactory service.

After the completion of twenty-six (26) bi-weekly pay periods of satisfactory service in each of the salary steps above Step 1, and upon the approval of the appointing authority, a full-time or part-time employee may be advanced to the next higher step in the salary range of that classification until the top of the range is reached.

Extra-help employees are eligible for merit salary step increases after completion of 1,000 work hours per the adopted salary schedule. ~~The highest step for Extra-Help is Step 3.~~

3.12 Salary Step Upon Employment

Initial Step Placement

Except as specified, the entrance salary for a new employee shall be the first step of the salary range for the class to which the employee is appointed. In exceptional cases, after reasonable effort has been made to obtain employees for a particular class, employment of individuals who possess special qualifications higher than the minimum qualification prescribed for the particular class may be authorized at a higher step upon recommendation of the Executive Director in accordance with the Early Step Advancement Policy.

Salary Upon Re-employment

A full-time or part-time employee, who resigns in good standing and is reappointed, on a full-time or part-time basis in the same classification or a lower or closely related class, within one (1) year of resignation shall be paid at the same step as the step paid at the time of resignation. Executive Director approval is required if the person is rehired at a step which exceeds the step paid at the time of resignation. An employee who has been reappointed shall be eligible for salary step advancement after the completion of twenty-six (26) bi-weekly pay periods.

Appointment of Extra-Help to an Allocated Position

An extra-help employee who is appointed to a full-time or part-time position in the same class in which he/she was extra-help shall receive the same step of the range he/she received in extra-help capacity. Time as an extra-help employee shall not count toward eligibility for salary step increases under Section 3.13. Employees appointed to an allocated position shall be subject to undergo a probationary period of twenty-six (26) biweekly pay periods per Section 1.7.

3.13 Salary Step Advancement

Early Salary Step Advancement

With the approval of the Executive Director an employee may be advanced to a higher step in the salary range.

Procedure

All merit salary step advancements must be accompanied by an employee evaluation before the proposed merit salary step advancement's effective date. Salary step advancements shall be effective on the first day of the bi-weekly pay period following completion of the required period of service.

3.14 Salary Step Promotion

An employee who is appointed to a position in a class allocated to a salary range for which the top step is higher than the top step of the class which he/she formerly occupied, shall receive the nearest step within the new salary range which shall not be less than five percent more than his/her former salary step, provided however that in no case shall the increased salary be more than the top step in the new range.

The effective date of a promotion shall be the first day of the first full pay period following the appointment. The employee's anniversary date for future merit salary step increases shall be based upon the effective date of the promotion.

If a promotion occurs on the same day a salary step increase is due and approved, the salary step increase shall be computed first and subsequently the increase due to promotion.

3.14.1 Advanced Salary Upon Promotion

Upon promotion of a full-time or part-time employee, the Executive Director may approve that the employee being promoted shall receive one additional step beyond which the employee is entitled but does not exceed the top of the range. Such recommendation shall conform to the provisions of the Early Step Advancement Policy.

3.15 Salary Step on Demotion

3.15.1 Salary Upon Voluntary Demotion to Another Position or Class

An employee who voluntarily accepts a demotion to a position of a class having a lower salary range than the class previously occupied shall have his/her salary reduced to the salary step within the lower range, which is closest to, but not exceeding, the salary step received before the demotion.

3.15.2 Salary Upon Demotion During Probation

A full-time or part-time employee who is demoted during his/her probationary period to a class he/she formerly occupied in good standing during the same period of continuous service, shall have his/her salary reduced to the salary he/she would have received if he/she had remained in the lower class. The employee's eligibility for salary step advancement shall be determined as if the employee had remained in the lower class throughout the employee's period of service in the higher class.

3.15.3 Salary Upon Involuntary Demotion to a Lower Class

A full-time or part-time employee who is involuntarily demoted to a position of a class which is allocated to a lower salary range than the class from which the employee is demoted, shall have his/her salary reduced to the salary step in the lower range for the new class which is closest to but not exceeding the salary step received before the

demotion. The employee's eligibility for salary step advancement shall not change as a result of demotion.

3.15.4 Demotion Within a Salary Range

An employee may only be demoted to a lower salary step within a salary range due to disciplinary action, in accordance with El Dorado Transit procedures.

3.16 Salary Step on Transfer

A full-time or part-time employee may transfer from one allocated position in one class to another allocated position in the same class, or in another closely related class at the same salary range, or a class which has a salary range the top step of which is within five percent of the top step of the range of the previously occupied class. In such case, an employee shall be paid at the salary step in the salary range for the new class, which is the closest to, but does not exceed, the salary step he/she previously received.

For purposes of annual increases within the salary range, the employee's anniversary date shall remain the same as it was before the transfer. The effective date of all transfers shall be the first working day of the period.

3.17 Changes In Salary Ranges

Whenever the salary range for a class is revised, each incumbent in a position to which the revised salary range applies shall remain at the step held in the previous range, unless otherwise specifically provided by El Dorado Transit.

3.18 Salary Step on Reclassification

The salary of an incumbent in a reclassified position shall be determined as follows:

Lateral Reclassification

If the position is reclassified to a class that is allocated to the same salary range as is the class of the position before it was reclassified, the salary step and anniversary date of the employee shall not change.

Upward Reclassification

If the position is reclassified to a class, which is allocated to a higher salary range than the class of the position before it was reclassified, the salary step of the employee shall be governed by Section 3.14.1., Salary on Promotion.

Downward Reclassification

If the position is reclassified to a class which is allocated to a lower salary range than the class of the position before it was reclassified, the employee shall receive the step, if any, in the new range which is the same as but does not exceed the salary he/she was receiving prior to reclassification and the anniversary shall not change. If the salary step of the employee is greater than the maximum step of the new range, the salary step of the employee shall be designated as a "Y" rate and the salary will be frozen until the top step salary of the new classification equals or exceeds the present salary. At that time, the employee will be placed on the top step and will become eligible for cost-of-living increases granted to incumbents of the classification.

Salary Provisions Upon Restoration

An employee who has been laid off or voluntarily demoted as a result of layoff, and is subsequently restored in his/her former classification within a two (2) year period from the date of his/her layoff or voluntary demotion, shall receive the following considerations and benefits:

- A. All sick leave credited to the employee's account when laid off shall be restored, unless the employee received compensation for such sick leave at the time of the layoff.
- B. All prior service shall be credited for the purpose of determining sick leave and vacation earning rates, longevity pay increases, and time in step.
- C. The employee shall be placed on the step of the salary range that was held at the time of the layoff.

3.19 Board Authority to Specify Salary Step

Notwithstanding anything herein to the contrary, El Dorado Transit may, by resolution or upon recommendation of the Executive Director, specify that the incumbent of a particular position occupy a step on the salary range for that class either higher or lower than provided for.

3.20 Performance Reviews

- A. On-the-job training and work progress should be carefully followed and frequently checked to ensure that the employee understands the job and how the position corresponds to El Dorado Transit operations. Work planning and performance reviews are continuous processes to be documented and discussed with the employee as often as necessary. However, work planning and performance evaluations shall occur at least once per year for all employees. This evaluation should occur on or around the employee's anniversary date.

- B. Probationary employees shall receive evaluations every thirteen (13) weeks until completion of their probationary period. A final probationary evaluation is due two (2) weeks before the probationary period's scheduled completion. The evaluation shall be prepared by the first level supervisor then reviewed by the Department Manager, up to and including the Executive Director.
- C. Evaluations will be based primarily on evaluator observation of the employee in performance of his/her duties. Comments based on secondary information shall have supportive documentation.
- D. An employee will be informed 24 hours in advance of a meeting with his/her supervisor to discuss the employee's evaluation and to put the evaluation in writing on the evaluation form.
- E. The employee shall be informed of his/her right to prepare and attach any written comments the employee wishes to make to the evaluation.
- F. When an employee is rated unsatisfactory on any factor, the evaluation will state the reason for such ratings and include specific recommendations for improvement in writing.
- G. The employee's signing of an evaluation form does not necessarily mean that the employee agrees with the evaluation. Signature means that the employee has had an opportunity to discuss the evaluation with his/her evaluator. Evaluations that are unsigned due to the employee's refusal to discuss or sign the evaluation shall be placed in the employee's personnel file with the signed comment by the supervisor indicating that the employee refused to sign.
- H. The employee will be given a copy of his/her completed evaluation form.
- I. Nothing shall be added to an evaluation after the employee has received a copy of the final evaluation form without the employee's written acknowledgement except as provided for above.
- J. The Executive Director may propose a Performance Improvement Program to assist an employee. A Performance Improvement Program is part of the evaluation program and is not considered disciplinary.
- K. The Performance Evaluation should be done on ~~the~~ form [or format approved by the Executive Director](#) ~~entitled "Employee Performance Evaluation"~~. Evaluations should be completed on a timely basis to avoid the payment of retroactive salary increases.

ARTICLE 4 – SPECIAL PAYS

4.1 Longevity Pay for Unrepresented Employees

A full-time or part-time employee shall, for all hours in pay status, be paid longevity pay for continuous service with El Dorado Transit. Longevity pay shall be offered as follows:

After 10 years	2.5% of base salary
After 15 years	5% of base salary
After 20 years	7.5% of base salary

Longevity pay increases shall be based upon continuous service with El Dorado Transit in an allocated position and shall be effective on the first day of the bi-weekly pay period following completion of the required period of service. Percentage figures shown represent total amount of longevity pay. Amount shown is not cumulative.

A regular full-time management employee shall be entitled to longevity pay based upon continuous service with El Dorado Transit in an allocated position. The increase in longevity pay shall be effective on the first day of the bi-weekly pay period following completion of the required period of service. Percentage figures shown represent total amount of longevity pay. Amount shown is not cumulative.

After 10 years	5.0% of base salary
After 15 years	7.5% of base salary
After 20 years	10.0% of base salary

4.2 Mileage and Travel Pay

Mileage

An employee who is required to use a personal vehicle for El Dorado Transit business shall be reimbursed at the federal rate, as determined by the Internal Revenue Service. Personal vehicle use shall be approved by the Executive Director or designee prior to travel, if possible.

Travel

The Executive Director or designee must pre-approve all out-of-region travel. “Out-of-region travel” is defined as travel to destinations outside of El Dorado County that are more feasibly reached by means other than automobile.

Payment of travel time away from a non-exempt employee's home (overnight travel) is covered under provisions of the Fair Labor Standards Act (FLSA).

Reimbursement Rates

Employees shall be reimbursed for individual meals and lodging expenses pursuant to the rates established by the federal General Services Administration (GSA) for the region of travel. Actual and necessary expenses do not include alcoholic beverages or gratuities (unless gratuity is included in the quoted price of providing the employee's meals). Generally, meals for in-county travel are not reimbursable; however, the Executive Director or his/her designee may approve reimbursement if it is determined necessary and reasonable under special circumstances.

Reimbursement may exceed the prescribed individual meal rate if the meal is being served as part of an authorized event and the cost of the meal is itemized separately from the event's registration or attendance fees. For example, the registration fee for multi-day conference includes lunches but an optional dinner is offered on one night at an additional cost. If a meal is provided as part of an event, the traveler may not claim reimbursement for the meal if they choose to eat elsewhere unless authorized by the Executive Director or his/her designee. Receipts will be required for reimbursement of alternate meal if authorized.

Travelers on out-of-County business travel that requires overnight lodging are eligible to claim reimbursement for meals taken out-of-County and shall be reimbursed for full days (at least 12 hours) of travel equal to the per diem lump sum which covers meals taken by the traveler for each full day. The per diem rate shall be equal to the maximum federal per diem meal and incidental expenses rate established by the GSA. The per diem rate includes taxes and gratuities.

Lodging costs may exceed the allowable maximum rate under the GSA if the authorized event is held at a specific hotel and lodging is a pre-arranged group rate in conjunction with a conference or event and prior authorization is given.

Please see Board Policy D-1: Travel for further details of all in-County and out-of-County travel policies and procedures.

4.3 On-Call Duty and Call Back Pay

On-Call

When warranted and in the interest of El Dorado Transit's operations, the Executive Director or his/her designee may assign employees to "on-call" status.

"On-call duty" is an assigned duty outside the normal work assignment during which an employee must carry a cellular telephone where he/she can be contacted and be ready for

immediate call-back to assignment to perform an essential service. Employee's assigned on-call duty shall be compensated at the rate of \$1.20 per hour for each hour of such on-call "Stand-By" time. "On-call duty" shall also include time spent receiving immediate "driver not reporting for duty phone calls" and/or information; and contacting replacement drivers as needed.

Employees shall be compensated at their regular hourly rate of pay for time spent actually performing work duties and answering calls. If such time causes the employee to work in excess of eight (8) hours in any workday or forty (40) hours in a workweek the applicable overtime rate of pay will apply.

Call-Back Compensation

When an employee returns to work because of a department request made after he/she has completed the normal work shift and has left the work area, the employee shall be credited with two (2) hours of work plus any hours of work in excess of two (2) hours during which the employee was engaged in the work for which he/she was called back. This two hour minimum only applies when the employee is required to physically return to work (e.g. leave home or another off-duty location) in order to perform required duties. An employee on on-call duty shall be entitled to the aforementioned two-hour minimum once during a single on-call period or twice during a weekend on-call period.

There shall be no duplication or pyramiding of rates paid under this section. No employee shall be compensated for on-call duty and call-back duty simultaneously. Hours worked on call-back duty shall be deducted from the prescribed on-call duty to determine the appropriate on-call pay.

"Call-back" time shall be paid as straight time at the base hourly rate unless the hours actually worked exceeds 40 hours in that work week. In such case, any employee shall be paid at the rate of 1-1/2 hours for each one (1) overtime hour worked.

Call-back provisions, including the two-hour minimum, shall not apply if an employee is called to work within one hour of his/her normal starting time. If an employee is called to work within the one hour before his/her normal starting time, he/she shall be compensated under overtime provisions.

4.4 Pay for Work Out of Classification (Acting Pay)

When a full- or part-time employee is required to work in a higher classification for which the compensation is greater than that to which the employee is regularly assigned for more than 10 consecutive work days, the employee shall receive compensation for such work retroactive to the first day of the assignment at the rate of pay established for the higher classification pursuant to Section 3.14.1, Salary on Promotion, under the following conditions:

- A. The employee is assigned to a program, service, or activity established by El Dorado Transit which is reflected in an authorized position classified and assigned to the Salary Schedule. The program, service, or activity is listed in El Dorado Transit Authorized Personnel Resolution and has become vacant. A copy of the Executive Director's written approval of this assignment must be documented at the assignment's start of the.

The nature of the assignment is such that the employee in the lower classification becomes fully responsible for the duties of the position of the higher classification.

- B. Notwithstanding "A" above, an employee will be entitled to pay for a higher classification in accordance with the other provisions of this Section in exceptional circumstances, including, but not limited to, when a vacancy does not exist but an employee has been assigned to perform duties which exceed the scope of his/her classification, or when otherwise determined by the Executive Director.
- C. An employee selected for the assignment will normally be expected to meet the minimum qualifications for the higher classification.
- D. Pay for work in a higher classification will not be utilized as a substitute for regular promotional procedures provided in this policy.
- E. Higher pay assignments shall not exceed six (6) months except through reauthorization.
- F. If approval is granted for pay for work in a higher classification and the assignment is terminated and later re-approved for the same employee within thirty (30) days, no additional waiting period will be required.
- G. Allowable overtime pay will be paid on the basis of the rate of pay for the higher class.

4.5 Additional Compensation

Notwithstanding anything herein to the contrary, when in the judgment of El Dorado Transit, it becomes necessary or desirable to utilize the service of El Dorado Transit employees in capacities other than those for which they are usually employed, El Dorado Transit may, by minute order, so authorize and fix an additional rate of compensation for such employees.

4.6 Tool/Boot Allowance

Tool Allowance

The following classifications shall receive six hundred dollars (\$600.00) per year tool replacement allowance to be reimbursed quarterly. Mechanics must possess all required tools as established by El Dorado Transit. Original receipts are to be submitted with reimbursement requests. No more than one claim may be submitted for reimbursement in any calendar quarter.

Maintenance and Facilities Supervisor, Equipment Technician I, Equipment Technician II

The following classification shall receive one hundred and fifty dollars (\$150.00) per year tool replacement allowance to be reimbursed quarterly. Original receipts are to be submitted with reimbursement requests. No more than one claim may be submitted for reimbursement in any calendar quarter.

Maintenance Technician

Boot Allowance

The following classification(s) shall receive one hundred dollars (\$100.00) per fiscal year boot allowance to be reimbursed quarterly. Original receipts are to be submitted with reimbursement requests. No more than one claim may be submitted for reimbursement within a ~~six months~~ six-month period.

Maintenance and Facilities Supervisor, Equipment Technician I/II, Maintenance Technician, Custodian.

4.7 Uniforms Allowance

Operations Manager, Planning and Marketing Manager and Safety Coordinator will be provided the following items annually:

2 – Shirts
1 – Jacket or Optional Item

All administrative and maintenance staff may order the following items annually:

1 – Shirt
1 – Jacket or Optional Item

Transit Operations Supervisors, Dispatch Supervisor and Transit Dispatchers are required to wear a Transit issued shirt while working in the field. ~~uniform and will be provided the following items annually on a fiscal year basis:~~

Pants must be navy blue, black, khaki beige or jeans in accordance with the dress code policy Article 7.9. ~~Transit Operations & Dispatch Supervisors:~~ ~~Transit Dispatchers:~~

~~6 Shirts~~ ~~4 Shirts~~
~~2 Pants*~~ ~~2 Pants*~~
~~1 Jacket or Optional Item**~~ ~~1 Jacket or Optional Item**~~

~~Pants must be navy blue, black or khaki beige. Capri style pants and shorts may be worn but must be navy blue, black or khaki beige. Shorts may be no shorter than two (2) inches above the knee when standing.~~

~~*In lieu of providing pants, El Dorado Transit may provide each employee \$50.00 annually to purchase pants in accordance with policy specifications (does not include jeans).~~

~~**Provided that the employee has an adequate amount of uniform shirts, El Dorado Transit has the option of providing one (1) additional optional item in lieu of shirts.~~

~~Operations Manager, Planning and Marketing Manager and Safety Coordinator will be provided the following items annually:~~

~~2 Shirts~~
~~1 Jacket or Optional Item~~

~~All other administrative and maintenance staff may order the following items annually:~~

~~1 Shirt~~
~~1 Jacket or Optional Item~~

Maintenance Staff

Maintenance staff will receive up to 10 uniforms upon hire. Employees are required to sign for the uniforms. The uniforms are considered El Dorado Transit property and are to remain in the Maintenance Department.

El Dorado Transit shall be responsible for the maintenance and care of all uniforms. Employees may be allowed to take up to two uniforms home for purposes of maintenance upon special requests with the approval of the Executive Director or his/her designee. If allowed, employees will become responsible for all repairs needed in the event of excessive damage or loss of the uniforms and may result in disciplinary action.

Employees are required to return all issued uniforms upon termination of employment. If all issued uniforms are not returned within one week of termination, the employee will be subject to the full cost for replacement of uniforms which may be pursued through legal action.

4.8 Agency Credit Card

El Dorado Transit provides an agency credit card for the Executive Director, Operations Manager, Human Resources Manager, Planning and Marketing Manager and Administrative Coordinator. These cards are the property of El Dorado Transit and are limited to use for travel, staff development, training, and other work-related expenses, pre-approved by the Executive Director. Each cardholder shall maintain a monthly expense report when charges are made. This report and all receipts shall be submitted to the Executive Director for verification and approval no later than thirty (30) days after use. The Executive Director shall submit his/her expense ~~report~~report to the Human Resources Manager for verification. Upon approval, the accounting department shall reconcile each card account for payment. Each cardholder who is unable to provide receipts shall be liable for the portion of the billing for which no receipts are available. In the case of misuse or ~~abuses~~abuse of this benefit, the card shall immediately be rescinded from the cardholder.

4.9 Commercial Driver's License Cost

- A. El Dorado Transit will pay for DMV licenses, fees, and VTT certificate fees and DMV medical exam, up to the cost of El Dorado Transit's designated physician charges, as required for employees in classification required to maintain valid commercial driver's license and endorsements that require medical clearance.
- B. If the required license expires due the failure of employee to renew for any reason, the eEmployee will be placed on non-paid administrative leave. The employee may and or shall be required to use vacation or other discretionary leave (excluding sick leave), if any is accrued and would still be subject to maintaining the minimum number of hours for purposes of benefit eligibility. compensatory leave if the required license expires for any reason. The employee will have up to two (2) weeks to resolve the issue, at which time El Dorado Transit shall commence the formal disciplinary action process which may result in suspension without pay. ~~An employee's failure to renew their license or certificate prior to expiration may result in disciplinary action, and/or up to and including termination of employment dismissal.~~

4.10 Special Pays

Designated Trainer Pay

An employee that is assigned to and agrees to act as a Designated Trainer to train newly hired employees related to acquiring their Class B Driver's License or to provide remedial operator training or other behind-the-wheel operator training, except for route training, shall be compensated an additional \$2.50 per hour for the actual time spent training. Designated Trainers are employees specially trained to conduct behind-the-wheel training related to Class B permits.

ARTICLE 5 – PAID AND UNPAID LEAVE POLICIES

Employees are expected to be at work at scheduled times. To ensure accountability and the integrity of public service, all employees are expected to account for their absences from work.

In cases where an employee knows in advance of the need to take a leave, the employee shall submit a Request for Leave within the electronic time keeping system in advance of the requested time off and receive approval for use of the leave time prior to its use. Review and processing of leave request may take up to two business days.

Leave shall be subject to approval by the employee's supervisor, and scheduled in advance whenever possible, with due regard for the service needs of El Dorado Transit and the employee's workload.

El Dorado Transit may employ any reasonable measure to ensure employees have properly accounted for leaves, including requiring reasonable proof that the basis for the leave is legitimate. Abuse of leave privileges, including but not limited to working for a secondary employer while on sick leave or using sick leave while an employee is on vacation, may subject an employee to disciplinary action, up to and including termination.

5.1 Vacations

For purposes of this section, one year shall be equivalent to twenty-six (26) bi-weekly pay periods of continuous service.

Accrual Rates and Maximum Accumulation

Every full-time and part-time employee shall accrue and accumulate vacation leave with pay as follows:

Each full-time and part-time employee with less than four years continuous service shall accrue vacation credit at the rate of .03875 an hour for each full hour in pay status (equal to 3.1 hours for full-time in a full pay period). In no case shall an employee with less than four years continuous service accumulate more than 240 hours vacation leave.

Each full-time and part-time employee with four years or more continuous service shall accrue vacation credit at the rate of .05875 hour for each full hour in pay status (equal to 4.7 hours per full-time in a pay period). In no case shall an employee with more than four years continuous service accumulate more than 320 hours vacation leave.

Each full-time and part-time employee with over eleven years continuous service shall accrue vacation credit at the rate of .07750 hour for each full hour in pay status (equal to

6.2 hours per full-time in a pay period). In no case shall an employee with more than eleven years continuous service accumulate more than 320 hours vacation leave.

Provisions

Accrued vacation leave shall be accumulated commencing with each full-time or part-time employee's anniversary date. Probationary employees shall be eligible to use accrued vacation leave upon completion of thirteen (13) biweekly pay periods of continuous service. Upon termination of employment, for any cause, the employee shall be paid for any accumulated unused vacation hours, up to the maximum amount permitted to be accumulated. No employee shall receive any payment in lieu of vacation while an El Dorado Transit employee. "Continuous service: is defined as employment with El Dorado Transit for thirteen (13) biweekly periods, excluding sick leave.

Part time employees may use up to a maximum of 8 hours of vacation leave per scheduled work- day.

Vacation Scheduling

It is the policy of El Dorado Transit that employees take their vacation each year. However, for reasons deemed sufficient by the Executive Director, an employee may take less than the normal vacation accrued that year. All vacations shall be taken at such times during the calendar year as may be approved by the Executive Director.

In the event an employee is not permitted to take all of the vacation to which he or she is entitled in a calendar year, the employee shall be permitted to accumulate the unused portion to the employee's credit, provided that the employee does not have a total vacation credit of more than the maximum allowed herein.

All requests for vacation must be approved by the employee's immediate supervisor. The immediate supervisor is responsible for insuring that the employee is eligible for the vacation requested. No person shall be permitted to use vacation in excess of that actually accrued at the time the vacation is requested.

It shall be the responsibility of each employee to monitor vacation accumulation to prevent excess accumulation and forfeiture of hours accumulated above the maximum allowed.

Donation of Vacation Time

An employee may donate accumulated vacation time to another employee who has exhausted his/her sick leave, vacation leave, and/or compensatory time due to an extended or catastrophic illness or event. Such donations shall be made on a form prescribed by the Executive Director and shall be in eight (8) hour increments. The hours donated will be deducted from the donating employee's accumulated balance and credited to the accumulation vacation account of the employee receiving the donation. If the

donation is accepted, the accepting employee shall be responsible for payment of any applicable taxes. El Dorado Transit shall withhold any amounts authorized or required by law.

Payout of Vacation upon Separation from Employment

Upon separation from employment an employee will be paid out all accrued vacation time pursuant to state law.

Exclusion

Extra-help employees shall not be subject to the provision of this Section 1.7. Extra-help, or other employment time shall not count towards the required continuous service for vacation benefits.

5.2 Sick Leave

Accrual

Every full-time or part-time employee shall accrue sick leave at the rate of .04625 per hour in pay status, calculated on the basis of actual service up to 3.7 hours earned per full pay period paid.

Extra-Help employees who, on or after July 1, 2015, work in California for thirty (30) or more days within a year from the commencement of employment are entitled to paid sick leave as described below.

Extra-Help employees shall accrue paid sick days at the rate of not less than one (1) hour per every thirty (30) hours worked, beginning at the commencement of employment or July 1, 2015, whichever is later. Sick leave shall accrue at the rate of .033334 for every hour in pay status.

Eligibility

Full-time and Part-time Regular employees shall not be entitled to use accrued sick leave with pay until the employee has two (2) full bi-weekly pay periods of continuous service with El Dorado Transit.

Extra-Help employees are entitled to use accrued sick leave beginning on the 90th day of employment. The rate of pay shall be based on the employee's hourly rate. Extra-Help employees may not accrue more than ~~eighty forty eight (8048)~~ hours or six (106) days of leave during a twelve (12) month period. El Dorado Transit has defined the twelve (12) month period as January 1st through December 31st beginning January 1, 2016. Extra-Help employees shall not be entitled to cash out of unused sick leave upon termination of employment. Extra-Help employees will be entitled to reinstatement of unused sick leave upon rehire within one year of separation.

Usage

Employees are entitled to use accrued sick leave, with the approval of the Executive Director or his/her designee, up to a maximum of the time accrued. Part time employees may only use the amount of hours of their regularly scheduled work or bid hours for sick leave. Sick leave may be used for the following conditions:

- A. Diagnosis, care or treatment of an existing health condition of, or preventative care for, an employee or an employee's family member. "Family members" include: spouses, registered domestic partners, grandparents, grandchildren, siblings, children, and parents as defined by state law.
- B. For an employee who is a victim of domestic violence, sexual assault, or stalking, to obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, or other injunctive relief, to help ensure the health, safety or welfare of the victim or his/her child; to seek medical attention for injuries caused by domestic violence, sexual assault, or stalking; or to participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.
- C. Bereavement leave of up to five (5) days is available for employees requiring time off due to the death of a member of his/her immediate family. This is paid leave for a maximum of forty (40) hours charged to any sick leave balance, upon approval of the Executive Director or his/her designee. For purposes of this section, immediate family means parents, spouse, registered domestic partner, son, daughter, sibling, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, grandparents or grandchildren by blood or marriage; this may also include step- parents and step- children.

Bereavement leave must be completed during the three months after the death of the person for whom you are taking leave. Employees may be required to provide documentation of death within 30 days of the first day of bereavement leave if requested.

If no paid leave is available, the employee may submit a request for a Leave of Absence without pay, subject to the approval of the Executive Director.

Kin Care Leave (Family Sick)

Full-time and Part-time Regular employees may use up to one-half of their annual allotment of accrued and available sick leave in a calendar year for absences to attend to an illness for specific family members as defined by California law, on the same terms the employee is able to use sick leave benefits for the employee's own illness or injury.

An Extra-Help employee's use of paid accrued leave shall be limited to twenty-four (24) hours or three (3) days in each twelve (12) month period. Sick leave must be taken in a

minimum of 2-hour increments. El Dorado Transit has defined the twelve (12) month period as January 1st through December 31st beginning January 1, 2016.

If the need to use paid sick leave is foreseeable, the employee must provide El Dorado Transit with reasonable advance notification. If the need to use paid sick leave is not foreseeable, the employee must provide notice of intent to use paid sick leave as soon as practicable.

Employees will not be discriminated against for taking or requesting leave in accordance with this policy. Sick leave may run concurrently with the federal Family and Medical Leave Act and/or any other leave, including paid time off where permitted by state and federal law.

Exception to Use of Sick Leave

El Dorado Transit employees shall be entitled to sick leave when absent from duty for:

- A. Sickness or disability while on leave of absence with or without pay other than the employee's regular vacation or regular paid holidays.

Sick leave may not be used by employees who are unable to work a special event assignment due to illness.

Employees allowing required certifications to lapse may not use sick leave due to the lapse.

Verification

Employees are required to notify their supervisors as soon as possible of their absence due to illness or injury. For sick leave of more than three (3) consecutive workdays, all employees must submit a sick leave request (as provided by El Dorado Transit) to his/her supervisor for approval. El Dorado Transit may require a medical release for a return to full duties prior to returning or reporting for work and will advise the employee if a medical release is required.

Employees using sick leave are required to contact their supervisor each day of sick leave by 3:00 PM to advise the supervisor of the next day's return or absence. Supervisors will advise the employee if a medical release is required prior to reporting for work.

For use of sick leave for three (3) consecutive days or less, any regular employee entitled to sick leave must submit a sick leave form (as provided by El Dorado Transit) to his/her supervisor for approval prior to or upon reporting for work. El Dorado Transit may require a medical release for a return to full duties prior to returning or reporting for work and will advise the employee if a medical release is required.

All employees are expected to call or return to the work site, as directed, on the same day as their appointment with their physician, to report the physician's findings and to discuss modified or alternative work with the Human Resources Manager.

El Dorado Transit may make whatever reasonable investigation into the circumstances that appear warranted before taking action on the sick leave request.

Administration of Sick Leave

The Executive Director is charged with the responsibility of administering sick leave. Employees ~~may, upon return to work,~~ will be required to submit a sick leave request ~~form or record of sick leave use~~ to their immediate supervisors for approval upon return to work. The Executive Director or his/her designee may require a physician's statement or acceptable substitute from an employee who applies for sick leave, or make whatever reasonable investigation appears to be warranted before taking action on a sick leave request.

A prescribed affidavit or medical report form may be required. When an employee is absent for longer than ten (10) consecutive working days, the employee may be required to submit a statement from the employee's physician releasing the employee for normal duty.

When an employee has been determined to have used sick leave for illegitimate purposes, El Dorado Transit may recover such funds.

When medical documentation is submitted by the employee as proof of illness or accommodation, the Executive Director may request the employee undergo an independent medical examination (at the expense of the agency) for a second opinion.

Incapacity to Perform Duties

If El Dorado Transit has reasonable cause to believe that an employee is not capable of properly performing the duties of the position, El Dorado Transit may require the employee to absent himself/herself from work until the incapacity is remedied. During such absence the employee may utilize any accumulated paid leaves.

Fitness for Duty Examination

The Executive Director or his/her designee may require an employee to submit to a fitness-for-duty examination, if the Executive Director or his/or her designee has reasonable cause to believe that an employee is not capable of properly performing the duties of the position.

Payment for Unused Sick Leave

An employee in an allocated position must have five (5) or more years of El Dorado Transit service to receive payment for unused sick leave at the time of retirement, lay-off, or voluntary termination.

Unused Payoff Sick Leave Policy

Employees in an allocated position shall be entitled to receive a payoff of their unused sick leave upon separation of employment as follows:

- A. Employees with OVER (5) FIVE YEARS of service shall receive 20% of their unused sick leave paid.
- B. Employees with OVER (10) TEN YEARS of service shall receive 40% of their unused sick leave paid.
- C. Employees with OVER (15) FIFTEEN YEARS of service shall receive 70% of their unused sick leave paid.
- D. Employees with OVER (20) TWENTY YEARS of service shall receive 100% of their unused sick leave paid.

The maximum number of hours paid shall not exceed 500. The employee's last hourly rate of pay shall be used in computing the payment.

Payoff of Accrued Sick Leave Hours

Employees in paid status after five (5) years of service (based on anniversary date), may annually request payment of up to forty (40) hours of sick pay over the maximum available for payout at termination per the Unused Payoff Sick Leave Policy of five hundred (500) hours. This request may only be considered once in any fiscal year for each eligible employee.

5.3 Management Leave

Unrepresented full-time management employees shall receive eighty (80) hours per fiscal year of management leave after successful completion of their probationary period. Such leave shall not be carried over from one fiscal year to another. Payment for unused management leave during the fiscal year may be requested in eight (8) hour increments. Eligible employees who do not use the full entitlement of management leave by [the last payroll of the fiscal year June 30 of each year](#) may be paid at the base hourly rate for any remaining unused management leave.

5.4 Jury & Witness Duty Leave

Any employee who is summoned for attendance to any court for jury duty during his/her normal working hours shall be deemed to be on duty and there shall be no loss in salary. Any jury fees received by the employee shall be paid forthwith to the Accounting Office

to be deposited by El Dorado Transit together with any mileage allowed if the employee uses El Dorado Transit transportation. Employees released from jury duty during their normal duty hours shall report back to their work area.

On-Duty Time

Any employee, who is called as a witness arising out of and in the course of the employee's El Dorado Transit employment or prior employment, shall be deemed to be on duty and there shall be no loss of salary. Any witness fees received by the employee shall be paid forthwith to the Accounting Office to be deposited by El Dorado Transit together with any mileage allowed if the employee uses El Dorado Transit transportation. Employees released from witness duty during their normal duty hours shall report back to their immediate supervisor.

Off-Duty Time

Any employee who is called as a witness arising out of and in the course of the employee's El Dorado Transit employment during the employee's off-duty hours shall be compensated for the time spent, or shall be compensated for a two-hour minimum, whichever is greater.

Private Litigation

Any employee who is called as a witness in a private or civil matter unconnected with the course of his/her employment shall not be compensated by El Dorado Transit, except upon the approval of the Executive Director. Earned vacation or compensatory time off may be utilized.

5.5 Voting Leave

El Dorado Transit believes that every employee should have the opportunity to vote in any state or federal election, general primary, or special primary. Any employee who does not have sufficient time outside of working hours to vote in a statewide election may request up to two paid hours off in order to vote.

The employee must request time off to vote at least two working days before the day of election. Advanced notice is required so the necessary time off can be scheduled at the beginning or end of the workday, whichever provides the least disruption to the normal work schedule. We reserve the right to select the hours you are excused to vote.

When you return from voting leave, you must present a voter's receipt to your supervisor as soon as you return to work after voting.

5.6 Military Leave

Employees who are required to fulfill military obligations in any branch of the United States Armed Forces or in state military service will be given the necessary leave time and reinstated in accordance with federal and state law.

The leave time will be unpaid, except as otherwise required by law. Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

Accrued vacation may be used. Employees are required to give advance notice of their service obligations to El Dorado Transit. Military orders should be presented to Human Resources and arrangements for leave made as early as possible before departure. Employees must notify Human Resources of the employee's intent to return to employment. Employee benefits may continue to accrue during the period of leave in accordance with state and federal law.

Additional information regarding military leaves may be obtained from Human Resources.

Family Military Leave

An employee who works an average of twenty (20) or more hours per week is eligible to receive up to ten (10) unpaid days off when their spouse is on leave from military deployment if the employee's spouse is a member of the Armed Forces, National Guard or Reserves and has been deployed during a period of military conflict.

Employees must provide their supervisor with notice of their intention to take leave within two business days of receiving official notice that their spouse will be on leave from deployment. Employees taking family military leave must also provide El Dorado Transit with written documentation certifying their spouse will be on leave from deployment.

5.7 Civil Air Patrol

An employee who is a voluntary member of the California Wing of the Civil Air Patrol will be permitted up to ten (10) days of unpaid leave per calendar year in order to respond to an emergency operational mission as defined by state law.

In order to qualify for leave under this policy, an employee volunteer member must be employed by El Dorado Transit for at least ninety (90) days immediately preceding the commencement of leave. The employee must give El Dorado Transit as much notice as possible of the intended leave dates. Leave for a single emergency operational mission shall not exceed three (3) days, unless an extension of time is granted by the governmental entity that authorized the emergency operational mission, and the extension of the leave is approved by El Dorado Transit.

El Dorado Transit may require the employee to submit certification from the proper Civil Air Patrol authority to verify the employee's eligibility for leave. El Dorado Transit

reserves the right to deny the leave request if the employee fails to provide the required certification.

Upon expiration of the leave, El Dorado Transit will restore the employee to his or her position or to a position with equivalent seniority, benefits, pay and other terms and conditions of employment, unless the employee cannot be returned to work-based conditions unrelated to use of leave under this policy.

This policy does not apply to employees who serve as first responders or disaster service workers for a local, state, or federal agency to the same or a simultaneous emergency operational mission.

Employees may substitute accrued vacation for unpaid leave but are not required to exhaust accrued leave prior to taking leave under this policy.

5.8 Volunteer Firefighter Leave

Employees who serve as volunteer firefighters may be eligible for unpaid leave up to fourteen (14) days per calendar year for the purpose of engaging in fire or law enforcement training.

Employees who take leave should provide El Dorado Transit with a written statement from the employee's fire department chief verifying the time, date, and duration of the training.

5.9 Bone Marrow and Organ Donation Leave

Employees are eligible to receive up to thirty (30) business days of paid leave to serve as an organ donor and up to five (5) business days of paid leave to serve as a bone marrow donor in a one-year period, upon written request. The one-year period commences the date the employee's leave begins and shall consist of twelve (12) consecutive months. Employees must be employed by El Dorado Transit for at least ninety (90) days immediately preceding the commencement of leave.

El Dorado Transit will also provide employees an additional unpaid leave of absence of up to thirty (30) days in a one-year period when donating an organ. The one-year period is measured from the date the leave begins.

When available, the employee must utilize up to five (5) business days of accrued sick or vacation leave for initial bone marrow donation leave and up to two (2) weeks of accrued but sick or vacation leave for initial organ donation leave.

A written physician verification of the purpose and length of each leave is required.

Leave under this policy does not run concurrently with any leave taken pursuant to the Federal Family and Medical Leave Act or the California Family Rights Act.

For more information regarding this leave, please see Human Resources.

5.10 School Activities Leave

Eligible employees may take job-protected leave to participate in school or childcare activities or enroll or re-enroll their child or children in a school or licensed day care. Time off without pay may be provided with advanced notice based on the requesting employee's supervisor's discretion.

Employees, who are the parent, guardian, or grandparent having custody of a child in grades K-12, or a licensed daycare facility, are permitted to take 40 hours of leave without pay per calendar year to participate in school or day care activities unless employed at a worksite with less than twenty-five (25) employees. This leave should not exceed eight hours in any calendar month. Requests for such leave must be made in advance of the planned absence and employees must provide documentation from the school or day care facility as proof of their participation in school or day care activities. Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

5.11 Domestic Violence Leave

El Dorado Transit will not discriminate against employees who are victims of domestic violence or sexual assault for taking time off from work to obtain or 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 an employee or his/her child.

El Dorado Transit will also not discriminate against an employee who is a victim of domestic violence or sexual assault for taking time off from work to seek medical attention for injuries caused by such domestic violence or sexual assault, to obtain services from a domestic violence or sexual assault program, to obtain psychological counseling related to the domestic violence or sexual assault, or to participate in actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation.

Affected employees must give El Dorado Transit reasonable notice regarding an absence for a purpose stated above, except for unscheduled or emergency court appearances or other emergency circumstances. In such a case, El Dorado Transit will take no action against affected employees if, within a reasonable time after the absence, they provide El Dorado Transit with documentary evidence that the absence was required for any of the above reasons.

This leave will be unpaid. However, affected employees may use vacation, sick leave or other accrued time off (if available).

5.12 Victims of Felony Crimes Leave

El Dorado Transit will grant reasonable and necessary leave from work without pay, to employees who are victims, or who's spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, stepfather, registered domestic partner, or child of a registered domestic partner is a victim of a violent or serious felony or felonious theft or embezzlement, for the purposes of attending legal proceedings related to the crime.

Affected employees may elect to use accrued paid vacation, personal leave and/or sick leave in lieu of unpaid leave.

When feasible, affected employees must provide El Dorado Transit with advance notice of the employee's need for leave, including a copy of the notice of the scheduled proceeding. If advance notice is not feasible, affected employees must provide documentation evidencing the legal proceeding requiring the employee's absence within a reasonable time after leave is taken.

Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

5.13 Federal Family and Medical Leave Act (FMLA)

El Dorado Transit will comply with all applicable requirements of the Family and Medical Leave Act of 1993 (FMLA).

Please see the Human Resources Manager for a complete list of details of leave entitlement rights and notifications.

Military-Related Federal FMLA Leave

FMLA leave, such as Military Caregiver Leave or Qualifying Exigency Leave, may also be available to eligible employees in connection with certain service-related medical and non-medical needs of family members. Should federal law conflict with this policy, federal law shall apply.

Definitions

A "covered servicemember" is either (1) a current servicemember of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness incurred in the line of duty for which the servicemember is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list; or (2) a "covered veteran" who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

A "covered veteran" is an individual who was discharged under conditions other than dishonorable during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. The period between October 28, 2009 and March 8, 2013 is excluded in determining this five-year period.

The FMLA definitions of “serious injury or illness” for current servicemembers and veterans are distinct from the FMLA definition of “serious health condition.” For current servicemembers, the term “serious injury or illness” means an injury or illness that was incurred by the member in the line of duty while on active duty in the Armed Forces or that existed before the beginning of active duty and was aggravated by such service, that may render them medically unfit to perform the duties of their office, grade, rank or rating.

For covered veterans, a serious injury or illness is incurred in the line of duty while on active duty in the Armed Forces. A serious injury or illness may have existed before the beginning of active duty and was aggravated by such service and manifested itself before or after the individual assumed veteran status and is: (1) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the covered veteran unable to perform the duties of the covered veteran’s office, grade, rank, or rating; (2) a physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or part, on the condition precipitating the need for caregiver leave; (3) a physical or mental condition that substantially impairs the covered veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would be so absent treatment; or (4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. “Qualifying exigencies” include activities such as short notice deployment, military events, arranging alternative childcare, making financial and legal arrangements related to the deployment, rest and recuperation, counseling, parental care, and post deployment debriefings.

Military Caregiver Leave

Unpaid Military Caregiver Leave is designed to allow eligible employees to care for certain family members who have sustained serious injuries or illnesses in the line of duty while on active duty. Military Caregiver Leave is a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered servicemember during a single 12-month period.

To be “eligible” for Military Caregiver Leave, the employee must be a spouse, son, daughter, parent, or next of kin of the covered servicemember. “Next of kin” means the nearest blood relative of the servicemember, other than the servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver Leave. The employee must also

meet all other eligibility standards as set forth within the FMLA Leave policy and federal law.

An eligible employee may take up to twenty-six (26) workweeks of Military Caregiver Leave to care for a covered servicemember in a “single 12-month period.” The “single 12-month period” begins on the first day leave is taken to care for a covered servicemember and ends twelve (12) months thereafter, regardless of the method used to determine leave availability for other FMLA-qualifying reasons. If an employee does not exhaust his or her twenty-six (26) workweeks of Military Caregiver Leave during this “single 12-month period”, the remainder is forfeited.

Military Caregiver Leave applies on a per-injury basis for each servicemember. Consequently, an eligible employee may take separate periods of caregiver leave for each and every covered servicemember and/or for each and every serious injury or illness of the same covered servicemember. A total of no more than twenty-six (26) workweeks of Military Caregiver Leave, however, may be taken within any “single 12-month period”. Within the “single 12-month period” described above, an eligible employee may take a combined total of twenty-six (26) weeks of FMLA leave including up to twelve (12) weeks of leave for any other FMLA-qualifying reason (i.e., birth or adoption of a child, serious health condition of the employee or close family member, or a qualifying exigency). For example, during the “single 12-month period,” an eligible employee may take up to sixteen (16) weeks of FMLA leave to care for a covered servicemember when combined with up to ten (10) weeks of FMLA leave to care for a newborn child.

An employee seeking Military Caregiver Leave may be required to provide appropriate certification from the employee and/or covered servicemember to be completed by an authorized health care provider within fifteen (15) days. Military Caregiver Leave is subject to the other provisions in El Dorado Transit’s FMLA Leave Policy (requirements regarding employee eligibility, appropriate notice of the need for leave, use of accrued paid leave, etc.). Military Caregiver Leave will be governed by, and handled in accordance with, FMLA and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations or federal law.

Qualifying Exigency Leave

Eligible employees may take unpaid “Qualifying Exigency Leave” to tend to certain “exigencies” arising out of the duty under an order to active duty of a “military member” (i.e., the employee’s spouse, son, daughter or parent). Up to twelve (12) weeks of Qualifying Exigency Leave is available in any twelve (12) month period, as measured using the same method that governs measurement of other forms of FMLA leave within the FMLA policy (with the exception of Military Caregiver Leave, which is subject to a maximum of twenty-six (26) weeks of leave in a “single twelve (12) month period”). Although Qualifying Exigency Leave may be combined with leave for other FMLA-qualifying reasons, under no circumstances may the combined total exceed twelve (12) weeks in any twelve (12) month period (with the exception of Military Caregiver Leave

as set forth above). The employee must meet all other eligibility standards as set forth within the FMLA policy.

Individuals who can be ordered to active duty include active and retired members of the Regular Armed Forces, certain members of the retired Reserve, and various other Reserve members including the Ready Reserve, the Selected Reserve, the Individual Ready Reserve, the National Guard, state military, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve.

A call to active duty refers to a federal call to active duty, and state calls to active duty are not covered unless under order of the President of the United States pursuant to applicable law.

Qualifying Exigency Leave is available under the following circumstances:

1. **Short-notice deployment.** To address any issue that arises out of short notice (within seven days or less) of an impending call or order to active duty.
2. **Military events and related activities.** To attend any official military ceremony, program, or event related to active duty or call to covered active-duty status or to attend certain family support or assistance programs and informational briefings.
3. **Childcare and school activities.** To arrange for alternative childcare; to provide childcare on an urgent, immediate need basis; to enroll in or transfer to a new school or daycare facility; or to attend meetings with staff at a school or daycare facility.
4. **Financial and legal arrangements.** To make or update various financial or legal arrangements; or to act as the covered military member representative before a federal, state or local agency in connection with service benefits.
5. **Counseling.** To attend counseling (by someone other than a health care provider) for the employee, for the military member, or for a child or dependent when necessary as a result of duty under a call or order to covered active duty.
6. **Temporary rest and recuperation.** To spend time with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to 15 days leave for each instance of rest and recuperation.
7. **Post-deployment activities.** To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of up to 90 days following termination of the military member's active-duty status. This also encompasses leave to address issues that arise from the death of a military member while on active-duty status.
8. **Parental care.** To care the military member's parent who is incapable of self-care. The parent must be the military member's biological, adoptive, step or

foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age.

9. **Mutually agreed leave.** Other events that arise from the military member's duty under a call or order to active duty, provided that El Dorado Transit and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

An employee seeking Qualifying Exigency Leave may be required to submit appropriate supporting documentation in the form of a copy of the military member's active duty orders or rest and recuperation orders or other military documentation indicating the appropriate military status and the dates of active duty status, along with a statement setting forth the nature and details of the specific exigency, the amount of leave needed and the employee's relationship to the military member, within fifteen (15) days. Qualifying Exigency Leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

Limited Nature of This Policy

This policy should not be construed to confer any express or implied contractual relationship or rights to any employee not expressly provided for by FMLA. El Dorado Transit reserves the right to modify this or any other policy as necessary, in its sole discretion to the extent permitted by law.

Other Provisions

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

Salaried executive, administrative, and professional employees of El Dorado Transit who meet the Fair Labor Standard Acts ("FLSA") exemption criteria for minimum wage and overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of leave required by the FMLA.

5.14 California Family Rights Act (CFRA)

Under the California Family Rights Act (CFRA) an eligible employee is entitled to up to twelve (12) weeks of unpaid family/medical leave within any twelve (12) month period. The total amount of leave taken is twelve (12) workweeks in a twelve (12) month period, unless the employee is qualified for additional time for a disability due to pregnancy, childbirth, or related medical condition. The twelve (12) month period begins with the first day leave is taken. At the leave's conclusion, the employee will be restored to the same or an equivalent position, except as otherwise required by law or policy.

This leave does not run concurrently with leave provided under the California Pregnancy Disability Act. However, this leave may run concurrently with some leaves that qualify under the Federal Family and Medical Leave Act and/or any other leave where permitted by state and federal law.

Eligible Employees

To be eligible for a leave under CFRA the employee must:

1. Have worked for El Dorado Transit for at least twelve (12) months; and
2. Have worked at least 1,250 hours in the last twelve (12) months prior to taking CFRA

Reasons For Leave

The employee may take family/medical leave for any of the following reasons:

1. Birth of the employee's or the employee's registered domestic partner's child, or to care for a newly born child; or
2. Placement of a child with the employee and/or the employee's registered domestic partner for adoption or foster care; or
3. To care for a family member to include spouse, registered domestic partner, child (including adult child), registered domestic partner's child, parent, parent-in-law, grandparent, grandchild, sibling or designated person with a serious health condition ([designated person is defined as any person related by blood or who is like family to the employee when in a relationship equivalent to family, such as a best friend or unmarried partner](#)) [Employee may identify the designated person at the time they request leave from work. El Dorado Transit has the right to limit employees using CFRA leave to care for one designated person per 12-month period.](#); or
4. An employee's serious health condition that makes the employee unable to perform the functions of the employee's job.
5. To care for an employee's spouse, registered domestic partner, child or parent in the United States Armed Forces because of a qualifying exigency related to the covered active duty or call to covered active duty.

Under CFRA if both parents are employed by El Dorado Transit, and leave is taken for the birth, placement or adoption of a child, they are both entitled to a total of twelve (12) weeks of leave individually. A leave for the birth, placement or adoption of a child, must be completed within the twelve (12)-month period beginning on the date of birth or placement of the child. Under the CFRA, leave for an employee's own serious health

condition does not include a disability caused by pregnancy, childbirth or related medical condition since this is covered by a separate state law. For Pregnancy Disability Leave policy see Section 5.18.

No Work While on Leave

Taking of another job while on family, medical, or any other authorized leave may lead to disciplinary action, up to and including termination.

Local Family and Medical Leave Laws

El Dorado Transit will honor local family and medical leave laws when those laws offer more protection or benefits to employees.

Notice To Employer of Leave

If an employee's need for family/medical leave is foreseeable, the employee must give El Dorado Transit at least thirty (30) days' prior written notice. When the need is not foreseeable, the employee must notify El Dorado Transit within two business days of learning of the employee's need for leave, except in extraordinary circumstances. If the employee does not provide this notice, the employee's leave may be delayed. If the employee's need is due to planned medical treatment, the employee is expected to schedule the treatment to avoid disrupting El Dorado Transit's operations.

Request forms for family/medical leave are available from Human Resources. Employees requesting leave must use this form.

Medical Certification for A Serious Health Condition

If an employee is requesting leave because of the employee's or a covered relation's serious health condition, the appropriate health care provider must supply medical certification. A medical certification form may be obtained from Human Resources. If possible, the employee should provide medical certification within fifteen (15) days after the leave request. If at least thirty (30) days notice of the need for medical leave is provided, the employee should provide the medical certification before leave begins. If the employee does not provide the required medical certification in a timely manner, the leave request may be delayed until it is provided.

El Dorado Transit, at its expense, may require an examination by a second health care provider designated by El Dorado Transit, if reasonable doubts exist regarding the medical certification. If the second health care provider's opinion conflicts with the original medical certification, El Dorado Transit, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. El Dorado Transit may require subsequent medical recertification. Failure to provide requested certification within fifteen (15) days, if practicable, may result in delay of further leave until certification is provided.

Reporting While on Leave

If an employee takes leave because of the employee's serious health condition or to care for a covered relation with a serious health condition, the employee may be required to contact El Dorado Transit at a mutually agreeable time regarding the status of the medical condition and returning to work. In addition, the employee must give notice as soon as practicable (within two (2) business days if feasible) if the dates of leave change, are extended or initially are unknown.

Leave Is Unpaid

Family/medical leave is unpaid leave. If an employee requests leave because of the birth, adoption or foster care placement of a child, or to care for a covered relation with a serious health condition, any accrued paid vacation, personal or family leave, if applicable, will be substituted for unpaid family/medical leave. If an employee requests leave because of the employee's serious health condition, any accrued paid vacation, personal or family leave or medical/sick leave, if applicable, will be substituted for any unpaid family/medical leave. The substitution of paid time for unpaid family/medical leave time does not extend the length of the leave provided by the law. Also, the employee's family/medical leave may run concurrently with other types of leave.

Employees on a medical leave may also receive pay from short-term or long-term disability payments, or workers' compensation benefits, if applicable, according to the terms of those plans. The fact that an employee may receive compensation under these plans does not extend the length of the family/medical leave provided by the law.

Medical and Other Benefits

During an approved family/medical leave, El Dorado Transit will maintain the employee's health benefits under the same terms and conditions applicable to employees not on leave.

- If paid leave is substituted for unpaid family/medical leave, El Dorado Transit will deduct the employee's portion of the health plan premium as a regular payroll deduction.
- If the employee's leave is unpaid, the employee must pay the employee's portion of the premium by making arrangements with Human Resources.
- The employee's health coverage may cease if the employee's premium payment is more than thirty (30) days late. If the employee's payment is more than thirty (30) days late, El Dorado Transit will send the employee a letter to this effect. If El Dorado Transit does not receive the employee's co-payment within fifteen (15) days of this letter, the employee's coverage will cease.

If the employee does not return to work at the end of the leave for at least thirty (30) calendar days, the employee will be required to reimburse El Dorado Transit for the cost of the premiums paid by El Dorado Transit for maintaining coverage during the employee's unpaid leave, unless the employee cannot return to work due to a serious health condition or because of other circumstances beyond the employee's control.

Intermittent and Reduced Schedule Leave

Leave due to a serious health condition may be taken intermittently (in separate blocks of time due to a single serious health condition) or on a reduced leave schedule (reducing the usual number of hours an employee works per workweek or workday) if medically necessary. If the employee's leave is unpaid, El Dorado Transit will adjust the employee's salary based on the amount of time actually worked. Also, while the employee is on an intermittent or reduced schedule leave, El Dorado Transit may temporarily transfer the employee to an available alternate position that better accommodates the employee's intermittent or reduced leave and that has equivalent pay and benefits.

At The End of Your Leave

If the employee's leave is because of the employee's serious health condition (except if the employee are taking intermittent leave), the employee is required to provide medical certification that the employee is able to resume work prior to the employee's return. Before the employee's return, the employee must obtain a return-to-work medical certification form from Human Resources. An employee who fails to provide the return-to-work medical certification form will not be permitted to resume work until it is provided.

5.15 Pregnancy Disability Leave (PDL)

El Dorado Transit provides ~~Female employees with~~ job-protected unpaid leave up to four (4) months for employees with disabilities relating to pregnancy, childbirth or related medical conditions (meaning a physical or mental condition intrinsic to pregnancy or childbirth). For purposes of this policy, "four months" means the number of days the employee would normally work within four (4) calendar months (one-third of a year or 17 1/3 weeks), if the leave is taken continuously, following the date the pregnancy leave commences.

El Dorado Transit also provides reasonable accommodations, to the extent required by law, for conditions related to pregnancy, childbirth, or related medical conditions. In addition, a transfer to a less strenuous or hazardous position or duties may be available pursuant to an employee's request, if such a transfer is medically advisable. Employees requesting leave or reasonable accommodation should promptly notify the Human Resources Manager.

Use of accrued paid leave

Accrued paid sick leave must be used concurrently with the leave taken under this policy. If SDI benefits have begun, the employee may choose to coordinate those benefits with accrued sick leave paid. Paid sick leave and SDI benefits combined may not exceed 100% of the employee's regular pay.

Continuation of Health Benefits

If an employee participates in the agency's group health plan, the agency will maintain coverage during their leave on the same terms as if employees had continued to work. If applicable, employees must make arrangements to pay their share of health plan premiums while on leave. Use of leave under this policy will not result in the loss of any employment benefit that accrued prior to the start of leave under this policy.

Procedures

Employees seeking leave or a reasonable accommodation under this policy must provide Human Resources with the following:

1. As soon as practicable and if possible, at least 30 days prior to commencement of leave, a certification from their health care provider supporting the request for leave or reasonable accommodation. The certification should confirm that the requested leave or reasonable accommodation is based on a pregnancy-related disability, and if the certification is provided in support of a leave request, the notice should include an anticipated start and end date. The employee must also provide periodic updates as appropriate during the leave regarding their status and intent to return to work.
2. Upon return from leave, medical certification of fitness for duty before returning to work, El Dorado Transit will require this certification to acknowledge if the employee can perform the essential functions of their position.

Failure to comply with the above procedures may result in delay or denial of leave, or disciplinary action, up to and including termination.

Agency Responsibilities

El Dorado Transit will inform employees whether they are eligible for leave under this policy. If an employee is eligible for this leave, the agency will provide the employee with a notice outlining any additional information required under the law, as well as their rights and responsibilities.

Leave under this policy may run concurrently with leave afforded under the Family and Medical Leave Act (FMLA) but will not run concurrently with leave provided under the California Family Rights Act (CFRA). If the employee is not eligible for FMLA, the agency will provide the reason for ineligibility.

Additionally, the agency will engage in the interactive process with employees who request a reasonable accommodation under this policy.

Job Restoration

Upon return from leave, the employee may typically be restored to their original positions or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions.

Failure to return after leave

If an employee fails to return to work as scheduled after leave under this policy, or if an employee exceeds the leave entitlement, the employee will be subject to the agency's other applicable leave of absence, accommodation, and attendance policies. This may result in termination if the employee is not entitled to other agency provided leaves to continue their absence.

Employees who choose not to return from leave may be required to refund premium payments made by El Dorado Transit on their behalf, when permitted by state law.

5.16 Paid Family Leave Insurance (PFL)

The State of California may provide partial wage benefits to eligible employees for up to a maximum of eight (8) weeks.

The PFL program is not a leave right and does not provide job protection such as other state and federal laws. PFL provides benefit payments to workers who take time off from work to care for a seriously ill family member, bond with a new child or to participate in a qualifying event because of a family members military deployment. A qualifying family member is a child, spouse, parent, parent-in-law, grandparent, grandchild, sibling, or registered domestic partner, or to bond with a child within one year of birth or placement through foster care or adoption.

The employee is responsible for promptly and accurately filing a claim for family leave insurance benefits and other forms with the Employment Development Department. A claim form may be obtained from the Employment Development Department office or online. All eligibility and benefit determinations are made by the Employment Development Department.

The employee may not be eligible for Paid Family Leave benefits if the employee is receiving State Disability Insurance, Unemployment Compensation Insurance or Workers' Compensation benefits.

5.17 Drug/Alcohol Rehabilitation Leave

El Dorado Transit is committed to providing assistance to employees. Any employee who wishes to voluntarily enter and participate in an alcohol and/or drug rehabilitation program may be granted a reasonable accommodation. This accommodation may include, but is not limited to, time off without pay and/or an adjusted work schedule provided the accommodation does not impose an undue hardship on El Dorado Transit. It is the employee's responsibility to notify Human Resources of the need for accommodation.

Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

El Dorado Transit shall take reasonable steps to safeguard the privacy of any employee regarding enrollment in an alcohol or drug rehabilitation program.

This policy does not prevent El Dorado Transit from refusing to hire or disciplining, up to and including termination, an employee who, because of alcohol or drug use, is unable to perform his/her duties or cannot perform the duties without endangering his/her health or safety or the health or safety of others.

5.18 Long-Term Disability

El Dorado Transit shall provide a long-term disability plan providing a benefit of sixty-six and two-thirds percent (66-2/3%) of base salary up to a maximum monthly benefit of two thousand dollars (\$2000) following a one hundred and eighty (180) day waiting period for regular full-time employees and regular part-time employees.

Eligible full-time and part time employees are enrolled in this insurance program on the first of the month following their first day of employment.

Long-term disability insurance provides eligible employees with a continuing source of income after one hundred eighty (180) consecutive days of total disability. The benefits are calculated as a percentage of your salary.

This is intended as a summary of benefits only. Additional information may be obtained from Human Resources.

5.19 Personal Leave of Absence

El Dorado Transit understands that personal circumstances may necessitate an absence from work that either does not meet the requirements for CFRA/FMLA or extends beyond paid leave balances. If this situation arises, employees may request a paid or unpaid leave of absence not to exceed ninety (90) days, subject to the approval of the Executive Director.

Employees granted a leave of absence without pay must first exhaust any accumulated vacation and sick leave balances.

Employees requesting a leave of absence due to illness or disability should use any accumulated sick leave before the requested beginning date of such leave.

Employees on leave of absence without pay for a period of ten (10) days or more due to illness or injury may be required by the Executive Director to present a statement from his/her physician releasing the employee for normal duty before returning to work.

Employees must submit a Request for Leave of Absence form to their immediate supervisor as soon as the need for personal leave is known. Personal leaves of absences shall not exceed ninety (90) days, either paid or unpaid. Employees may maintain their current level of health benefits by remaining in paid status for at least sixteen (16) hours per pay period for full-time employees or twelve (12) hours per pay period for part-time employees. Employees on an unpaid personal leave of absence may continue medical and dental insurance for up to ninety (90) days by paying the full premium. COBRA continuation may be elected after the three (3) months. Employees should refer to the COBRA policy for more information. Life insurance and long-term disability coverage will continue up to the amount of approved time off. Upon return, employees will be returned to their original position if the job is available, and the employee is able to perform the essential functions of the job duties. Should an unrelated incident arise in the future, an additional request for leave of absence shall be reviewed for consideration of approval by the Executive Director.

An employee who fails to return to work as scheduled after leave may be subject to dismissal from employment. Employees who exceed their leave without an approved extension under the appropriate leave provisions may be subject to termination pursuant to the Abandonment of Position Policy, Section 8.7.

Authorized leave without pay shall not extend an employee's date of eligibility for longevity pay increases and vacation accrual rates. An employee's probationary period and eligibility for merit salary step increases shall be extended commensurately for each full pay period an employee is on authorized leave with or without pay except as provided by law.

5.20 Return-to-Work Policy

- A. El Dorado Transit is committed to returning injured employees to modified or alternative work as soon after an injury as possible. This will be done when feasible and appropriate by temporarily modifying the employee's job or providing the employee with an alternative position for which he/she is qualified, when available. The employee's medical condition, along with any limitations or restrictions given by the employee's physician, will be considered as a priority when identifying the modified/alternative position.

- B. Purpose - This program is intended to provide El Dorado Transit employees with an opportunity to continue as valuable members of our team while recovering from a an industrial or non-industrial illness or injury. El Dorado Transit wants to minimize any adverse effects of an ongoing disability on employees. This program is intended to promote speedy recoveries while keeping the employee's work patterns and income as consistent as possible. At the same time, El Dorado Transit benefits from having employees provide a service and contribute to operations.
- C. Scope - This program applies to all El Dorado Transit employees.
- D. Responsibilities - The Human Resources Manager or his/her designee will:
1. Act as a liaison between El Dorado Transit, the injured worker, the employee's physician, and third-party administrator.
 2. Ensure the appropriate paperwork and forms have been properly handled and submitted to the appropriate parties.
 3. Monitor the modified/alternative work and gather any additional information that may be needed to properly handle the return-to-work efforts.
 4. Monitor for transition into full duty.
 5. Ensure that the injured employee receives necessary assistance to perform any duties modified by physician's work restriction.
 6. Responsible for introducing the employee back into the workplace in the modified/alternative position.
- E. All Managers/Supervisors - In the event of an injury, all supervisors will make sure that the employee receives first aid, or if necessary, proper medical treatment. The attending physician will be notified on the first visit that El Dorado Transit has a return-to-work program, and that modified/alternative work will be provided, if appropriate. The supervisor will work closely with the Human Resources Manager to coordinate the return-to-work efforts.
- F. Employees - If an injury occurs on the job, the employee is required to immediately report it to a supervisor. If the injury requires more significant medical attention than first aid, the employee must proceed to El Dorado Transit's selected provider for occupational injury. If circumstances warrant, an employer representative may accompany the employee to the medical clinic. All employees are expected to call or return to the work site, as directed, the same day as the injury to report the physician's findings and to discuss modified or alternative work. This will enable all parties to be kept abreast of the employee's condition. Employees who have an injury shall call or report to the work site, as directed, after each visit to discuss their recovery.

Once an employee has returned to work, it is his/her responsibility to work within the physical limitations that the physician has recommended. The employee shall perform only those duties that are assigned to him/ her. An employee shall

immediately notify the Human Resources/ Manager of any difficulty in performing the duties. The employee must also notify the Human Resources Manager in advance of any medical appointments and request the appropriate leave time. The employee shall keep the Human Resources Manager informed of the recovery process and the ability to perform modified/alternative work.

- G. Everyone - If anyone involved in this process has a question, they should take the time to get an answer. Unasked questions can lead to confusion. El Dorado Transit is committed to promoting a full recovery for any of our industrially injured employees.

ARTICLE 6- EMPLOYMENT BENEFITS

El Dorado Transit has developed a comprehensive set of employee benefit programs to supplement our employee's regular wages. El Dorado Transit's Personnel Policy and Procedure Manual describe the current maintained benefit plans. If any conflict exists between this policy and the actual plan documents and summary plan descriptions, the actual plan documents and summary plan descriptions are controlling. El Dorado Transit reserves the right to modify and/or terminate benefits at any time. El Dorado Transit will keep employees informed of changes.

6.1 Holidays

Scheduled Holidays

El Dorado Transit shall provide the following holiday schedule:

- A. The following days shall be the official El Dorado Transit holidays:
 - January 1 - New Year's Day
 - January (Third Monday) - Martin Luther King Jr.'s Birthday
 - February (Third Monday) – President's Day
 - May (Last Monday) - Memorial Day
 - June 19 - Juneteenth
 - July 4 - Independence Day
 - September (First Monday) - Labor Day
 - November 11 - Veteran's Day
 - November - Thanksgiving Day
 - November - Friday after Thanksgiving
 - December 24 - Christmas Eve
 - December 25 - Christmas Day

Every-Any day appointed by the President or Governor of California, upon concurrence by El Dorado Transit, for a public fast, Thanksgiving or holiday.

- B. Regular employees shall be entitled to sixteen (16) hours in eight-hour (8) increments annually of floating holiday time. Regular employees working 4/10 schedules shall receive twenty (20) hours in ten-hour (10) hour increments of floating holiday time.

C. Designated holiday that falls on a Weekend

Employees not regularly scheduled to work on a designated holiday that falls on a Saturday or Sunday, shall receive floating holiday hours. Employees scheduled to work on a designated holiday that falls on a Saturday or Sunday shall have the day off with Holiday Pay at their regular pay.

D. Regular employees in pay status during pay period 01 will be credited with the floating holiday(s). Employees hired between pay period 01 and period 13 of each year shall be entitled to floating holidays.

E. Floating holidays shall be taken at a time agreeable to both the employee and the appointing authority. Part-time employees shall receive this floating holiday on a pro-rated basis.

F. If a full-time or part-time employee is required to work on a holiday, the employee shall be entitled to compensation at the overtime rate in addition to compensation for the holiday. Overtime shall be compensated either as regular compensation or compensatory time off (CTO) in accordance with the regular overtime provisions.

G. Regular employees shall be entitled to take all authorized holidays at their base pay, including longevity, not to exceed eight (8) or ten (10) (depending on the work schedule) hours for any one (1) day, provided they are in a pay status on both their regularly scheduled work days immediately preceding and following the holiday. Part time employees shall be entitled to holiday pay in proportion to the percentage of full-time hours worked during the biweekly pay period which includes a holiday.

H. Floating holiday time must be used by the last full pay period of each calendar year and is not subject to payoff provision.

I. Holiday Pay Calculation for Part-Time Employees

Pro-rata hours paid to part-time employees are calculated as follows:

- a) Regular hours divided by number of days worked during the pay period. The number of days worked excludes the holiday(s) for purposes of calculating pro-rata share of holiday pay.
- b) Employees scheduled to work on any designated holiday will be paid holiday pay of 1 ½ times base pay for actual hours plus pro-rated holiday pay.

Limitations

A new employee whose first working day is the day after a paid holiday shall not be paid for that holiday.

Employees who are terminating their employment and whose last day as a paid employee is the day before a holiday, shall not be entitled to holiday pay for that holiday.

Extra-help employees are not covered by holiday provisions herein. However, extra-help employees who are appointed to an allocated regular part-time or full-time position on the day following a holiday in accordance with Section 6.1, and who are in pay status on the regularly scheduled workday before and after the holiday shall be entitled to receive holiday pay for that holiday.

6.2 Health Benefits/Eligibility

Eligible full-time and part-time employees may enroll in an El Dorado Transit sponsored benefit plan on the first of the month following their date of hire or as allowed per insurance summary plans. Employees may elect to receive medical, dental and vision benefits under El Dorado Transit Employee Health Care Plan(s).

The goal of El Dorado Transit is to manage impacts of health plan costs based on both the agency's budget and fluctuating health care costs.

El Dorado Transit shall annually adopt by resolution the cost sharing for health insurance premium contribution rates. El Dorado Transit's contributions shall be 80% and the employee's contribution shall be 20% of the premium. El Dorado Transit shall adjust their contribution based on any premium change for the new calendar using the PERS Platinum plan rate. El Dorado Transit's premium contributions may be adjusted due on budgetary constraints and adopted by resolution.

To be eligible for the agency contribution, other than required by law, an employee must be in pay status, i.e., where the employee is receiving pay from work hours, vacation pay, sick leave, or other discretionary time for at least sixteen (16) hours per biweekly pay period for full-time employees and at least twelve (12) hours per biweekly pay period for part-time employees.

Employees receiving workers compensation shall be eligible for continuation of the agency's contribution until such time as eligibility for worker's compensation ceases or as allowed/required by law.

An employee who ceases to be eligible for El Dorado Transit contributions shall pay directly to El Dorado Transit the full amount of employee and El Dorado Transit contribution to retain benefit coverage under the Plan. Lack of payment when due shall result in cancellation of coverage, as allowed/required by law.

The sum of El Dorado Transit and employee contribution shall constitute full payment, excluding deductibles, co-payments, and other fees and charges as specified in the Plan.

If employees choose to not enroll in an El Dorado County Sponsored Health Care Plan, they must complete a Declination of Health Care Coverage form stating the reason for this election.

A. Enrollment – Part-Time/Full-Time Unrepresented Employees

Employees may enroll themselves and their eligible dependents in accordance with the provisions of the chosen Plan. Employees may opt not to be covered by El Dorado Transit Health Care Plan and in such case, neither El Dorado Transit nor the employee shall be required to make contributions to the Plan as specified above. Employees who retire or otherwise separate from El Dorado Transit service may, at their own expense, continue to be enrolled in the Plan in accordance with the Plan or as provided by law.

Open enrollment occurs once every calendar year beginning in September. During open enrollment, eligible employees will have the opportunity to review the health care benefits and make any benefit election changes they wish to make for themselves, their spouse, domestic partner and/or dependent children.

Additionally, upon the occurrence of a qualifying status change, eligible employees may make benefit election changes. A qualifying status change may include marriage, divorce, death of a spouse or child, birth or adoption of a child or discharge of employment of your spouse.

B. Part-Time Unrepresented Employees

A part-time unrepresented employee whose regular work schedule is at least twenty (20) hours per week or forty (40) hours per pay period shall be eligible to participate in El Dorado Transit Health Care Plan on the same cost sharing basis as a full time employee.

A part-time employee may work additional or fewer hours than his/her regular work schedule without changing the contribution.

C. Registered Domestic Partnership

Employees who have registered domestic partners shall have the same benefits provided as married employees with same sex or opposite sex spouses. Registered Domestic Partnerships are same-sex or opposite sex partnerships that have filed a Declaration of Domestic Partnership or Confidential Declaration of Partnership with the State of California.

6.3 Management Optional Benefit Plan

Management employees shall be entitled to an annual contribution of \$6,000 per year that may be applied to the employee portion of dental/vision, medical and FSA (if elected or paid out as cash. If a cash-out option is elected it shall be considered taxable income, subject to the provisions of tax rules. Cash pay-out shall be prorated over twenty-six pay periods.

6.4 Section 125 Plan

El Dorado Transit offers a pretax benefits contribution option for employees. This employee benefit is known as a Section 125 plan.

A Section 125 plan is a benefit plan that allows an employee to make contributions toward premiums for health insurance on a "before tax", rather than an "after tax" basis. The employee's premium contributions are deducted from the employee's gross pay before all statutory taxes are calculated and deducted.

6.45 Life Insurance

El Dorado Transit shall provide a ten thousand dollars \$10,000 group term life insurance plan for each full-time regular and part-time represented employee and a twenty thousand dollars \$20,000 group term life insurance for each full-time regular unrepresented and management employee. A group term life insurance plan shall be provided for the Executive Director per the Executive Director's employment agreement.

Eligible employees will be enrolled in this plan on the first of the month following 30 ~~their first~~ days of employment.

The employee must complete an insurance form and designate the employee's beneficiary.

The cost of this insurance is fully paid by El Dorado Transit.

Participating employees will also be covered under the plan's Accidental Death and Dismemberment rider.

Complete details of this plan may be obtained from Human Resources.

6.56 Plan Documents or Contracts Control

Specific details of benefits provided under El Dorado Transit Health Care Plan, Life Insurance, Workers' Compensation and Long-Term Disability Programs shall be governed solely by the specific plan documents or insurance contracts and/or policies maintained by El Dorado Transit.

6.67 Consolidated Omnibus Benefits Reconciliation Act (COBRA)

The employee and their covered dependents will have the opportunity to continue medical and/or dental and vision benefits for a period of up to thirty-six (36) months under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) when group medical and/or dental and vision coverage for the employee and their covered dependents would otherwise end due to an employee's death or:

- the employee's employment terminates, for a reason other than gross misconduct; or
- the employee's employment status changes due to a reduction in hours; or
- the employee's child ceases to be a "dependent child" under the terms of the medical and/or dental and vision plan; or
- the employee becomes divorced or legally separated; or
- the employee becomes entitled to Medicare.

In the event of divorce, legal separation, or a child's loss of dependent status, the employee or their family member must notify the plan administrator within sixty (60) days of the occurrence of the event.

The plan administrator will notify the individuals eligible for continuation coverage of their right to elect COBRA continuation coverage.

For more information regarding COBRA, employees may contact Human Resources.

6.78 Workers Compensation

On the job injuries are covered by El Dorado Transit's Workers' Compensation insurance policy. This insurance is provided at no cost to employees. If an employee is injured on the job, no matter how slightly, the employee must report the incident immediately to the employee's supervisor or department manager.

Consistent with applicable state law, failure to report an injury within a reasonable period of time could jeopardize a claim. El Dorado Transit asks for all employees' assistance in alerting management to any condition that could lead to or contribute to an employee accident.

If the work-related accident, injury or illness results in the employee being placed on a leave of absence, the agency's leave policies will apply to that absence. El Dorado Transit strives to bring employees back to work as soon as possible following a work-related accident, injury, or illness. Thus, while employees are on a leave of absence, they should stay in contact with the Human Resources Department regarding any work status updates or their expected return to work.

Pursuant to El Dorado Transit's Article 5.20-Return to Work Policy, when requested, the agency will provide a reasonable accommodation for any known physical or mental

disability of a qualified individual, provided the request does not create an undue hardship for the agency or pose a direct threat to the health and safety of others in the workplace, the public or the requesting employee. Once the agency is aware of the need for an accommodation, the agency will engage with the employee in the interactive process to identify possible accommodations.

6.89 State Disability

All employees are eligible for disability insurance benefits when an illness, injury or pregnancy-related disability prevents them from working and they meet all the eligibility requirements.

The benefits are calculated as a percentage of the employee's salary up to a weekly maximum as specified by law, for up to fifty-two (52) weeks.

Employees who apply for this benefit must provide written notice of disability, including a doctor's certificate stating the nature of the disability and the employee's expected date of return to work.

Employees are responsible for filing a claim and other forms promptly and accurately with the Employment Development Department. A claim form may be obtained from the Employment Development Department office or online.

The cost of this insurance is fully paid by the employee.

6.910 Integration of Benefits

Integration or coordination of Disability Insurance or Paid Family Leave Benefits is the process in which the full Disability Insurance or Paid Family Leave weekly benefits amount is paid to the employee with the employee paid a portion of wages from the employer. With this process, an employee could potentially receive up to one hundred percent (100%) of his/her normal gross weekly wages for the benefits period (provided the employee has leave balances available). It is the employee's responsibility to file for State Disability Insurance or Paid Family Leave, whichever is applicable, and make arrangements with the Human Resources Manager for leave integration.

6.110 457(f) Non-Qualified Deferred Compensation Plan

El Dorado Transit provides eligible top-hat employees with a 457(f) nonqualified deferred compensation plan for additional long-term savings for retirement. El Dorado Transit's contribution, if any, is determined by the employer on an annual basis.

Employees can obtain a copy of the Summary Plan Description containing the details of the plan including eligibility and benefit provisions from Human Resources. In the event of any conflict in the description of any plan, the official plan documents, which are

available for employee review, shall govern. If employees have any questions regarding this plan, they should contact the plan administrator.

Management Employees

El Dorado Transit will make a dollar-for-dollar annual matching contribution to deferred compensation (457 Plan) accounts on behalf of participating management employees in an amount not to exceed four hundred dollars (\$400.00) per calendar year.

6.121 Retirement Benefits

All regular employees will participate in the California Public Employee's Retirement System (CalPERS). Because of membership in CalPERS, enrolled employees of El Dorado Transit are not covered by Social Security and no deduction will be made for that purpose.

1. Employees hired prior to January 1, 2013, will retain their "Classic" retirement benefits per CalPERS.
2. Any employee hired (who is considered a new member) on or after January 1, 2013, is subject to the new Public Employee Pension Reform Act (PEPRA) formula of 2% at 62 and shall pay the entire employee PERS contribution rate each pay period. A new member is considered anyone who has no prior membership in any other California public retirement system or a new hire who established CalPERS membership with a different CalPERS employer before January 1, 2013, with a break in service of greater than six months.
3. For employees not covered by paragraph 1 above, commencing January 1, 2013, employees shall pay their entire portion of their PERS contribution rate each pay period. The CalPERS [Classic member](#) retirement formula is 2% at 55.

6.1213 Professional Development

El Dorado Transit believes in supporting the professional growth of its employees. To encourage employee development, El Dorado Transit offers a professional development reimbursement program to eligible employees who attend job-related seminars.

To participate in this program, the employee must be a full-time employee who has completed six months of employment.

Approval from Human Resources must be received prior to registration for the seminar. El Dorado Transit will pay a portion of approved job-related seminars.

In an effort to keep El Dorado Transit informed of new developments, El Dorado Transit asks that employees share any new information presented at the seminar with the rest of the staff.

6.143 Tuition Assistance Program

El Dorado Transit encourages all employees to pursue professional development to improve their effectiveness in their job performance and to prepare for future career opportunities within Transit. El Dorado Transit is dedicated to providing tuition assistance to all employees seeking to reach their professional goals.

El Dorado Transit has established a Tuition Assistance Program, which provides support for personal and professional development opportunities for regular full-time employees. These opportunities may be used to expand job knowledge and upgrade skills, help meet the requirements for a different Transit job, prepare employees for another line of work within Transit, or take courses required to complete a college degree program. Tuition assistance is for courses and degrees related to a specific job, function, or career growth.

A. Eligibility

1. Employees must be Full-time regular employee status for at least twelve (12) continuous months with El Dorado Transit.
2. Employee must be in active pay status. Employee on non-active status (full-time disability leave, workers' compensation leave, military leave, etc.) are not eligible for assistance or reimbursement.
3. Employee must still be employed by Transit when final paperwork for reimbursement is submitted.
4. Employee must have a satisfactory job performance.
5. Prior to enrollment, the employee must obtain written approval from the employee's supervisor and the Executive Director to confirm that the subject is job-related. Job related means training directly related to work performed for the department in which the person seeking reimbursement is employed.

B. Criteria and Guidelines

1. Applicability of the degree to the job and/or future position in the agency.
2. Length of service and potential of continued employment
3. Employees class attendance must not interfere with normal departmental operations or create extra work for other employees.
4. Employees GPA
 - a. Undergraduate level courses: Grade of "C" or better (or the numerical equivalent thereof) in each individual course.
 - b. Graduate level courses: Grade of "B" or better (or the numerical equivalent thereof) in each individual course.
 - c. Certificate Courses: Valid proof of successful completion of certificate curriculum or grade of "Pass" (or equivalent) for individual courses.
5. Along with submission and application for reimbursement, employees are required to investigate and apply for all alternate sources of tuition support and financial assistance for which they may be eligible. Alternate sources of financial aid include, but are not limited to, agency tuition support programs, Pell Grants, Veterans Administration Educational Benefits (GI Bill), and college stipends. Information about financial assistance programs may be

obtained from college/university financial aid offices, or agency staff development resources.

6. Employees receiving tuition support or financial assistance from any alternate source must report it and the amount on the application form. This amount will be deducted before calculating the allowable reimbursement. Employees who fail to report alternate sources and amounts of financial aid on the application will be liable for return of the reimbursement award and face possible exclusion from future reimbursement program eligibility.

C. Reimbursement Amount

1. For pre-approved courses in an accredited educational institution program, eligible employees may receive tuition reimbursement for a maximum of \$2,500 for certificate, Associate, Bachelor's and Master's degree programs in one fiscal year (July 1 through June 30).
2. Employees will be reimbursed only for the courses necessary to earn one Bachelor's degree and for the courses necessary to earn one Master's degree during the total employment period.
3. Reimbursement includes the cost of tuition, required books, supplies, parking, mandatory insurance fees, and related fees. Related fees include standard expenses like financial aid fees and lab fees. Cost not covered by this policy include, but are not limited to the following: transportation, recreation fees, and books that are not required for the course.

D. Reimbursable Courses

1. All courses required in pursuit of a certificate or degree at an accredited school that will enhance the employee's current skills and will prepare the employee for other career opportunities within Transit.
2. Courses at an accredited university, college, trade, business, or vocational school (not in pursuit of a degree or certificate) that will enhance skills in current classification or prepare the employee for career opportunities within Transit.
3. Prerequisite courses outside the major course of study (e.g., completion of an undergraduate statistics course in order to allowed to register for the graduate course).
4. College-Level Examination Program (CLEP) tests, provided that credits will be applied toward an approved college/university program.
5. Challenge exams for certification.

E. Tuition Reimbursement Procedures

1. Employees should complete the Tuition Assistance Application at least two (2) weeks prior to the start of the course in order to eligible for tuition assistance.

2. Completed forms will be reviewed by the Human Resources Department to verify eligibility and criteria requirements. The Human Resources Department will determine if funds are available. Funding for tuition reimbursements will be subject to budgetary limitations. A pre-approved Tuition Assistance Application must be on file with Transit to receive reimbursement.
3. Within 45 days from completion of the course, the applicant must submit legible copies of the following:
 - a. Invoices or statement of fees charged, and the amount paid. The invoice must contain the school's name and address. Copies of cancelled checks and credit card receipts will not be accepted.
 - b. Grade card/report indicating the applicant's name, quarter/semester, course name(s) and grade(s) for the term.

F. Other Requirements and Restrictions

Ancillary fees that may be required by the educational institution, including but not limited to fees for application, technology, late registration, student activities, student licensing, matriculation, graduation, or diploma are not reimbursable.

Tuition Reimbursement Application with reimbursements of less than \$25.00 will not be accepted. All reimbursements for education assistance under this policy may be subject to Federal and State income tax laws in effect at the time of payment.

All employees receiving reimbursement under this program are obligated to remain in the employ of Transit for a period of one (1) year from the completion date of class or to repay Transit on a pro-rated basis, as described in the tuition reimbursement agreement that is to be signed by each applicant prior to approval of application.

Any exceptions to this policy must be reviewed and approved by the Executive Director or his/her designee.

6.1415 Employee Assistance Program

Eligible full-time and part-time employees may participate in the employee assistance program immediately upon hire.

El Dorado Transit's Employee Assistance Program (EAP), ~~and Work/Life Benefit~~ is an enhanced employee assistance program designed to help eligible employees and their immediate family achieve work-life balance. This confidential service connects employees with a team of highly qualified behavioral health professionals and personal assistants to receive assistance for a variety of personal services. Some of the services offered are individual personal assistants, personal growth online training courses, ~~24/7~~ counseling services, financial consultation and referral, legal consultation and referral, child and elder -care referral services and travel coordination.

The administrative cost of this program is fully paid by El Dorado Transit.

Additional information regarding this program ~~is available at www.eniweb.com or by calling 1-800-327-2255. Complete details of this program~~ may be obtained from Human Resources.

ARTICLE 7 – SAFETY WITHIN THE WORKPLACE & WORKING CONDITIONS

7.1 Each Employee’s Responsibility

Safety can only be achieved through teamwork at El Dorado Transit. Each employee, supervisor and manager must practice safety awareness by thinking defensively, anticipating unsafe situations, and immediately reporting unsafe conditions.

Please observe the following precautions:

1. Notify the Executive Director and/or a supervisor of any emergency situation. If an employee is injured or becomes sick at work, no matter how slightly, the employees must inform the Executive Director and/or the employee’s supervisor immediately.
2. The use of alcoholic beverages or illegal substances during working hours will not be tolerated. The possession of alcoholic beverages or illegal substances on El Dorado Transit's property is forbidden.
3. Use, adjust, and repair machines and equipment only if trained and qualified.
4. Know the proper lifting procedures. Get help when lifting or pushing heavy objects.
5. Understand job duties fully and follow instructions. If you are not unaware of the safe procedure, don't guess; just asks a supervisor.
6. Know the locations, contents and use of first aid, firefighting equipment and fire extinguishers.
7. Wear personal protective equipment in accordance with the job requirements.
8. Comply with OSHA standards and/or applicable state job safety and health standards as written in the El Dorado Transit safety procedures manual.

A violation of a safety precaution is an unsafe act. A violation may lead to disciplinary action, up to and including termination.

For more information, please refer to the IIPP

7.2 Drug & Alcohol Free Workplace

El Dorado Transit has vital interests in ensuring a safe, healthy, and efficient working environment for employees and the customers El Dorado Transit serves. The unlawful or improper use of controlled substances or alcohol in the workplace presents a danger to everyone. In addition, as a federal contractor and/or grantee, El Dorado Transit has a duty to comply with the requirement of the Drug-Free Workplace Act of 1988. For these reasons, El Dorado Transit has established as a condition of employment and continued employment with El Dorado Transit, the following drug and alcohol-free workplace policy.

El Dorado Transit has implemented a drug testing program in compliance with local, state and federal laws. Employees are prohibited from reporting to work or working while using illegal or unauthorized substances. Employees are prohibited from reporting to work or working when the employee uses any controlled substance, except when the use is pursuant to a doctor's orders and the doctor advised the employee that the substance does not adversely affect the employee's ability to safely perform his/her job duties. Employees are also prohibited from reporting for duty or remaining on duty with any alcohol in their systems. Employees are also prohibited from consuming alcohol during working hours, including meal and break periods.

In addition, employees are prohibited from engaging in the unlawful or unauthorized manufacture, distribution, sale or possession of illegal or unauthorized substances and alcohol in the workplace including: on El Dorado Transit paid time, on El Dorado Transit premises, in El Dorado Transit vehicles or while engaged in El Dorado Transit activities.

In accordance with the Drug-Free Workplace Act of 1988, employees must notify Human Resources of any criminal drug statute conviction for a violation occurring within the workplace within five days of such conviction.

Continued employment with El Dorado Transit is conditioned upon full compliance with the foregoing drug and alcohol-free workplace policy. Any violation of this policy may result in disciplinary action, up to and including termination. Furthermore, any employee who violates this policy and is subject to termination may be permitted in lieu of termination, at the Executive Director's sole discretion, to participate in an appropriate treatment, counseling, or rehabilitation program as recommended by a substance abuse professional as a condition of continued employment and in accordance with applicable federal, state, and local laws.

Consistent with its employment policy, El Dorado Transit maintains a policy of non-discrimination and reasonable accommodation with respect to recovering addicts and alcoholics, and those having a medical history reflecting treatment for substance abuse conditions. El Dorado Transit encourages employees to seek assistance before their drug and alcohol use renders them unable to perform their essential job functions or jeopardizes the health and safety of themselves, or others. El Dorado Transit will attempt to assist its employees through referrals to rehabilitation, appropriate leaves of absence and other measures, consistent with El Dorado Transit's policies and applicable federal, state or local laws.

El Dorado Transit further reserves the right to take any and all appropriate and lawful actions necessary to enforce this drug and alcohol-free workplace policy including, but not limited to, the inspection of agency issued lockers, desks or other suspected areas of concealment, as well as an employee's personal property when a trained supervisor or manager has reasonable suspicion to believe that the employee has violated this drug and alcohol-free workplace policy.

Although the use of marijuana is legal under California law, it is illegal under federal law and its use, possession, sale, or distribution is prohibited by this policy. Testing positive for marijuana is also a violation of this policy. Employees who test positive for cannabis or any other illegal drug or who otherwise violate this policy will be subject to disciplinary action, up to and including termination.

This policy represents El Dorado Transit's guidelines. For more information, please speak to Human Resources.

Drug and Alcohol-Free Awareness Program

In order to maintain a drug and alcohol free workplace, El Dorado Transit has established a drug and alcohol free awareness program to educate employees on 1) the danger of drug abuse and alcohol in the workplace; 2) El Dorado Transit's drug and alcohol free workplace policy; 3) the availability of any drug and alcohol counseling, rehabilitation, and employee assistance programs; and 4) the penalties that may be imposed upon employees for drug abuse and alcohol violations, and violations of El Dorado Transit's drug and alcohol free workplace. Such education includes: the distribution of El Dorado Transit's drug and alcohol free workplace policy at employment orientation; a discussion of our drug and alcohol free workplace at the new employee orientation session; reorientation of all involved employees in cases in which a drug and/or alcohol-related accident or incidents occur; inclusion of El Dorado Transit's drug and alcohol free workplace policy in the Policy and Procedure Manual and any other personnel policy publications;; discussion by El Dorado Transit's Safety Officer on the hazards associated with drug abuse and alcohol misuse; and videotape presentations on the hazards of drug abuse and alcohol misuse.

7.3 Workplace Violence & Weapons Prevention Policy

Violence by an employee or against an employee, supervisor or management will not be tolerated. The purpose of this policy is to minimize the potential risk of injuries to employees at work and to reduce the possibility of damage to El Dorado Transit property.

If an employee receives or overhears any threatening communications from an employee or outside third party, it must be immediately reported to the Executive Director. Physical or verbal confrontation with a potentially violent individual should be avoided. If an individual who is threatening immediate harm to an employee or visitor to our premises is encountered, an emergency agency (such as 911) should be immediately contacted.

All reports of work-related threats will be investigated, documented, and kept confidential to the extent possible. Employees are expected to report and participate in the investigation of any suspected or actual cases of workplace violence and will not be subjected to disciplinary consequences for such reports or cooperation.

Violations of this policy, including failure to report or fully cooperate in any investigation, may result in disciplinary action, up to and including termination.

Possession, use or sale of weapons, firearms, or explosives on work premises, while operating El Dorado Transit machinery, equipment or vehicles for work-related purposes or while engaged in agency business off premises is forbidden except where expressly authorized by El Dorado Transit and permitted by state and local laws. This policy applies to all employees, including but not limited to, those who have a valid license to carry a firearm.

Employees who are aware of violations or threats of violations of this policy are required to report such violations or threats of violations to the Executive Director, their supervisor or Human Resources immediately.

Violations of this policy will result in disciplinary action, up to and including termination.

7.4 Workplace Monitoring

Workplace monitoring, both human and electronic, may be conducted by El Dorado Transit to ensure quality control, employee safety, security, and passenger safety.

El Dorado Transit may also utilize video surveillance of non-private workplace areas, and buses and transport vehicles. Video monitoring is used to identify safety concerns, maintain quality control, detect theft, and misconduct, and discourage or prevent acts of harassment and workplace violence.

[Phone calls between El Dorado Transit employees and customers may be monitored and/or recorded by El Dorado Transit. The El Dorado Transit management team, or their designees, may listen to or review customer service lines to monitor employee customer service or for other legitimate business purposes. Employees failing to provide appropriate and/or necessary customer service may be subject to disciplinary action subject to El Dorado Transit discretion.](#)

Because El Dorado Transit is sensitive to employee privacy rights, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

7.5 No Smoking Policy

Effective January 1, 2004, smoking is prohibited inside a public building and within 20 feet of main exits, entrances, or operable windows. This regulation also applies to transit

vehicles. Employees may only smoke in designated areas. Disobeying this regulation will be cause for disciplinary action up to and including termination.

7.6 Off Duty/No Loitering

Employees are prohibited from loitering on El Dorado Transit premises while off duty. Off-duty activity is limited to the employee breakroom to avoid disruption to on-duty employees.

7.7 Employee Background Checks

Pre-employment background checks are required for all applicants offered positions with El Dorado Transit including internal candidates. Employee background screenings may include but are not limited to a review of driving record history, criminal background check, drug screening, credit check, prior employment, and educational verification. Please see Board Policy E-5 for complete outline of El Dorado Transit's procedures.

Upon making a conditional offer of employment with El Dorado Transit, Human Resources will oversee the background check procedures of prospective employees pursuant to Board Policy E-5. The California Department of Justice provides an automated service for criminal history background checks that is required by El Dorado Transit as a condition of employment for job classifications listed within Attachment A of the Board Policy. Applicants must complete the Post Conditional Offer Criminal History Inquiry upon receiving an offer letter for employment.

Employment is contingent upon successful completion of all components of the background check and the results shall be used to assess the applicants' suitability for employment. Failure to have fingerprints taken within a ten (10) day period or to complete the drug screening within 72 hours after notification, without good cause, will be grounds for the withdrawal of the offer of employment.

El Dorado Transit shall pay all necessary and required fees for fingerprint tests, background checks and certificates.

Background reports are sensitive and confidential and will be restricted to those individuals who are directly involved in the hiring process. Any records retained must be stored in a secured, confidential file. The State Identification Number (SID) for the purpose of "No Longer Interested" for subsequent arrest notification services should be retained and all additional requirements pursuant to Penal Code Section 11105.2.

7.8 Personal Visitors

It is expected that employees keep personal visits from family and friends to a minimum. Should it become necessary that an employee have a personal visitor, and the visit cannot be arranged during a lunch or break period, the visit should be conducted in the break room or away from other employee's work areas as quickly as possible.

7.9 Dress Code

Work attire should complement an environment that reflects an efficient, orderly, and professionally operated agency internally and to the public. This policy is intended to define appropriate attire during normal business operations. Employees scheduled to work on Saturdays and Sundays are expected to dress in accordance with agency and uniform guidelines.

All employees should exercise sound professional judgment with regard to personal appearance, dress and grooming to enable them to be most effective in the performance of their duties. El Dorado Transit's objective is to sustain an appropriate dress practice that is conducive to our business environment.

Employees should still be well dressed and serve as good representatives for the agency. All clothing should be without holes, wrinkles and stains; shoes should be presentable and clean. El Dorado Transit reserves the right to continue, extend, revise or revoke this policy at its discretion.

If uniforms are provided, employees must wear them in accordance with department guidelines. Operations staff must always wear closed toed/ closed heel shoes while on Transit property for safety reasons; athletic shoes are acceptable to wear. Closed toed shoes must be always worn within the Maintenance Department.

Sample Unacceptable Attire

- Plain, Tie-dye or pocket T-shirts
- Cutoffs
- Tattered or faded jeans or shorts
- Mini skirts
- T-shirts with logos
- Workout clothes (sweats, jogging suits, sports bras)
- Beach wear, sun dresses
- Beach shoes, flip flops, house slippers or thongs
- ~~Open heel shoes~~
- Spandex or Lycra such as biker shorts [or leggings](#)
- Tank tops, tube tops, halter tops with spaghetti straps (unless worn with a sweater)
- Midriff length tops
- Revealing or provocative attire; see through blouses, shirts, or dresses
- Off-the-shoulder tops
- Evening wear
- Pajama tops or bottoms
- Any clothing or shoe that poses a safety risk

*This list is not all inclusive and is subject to change at the discretion of the Executive Director or his/her designee.

No dress code can cover all contingencies so employees must exert a certain amount of judgment in their choice of clothing to wear to work. Requests for advice and assistance in administrating or interpreting this guideline should be directed to an employee's immediate supervisor or a manager.

Enforcement

Department managers and supervisors are responsible for monitoring and enforcing this policy. The policy will be administered according to the following action steps in most cases; however, management reserves the right to take proper action which does not require the below steps if an employee is already on written warning, or the violation is severe:

1. If questionable attire is worn in the office, the respective department supervisor/manager will hold a personal, private discussion with the employee to advise and counsel the employee regarding the inappropriateness of the attire.
2. If the department supervisor/manager observes a violation of this policy, the department supervisor/manager will hold a private discussion with the employee and ask the employee to go home and change his/her attire immediately.
3. Repeated policy violations will result in disciplinary action, up to and including termination.

Review and Revision

The Executive Director reserves the right to rescind and/or amend this and all El Dorado Transit policies, at any time.

Jewelry and Tattoos

Due to our growing effort to present El Dorado Transit professionally; and our continued commitment to our customer base, El Dorado Transit may require that an employee cover a visible tattoo or cover/remove a visible body piercing to maintain Transit's dedication to professional personal appearances in our service community. Jewelry that may pose a conflict, personal safety risk to self or others or that [areis](#) deemed outside of corporate or societal norms shall not be permitted.

All visible tattoos shall be in good taste with limited visible body piercings such as face and tongue piercings. If management determines an employee's jewelry or tattoos may present such a conflict, the employee will be encouraged to identify appropriate options, such removal of excess or offensive jewelry, covering of tattoos or other reasonable means to resolve the conflict.

Personal Hygiene, Make-up, Perfume and Cologne

Maintaining a professional, business-like appearance is very important to the success of El Dorado Transit. Part of the impression you make on others depends on your choice of dress, personal hygiene, and courteous behavior. A daily regimen of good grooming and hygiene is expected of everyone. Please ensure that you maintain good personal hygiene habits. While at work, you are required to be clean, dressed appropriately and well groomed.

Makeup, perfume, and cologne should be kept to a minimum. Some employees and/or customers may be allergic to the chemicals in perfumes and make-up. Please use these products with restraint.

7.10 Loss Reimbursement

El Dorado Transit will not reimburse El Dorado Transit personnel for any personal objects, possessions or clothing which are lost or damaged, either while on duty or off duty, unless otherwise determined by the Executive Director. Personal objects, possessions and clothing are items purchased and maintained by the employee and not purchased and maintained by El Dorado Transit

7.11 Petty Cash

El Dorado Transit maintains a petty cash fund to pay for miscellaneous expenses per the Board approved Petty Cash Policy. All employees should review and understand the policy, which may be viewed in the Accounting Department.

7.12 Solicitation

Any employee who initiates solicitation on El Dorado Transit premises shall obtain prior approval by the Executive Director or his/her designee. Unauthorized employee solicitation or the purchasing of goods or services on behalf of El Dorado Transit without prior approval is prohibited.

7.13 Inclement Weather Policy

Snowfall brings challenging driving conditions. Unless an early assessment is made to cancel services, employees are expected to report to work at their scheduled reporting time. Employees should prepare in advance and make every effort to report to their workstations. If El Dorado Transit makes the decision to cancel any services, management will notify local news and radio stations along with any other local media sources.

All employees who report to work at their scheduled time will be paid Administrative Leave for the remainder of the day if the office is closed due to inclement weather. Those employees who were notified not to report to work prior to the start of their shift will be paid Administrative Leave for their scheduled shift. Employees who do not report to work or who were not called off to report to work must use discretionary leave for the day.

It is crucial for employees to remember ~~to not~~ not to call the dispatch center for information or reporting to work as dispatch will be inundated with phone calls from customers. If an employee is having an issue with reporting to work, the sick phone line should be used. An employee must speak to an actual person when reporting out for work.

7.14 Employment of Relatives

El Dorado Transit does not prohibit hiring relatives. While El Dorado Transit accepts and considers employment applications from relatives, close family members such as parents, children, spouses, or in-laws will not be hired into or transferred into positions where they directly or indirectly supervise or are supervised by another immediate family member, unless otherwise determined by the Executive Director.

7.15 Driver's License and Driving Record

All El Dorado Transit employees, who are required to drive a vehicle as part of their position responsibilities, must possess an appropriate valid California Department of Motor Vehicle driver's license and maintain a good driving record consistent with requirements established by the Executive Director. These regulations protect El Dorado Transit's interests including, but not limited to, its insurability under its automobile liability or risk management policies and to avoid liability for acts of employees driving El Dorado Transit vehicles. Failure to maintain an acceptable driving record or license will be cause for discipline up to and including termination.

All El Dorado Transit employees are subject to driver's license monitoring through the El Dorado Transits' California Department of Motor Vehicle (DMV) Employer Pull Notice (EPN) program. This program helps ensure safe driving records for employees who are required to drive as part of their regular job duties. The EPN automatically sends El Dorado Transit a report once a year or any time there is action on the record such as a conviction, failure to appear, accident or driver's license withdrawal. Once the action is recorded El Dorado Transit is immediately notified. El Dorado Transit may also be notified when an employee's certification is set to expire for their DMV Medical Examination or Verification of Transit Training (VTT).

7.16 Driving During Work

If an employee has been authorized to drive their personal vehicle to conduct El Dorado Transit business, they must ensure that the personal vehicle is covered by a Personal Automobile Policy on the Covered Auto with liability limits of no less than one hundred

thousand dollars (\$100,000) combined single limit. If the employee's personal vehicle is involved in an accident, the employee's Personal Automobile Policy will be primary for liability and El Dorado Transit will not be responsible for any auto physical damage or rental reimbursement on the personal vehicle. The employee must provide evidence of a copy of a current Personal Automobile Policy Declaration showing the Named Insured, the covered auto, the expiration dates, and the limits of liability.

If an employee operates a personal vehicle ~~in the course of~~during El Dorado Transit business, they must ensure that the vehicle meets all applicable federal, state and/or local safety standards. No personal vehicle may be used ~~in the course of~~while conducting El Dorado Transit business if any defective or damaged equipment will prevent its safe operation.

Prior to driving a personal vehicle during the course of business for El Dorado Transit, employees must receive authorization from the Executive Director or his/her designee. Employees must also submit a copy of their automobile insurance listing the minimum coverage required by the State of California. The employee must also submit any changes made to their policy.

Safety Guidelines

1. All state and local laws must be obeyed. Employees are expected to follow all driving laws and safety rules, such as adherence to posted speed limits and traffic signs, use of turn signals, and avoidance of confrontational or offensive behavior while driving.
2. Employees are expected to always wear seat belts while in a moving vehicle being used for El Dorado Transit business, whether the employee is the driver or a passenger.
3. Cell phone use while driving can create a distraction and unsafe situation. Drivers need to be aware when use of the cell phone is creating a distraction from safe driving and adjust their usage, accordingly, including pulling off the road to continue/finish the conversation if needed. Drivers must complete all calls while the vehicle is parked and/or use the phone in a "hands-free" mode via a headset or speaker. All state laws governing the use of cell phones by drivers must be obeyed. While driving, attention to the road and safety should always take precedence over conducting business over the phone.
- ~~3.4.~~Text messaging while driving is prohibited.
- ~~4.5.~~Operating a vehicle while using, possessing, buying, selling, distributing or while under the influence of alcohol, illegal drugs, or any controlled substance, (except for prescription medications taken as directed by a physician which do not affect driving performance or pose a risk to health or safety) is prohibited.

- ~~5~~.6. Drivers are responsible for the security of El Dorado Transit vehicles assigned to them. The vehicle's engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended.
- ~~6~~.7. Drivers must honor posted speed limits. In adverse driving conditions, a safe operating speed that is consistent with the conditions of the road, weather, lighting and volume of traffic must be maintained.
- ~~7~~.8. Employees must inform their Manager/Supervisor immediately regarding any restrictions, revocations placed on their driver license, or any loss of coverage.
- ~~8~~.9. Employees are prohibited from using any El Dorado Transit vehicle for personal use. Agency owned vehicles may be used by an employee and/or taken home overnight only with prior approval from the Executive Director or his/her designee.
- ~~9~~.10. Only El Dorado Transit employees may operate any agency owned or rented vehicle. Failure to adhere to these guidelines may result in disciplinary action up to and including termination.

7.17 High Visibility Personal Protection

Purpose

This policy on high visibility personal protection is established in accordance with the California Occupational Safety and Health Administration (Cal OSHA) Title 8 section 3380 and Title 8 section 1598.

In an effort to provide greater visibility and safety for El Dorado Transit employees, high visibility vests (safety vests) or high visibility clothing must be worn during the workday in and near any traffic condition. A traffic condition will be defined as any street or roadway open to any type of vehicle traffic; included, in any sidewalk or path that is next to any traffic flow.

“High visibility clothing” includes a Transit issues or approved vest or overcoat constructed or adorned with reflective materials increasing the ability of passerby to see and identify the wearer.

Procedure

Agency issued high visibility clothing must be worn properly by all El Dorado Transit employees including drivers, office staff, managers, supervisors, dispatchers, and maintenance staff. High visibility clothing will be provided to each employee and must be kept at work when not in use except to take home and wash. Mandatory safety vests or high visibility clothing must be always worn when an employee is:

1. Within the limits of the bus yard. (The bus yard is defined as the area within the fence where the maintenance shop is located and El Dorado Transit vehicles are parked).
2. Outside the bus while on route and/or a bus stop performing official duties
3. Present near or on roadways or sidewalks where vehicle traffic exists.

Maintenance of High Visibility Clothing

Employees are responsible for the maintenance of their personal high visibility vest and clothing to ensure that all items retain the protective qualities provided by the manufacturer. The vest must remain intact with no holes larger than a quarter size. The high visibility clothing must retain its bright neon yellow, or orange color and the reflective strip must remain in good working order. The Safety Coordinator will determine the condition and identify the need for a replacement of a high visibility personal protection item.

High Visibility Overcoat

The high visibility overcoat may be worn in lieu of the safety vest, however, when the jacket is removed, high visibility clothing must be worn when performing official duties, tasks within the bus yard, and present near or on roadways or sidewalks.

Replacement

If high visibility clothing is in non-working order or has been misplaced, a loaner vest will be provided and must be returned each day. If a safety vest is lost or stolen, it must be reported to your supervisor. The issuance of a new safety vest will be determined by the Safety Coordinator and will be annually reviewed as part of the annual uniform ordering process for possible replacement.

ARTICLE 8 – STANDARD BUSINESS CODE OF CONDUCT

8.1 Expectations of Employee Behavior

El Dorado Transit's reputation for integrity is its most valuable asset and is directly related to the conduct of its officers and other employees. Therefore, employees must never use their positions with El Dorado Transit, or solicit any customers, for private gain, to advance personal interests, or to obtain favors or benefits for themselves, members of their families or any other individuals, corporations, or business entities.

El Dorado Transit adheres to the highest legal and ethical standards.

8.2 Conflict of Interest

Conflict of interest is defined by applicable law. Employees are expected to exercise good judgment and discretion in evaluating any particular activity so as to avoid any actual or apparent conflict of interest. No employee shall take any action on behalf of El Dorado Transit that the employee knows, or reasonably should know, violates any applicable law or regulation. This includes but is not limited to such activities as “kick-backs,” bribery, falsehood, misrepresentation and divulging non-public information to persons or organizations that could potentially benefit from exclusive information.

Employees shall be free from any personal influence, interest or relationship that might conflict with the best interest of El Dorado Transit. Acceptance of entertainment, travel, or gifts, which might reasonably be deemed by others to affect the judgment or action of any employee in the performance of his/her employment with El Dorado Transit, violates this policy.

Staff members will represent El Dorado Transit in a professional manner. Personal letters may not be written on El Dorado Transit letterhead. Endorsements, testimonials, publications, and participation in public affairs should be undertaken cautiously.

This policy does not prohibit membership in any political organization, attendance at meetings, and expression of views on political matters or voting with complete freedom. Employees may actively support their individual political beliefs on their own time if these opinions are not represented as the official viewpoint of El Dorado Transit. Therefore:

- A. Employees may not use their positions with El Dorado Transit to promote any specific political action, candidate, or belief.
- B. Employees may not use their El Dorado Transit titles in either written or verbal communications concerning political activities or beliefs, unless otherwise directed by El Dorado Transit.
- C. Employees may not use El Dorado Transit letterhead stationery for personal and/or political correspondence.
- D. Supervisory employees shall not attempt, through any means, to coerce other employees into working for or accepting their political beliefs or candidates.
- E. Employees may not conduct personal political activities of any kind during working hours, nor use any El Dorado Transit property, resource or office supplies while engaged in personal political activity.

No employee shall engage in outside employment which requests or requires employment with El Dorado Transit as a prerequisite for said outside employment, creates a conflict of interest, or interferes with the employee's efficiency and quality of work.

The name and location of any outside employer shall be filed with the Executive Director by the employee within three days after beginning such outside employment. This is a confidential file that shall be reviewed by legal counsel annually to assure there is no conflict of interest.

8.3 Business Ethics

Employees are expected to represent El Dorado Transit in a positive and ethical manner. Employees have an obligation to refer questions and concerns about potential conflicts to their supervisor. It is not acceptable to “look the other way” when a possible conflict arises.

All gifts or other gratuities from any party having or seeking to establish a business relationship with El Dorado Transit are discouraged and contrary to this policy. This policy is not intended to prohibit ordinary and accepted courtesies of business, such as promotional desk calendars, diaries, pencils, and occasional meals; but this policy is intended to prohibit receipt of valuable gifts and extended or expensive hospitality. Proper personal conduct requires the following:

- A. Employees of El Dorado Transit shall not solicit personal gratuities, discounts, favors or anything of monetary value from contractors or potential contractors.
- B. Employees may not engage directly or indirectly, either on or off the job, in any conduct which is disloyal, disruptive, competitive, or damaging to El Dorado Transit, as determined by the Executive Director. Such prohibited activity also includes any illegal acts in restraint of trade.
- C. Employees must disclose any financial interest they or their immediate family have in any firm which does business with El Dorado Transit.
- D. Employees and their immediate family may not accept gifts, except those of nominal value (\$25 or less), or any special discounts or loans from any person or firm doing, or seeking to do, business with El Dorado Transit. The meaning of gifts for purposes of this policy includes but is not limited to the acceptance of lavish entertainment and free long-distance travel and lodging.
- E. If luncheon or dinner meetings occasionally are desirable for the conduct of business, El Dorado Transit should pay the expenses of an appropriate share of such meetings.
- F. All employees shall deal with suppliers, customers and other people doing business with El Dorado Transit in a completely fair and objective manner without favor or preference based upon personal financial considerations.

8.4 Workplace Fraternization

El Dorado Transit strongly believes that a work environment where employees maintain clear boundaries between employee personal and business interactions is necessary for effective operations of agency business. Although this policy does not prevent the development of friendships or romantic relationships between co-workers, it does establish boundaries as to how relationships are conducted during working hours and within the working environment.

Individuals in supervisory or managerial roles and those with authority over other's terms and conditions of employment are subject to more stringent requirements under this policy due to their positions within the agency, their access to sensitive information, and their ability to affect the employment of individuals in subordinate positions.

This policy does not preclude or interfere with the rights of employees protected by the National Labor Relations Act or any other applicable statute concerning the employment relationship.

Procedures:

1. During working time and in working areas, employees are expected to conduct themselves in an appropriate and professional manner that does not interfere with productivity.
2. During nonworking time, such as lunches, breaks, and before and after work periods, employees should observe an appropriate and professional manner.
3. Employees are strictly prohibited from engaging in inappropriate physical contact while anywhere on company premises, whether during working hours or not.
4. Supervisor and manager disclose the romantic or sexual relationships with another co-worker to the individual's immediate supervisor or the Human Resources Manager. El Dorado Transit will review the circumstances to determine whether any conflict of interest exists.

Persons who violate this or any other El Dorado Transit policy are subject to discipline, up to and including discharge.

8.5 Whistleblower Policy

It is the intent of El Dorado Transit to adhere to all laws and regulations that apply to the agency.

- A. Reporting Responsibility - It is the responsibility of the Executive Director, management, supervisors, and all employees to report violations or suspected violations in accordance with this Whistleblower Policy.

- B. No Retaliation – Employees who in good faith report an ethical violation shall, not suffer harassment, retaliation, or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline, up to and including termination. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within El Dorado Transit prior to seeking resolution outside of the agency.
- C. Reporting Violations - El Dorado Transit has an open-door policy and suggests that employees share their questions, concerns, suggestions, or complaints with someone who can address them properly. In most cases, an employee’s supervisor is in the best position to address an area of concern. However, if the employee is not comfortable speaking with a supervisor or is not satisfied with a supervisor’s response, the employee is encouraged to speak with someone in Human Resources or management whom the employee is comfortable in approaching. Supervisors and managers are required to report suspected ethics violations to the Executive Director, who has specific and exclusive responsibility to investigate all reported violations. For suspected fraud, or when you are not satisfied or uncomfortable with following El Dorado Transit open door policy, individuals should contact the Executive Director directly.
- D. Executive Director - The Executive Director is responsible for investigating and resolving all reported complaints and allegations concerning violations. If a complaint is directly against the Executive Director, it should be filed with Human Resources who will then contact legal counsel.
- E. Acting in Good Faith - Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.
- F. Confidentiality - Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.
- G. Handling of Reported Violations - The Executive Director will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation.

8.6 Absenteeism and Tardiness

El Dorado Transit expects employees to be at work on time and remain for their entire work schedule to promote the efficient operation of the agency. Punctual and regular attendance is an essential responsibility of each employee. Late arrivals, early departures

or other absences from scheduled hours should be avoided; however, if an employee anticipates a need for an adjusted work schedule, they must obtain approval from their immediate supervisor. An employee who is absent from work for any reason must call his/her supervisor within 2 hours of the start time of that day.

8.7 Abandonment of Position

- A. When in the opinion of the Executive Director, an employee has abandoned his/her position, the Executive Director shall notify the employee that El Dorado Transit has determined that he/she has abandoned his/her position and has ten (10) working days upon receipt of the notice to contact El Dorado Transit regarding his/her intent to return to work. Such notice shall be in writing and sent by certified mail or personal service to the last address listed in the employee's personnel records.
- B. Abandonment of position may include, but is not limited to:
 - 1. Failure of an employee to report to work for a period of three (3) days or more without notifying his/her supervisor;
 - 2. Failure of an employee to respond within ten (10) working days of notice of abandonment of position
 - 3. Failure of an employee to return to his/her employment at the conclusion of any authorized leave of absence;
 - 4. Failure of an employee to properly notify by telephone or in writing his/her immediate supervisor of absence due to sickness or injury;
 - 5. Failure by an employee to obtain notification or express agreement with his/her supervisor authorizing use of any leave time set forth under El Dorado Transit's personnel policies;
 - 6. Failure of an employee to keep the Human Resources Department informed of his/her disability status on a regular basis unless otherwise directed.
- C. Abandonment of position shall constitute an automatic voluntary resignation from service.

8.8 Accidents

In the case of an accident involving El Dorado Transit property, the Executive Director and the immediate supervisor should be contacted immediately. In the event an employee is injured on the job, the employee shall report the accident immediately to the Executive Director and the immediate supervisor. Staff shall cooperate fully in the investigation of any accident.

8.9 Medical/Dental Appointments

Employees are expected to schedule medical and dental appointments to minimize interference with work hours. If an appointment is unavoidable, sick leave may be utilized. To keep lost time to a minimum when the appointment is at some distance from the home office, the employee should schedule the appointment for early or late in the day, thereby avoiding a round-trip from the office.

8.10 Use of El Dorado Transit Equipment, Automobiles and Premises

- A. No El Dorado Transit owned equipment, vehicles, trucks, instruments, tools, supplies, machines, or any other item that is the property of El Dorado Transit shall be used by an employee other than for agency business. No employee shall allow any unauthorized person to rent, borrow, or use any El Dorado Transit property, except upon prior written approval of the Executive Director.
- B. **Automobile Use**
Unless specifically authorized by the Executive Director, employees shall not use their private vehicle on agency business. When use of a private vehicle is authorized, the employee shall be reimbursed for miles traveled based on the standard mileage rate as issued periodically by the Internal Revenue Service. Prior to using a private vehicle on agency business, an employee must obtain and provide El Dorado Transit with a Certificate of Insurance on the form provided which evidence that the employee has comprehensive automobile liability insurance or business automobile liability insurance in the amount of the State of California minimum requirement and shall comply with the mandatory use of vehicle safety belts.
- C. **Maintenance Facility Use**
The maintenance facility is for the exclusive use of servicing and repair of El Dorado Transit property only. No personal vehicle maintenance is authorized.

8.11 Telephone & Voice Mail Usage

The work area telephones are for conducting El Dorado Transit business. The break room telephone is for employee use. The use of these telephones during business hours for personal calls shall be held to a minimum. Personal long distance telephone calls are prohibited on El Dorado Transit telephones.

Personal cellular telephones or hands-free cellular telephones may not be used while operating any El Dorado Transit vehicle at any time.

8.12 Internet Access and E-mail Usage

- A. Overview

The intentions for publishing an Acceptable Use Policy are not to impose restrictions that are contrary to El Dorado Transit established culture of openness, trust and integrity. El Dorado Transit is committed to protecting its employees and the agency from illegal or damaging actions by individuals, either knowingly or unknowingly. Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, WWW browsing, and File Transfer Protocol (FTP), are the property of El Dorado Transit. These systems are to be used for business purposes in serving the interests of El Dorado Transit, and our clients and customers during normal operations. Effective security is a team effort involving the participation and support of every El Dorado Transit employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

B. Purpose

The purpose of this policy is to outline the acceptable use of computer equipment at El Dorado Transit. These rules are in place to protect the employees and El Dorado Transit. Inappropriate use exposes El Dorado Transit to risks including virus attacks, compromise of network systems and services, and legal issues.

C. Scope

This policy applies to employees, contractors, consultants, temporary workers, and other workers at El Dorado Transit, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by El Dorado Transit.

D. Policy

1. General Use and Ownership

- a) While El Dorado Transit's network administration desires to provide a reasonable level of privacy, users should be aware that the data created on El Dorado Transit systems remains the property of El Dorado Transit. Because of the need to protect El Dorado Transit's network, management cannot guarantee the confidentiality of information stored on any network device belonging to El Dorado Transit.
- b) Employees are responsible for exercising good judgment regarding the reasonableness of personal use. The nature of email makes it susceptible to misuse. Users need to be aware that sensitive or private information can be easily forwarded to other individuals the originator never intended, both internal and external to El Dorado Transit. Employees should be guided by El Dorado Transit policies on personal use, and if there is any uncertainty, employees should consult their supervisor or manager.

- c) For security and network maintenance purposes, authorized individuals within El Dorado Transit may monitor equipment, systems, and network traffic at any time.
- d) El Dorado Transit reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.
- e) Incidental personal use of the agency's email system is permitted if it is not excessive and does not degrade the performance of services or interfere with the agency's normal business practices and the performance of the employee's business tasks. Employees should exercise sound judgment and sensitivity when exchanging personal messages in the workplace.
- f) All incoming email will be addressed to the employee's - El Dorado Transit supplied address such as jsmith@eldoradotransit.com. Receipt of non-agency addressed email is not allowed.
- g) Accessing personal email from a commercial Internet service provider (ISP) via HTML and an Internet browser over the agency network is prohibited. Examples of this type of email are MSN, Yahoo, Comcast, and Hotmail.

2. Security and Proprietary Information

- a) The user interface for information contained on Internet/Intranet/Extranet-related systems should be classified as either confidential or not confidential, as defined by El Dorado Transit confidentiality guidelines, details of which can be found in El Dorado Transit's policies and procedures manual. Examples of confidential information include but are not limited to: El Dorado Transit private communication, memos, customer or vendor lists, and employee roster and payroll data. Employees should take all necessary steps to prevent unauthorized access to this information.
- b) Passwords should be securely maintained and not shared. Authorized users are responsible for the security of their passwords and accounts. System level passwords should be changed quarterly; user level passwords should be changed every six months.
- c) Because information contained on portable computers is especially vulnerable, special care should be exercised. Postings by employees from an El Dorado Transit email address to newsgroups or social media site should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of El Dorado Transit, unless posting is in the course of business duties.

- d) All hosts used by the employee that are connected to El Dorado Transit Internet/Intranet/Extranet, whether owned by the employee or El Dorado Transit, shall be continually executing approved virus-scanning software with a current virus database unless overridden by Agency or group policy.
- e) Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.

3. Unacceptable Use

The following activities are prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services).

Under no circumstances is an employee authorized to engage in any activity that is illegal under local, state, or federal law while utilizing El Dorado Transit owned resources.

The lists below are by no means exhaustive but attempt to provide a framework for activities which fall into the category of unacceptable use.

A. System and Network Activities

- 1. The following activities are strictly prohibited, with no exceptions:
- 2. Violations of the rights of any person or agency protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by El Dorado Transit.
- 3. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which El Dorado Transit or the end user does not have an active license is strictly prohibited.
- 4. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to the export of any material that is in question.
- 5. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).

6. Revealing account passwords to others or allowing use of employee accounts by others. This includes family and other household members when work is being done at home.
7. Using an El Dorado Transit computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws, including viewing or downloading pornography.
8. Making fraudulent offers of products, items, or services originating from any El Dorado Transit account.
9. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
10. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
11. Port scanning or security scanning is expressly prohibited.
12. Circumventing user authentication or security of any host, network, or account.
13. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
14. Providing information about, or lists of, El Dorado Transit employees, vendors, or customers to parties outside El Dorado Transit, except as allowed by law.

B. Email and Communications Activities

1. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
2. Any form of harassment via email, telephone, or paging, whether through language, frequency, content, or size of messages.
3. Unauthorized use, or forging, of email header information.

4. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
5. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
6. Use of unsolicited email originating from within El Dorado Transit's networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by El Dorado Transit or connected via El Dorado Transit's network.
7. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).

C. Enforcement

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination.

D. Definitions

Term Definition

Spam Unauthorized and/or unsolicited electronic mass mailings.

Ponzi A fraudulent investment operation that involves paying returns to investors out of the money raised from subsequent investors, rather than from profits generated by any real business.

Port Scanning A piece of software designed to search a network host for open ports. This is often used by administrators to check the security of their networks and by hackers to compromise it.

Denial of Service (also, **DoS attack**)An attack on a computer system or network that causes a loss of service to users, typically the loss of network connectivity and services by consuming the bandwidth of the victim network or overloading the computational resources of the victim system

8.13 Social Media

El Dorado Transit encourages employees to use good judgment when communicating via social media.

“Social media” includes all means of communicating or posting information or content of any sort on the Internet, including to an employee’s or someone else’s web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with El Dorado Transit, as well as any other form of electronic communication.

The same principles and guidelines found in the El Dorado Transit's Policy and Procedure Manual apply to all activities online. Ultimately, employees are solely responsible for what is posted online. Before creating online content, employees should consider some of the risks involved. Any conduct that adversely affects job performance, the performance of fellow employees or otherwise adversely affects customers, vendors, suppliers, people who work on behalf of El Dorado Transit or its legitimate business interests may result in disciplinary action up to and including immediate termination.

The following is a general and non-exhaustive list of guidelines employees should follow:

1. Always be fair and courteous to fellow employees, customers, vendors, suppliers, or people who work on behalf of El Dorado Transit. Also, keep in mind that employees are more likely to resolve work related complaints by speaking directly with their co-workers or by utilizing El Dorado Transit's Open-Door policy than by posting complaints to a social media outlet. Nevertheless, if an employee decides to post complaints or criticism, they should avoid using statements, photographs, and video or audio that reasonably could be viewed as malicious, obscene, and threatening or intimidating, that disparages customers, employees, vendors, or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, age, gender, national origin, color, disability, religion or any other status protected by federal, state or local law or El Dorado Transit policy. Inappropriate postings that may include discriminatory remarks, harassment, retaliation, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including immediate termination.
2. Make sure information or news that is posted is always truthful and accurate. If a mistake is discovered, correct it quickly. Be open about any previous posts that have been altered. Use privacy settings when appropriate. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. The Internet is immediate; nothing that is posted ever truly "expires." Never post any information or rumors known to be false about El Dorado Transit, fellow employees, customers, vendors, suppliers, and people working on behalf of the El Dorado Transit.
3. Maintain the confidentiality of El Dorado Transit proprietary or confidential information. This may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures, or other internal business-related confidential communications.
4. Do not create a link from a personal blog, website, or other social networking site to the El Dorado Transit's website without being identified as an El Dorado Transit employee.

5. Express only personal opinions. Employees should never represent themselves as a spokesperson for the El Dorado Transit. If El Dorado Transit is a subject of the content created by an employee, the employee should make it clear that their views do not represent those of El Dorado Transit, fellow employees, customers, vendors, suppliers, or people working on behalf of El Dorado Transit. If an employee publishes a blog or post online related to the work they do or subjects associated with El Dorado Transit, it should be made clear that they are not speaking on behalf of El Dorado Transit. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of El Dorado County Transit Authority”.
6. Employees must refrain from using social media while on working time or while using equipment the agency provides, unless it is work-related as authorized by the Executive Director, or other member of management, or consistent with the Acceptable Use of Electronic Communications Policy. Accessing personal email accounts, streaming videos or music and internet shopping is strictly prohibited.
7. Do not use any El Dorado Transit email addresses to register on social networks, blogs or other online tools utilized for personal use.

Employees are encouraged to report violations of this policy. El Dorado Transit prohibits retaliation against any employee for reporting a possible violation of this policy or for cooperating in any investigation. Any employee who retaliates against another employee for reporting a possible violation of this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including immediate termination. Employees should not speak to the media on El Dorado Transit’s behalf without contacting the Executive Director. All media inquiries should be directed to the Executive Director.

Any questions or further guidance should be directed to the Executive Director.

ARTICLE 9 – DISCIPLINARY POLICIES

9.1 Standards of Conduct

Each employee has an obligation to observe and follow El Dorado Transit’s policies and to always maintain proper standards of conduct. If an employee’s behavior interferes with the orderly and efficient operation of a department, corrective disciplinary measures will be taken.

Disciplinary action may include a verbal warning, written warning, suspension with or without pay, and/or termination. The appropriate disciplinary action imposed will be determined by the Executive Director or his/her designee.

9.2 Discipline

The purpose of this policy is to provide firm guidelines that will ensure uniform application of formal and informal discipline involving El Dorado Transit employees. It is imperative that supervisors recognize that discipline is a legitimate organizational function, which, if exercised prudently, will ensure management control of the work force, and encourage continual growth in employee work performance. If applied fairly and consistently, discipline can be a positive, constructive means of bringing about or increasing organizational order and efficiency. Except in cases of suspension or dismissal, where the action taken is obviously punitive, disciplinary action should be taken only to deter employees from duplicating similar performance and behavior.

Disciplinary actions of a formal or informal nature will adhere to the following standards:

- A. Performance and behavioral problems will be discussed with employees in a timely manner following their occurrence.
- B. Whenever unsatisfactory performance or behavior emerges that cannot be corrected through informal discipline, which includes discussion, instruction, training, counseling, admonishment, written warning, or reprimand, then formal disciplinary action must be considered.
- C. Formal disciplinary action (suspension or termination) is to be in writing and documentation should demonstrate unacceptable performance or behavior by the employee.

Probationary employees and extra-help employees are not entitled to the same disciplinary procedures as regular employees. Probationary or extra-help employees may be dismissed at any time without notice and without the right to appeal.

- D. Disciplinary action against any employee shall be for cause, as it may affect work performance and effectiveness within the organization. Cause may include, but not be limited to, the following:
 - 1. Unauthorized absence from duty or willful abuse of leave privileges
 - 2. Excessive absence, unexcused absenteeism, or tardiness
 - 3. Sick leave abuse
 - 4. Arrest or conviction of any felony or criminal act involving moral turpitude. If disciplinary action is based on an arrest, El Dorado Transit shall independently establish the facts in support of the arrest prior to taking any

disciplinary action. If disciplinary action is based on a conviction, El Dorado Transit may rely upon a plea or a verdict of guilty, or a conviction following a plea of nolo contendere. The term “conviction” does not include imposition of a sentence.

5. Conduct tending to bring El Dorado Transit into disrepute
6. Disorderly or immoral conduct
7. Incompetence, inefficiency, or neglect of duty
8. Insubordination, willful disobedience of superiors
9. Being at work under the influence of alcoholic beverages or drugs, carrying onto the premises alcoholic beverages or drugs, or consuming or using alcoholic beverages or drugs during work hours and/or on El Dorado Transit premises
10. Negligent or willful damage to El Dorado Transit property or misuse of resources, property, equipment, phones, or supplies for personal use or private business
11. Violation of any law or reasonable regulation or order given by a supervisor or manager
12. Failure to comply with El Dorado Transit’s Equal Employment Opportunity policies
13. Material and intentional misrepresentation or concealment of any fact in connection with obtaining employment
14. Engaging in outside employment which has a detrimental effect on attendance or ability to perform work
15. Misappropriation of El Dorado Transit funds or property
16. Dishonesty or theft
- ~~16.~~17. Failure to cooperate reasonably with his/her supervisor or fellow employees
18. Discourteous or abusive treatment of the public, fellow employees, or superiors
19. Failure to adequately observe any rule specifically stated in this manual

20. Failure to adequately observe the rules regarding working hours and leave time
21. Sexual abuse, harassment, discrimination, retaliation and conduct contributing to a hostile work environment.
22. Continued poor work performance
23. Possession of a firearm in an El Dorado Transit facility
24. Violation of the Workplace Fraternalization Policy

These examples are not all inclusive. El Dorado Transit emphasizes that termination decisions will be based on an assessment of all relevant factors by the Executive Director.

Responsibility for the administration of discipline rests primarily with the appropriate supervisor. It is a fundamental policy of El Dorado Transit to treat its employees fairly. Therefore, every effort should be made to ascertain facts before discipline is imposed. Further, especially in the case of formal discipline, it is important that the supervisor or his/her designee to provide detailed, documentation of facts.

9.3 Corrective Action Procedures

It is the desire of El Dorado Transit to minimize or eliminate the necessity of taking disciplinary action against its employees. An employee can help reduce disciplinary actions by consulting his/her supervisor when in doubt about any such action that may be in violation of El Dorado Transit rules.

The Executive Director or supervisor of any employee may take disciplinary action against an employee under his/her supervision. All disciplinary actions must be coordinated to ensure uniform adherence to personnel policies and disciplinary procedures. It is not required that these actions be taken in sequence; rather that the nature of the disciplinary action taken will depend on the severity of the infraction. The following are examples of disciplinary actions:

A. Verbal Warning/Counseling Memo

The employee shall be counseled concerning the unsatisfactory areas of work and shall be informed about methods of improvement, or the employee's direct supervisor may issue a verbal warning. Verbal warnings must be documented by the supervisor and placed in the employee's personnel file.

B. Written Warning

In cases where the verbal warning has not been successful or where the infraction of the rules and regulations has been of a serious nature, a written warning shall be issued. Only the Executive Director or a supervisor may issue a written warning. The purpose of the written warning is to [call](#) draw the attention of the employee to serious

defects in his/her work. The written warning should include a detailed statement of the problem and a notation that the problem was discussed with the employee. The employee must sign the written warning, acknowledging a copy thereof. A copy of the written warning must be included in the employee's personnel file. The employee may respond to the written warning and such response shall be placed in the employee's personnel file.

C. Suspension

An employee may be suspended for up to a period thirty (30) days in order to impress upon the employee that continued failure to improve his/her performance may result in dismissal. All suspensions require the recommendation of the Executive Director or his/her designee. Employees may not use any accrued leave to compensate for the loss of pay in the event of suspension. Employees will not earn vacation leave or sick leave while on suspension.

D. Administrative Leave of Absence with Pay

The appointing authority with approval of the Executive Director may place an employee on leave of absence with pay (suspended pay) when an employee is under investigation or for other necessary or emergent needs such as when the employee's continued presence at the work site may be hazardous or disruptive.

E. Termination

When warnings or suspensions fail to affect satisfactory performance, or when the employee infraction is serious, the employee shall be subject to termination. (It should be noted here that suspension is not prerequisite to termination.) If the offense is flagrant, ongoing or in serious violation of rules and regulations, the Executive Director or his/her designee may issue a termination.

F. Appeal

When disciplinary action to terminate or to suspend an employee for ten (10) or more days is imposed by a supervisor, each regular employee shall be afforded the opportunity to appeal the action to the Executive Director.

The appeal must be made in writing and served upon the Executive Director within ten (10) working days of receipt of the disciplinary decision. The Executive Director will schedule an appeal hearing within ten (10) working days after receipt of the request to appeal. The Executive Director shall render a written decision within five (5) working days of the appeal hearing.

If the employee is not satisfied with the decision of the Executive Director or if the initial decision to terminate or suspend for ten (10) or more days is imposed by the Executive Director, the employee may within ten (10) working days of receipt the decision by the Executive Director, file an appeal in writing notifying the Executive Director that they are appealing the Executive Director's decision to the Board of Directors. The Board of Directors reserves the right to hear the appeal itself or to delegate a third-party hearing officer, committee, board, or commission to hear the appeal. Any decision of the third-party hearing officer, committee, board, or

commission that substantially impacts El Dorado Transit budget must be ratified by El Dorado Transit Board.

G. Appeals Commission

The Board may establish an Appeals Commission for the purpose of hearing appeals of personnel decisions

9.4 Skelly Requirements

Before taking action to dismiss, suspend for more than forty (40) work hours, or reduce an employee in rank or compensation, the appointing authority shall cause to be served on the employee either personally or by certified mail, a Notice of Proposed Action, which shall contain the following:

- A statement of the action proposed to be taken;
- A copy of the charges, including the acts or omissions and grounds upon which the action is based;
- If it is claimed that the employee has violated a rule or regulation of El Dorado Transit, a copy of said rule shall be included with the notice;
- A statement that the employee may review and request copies of the material upon which the proposed action is based;
- A statement that the employee has ten (10) working days to respond to the appointing authority either orally or in writing.

A. Employee Response

The employee upon whom a Notice of Proposed Action has been served shall have ten (10) working days to respond to the appointing authority either verbally or in writing before the proposed action may be taken. Upon application and for good cause, the appointing authority may extend in writing the period to respond. If the employee's response is not filed within ten (10) working days or within the granted extension period, the right to respond is lost.

B. Leave Pending Employee Response

Pending response to a Notice of Proposed Action, the appointing authority for cause specified in writing may place the employee on temporary leave of absence with pay.

ARTICLE 10 – SEPARATION POLICIES

10.1 Termination

Employment separation includes resignation, termination, layoff, retirement or death. Employment status change may be the result of promotion, leave of absence, disciplinary action, demotion, transfer, probation, or suspension.

Voluntary Separation

An employee who wishes to resign in good standing shall notify the Executive Director and his/her immediate supervisor in writing at least two weeks prior to his/her final day of work.

Dismissal

Any employee may be terminated for cause at any time by the Executive Director or his/her designee. "Cause" is further defined in Disciplinary Actions, Section 9.

Death

Upon receipt of a death certificate, Human Resources Department shall issue the proper forms to the California Public Employees' Retirement System (CalPERS) for disbursement of all remaining benefits to survivors.

All salary due and any accumulated benefits shall be promptly paid in accordance with the provisions of the Designation of Beneficiary form on file in the employee's personnel file. No payment shall be made to the estate of the deceased until sufficient proof of right to such settlement is received.

Layoff

Whenever it becomes necessary to separate an employee due to a lack of funds or because the necessity for a position no longer exists, the Executive Director may declare a position vacant. Employees whose positions are declared vacant shall be notified at least thirty (30) days before termination.

Retirement

When an employee who meets the qualifications of PERS elects to retire, he/she shall notify the Executive Director in writing at least one (1) month before the effective date of his/her retirement.

Employee's Notice of Resignation

When an employee wishes to resign and submits a letter of resignation (See Voluntary Separation), no less than two weeks advance notice time will be approved without the Executive Director's permission.

10.2 Fair Hearing Procedure

A. Intent

The intent of this procedure is to provide orderly and equitable means for the resolution of misunderstandings between El Dorado Transit and its employees.

B. Scope of Fair Hearings

1. An employee may file a request for a fair hearing if a management interpretation or application of El Dorado Transit personnel policies adversely affects the employee's wages, hours, or conditions of employment.
2. Specifically excluded from the fair hearing procedure are subjects involving the amendment or change of El Dorado Transit resolutions and ordinances.
3. Discrimination complaints that allege violations of equal employment opportunity laws or employment discrimination shall be processed under El Dorado Transit's discrimination complaint procedure (see Section 1.3).

C. Definitions

1. Fair Hearing Participant: An employee who is filing a request to initiate the fair hearing procedure.
2. Day or working day: Shall mean day(s) in which El Dorado Transit's main administration office is open for business.

D. Fair Hearing Procedure Steps

1. Informal Discussion: El Dorado Transit will make every effort to resolve an employee's request for a fair hearing at the lowest level of supervision possible. If an employee has a complaint relating to a work situation, the employee is encouraged to request a meeting with his/her immediate supervisor to discuss the problem to clarify the issue and to work cooperatively toward settlement. Such discussion shall occur within ten (10) working days of the incident or occurrence giving rise to the complaint. The immediate supervisor shall respond informally within seven (7) working days.
2. Formal Fair Hearing Steps: The formal fair hearing procedure shall consist of the following steps, each of which must be completed prior to any request for further consideration of the matter unless waived by mutual consent or as otherwise provided herein.

a. Immediate Supervisor:

An employee may formally submit a request for a fair hearing to the immediate supervisor within seven (7) working days from the date of the supervisor's informal decision or if the informal discussion has not taken place, fifteen (15) working days from the date of the incident or occurrence of any alleged misunderstanding. The supervisor shall respond

in writing within seven (7) working days after receiving the fair hearing request. If the requested action of the fair hearing participant is denied, the reasons for denial shall be given in the supervisor's response. This response shall identify the position to which the next level of fair hearing request should be addressed.

b. Operations Manager:

If the employee wishes to appeal the supervisor's decision, he/she may do so in writing to the Operations Manager within five (5) working days after the date of the supervisor's decision. The Operations Manager shall respond in writing within seven (7) working days after receiving the fair hearing request. If the requested action of the fair hearing participant is denied, the reasons for denial shall be given in the Operations Manager's response. This response shall contain the position to which the next level of fair hearing request should be addressed.

3. Final Resolution: Should the employee be dissatisfied with the decision of the Operations Manager; the employee shall notify the Executive Director within ten (10) working days that the/she is appealing the Operations Manager's decision. The Executive Director shall conduct such meeting(s), informal hearings, and/or investigations as appropriate in his/her judgment and shall deliver to the fair hearing participant a final written decision within fifteen (15) working days.

ARTICLE 11 – CLOSURE OF FACILITY

The Executive Director or his/her designee shall determine when El Dorado Transit facilities shall be temporarily closed in an emergency. Employees whose work areas have been temporarily closed may be reassigned to other work areas.

DEFINITIONS

ACTUAL SERVICE for the purposes of determining the amount of sick leave and vacation earned by an employee shall mean the number of hours worked in an allocated position within a bi-weekly pay period or while absent from work with pay but shall not include compensatory time earned or overtime.

ALLOCATED POSITION means an established position within a classification funded through El Dorado Transit's budget process.

ANNIVERSARY DATE for the purpose of scheduling evaluations, an employee's anniversary date shall be the first day of the bi-weekly pay period following his/her employment date.

APPOINTING AUTHORITY shall be the Executive Director who shall have the authority to hire, fire, conduct performance evaluations, take appropriate disciplinary actions, and determine salary increases or bonuses as dictated in the annual budget.

BARGAINING UNIT EMPLOYEE means an employee who is represented by the Operating Engineers Local Union No. 3 under the terms and conditions of a collective bargaining Memorandum of Understanding (MOU).

BASE HOURLY RATE shall mean the hourly rate corresponding to the salary step in the salary range of the classification to which the employee is appointed.

BOARD, when used alone, means the Board of Directors of El Dorado Transit.

COMPENSATORY TIME OFF means time off with pay, which an employee accrues instead of cash compensation for overtime.

CONFIDENTIAL EMPLOYEE means an unrepresented full-time regular employee (non-management) who occupies a confidential classification.

CONTINUOUS SERVICE means that service commencing with the employee's hire date and continuing until broken by resignation or dismissal for the purposes of determining eligibility for sick leave allowance, longevity advances, vacation and accruals, and merit step advancement. Service as an extra help or provisional employee shall not count toward continuous service.

DEMOTION means the movement of an employee to another position in a class having a lower salary range or to a lower salary step within the employee's salary range.

EXEMPT EMPLOYEE means an employee who has been designated by El Dorado Transit to be executive, administrative, professional, or other category specifically exempted from the overtime pay requirements of the Fair Labor Standards Act (FLSA) and interpretive and administrative regulations.

EXTRA HELP means a person who is hired for temporary employment by El Dorado Transit and who does not occupy an allocated position.

FLOATING HOLIDAY means regular employees shall be entitled to a personal/vacation day taken in lieu of an El Dorado Transit authorized holiday.

FULL-TIME EMPLOYEE means an employee who is appointed to an allocated position, which requires full-time work as defined herein.

FULL-TIME WORK means eight (8) hours per day and five (5) days per calendar week provided however that at the discretion of the Executive Director, specific employees may be authorized to utilize a ten (10) hour per day, four (4) day work week schedule or other approved alternate work schedule.

HOLIDAYS means those days enumerated in the policies and procedures applicable to the individual employee.

MANAGEMENT EMPLOYEE means those specific employees designated as management by El Dorado Transit.

NON-EXEMPT EMPLOYEE means an employee designated by El Dorado Transit to be in a category other than professional, administrative, executive, or other related capacity and subject to the overtime pay requirements of the FLSA and interpretive and administrative regulations.

PART-TIME EMPLOYEE means an employee who is appointed to an allocated position that requires a total number of hours to be worked which is less than full-time work.

PAY PERIOD means 14 calendar days from 12:00 AM Saturday to 12:00 AM the second Saturday thereafter and including the normal eighty (80) hour bi-weekly pay cycle.

PAY STATUS means whenever an employee is at work, absent on a paid holiday, (except for holiday pay on a 4/10 shift), absent on leave with pay, or absent on authorized compensatory time off.

PROBATIONARY PERIOD means the period from the initial employment date during which an employee is being evaluated for continued employment with El Dorado Transit. A probationary employee may be terminated at any time without the right to appeal except as provided by law.

PROMOTION means the change of an employee to a position in a class allocated to a salary range where the top step is higher than the top step of the class that the employee formerly occupied.

PROVISIONAL EMPLOYEES are categorized as Extra-Help employees who have worked more than 1000 hours during anyone (1) fiscal year and whose continued employment the Executive Director in accordance with policy has approved. Provisional employees shall be compensated in the same manner as Extra-Help employees except that they shall pay PERS Retirement at the current employee rate for up to five (5) years of cumulative service, at which time standard compensation levels for full or part-time employees will be maintained by El Dorado Transit.

RECLASSIFICATION means the act of changing an allocation of a position by raising it to a higher class or reducing it to a lower class based on significant changes in the nature, difficulty, or responsibility of duties performed in the position.

SATISFACTORY SERVICE means meeting the work, performance and conduct standards established by El Dorado Transit. Eligibility as to periods of service required for merit step advancements shall be verified by the Executive Director.

TEMPORARY EMPLOYEE is an interim replacement for a currently vacant full or part-time allocated position or a person in a position of limited duration.