

AGENDA ITEM 1 D
Consent Item

MEMORANDUM

DATE: December 7, 2017
TO: El Dorado County Transit Authority
FROM: Maria Harris, HR /Admin Services Manager
SUBJECT: Proposed Revisions to the **El Dorado County Transit Authority Personnel Policies and Procedures Manual**

REQUESTED ACTION:
BY MOTION,

Adopt Resolution No. 17-24 revising the **El Dorado County Transit Authority Personnel Policies and Procedures Manual** with regard to Floating Holidays, Drug & Alcohol Policy and Safety Vest Policy.

BACKGROUND

A proposed administrative and policy revision to the **El Dorado County Transit Authority Personnel Policies and Procedures Manual** is presented for consideration

The El Dorado County Transit Authority (El Dorado Transit) reviews its policies and procedures on an annual basis in an effort to stay in compliance with current state and federal laws, clarify current policy language, as well as consider adopting new policies and procedures based on best industry practices.

Revisions are included in the following excerpts as separate documents with bold and underline text. There is a strikethrough on items to be deleted. ***The full document of the El Dorado County Transit Authority Personnel Policies and Procedures Manual is available for review at the El Dorado Transit offices during normal business hours.***

DISCUSSION

SUMMARY OF RECOMMENDED CHANGES:

Page 77 Article 6.1.D Holidays – clarify Floating Holiday eligibility for new hires

The drafted update to the **El Dorado County Transit Authority Personnel Policies and Procedures Manual** is presented as Article 6.1.D as a separate document for consideration (Attachment 1).

Page 86 Article 7.2 Drug and Alcohol Policy – add language that reflects the upcoming changes to California law (Proposition 64) legalizing the use of recreational marijuana effective January 1, 2018.

The drafted update to the El Dorado County Transit Authority Personnel Policies and Procedures Manual is presented as Article 7.2 as a separate document for consideration (Attachment 2)

Page 94 Article 7.17 Safety Vest Policy (New Policy)

The California Occupational Safety and Health Administration (Cal OSHA) set forth the minimum safety standards for employees and employers. In accordance with Cal OSHA's Title 8 section 3380 and 1598, El Dorado County Transit Authority's duty is to assess hazards in the workplace and analyze the need for proper personal protective equipment. The assessment determined a need for appropriate high visibility vests and clothing due to vehicle traffic and hours of darkness.

The drafted update to the El Dorado County Transit Authority Personnel Policies and Procedures Manual is presented as Article 7.17 as a separate document for consideration (Attachment 3)

FISCAL IMPACT

Less than \$700.00

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
 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 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 fall 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 ~~after-between~~ pay period 01 and pay period 13 ~~but prior to the first pay date in July~~ of each year shall be entitled to floating holidays.

EL DORADO COUNTY TRANSIT AUTHORITY
ARTICLE 2 – DRUG AND ALCOHOL POLICY

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 it's 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 ~~State has legalized marijuana for medicinal purposes, El Dorado Transit is not required to allow the medicinal use of marijuana in the workplace. Use is strictly prohibited on El Dorado Transit property and may result in discipline,~~ 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.

EL DORADO COUNTY TRANSIT AUTHORITY
ARTICLE 7.17 – SAFETY VEST POLICY

7.17 Safety Vest Policy

Purpose

This policy on safety vest 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.

Procedure

An agency issued safety vest must be worn properly by all El Dorado Transit employees including drivers, office staff, managers, supervisors, dispatchers, and maintenance staff. A safety vest 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 worn at all times 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.

Initial Implementation

This policy will be phased in over a two (2) month grace period to allow familiarity with the safety vest policy. Following the two (2) month period, any employee who fails to wear a safety vest or safety clothing in required areas may be subject to discipline pursuant to Article 9, Disciplinary Policies.

Maintenance of Vest and 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 vest must retain its bright neon yellow color and the reflective strip must remain in good

working order. The Safety Coordinator will determine the condition and identify the need of a replacement safety vest.

Replacement

If a vest 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. 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.

DRAFT

**EL DORADO COUNTY TRANSIT AUTHORITY
RESOLUTION NO. 17-24**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
EL DORADO COUNTY TRANSIT AUTHORITY
UPDATING THE PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, one of El Dorado County Transit Authority (“El Dorado Transit”) key governance policies is the Personnel Policies and Procedures Manual (“Policies”); and

WHEREAS, the last revision to the Policy was on November 4, 2016; and

WHEREAS, the proposed Policies includes clarifications and updates needed to comply with updated laws and regulations and incorporate Board approved policy changes; and

WHEREAS, the proposed Policies will update Article 6.1.D Holidays regarding Floating Holiday eligibility, update Article 7.2 regarding language for the use of recreational marijuana and establish new Article 7.17 Safety Vest Policy;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE EL DORADO COUNTY TRANSIT AUTHORITY: The Board adopts the attached updated Personnel Policies and Procedures Manual of the El Dorado County Transit Authority.

PASSED AND ADOPTED BY THE GOVERNING BOARD OF THE EL DORADO COUNTY TRANSIT AUTHORITY at a regular meeting of the Board held on the 7th day of December 2017, by the following vote of the Board:

AYES:

NOES:

ABSTAIN:

ABSENT:

Patty Borelli, Chairperson

ATTEST:

Megan Wilcher, Secretary to the Board