



PERSONNEL POLICIES AND PROCEDURES

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PERSONNEL POLICIES AND PROCEDURES

THE MANUAL

This manual is designed to provide employees with top level policies and guidance for making decisions that are necessary to carry out the day-to-day business of the Agency. These Personnel Policies should not be interpreted as forming an express or implied contract or promise that the policies discussed will be applied in every case.

It is intended to achieve uniform policy interpretation throughout the Agency while allowing, wherever possible, managers and employees reasonable freedom to carry out their duties and responsibilities. The Manual is a supplement to good managerial judgment and allows for individual discretion by managers and supervisors in the good faith exercise of their responsibilities. It is anticipated that policy will generally be followed, although it is recognized that a policy is subject to exception if approval is granted from the General Manager or his delegate.

Management retains the unilateral right to alter, amend, or modify these policies at any time within its sole discretion. With respect to a policy change affecting wages, hours, or other terms and conditions of employment falling within Union's scope of representation, Management shall provide Union with notice of such a change and the opportunity to meet and confer regarding it.

Manual Organization

The manual is organized so that individual sections can be replaced as changes are approved and published. Policies are included in the body of the document. Detailed procedures where appropriate are included in the Personnel Procedures section.

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400. PURPOSE

The purpose of this manual is to provide guidance and direction for the management of Agency personnel in a manner that will be mutually beneficial for the Agency and the employees.

400.1 Applicability

This manual addresses Agency personnel issues, including but not limited to, human resources costs and related expenses incurred by Agency, employees' hours of work, salaries and wages, overtime payments, leave privileges, retirement, travel, transportation, and related human resources matters for all employees.

The Commission and/or the General Manager are empowered to make exceptions to the provisions of the policies expressed in this manual in individual instances when such exceptions are in the best interest of Agency operations. The General Manager is responsible for detailed procedures where applicable. These policies contained in this manual are subject to change at any time with notice to the unions in accordance with the law.

The policies contained in this manual apply to all employees of the Agency. If there is a conflict in the guidance provided by these Policies and Procedures and the language provided in the Memorandum of Understanding (MOU) of any recognized bargaining unit, under Government Code Section 3500, such MOU terms shall be controlling.

400.1.1 Administration

Purpose: To establish Agency policies and delegate to the General Manager authority for their administration and implementation.

Administration of Policies

The General Manager shall be responsible for the administration of the policies expressed in this manual. The Human Resources Manager is delegated the authority to administer these policies and develop procedures.

These policies, and any revision thereof, will be distributed to all NCPA officers and employees in either electronic or hard copy form.

400.2 Agency Rights and Responsibilities

The Agency, Commission, and such persons as the Commission may authorize, have the exclusive right and responsibility in accordance with applicable laws and regulations to take certain actions including, but not limited, to the following:

- Determining the Agency purpose, budget and organization.
- Defining the duties assigned to Agency positions and classifications.
- Directing employees in the performance of their duties.

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- Hiring, promoting, transferring, classifying and assigning employees.
- Disciplining or dismissing employees.
- Determining and effectuating methods of implementing the foregoing.

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401. GENERAL DEFINITIONS

Definitions of general terms used throughout the manual:

Agency

Northern California Power Agency (NCPA), a joint powers agency formed under the laws of the State of California.

Appointing Authority

The Commission, General Manager or Assistant General Manager lawfully authorized to make appointments or to remove persons from positions in NCPA service, or persons designated by such appointing authority to perform those duties that legally may be delegated.

“At Will” Employees

“At Will” employees serve at the pleasure of the Appointing Authority and may be terminated without cause at any time. “At Will” employees include, but are not limited to, employees serving at the pleasure of the Commission or General Manager, Probationary employees, Provisional, Limited-term, Part-time, and Casual employees or any employee whose contract for employment makes him or her an at-will employee. Such employees have no right of appeal except as provided by law.

“At-Will” employees who are full-time and not classified as casual, part-time shall acquire service and rights with respect to leave of absence, sick leave, holidays, vacation, benefit programs, etc.

Assistant General Manager

An executive manager, reporting directly to the General Manager, assigned responsibility for a major department of the Agency.

Casual Employee

A casual employee receives only salary. No fringe benefits are paid a casual employee however; casual employees shall be afforded Sick Leave in accordance with the California “Healthy Families, Healthy Workplace Act”. In represented classes a casual employee is usually hired for six months or less to fill the immediate needs of the Agency.

Classic Member

NCPA employees hired prior to January 1, 2013 and who were participating in the California Public Employees Retirement System (CalPERS) prior to January 1, 2013.

Commission

The NCPA governing body.

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Continuous Service

Agency employment in a regular position that has not been interrupted by resignation, discharge, layoff or retirement.

Demotion

A change to the classification of a position or the transfer of an employee that results in an employee being assigned to a lower salary range that may result in a reduction in an employee's compensation.

Domestic Partner

Domestic partners must be registered with the State of California and meet the eligibility requirements set forth in California Family Code Section 297.

Employee

A person who is occupying a position (as defined below) in the Agency service or who is on an authorized leave of absence from such position.

Employment Date

The date on which a regular employee began a period of continuous service with the Agency.

Limited Term Employee

A temporary employee in a position established for a set term of employment on a full-time or part-time basis. Employees in these positions accrue all benefits of a regular full-time or part-time employee but are not regular employees and are not eligible for severance benefits.

Manager

A person who heads a recognized division within one of the major departments of the Agency.

New Member

Under the Public Employee's Pension Reform Act of 2013 (PEPRA) a new member includes:

1) a new hire who is brought into CalPERS membership for the first time on or after January 1, 2013 and who has no prior membership in any other California public retirement system, 2) a new hire who is brought into CalPERS membership for the first time on or after January 1, 2013 and who is not eligible for reciprocity with another California public retirement system or 3) a member who established CalPERS membership prior to January 1, 2013 and who is hired by a different CalPERS employer after January 1, 2013, after a break in service of greater than six months.

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Part-Time Employee

An employee in a position established in the budget on a year-round basis requiring work on a regular schedule of less than 30 hours per week or less than 60 hours in a pay period. A part-time employee does not generally acquire service and rights with respect to leave of absence, holidays, sick, vacation leave, benefit programs or similar rights. However, part-time employees shall be afforded Sick Leave in accordance with the California "Healthy Families, Healthy Workplace Act". Employees who work 1,000 hours or more per fiscal year may become eligible for retirement benefits through CalPERS.

Position

A group of current duties and responsibilities assigned a budget authorization by the Commission requiring the on-going full-time or part-time services of one individual employee.

Probationary Period

The period following the date of appointment in each authorized regular position during which the employee serves at the will or the pleasure of the Appointing Authority and may be discharged without prior notice, without cause, and without right of appeal.

Promotion

The movement of an employee from one classification to another classification having a higher maximum rate of pay of at least 5%.

Provisional Employee

A regular employee transferred or promoted to a new classification and serving a trial period to determine suitability for the position. The trial period shall be predetermined by the appointing authority. If during the trial period the employee is determined by the appointing authority to not be suitable to the position the employee shall be returned to the classification from which he/she was promoted or transferred if such position is available.

Regular Employee

A regular employee is any employee who has satisfactorily completed a probation period and is hired for continuous service to exceed six months for which a budget authorization exists. Regular employees include full-time employees, shift employees, and employees who work 30 hours per week or more. A regular employee shall acquire service and rights with respect to leave of absence, holidays, sick leave, vacation, benefit programs or similar rights and privileges.

Shift Employee

Employees whose eight, nine, ten or twelve-hour work period regularly scheduled and regularly rotated to accomplish twenty-four hour coverage, are designated as shift workers.

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Non-shift employees are those employees whose eight-hour work period is regularly scheduled to start between the hours of 0600 to 0900.

Student Employee

Individuals employed as a Student worker are those who are hired for internships, part-time, limited term or temporary assignments designated for students. A student employee receives only salary. No fringe benefits are paid to a student employee.

Transfer

The movement of an employee from a position in one class to a position in the same or sufficiently similar class (pay rate within 5%) as determined by the Human Resources Director.

Workday

A continuous 24-hour period, which normally begins at 12:01 am and ends at midnight.

Workplace

Any location where an employee of the Agency performs a work-related duty.

Workweek

A continuous 7-day period, which normally begins Sunday at 12:01 am and ends the following Saturday at midnight. For employees working a nine-eighty (9/80) schedule, the workweek is defined as beginning and ending after the fourth (4th) hour on the Friday of the two-week 9/80 schedule.

402. CLASSIFICATIONS

Administration and Use

The Agency's classification plan is utilized for decision-making concerning compensation, recruitment and selection, lines of progression, employee development, training, career advancement and other Human Resources program activities. Compensation is governed by the salary schedule, Memoranda of Understanding, and other Commission-approved documents.

The Agency's classification plan shall be under the direction of the Human Resources Manager.

Classification of Positions

Authorized positions shall be allocated to the appropriate class in accordance with the knowledge and skills, mental effort, responsibility and accountability of its assigned duties. Positions shall be classified by the Human Resources Manager. Positions shall be allocated to the same class when their duties are sufficiently similar that:

- ☐ The same descriptive title may be used to designate each position in the class;
- The same or similar level of knowledge and skills, mental effort, responsibility and accountability and other qualifications may be required of incumbents;
- ☐ The same or similar examination and selection methods may be used to select employees;
- ☐ The same schedule of compensation may apply.

Process

The classification process includes job analysis and documentation via a written job analysis and job description that has been reviewed and approved by the appropriate Supervisor, Manager, Assistant General Manager, and Human Resources Manager.

Classification of New Positions

When a new position is authorized by the Commission, the Human Resources Manager will recommend the proper assignment of such position to an appropriate class in the classification plan, or when appropriate, a new class.

The position will further be subject to investigation by the Human Resources Manager, after it is occupied by an employee, to determine if the incumbent is performing the duties of the initially assigned classification.

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When a new position falls within a class series such as Engineer I, II, III, IV and V, the assigned classification level shall be based on the full range of duties and responsibilities associated with the said position. Most typically this will be the full journey level. If an employee is hired into the position at a level lower than the assigned classification (i.e., the position is “under-filled”), the employee may be advanced to the highest level to which the position is allocated as he/she gains experience and training and is able to perform the full range of duties. In the case of positions currently allocated to a level below the range of duties and responsibilities associated with said position or below the full journey level, subsequent to review and approval by Human Resources, the position may be relocated to the appropriate level within the same class series and the incumbent may be advanced to this level without Commission approval.

Changes in Classification of Existing Positions

When any change is made within a department which significantly affects the duties and responsibilities of any position, the Manager will report these facts in writing to the Human Resources Manager. The appropriate Assistant General Manager shall approve the request for a study before it is reviewed by the General Manager. The Human Resources Manager may then make a study of the duties and responsibilities and the relationship to other classes of the affected positions.

The Human Resources Manager may study the duties of any position in a classification plan and make recommendations to the Commission for a change in class or the allocation to a more appropriate class. Classification changes for represented employees are subject to the meet and confer process.

Studies may be initiated in the following manner:

- ☐ A written request by the employee or Manager, explaining the change in duties, should be submitted for review and approval to the Manager. If approved, the Manager should forward the request to the Human Resources Manager, stating the reason for the request to review the position or positions.
- ☐ Referral from the General Manager.
- ☐ When possible authorization for new positions is indicated.
- ☐ Regular periodic maintenance of the classification plan or when the Human Resources Manager identifies a need to study an existing position.

The Human Resources Manager will review and consider all information submitted including the required duty statements. The request for a classification study will be reviewed by, and requires the approval of the General Manager. Any recommendations for executive action will be discussed with the General Manager and appropriate Assistant General Manager. Any proposed change to a classification with a higher or lower salary range shall be presented to the Commission for approval.

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A change of classification of an occupied unrepresented position shall affect the status of the incumbent in the following manner:

When a position moves from one class to another class and it can be clearly shown by the Human Resources Manager that the duties have evolved over a period of time without manipulation to evade the merit principles and the duties and responsibilities of the new class will be substantially the same as the incumbent has been performing in the preceding six months, the incumbent shall be granted the same status in the new class that was held in the old class.

When a position is reallocated to a class with a higher salary range, the same salary range or from one series to an unrelated series, the incumbent shall gain eligibility and seek appointment through the recruitment process which may be limited to NCPA employees only. Provided the incumbent has regular employee status, the examining process may be noncompetitive at the discretion of the Human Resources Manager.

When the position is allocated to a class in a related series with a lower salary range, the incumbent may choose to retain the position by accepting a voluntary demotion. The incumbent may also request a transfer to a position in the class from which the position was moved if a vacant position exists in the class.

Class Specifications

The Human Resources Manager, in consultation with the Assistant General Manager, shall prepare a written specification for each job classification.

The specifications, when approved by the Assistant General Manager, shall constitute the official class specifications for the Agency. The official copy of the specifications for each class shall be maintained in the Human Resources Department and shall indicate the date of adoption or last revision of amendment.

Each specification shall include: the class title; a brief description of scope, nature and responsibility of the class; a description of the tasks or duties ordinarily performed in the positions allocated to the class; a statement of the minimum qualifications considered necessary for proficient performance of the work, including education, experience, knowledge, skills, and any additional factors considered pertinent.

Class specifications are not restrictive and shall not be construed as declaring that duties and responsibilities are all inclusive, shall not be changed, or that a Manager or designee may not temporarily assign other related duties and responsibilities or to otherwise direct and control the work of subordinate employees.

No person shall be appointed to any position in a regular, casual or provisional position unless that person meets the minimum qualifications or the permissible equivalency set forth in the currently approved class specifications or as determined equivalent by the Human Resources Manager for that position.

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Notwithstanding any other provision in this policy, if after reasonable effort, qualified persons cannot be recruited, the Human Resources Manager may authorize the filling of the position at a lower level or request that the General Manager waive the requirement.

402.1 Appointment

Vacancies

When a permanent vacancy in any regular position is authorized to be filled, the Human Resources Manager shall try, whenever reasonable, to fill the vacant position with an existing NCPA employee who is the best qualified for the position. If requested by the Manager, the Human Resources Manager may open the position to application from the general public.

Job Announcement

The Human Resources Manager will publish announcements of vacancies which will state the job classification title, salary, nature of work to be performed, minimum standards of education and/or experience required, when and where to file applications and other pertinent information. Employment standards stated in the announcement shall be those established for the job classifications as approved by the appropriate Assistant General Manager.

Qualification of Applicants/Examination

The Human Resources Manager (or designee) shall be responsible for administering any testing or examination in connection with hiring for a job vacancy. Applicants must meet the minimum qualifications for the position to be considered for the vacant position. Applicants may be examined or tested only once for a posted job opening, unless the Human Resources Manager determines that circumstances warrant re-examination. The Human Resources Manager may disqualify any candidate who does not meet the minimum qualifications by the closing date or for any other legitimate reason. An applicant who is not already employed by the Agency has no right to grieve or appeal any such action by the Agency.

Reinstatement After Resignation

A former employee who held regular status in a class at the time of resignation in good standing may be appointed to a vacancy in that class or to a lower class for which the former employee is qualified. Reinstatement may take place only within three years of the effective date of the resignation. Reinstatement is subject to the discretion of the Appointing Authority at the time the former employee is re-hired. The reinstated employee may be subject to a new probationary period, at the discretion of the Appointing Authority. Reinstatement allows the rehired employee to resume vacation accrual at the rate he/she was earning at the time of separation. Under this policy, the publishing of an announcement and/or administration of an examination is not required prior to reinstatement.

Transfer

An employee holding regular status in a position may transfer to another position in the same job class or a different job class, as long as the position is at equal or lower salary grade level. Transfer is subject to the discretion of the Appointing Authority. The publishing of an

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announcement and/or administration of an examination is not required prior to transfer. The Appointing Authority may also initiate a transfer.

402.2 Probationary Period

New Employees

Every new regular employee, except “At-Will” employees, shall serve a probationary period of not less than twelve months unless the General Manager establishes a longer period. The probationary period may be extended by the Assistant General Manager for up to twenty-four months with the approval of the General Manager. The General Manager may designate any new or vacant (non-union) position as “at will” for future new, promoted, or transferred employees.

The probationary period is required as part of the testing process and shall be utilized for observing closely the employee’s work, for securing the most effective adjustment of a new employee to his/her position, and for terminating any employee whose performance does not meet the required standards of work.

During the probationary period, an employee serves at the will or pleasure of the Appointing Authority and may be terminated at any time without cause or prior notice and without right of appeal. A probationary employee does not have the rights described under the Discipline Policy.

Promoted or Transferred Employees

Every promoted or transferred Regular employee who is not hired as an “at will” employee (*see first paragraph) shall serve as a probationary employee in the new position for a period of not less than twelve months unless the General Manager establishes a longer period because the duration of the required training is such that it is not possible to adequately evaluate performance within a twelve month period. No extension of the probationary period beyond twelve months shall be valid without the prior written approval of the General Manager.

The probationary period is required as part of the testing process and shall be utilized for observing closely the employee’s work and for securing the most effective adjustment of the promoted or transferred employee to his/her new position. Promoted or transferred employees rejected during the probationary period may revert to their previously held classification/line of progression, if a vacancy exists.

402.3 Employment of Relatives

Notwithstanding the Agency’s policy not to discriminate on the basis of marital status, the Agency retains the right to:

- Refuse to place one’s spouse, domestic partner, partner who is cohabitating with the employee due to a romantic relationship, or immediate family member under the direct supervision of the employee when the placement has the potential for creating an adverse impact on supervision, safety, security or morale.

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- Refuse to place both spouses, domestic partners, cohabitating partners, or immediate family members in the same facility, work unit, department or division where it has the potential for creating an adverse impact on supervision, safety, security or morale, or involves potential conflicts of interest.
- Refuse to employ a spouse, domestic partner, cohabitating partners, or immediate family member in the Agency where the other spouse, domestic partner, or immediate family has access to Agency material such as human resources, payroll or strategic planning matters, and there is no practical way to prevent the appearance of a conflict of interest due to access to such confidential information. The Agency may also transfer or terminate the employment of one or both spouses, domestic partners, cohabitating partners, or family members in the event that a potential or actual conflict of interest develops while both parties are employed at the Agency.
- All potential conflicts resulting from the types of relationships above shall be referred to the Human Resources Manager for review.

402.4 Pre-Placement and Annual Physical Examinations

New Employees

The physical requirements of jobs will be determined, and job-related standards will be developed and implemented, by the Agency. New employee candidates for safety-sensitive, high level financial or confidential positions must take and successfully pass a pre-placement medical examination including drug and alcohol screening on the candidate's own time, at Agency expense. If a medical examination results in disqualification, a candidate or employee may submit independent medical opinions (at his/her own expense) for consideration by the Agency before a final determination on disqualification is made.

Regular Employees

Employees may be required to take and successfully pass a fitness for duty examination which may include an alcohol and drug test at the Agency's expense and on Agency time, when the Agency has reasonable cause to believe that the employee's health and/or physical or mental condition may impair the employee's ability to do the assigned work, or pose a risk to the health or safety of others with whom the employee works, or to the public. Drug and alcohol testing of existing employees will be conducted in a manner consistent with the Agency's procedures set forth at P407.7.

If an employee has a disability, recognized under applicable law, the employee should so notify the Agency. For employees who have such disabilities, the Agency will engage in an interactive process to determine whether there is a reasonable accommodation which would enable the disabled employee to perform the essential duties of the job.

If action is proposed which would adversely affect an employee's employment or status as a result of said fitness for duty examination, the employee has the right to obtain a second examination by a physician of his/her choice selected from a panel of two or more physicians

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provided by the Agency at no cost to the employee. Medical examination records available to the Agency shall be considered prior to the Agency proceeding with any adverse action.

Annual Physicals

Employees in classes designated by the Human Resources Manager or MOU are subject to annual physical examinations including but not limited to hearing, respirator testing and use, if appropriate.

402.5 Personnel Files

Personnel files are maintained on each employee of the Agency. The personnel files are considered confidential and access is limited to management personnel, including but not limited to, the employee's Supervisor, Manager, Assistant General Manager, General Manager, and Human Resources staff, unless otherwise authorized by law.

Medical records are confidential and are maintained separately from an employee's personnel file. Access to medical records is restricted to the subject employee and Human Resources, medical staff, and management with a "need-to-know" basis, unless otherwise authorized by law.

Current employees may request in writing to inspect and/or receive a copy of their personnel files at reasonable intervals upon thirty (30) days advance notice to the Agency. Current employees may be required to review their personnel files during non-work hours. Former employees may request in writing to inspect and/or receive a copy of their personnel files upon thirty (30) days advance notice to the Agency. Former employees shall be limited to one (1) such request per calendar year. Both current and former employees shall be charged the Agency's standard rate per page for copying of personnel records. Both current and former employees may verbally request an Agency-provided form with which to make their written request to inspect and/or obtain copies of their personnel files.

The Agency may preclude inspection of certain information in accordance with law, such as background and other pre-employment information and materials relating to confidential investigations.

402.6 Reference Checks

Following the Agency's determination that an applicant meets the minimum employment qualifications, as stated in any notice issued for the position for which the applicant applied, and prior to making a job offer, reference, background and in certain cases credit checks must be conducted either by the hiring Manager or by the Human Resources Department. Prior to conducting these checks, the individual must have signed the Pre-Offer Information Release Authorization (part of the NCPA application form).

403. COMPENSATION

Delineate Commission policies related to compensation for employees and provide the General Manager authority to propose and administer NCPA salary plans and policy.

403.1 Compensation Plan

All Agency employees shall receive compensation as approved by the Commission. Non-union employees shall receive the compensation provided in the Administrative and General Wage Structure ("Structure"). Classifications are assigned to pay grades listed in the Structure.

Represented employees shall receive the compensation as provided by the IBEW Local 1245 and Hydroelectric Employees Wage Schedules. Represented employees' compensation is subject to the meet and confer requirements of the Meyers-Millais-Brown Act.

403.2 Salary Ranges

Non-union employees' Compensation Plan Structure and ranges will be reviewed and updated as necessary based on marketplace survey data, NCPA's financial condition and other relevant factors.

403.3 Salary Increase Following Completion of Probation

Upon satisfactory completion of probation, an employee not represented by a union, may be eligible for a salary increase, based on performance, position in grade, and timing in relation to the annual merit pay increases.

403.4 Annual Structure Adjustment

NCPA's salary structure for non-union employees may be adjusted annually based on market and cost of living data and other relevant factors as provided in the annual budget and approved by the Commission.

403.5 Performance Pay

On an annual basis, each regular or probationary employee shall receive a performance evaluation. Each employee not covered by a Memorandum of Understanding may receive a salary increase if the probation period has been completed. Individual pay amounts will be determined based on the compensation program.

403.6 Wages

Wages are to be paid at biweekly intervals on Fridays for a two-week payroll period. The Agency has the discretion to provide paychecks earlier (e.g. on Thursdays) when possible. If the regular payday falls on a holiday, payment will be made on the preceding workday.

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An employee shall be paid the wage established for his or her classification. An employee who has accumulated sufficient time in a classification having a time progression and who has satisfied the training program requirements is eligible to be advanced to the next step in such classification until he or she received the maximum rate thereof. The "wage progression" of an employee who is absent on unpaid leave for more than ten (10) consecutive work days will be delayed by a period of time equivalent to such leave of absence. The "wage progression" of an employee in a beginning or other training classification who is absent for more than twenty-five (25) consecutive days due to illness or injury and is receiving sick leave with pay, will be delayed by the period in excess of twenty-five (25) consecutive work days.

403.7 Temporary Upgrade

Any non-union employee who is temporarily assigned the full range of duties and responsibilities of a higher class for periods of fifteen (15) consecutive working days or more shall be paid at the minimum salary for the higher class or five percent higher than his or her then current salary, whichever is greater.

All temporary upgrades of non-union employees must be approved by the appropriate Assistant General Manager. Any temporary upgrade that exceeds thirty (30) working days must be approved by the General Manager. A temporary upgrade should not exceed one year in duration unless special circumstances warrant.

403.8 Transportation

The Agency will, at its discretion, provide transportation for Agency personnel conducting Agency business. An employee may, with specific authorization, use his/her personal vehicle and will be reimbursed at a rate to be annually established by the Agency based on the IRS mileage rate for work-related travel expenses. Employees who use personal vehicles for business must meet the following requirements:

1. The employee must have a valid California driver's license.
2. The employee must have in force and provide proof of personal liability (PL) and property insurance (PD) on the vehicle to be used. This insurance must be at least the minimum for PL/PD prescribed by law.
3. The vehicle must be adequately maintained and be in proper safe working order.
4. The employee must ensure all occupants of the vehicle wear seatbelts.

If an employee uses a vehicle for Agency business, the employee is subject to the Agency conducting periodic verification of the employee's driver's license, auto insurance and driving record. Employees are required to report any accident which occurs while conducting Agency business within four hours of the accident to their Manager or AGM. Employees are required to report any suspension or revocation of their driver's license to their Manager within five calendar days of such suspension or revocation. (See Administrative Policy on business travel

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and related safety procedures for more information on vehicle use.)

Whether an employee is using an Agency-provided vehicle or his/her personal vehicle while on Agency business, all Agency employees are required to obey all traffic laws while operating that vehicle, including but not limited to, prohibitions against texting and talking on cell phones without a hands-free device. Violations of traffic laws while either operating an Agency-provided vehicle or personal vehicle while on Agency business may form the basis for disciplinary action against the employee.

Please refer to Agency policy re_“Vehicle Use for Business Purposes a copy of which is included as P403.8”

403.9 Employee Salary Authorization

Each year the General Manager will propose for Commission approval a salary budget that will include amounts sufficient to implement base pay, salary increases, adjustment to the structure for wage inflation, overtime, temporary help, etc. The budget will normally be based on authorized positions and/or any other special conditions and is approved by the Commission.

The General Manager is authorized to pay salaries in accordance with these policies to employees in an amount not to exceed the amount approved by the Commission.

The General Manager is authorized to establish such administrative rules as are necessary to implement the salary plan subject to the limitations of the approved salary budget, and the compensation plan structure.

In the event a downward adjustment of a position grade assignment indicates a reduction in the established salary of an employee, the General Manager may, in his/her discretion if circumstances warrant, continue the salary of such an employee in an amount in excess of the revised grade limit for a reasonable and specified period of time. Such interim salary rates shall be defined as “Y rates”.

403.10 Overtime Compensation

“FLSA Non-Exempt” employees are entitled to overtime compensation (1.5 times the employee’s regular rate of pay) for hours worked over 40 hours in a workweek as provided by the federal Fair Labor Standards Act (“FLSA”). If a workweek contains non-work hours such as sick leave or vacation, those non-work hours do not count toward the calculation of overtime. The Agency designates as “FLSA Exempt” those employees who work in professional, executive, administrative, or certain computer-related capacities. Employees designated as “FLSA exempt” are not entitled to overtime compensation under the “FLSA”. Except when necessary to address an emergency or special circumstances, employees who are entitled to overtime compensation under the law may not work outside of regularly scheduled working hours, or more than 40 hours in a workweek, without the prior authorization of their supervisor. Performing unauthorized overtime work may subject an employee to disciplinary action. Employees shall report emergency overtime work as soon as possible after the work is performed. “FLSA Non-Exempt” employees may accrue compensating time off in lieu of receiving overtime pay. Please see the Procedures Section P403.10 for more information and the required form.

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403.11 Additional Leave

All non-union employees who are in an “FLSA exempt” status shall receive sixty (60) hours “Additional Paid Leave” each calendar year. This leave is pro-rated for new hires and is available for use during a new hire’s probationary period. If an employee is on a leave of absence at the time this leave is normally granted, it is not granted until he/she returns to work. Additional leave is not carried over into the next calendar year.

In addition to the above sixty (60) hours of leave, non-union, exempt employees in salary grades 22 and above shall receive an additional twenty (20) hours of leave due to the additional time that employees at these levels must work at night and on the weekends.

Employees may be authorized additional paid leave in eight (8)-hour increments to a maximum of forty (40) hours to recognize the employee’s accomplishments, efforts, performance, and extra hours worked as determined by the Assistant General Manager and General Manager. These exceptions must be requested in writing with justification and once granted by the General Manager are available in the calendar year in which they were granted.

403.12 Reimbursement for Relocation Expenses

New Employees

The General Manager is authorized to approve reimbursement for travel and relocation expenses for a new employee in a management, professional, administrative, or major supervisory position, or in another classification, where, because of a shortage of qualified persons, it is necessary to recruit outside of the area. All relocation and related travel expenses must be returned in full to the Agency if employee is terminated or leaves the Agency within one year from the employee’s starting date.

Procedures and forms are either provided upon request by the Human Resources Office or they may be located in the Procedures section.

Transferred Employees

The Agency may pay the allowable relocation expenses of employees who are transferred from one permanent duty station to another by and at the request of the Agency, at the discretion of the General Manager, whose approval must be obtained prior to relocation.

Procedures and forms are provided upon request by the Human Resources Office.

403.13 Performance Evaluation

Performance Planning:

Each employee, working with his/her Manager or supervisor, will prepare a written performance plan which includes goals, if applicable. Performance plans are prepared as follows:

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- When a regular employee is initially hired or appointed to a new job classification, and
- Annually.

Performance Evaluation:

Each Manager will prepare, in writing, a performance evaluation for each of his/her employees. Performance evaluations will be prepared in the following instances:

- When an employee has worked an initial twelve month period in his/her new regular job classification (this applies not only to newly hired employees, but also to employees who have been promoted or otherwise transferred to a new position).
- Annually, at the end of each year.
- When an employee is promoted, demoted, transferred or merit advancement is recommended.

The contents of performance evaluations are not subject to the grievance or the appeal process.

404. WORK HOURS

404.1 Employee Work Hours

Normal working hours for non-union non-shift employees are eight-hour work periods regularly scheduled to start between the hours of 0600 to 0900, Monday through Friday. The work hours are set in accordance with the above by each Manager. Each non-union, non-exempt employee is allowed a one-hour unpaid lunch period and two fifteen minute break periods, one each in the morning and afternoon. If not taken, such rest period is waived. The rest period may be interrupted or cancelled if necessary to complete work and shall be compensated time. The rest periods may not be combined or used to shorten the workday – e.g., by taking a break at the beginning or end of the workday, however the lunch period may be reduced to thirty minutes, (with prior Manager approval) for individual circumstances or for longer term situations when approved in writing by the Assistant General Manager.

404.2 Alternative Work Week (4-10 and 9-80 Work Schedules)

The Alternative Work Schedule (AWS) program is a benefit that allows eligible, non-union employees who are meeting Agency performance expectations (including probationary employees) to request a regularly scheduled workweek requiring an employee to work more than eight (8) hours in a 24-hour period and work more (or less) than the standard schedule of forty (40) hours in a work week, except that no single workday may exceed ten (10) hours and the total scheduled biweekly hours may not exceed eighty (80) hours unless approved by your supervisor in advance. AWS shall not include paid lunch periods. An example of an AWS will be:

- Four/Tens Schedule: Four 10-hour days and two days off each pay period (generally Fridays), [Location: Hydro]
- Nine/Eighty Schedule: Four 9-hour days, one 8-hour day (Friday), and one day off each pay period (Friday), [Location: Headquarters, Geo, and Lodi]

Eligibility

Employees will submit an AWS request using the NCPA – Work Schedule/Workweek Notification form to their immediate supervisor and Assistant General Manager (AGM) for review and recommendation. All AWS requests are subject to final approval of the General Manager.

Scheduled Work Hours

No AWS may be established in which overtime is incurred as a part of the established work schedule either under this policy or under Federal or State law. Employees on an AWS may be scheduled to work more than forty (40) hours in one calendar week of a pay period, and less than forty (40) hours in the other calendar week of the pay period. This necessitates re-designating the employee's workweek for overtime purposes from the standard 12:00 a.m. Sunday morning to 11:59 p.m. Saturday night work week that is generally used by NCPA. Employees working a 9/80 alternative work schedule shall have an FLSA workweek in accordance with 29 C.F.R. Section 778.105. An employee's 9/80 workweek, for FLSA purposes, will begin four hours after the start time of the day of the week which constitutes the employee's regular day off (the "eight-hour flex

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day off"). The workweek shall end exactly 168 consecutive hours later, four hours into the scheduled eight-hour workday. After a schedule has been established, neither the eight-hour day nor the flex day off shall be changed. The employee's permanent schedule shall be documented and kept on file with Human Resources.

The AWS is designed to accommodate the needs of the employee and the Agency. Once approved, it is intended to continue for a six-month trial beginning January 2020. If the schedule is found to be beneficial to the employees and the Agency, it will continue for an indefinite period. However, should the needs of the employee or the Agency dictate, the AWS may be terminated with reasonable notice. It is further understood that any AWS agreement shall terminate immediately upon the date of the transfer, promotion, or demotion of the employee unless otherwise approved by the AGM and General Manager. Employees receiving a less than satisfactory review may have the AWS revoked.

AWS Leave Time

Employees taking paid leave (e.g., holiday (including floating), sick leave, medical leave, vacation, compensatory time off, jury duty, bereavement leave, military leave, administrative leave, etc.) for a partial or full work day will be considered on such leave for the number of hours scheduled to work that day. For example, if an employee is scheduled to work nine (9) hours on a given day and calls in sick, the employee would code nine (9) hours of sick leave for that day. If an employee is normally scheduled to work nine (9) hours on a given day but only works four (4) hours, the employee would code four (4) hours worked and five (5) hours with an appropriate leave time. For unrepresented, exempt employees, time off shall be recorded in a minimum of two (2) hour blocks. For non-exempt, hourly employees, time off shall be recorded in a minimum of one (1) hour blocks.

AWS Holidays

Unrepresented employees will be allotted the same number of holiday hours based on the number of hours the employee was scheduled to work. If a holiday is observed on an employee's scheduled day off, the employee can take the holiday on a different day, but the holiday must be taken during the same pay period subject to manager approval. If the scheduled holiday is an eight (8) hour day, and the employee observes it on a nine (9) hour day, the employee will code eight (8) hours to holiday and one (1) hour to another leave type such as float or vacation. If a non-exempt employee works on a holiday, the employee shall receive full day holiday pay at the straight time (1.0) rate and shall receive pay or compensatory time off for the number of hours worked at the time and one-half (1.5) rate. Hours worked on a holiday will be included in the count of total hours worked in the pay period.

404.3 Flex-Time

Flexible Schedule

Each Manager, as delegated by the General Manager, has the authority to authorize a flexible work schedule that provides for any employee to work forty hours per week and eight hours per day, Monday through Friday.

Under this plan, an employee must work the core hours of 9:00 AM through 3:00 PM daily.

Any schedule established for an employee under this policy may be canceled or temporarily suspended at any time if it is determined by the Assistant General Manager not to be in the best

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interest of the Agency.

404.4 Attendance Standards

Regular attendance is required of employees. Employees are required to report on time and observe their assigned work schedules. If an employee is unable to report to work for any reason, or arrives late to work, or must leave early, the employee must notify the work unit supervisor or, in his/her absence, the Manager before starting time or be subject to disciplinary action. To seek authorization, notification should be made by telephoning the supervisor, and if the employee does not reach him/her then by email or text.

404.5 Resignation

An employee who voluntarily resigns from employment with NCPA in good standing must submit his/her resignation to his or her Manager at least two weeks prior to the scheduled departure so that an orderly transition can be made. This includes turning in NCPA property, completing required forms, obtaining appropriate clearances, and having an exit interview.

Once a written resignation is received by Human Resources, it becomes effective, and it is irrevocable except the General Manager may, in his/her discretion, permit a resignation to be rescinded.

Employees who retire are requested to provide ninety (90) days written notice. Please see the related Procedure section for more information on retirement.

404.6 Absence Without Notice

Any employee absent for three (3) consecutive working days without being on authorized leave shall be assumed to have resigned his/her employment, unless otherwise determined by the Manager. The Agency shall give notice of such automatic resignation. Except for at-will and probationary employees, regular employees who are separated from Agency service by automatic resignation may appeal to the General Manager within five (5) calendar days of the Notice of Automatic Resignation.

Nothing in this section shall limit the Manager's authority to discipline or dismiss an employee due to an unauthorized absence.

404.7 Exit Interview

Separating employees may be interviewed so that information will be gathered that will assist the Agency to ensure a quality environment through improving supervision, coaching, management, working conditions and the work environment.

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405. BENEFITS

The Agency provides a wide variety of health and income protection benefits for Agency employees. General descriptions of the plans follow. For details, contact the Human Resources Office.

Eligibility

Employees are eligible to enroll in the benefit plans described below (unless otherwise specified in this manual) upon appointment as a full-time Regular or Probationary Employee in accordance with specific plan requirements.

Responsibility

The Human Resources Manager is responsible for the administration of benefit plans. Each benefit is paid by the Agency or by employee payroll deductions.

405.1 Medical Plans

Health insurance plans are available through the California Public Employees' Retirement System Health Benefit Program (CalPERS). Employees have a choice of Preferred Providers (PPO's) and Health Maintenance Organizations (HMO's). Plan descriptions are available online through CalPERS website.

Health insurance for eligible employees and eligible dependent(s) is paid by the Agency up to the monthly limit established by the Agency. Depending on the type and level of coverage selected by the employee, the employee may be required to make a contribution towards payment of health insurance via payroll deduction. A cash-out option is also available for employees with other medical plan coverage.

405.2 Dental Insurance

Dental insurance for eligible employees and eligible dependents is self-funded and paid by the Agency. Forms and plan details are available in the Human Resources Office.

405.3 Short (STD) and Long-Term Disability Insurance (LTD)

Short and Long-term disability is provided and premiums are paid by the Agency for eligible employees. This benefit pays 60 percent of insured monthly earnings up to a specified maximum amount, reduced by income received from other sources (i.e., State Disability Insurance, retirement benefits, retirement disability benefits, Workers' Compensation, Social Security). The Benefit Waiting Period for employees varies. Please see Human Resources for plan details. Accrued sick leave pay is integrated with all disability benefits to which the employee is entitled but will not exceed monthly base pay.

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405.4 State Disability Insurance (SDI)

State Disability Insurance

Agency employees (with certain exceptions) are covered by State Disability Insurance (SDI). The cost of the insurance is paid by the employee through payroll deductions. SDI provides short-term benefits to eligible workers who suffer a loss of wages when they are unable to work due to a non-work-related illness or injury, or a medically disabling condition from pregnancy or childbirth. Accrued sick leave pay is integrated with SDI benefits received by the employee but it will not exceed biweekly base pay.

Paid Family Leave Benefits

Employees who are covered by SDI are eligible for Family Temporary Disability Insurance (FTDI) benefits while taking care of a newborn child, or a newly placed adopted or foster child, or taking care of a family member with a serious health condition. These benefits are paid by the State Employment Development Department, not the Agency, and must be applied for by the employee.

405.5 Retirement Plan

CalPERS

The Agency has contracted with CalPERS for retirement benefits for eligible employees. The Agency pays contributions into CalPERS for such benefits based on the employee's pay rate. Employees are also required to make contributions toward their retirement benefit.

Eligibility requirements for employees and plan details can be found in the CalPERS website or they are available from Human Resources. For employees who are planning on retiring from the Agency, see the procedure regarding retirement.

405.6 Deferred Compensation Plan

IRS Section 457

The Agency contracts with the ICMA Retirement Corporation to provide deferred compensation programs to allow "classic" and "new member" employees to save and invest through payroll deductions. Under section 457 of the Internal Revenue Code, "Classic" and "New Member" employees may defer taxes on a portion of their income in accordance with IRS regulations. Participation is handled through pre-tax payroll deductions.

IRS Section 401(a)

"New Members" under CalPERS may save and invest through pre-tax payroll deductions through an ICMA administered IRS Money Purchase Plan. New members have a one-time option at the time of hire to defer a portion of their income into this plan. The Agency may also make a contribution to this plan based on the amount approved in the budget.

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Effective January 1, 2019 NCPA has made changes to the retiree medical plan which are not reflected here. For the most recent information, please contact NCPA Human Resources.

405.7 Retirement Health Insurance

Retirement medical insurance is provided, with the premium paid by the Agency as described below. To be eligible for Agency paid health insurance (medical) premiums upon retirement:

- 1) The employee must have retired from the Agency after working for NCPA for at least five years if hired before 2009, have reached either the age of 50 or have been retired earlier; and the employee must have retired under CalPERS within 120 days after separation from employment, with eligibility for the health plan at the time of separation. Under this vesting option, retiring employees will receive an employer contribution up to the monthly employer premium limit established by the Agency, for the retiree and spouse or domestic partner, or for either the surviving spouse or surviving domestic partner.
- 2) For those hired after January 1, 2009, or who elect this vesting option: employees must have worked for the Agency for at least five years, have at least 10 years total CalPERS service and be age 50 or above (see Government Code 22893) to receive the following percent of the employer's family medical insurance contribution-Credited Years of Service Percent of Employer Contribution

Credited Years of Service	% of Employer Contribution
10.....	50%
11.....	55%
12.....	60%
13.....	65%
14.....	70%
15.....	75%
16.....	80%
17.....	85%
18.....	90%
19.....	95%
20 or more.....	100%

An employee under the vesting schedule above with 20 years or more of service with NCPA at the time of retirement; regardless of the number of days after separation from employment that retirement begins, shall be eligible for up to 100% of the Agency's established monthly contribution (*subject to the Agency's maximum medical plan contribution.) If a retiree/spouse selects an insurance plan that exceeds the maximum monthly contribution, the retiree/spouse shall pay the difference.)

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405.8 Basic Life Insurance

Group term life insurance for represented employees is provided for by the Agency. (See respective MOU for details). Non-union employees not covered by a MOU are eligible for coverage by insurance equal to approximately three times their base salary up to the specified maximum amount under the plan. See plan documents for more details.

405.9 Vision Care

Vision care insurance is provided for the employee and dependents by the Agency. See plan documents for more details.

405.10 Educational Leave and Tuition Reimbursement

Solely at the Agency's discretion, the Agency may provide an educational leave and tuition reimbursement to eligible employees with the Human Resources Manager's written approval. The Agency may choose to reimburse expenses for tuition, required books, and parking fees incurred by an employee up to an established maximum as determined by the Agency. The employee must successfully complete the class(es) at an accredited college, university or approved specialized training group. Such educational or training program must be related to the job duties of a position at the Agency and must be approved in advance by Human Resources upon recommendation of the employee's Assistant General Manager or Plant Manager.

An employee may request a reimbursement of funds for education or training purposes subject to the approval of the Human Resources Manager or designee. Reimbursement may be granted for tuition, required books and parking fees. Other expenses including but not limited to supplies, CLEP exam or equivalent auditing or challenging classes, parking tickets, late fees, etc. may not be reimbursed or advanced. To receive reimbursement, the employee must present evidence that each course is satisfactorily completed with a grade of "C" or better within three weeks of completion of the course(s). The Agency's Procedure shall govern implementation of the policy.

405.11 Flexible Spending Accounts (FSAs)

Employees are eligible to participate in Flexible Spending Accounts (FSA) offered by the Agency. Participation is voluntary, and employees must sign up every year to participate. NCPA offers two types of FSAs:

Health Care FSA:

In this FSA account, an employee may set aside a specified amount on a pre-tax basis each pay period during the calendar year. An employee may use account contributions for expenses that are not covered or are only partially covered by the insurance plans. See Human Resources or plan website for more details.

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Dependent Care FSA:

A dependent care FSA allows an employee to set aside money on a pre-tax basis to pay for eligible expenses associated with the care of a dependent child or adult. Examples of eligible expenses include: day care/after-school care for children under age 13, nursery school expenses, day care for an incapacitated spouse, or dependent parent who lives with the employee. See Human Resources or plan website for more details.

405.12 Long-Term Care Insurance

Long-term care is the extended care an employee, employee's spouse or parents, parents-in-law, and/or siblings may need when, because of a chronic illness, injury or frailty of old age, help is required with basic activities like bathing, dressing, or eating. CalPERS offers several plan choices that range from comprehensive coverage to nursing home/ assisted living facility only plans. Participation in long-term care is voluntary, and the employees or their enrolled family members pay for the premiums. Long-term care plans are portable and can be continued even if the employee changes job, or moves out of state. See Human Resources or CalPERS Long Term Care website for more details.

405.13 Employee Assistance Plan

The Employee Assistance Plan provides assistance and referrals to counseling for employees and their dependents dealing with issues relating to marital and family problems, substance abuse, depression, emotional difficulties, children's behavioral issues, stress, grief or domestic violence. Full time employees and their eligible dependents receive coverage on the first of the month following the date of hire. Contact Human Resources for more details.

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406. LEAVES OF ABSENCE

The following leaves of absence are provided by the Agency for eligible employees. The Human Resources Manager is responsible for the administration of leave benefits. Represented employees' leave benefits are also contained in appropriate MOU's.

406.1 Holidays

The following are recognized holidays with pay:

New Year's Day	Martin Luther King Day (non-union staff only*)
President's Day	Memorial Day
Independence Day	Labor Day
Veteran's Day	Thanksgiving Day
Day after Thanksgiving	Christmas Day

In the event any of the recognized holidays falls on a Sunday, the following Monday shall be considered the holiday. In the event any of the recognized holidays falls on a Saturday, the preceding Friday shall be considered a holiday. (*Not including Dispatch and Scheduling employees.)

406.2 Floating Holidays

In addition to the Agency recognized holidays, each regular, non-union employee will receive two floating holidays per calendar year. Floating holidays may be taken any day during the calendar year by giving two weeks' notice, provided the absence creates no significant disruption of Agency operations. The Agency may limit the number of employees who take a floating holiday on a given day. New hires receive floating holidays upon hire, prorated for the remainder of the calendar year.

Floating holidays are not carried over into the next calendar year.

406.3 Vacation Leave

Accrual of Vacation

Annual accrual of vacation is as follows:

Years of Service	Hours accrued per year	8 Hour Days per year
0 – 4	80	10
5 – 8	120	15
9+	160	20

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Holidays During Vacation

Any holiday occurring during a scheduled vacation shall be considered a holiday and not vacation.

Maximum Accrual: Deferral of Vacation Leave

Employees may only accrue up to a maximum of two and one-half times the annual accrual level for which the employee is eligible. For example, an employee with less than four years of service with the Agency may accrue a maximum of two hundred (200) hours of vacation. If the employee does not take vacation when the maximum accrual is reached, the employee will not accrue any additional vacation. Employees are cautioned to monitor their accrued vacation hours to ensure they do not reach the maximum allowable limit for which they are eligible.

Under extraordinary circumstances, and upon written request to the General Manager, the General Manager may approve temporary vacation accruals in excess of these limits.

Vacation Sell Back

Subject to management approval, all regular employees may sell back up to one hundred twenty (120) hours of unused, accrued vacation once in a calendar year provided that they maintain a minimum balance of eighty (80) vacation hours and they have taken at least forty (40) hours of vacation, compensating time off or additional paid leave (Policy 403.11) in the last twelve months. When employees “sell back” vacation hours, they shall be paid for those vacation hours in a lump sum.

Scheduling Vacation

Vacations must be scheduled in advance and be approved in advance by the Manager. The notice to your Manager should be at least equal to the time off requested or as determined by your Manager.

Voluntary Vacation Transfer

Employees may voluntarily transfer vacation to an employee experiencing a medical emergency, including a serious health condition of a family member, who has exhausted all accrued leave time in order to cover the employee's absence from work. See Human Resources for details.

406.4 Sick Leave

Regular, limited term and “at will” full-time employees shall be provided with sick leave, earned on an hourly basis and computed at the rate of 3.70 hours per pay period, with no limit on the amount that may be accumulated.

Casual and part-time employees shall be afforded Sick Leave in accordance with the California “Healthy Families, Healthy Workplace Act”.

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Sick leave is not a “right”. Sick leave may be used only in cases of actual sickness, disability, or for medical, dental or vision treatment, or to attend to the illness of a family member, child, parent, spouse, or domestic partner as authorized below.

Sick leave pay is integrated with SDI, workers’ compensation benefits, and short and long term disability benefits to which the employee is entitled, but pay will not exceed monthly base pay.

Under the CalPERS Retirement Plan, accrued sick leave may also be credited as time worked when an employee retires within 120 days of his/her termination date. Employees are allowed to take a cash payment for accumulated sick leave in the event of separation due to permanent disability or disability retirement with CalPERS.

Sick leave use exceeding six (6) days (or 48 hours) in a year for the same illness or injury, or that exceeds the employee’s accrued sick leave balance (whichever occurs first) may require the employee to be placed on a medical leave of absence under the Agency’s policies regarding medical leaves, FMLA/CFRA leaves, or pregnancy disability leave (where applicable).

Up to one-half (48 hours) of an employee’s sick leave allotment accrued in a calendar year may be used by the employee to attend to an illness of: child, parent, spouse or registered domestic partner, grandparent, grandchild, or sibling. (Note: The definition of a covered family member under FMLA/CFRA/Medical Leave differs.) Sick leave may also be used for an employee who is the victim of domestic violence, sexual assault or stalking. Such time off shall be noted as Family Sick Leave on the timesheet...Sick leave will be charged by the hour with no charge made for increments of less than one half hour.

The General Manager or employee’s Manager may request the employee to provide written proof of illness from a licensed physician for any period charged as sick leave. The General Manager or employee’s Manager may also request authorization to return to work from a licensed physician before an employee may return following any period charged as sick leave.

Please refer to the Procedure section for more details on sick leave use.

A new employee may, if necessary, take an advance of up to forty-eight (48) hours of unearned sick leave at any time during the first six months of employment. Any negative balance generated by such utilization will be charged against a future accrual of sick leave. An employee’s accrued sick leave shall coordinate with any approved medical or pregnancy leave of absence.

406.4.1 Sick Leave for Casual and Part-time Employees

An eligible casual or part-time employee earns one hour of sick pay for every 30 hours worked beginning either July 1, 2015 or, if hired after July 1, on the employee’s first day of work. Both regular and overtime hours are counted toward the accrual rate of one hour for every 30 hours worked. Employees exempt under the administrative, executive or professional exemption are deemed to work 40 hours a week, but if they don’t, accrual will be based on their normal workweek.

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Eligible casual and part-time employees cannot start using accrued sick days until the 90th day of employment, after which the employee can use paid sick leave as it is accrued.

Sick leave may be used only in cases of actual personal sickness, disability, or for medical or dental treatment. Accrued paid sick days can carry over to the following year of employment. But, the amount of paid sick days an employee can use in each year of employment is limited to 24 hours (three days). In addition, the employee's total accrual amount is capped at 48 hours (six days). The carry-over provision allows an employee to have paid sick days available at the start of the next calendar year, depending on how much has already been used and accrued.

Accrued sick leave may be used for an existing health condition or preventive care for the employee or a "family member". A family member is defined as a child, parent, spouse or registered domestic partner, grandparent, grandchild, or sibling. (*Note: the definition of a covered family member for FMLA/CFRA/Medical Leave differs.*) It may also be used by an employee who is a victim of domestic violence, sexual assault or stalking.

Accrued sick leave may be used by providing either an oral or written request to the employee's supervisor. If the need is foreseeable, the employee must provide advance notice. The minimum increment for paid sick leave is one hour.

Upon termination of employment, accrued sick leave is not paid to the employee. However, if the employee is reinstated within one year, the rehired employee will be allowed to use the previously accrued sick days, and will begin accruing additional paid sick days upon rehire as a casual or regular employee.

406.5 Medical Leave

In the event of a nonjob-related injury or illness that exceeds six (6) days (48 hours) during which the employee is unable to work, or which exceeds the amount of accrued sick leave (whichever occurs first) and a FMLA/CFRA leave is not available to the employee, a medical leave of absence without pay may be granted within the Agency's discretion. Accumulated sick leave must be used concurrently during a medical leave for the employee's own injury or illness. In order to receive approval for an unpaid medical leave of absence which does not qualify under FMLA/CFRA, the leave must be medically necessary for the employee or family member and the patient must be under the care of a physician. Leave may also be granted for employee organ/bone marrow donation. A written request must be submitted to the Agency through the employee's Manager and must be accompanied by a medical certification signed by the physician verifying the medical necessity, duration of the injury/illness, and inability to return to work.

Medical leaves of absence (which do not qualify for FMLA/CFRA benefits) may be granted for a period up to thirty (30) calendar days at a time, during which period NCPA will maintain the employee's health insurance. Extensions may be granted on a month-to-month basis within the discretion of the Agency. The employee must make a written request for extension of medical

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leave accompanied by a medical certification signed by a physician verifying the medical necessity for the extension of leave.

Written authorization to return to work from a licensed physician is required before an employee may return to work following a medical leave.

Employees may be required to use accrued paid leave benefits in conjunction with a medical leave to care for a family member. The employee shall not accrue sick leave or vacation time while on medical leave unless the employee is using accrued sick or vacation pay concurrent with the medical leave.

The employee shall not work in any other job while on a medical leave of absence and if this occurs, the employee may be subject to disciplinary action up to and including immediate termination.

406.6 Family and Medical Leave Under the Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA)

The Agency will provide unpaid family and medical care leave for eligible employees in accordance with the requirements of the FMLA and CFRA. Rights and obligations which are not specifically set forth below are set forth in the law and regulations implementing the FMLA and CFRA.

Eligibility: In order to qualify for Family and Medical Leave, the employee must meet the following conditions: (1) The employee must have been employed by the Agency for twelve (12) months; (2) The employee must have actually worked at least 1,250 hours during the twelve (12) month period immediately before the date when the leave begins. If an employee is employed but is on leave, any time spent on leave shall not count towards the 1,250 hours.

Type of Leave Covered: Family and Medical Leave is a leave taken:

- (1) In order to care for a newborn son or daughter, or for placement of a child for adoption or foster care,
- (2) In order to care for a spouse, domestic partner, child or parent with a serious health condition, or
- (3) Because of a serious health condition that makes the employee unable to perform the functions of the employee's position.
- (4) Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty." (See Section 406.61 below.)

Definitions for purposes of this policy:

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- (1) “12-Month Period” means a rolling twelve (12) month period measured backward from the date leave is taken and continuous with each additional leave day taken.
- (2) “Child” means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of mental or physical disability. An employee’s child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster, stepchild, or child of a domestic partner.
- (3) “Parent” means a biological parent of an employee or an individual who stood in loco parentis (in place of the parent) to an employee when the employee was a child. This term does not include parents-in-law.
- (4) “Spouse” means a husband or wife as defined or recognized under California state law for purposes of marriage.
- (5) “Domestic partner” means domestic partner as defined under California Family Code section 297.
- (6) “Serious health condition” means an illness, injury or impairment, or physical or mental condition that involves:
 - Inpatient care (i.e., overnight stay) in the hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work or perform other regular daily activities due to the serious health condition, treatment involved or recovery there from); or
 - Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one of or more of the following:
 - A period of incapacity (i.e., inability to work, or perform other regular daily activities due to serious health condition of more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition), that also involves:
 - Treatment two or more times by a health care provider, by a nurse or physician’s assistant under direct supervision by (e.g., a physical therapist) under orders of, or on referral by, a health care provider; or
 - Treatment by a health care provider on at least one occasion which results in a regiment of continuing treatment under the supervision of the health care provider.

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- Any period of incapacity due to pregnancy or for prenatal care. (Pregnancy disability is included as FMLA leave, but not CFRA leave). Under California law, an employee disabled due to pregnancy is entitled to pregnancy disability leave up to a maximum of four months. After the pregnancy disability ends, the employee is entitled to additional CFRA bonding leave up to a maximum of twelve (12) weeks.
- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which: (i) required periodic visits for treatment by a health care provider, or by a nurse or physician assistant under extended period of time (including recurring episodes of a single underlying condition); and (ii) may cause episodic rather than continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.
- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider.
- Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider of health care services after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

Amount of Leave: Eligible employees are entitled to a total of twelve (12) weeks of leave during a twelve (12) month period. Twelve (12) weeks means the equivalent of twelve (12) of the employee's normally scheduled work weeks. For eligible employees who work more or less than five (5) days a week or who work alternative work schedules, the number of working days that constitute twelve (12) weeks is calculated on a pro rata or proportional basis. In addition, the FMLA provides up to twenty six (26) workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave). (See Section 406.61 below.)

Duration of Leave: If leave is requested for the birth, adoption or foster care placement of a child of the employee, basic leave must be concluded within the first year of the birth or placement of the child.

Spouses or Domestic Partners Both Employed by the Agency: When spouses and /or domestic partners are both employed by the Agency and are both entitled to leave, the combined number of weeks of leave to which both may be entitled may be limited to twelve (12) weeks during a twelve (12) month period if leave is taken for the birth or placement for adoption or foster care of the employee's child (i.e., bonding leave.) This limitation does not apply to any other type of leave under this policy.

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Intermittent Leave or Leave on a Reduced Work Schedule: If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. “Medically necessary” means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. The leave may not exceed a total of twelve (12) weeks over a twelve (12) month period.

Substitution of Paid Accrued Leaves: Leave under this policy is unpaid. However, an employee may elect or be required to concurrently use accrued sick leave while on Family and Medical Leave as follows:

If FMLA/CFRA-qualifying leave is taken for the employee’s own serious health condition, the employee will be required to use all accrued and available sick leave prior to going on unpaid status.

If FMLA/CFRA-qualifying leave is taken for any other purpose, the employee may elect to use all accrued and available sick leave prior to going on unpaid status.

If FMLA/CFRA-qualifying leave is taken for any purpose, the employee may elect to use accrued and available vacation leave prior to going on unpaid status.

For an employee going on pregnancy disability leave (PDL), an employee will be required to use all accrued and available sick leave prior to going on unpaid status. The employee may elect to use accrued and available vacation leave prior to going on unpaid status.

In any instance in which an employee elects to use accrued and available sick or vacation leave prior to going on unpaid status, the employee is required to provide reasonable advance notice to the Agency of his/her election to use the paid leave benefit prior to going on unpaid status.

When on leave of absence, employees are required to apply for disability benefits under any plan or programs for which they are qualified. If during any FMLA, CFRA or PDL leave an employee is receiving some form of income replacement payment, including but not limited to, State Disability Insurance (SDI), Paid Family Leave (PDL), Short Term Disability (STD), Long Term Disability (LTD), or Worker’s Compensation, the Agency and employee may mutually agree (but the employee shall not be compelled) that employee will use available paid leave benefits (i.e., sick, vacation, PTO, or CTO) to supplement the income replacement payment up to 100% of the employee’s regular wages.

If an employee takes a leave of absence for any reason which is FMLA/CFRA qualifying, the Agency will designate that non-FMLA/CFRA leave as running currently with the employee’s 12-week FMLA/CFRA leave entitlement.

Payment of Health Insurance Premiums While on Leave: While an employee is on Family and Medical Leave, the Agency shall maintain the employee’s health insurance coverage on the same conditions as if the employee has been continuously employed during the entire leave period. If the employee’s leave is unpaid, the Agency shall maintain the employee’s health coverage for non-pregnancy related leaves for a maximum of twelve (12) weeks in a twelve (12) month period, unless the employee requests and the Agency’s General Manager agrees, to

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extend coverage beyond that period. For pregnancy disability leaves, the Agency will maintain the employee's health insurance coverage for up to the full four (4) months of leave as well as for any additional "bonding" leave taken under the CFRA up to the twelve (12) weeks maximum available for such leave.

Medical Certification: Employees who request leave for their own serious health condition, or to care for a child, parent, spouse or domestic partner who has a serious health condition, must provide written certification from a health care provider of the individual requiring care.

If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or unable to perform the essential functions of his/her position. In cases where employees request intermittent leave, employees must submit medical certification, which states that such intermittent leave is needed due to the employee's serious health condition.

Time to Provide a Certification: When an employee's leave is foreseeable, the employee must provide the medical certification within thirty (30) days before the leave begins. When this is not possible, the employee must provide the requested certification within the time frame requested by the Agency, which in no event shall be less than fifteen (15) days from the commencement of the leave.

Consequences for Failure to Provide an Adequate or Timely Certification: If an employee fails to timely provide a medical certification or provides an incomplete medical certification, the Agency may delay the taking of FMLA/CFRA leave until the required certification is provided.

Recertification: If the Agency has reason to doubt the validity of a medical certification provided by an employee regarding his/her own health condition, the Agency may require a medical opinion of a second health care provider chosen and paid for by the Agency. If the second opinion is different from the first, the Agency may require the opinion of a third provider jointly approved by the Agency and the employee, but paid for by the Agency. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is recertification. When the need for leave exceeds 12 weeks due to intermittent leave, an employee will be required to recertify when requested.

Procedures for Requesting Leave: All employees requesting leave under this policy must submit proper Family and Medical Leave forms to the Human Resources Manager. Although the Agency recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. If leave is foreseeable, at least thirty (30) days' notice is required. In addition, if any employee knows that he/she will need a leave in the future, but does not know the exact date(s) (e.g., for the birth of a child or to take care of a newborn), the employee shall inform his/her Manager as soon as possible that such leave is needed. Such notice must be submitted in writing. If the Agency determines the notice of the employee is inadequate or the employee knew about the requested leave in advance of the request, the Agency may delay the granting of the leave until it can, in its discretion; adequately cover the position with a substitute.

Accrual of Benefits While on Leave: Employees will not accrue benefits while in an unpaid leave status, including seniority rights, vacation and sick leave accrual.

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Reinstatement Upon Return From Leave: Upon the expiration of leave, or notice of the employee's early return from leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the Family and Medical Leave period.

Employee's Obligation to periodically Report on His/Her Condition: Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays in reinstatement when the employee is ready to return.

Fitness for Duty Certification: As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. Failure to provide such certification may result in denial of reinstatement.

Failure to Return From Leave: If an employee uses Family and Medical Leave and fails to return to work for the Agency, the Agency may recover its share of health care premiums paid on behalf of the employee while the employee was on leave. The Agency reserves the right to seek reimbursement from the employee by any legal means.

Other Employment: The employee shall not work in any other job while on a medical leave of absence, and if this occurs, the employee may be subject to disciplinary action up to and including immediate termination.

Student Employee: Individuals employed as Student workers are those who are hired for internships, part-time, limited term or temporary assignments designated for students. A student employee receives only salary. No fringe benefits are paid to a student employee.

406.61 Military Caregiver Leave (FMLA)

An employee may take FMLA leave to care for a family member who is a member of the Armed Forces who is undergoing medical treatment, recuperation or therapy for a serious injury or illness incurred in the line of duty while in active duty in the Armed Forces.

Definitions

"Covered service member" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

"Serious injury or illness" means an injury or illness incurred by the service member in line of duty on active duty in the Armed Forces that may render the service member medically unfit to perform the duties of the service member's office, grade, rank or rating.

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“Outpatient status” means the status of a service member assigned to (a) a military medical treatment facility as an outpatient; or (b) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. “Next of kin” means the nearest blood relative of the service member.

Eligibility Criteria

An employee who is a spouse, domestic partner, son, daughter, parent or next of kin of a covered service member is eligible for this leave if the employee has worked at least one year of Employer service and has worked at least 1,250 hours of actual hours worked during the 12-month period immediately preceding the commencement of the leave. (This length of service requirement is the same as for FMLA leave).

The service member’s medical condition must warrant the participation of the employee to provide supervision or care during the entire period of leave.

Length of Leave Permitted

An eligible employee shall be entitled to up to a maximum of 26 workweeks of leave during a 12-month period to care for the service member. This leave shall only be available during a single 12-month period. During this single 12-month period, the employee shall be entitled to a maximum combined total of 26 workweeks of leave for both this type of leave and FMLA leave. However, this shall not limit the availability of FMLA leave during any other 12-month period.

Leave under this section may be taken intermittently or on a reduced leave schedule if circumstances warrant. The rules for requesting intermittent leave or leave on a reduced leave schedule are the same as those for FMLA leave.

Notice

The notice requirements for this leave are the same as the notice requirements for FMLA leave.

Certification

The employer shall require that an employee’s request for leave be supported by written certification from the Armed Forces regarding the medical condition of the service member. The employer shall follow the Department of Labor’s guidelines regarding such certifications. When such certification is required by the employer, such requirement shall be submitted to the employee in writing. In addition, the employee will be required to certify the care he/she will provide the service member and the estimated duration of the period of care.

If additional leave is requested upon expiration of the leave granted, or should circumstances of the leave change, the employer may, at its discretion, require the employee to obtain recertification. Such requests for subsequent recertification shall be in writing. The certification or recertification requirements for this leave are the same as the requirements for FMLA leave.

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Reinstatement After Leave Ends

An employee who has been granted this type of leave shall be returned to the same or an equivalent position when the need for the leave or the leave period ends. The rules regarding reinstatement are the same as those for reinstatement after a FMLA leave.

Use of Accrued Paid Leave

The “use of accrued paid leave” rules for this leave are the same as those for FMLA leave.

Continuation of Health Benefits

This leave qualifies as leave under the FMLA and the rules for continuation of health benefits are the same as those for FMLA leave, i.e., the employee shall be entitled, if eligible, to continue participation in health plan coverage (medical, dental and optical) as if on pay status for a period of up to 12 workweeks in the leave year. However, an employee who exhausts his or her entitlement to health plan coverage while on this leave shall not be entitled to any additional 12 workweeks of health plan coverage under the FMLA. Other group insurance coverage and retirement benefits shall be continued in accordance with the provisions of the applicable group insurance and retirement system regulations.

406.62 “Qualifying Exigency” Leave Relating to a Family Member’s Military Service

An employee may take FMLA leave to attend to any “qualifying exigency” arising out of the fact that the spouse, son, daughter or parent of the employee is on active military duty or has been notified of an impending call or order to active military duty in the Armed Forces.

“Qualifying Exigency”

The following are general categories of qualifying exigencies:

- (a) Short-notice deployment – to address any issue that arises due to a covered military member being notified of an impending call to active duty seven or less calendar days prior to the date of deployment.
- (b) Military events and related activities - to attend any official ceremony, program, or event sponsored by the military and to attend family support and assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.
- (c) Childcare and school activities - to arrange childcare or attend certain school activities for a child of the covered military member, who is either under age 18, or age 18 or older and incapable of self-care. This leave may be taken to arrange for alternative childcare, to provide urgent, immediate, non-routine childcare, to enroll the child in a new school or day care facility, or to attend meetings with

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staff at a school or a day care facility (e.g., disciplinary meetings, parent-teacher conferences, meetings with school counselors).

- (d) Financial and legal arrangements - to make financial or legal arrangements to address the covered military member's absence while on active duty or call to active duty status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, obtaining military identification cards, or preparing or updating a will or living trust. The leave can also be used for acting as the military member's representative for purposes of obtaining, arranging, or appealing military service benefits while the covered military member is on active duty or call to active duty status, and for the 90 days after the termination of the covered military member's active duty status.
- (e) Counseling - to attend counseling provided by someone other than a healthcare provider for oneself, for the covered military member, or for the child of the covered military member who is either under the age of 18 or age 18 or older and incapable of self-care, provided that the need for counseling arises from the active duty or call to active duty status of a covered military member.
- (f) Rest and recuperation - to spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to five days of leave for each instance of rest and recuperation.
- (g) 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 90 days following the termination of the covered military member's active duty and to address issues that arise from the death of a covered military member while on active duty status, such as meeting and recovering the body of the covered military member and making funeral arrangements.
- (h) Additional activities - to address other events which arise out of the covered military member's active duty or call to active duty status provided that the employer and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

Eligibility Criteria

To be eligible for such leave, an employee must satisfy all of the following criteria:

- (a) Be a spouse, son, daughter or parent of a covered service member; and
- (b) Have worked at least one year of employer service and have worked at least 1,250 hours of actual hours worked during the 12-month period immediately preceding the commencement of the leave. (This length of service requirement is the same as for FMLA leave).

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Length of Leave Permitted

Upon receipt of the written request for leave of this type, the employer, in its sole discretion, shall determine the length of leave permitted for the individual employee up to a maximum of twelve workweeks in a 12-month period. The employer may require additional information from the employee to aid in the determination of the length of leave permitted. The employer shall notify the employee in writing regarding the length of leave permitted.

Leave may be taken on an intermittent or reduced schedule basis.

Certification Required

The employer may require the employee to provide a copy of the covered military member's active duty orders, and may require the employee to provide a certification describing the facts regarding the qualifying exigency for which the leave is requested, the beginning and end dates of the qualifying exigency, and other relevant information. Upon receipt of this information, the employer will notify the employee whether the request for leave is granted, or whether more information is needed before the request is granted.

Use of Accrued Paid Leave

The "use of accrued paid leave" rules for this leave are the same as those for FMLA leave.

Continuation of Health Benefits

The rules for continuation of health benefits are the same as those for FMLA leave, i.e., the employee shall be entitled, if eligible, to continue participation in health plan coverage (medical, dental and optical) as if on pay status for a period of up to 12 workweeks in the leave year.

406.63 Leave During Family Member's Military Leave

This leave is provided in compliance with California Military & Veterans Code section 395.10. This leave allows an employee who is a spouse of a member of the Armed Forces, National Guard, or Reserves up to ten (10) days unpaid leave during a qualified leave period when the employee's spouse or domestic partner is home on leave from a period of military conflict.

Eligibility Criteria

To be eligible for such leave, an employee must satisfy all of the following criteria:

- (a) Be a spouse of a "qualified member" (defined below);
- (b) Perform services for the employer for an average of 20 or more hours per week;
- (c) Provide the employer with notice, within two business days of receiving official notice that the qualified member will be on leave from deployment, of the employee's intention to take the leave; and

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- (d) Submit written documentation to the employer certifying that the qualified member will be on “qualified leave” (defined below) from deployment during the entire period of the leave requested by the employee.

Definitions

“Qualified member” means a person who is any of the following:

- (a) A member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States;
- (b) A member of the National Guard or Reserves who has been deployed during a period of military conflict.
- (c) A member of the Reserves who has been deployed during a period of military conflict.

“Period of military conflict” means either of the following:

- (a) A period of war declared by the United States Congress, or
- (b) A period of deployment for which a member of a reserve component is ordered to active duty, as defined in Military & Veterans Code section 395.10.

“Qualified leave” means the period during which the qualified member is on leave from deployment during a period of military conflict.

Length of Leave Permitted

An eligible employee shall be entitled to up to a maximum of ten (10) days of unpaid leave during a “qualified leave period” (defined above).

Use of Accrued Paid Leave

The “use of accrued paid leave” rules for this leave are the same as those for FMLA.

406.7 Bereavement Leave

It is the policy of the Agency to provide regular and probationary employees with a leave of absence with pay for twenty-four hours in the event of a death in the employee’s family. Sixteen hours additional leave, chargeable to sick leave, may be granted an employee by the General Manager when necessary. For the purpose of this section, family is defined as: spouse, domestic partner, parent, parent-in-law, foster parent, child, stepchild, brother, sister, half-brother or half-sister, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent, grandparent-in-law, grandchild, or more distant relative if residing in the household of the employee. Consistent with the operational needs of the Agency, an employee may be granted paid leave, not to exceed one day (8 hours), to attend the funeral of a person the employee may be deemed to owe respect.

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406.8 Jury Duty and Subpoena

Employees required to serve on jury duty will be granted a leave of absence with pay from their assigned duties until released by the court. To be eligible for full base pay the employee must remit to the Agency all fees received from such duties, other than mileage or subsistence allowed, or if fees are not received from such duties written proof of service is required, within five days following the service of jury duty to payroll.

In those instances where employees are witnesses on behalf of, or at the request of the Agency in any court proceeding, or who are subpoenaed in any court proceeding by a third party to appear on behalf of or in support of the Agency, they shall be entitled to leave with pay for those hours reasonably necessary to serve as a witness, provided the employee remits to the Agency all fees received from such duties, other than mileage or subsistence, or proof of service within five days from the time the employee appears as a witness.

In all other court matters, the employee must obtain approval from the Agency before taking time off. "Court" is defined as the judicial branch of government which is responsible for the resolution of disputes arising under the laws of the government. Such time off will be treated as leave without pay or vacation if the employee has accrued vacation time available.

406.9 Military Leave

Military leave shall be granted as provided by applicable federal and state law. Employees on military leave shall accrue sick leave, vacation, and seniority for the first 180 days of military duty, in accordance with state law. After the first 180 days of military duty, employees shall not continue to accrue such benefits unless otherwise expressly provided by Agency policy.

Leave for Military Spouses

In accordance with California law, an employee who (i) is employed more than 20 hours a week, (ii) is the spouse of a member of the Armed Forces of the United States of America on active duty or the spouse of a Reservist or member of the National Guard who has been called to active duty; (iii) and whose spouse has been deployed during a period of military conflict, is eligible for up to ten (10) days of unpaid leave during any period the employee's spouse is on a qualified leave from his/her deployment.

Employees seeking such leave must provide his/her immediate supervisor with written notice of his/her intention to take such leave within two (2) business days of receiving notice that his/her spouse will be on a qualified leave from deployment.

Employees may elect to use accrued and unused Vacation Pay in lieu of taking the leave unpaid.

Civil Air Patrol Leave

An employee who has been employed by the Agency for at least ninety (90) days, and who is a volunteer member of the California wing of the Civil Air Patrol, is permitted up to a total of ten (10) days of unpaid leave in a calendar year for purposes of responding to an emergency

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operational mission of the California wing of the Civil Air Patrol. Leave for purposes of responding to an emergency operational mission of the California wing of the Civil Air Patrol shall be limited to three (3) days for any single mission 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 the Company.

An employee seeking to take leave for this purpose shall provide as much advance notice as possible regarding the beginning and ending dates of the emergency operational mission.

The Agency will require employees taking leave for this purpose to provide certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave requested or taken. The Agency may deny the employee eligibility for Civil Air Patrol leave unless such certification is provided.

406.10 Time Off to Vote

Time off with pay to vote in any general or direct primary election will be granted as provided by state law. Employees must give prior notice to their immediate supervisor of their need to take such time off to vote, in accordance with state law.

406.11 Authorized Leave of Absence

A regular employee may be allowed leave of absence without pay for emergency, substantial personal; or other reasons that are required by law. Any leave of absence requested must be recommended by the appointing authority and approved by the General Manager or his designee and such approval shall be based on the nature of the emergency, the estimated length of the leave and the staffing needs of the Agency.

406.12 Pregnancy Disability Leave

The Agency will provide pregnancy disability leave to eligible employees in accordance with applicable law. An employee who is disabled by pregnancy may take a maximum of four (4) months off work for pregnancy disability, childbirth, or related medical conditions. The employee also may be eligible for intermittent leave or a reduced work schedule during her pregnancy if medically necessary. Employees must notify their Manager of any medical restrictions caused by the pregnancy. The Agency may require that the employee provide a medical certification indicating there is a medical need for the employee to take the time off or receive accommodation while continuing to work. Pregnancy disability leave qualifies for leave under the FMLA but not under CFRA. During pregnancy disability leave, employees are entitled to FMLA benefits in accordance with the Family and Medical Leave policy.

The employee must provide a written request for pregnancy disability leave to her Manager 30 days prior to the beginning of the leave period, whenever possible. The request for leave should indicate the intended date the leave will begin and estimated date of return to work. Managers should forward these requests to the Human Resources department for approval.

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406.13 Parents' Leave to Participate in School Activities

In accordance with state law, employees who are parents, guardians or grandparents of children in kindergarten through grade 12 may take up to forty (40) hours per year, not exceeding eight (8) hours in a month to participate in the child's school activities. Employees may use unpaid (leave) or paid leave such as vacation for this purpose. Employees must request leave with the Manager in advance and may be required to use accrued paid leave. In addition, employees are entitled to use leave to appear at the school of his/her child or child of a domestic partner if requested to do so by a school administrator to address matters of pupil discipline.

406.14 Administrative Leave

An employee whose work conduct is being investigated or who is given written notice of a proposed disciplinary action may be suspended with pay or temporarily reassigned without loss of pay for the period during which the investigation is pending or between the date notice of proposed disciplinary action is given and the date that disciplinary action is imposed.

406.15 Organ or Bone Marrow Donation Leave

Employees are entitled to up to thirty (30) business days of paid leave during any twelve (12) month period for purposes of organ donation and up to five (5) business days of leave during any twelve month period for purposes of bone marrow donation.

The twelve (12) month period during which your leave entitlement is measured shall be measured from the first day of your leave for one of the above purposes commences.

In order to take leave for one of the above purposes, you must provide the Agency with a written verification that you are an organ or bone marrow donor and that you are taking leave for the purpose of providing a medically necessary organ or bone marrow donation.

Leave taken for one of the above purposes shall not be considered a break in service for purposes of accruing such things as vacation or sick leave and shall be considered continuous service of purposes of any salary adjustments to which you may be entitled.

As a condition for taking leave under this section, you will be required to use up to five (5) days of accrued vacation or sick leave for leave taken for the purpose of providing a bone marrow donation and up to two weeks of accrued vacation or sick leave for leave taken for the purpose of providing an organ donation.

Leave taken under this section shall not count against your FMLA or CFRA leave entitlement.

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406.16 Leave for Duties or Training as a Volunteer Firefighter, Reserve Peace Officer, or Emergency Rescue Personnel

If an employee is serving as a volunteer firefighter, reserve peace officer, or emergency rescue personnel, the employee may take unpaid leave to perform emergency duties connected with any of those positions.

In addition, an employee serving in any of the above roles may take up to fourteen (14) days of unpaid leave during any calendar year for the purpose of engaging in fire, law enforcement, or emergency rescue training.

An employee taking leave under this section, may utilize sick or vacation leave benefits during the duration of the leave in lieu of taking unpaid leave.

406.17 Victim of Domestic Violence Leave

If an employee is a victim of domestic violence, sexual assault or stalking, the employee may take time off from work to ensure the health, safety or welfare of the employee or the employee's child. This includes, but is not limited to:

- time off to seek a temporary restraining order, restraining order, or other injunctive relief
- time off for court proceedings; services from a domestic violence shelter, program or rape crisis center; counseling; medical attention; or participation in safety planning programs.

To take domestic violence leave, employee must provide the Agency with advance notice of the need for the leave. If the absence is due to an emergency, the employee must provide the Agency with proof of the need for the leave within a reasonable time after the absence. Acceptable forms of proof include:

- a police report
- a court order
- documentation from a healthcare provider, victim's advocate, or counselor

To the extent possible under the law, the Agency will maintain the confidentiality of the employee's request for leave.

Employees may elect to use paid leave benefits in lieu of taking unpaid leave under this section.

406.18 Victim of Crime Leave

Employees who are victims of violent felony, serious felony or a felony involving theft or embezzlement are eligible for unpaid leave to attend judicial proceedings related to the

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Prosecution of the crime committed. Employees whose spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, stepfather, registered domestic partner, or registered domestic partner's child is a victim of a violent felony, serious felony or a felony involving theft or embezzlement are also eligible for unpaid leave to attend judicial proceedings related to the prosecution of the crime committed.

Employees who are victims of violent felony, serious felony or a felony involving theft or embezzlement are eligible for unpaid leave to attend judicial proceedings related to the prosecution of the crime committed. Employees whose spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, stepfather, registered domestic partner, or registered domestic partner's child is a victim of a violent felony, serious felony or a felony involving theft or embezzlement are also eligible for unpaid leave to attend judicial proceedings related to the prosecution of the crime committed. Prior to their absence, employees should give their supervisors the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice prior to the absence. When prior notice is not feasible or an unscheduled absence occurs, employees must provide documentation within a reasonable time after the absence. Documentation evidencing the judicial proceeding may come from any of the following entities:

- The court of government agency setting the hearing.
- The district attorney or prosecuting attorney's office.
- The victim/witness office that is advocating on behalf of the victim.

An employee who is absent from work for a judicial proceeding may elect to use their accrued and unused vacation time or unpaid personal leave.

The Agency will, to the extent required by law, maintain the confidentiality of an employee requesting leave under this provision.

406.19 Time Off During a State of Emergency

An employee may be authorized paid administrative leave of up to five days, subject to approval by the General Manager, when the employee works or resides in a county where a state of emergency has been proclaimed by the Governor of California and at least one of the following conditions exist:

1. The employee's normal place of business is closed temporarily, during the employee's normal work shift, due to the effects of the emergency.
2. The emergency effectively precludes the employee's ability to find a safe route of transportation from the employee's normal residence to the work place.
3. The emergency presents an immediate and grave peril to the employee's own safety, the safety of an employee's immediate family member or the employee's principal residence.

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4. The employee is actively involved in a formal, organized effort to protect the health and safety of the general public; such as, the employee is a member of the auxiliary fire or police department or the employee is asked by local authorities to assist with sandbagging efforts.
5. The employee needs to take time off to apply for disaster assistance from the Federal Emergency Management Agency (FEMA) because the employee is unable to apply for assistance before or after the employee's normal work shift.
6. The employee is and providing volunteer service to fire, police or other emergency services carrying out its responsibilities due to the State of Emergency. Employees providing such volunteer service must notify their Manager, in advance, of their affiliation with the volunteer service(s) and establish prior arrangements regarding notification to their Manager in the event the employee is asked to participate in a state or local disaster response. The Agency shall release the employee to provide volunteer service when such an emergency occurs unless there is a critical Agency operating reason to prevent such a release.

No paid leave of absence shall exceed five work days without the prior approval of the General Manager. Requests for extension of a paid leave of absence beyond five work days must be made in writing, must state which of the applicable emergency conditions applies, and must provide an explanation for why an extension is necessary. Agency management will review and may approve such requests on a case by case basis.

407. EMPLOYEE CONDUCT

407.1 Code of Ethics

Officers, employees, and agents of NCPA will conduct themselves in a manner consistent with sound business and ethical practices. The public interest is paramount in all official actions; even the appearance of impropriety should be avoided to ensure and maintain public confidence. Decision-making must be in all respects fair, independent, and impartial.

407.2 Confidentiality of Information

It is the policy of the Agency to closely protect information that may be of competitive interest to organizations or individuals. Employees are urged to protect confidential information that they have access to (for more information see the Information Services procedures). Some of the information must be held confidential due to competitive concerns while other areas have legal requirements.

Examples of confidential Agency information includes:

- ☐ Personal information concerning Agency employees such as discipline or medical data
- Agency or member financial information
- ☐ Plans regarding potential or actual mergers, acquisitions or expansions
- Technical information about specific plants, equipment or methods of operation
- Communications regarding staffing plans or legal actions

To ensure the confidentiality and proper use of Agency information, employees agree to comply with all Agency IT policies, including but not limited to, the Appropriate Computer Use Policy, Cyber Security Policy, Social Media Policy, Password Policy, NCPA Intranet Governance Policy, and other role-dependent policies such as the Mobile Device Policy or Remote Access Authorization Policy. These policies are available on the NCPA Wire.

407.3 Conflict of Interest and Outside Employment

NCPA employees shall not engage in any outside work that will create the appearance and/or existence of a conflict of interest or constitute incompatible activities with their Agency position or impede the performance of their duties as an Agency employee. No employee shall use for private gain or advantage the Agency's time, facilities, equipment, money, materials or the prestige and influence of their position.

No employee shall accept or receive any consideration or compensation for an act that they would be required or expected to perform as a part of their duties as an Agency employee.

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Employees shall notify and request approval from their appointing authority in writing in advance of beginning outside employment which may present a potential conflict with the duties of their position or their ability to perform those duties. Failure to obtain advance written approval may be grounds for disciplinary action up to and including termination.

407.4 Gifts

Employees or family members shall not accept gifts of cash payments, gift certificates, or credit arrangements of any kind or amount from individuals or companies doing or seeking to do business with NCPA.

An employee or family member may not accept non-cash gifts, including entertainment, travel, or other gratuities or services from individuals or companies doing or seeking to do business with NCPA, unless the transaction meets all the following requirements:

- ☐ It is in keeping with good business ethics
- ☐ It is customary and proper under the circumstances and gives no appearance of impropriety
- ☐ It services a valid Agency business purpose
- ☐ It does not impose any sense of obligation on the recipient to the donor
- ☐ It does not result in any kind of special or favored treatment for the donor
- ☐ It cannot be viewed as extravagant, excessive, or too frequent considering all the circumstances, and the total value is no more than the current Fair Political Practices Commission gift limit (see www.fppc.ca.gov).

407.5 Statement of Economic Interest

Any employee, Commission member or other official who manages Agency investments as described in Government Code Section 87200 et seq., shall file annual Statements of Economic Interest in accordance with State law.

407.6 Dress Code

It is the Policy of the Agency that its employees use good judgment and dress in a manner that is appropriate to their job function, location, and hours of work. All employees are expected to maintain their clothing to generally acceptable standards of neatness, safety, cleanliness, and professionalism, and Managers are responsible for ensuring appropriate attire is worn by their employees. For example, appropriate clothing for plant operations would not normally include a suit and tie nor shorts. Likewise, for staff that may be in contact with the public or Commission members, shorts or flip flops would not normally be appropriate.

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407.7 Drug-Free Workplace Policy

The Federal Drug-Free Work Place Act of 1988 requires employees to be notified that the manufacture, distribution, dispensation, possession or use of a controlled substance on Agency property or time is prohibited. Any violation of this policy will result in disciplinary action, up to and including termination. Agency employees engaged in Agency work funded by a federal grant must report to his or her Manager any conviction of any federal or state criminal drug statute for a violation occurring in the Agency work place or on Agency time no later than five (5) calendar days after such conviction. The Manager shall report the conviction to the Human Resources Manager. If any employee engaged in work funded by a federal grant is so convicted, the Agency is required by federal law to report the conviction to the granting Agency. Please see the related Procedure on Drug and Alcohol Abuse.

407.8 Political Activities Policy

Agency officers and employees are prohibited from participating in political campaigning while on Agency time, including the distribution of campaign literature either during work hours or on the Agency premises.

This prohibition includes the use of and/or displaying of campaign materials on Agency property, including walls, bulletin boards, doors and Agency-owned vehicles. Likewise, any Agency officer or employee is prohibited from participating in any political activities while in Agency uniform, either on or off the job.

This prohibition does not include private vehicles used in the course and scope of employment, the wearing of campaign buttons on personal clothing during working hours if the employee is not wearing an Agency uniform, or displaying campaign material on bulletin boards designated for use by an employee organization.

407.9 Grievances

The Agency and its employees have a mutual interest and obligation to attempt to settle work-related grievances as fairly and promptly as possible.

A grievance is defined as a dispute or complaint regarding the application or interpretation of a written Agency rule, policy or procedure relating to an employee's wages, hours or conditions of employment, but not related to disciplinary action against an employee.

This grievance procedure is intended to provide an informal avenue for redress of grievances (as defined above) of complaints relating to the policies expressed in this manual, and to give the Agency an opportunity to investigate the complaint and correct any problems before they become more serious. However, this grievance procedure may not be used for any of the following: to change wages, hours or working conditions; or to challenge the content of employee evaluations or discipline.

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Only full-time regular, non-union employees who have completed probation have access to this grievance procedure. At will and provisional employees do not have access to this procedure. Part-time, limited term, seasonal and temporary employees may utilize this procedure up to the Human Resources Manager level only. For those employees, the Human Resources Manager's decision regarding the grievance shall be final and binding.

Every effort should be made to resolve a grievance at the point the grievance arose, through informal discussion between the grievant and his/her Manager.

If the employee is not satisfied with resolution of the matter after speaking with his/her Manager, the employee may present a formal written grievance form to the Human Resources Manager with a copy to their Manager. The written grievance must be presented within fifteen (15) calendar days of the facts giving rise to the appeal. However, this time limit may be waived if agreed to by the Agency. The Human Resources Manager may, in his or her discretion, submit the grievance for response as the first step to a directly involved Manager or other department representative.

Grievance appeals must be in writing, signed by the affected employee(s) and allege that the Agency has violated a specific provision of the policies expressed in this manual. Grievances must contain the specific facts upon which they are based. Grievances that fail to include these elements may be rejected on that basis.

The Human Resources Manager or designee will review the grievance and shall serve notice of a written response within fifteen (15) calendar days of receipt of the grievance.

If the grievant is dissatisfied with the Agency's first response, the grievant may submit a written appeal to the General Manager. The appeal must be received by the General Manager within fifteen (15) calendar days of the Human Resources Manager's response.

The General Manager, or designee, will review the appeal and shall serve notice of a written response within fifteen (15) calendar days of receipt of the appeal. The General Manager's decision shall be final.

No other grievance or appeal procedure may be used for matters within the scope of this grievance procedure. Union employees should refer to their MOU for their grievance procedure.

407.10 Employee Solicitation, Organization and Distribution

Employee solicitation, organization, and distribution are permitted only at those times and in those areas that are compatible with the efficient and orderly operation of the Agency. Managers and supervisors at each NCPA facility are responsible for administering and enforcing this policy.

NCPA limits direct solicitation, organization, and distribution of literature in work areas. An employee may "directly" solicit other employees in non-work areas (e.g. break rooms, lunch areas, etc.). "Passive" solicitation by the placement of a collection box or envelope for approved charities or gift giving in appropriate public areas is permissible, with prior approval of

PERSONNEL POLICIES AND PROCEDURES

the General Manager or Human Resources Manager. “Passive” distribution of literature by employees announcing times and dates that products, services or collections will occur may be posted on the “Employee Bulletin Board” at each location. Solicitation, organization or distribution by employees or non-employees by e-mail are not permitted. Exceptions to this policy may include charity drives such as the United Way and Blood Drives, collections for retirement/shower gifts, donations to assist fellow employees, etc. that are pre-approved by the General Manager or Human Resources Manager. Employees with questions about this policy should contact Human Resources.

Definitions:

1. Solicitation and organization is any activity conducted for the purpose of advertising, promoting or selling any product or service or encouraging membership in any group, association or organization.
2. Distribution includes but is not limited to giving out posters, brochures, badges, buttons, information pamphlets, etc. to employees.

408. SAFETY

NCPA is dedicated to providing a healthy, comfortable, and productive environment for the public and its employees. The purpose of these policies is to ensure compliance with health and safety laws and regulations and to promote health and safety among its employees.

Responsibility/Action

Employees are required, as a condition of employment, to exercise due care in the course of their work to prevent injuries to themselves, other employees, the public, and damage to Agency property.

Assistant General Managers/Managers are responsible for ensuring that new employees receive a Safety Orientation and that each new employee has signed a receipt for the “NCPA Employee Safety Program Manual(s)”. This form is contained in the Employee Health and Safety Program Manual.

The Human Resources Manager is responsible for ensuring that such signed “Verification” is on file with the Agency.

408.1 Workers’ Compensation

Workers’ Compensation Insurance is provided for all employees. Workers’ Compensation Insurance is intended to provide medical treatment to heal illness or injury caused by work, tax-free payments to replace a portion of lost wages while the employee is temporarily disabled, and rehabilitation services necessary to get the employee back to work.

Because Workers’ Compensation rules and regulations are dictated by legislation and are subject to change from time to time, information concerning details of the program is available through Human Resources.

The Agency offers a supplemental Workers’ Compensation payment program for up to the first year following an industrial accident or illness. This supplemental program is coordinated with the employees’ other Agency benefits. Details of this program are also available through Human Resources.

Service

Any period of time during which an employee is absent without pay due to an injury or illness compensable under Workers’ Compensation Insurance will not be considered a break in continuous service for purposes of eligibility for salary increases, sick leave and vacation.

An employee who is absent from work because of a work-connected injury or illness that is compensable under Workers’ Compensation shall be eligible for supplemental sick leave, disability leave and vacation as follows:

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Accumulated sick leave and vacation credits may be used on a supplemental basis to provide payments in an amount equal to the difference between payments under Workers' Compensation and the employee's base salary rate.

Employees must return to work when his/her physician or a NCPA appointed physician determines that the employee is able to resume normal duties. If an employee fails to return to work in such instance, the employee will be considered absent without leave and subject to discharge.

Fitness for Duty: When an employee seeks to return to work after being on an illness or injury leave, the employee must provide medical certification that he/she is physically able to perform the duties of his/her position. The Agency may require the employee to undergo a fitness for duty examination before returning to work. If the employee is not fit to perform his/her duties, the Agency may consider placing the employee in another position, seek the employee's retirement or separate the employee in accordance with applicable law.

Accommodation for Employees with Disabilities: If an employee believes he or she has a disability, the employee may request a reasonable accommodation for that disability. Such requests should be submitted to the employee's department Manager or Human Resources Manager. The Human Resources Manager, or designee, will engage in an interactive process with the employee to determine an appropriate accommodation for the employee in accordance with applicable law.

408.2 Light Duty Work

At the sole discretion of the Agency, and with proper medical approval, an employee may be allowed to return to work on a light duty basis, if such light duty position is available and does not pose undue hardship to Agency operations. A light duty position is a temporary accommodation due to an employee's illness or injury, and the light duty position may be terminated at any time within the Agency's discretion. For accommodation of disabilities the Agency complies with applicable law.

408.3 Smoking Policy

NCPA is dedicated to providing a healthy, comfortable, and productive environment for the public and its employees. This section contains rules about smoking on Agency-owned or Agency-leased property and Agency vehicles. Its intent is to protect air quality and contribute to public health, safety, and wellbeing by striking a reasonable balance between the desires of smokers and non-smokers. It requires thoughtfulness, consideration, and cooperation between smokers and non-smokers. All persons share the responsibility for adhering to, and enforcing, these requirements. The provisions of this section shall be broadly construed to protect the rights of the non-smoker. This section provides as follows:

Smoking is only allowed in designated smoking areas. It is applicable both to employees and general public.

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Designation of Smoking Areas

Buildings: Smoking is prohibited in any Agency-owned or Agency-leased building and in certain outside areas in accordance with the applicable laws or regulations.

Vehicles: Smoking is prohibited in any Agency-owned or Agency-leased vehicle.

408.4 Workplace Violence

It is the policy of the Agency not to tolerate violence or the threat of violence to any individual or facility within its premises.

Weapons

Weapons such as firearms, explosives, and knives or swords with blades longer than four (4) inches are not permitted on the premises, within Agency parking lots or within Agency-leased or owned vehicles.

Threats

Any threat of violence involving any employee or Agency facility must be reported by employees who witness the incident to the Manager or Assistant General Manager immediately.

Acts of Violence

If a violent workplace incident takes place, whether or not a physical injury results, an “Incident Report Form” must be completed and filed by the involved employee’s immediate supervisor (or by an employee who witnessed the incident) with a copy to the Human Resources Manager. A team will be assigned to investigate the incident and recommend appropriate corrective action. See the Agency’s procedure regarding Violence in the Workplace for more details.

408.5 Communicable Disease Control

The Agency recognizes that employees may be exposed to communicable diseases in the workplace or while traveling. Such diseases are capable of being transmitted to other individuals in various ways and include but are not limited to: influenza, tuberculosis, severe acute respiratory syndrome (SARS), etc. Exposure to and the risks of communicable diseases vary widely.

Travel Alerts and Advisories: Before traveling, it is recommended that employees check the United States Department of Health and Human Services’ Center for Disease Control and Prevention (“CDC”) website for travel alerts or advisories regarding the potential for exposure to various diseases. If the CDC issues a travel advisory for an area to which an employee is scheduled for business travel, the employee is to discuss with his or her supervisor whether to postpone or cancel the trip and use an alternative method of communication, such as a teleconference.

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Workplace Health and Safety Standards: Employees are expected to comply with all health and safety standards, especially when there is an outbreak of a communicable disease in the workplace or when they have one. For example, it is strongly recommended that employee's sick with the flu remain at home to reduce exposing others at work. Employees are to wash their hands regularly and cover their mouths when sneezing or coughing.

Reporting Communicable Diseases: Employees diagnosed with a communicable disease are expected to follow the instructions of their healthcare providers and inform their supervisor or Human Resources about their infection when directed to do so by their physician or public health officials. The Agency will report communicable diseases as required by law to local health officials, the workers' compensation carrier and the like. Employees and supervisors should contact Human Resources if they believe that they or any other employee needs information about an illness or concerns arise about the possible contagious nature of an employee's illness.

Confidentiality: An employee's medical condition is confidential, and information about an employee's health is to be provided only to those persons with a need to know about it. If an employee wishes to release information about his or her own health, he or she should advise the Human Resources Manager. The Agency will maintain procedural safeguards with the objective of protecting the privacy of persons living with a communicable disease. The Agency will not disclose the identity of any employee who has a communicable disease, except as authorized by law, when necessary for the administration of this policy, or pursuant to CDC guidelines. In general, it is recommended that no specified or detailed information concerning an employee's complaint or diagnosis of a communicable disease be provided to any other employee without the express consent of the patient.

Reports from Health Providers: The supervisor and Human Resources Manager, and if appropriate, a consulting physician will determine if a statement should be obtained from the employee's attending physician that the employee's continued presence at work will pose no significant risk of harm to the employee, co-workers, or customers.

Fitness for Duty: The Agency has the right to require that the employee be released by his or her physician before returning to work. The Agency also has the right to require an employee to undergo a medical examination to determine his or her fitness for duty.

Accommodations: The Agency will accommodate employees with communicable diseases consistent with the business needs of the Agency and applicable law. Factors to be considered include but are not limited to the risk to the employee and others, and possible methods of accommodation.

Leaves: Employees with communicable diseases may have rights for leave under the Family and Medical Leave Act or the California Family Rights Act or the Agency's medical leave policy.

Workers' Compensation: If a communicable illness is work related, the employee must report it immediately in accordance with Agency policy.

409. NON-DISCRIMINATION AND HARASSMENT

409.1 Equal Employment Opportunity Policy

It is the policy of NCPA to provide equal employment opportunity to all employees and applicants for employment, and to prohibit discrimination based on race, color, sex, gender, gender identity and gender expression, genetic information, sexual orientation, religion, national origin, ancestry, age, physical or mental disability, medical condition, marital status, veteran's status, and any other characteristic protected by law in recruitment, hiring, promotions, transfers, training, compensation, benefits, layoffs, recalls from layoffs, termination, and any and all other terms and conditions of employment.

The purpose of this policy is:

1. To reaffirm the Agency's commitment to prohibit and prevent unlawful discrimination (including harassment) in all workplaces of the Agency;
2. To define discrimination and harassment prohibited under this policy;
3. To set forth a procedure for resolving complaints of prohibited discrimination and harassment.

The Agency is committed to providing a work environment that is free from unlawful harassment and discrimination, including sexual harassment and harassment based on race, color, sex, gender, gender identity and gender expression, genetic information, sexual orientation, religion, national origin, ancestry, age, physical or mental disability, medical condition, marital status, veteran's status, or any other characteristic prohibited by state or federal law.

The Agency strongly disapproves of, and will not tolerate, harassment or discrimination against Agency employees or applicants by elected or appointed officials, Managers, supervisors or coworkers. The Agency also strongly disapproves of unlawful harassment of Agency employees by persons with whom the Agency has a business, service or professional relationship.

Discrimination, including but not limited to harassment, is considered misconduct and will not be tolerated. Employees who violate this policy and engage in acts of discrimination or harassment of any type, for any duration, shall be subject to severe disciplinary action, up to and including termination.

Retaliation against individuals who complain of any type of prohibited discrimination or harassment or who participate in an investigation into sexual harassment or discrimination will not be tolerated. Employees who engage in such acts of retaliation shall be subject to serious disciplinary action, up to and including termination.

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409.2 Definitions

Prohibited discrimination and harassment for purposes of this policy, includes but is not limited to:

1. **Speech:** Such as epithets, derogatory comments or slurs, and lewd propositions on the basis of race, color, sex, gender, gender identity and gender expression, genetic information, sexual orientation, religion, national origin, ancestry, age, physical or mental disability, medical condition, marital status, and any other category protected by law. This includes, without limitation, inappropriate sex-oriented comments regarding an individual's appearance, including dress or physical features, inappropriate comments of a sexual nature, or race or ethnicity-oriented stories and jokes.
2. **Physical Acts:** Such as assault, impeding or blocking movement, offensive touching, or physical interference with normal work or movement when directed at an individual on the basis of race, color, sex, gender, gender identity and gender expression, genetic information, sexual orientation, religion, national origin, ancestry, age, physical or mental disability, medical condition, marital status, and any other category protected by law. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied threats or promises in return for submission to physical acts.
3. **Visual Insult:** Such as derogatory pictures, posters, cartoons, or drawings related to race, color, sex, gender, gender identity and gender expression, genetic information, sexual orientation, religion, national origin, ancestry, age, physical or mental disability, medical condition, marital status, and any other category protected by law. This includes, without limitation, sending inappropriate emails of a sexual nature to employees, or viewing pornography either in magazines or on the internet in view of other employees, displaying pictures or objects depicting nude, partially nude, or suggestively posed men or women; circulating derogatory or obscene notes, letters, emails or other literature.
4. **Retaliation:** Adverse employment actions carried out in retaliation for good faith submission of discrimination or harassment charges, or good faith participation in an investigation made pursuant to this policy.

Adverse employment actions carried out on account of race, color, sex, gender, gender identity and gender expression, genetic information, sexual orientation, religion, national origin, ancestry, age, physical or mental disability, medical condition, marital status, veteran's status, and any other category protected by law.

Harassment on the basis of race, color, sex, gender, gender identity and gender expression, genetic information, sexual orientation, religion, national origin, ancestry, age, physical or mental disability, medical condition, marital status, veteran's status, and any other category protected by law is prohibited. Verbal or physical conduct relating to these categories constitutes harassment when it:

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1. Has the purpose or effect of creating an intimidating, hostile or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment opportunities.

409.3 Sexual Harassment

Sexual harassment is a form of unlawful sex discrimination and will not be tolerated by the Agency. Federal and State guidelines provide that unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature constitute unlawful harassment when:

1. Submission to such conduct is made either explicit or implicitly a term or condition of an individual's employment.
2. The submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an employee's work performance or of creating an intimidating, hostile, or offensive work environment.

Sexual harassment refers to conduct that is not welcome, that is offensive, that fails to respect the rights and dignity of others, that lowers morale and that, therefore, interferes with work effectiveness.

Reporting Unlawful Harassment or Discrimination

Whenever possible, the employee should inform the harasser that his or her behavior is unwelcome, offensive, in poor taste, or highly inappropriate and ask that the behavior stop. Any employee who believes he or she has been unlawfully harassed or discriminated against should promptly report it orally or in writing to the employee's supervisor, the Human Resources Manager or the General Manager. An employee is not required to complain first to a supervisor if that person is the individual who is harassing and/or engaging in discriminatory actions against the employee. Instead, the employee may report the harassment/discrimination to any member of management.

Any supervisor or manager who receives a complaint of unlawful harassment/discrimination, or who observes or otherwise learns about unlawfully harassing conduct is required to notify the Human Resources Manager. Failure to do so may result in disciplinary action against the supervisor or Manager.

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Remedial Action

Upon receiving complaints of discrimination or harassment, the Agency will undertake an investigation of the complaints appropriate for the circumstances. Any investigation and investigation report prepared relating to the complaint shall be kept confidential except as required by law. If harassment or discrimination is found to have occurred in violation of this policy, the Agency shall take action to ensure or confirm that the harassment or discrimination at issue is stopped. The Agency may take whatever measures are appropriate to ensure its workplaces remain free from unlawful discrimination or harassment. Within a reasonable period of time after the investigation into the complaint has been completed, the Human Resources Manager will inform the complainant in writing as to whether the complaint of violation of Agency policy has been sustained or not sustained.

Employees found to have engaged in discrimination or harassment covered by this policy may be subject to disciplinary action up to and including termination of employment. First-time violations of this policy, depending on the severity of the conduct, may lead to immediate termination.

Employees found to have been dishonest or uncooperative during an investigation into allegations of unlawful harassment may be subject to disciplinary action up to and including termination of employment.

No Retaliation – Employees should feel free to report valid claims of unlawful harassment without fear of retaliation of any kind. The Agency's Nondiscrimination and Harassment Policy, and of these complaint procedures, shall be provided to all employees of the Agency, and to all new employees at the time of hiring.

DFEH and EEOC

In addition to notifying the Agency about unlawful harassment or retaliation, an affected employee may also direct his or her complaint to the California Department of Fair Employment and Housing ("DFEH"), which has the authority to conduct investigations of the facts. The deadline for filing complaints with the DFEH is one (1) year from the date of the alleged unlawful conduct. An employee also has the right to direct his or her complaint to the federal Equal Employment Opportunity Commission (EEOC).

Obligations of Employees: Employees are responsible for knowing the Agency's policy on nondiscrimination and harassment; refraining from discriminatory behavior, including harassment; reporting incidents of discrimination in a timely fashion; cooperating in any investigation concerning allegations of discrimination; and maintaining confidentiality concerning any investigation that is conducted.

All employees are also encouraged to communicate with one another to assist co-employees to avoid harassing, discriminatory, or otherwise offensive behavior.

Sexual Harassment Training

In accordance with state law, every two years, all supervisory employees are required to attend at least two hours of classroom or other effective interactive training on the prevention of sexual

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harassment, discrimination and retaliation. Any new supervisory employee must attend such training within six months of hire or promotion to a supervisory position.

409.4 Accommodation for Employees with Disabilities

If an employee believes he or she has a disability that is preventing the employee from performing one or more of the essential functions of his or her job, the employee may request a reasonable accommodation for that disability. Such requests should be submitted to the employee's department manager or Human Resources Manager. The Human Resources Manager may engage in an interactive process with the employee to determine an appropriate accommodation for the employee if an employee believes he or she has a disability.

Access to Agency Programs, Services and Activities

NCPA is fully committed to complying with the provisions outlined in the Americans with Disabilities Act regarding barrier-free access to all Agency programs, services and activities.

It is the policy of the Agency to ensure that all Agency programs, services, and activities are readily accessible to and usable by individuals with disabilities unless to do so would be an undue hardship or cause a fundamental alteration in Agency operations.

Access Complaint Procedure

A complaint regarding problems with access to Agency programs, services, or activities may be filed in writing with the Human Resources Manager. Complaints should contain the name and address of the person denied access, and describe the specific conduct of which the employee is complaining.

A complaint must be filed within thirty (30) days after the complainant becomes aware, or should have become aware of the alleged violation.

Upon receiving complaints of problems with access to Agency programs, services or activities, the Agency will undertake an investigation of the complaints appropriate for the circumstances. Any investigation and investigation report prepared relating to the complaint shall be kept confidential except as required by law. If the investigation finds that the Agency access does not comply with the Americans with Disabilities Act requirements, appropriate corrective action will be taken by the Agency.

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411. EMPLOYEE RETENTION: SEVERANCE BENEFITS FOR INVOLUNTARY SEPARATION

The purpose of the employee retention severance benefits is:

- To stabilize NCPA's work force under conditions of uncertainty in the electric industry.
- To retain employees needed in carrying out NCPA's future mission and business plan as outlined by its Commission members.
- To assure that employees who are involuntarily terminated in situations beyond the reasonable control of NCPA are treated equitably in accordance with good business practices.

Eligibility

Regular Agency employees and at-will regular employees; who are not otherwise rendered ineligible by the terms of this paragraph, are eligible to participate in this severance plan, contingent upon the employee relinquishing in writing to the right to pursue litigation against NCPA related to termination (hereinafter, Eligible Employees). Probationary employees, except for employees in pay grades 31 or above, provisional, part-time, limited term, or casual employees, and any employee terminated for cause are not eligible for severance benefits under this plan. Exceptions to this policy will be at the discretion of the General Manager.

If involuntary severance is required, it may be in NCPA's best interest to provide the potentially affected employees the opportunity to volunteer for severance. If NCPA, in its sole determination, decides to offer voluntary severance to a group of employees, the voluntary severance benefits will be the same as the involuntary severance benefits defined herein.

Policy

NCPA operates efficiently and effectively, and follows good business practices. Depending upon business conditions, it may become necessary to terminate employees who would prefer to remain employed by the Agency.

NCPA's policy is to provide transition assistance through severance benefits to Eligible Employees who are involuntarily terminated without cause, or who are affected by a change in control. Constructive termination includes a material reduction in pay, benefits, duties or responsibilities, or an unreasonable mandatory relocation.

Benefits

Benefits upon involuntary separation for Eligible Employees are as follows:

- A lump sum payment equal to two (2) weeks base salary for each continuous year of service to a maximum payment of twenty six (26) weeks (6 months) base salary. Minimum payment, regardless of length of service, is 4 weeks base salary. Partial years of service will be prorated.

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- For employees in Salary Grade 31 or above who are eligible for a lump sum payment equal to two (2) weeks base salary for each continuous year of service to a maximum payment of twenty-six (26) weeks (6 months) base salary. Minimum payment, regardless of length of service is three (3) months. Partial years of service will be prorated.
- Continuation of Health and Welfare benefits (medical, dental and vision insurance): Current benefits levels will be provided at the Agency's expense to employees who are terminated involuntarily (and eligible dependents) for six (6) months under COBRA. Thereafter, the employee may continue medical coverage at his/her own expense under COBRA following termination, until employment with benefits is obtained with another employer, or COBRA ends, whichever occurs first.

Payment will be made for accrued vacation at the time of termination.

A lump sum payment for half the employee's accrued sick leave will be made. If an employee who is eligible for severance benefits, elects retirement under CalPERS, his or her sick leave and medical benefits will be handled as retirement benefits under CalPERS rules.

Change in Control

In the event of a change of control of NCPA, involuntary severance benefits will apply. A change in control is defined as any reorganization, joint venture, privatization plan, sale merger, affiliation, or contract that results in final decision-making authority with respect to workforce size, composition, wages, hours of work, or working conditions being vested in any entity, person or persons other than NCPA.

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415. DISCIPLINE POLICY

General Rules of Conduct

All Agency employees shall render the best possible service to, and conduct themselves so as to reflect credit on, the Agency. The highest standards of professional conduct are essential and expected of all employees.

415.11 Disciplinary Actions

The Agency may invoke one or more of the following types of disciplinary actions. The disciplinary actions are listed in increasing order of severity:

- (a) Oral Reprimand
- (b) Written Reprimand
- (c) Suspension without Pay for up to thirty (30) days
- (d) Reduction in Pay (temporary or permanent decrease in salary)
- (e) Demotion (Change in classification) or
- (f) Termination

The Agency may both impose a combination of a suspension without pay, a reduction in pay, and a demotion in a single disciplinary action.

Grounds for Discipline

Disciplinary measures may be imposed for any good and sufficient cause. Agency employees who are employed “at-will”, or who are temporary or probationary, may be subject to discipline at the Agency’s discretion. However, such employees are not subject to the requirement of good cause, and are not entitled to either pre-discipline procedures or post-disciplinary appeals under this policy.

Good cause for discipline exists, not only when there has been an improper act or omission by an employee in the employee’s official capacity, but also includes, but is not limited to, any conduct by an employee either on or off-duty that brings discredit to the Agency, affects the employee’s ability to perform his or her duties, causes other employees not be able to perform their duties, or involves any improper use of the employee’s position for personal advantage or the advantage of others.

The level of disciplinary action imposed by the Agency is within the Agency’s discretion and is dependent upon the seriousness of the offense and the relevant employment history of the employee. While use of “progressive” discipline (i.e., increasing the severity of punishment in successive instances of discipline) is good personnel practice and shall be considered by the Agency in each case, it is not mandated by this policy.

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It is recognized that it is not possible to list all matters or behaviors which may give rise to discipline. Employees are expected to utilize reasonable judgment and common sense in avoiding conduct which may give rise to discipline. Good cause for disciplinary action against an employee includes, but is not limited to, the following:

- ☐ Misstatements or omissions of fact in completion of the employment application or to secure appointment to a position with the Agency.
- Knowingly furnishing false information, or intentionally omitting material facts, in the course of the employee's duties and responsibilities.
- ☐ Inefficiency, incompetence, carelessness or negligence in the performance of duties.
- ☐ Violation of safety rules.
- Violation of any of the provisions of the Agency's personnel rules and regulations, department rules and regulations, Agency policies, Agency procedures, or Agency rules or regulations.
- ☐ Inattention to duty.
- ☐ Tardiness; or abuse of sick leave or other leaves.
- Being under the influence of an intoxicating beverage, illicit narcotic, or prescription drug the use of which impairs an employee's ability to perform his or her job without creating a danger to himself or herself, to other employees, or to members of the public while on duty or on Agency property, or when called in for emergency duty; possession of alcohol on duty or on Agency property without authorization; or possession of unlawful drugs on duty or on Agency property.
- ☐ Insubordination or disobedience to proper authority, or refusal or failure to perform assigned work, to comply with a lawful order, or to accept a reasonable and proper assignment from an authorized supervisor.
- ☐ Unauthorized soliciting on Agency property; or the conduct of any unauthorized commercial or political activity on duty or on Agency property.
- ☐ Unauthorized absence without leave; or failure to report after leave of absence has expired or after a requested leave of absence has been disapproved, revoked or cancelled, or any other unauthorized absence from work or failure to report to work.
- Conviction of a felony or a misdemeanor involving moral turpitude or any violation of a federal, state or local law which negatively impacts the employee's ability to effectively perform his or her job or which brings discredit to the Agency.
- ☐ Offensive or impolite treatment of the public or other employees.

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- ☐ Falsifying any Agency document or record.
- ☐ Misuse of Agency property; improper or unauthorized use of Agency equipment or supplies; or damage to or negligence in the care and handling of Agency property.
- ☐ Fighting, assault and/or battery.
- ☐ Theft or sabotage of Agency property.
- Inattention or sleeping on the job, except as specifically authorized for twenty four (24) hour duty personnel.
- ☐ Accepting bribes or kickbacks; accepting gratuities or gifts prohibited by the Political Reform Act.
- Unauthorized disclosure of confidential Agency information or of Agency trade secrets; or the failure to guard such information.
- ☐ Intimidation or interference with the rights of any employee.
- Outside work or employment, or any other outside activity or conduct, which conflicts with Agency responsibilities, causes discredit to the Agency, negatively impacts the effective performance of Agency functions or is not compatible with good public service or interests of the Agency service.
- Failure to maintain the necessary license or certification specified for the position.
- ☐ Abusive or intemperate language toward or in the presence of others in the workplace.
- ☐ Any other good cause as determined by the Agency.

Authority to Discipline

Any authorized supervisory employee, including an employee temporarily upgraded to a supervisory position, is responsible for ensuring that the employees under his/her supervision are following performance standards including policies and procedures. Supervisors may institute disciplinary action for cause in accordance with this policy. Non-supervisory employees who are temporarily upgraded to a supervisory position must immediately take action to stop inappropriate behavior, and must recommend disciplinary action to the appropriate Manager who will investigate the incident and implement the discipline.

Whenever this discipline policy refers to a “supervisory employee”, the term includes an employee temporarily upgraded to a supervisory position.

Procedure for Disciplinary Action

- A. At-will Employees:** Notwithstanding anything in this policy to the contrary, at-will employees, temporary employees or probationary employees may be disciplined

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by the Agency, up to and including termination from employment, without complying with the procedural provisions of this Policy, without being subject to the requirement for good cause for discipline, and without providing any appeal pursuant to this policy.

- B. Conflicting Provisions of Memorandum of Understanding:** In the event of a conflicting or inconsistent disciplinary procedure or provision in a Memorandum of Understanding (“MOU”) between the Agency and a union recognized as the exclusive representative for a particular bargaining unit, the disciplinary provisions or procedure of the MOU shall govern. In the absence of an inconsistent discipline procedure in a MOU, employees covered by this policy shall be governing by the following provisions.
- C. Minor and Major Discipline:** For purposes of this policy, a “Major” discipline shall mean a suspension without pay of six (6) or more days, any reduction in pay (whether temporary or permanent), a demotion or termination. A “Minor” discipline shall mean an oral reprimand, a written reprimand, or a suspension without pay of five (5) or fewer days.
- D. Minor Discipline shall be imposed as follows:**
1. **Oral Reprimand:** Any authorized supervisory employee may in consultation with the Human Resources Manager, orally reprimand an employee under his or her supervision for violation of this policy. The supervisor shall create a written record of the date of the reprimand and the factual basis for it, and shall provide a copy of the record of oral reprimand to the Human Resources Manager.
 2. **Written Reprimand:** Any authorized supervisory employee may, in consultation with the Human Resources Manager, reprimand in writing an employee under his or her supervision for violation of this policy. The supervisor shall create a formal memorandum indicating the date and nature of the violation and shall provide copies of the memorandum to both the employee and the Human Resources Manager. The memorandum shall advise the employee or his or her right to submit a response memorandum within five (5) business days of the receipt of the reprimand. Any response memorandum received within that time period shall be placed in the employee’s personnel file along with the reprimand memorandum.
 3. **Suspension Without Pay for Five (5) or Fewer Days:** Any supervisory employee desiring to recommend discipline consisting of suspension without pay for five (5) or fewer days shall, in consultation with the Human Resources Manager, provide a written memorandum to the appropriate Assistant General Manager proposing such discipline. The memorandum shall describe the proposed discipline, the basis for the recommendation of discipline (including citation to the sections of this policy alleged to have been violated and the factual basis for the alleged violations), and shall attach any documents upon which the recommended discipline is based.

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The Assistant General Manager may conduct such further investigation as he or she deems appropriate and may thereafter issue a Notice of Discipline as provided in this policy. The Assistant General Manager may not increase the proposed discipline to encompass either six (6) or more days suspension without pay, reduction in pay, demotion or termination without issuing a Notice of Intent to Discipline and providing the affected employee the opportunity for a pre-disciplinary hearing.

In the event that the suspension without pay is proposed by an Assistant General Manager he or she shall follow the same process as other supervisory employees, but the recommendation shall be forwarded to an uninvolved Assistant General Manager as designated by the General Manager who shall thereafter act upon the recommendation in the manner indicated above.

E. Major Discipline - Notice of Intent to Discipline and Pre-disciplinary (“Skelly”) Hearings

1. **Notice of Intent to Discipline Required:** A supervisory employee proposing a major discipline shall, in consultation and coordination with the Human Resources Manager, issue a written Notice of Intent to Discipline, also known as a “Skelly letter.”
2. **Required Content of a Notice of Intent to Discipline:** The Notice of Intent to Discipline shall describe the intended or proposed discipline, describe the basis for the discipline (including citation to the sections of this policy alleged to have been violated and the factual basis for the alleged violations), and shall attach any documents upon which the discipline is based. The Notice of Intent to Discipline shall notify the employee of his or her right to an informal, pre-disciplinary and non-evidentiary hearing, known as a “Skelly hearing.” The Notice of Intent to Discipline shall indicate the last date by which a request for a Skelly hearing must be made, which date shall not be less than ten (10) business days (defined as Monday through Friday) after the issuance of the Notice of Intent to Discipline. It shall advise the employee that he or she may be represented at the Skelly hearing by a union representative or other person, including counsel, and may choose to respond either in writing or orally to the charges but that no witnesses may be called at the Skelly hearing.
3. **Skelly Hearing:** If a Skelly hearing is timely requested by the employee, the Agency will set a date for the Skelly hearing. In the event that an employee fails to request a Skelly hearing, the employee shall be deemed to have waived the right to a Skelly hearing and the Skelly hearing officer may issue a Notice of Discipline as provided in this policy based upon the Notice of Intent to Discipline.

In the case of a proposed discipline other than termination, the Skelly hearing officer shall be the appropriate Assistant General Manager. If the appropriate Assistant General Manager is the supervisor who originally issued the Notice of Intent to Discipline, then the General Manager shall appoint another, uninvolved Assistant General Manager to act as the Skelly hearing officer. In

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the case of a proposed discipline that consists of termination, the Skelly hearing officer shall be the General Manager.

The Skelly hearing shall be conducted as an informal hearing, at which no witnesses are called. The employee or his or her representative may present oral or written argument to explain why the proposed discipline is not appropriate for any reason, including pointing out any mistakes of fact in the Notice of Intent to Discipline, and may indicate why the proposed discipline is disproportionate to the alleged misconduct.

4. **Authority of the Skelly Hearing Officer:** Following the conduct of the Skelly hearing, or upon the failure of the employee to timely request a Skelly hearing, the Skelly hearing officer shall make the final decision regarding the appropriate discipline, if any, to be imposed upon the employee, subject only to the right to a post-disciplinary appeal, if such appeal is provided for in this policy. The Skelly hearing officer may elect to impose no discipline, to impose the recommended discipline, or to impose a discipline which is less severe than that proposed in the Notice of Intent to Discipline. A Skelly hearing officer may not impose a discipline which is more severe than that proposed in the Notice of Intent to Discipline.
 - A recommended suspension may not be increased in length, nor may the Skelly hearing officer impose either a reduction in pay, demotion or termination.
 - A recommended temporary reduction in pay may not be increased in length or made permanent, nor may the Skelly hearing officer impose either a demotion or termination. The Skelly hearing officer may, however, modify the recommended discipline to either a shorter reduction in pay, a written reprimand or an oral reprimand.
 - A recommended permanent reduction in pay may not be modified by the Skelly hearing officer to include either a demotion or a termination. The Skelly hearing officer may, however, modify the recommended discipline to a temporary reduction in pay, a written reprimand or an oral reprimand.
 - A recommended demotion may not be modified by the Skelly hearing office to a termination. The Skelly hearing officer may, however, modify the recommended discipline to a reduction in pay (either permanent or temporary), a written reprimand or an oral reprimand.
 - A recommended termination may be modified by the Skelly hearing officer to any other form of discipline.

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F. Notice of Discipline

A written Notice of Discipline shall be issued in the event of any discipline (whether Major or Minor) other than an oral or written reprimand, either by the supervisory employee imposing a suspension of five (5) or fewer days or by the Skelly hearing officer in the event of a Major Discipline. No Notice of Discipline shall be issued without a prior Notice of Intent to Discipline, and the opportunity to attend a Skelly hearing, except in the case of a Minor Discipline.

The Notice of Discipline shall indicate the discipline imposed, the effective date of the discipline, the basis for the discipline (including citations to the sections of this policy that have been violated and the factual basis for the violation); shall review the Skelly hearing discussions and outcome (if such a hearing was conducted); and shall either attach any documents on which the discipline is based or advise the employee upon which documents the discipline is based and that the documents are available for review and copying at the Agency's expense. The Notice of Discipline shall advise the employee of his or her rights to such an appeal and the deadline for requesting such an appeal. The discipline shall become effective upon the date specified in the Notice of Discipline regardless of whether or not the employee files an appeal from the Notice of Discipline.

G. Appeal

1. Employees covered by this policy have the right to appeal from any discipline consisting of a suspension without pay of any length, demotion, reduction in pay, or no later than ten (10) business days from the date of the Notice of Discipline. In the event that no appeal is timely received, the right to appeal is waived.

2. The appeal shall be heard by a neutral hearing officer. In the event of a discipline other than termination, the hearing officer shall be an uninvolved Assistant General Manager designated by the General Manager, or in the sole discretion of the General Manager, may be a third person retained by the Agency. In the event of a discipline consisting of termination the hearing officer shall be a third person retained by the Agency. Any third person hearing officer retained by the Agency shall be experienced in the handling of the resolution of labor and employment disputes in public agencies and shall be chosen from a neutral panel in such a fashion as to eliminate any perception of bias on the part of the hearing officer. The Agency shall pay the fee, if any, of a third person hearing officer.

3. The appeal shall be conducted as an evidentiary hearing to determine if there was good cause for the imposition of discipline and, if so, whether the level of discipline was appropriate. The Agency shall bear the burden of proof by a preponderance of the evidence at such hearing. The hearing shall be conducted without regard for the formal rules of evidence, and the hearing officer may rely upon such evidence as is commonly relied upon by reasonable persons in the conduct of their business.

The hearing officer shall have the authority to convene the hearing, issue subpoenas to compel the attendance of witnesses or the production of evidence, receive evidence

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through testimony and documents and to make findings of fact and conclusions of law regarding the discipline. Both parties may be represented by counsel at the hearing.

The Agency shall make a record of the proceedings through the use of a court reporter or a tape recording at the Agency's cost. Provided, however, that if the Agency has determined to tape record the proceedings and the employee wishes to have a court reporter, the employee will be responsible for paying the reporter's fees. The cost of preparing a transcript of the proceedings to be used by the General Manager or the NCPA Executive Committee, as the case may be, shall be borne by the Agency.

4. In the event of an appeal from a discipline other than termination, the hearing officer shall provide a written advisory opinion to the General Manager, containing his or her findings of fact and conclusions of law, and recommending that the discipline be upheld, modified, or reversed. The hearing officer shall transmit the recommendation along with a copy of the transcript of the proceedings, all papers filed by either party, and a copy of any exhibits. The General Manager shall consider the advisory opinion and other materials and make the final decision regarding the discipline. The General Manager need not hear further from the parties unless he or she determines to hear further evidence or argument in his or her sole discretion. The General Manager may affirm the hearing officer's decision, reverse the hearing officer's decision, or modify it. The decision of the General Manager is final, and is not subject to appeal. Such decisions are subject to review only through a writ of administrative mandate filed pursuant to California Code of Civil Procedure section 1094.5.

5. In the event of an appeal from a discipline that terminates the employee's employment with the Agency, the hearing officer shall provide a written advisory opinion to the Executive Committee of the NCPA Commission, containing his or her findings of fact and conclusions of law, recommending that the discipline either be upheld, modified, or reversed. The hearing officer shall transmit the recommendation along with a copy of the transcript of the proceedings, all papers filed by either party, and a copy of any exhibits. The Executive Committee of the NCPA Commission shall consider the advisory opinion and other materials and make the final decision regarding the discipline, but need not hear further from the parties unless it determines to hear further evidence or argument in its sole discretion. The Executive Committee of the NCPA Commission may affirm the hearing officer's decision, reverse the hearing officer's decision or modify it. The decision of the Executive Committee of the NCPA Commission is final, and is subject to review only through a writ of administrative mandate filed pursuant to California Code of Civil Procedure section 1094.5.

6. The decision of the General Manager or the Executive Committee of the NCPA Commission, as the case may be, shall provide notice to the employee that the time for judicial review is governed by the provisions of California Code of Civil Procedure section 1094.6.

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P402.1 TEMPORARY/CASUAL STAFF HIRING PROCEDURE

When a need to hire temporary staff has been identified the following procedure shall apply.

- First, the job duties/job description for the opening will be identified.
- ☐ Second, verify that there is funding in the budget for the additional position.
- Third, the hiring manager will then work through Human Resources to fill the job.
- ☐ Fourth, the hiring manager is responsible for ensuring temporary or casual staff work less than 960 hours in a fiscal year. Any exception requires express written approval of the AGM, General Manager and Human Resources.

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P403.10 OVERTIME COMPENSATION (COMP. TIME OFF) PROCEDURE

Public agency employees who are non-exempt under the FLSA are eligible to accrue compensatory time off (CTO) at a rate of not less than one and one-half hours for each hour of overtime work with the approval of their managers. There is no premium pay other than overtime at one and one-half time for all hours worked over forty in a work week. In lieu of overtime pay, non-union employees may accrue time off in accordance with this procedure. Represented employees should refer to their respective Memorandum of Understanding.

To accrue CTO there are several conditions that must be met to be in compliance with the wage regulations and they are outlined below.

- An agreement must be signed between the Manager and non-union employee before the performance of the work to determine if it will be paid as overtime or accrued as CTO. A form for this purpose is on the next page. Please record all CTO earned and used on this form, and attach it to the employee's bi-weekly timesheet.
- ☐ Hourly, non-union employees may be authorized to have a balance of up to forty (40) hours of CTO during the calendar year.
- ☐ Upon termination or at the end of each calendar year, an employee with unused, accrued CTO shall be paid for this time at the then current rate of pay.
- ☐ Employees who earn CTO and have requested to use CTO shall be permitted to use such time if the use does not disrupt operations within the Agency.

If you have questions about this procedure, please contact your Manager or the Human Resources Director as appropriate.

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NCPA Request to Accrue/Take Compensatory Time Off Form

SECTION 1

I, _____, request to **accrue** _____ hours as CTO.
(Print Name) (Enter total* hours – see below)

I worked approved overtime on the following date(s):
(Enter dates overtime was worked)

Date Worked: _____

_____ Reg. Hours @ 1.5x = _____ and/or _____ Hours @ 2x= _____

Date Worked: _____

_____ Reg. Hours @ 1.5x = _____ and/or _____ Hours @ 2x= _____

Total Converted Hours @ 1.5 times = _____ @ 2 times = _____ = _____

Please record your hours on this sheet only, not on a time sheet.

Request to Take Compensatory Time Off

SECTION 2

I, _____, request to **take** _____ hours as CTO.
(Print Name) (Enter # hours to be taken)

Shown on (date) _____ on the attached timesheet dated _____. I have entered these hours under code C (comp time taken) on this timesheet.

(PLEASE SIGN BELOW INDICATING APPROVAL FOR EITHER SECTION 1 OR 2)

I understand that accrued time must be taken as compensatory time off by the end of the calendar year or any remaining hours will be paid to me on the last payroll period of the year.

I also understand that I must provide advance notice when requesting to take compensatory time off, and that time off will be granted if it does not unduly disrupt the operations of the Agency.

Employee's Signature _____ Date _____

Manager's Signature _____ Date _____

Please attach this sheet to your timesheet for either Section 1 or 2 CTO authorizations.

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P403.11 CALL OUT PROCEDURE FOR EXEMPT STAFF

Exempt staff who are on-call and who are frequently called out after hours throughout the year may be eligible for a year-end bonus. Those eligible for the bonus will be those regular full-time exempt employees who are called out in greater frequency than their additional paid leave provides for. In this situation the dates, and duration of the after - hours call outs to which a response was required should be brought to the manager's attention. . The manager may provide this information to the Assistant General Manager to determine if a bonus is warranted. The Assistant General Manager will review the frequency of the call outs with the General Manager, and at his/her discretion the General Manager may award a discretionary bonus of \$1,000 to \$5,000.

At the employee's request, this bonus may be converted to additional paid leave of up to forty (40) hours in a calendar year, with any balance being paid as a bonus in the year the General Manager approves the request. If additional paid leave is granted, it must be used in the calendar year in which it is granted.

P403.12 REIMBURSEMENT FOR RELOCATION EXPENSES

GUIDELINES

As outlined in Policy 403.12, the Agency will reimburse employees for travel and relocation expenses as detailed in this procedure.

Advance authorization from the General Manager is required to approve reimbursement for travel and relocation expenses.

The Agency pays contracted moving expenses directly to vendors. The agency reimburses you for other authorized travel and living expenses upon completion of move. The Agency does not advance payment for relocation. The General Manager may approve partial reimbursement prior to completion of move in a case of undue hardship.

PROCEDURE

1. Prior to scheduling your move, you must submit a minimum of two estimates from moving companies. It is strongly recommended that you contact moving companies that have offices both in your city and the new location (Roseville area, Murphys area or Geysers area). This will simplify resolving any problems that may occur.
2. You will then be given written authorization to proceed with the move. Do not contract with the mover until you receive your written authorization. Notify the mover to bill NCPA directly for the authorized moving expenses. All claims against the mover for lost or damaged goods should be negotiated directly between the mover or insurer and yourself.
3. Upon your arrival at the new location, contact the Human Resources Office for assistance in preparing the travel and living expense reimbursement form and return the form to Human Resources.

REIMBURSABLE EXPENSES AND RATES

A. House-Hunting Trip

Subject to the General Manager's approval, an employee and spouse will be reimbursed for one house-hunting trip if relocation is more than 350 miles for a period no greater than three days. Covered expenses include transportation to and from the new location, car rental, lodging and meals. The per diem rate for lodging and meals will be the same as for living expenses while moving.

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B. Transportation Expenses

Actual transportation expenses will be paid for the employee and his/her immediate family from current residence to the job location. This will be done by the most direct route using the employee's choice of:

- 1) Y Class (Jet Coach) transportation
- 2) First class rail fare and roomette during overnight travel
- 3) Automobile

If the employee chooses to drive to the new location, he/she will be reimbursed for mileage via the most direct route at the current NCPA business mileage reimbursement rate.

C. Moving Expenses

The Agency will pay:

1. The cost for packing, moving and, if desired, unpacking household and personal effects up to a maximum of 15,000 pounds, and including up to 30 days' storage en route.
2. Transit protection insurance for the actual value up to a maximum premium of \$500. (Additional coverage, if desired, will be billed to the employee and will not be reimbursed by the Agency.)
3. Normal servicing of household appliances, such as preparation for shipment of stereos, refrigerator units, or other appliances.
4. Under special circumstances, with advance written approval from the General Manager, the agency may pay the cost of shipping and insuring one passenger vehicle.

All claims against the mover for lost or damaged goods should be negotiated directly between the employee and the insurer.

D. Living Expenses While Moving

While enroute to the new location, an employee will receive \$45 per day, his or her spouse \$40 per day, and each child \$15 per day. No enroute per diem is allowed for moves under 150 miles. If the move is between 150 and 350 miles, one day of travel is allowed. For travel beyond 350 miles, the number of days allowed shall be at the rate of one day per 350 miles. An additional day will be allowed if the total mileage is 150 miles or more in excess of a multiple of 350 miles.

Employees and their families traveling by air fare are limited to one day's enroute living expenses.

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E. Temporary Living Expenses

Employees are expected to obtain housing as soon as possible after relocating to the new location. The Agency will reimburse the employee for meals and reasonable motel/hotel lodging expenses while waiting to move to a more permanent residence. The per diem rate is \$45 per day for the employee only. There is no per diem for the family during this period. The per diem terminates when the employee moves into an apartment, house, or at the end of 30 consecutive days, whichever comes first.

F. Nonreimbursable Expenses

The Agency will not pay or reimburse employees for expenses over the limits indicated or for coverage not described. Specifically, no reimbursement will be made for the expenses noted below:

1. Moving boats, trailers, playhouses, spas, motorcycles, livestock, tractors or farm implements other than those used for normal yard and garden work.
2. House, rug or drapery cleaning, or other extraordinary services.
3. Extra handling costs on unusually heavy or bulky items such as pool tables, plants, lumber, brick and other articles not ordinarily considered household goods or personal property.
4. Moving more than one automobile.
5. Disassembling children's playhouses, swing sets, or storage buildings.
6. Draining and refilling water beds and fish tanks.
7. Removing and installing radio or television antennas.
8. Extra costs of Saturday, Sunday or holiday service by the mover.
9. Venting clothes dryers or hooking up ice makers.
10. Payments to friends who have assisted the employee in moving.
11. Automobile repairs.
12. Costs incurred during the relocation, not directly related to personal transportation or forwarding of household belongings, i.e. uninsured losses during transit and entertainment expenses.
13. Costs associated with utility deposits, inspections and/or connections.

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14. Disassembling and reassembling home entertainment or computer equipment.

Note: Movement of some non-reimbursable items shown above will be allowed if the article can be moved in the van and the maximum weight allowance of 15,000 pounds is not exceeded, providing such is approved by the General Manager.

G. Personal Arrangements

The employee should personally arrange for the transportation of pets and articles of high intrinsic or sentimental value including jewelry, negotiables, collector items, etc. This will include arrangements for proper packing and declaration of the actual value of items shipped to insure adequate protection. Special or extra moving costs for such items will be borne by the employee.

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P404.3 FLEX-TIME/WORKING FROM HOME

Working from home is defined as working for a half or full shift from home. As a general rule, working from home on a regular basis does not support the business needs of NCPA and its members. However, on a case-by-case basis if it supports the Agency's business needs, the General Manager may grant defined periods of time during which a non-union employee may telecommute to complete a project. Detailed written requests for telecommuting exceptions must be reviewed and approved in advance by the Manager and Assistant General Manager before being forwarded to the General Manager for consideration.

Non-union staff has the flexibility, with their Manager's approval, to occasionally work from home for periods of less than half their shift/workday. Allowing short periods of time to work from home will be considered when it is impractical for the employee to work at an NCPA location because of other work-related commitments.

Management retains the right to require employees to report to work. Management also has the discretion to not authorize staff to work from home based on the department's needs.

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P404.5 RESIGNATION-RETIREMENT PROCEDURE

Notification

Once an employee has decided upon a planned date of retirement, he/she needs to notify Human Resources as soon as possible. Human Resources staff is available to provide assistance with any questions regarding retirement. Please note that if you are retiring from NCPA under CalPERS, ninety (90) days' written notice to your manager is requested to process the paperwork and transition in a timely manner.

Medical Insurance Coverage

NCPA will continue to provide medical insurance coverage for employees who qualify for and retire from NCPA within one hundred twenty (120) days of the date of termination. The retiree and his/her spouse are eligible for medical insurance coverage. Unless otherwise specified, the retiree and spouse will be covered by the same plan that they are covered by prior to retirement. If the retiree plans to move out of the area after retirement, he/she needs to check his/her current medical plan to make sure that the plan provides coverage in the new area of residence. There may be a need to change plans.

When the retired employee or spouse reaches the age of sixty five (65), he/she becomes eligible for Medicare and should enroll in parts A and B. At the time the employee becomes eligible for Medicare, NCPA will provide a medical insurance plan which supplements the coverage provided by Medicare. The retired employee is responsible for paying the cost of Medicare, Part B. Once a retiree or spouse receives his/her Medicare card, a copy needs to be sent to Human Resources.

Sick Leave

An employee's accrued sick leave may be credited as time worked under the CalPERS retirement plan if the employee retires from NCPA within one hundred twenty (120) days of the date of termination.

Final Payroll Check

The retiree will receive his/her final payroll check on the last day the employee reports to work, and that day is considered the last day worked for CalPERS purposes. The final payroll check will include hours worked, payment for any vacation balance, and management leave or floating holidays taken during the pay period. Employees, who may wish to take vacation prior to their last day of work, must provide notice as outlined in the Vacation Policy and receive approval from their manager.

Dental and Vision Insurance

NCPA does not continue to provide dental and vision insurance coverage upon retirement. The retiree has the option to continue dental and vision coverage for himself/ herself and his/her dependents under COBRA, for up to eighteen months following the date of retirement. The retiree is responsible for paying the cost of the premiums for dental and/or vision coverage at

PERSONNEL POLICIES AND PROCEDURES

the rate charged to NCPA + 2%. Additional information will be provided regarding continuation of dental and/or vision coverage after receiving notice of retirement.

Deferred Compensation

Upon notification of a pending retirement, the employee will be provided with a participant packet that provides information regarding his/her options related to deferred compensation. The employee has 60 days following his/her retirement date to make a decision regarding deferred compensation.

CalPERS

CalPERS offers two-hour retirement workshops and full-day financial planning seminars to help employees plan for a better retirement. Contact the nearest CalPERS Regional Office or go to the CalPERS website for details.

An employee must complete an Application for Retirement under CalPERS. This form is available from the CalPERS website. To ensure timely processing of retirement and medical benefits, the application should be submitted to CalPERS up to 90 days before the intended retirement date. An employee's retirement date can be no earlier than the first of the month in which the application is received at CalPERS.

Long-Term Care/Optional Benefits

If an employee is enrolled in the CalPERS Long-Term Care Program and has premiums deducted from paychecks, the employee must call the Customer Service Office at (800) 982-1775 to find out what steps need to be taken to continue the premium payments after retirement. Other optional benefits that an employee has signed up for that include payroll deductions should be changed through the Human Resources or Payroll office.

Questions

Questions regarding medical, dental, vision, long-term care or flexible spending accounts, or any general questions should be directed to Human Resources at (916) 781-4251.

Questions regarding the final payroll check or deferred compensation should be directed to the payroll staff at (916) 781-4233.

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P405.10 TUITION REIMBURSEMENT PROCEDURE

Solely at the Agency's discretion, the Agency may provide an educational leave and tuition reimbursement plan. The Agency may choose to reimburse expenses for tuition, books, and parking fees incurred by a regular full-time employee. The employee must successfully complete the classes at an accredited college, university or approved specialized training group. Such program must be related to the job duties of a position at the Agency, and must be approved in advance by the Human Resources Manager upon recommendation of the employee's Assistant General Manager. A degree program must be approved prior to taking any course. Please complete the Degree Program Application and obtain approval before enrollment (if applicable).

Upon completion of probation or after twelve (12) months of employment for an "at will" employee, a regular full-time employee may request advance approval of a course. Thereafter, reimbursement will be processed upon completion of the pre-approved course(s), subject to the approval of the Human Resources Manager or designee. Reimbursement may be granted for tuition, books, and parking fees. The following are specifically excluded from reimbursement: supplies, CLEP exams or related entrance exams; auditing or challenging a course; mileage or related optional personal expenses as determined by the Agency.

If reimbursement is requested and granted, the employee must present evidence within three weeks that each course is satisfactorily completed with a grade of "C" or better, a bill for the course and related fees that was paid, and the pre-approved NCPA Tuition Reimbursement form.

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NCPA APPLICATION FOR A DEGREE PROGRAM

APPLICATION FOR TUITION AID REIMBURSEMENT

TO BE COMPLETED BY EMPLOYEE PRIOR TO ENROLLMENT:

Employee Name _____ Date _____

Job Title _____ Dept. _____

The General Manager or his/her designee is delegated the final authority for all personnel decisions except where the Commission has expressly retained such authority to itself.

Degree Information – Courses to be taken: ☐ Online ☐ On Campus

Name of Educational Institution _____

Address of Institution _____

Check Type of Degree: ☐ Associate's ☐ Bachelor's ☐ Master's Area of Concentration

Estimated Start Date _____ Estimated End Date _____

(Please attach degree outline from college program provided by college advisor.)

Please state your career goal _____

Estimate the annual reimbursement you are seeking \$ _____ for _____ units/year.

- 1) Fill out Section A completely.
- 2) Have your supervisor and AGM sign the form and forward it to Human Resources.
- 3) Make sure and attach documentation for cost of tuition, books, parking fees and curriculum.
- 4) Submit completed form prior to class/seminar/training enrollment.

The above information is true and accurate to the best of my knowledge. I agree to all conditions of NCPA Tuition Reimbursement Program including direct repayment of all monies advanced by the Agency or I authorize paycheck deduction(s) if the course(s) is not completed satisfactorily in accordance with the Agency's procedures.

Supervisor/Manager's Recommendation

Date

AGM Recommendation

Date

Human Resources Manager Approval

Date

PERSONNEL POLICIES AND PROCEDURES

Tuition Reimbursement Form

Section A

Name _____ Date _____

Job Title _____ Dept. _____

Supervisor _____ Phone # _____

I wish to register to attend the course(s) indicated below for the semester beginning on _____ and ending on _____.

How is the course(s) related to your current position?

Reason for Enrollment _____

Degree/Certification/Continuing Education

Course #	Course Title	# Credit/Hrs.	Tuition Amount	Accredited School Name

Requests for reimbursement must be reviewed by an employees' supervisor, AGM, and approved by the Human Resources Manager before attendance at a class or program begins. Requests for reimbursement must be accompanied by receipts for actual expenses and will be paid only up to pre- approved limits. Time spent attending voluntary programs will not be counted as working time and will not be compensated. **Effective 7/1/04 and beyond, reimbursement is limited to \$5,000 per employee per fiscal year.**

I understand that I must complete this form and return it to Human Resources for approval **BEFORE** beginning the classes. If the course is approved, I must submit my **FINAL GRADES (C or better) AND PROOF OF TUITION, BOOKS, AND FEES** to Human Resources within three weeks after completing the course. I hereby request NCPA to approve the course(s) listed above and reimburse me for the costs specified above upon completion. I certify that the information in this request is complete, true, and correct. I acknowledge that my attendance at the course(s) is entirely voluntary and not required.

I have read and understand this form, and agree to its terms and conditions.

Employee Signature

Date

As the employee's supervisor, I recommend ☐ Approval ☐ Denial of Request

Supervisor's Signature

Date

Assistant General Manager Signature

Date

Human Resources ☐ Approves ☐ Denies the employee's request for a total of up to \$_____.

Date Issued: April 24, 2016

Human Resources Manager Signature

Date

PERSONNEL POLICIES AND PROCEDURES



651 Commerce Drive
Roseville, CA 95678

(916) 781-3636
(916) 783-7693 Fax

www.ncpa.com

Memo

Date: _____

To: _____
(Supervisor/Manager)

From: _____
Employee (print name)

Subject: Request for Payment of Accrued Vacation

In accordance with Agency policy, I request that hours of previously accrued vacation be paid to me.

I understand that not more than 120 hours of unused, accrued vacation can be paid once in a calendar year as a lump sum. I also understand that to be eligible for the vacation accrual sell back I must:

- Have a minimum accrued vacation balance of 80 hours remaining after the sell back.
- Have taken at least 40 hours of vacation, CTO or additional paid leave (policy 403.11) in the last twelve months.

I understand the aforementioned accrued vacation sell back will occur as soon as practical, but not later than the next following payroll. (check one)

_____ Combined with my regular payroll check.

* On a second payroll check at Flat Tax (currently 25% FIT and 6.6% SIT).

_____ Roll on a pre-tax basis into my ICMA Deferred Compensation account.

* **WARNING**- Under withholding of income tax may result in penalties and interest.
Consult with your tax preparer before making your election above.

Employee Signature

Date

Supervisor Signature

Date

Manager Signature

Date

Cc: Payroll (Original), Human Resources

Payroll Purposes Only:

Date Issued: April 24, 2016

Date Revised:

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P406.4 AVAILABILITY TO WORK

Each employee is responsible for use of sick leave only in a manner authorized by Sick Leave Policy 406.4 and for being available to work. Unauthorized sick leave use can result in low productivity, increased Agency costs, morale problems, additional stress for co-workers and management. Unauthorized use of sick leave occurs when an employee uses sick leave for purposes other than those described in Sick Leave Policy 406.4 or misrepresents the actual reason for charging an absence to accrued sick leave. Unauthorized use may also occur when an employee establishes a pattern of sick leave usage over a period of time such as the day before or after a holiday or vacation, on Mondays and Fridays, after paydays, any one specific day or half-day. A continued pattern of excessive use that results in the employee becoming unreliable or unavailable for work also creates a hardship for the Agency and other employees.

Managers shall ensure employees use their sick leave for purposes authorized in Sick Leave Policy 406.4. This shall be accomplished by regularly monitoring and managing sick leave used in accordance with the procedure below. This procedure does not apply to at will, temporary, casual, limited term or probationary employees.

Sick leave use shall be monitored as follows:

- Each employee will be reviewed for the frequency and types of sick leave use. (Instances shall not include: Any serious health condition covered as FMLA/CFRA/Pregnancy Leave, State disability or time taken off due to a Worker's Compensation incident.)
- The employee's annual unused sick leave balance.
- The impact of the employee's absences on the workplace (e.g. disruptions in work schedule, work delays, incomplete work, overtime costs, etc.)

Responding to unauthorized or excessive use of sick leave*:

- ☐ When a Manager feels there has been an unauthorized use, or when an employee used 64 or more hours of accrued sick leave but less than 96 hours in a calendar year for two consecutive years without advance authorization to cover a protected leave such as FMLA, CFRA, PDL, disability leave, or some other protected leave as described in the Leaves section of this manual (statutorily protected leaves), the employee will be given an oral warning and counseled about the use of sick leave. The employee may also be referred to the Employee Assistance Program, if appropriate. This warning shall be documented by the Manager.
- If there is a second instance of unauthorized use of sick leave, or the use of accrued sick leave continues to be 64 hours or more but less than 96 hours in a calendar year for three consecutive years for purposes other than statutorily protected leaves for three out of four years, the employee will be given a written reprimand. The employee may also be required to provide a doctor's statement to verify the legitimate use of future sick leave.

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- If there is a third instance of unauthorized use, or the use of accrued sick leave continues to be 64 hours or more but less than 96 hours in a calendar year for purposes other than statutorily protected leaves for a fourth consecutive year or four out of five years, the employee may be either suspended without pay or subject to discharge depending on the circumstances.

*Any employee who exceeds 96 hours of sick leave use in a calendar year or who uses up his or her entire sick leave balance for purposes other than statutorily protected leaves may be subject to more serious discipline, and the Manager may skip a step in this procedure. Discipline for unauthorized use is not subject to the calendar year schedule that applies to excessive use of sick leave.

Managers will reflect how the employee's unauthorized use of sick leave has affected the employee's ability to complete job assignments and the impact on the work unit on the employee's performance appraisal.

P406.12 PREGNANCY DISABILITY LEAVE PROCEDURE

As outlined in Policy 406.12, the Agency will provide pregnancy disability leave per State law, separate from family care and medical leave.

Pregnancy leave is defined as the time a female employee is temporarily disabled due to a pregnancy, childbirth, or a related medical condition.

Female employees may take up to four (4) months of leave for pregnancy disability. Your supervisor may require a doctor's verification before leave is authorized.

If the maximum allowable four (4) months off is used, female employees may also be eligible to take additional time off under family care and medical leave (see Policy 406.6) for birth of (bonding with) her child.

Employee's Responsibility

The employee must provide a written request for Pregnancy Disability Leave to her supervisor 30 days prior to the beginning of the leave period whenever possible. The request for Pregnancy Disability Leave should indicate the intended date the Pregnancy Disability Leave will begin and the estimated date of return to work, following Pregnancy Disability Leave and Family Care and Medical Leave if applicable.

Supervisor's Responsibility

The supervisor will review the written request and either:

- Seek approval from the Assistant General Manager for the request for Pregnancy Disability Leave
- Request additional information prior to seeking approval
- Discuss with the employee the date(s) of her leave and the impact on the workload.

These requests are then submitted to the Human Resources Department for final approval.

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P407.7 DRUG AND ALCOHOL FREE WORKPLACE PROCEDURE

NCPA has a vital interest in maintaining a safe, healthy, and efficient working environment. It is NCPA's intent to maintain a workplace free of drugs and alcohol and to discourage drug and alcohol abuse by its employees. Employees who are under the influence of a drug or alcohol on the job compromise NCPA's interests, and endanger their own health and safety and the health and safety of others. Substance abuse in the workplace can also cause a number of other work-related problems including absenteeism and tardiness, substandard job performance, increased workloads for co-workers, behavior that disrupts other employees, and inferior quality in service. Furthermore, the use, sale, purchase, transfer, or possession of an illegal drug or alcohol in the workplace also poses unacceptable risks for safe, healthy, and efficient operations.

To further NCPA's interest in complying with federal and state regulations or laws, and to further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, and to protect its business, property, equipment, and operations, NCPA has established this policy concerning the use of alcohol and drugs.

As a condition of employment with NCPA, all employees are required to abide by this policy.

Definitions

The following definitions apply to the terms used throughout this Drug and Alcohol Abuse Policy.

Abuse of Any Legal Drug means the use of any legal drug (a) for any purpose other than the purpose for which it was prescribed or manufactured; or (b) in a quantity, frequency, or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.

Alcohol means any beverage that contains ethyl alcohol (ethanol), including but not limited to beer, wine and distilled spirits.

Contraband means any article, the possession of which on NCPA premises or while on NCPA business, causes an employee to be in violation of an NCPA work rule or law. Contraband includes, but is not limited to, illegal drugs, alcoholic beverages, and drug paraphernalia. It also includes firearms, explosives, and lethal weapons.

Drug testing means the scientific analysis of urine, blood, breath, saliva, hair, tissue, and other specimens of the human body for the purpose of detecting a drug or alcohol.

Illegal drug means any drug or substance which is (a) not legally obtainable; or (b) is legally obtainable but has not been legally obtained; or (c) has been legally obtained but is being sold or distributed unlawfully.

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

NCPA premises or facilities means all property of NCPA including, but not limited to, the offices, facilities and surrounding areas on NCPA owned or leased property, parking lots, and

PERSONNEL POLICIES AND PROCEDURES

storage areas. The term includes NCPA member power plant facilities and surrounding areas. The term also includes NCPA owned, leased or rented vehicles and equipment wherever located.

Possession means that an employee has the substance on his or her person or otherwise under his or her control.

Reasonable suspicion includes a suspicion based on specific, objective, eyewitness observations such as of an employee's manner, disposition, muscular movement, appearance, behavior, speech or breath odor; an employee's actual use or possession of alcohol or an illegal drug as defined herein; information provided to management by an employee, by law enforcement officials, by security service personnel, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.

Prohibited Conduct

A. Scope

The prohibitions of this section apply to all departments, all employees, all job applicants, and all independent contractors performing work for the NCPA. Furthermore, the prohibitions of this section apply whenever the interests of the NCPA may be adversely affected, including any time any of these defined individuals is:

1. On NCPA premises or facilities;
2. Conducting or performing NCPA business;
3. Operating or responsible for the operations, custody, or care of NCPA equipment or other property;
4. Responsible for the safety of others in connection with, or while performing, NCPA-related business; or
5. Driving on NCPA premises or business.

B. Alcohol

No employee shall use alcohol while on duty without authorization. In certain circumstances, an employee or independent contractor may be required to attend off-site, after hours social/business events where alcohol is served. In these situations, when the employee is authorized to attend, the consumption of a limited amount of alcohol is permitted.

The use of alcohol or a controlled substance within four (4) hours before an employee is due to report to work on NCPA premises is prohibited. An employee who is subject to "call-out" for unforeseen situations, and who has recently used alcohol should respond to the call using these guidelines:

The employee should notify the Supervisor of the recent use of alcohol and;

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1. Request that another qualified employee respond; or
2. If the employee is the only one qualified to respond, allow the Supervisor to make the determination whether to permit the employee to respond at a later time.

C. Illegal Drugs

The following acts are prohibited and engaging in them may subject an employee to disciplinary action up to termination:

1. The unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol while performing Agency work or on Agency premises; or
2. Being under the influence of alcohol while engaged in Agency work or applying for a position with the Agency.

Furthermore, if a job applicant engages in such conduct, such an individual will not be hired. If an independent contractor performing work for the NCPA engages in such conduct, it may result in the termination of that individual's contract with the Agency.

D. Legal Drugs

The following acts are prohibited and may subject an employee to disciplinary action up to termination. Furthermore, if a job applicant engages in such conduct, such an individual will not be employed. If an independent contractor performing work for the NCPA engages in such conduct, it may result in the termination of that individual's contract with the Agency.

1. The abuse of any legal drug while performing Agency work; or
2. The purchase, sale, manufacture, distribution, transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with law while performing Agency work or on Agency premises; or
3. Working while impaired by the use of a legal drug whenever such impairment might:
 - Endanger the safety of the employee or some other person;
 - Pose a risk of significant damage to NCPA property or equipment; or
 - Substantially interfere with the employee's job performance or the efficient operation of the NCPA's business or equipment.

An employee receiving medical treatment whose treatment requires the use of a legal drug that may affect his or her performance must report such use to his or her Supervisor prior to the performance of NCPA business. The supervisor who is so informed shall contact the NCPA Human Resources Manager for guidance if needed.

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The undisclosed use of any legal drug by any employee that may affect the employee's performance while performing NCPA business or while on NCPA premises is prohibited. However, an employee may continue to work even though using a legal drug if his or her supervisor has determined, after consulting with the employee and the Human Resources Manager, that such use does not pose a threat to safety and that the using employee's job performance is not significantly affected so as to affect safety on the job.

DISCIPLINE

A. Discharge for Violation of this Policy shall proceed as follows:

The first violation of this policy may result in termination whenever the prohibited conduct:

1. Caused serious injury to the employee or any other person, or endangered the safety of the employee or any other person;
2. Resulted in significant damage to NCPA property or equipment, or posed a risk of significant damage;
3. Involved the sale, attempt to sell, or manufacture of illegal drugs or other controlled substances on NCPA premises or while on NCPA business;
4. Involved the possession, distribution, transfer, or dispensation of illegal drugs or other controlled substances on NCPA premises or while on NCPA business;
5. Involved the failure of an employee to report, within five calendar days, a criminal conviction of any federal or state criminal drug statute for a violation occurring in the workplace or during any NCPA related activity or event.
6. Involved a positive drug/alcohol test when the employee was engaged in Agency business.

B. Discretion Not to Discharge

NCPA management may choose not to discharge an employee for a first violation of this policy if the employee satisfactorily participates in and completes an approved drug or alcohol abuse assistance or rehabilitation program when recommended by NCPA management or the employee contacts the Employee Assistance Program ("EAP") within two working days after being referred there by management and follows the recommendations made by the EAP for successful rehabilitation. The decision to discharge an employee for a violation under this policy involves consideration by the immediate supervisor or Manager, AGM and Human Resources Manager.

Any employee who is found to be in possession of or under the influence of alcohol, legal or illegal drugs or in possession of contraband in violation of this policy will be subject to major discipline up to and including discharge, and may not be subject to progressive discipline under NCPA Personnel Discipline Policy. However, the employee retains the right to appeal the discipline in accordance with NCPA policy.

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Written Warning: An employee who is not discharged for a first violation of this policy will receive a written warning last chance agreement and unpaid suspension. Effect of Second Violation: A second violation of this Policy at any time will result in discharge.

C. Last Chance Agreement

Any employee who is found, through drug or alcohol testing, to have in his or her body a detectable amount of an illegal drug or alcohol will be subject to major discipline up to and including immediate discharge except that, notwithstanding the policy set forth above, depending on the circumstances of the case and the employee involved, the employee may be offered a one-time “Last Chance Agreement” to enter and successfully complete a rehabilitation program that has been approved by NCPA. If the employee agrees to the “Last Chance Agreement,” the employee must fully comply with the prescribed treatment program/after care and successfully complete it or he/she will face major discipline, including discharge without right of appeal. During rehabilitation, the employee will be subject to unannounced drug or alcohol testing. Upon return to work from rehabilitation, the employee will be subject to unannounced drug or alcohol testing for a period of up to sixty (60) months. Any test that is confirmed as positive during or following rehabilitation will result in discharge without right of appeal.

D. Effect of Criminal Conviction

An employee who is convicted under a criminal drug statute or for driving under the influence of alcohol or drugs for a violation occurring in the workplace, during work hours, or during any NCPA-related activity or event will be deemed to have violated this Policy.

E. Effect of Discharge on Eligibility for Rehire

Employees who are discharged for violation of this Policy will not be eligible for rehire by NCPA.

EDUCATION

A. Management Awareness: Supervisors and other management or lead personnel are to be:

1. Attentive to the performance and conduct of those who work with them and should not permit an employee to work in an impaired condition or to otherwise engage in conduct that violates this policy.
2. Provided training in detecting the signs and behavior of employees who may be using drugs or alcohol in violation of this policy;
3. Provided training in the steps involved in intervening in situations that may result in violations of this policy;
4. Trained in recognizing the above activities as a direct job responsibility.

When management has reasonable suspicion to believe that an employee or employees are

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working in violation of this policy, prompt action will be taken.

B. Employee Awareness: Employees are to be informed of:

1. The health and safety dangers associated with drug and alcohol use in the workplace;
2. The behavior of those who may be using drugs or alcohol in violation of this policy;
3. How to help a fellow employee or family member if they show signs of drug or alcohol abuse;
4. Their responsibilities under the provisions of this policy.

C. Criminal Convictions

Employees must notify their supervisor of any conviction under a criminal drug statute or for driving under the influence of alcohol or drugs for a violation occurring in the workplace, during work hours, or during any NCPA-related activity or event within five (5) days after any such conviction. Failure to provide such notification within five (5) calendar days is a violation of this policy. When required to federal law, the NCPA will notify any federal Agency with which it has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace.

DRUG AND ALCOHOL TESTING OF JOB APPLICANTS

As part of the NCPA's pre-employment screening process, certain applicants for employment, including applicants for part-time and seasonal positions and applicants who are former employees, are subject to drug and alcohol testing consistent with their job requirements and the Agency's business necessity before hire at the NCPA's expense.

Any offer of employment is conditioned on a negative test result.

An applicant will be notified of the NCPA drug and alcohol testing policy in the employment application process. An applicant will also be informed that the consequence of refusal to undergo the drug and alcohol testing is termination of the pre-employment process and ineligibility for employment.

If an applicant refuses to take a drug or alcohol test, or if evidence of the use of illegal drugs or alcohol by an applicant is discovered, either through testing or other means, the pre-employment process will be terminated.

DRUG AND ALCOHOL TESTING OF EMPLOYEES

NCPA will notify employees of this policy by:

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1. Providing to each employee a copy of the policy, and obtaining a written acknowledgement from each employee that the policy has been received and read.
2. Announcing the policy in various written communications and making presentations at employee meetings.

NCPA management may perform drug or alcohol testing at NCPA's expense for the following reasons:

1. **Reasonable Suspicion Testing:** Any employee who manifests "reasonable suspicion" behavior as defined in this Policy will be subject to drug and alcohol testing. The employee will be asked about any observed behavior and offered an opportunity to give a reasonable explanation. If the employee is unable to explain the behavior, he or she will be requested to take a drug or alcohol test in accordance with the procedures outlined below.
2. **Post Incident Testing:** Any employee who may be responsible for an incident that results in severe injury or loss of life, property damage or environmental damage in the amount of \$3,000.00 or more as determined by NCPA management will be subject to drug and alcohol testing. This may also include any employee involved in an incident as noted above where responsibility has not been determined. Post incident tests are to be completed within 2-8 hours of the incident. Any employee who is to undergo a post incident test who has not yet been tested is forbidden from using drugs or alcohol within 8 hours of the incident except for those drugs provided by a medical attendant after the incident.
3. **Employees Who Have Tested Positive:** Any employee who has completed a NCPA approved drug/alcohol rehabilitation program and returned to work may be subjected to drug and alcohol testing on a random basis for up to 60 months from the date of return (See Section IV. C. above).
4. **Annual Testing:** Any employee holding safety sensitive positions that fall under Department of Transportation regulations or who is subject to drug or alcohol testing pursuant to federal or state rules, regulations or laws may be subjected to drug and alcohol testing. This testing will be scheduled through NCPA management.

An employee's consent to submit to drug or alcohol testing is required as a condition of employment. The employee's refusal to consent may result in major disciplinary action, including discharge, for a first refusal or any subsequent refusal.

Represented employees have the right to representation during discussions with management prior to a drug or alcohol test based on "reasonable suspicion." If a shop steward is not present, an available department employee may be selected by the employee to represent the interests of said employee. Such representation shall not, in any way, delay or interfere with the implementation of this policy and its related procedures.

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An employee's time spent on testing and travel time shall be paid under regular pay status, including overtime, if applicable.

An employee tested in a "reasonable suspicion" situation may be transported by a member of management or his/her designee to the drug/alcohol-testing clinic. Thereafter, arrangements may be made for the employee to be transported home and to pick up his or her vehicle at a later time. The employee may be suspended with pay pending receipt of written test results and for whatever inquiries may be required.

DRUG TESTING PROCEDURES

In addition to the drug testing procedures set forth above for applicants at Section VI, and for employees at Section VII, the applicant and employee will have the opportunity to alert the clinic or laboratory personnel performing the drug and alcohol test to any prescription or non-prescriptions drugs that he or she has taken that may affect the outcome of the test.

In addition to the written notifications and acknowledgements set forth above for applicants at Section VI, and for employees at Section VII, an employee subject to testing under this policy will be asked to sign a form acknowledging the procedures governing testing, and consenting to (1) the collection of a sample for the purpose of determining the presence of alcohol or drugs, and (2) the release to NCPA of medical information regarding the test results. Refusal to sign the agreement and consent form, or to submit to the alcohol/drug test, will result in the revocation of an applicant's job offer, or will subject an employee to discipline up to and including termination.

APPEAL OF A DRUG OR ALCOHOL TEST RESULT

An applicant or employee whose drug or alcohol test is reported positive will be offered the opportunity of a meeting to offer an explanation. The purpose of the meeting will be to determine if there is any reason that a positive finding could have resulted from some cause other than drug or alcohol use. NCPA, through its Human Resources Manager, will determine whether an offered explanation merits further inquiry.

Testing for drugs will follow split sample procedures. An employee whose test is reported positive will be given 72 hours to provide a written request for:

- The remaining portion of the split sample urine specimen that yielded the positive drug result, to be tested again at the same or at another laboratory.

There is no split testing available for Breath Alcohol Tests.

During the period of an appeal and any resulting inquiries, the pre-employment selection process for an applicant will be placed on hold, and the employment status of an employee may be suspended. An employee who is suspended pending appeal will be permitted to use any available accrued paid leave in order to remain in an active pay status. If the employee has no annual leave or chooses not to use it, the suspension will be without pay, but NCPA will continue the employee's health benefits. If the second sample analysis yields a negative result,

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the employee will be paid his or her regular base pay for the period of unpaid suspension and any accrued annual leave that was used will be credited back to the employee.

REHABILITATION AND EMPLOYEE ASSISTANCE

NCPA maintains an Employee Assistance Program (“EAP”), which provides help to employees who seek assistance for drug or alcohol abuse, as well as for other personal or emotional problems. Employees who suspect that they may have alcohol or drug problems, even in the early stages, are encouraged to voluntarily seek diagnosis and to follow through with the treatment as prescribed by qualified professionals. Employees should be aware that participation in the EAP will not necessarily shield them from disciplinary action for a violation of this policy, particularly if discipline is imposed for a violation occurring before the employee seeks assistance.

Any employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program will be reasonably accommodated, if the circumstances so warrant, provided that the reasonable accommodation does not impose an undue hardship to NCPA. However, no accommodations will be provided to employees who continue to abuse alcohol or illegal drugs while actively working for NCPA.

As set forth above, at Section IV. C., at the discretion of management, rehabilitation assistance in lieu of disciplinary action or discharge may be offered.

An employee who is in a rehabilitation program will be placed on unpaid leave of absence, and may use any available accrued paid leave. An employee who is in a rehabilitation program or who has completed rehabilitation will be allowed to return to work upon presentation of a written release signed by a licensed physician or recognized rehabilitation professional. The release must include a statement to the effect that the employee is fit to perform his or her duties, and the employee’s presence in the workplace will not constitute a safety hazard to the employee, co-workers or others.

Rehabilitation assistance given by NCPA will be:

1. Limited to those medical benefits that may be available in the employee’s benefits plan. The treatment program should include medical monitoring, treatment, counseling, testing and detoxification if needed.
2. Limited to those benefits that may be obtained through an Agency-provided rehabilitation program where treatment plan/program and cost have been pre-approved by NCPA.
3. Provided after release from the formal treatment program, so that follow-up treatment obtained by the employee occurs during times that will not conflict with the employee’s work time, except that the employee may use any available sick leave or accrued paid leave to be absent from the job with pay.

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NCPA will provide to any employee, upon request and at no cost to the employee, information concerning local resources that are available for the treatment of drug and alcohol related problems and concerning the use of the Agency's Employee Assistance Program.

INSPECTIONS AND SEARCHES

If there is a reasonable suspicion that this policy is being violated, NCPA may conduct unannounced general inspections and searches for drugs or alcohol or related paraphernalia on NCPA premises or in NCPA vehicles or equipment wherever located. Employees are expected to cooperate.

Search of an employee and his or her personal property may be made when there is of this reasonable suspicion to conclude that the employee is in violation policy. Such searches will be for drugs or alcohol or related paraphernalia.

An employee's consent to a search is required as a condition of employment, and the employee's refusal to consent may result in disciplinary action, including discharge, even for a first refusal.

Illegal drugs, drugs believed to be illegal, and drug paraphernalia found on NCPA property will be turned over to the appropriate law enforcement agency and full cooperation will be given by NCPA to any subsequent investigation. Substances that cannot be identified as an illegal drug by a layman's examination will be turned over to a forensic laboratory for scientific analysis.

Other forms of contraband, such as firearms, explosives, and lethal weapons, will be subject to seizure during an inspection or search. An employee who is found to possess contraband, as defined herein, on NCPA property or while on NCPA business will be subject to major discipline up to and including discharge.

If an employee is the subject of a drug-related investigation by NCPA or by a law enforcement agency, the employee may be suspended pending completion of the investigation.

CONFIDENTIALITY

Disclosures made by employees to the Human Resources Manager concerning those employees' use of legal drugs will be treated confidentially and will not be revealed to managers or supervisors unless there is an important work-related reason to do so in order to determine whether it is advisable for the employee to continue working. Disclosures made by employees to the Human Resources Manager concerning the participation by those employees in any drug or alcohol rehabilitation program will be treated confidentially. Where required by law, or overriding public health and safety concerns, information subject to this confidentiality clause will be disclosed. An employee is entitled to obtain copies of records pertaining to the employee's use of prohibited drugs or alcohol, including any records pertaining to his or her drug or alcohol tests.

PERSONNEL POLICIES AND PROCEDURES

NON-UNION STAFF GRIEVANCE FORM (PROCEDURE 407.9)

Name _____ Department _____

Position _____ Work Phone _____

INSTRUCTIONS: The Grievance procedure has three steps. The first is informal resolution, the second a formal written grievance and the third a review by the General Manager. Each step is required before the next step may be initiated. This form may be used by an employee to initiate a formal grievance at Step 2 after Step 1 has been completed.

The policy is found in the Personnel Policy and Procedures Manual.

STEP 1 INFORMAL RESOLUTION

Step 1 of the grievance process is an informal resolution. You and your supervisor are encouraged to resolve your grievance at this step. Please advise your supervisor that your informal discussion constitutes Step 1 of the Grievance procedure.

STEP 2 FORMAL GRIEVANCE

From the date of the grievable event, you have 15 calendar days to file a formal, written grievance. The written grievance is considered filed when it is submitted to your immediate supervisor and the Human Resources Director.

You must provide the following information:

- 1) The date of the grievable event: _____
- 2) A specific statement of the written law, rule policy and/or procedure violated. What action or conduct constituted the violation and what happened?

Total Number of Page Attached: _____

1. The resolution or remedy you want.

2. Employee signature and date filed with supervisor/manager.

_____ Date: _____

Supervisor's/Manager Signature

Date received from employee

STEP 3 FORMAL GRIEVANCE

If you do not resolve your grievance at Step 2, you may advance the grievance to Step 3 by notifying the General Manager in writing. The notification of appeal must be in writing and must be received within 15 calendar days of receipt of management's response at Step 2.

Date Issued: April 24, 2016

Date Revised:

P407.9-1

P407.10 SERVICE RECOGNITION PROCEDURE

This procedure provides for the recognition of employees for their length of service with the Agency.

Timing and Nature of Awards

- Awards are granted starting at five (5) years and for each five-year increment thereafter;
- Presentation of service awards is semi-annually; and
- An appropriate presentation ceremony will be held.

Presentation Ceremonies

Each NCPA location may determine the manner in which service awards are presented provided that:

- Presentation ceremonies held during work hours are reasonable in duration and consistent with the Agency's mission and business needs; and
- Expenses incurred for the presentation of service awards are just, reasonable, and necessary for providing an appropriate event.
- Each location may combine service award presentations with other recognition ceremonies if desired.

Calculating Service

"Service" is defined as the length of time the employee served as a continuous regular full-time employee with NCPA.

Service Recognition Award Items

Service recognition gift items are provided through the Human Resources Department. Employees eligible for service awards receive a gift card in an amount that is based on their years of service. Awards are delivered to the employee's work location.

P407.11 SUGGESTION AND AWARD PROCEDURE

Definition of a Suggestion

Suggestions can apply to safety, service, efficiency and reliability improvements. A special category identifies waste minimization, pollution prevention, and emissions reduction ideas.

Making a Suggestion

- A. Once an employee identifies an area for improvement, the employee shall complete a Suggestion form. (Copy attached to this procedure) Included on this form are:
 1. A description of the problem or opportunity that exists.
 2. The suggestion from the employee on how to resolve the problem or capitalize on the opportunity. Employees should include sketches or drawings as reference to show the existing condition and the condition following implementation of the suggestion.
 3. The employee should include cost estimates for making the improvement. This should include any quotes or estimates obtained from contractors, suppliers, or vendors.
 4. The employee should include what the expected benefits are for implementing the suggestion. This should include all tangible and intangible benefits. If possible, include Return-on-Investment (ROI) information.
 5. The employee should also include any other comments or information that helps to substantiate the improvement.
- B. The completed form shall be submitted to the department's Administrative Assistant or other designated coordinator who will initiate the following:
 1. Assign the suggestion a listing number and add it to the Suggestion Master Tracking Sheet. (Copy attached to this procedure).
 2. The Master Tracking Sheet includes:
 - a) The listing number of the suggestion.
 - b) The date the suggestion form and documentation is received.
 - c) The name of the employee that submitted the suggestion.
 - d) A summary of the suggestion.
 - e) The date that the review of the suggestion is assigned.
 - f) The person (or persons) that the review of the suggestion is assigned to.
 - g) The final conclusion (adopted or not).
 - h) The date the suggestion is closed.
 - i) If the suggestion is approved, the date the check request was

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- submitted for the \$50 reward.
- j) The date the check was presented, if applicable.

Review Process

An individual or a panel of individuals might be assigned to review the suggestion. This review “panel” could be made up of managers, supervisors, or professional staff. Knowledge of or experience with equipment or processes connected with the suggestion will be used to determine the most qualified evaluator(s).

The suggestion assignment designee will be made known to the suggester by way of email. The suggester will then be periodically updated as to the status of the suggestion if the evaluation process is taking an excessive length of time. The suggestion reviewer(s) will be tasked with:

1. Reviewing the suggestion for completeness. If further information is needed, the reviewer(s) will contact the employee that submitted the suggestion and request that further information.
2. Ensure that the suggestion meets the intent of the program.
3. Determine if the suggestion is feasible and that the ROI calculations (if applicable) are correct. If the suggestion is determined not to be feasible, the employee that submitted the suggestion will be informed as to the reasons why.
4. If the suggestion meets the intent of the program and provides benefit, the reviewer(s) will inform the facility manager of their findings.

Suggestion Award

For any suggestion that is implemented, the suggester will be awarded a check in the amount of \$50. Managers will determine the appropriate time to present the check, however, checks will be awarded at least twice per year.

Use of Suggestion Form

Suggestions are to be emailed directly to the department’s Administrative Assistant or coordinator at each facility.

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SUGGESTION

For improving a Condition at NCPA: CT1, CT2, Geo, Hydro, Roseville, or Stig Facilities. () Check here if suggestion reduces waste and/or pollution - forward to EH&S.

Describe the problem (or opportunity) that now exists:

What do you suggest should be done (if useful, attach sketches, drawings, etc.):

What, if any, are the estimated costs to do what is suggested (if possible, attach any appropriate quotes or estimates obtained from contractors, vendors, suppliers, etc.):

What are the benefits of implementing the suggestion?

Any other comments: (ex. was the pollution prevented a hazardous waste?)

Date:

Name:

[illegible]

P408.1 WORK INCURRED INJURY/ILLNESS MEDICAL APPOINTMENT

Purpose

NCPA management makes it a priority to provide a safe work environment. Despite everyone's efforts to maintain a safe workplace, an employee can be injured or become ill as a result of his or her job. In addition to the Illness and Injury Prevention Plan, this procedure provides guidance for the reporting and initial treatment of a work incurred injury or illness which may occur as a result of a:

- Vehicle Accident

An event that results in harm to those involved.

- Minor Accident

Is an accident that results in an injury for which no medical care beyond first aid is required.

- Lost-Time Accident/Illness

Any work-related injury/illness that results in a loss of at least one (1) fully scheduled workday.

Accident Notification Process

Accidents and illnesses on the job require immediate notification to the employee's supervisor or a designated management person. Accidents resulting in more than \$3,000 in damage or personal injury require a post-accident drug/alcohol screening. Please see the Drug and Alcohol Free Workplace Procedure for more details on this screening.

The accident/illness must be reported as soon as possible to Human Resources by the Supervisor/Manager so that a Worker's Compensation claim can be initiated and filed.

Employee Visits to Physicians

A Doctor Referral Form should be completed if an employee is referred to an approved physician or medical facility for initial treatment of a work-incurred injury or illness. The Supervisor or Manager shall accompany an employee to the medical facility and be available to discuss restrictions or light duty work with the physician. Even if the need for medical treatment occurs after hours or outside the employee's shift, the employee needs to immediately notify the Supervisor or Manager so that he or she can meet the employee at the medical treatment center. The Supervisor is not to be present when the medical examination or treatment is taking place. The Supervisor is present to explain the employee's job description and answer any questions about work restrictions or accommodations that can be made for light duty work.

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The first visit to a physician or hospital following an occupational injury or illness that occurs during the employee's regular work shift shall be compensated by the Agency at straight time pay. This paid time off for medical treatment shall not count as hours worked toward the calculation of overtime for hourly employees. A Worker's Compensation appointment must be noted on the employee's timesheet and reflect the number of regular hours to be paid for the time spent in the first appointment.

If the first Worker's Compensation medical appointment occurs outside of, or continues outside the employee's work schedule or occurs on a day off, wages are not provided by NCPA. Future visits to a physician or for follow-up medical treatment that occur during an employee's work shift may be compensated by the employee's election to use accrued sick leave or other accrued paid time off until such time as the claim is paid by the Worker's Compensation Insurance provider. Future medical appointments should be scheduled so that they occur with the least disruption to the work schedule. These appointments should also be noted on the employee's timesheets for Worker's Compensation claim tracking/reporting.

Any questions about this procedure should be directed to the Human Resources staff.

P408.4 WORKPLACE VIOLENCE PREVENTION PROCEDURE

As outlined in Policy 408.4, it is the policy of the Agency not to tolerate violence or the threat of violence to any person or facility within its jurisdiction. This procedure prescribes the focus needed for prevention of violence at work, whether the violence originates inside or outside the workplace. It applies to all workplace locations including offices and field sites and it includes regular work hours, overtime hours, and meal times.

A violent workplace incident is defined as any incident involving physical assault, threatening or coercive behavior (whether verbal or physical), or violent criminal act directed toward any person or facility within the jurisdiction of the Agency.

DUTIES and RESPONSIBILITIES

Employees

- Follow the guidelines set forth in this policy/procedure and the security requirements for your facility
- Complete appropriate training as required
- Conduct themselves in a professional manner and treat others with respect, fairness, and dignity
- Immediately report any threat or violent act to their Supervisor or Manager and the Human Resources Manager.

Supervisors

- Ensure employees are appropriately trained consistent with workplace violence prevention practices
- Document all reported incidents of workplace violence and implement employee disciplinary action
- Notify appropriate authorities if someone poses a danger to him/herself or others
- Refer employees to assistance programs after critical incidents

Contractors

- Ensure all employees conduct themselves in a professional manner, refraining from profanity and derogatory expressions or names
- Ensure employees are trained in workplace violence prevention
- Work with NCPA site contact to ensure compliance with workplace violence prevention and this policy/procedure

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Safety and Human Resources Staff

- Provide technical support for interpretation and implementation of workplace violence prevention
- Develop, conduct, coordinate, and/or approve workplace violence prevention training programs
- Review, update and evaluate the effectiveness of the violence in the workplace prevention program
- Refresher training is conducted every three years or when the need for more frequent training is recognized.

SCOPE OF THE WORKPLACE VIOLENCE PROBLEM

California joins a growing list of states in which assault and the violent acts represent the leading cause of death in the workplace. The demographic profile of victims of fatal workplace assaults indicates that the majority are male. However, even though the overall fatal workplace injury rate for women is substantially lower than it is for men, homicides represent the leading cause of death for women in the workplace. Homicide is only part of the workplace violence problem - assaults which result in nonfatal injury, or in the threat of harm, are more common than those which result in fatal injury.

Harassment is also considered a form of workplace violence. Harassment is not just defined as sexual harassment. Harassment includes any behavior that demeans, embarrasses, humiliates, annoys, alarms or verbally abuses a person. Verbal abuse is related to workplace violence. It can include swearing, insults or condescending language.

WORKPLACE VIOLENCE CHARACTERISTICS

The characteristics may involve a threat of violence, or a physical act of violence resulting in a fatal or nonfatal injury, to an employee, supervisor or manager of the affected workplace by the following types of individuals:

1. A current or former employee, supervisor or manager; or some other person who has a dispute with an employee in the affected workplace, e.g. current/former spouse or lover, relative, friend or acquaintance.
2. Most commonly, the primary target is a co-employee, a supervisor or manager of the assailant. In committing this "type" of assault, an individual may be seeking revenge for what he or she perceives as unfair treatment by a co-employee, a supervisor or manager of the assailant. Increasingly, these events involve domestic or romantic disputes in which an employee is threatened in their workplace by an individual with whom they have a personal relationship outside of work.

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3. At first glance, an assailant's actions may defy reasonable explanation. Often, though, his or her actions are motivated by perceived difficulties in his or her relationship with the victim, or with the affected workplace, and by psychosocial factors which are peculiar to the assailant.

Prevention Strategy

NCPA has established and implemented procedures to respond to workplace security hazards when they are present. Additionally, NCPA provides training to all employees, supervisors and managers that establishes a clear antiviolenace management policy, which addresses workplace violence prevention.

As part of NCPA's anti-violence prevention strategy, NCPA assesses the following:

1. How well our Agency's anti-violence policy has been communicated to employees, supervisors or managers.
2. How well our management and employees communicate with each other during actual emergencies.
3. Access to and freedom of movement within, the workplace by non-employees, including recently discharged employees or persons with whom one of our employees is having a dispute.
4. Frequency and severity of employee reports of threats of physical or verbal abuse by managers, supervisors or other employees.
5. Any prior violent acts, threats of physical violence, verbal abuse, property damage or other signs of strain or pressure in the workplace.
6. Employee disciplinary and discharge procedures.
7. Pre-employment screening practices.
8. Employee assistance programs.
9. The area/neighborhood of work locations.

Hazard Correction

Hazards which threaten the security of workers shall be corrected in a timely manner based on severity. Corrective measures for workplace security hazards can include:

1. Utilizing surveillance measures, such as cameras, to provide information as to what is going on in or near the workplace.
2. Procedures for the reporting of suspicious persons or activities.

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3. Posting of emergency telephone numbers for law enforcement, fire and medical services.
4. Limiting the amount of cash on hand.
5. Effectively communicating our anti-violence policy to all employees, supervisors and managers.
6. Training to improve management and employees communication with each other.
7. Increasing awareness by employees, supervisors and managers of the warning signs of potential workplace violence.
8. Controlling access to, and freedom of movement within, the workplace by non-workers, including recently terminated employees or persons with whom one of our employees is having a dispute.
9. Providing counseling to employees, supervisors or managers who exhibit behavior that represents strain or pressure which may lead to physical or verbal abuse of others.
10. Ensure that all reports of violent acts, threats of physical violence, verbal abuse, property damage or other signs of strain or pressure in the workplace are handled effectively by management and that the person making the report is not subject to retaliation by the person making the threat.
11. Ensure that the disciplinary and discharge procedures address the potential for workplace violence.
12. Having effective systems to warn others of a security danger or to summon assistance.
13. Providing procedures for a “buddy” system for certain situations.
14. Providing worker training in recognizing and handling threatening or hostile situations that may lead to violent acts.

Incident Investigation

NCPA has established the following procedure for investigating incidents of workplace violence (including threats and physical injury):

1. Review all previous incidents in the past five years.
2. Visit the scene of an incident as soon as possible.
3. Interview threatened or injured employees and witnesses.

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4. Examine the workplace for security risk factors associated with the incident, including any previous reports of inappropriate behavior by the perpetrator.
5. Taking corrective action to prevent the incident from recurring.
6. Recording the findings and corrective actions taken. Records of the incident investigation and recommendations shall be maintained by the Human Resources Department for seven years.

Training and Instruction

Training for all employees, including managers and supervisors, will be repeated every three years or more often if needed. Training includes:

1. Review and definition of workplace violence;
2. Instructions on how to report all incidents;
3. Methods of recognizing and responding to workplace security hazards;
4. Training on how to identify potential workplace security hazards (such as no lights in parking lot while leaving late at night, unknown person loitering outside the building, etc.);
5. Use of security equipment and procedures;
6. How to attempt to diffuse hostile or threatening situations;
7. How to summon assistance in case of an emergency;
8. Post-incident procedures, including reporting the incident.